

TOWN OF CANAJOHARIE
MONTGOMERY COUNTY
September 10, 2015

The Town Council met for a regular monthly meeting at the Town Hall building, 12 Mitchell Street, Canajoharie, New York.

Present: Supervisor Herbert Allen, Councilpersons: William Armitstead, Judith Burgess, John Toomey and Rodney Young; Bookkeeper Amy Kretser; Highway Superintendent David Hodge;

7:30pm- The meeting was opened by the Supervisor and the evening's agenda was presented

On a **motion** by Councilman Toomey, **seconded** by Councilman Armitstead, the agenda was **approved, all in favor, and carried**

On a **motion** by Councilman Toomey, **seconded** by Councilman Armitstead, the August meeting minutes was **approved, all in favor, and carried**

7:31pm-Public Hearing- On Local Law #2 to extend the moratorium on kennels in the Town for additional six months. Mr. Bob Rocas spoke in favor of the extension

Public Hearing closed at 7:32pm

Public Comment: None

RESOLUTION #10, 2015

RESOLUTION- ADOPTING LOCAL LAW NO. 2 OF 2015, ENTITLED "A LOCAL LAW
EXTENDING LOCAL LAW NUMBER 3 OF 2014, FOR A PERIOD OF SIX MONTHS"
WHICH ESTABLISHES A MORATORIUM ON THE ESTABLISHMENT AND/OR
CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE
TOWN OF
CANAJOHARIE

Sponsored by: Councilman John Toomey

Seconded by: Councilwoman Judith Burgess

Local Law Number 2, of 2015 Attached

VOTING:	AYE	NAY	ABSENT
Supervisor Herbert T. Allen	_X_	___	___
Councilman William Armitstead	_X_	___	___
Councilman John Toomey, Jr.	_X_	___	___
Councilman Rodney Young	_X_	___	___
Councilwoman Judith Burgess	_X_	___	___

Dated: September 10, 2015
Laurie M. Vroman, Town Clerk

TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK
LOCAL LAW NUMBER 2 OF 2015
TO EXTEND LOCAL LAW NUMBER 3 OF 2014 FOR
AN ADDITIONAL PERIOD OF SIX MONTHS

Be it enacted by the Town Board of the Town of Canajoharie, Montgomery County, New York as follows:

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE TOWN OF CANAJOHARIE

Section 1. STATE OF LEGISLATIVE INTENT:

The Town of CANAJOHARIE is currently in the process of considering and implementing a Comprehensive Plan for the Town. The present regulations in the Town Code do not address the emergence of large scale kennels, pet breeding facilities or puppy mills. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these facilities, to the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such facilities and to the environment.

Therefore, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, enlargement, modification or erection of kennels, breeding facilities and puppy mills so that the Town Board can review the present Town, State and Federal laws and regulations pertinent to such facilities and of the environment and to implement regulations and/or local laws in accordance with the Comprehensive Plan.

Section 2 DEFINITIONS

- A. Town: Town of Canajoharie, County of Montgomery, New York
- B. Town Board: Town of Canajoharie Town Board
- C. Planning Board: Town of Canajoharie Planning Board
- D. Zoning Board of Appeals: Town of Canajoharie Board of appeals
- E. Code Officer: Town of Canajoharie Code Enforcement Officer
- F. Dog: Any member of the species canis familiaris, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- G. Domestic Animal. Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- H. Kennel: Any premises or structure, where, for monetary compensation four (4) or more dogs or other domestic animals other than farm animals, male or female, over the age of four (4) months are bred, incarcerated or offered for sale. Kennel shall not include establishments

where dogs are dropped off by their owners to be housed on a temporary basis or for grooming and are picked up by those same owners.

I. Pet Breeding Facility any building or lot on which any of the following occurs

1) at least four (4) or more dogs or cats at any one time are bred or sold for commercial purposes;
or

2) any adult female dog or cat is bred more than once in any twelve (12) month period with the intent of selling or giving away said dog's or cat's pups or kittens or

3) more than two (2) litters of pups or kittens are sold or given away in any twelve (12) month period.

J. Puppy Mill: Any large scale dog breeding facilities that operate under substandard breeding conditions that may cause the development of chronic health problems, temperament issues, and/or hereditary defects in puppies that come from such mills.

Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, unless renewed, or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels, pet breeding facilities or puppy mills, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision which includes a kennel, pet breeding facility or puppy mill as part of the application.

E. Pursuant to this moratorium, the Code Officer shall not issue Building Permits or Certificates of Occupancy for any kennel, pet breeding facility or puppy mill.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement modification or erection of any kennel, pet breeding facility or puppy mill.

Section 4 EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, any veterinary hospital or clinic operated by a veterinarian or veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other

nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

Section 5 PENALTIES

Any person, firm, corporation, partnership, limited liability company or other legal entity which shall establish, place or relocate, construct, reconstruct, enlarge, modify or erect any kennel, pet breeding facility or puppy mill in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days or both. ex-
- B. A civil penalty in the amount of \$100.00 per day for each dog or domestic animal in any such prohibited facility for each day that such violation shall exist.
- C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or
- D. Any other remedy allowed by law.

Section 6 ENFORCEMENT:

It shall be the duty of the Code Officer to enforce the provisions of this Local Law

Section 7 VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period six (6) months from the date of such filing.

Section 9 NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of general Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Canajoharie.

Town Supervisor- There will be an informational meeting on September 14, 2015 at 9:30am with NYS, MAS, and the Sole Assessor for a progress report on the Assessment Improvement Project

Highway Superintendent- almost done with CHIPS work;

- Councilman Young asks if Superintendent Hodge has made any headway with FEMA recovery money
- Superintendent Hodge indicates that there has been success with FEMA, although they are currently in the middle of a scope change
- Going to attempt to carry over DB money, which includes Michaels' bridge

Town Clerk- none

Bookkeeper- Transfer request, the Town under-budgeted reassessment, under-budgeted attorneys' fees, and under-budgeted garage costs

-Need to bill the School District and Village for their share of attorney costs regarding the 89 Church Street litigation

Supervisor Allen- Informs the Board that the Town Sole Assessor handled the small claims suit, however, she needed to take time off from her other employment to do so

-The Board discusses a neighbor dispute regarding a septic issue

TOWN OF CANAJOHARIE
CASH REPORT AUGUST 31, 2015
AS OF 9/3/15

CHECKING ACCOUNTS	
General	\$ 9,9953.64
Fire District	\$ 39.86
Consolidated Health	\$ 15.28
Highway Town Wide	\$ 85,750.67
Highway Part Town	<u>\$ 69,426.06</u>
Total	\$255,185.51

MONEY MARKET ACCOUNTS	
General	\$225,625.95
Reval BAN	\$ 27,000.00
Highway Town Wide	\$ 21,714.33
Highway Part Town	<u>\$ 70,437.17</u>
Total	\$344,777.45

SAVINGS ACCOUNTS	
Consolidated Health	\$ 1,503.57
Highway Cap Reserv	\$ 49,666.60
Gen-Cap Reserve	\$154,651.46
Gen-Sale of Land	<u>\$ 53,810.76</u>
Total	\$259,632.39

TRANSFERS		
From	To	Amount
A1990.4 Contingency	A1355.4 Assessor Contract	\$3,000.00
A7310.4 Youth Programs	A1420.4 Attorney Contractual	\$3,000.00
A1620.4 Buildings Contr	A5132.4 Town Garage	\$1,000.00

Respectfully submitted,
Amy S. Kretser, Bookkeeper

BILLS

The clerk presented the following bill vouchers for approval:

General fund vouchers #169 through #1180, totaling \$13,179.72;

Highway fund vouchers #202 through #223, totaling \$16,068.92

On a **motion** by Councilman Toomey, **seconded** by Supervisor Allen, the bills and transfers were **unanimously approved** for payment.

Adjournment

On a **motion** by Councilman Young, **seconded** by Councilwoman Burgess, the meeting was adjourned at 7:58 PM.

Respectfully submitted,

Laurie M. Vroman, Town Clerk