



# Town Board ★★★★★★

## **Public Hearing - 5: 45 PM: Local Law #2, 2018 Entitled, "Other Species Animal Control Followed by Regular Town Board Meeting: 6:00 PM**

**COUNCIL MEMBERS PRESENT:** Supervisor Anthony Lucenti; Councilmen Rodney Dodge, Joe Juliano and Eric Kane; and Councilwoman Bette Szesny.

**ALSO PRESENT WERE:** Town Clerk Barbara J. Boulia; Acting Superintendent of Highways Philip Johnson; Codes Enforcement Officer Philip Green; and Park Ranger, Joe Boulia.

Also present were Town residents: Mrs. Brown; Richard & Jean Finster; Dale Dodge; Jeffery Dingman; Joseph Serbaniewicz; Clarence Caldwell; Harry Robbins; Lisa Pasick; John Scholl, Fire Chief; and Dick Murdock.

### **PUBLIC HEARING — 5:45 PM RE: LOCAL LAW #2 OF 2018 ENTITLED: OTHER SPECIES ANIMAL CONTROL FOR TOWN OF SCHUYLER**

Motion by Kane, second by Dodge, to adopt Local Law #2 of 2018, entitled: Other Species Animal Control for Town of Schuyler; four Ayes and one nay; all in favor.

#### **REGULAR MEETING**

Supervisor Lucenti led the assembled people in the Pledge of Allegiance to the Flag.

#### **PAT BECHER, MOHAWK VALLEY WATER AUTHORITY**

Pat Becher from the Mohawk Valley Water Authority talked about the creation of Hinckley from the early 1900's. He said at the present time there is plenty of water, and their usage is about 3%.

#### **JOHN SCHOLL — TOWN OF SCHUYLER FIRE CHIEF**

- ☆ Fire Chief John Scholl asked the Town Board for "No Parking" signs at Industrial Park. He said there are tractor trailers blocking the fire hydrants. Acting Highway Superintendent Johnson said he would take care of that.
- ☆ Fire Chief John Scholl also asked the Town Board if they could get the speed limit reduced from the Fire Dept on State Route 5 to Watkins Road to 45 miles per hour. Supervisor Lucenti asked the Town Clerk to take care of that.

Motion by Szesny, second by Juliano to reduce speed limit, to 45 miles per hour on the section of road from State Route 5 trailers to Watkins Road; all in favor.

#### **PAY BILLS**

Motion Szesny, second by Dodge, that the bills for the past month be paid as presented; all in favor.

#### **MINUTES OF JULY 11, 2018**

Motion by Kane, second by Juliano, that the Town Board dispense with the reading of the minutes of July 11, 2018; all in favor.

#### **RESIDENT COMMENT**

- ☆ Town Resident Dick Murdock said there is a problem with the creek, that it needs to be cleaned out; rocks & debris are blocking the flow of water, and he wants to know if Acting Highway Superintendent Johnson has contacted anyone regarding this. Mr. Johnson said he could not reach anyone.
- ☆ Town Resident Harry Robbins said Primary Day is September 13, 2018. He said there are four parties running, and if there are any questions, to contact the Herkimer County Board of Elections.
- ☆ Harry Robbins also said Farm Progress Days are September 12 & 13, 2018. He said there will be an antique tractor display, as well as many other interesting features.

**ASSESSOR'S REPORT — BY GEORGE HASKELL**

Supervisor Lucenti said George is not here today, but that he said the Town's Equalization rate is 88.4%.

**CODES REPORT — BY PHILIP GREEN**

Town Resident Mrs. Brown asked Mr. Green what the status was on Newport Road. He informed her that he has issued a warning.

Codes Enforcement Officer Philip Green said there are one or two court cases by the Frankfort Bridge.

**SUPERVISOR'S REPORT**

Supervisor Lucenti said the C.F.A. Grant for the Sewer, Water Quality Community Block Grant and U.S.D.A. Application has been submitted. He said the U.S.D.A. Application guarantees a loan.

He also said the survey from G & G Consulting showed a 65.5% poverty level.

**DOLLAR GENERAL**

Supervisor Lucenti said Dollar General's application has been approved.

**WESTGATE DEVELOPMENT**

Supervisor Lucenti said we are a step closer with the project. He said the Department of Health had questions, and they were answered.

**SPECTRUM**

Supervisor Lucenti asked Phil Johnson if they need cable TV at the Highway Garage. Mr. Johnson said yes he does, for the weather report. Supervisor Lucenti told the Town Clerk to keep Highway's TV service and cancel the Town Office's.

**QUIET ZONE**

Councilman Kane said he has contacted the F.R.A. (Federal Railroad Association), and they promised they will go back to the way it was.

**HIGHWAY REPORT**

**BY ACTING SUPERINTENDENT OF HIGHWAYS PHILIP JOHNSON**

Mr. Johnson said the road jobs are completed.  
Mrs. Brown said the ditches on Newport Road need to be dug out.

**SAND BIDS**

Mr. Johnson said he received three sand bids, and the lowest was Weakley Sand & Gravel for \$3.25, picked up.

Motion by Kane, second by Juliano authorizing the Acting Superintendent of Highways to purchase sand from Weakley Sand & Gravel for \$3.25 picked up; all in favor.

**GREEN WASTE**

Acting Superintendent of Highways Johnson said there are commercial people that bring truck loads of green waste and they are dumping it at the Highway Garage. He said it will not be allowed.

Supervisor Lucenti said there is a charge of \$10.00 for town residents, for one pick-up load of green waste (per each dumpster).

**RECREATION — BY JOE JULIANO**

Councilman Juliano said the pavilion has been all finished. He said Acting Superintendent of Highways Phil Johnson has dressed the area up with seed.

Mr. Juliano said the dedication of Wood Lane will be to Robert T. VanDusen, on August 11, 2018 at 4:30 PM.

He also said the car show is this weekend.

Councilman Juliano said there was vandalism at Wood Lane with the lights.

**REPORT BY PARK RANGER**

Joe Boulia said everything is good, and he is busy every weekend with functions.

**WATER BOARD REPORT — BY BETTE SZESNY**

She said the next meeting will be on Monday, August 20th at 5:00 PM.

**PLANNING BOARD REPORT — BY BETTE SZESNY**

Councilwoman Bette Szesny said they will be having training on October 3, 2018 from 6:00 P.M. to 10:00 P.M. She said Robert Freeman will speak on F.O.I.L. regarding open Government, as well as many other interesting programs.

Motion by Kane, second by Juliano, authorizing the Training on October 3, 2018 from 6:00 P.M. to 10:00 P.M. all in favor.

**RESIDENT COMMENT**

A discussion on O'Brien & Gere was held, regarding cleaning of the brush along the sewer line. It was decided to have a meeting with O'Brien & Gere, the DEC, and Army Core of Engineers on Wednesday, August 15, 2018 at the Town Office.

**ADJOURNMENT**

There being no further business to come before the Town Board, the meeting was adjourned at 7:55 PM.

— Barbara J. Boulia, Town Clerk

**RESIDENTS ON ROUTE 5 HAVE REPORTED SEVERAL RECENT CAR BREAK-IN'S RESULTING  
PLEASE KEEP YOUR CARS LOCKED EXPECIALLY AT NIGHT !  
STATE POLICE ARE STILL ON THE LOOKOUT FOR ATV, SIDE-BY-SIDE & ATV VANDALS  
POSING A THREAT & CAUSING DAMAGE TO PRIVATE PROPERTY OWNERS & MUNICIPAL PARKS & PRPERTIES**

## OTHER SPECIES ANIMAL CONTROL LAW — LOCAL LAW #2, 2018 —TOWN OF SCHUYLER

### PURPOSE:

The Town Board of Schuyler finds that owned animals of species other than dogs, when uncontrolled, cause property damage and create hazards within the Town of Schuyler. The purpose of this law is to provide regulations for the control of such owned animals.

### DEFINITION OF "OTHER SPECIES OWNED ANIMAL:"

Any species of animal listed in the chapter that is owned or harbored within the Town of Schuyler, including any pure breed or mixed breed cat, horse, cattle, poultry, fowl, ducks, geese, llama, alpaca, goat, pig, emu or reptile.

### PROHIBITED ACTS OF OTHER SPECIES OWNED ANIMALS:

- No person shall own or harbor any species of owned animal, described in this chapter, to run at large,
- No person shall own or harbor any species of owned animal, described in this chapter, to cause damage of private property other than on the property of the animal owner.

### ENFORCEMENT & SEIZURE:

- Any police officer or peace officer may seize any animal pursuant to Section 373 of the Agriculture and Market Law.
- Enforcement of this Law shall reside in the Codes Enforcement Officer for the Town of Schuyler, who shall also have the authority to contact the appropriate Law Enforcement Agency, on the Town's behalf, for any cases of animal cruelty or other infractions of this law or state and federal law.
- The Animal Control Officer may seize any other species of owned animal as described in this chapter, if running at large when it is off the property of its owner, while not under control of the owner and on private lands without the permission of the land owner, and any species of owned animal presenting a potential traffic hazard while wandering in or near public roadways.

### DISPOSITION OF SEIZED OTHER SPECIES OWNED ANIMALS:

- The Animal Control Officer may arrange for care or shelter with an appropriate entity; kennel, stable, farm or veterinary until an owner is located or for five (5) days from the date of seizure.
- If no owner comes forward within a five (5) day period the owner will relinquish ownership and the animal may be adopted out or euthanized.
- If the owner is located after the five (5) day period, the owner will be responsible for all charges associated with the seizure, boarding, veterinary care and disposition of that animal.

### PENALTIES FOR OFFENSES:

Any person convicted of a violation of this chapter shall be liable for a penalty of ...

- Not less than \$200.00 or more than \$300.00, for a first violation occurring within the past five (5) years;
- Not less than \$300.00 or more than \$500.00, for a second violation occurring within the past five (5) years; and,
- Not less than \$500.00 or more than \$1,000.00, where the person is found to have committed two (2) or more violations within the past five (5) years.

### TO REPORT AN INCIDENT:

- Philip Green, Codes Officer
    - ☆ 315-733-7447 (Schuyler Town Office)
    - ☆ 315-534-2232 (Mobile)
  - *All terms not specifically defined herein shall have the meaning assigned to such terms within Article 7 Section 108 of the Agricultural and Markets Law of New York State.*
  - *The word "shall" is intended to be mandatory.*
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