

The Town Board of the Town of Spafford assembled at the Spafford Town Hall, 1984 Route 174, Skaneateles, New York with Supervisor Webb A. Stevens presiding and the following Board members present: Councilor Rick Fesko, Councilor Merrill Clark and Councilor Jeff Ireland. Councilor Ken Lieberman was absent.

The following Town Officers were present: Town Clerk Lisa Valletta, Highway Superintendent Carl Wiers, Accountant Thomas Chartrand, and Code Enforcement Officer Kim Fairchild. Supervisor Stevens called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

HIGHWAY SUPERINTENDENT’S REPORT

- Links at Barrow's View Golf Club is seeking to divert the water flow on the north side of the property into a pond. It is a matter for the DEC.
- Ripley Hill Road will be widened to proper width for maintenance.
- The stones for the honor roll plaques can be selected from Hanson Aggregates at any time.
- The Borodino Grange building does not have room to store the park benches.

A motion to accept the Report was made by Councilor Fesko, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

MINUTES

A motion to accept the minutes of the November 4 and November 11, 2010 Town Board meetings as submitted was made by Councilor Fesko, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 93-2010

Audit of Claims

On a motion by Councilor Ireland, seconded by Councilor Clark the following resolution was PASSED

AYES – 4	Stevens, Fesko, Clark, Ireland
NAYS – 0	

Resolved approve payment of the bills General Fund and Highway Fund bills on Abstract #12, (audited abstract totals to be included in January 2011 minutes).

RESOLUTION 94-2010

Water District Expenses

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was PASSED

AYES – 4	Stevens, Fesko, Clark, Ireland
NAYS – 0	

Resolved subject to approval by the Town Board of Marcellus and the Town Board of Otisco the bills on Abstract #12 in relation to the Spafford Area Water District are to be paid, (audited abstract total to be included in January 2011 minutes).

ABSTRACT #11 – November 11, 2010

Audited bills for Abstract #11 were as follows:

General Fund	vouchers 353 – 379	\$15,894.50
Highway Fund	vouchers 159 – 172	\$11,984.41
(Highway Fund includes Machinery & Snow bills when applicable).		
Capital Fund	voucher 26	\$ 100.00

TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT

Town Supervisor’s Monthly Report and Statement of Receipts and Payments for November 2010 was read by Accountant Thomas Chartrand and filed. A motion to accept the Town Supervisor’s Monthly Reports & Statement as presented was made by Councilor Clark seconded by Councilor Fesko. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 95-2010

November 2010 Bank Reconciliations

On a motion by Councilor Fesko, seconded by Councilor Ireland the following resolution was PASSED
AYES – 4 Stevens, Fesko, Clark, Ireland
NAYS – 0

Resolved to find a positive audit of the November 2010 bank statements presented by Mr. Chartrand.

RESOLUTION 96-2010

End of Year Budget Transfers

On a motion by Councilor Fesko, seconded by Councilor Ireland the following resolution was PASSED
AYES – 4 Stevens, Fesko, Clark, Ireland
NAYS – 0

Resolved to authorize Supervisor Stevens to make end of the year budget transfers as needed.

2011 ORGANIZATIONAL MEETING

A motion to conduct the Town of Spafford 2011 Organizational Meeting on January 13, 2011 at 7 p.m. was made by Councilor Fesko, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 97-2010

Advertise Organizational Meeting

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was PASSED
AYES – 4 Stevens, Fesko, Clark, Ireland
NAYS – 0

Resolved to authorize advertisement of the 2011 Organizational Meeting for the Town of Spafford in the Skaneateles Press and the Pennysaver/Pennywise.

TOWN CLERK’S REPORT

Town Clerk’s Report and Statement of Receipts and Payments for November 2010 was read. A motion to accept the Report as presented was made by Councilor Ireland, seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

CODE ENFORCEMENT OFFICER’S REPORT

Code Enforcement Officer’s Report for November 2010 was read.

- Two building permits were issued.
- 1 case of occupying a building without a Certificate of Occupancy has been sent to court.
- The fire safety inspection of the Spafford Fire House revealed a few minor issues.
- One minor sub division was approved.
- Four cases were in front of the Zoning Board of Appeals.

→ Two complaints were generated to address existing problems.

A motion to accept the Code Enforcement Officer's report was made by Councilor Clark, seconded by Councilor Fesko. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 98-2010

Proposed Local Law 3-2010 SEQRA Report

On a motion by Councilor Ireland, seconded by Councilor Fesko the following resolution was moved, seconded and adopted. AYES – 4, NAYS – 0:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2010-3, the purpose of which is to provide for the licensing and identification of dogs within the Town of Spafford; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town Board is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Town Board, and the approval of Local Law 2010-3 constitutes such an action; and

WHEREAS, in connection with the preparation of the Local Law, the Town Board prepared an environmental assessment form (“EAF”), which has been used to determine whether and to what extent the Local Law may have a significant adverse impact upon the environment, and has reviewed all such information in that regard; and

NOW THEREFORE, be it RESOLVED by the Town Board as follows:

1. The adoption of Local Law 2010-3 constitutes an “Unlisted Action” pursuant to SEQRA.
2. Based upon an examination of the EAF prepared by the Town Board and the criteria contained in 6 NYCRR §617.7(c), the Town Board determines that Local Law 2010-3 will not have a significant impact upon the environment and issues the Negative Declaration.
3. This Resolution shall take effect immediately.

PUBLIC HEARING FOR PROPOSED LOCAL LAW 3-2010

A motion to open the public hearing for discussion of proposed Local Law 3-2010 was made at 7:20 p.m. by Councilor Fesko and seconded by Councilor Clark. The motion PASSED. AYES – 4, NAYS – 0.

Supervisor Stevens provided a brief review of the content and need for the proposed law. There were no questions from the public.

A motion to close the public hearing at 7:25 p.m. was made by Councilor Ireland, seconded by Councilor Fesko. The motion PASSED. AYES – 4, NAYS – 0.

RESOLUTION 99-2010

Local Law 3-2010

The following resolution was moved by Councilor Clark, seconded by Councilor Fesko and adopted:

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2010-3, the content of which is set forth below; and

WHEREAS, on December 9, 2010, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Town Board declared the adoption of the aforesaid Local Law to be an unlisted action,

conducted an uncoordinated environmental review of the proposed adoption of the Local Law under SEQRA, determined that the action will not have a significant adverse impact on the environment, and issued a negative declaration; and

WHEREAS, subsequent to the issuance of the negative declaration, the Town Board of the Town of Spafford, County of Onondaga, State of New York, held a Public Hearing on the matter of the adoption of the aforesaid Local Law, and that such Public Hearing was held at the Town Hall of the Town of Spafford, located at 1984 Route 174 in Skaneateles, County of Onondaga, State of New York, on the 9th day of December, 2010, at 7:00 p.m., and all persons in interest and citizens desiring to be heard had an opportunity to be heard; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Spafford hereby enacts Local Law No. 2010-3, the content of which is as follows:

Town of Spafford Local Law 2010-3:
A LOCAL LAW REGARDING THE LICENSING AND IDENTIFICATION OF DOGS

BE IT ENACTED BY THE TOWN OF SPAFFORD AS FOLLOWS:

Section 1. Purpose

The purpose of this article is to provide for the licensing and identification of dogs within the Town of Spafford.

Section 2. Exemptions

A. Any dog harbored within the Town of Spafford which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from this article.

B. This article shall not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act.

Section 3. Definitions

As used in this article, the following words shall have the following respective meanings:

"Clerk" means the Clerk of the Town of Spafford by which licenses are validated or issued pursuant to this article.

"Dog" means any member of the species canis familiaris, both male and female, spayed or unspayed, neutered and unneutered and licensed and unlicensed.

"Animal Control Officer" means that person or his or her authorized representative designated as such by the Town Board of Spafford.

"Harbor" means to provide food or shelter to any dog.

"Identification tag" means a tag issued by the licensing municipality which sets forth an identification number, together with the name of the municipality, the state of New York, contact information, including telephone number for the municipality and such other information as the municipality deems appropriate.

"Identified dog" means any dog carrying an identification tag as provided in this Local Law.

"Owner" means any person who harbors or keeps any dog.

"Owner of record" means the person in whose name any dog was last licensed pursuant to this Local Law or the State of New York (if prior to January 1, 2011), except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of Section 8 of this Local Law, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

"Person" means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

"Town" shall designate the area within the corporate limits of the Town of Spafford.

Section 4. Licensing Requirement

A. All dogs harbored within the Town that are four (4) months of age or older, unless otherwise exempted, must be licensed. No license shall be required for any dog that is under the age of four months and which is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the State or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Licenses shall only be issued or validated by the Town Clerk.

B. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town. The application shall be made using a form or forms provided by the Town, and shall include the sex, actual or approximate age, breed, color and municipal identification number of the dog and other identification marks if any, as well as the name, address, telephone number, county and town, city or village of residence of the owner as well as any other information the Town may deem appropriate.

C. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required.

D. In the case of a spayed or neutered dog, every license application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, unless such certificate or affidavit is already on file with the Clerk. In lieu of such certificate an owner may also present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering.

E. Upon validation by the Clerk, the application shall become the license for the dog described therein. Once an application has been validated, no refund shall be made. The Clerk shall provide a copy of the license to the owner and retain a copy in the Town records. Upon request, the license shall be made available by the Town to the Commissioner of the New York State Department of Agriculture and Markets for purposes of rabies and other animal disease control efforts and actions.

F. Each license issued or renewed shall be valid for a period of one year and shall not be transferable. Each license shall expire on the last day of the last month of the period for which they are issued. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

Section 5. Purebred Licenses

A. The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by Section 4 of this Local Law. A purebred license shall be valid for a period of one year and shall be renewable annually thereafter prior to the expiration date. Such application shall be made to the Clerk of the Town.

B. The application shall be made using a form or forms provided by the Town, and shall include at a minimum the name, address and telephone number of the owner; the county and city, town or village where such dog(s) is or are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

C. The application shall be accompanied by the license fee, surcharges and additional fees required by Section 6 of this article and a certificate of rabies vaccination or statement in lieu thereof, as required by Section 4 of this article.

D. Upon receipt of the foregoing items, the Clerk shall validate the application, assign a license number, which shall be reserved for the sole use of the owner, and shall issue a purebred license. Once an application has been validated, no refund therefore shall be made. The Clerk shall provide a copy of the purebred license to the owner and retain a record of the purebred license in the Town records.

E. No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of Section 4 of this article, except when the new owner holds a valid purebred license.

Section 6. License Fees and Surcharges

A. The fee for a dog license issued pursuant to Sections 4 or 5 shall be established by Town Board resolution. Where the owner submits a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering, the license fee for the dog shall be the same as for a spayed or neutered dog.

B. In addition to the license fee established in subdivision (A) of this section, each applicant for a dog license shall pay a surcharge of at least \$1.00 for each spayed or neutered dog, or a surcharge of at least \$3.00 for each unspayed or unneutered dog, as set forth by Town Board resolution. The amounts collected through this surcharge shall be used for the purposes of carrying out animal population control efforts. Where the owner submits a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that

because of old age or other reason, the life of the dog would be endangered by spaying or neutering, such dog shall be treated as a spayed or neutered dog for purposes of this surcharge.

C. In addition to the license fee established in subdivision (A) of this section, and the surcharge described in subdivision (B) of this section, it is within the Town Board's discretion to assess against each applicant for a dog license an additional surcharge, as set forth by Town Board resolution. The amounts collected through this surcharge shall be retained by the Town to defray the cost of an enumeration of dogs living within the Town and the cost of providing replacement identification tags. The Town may also assess an additional fee against any person applying for a dog or purebred license for a dog identified as unlicensed during an enumeration conducted by the Town.

D. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog, as those terms are defined in Section 108 of Article 7 of the New York State Agriculture and Markets Law. Each copy of any license issued for such dogs shall be conspicuously marked "Guide Dog," "Hearing Dog," "Service Dog," "Working Search Dog," "War Dog," "Detection Dog," "Police Work Dog," or "Therapy Dog," as may be appropriate, by the Clerk.

E. Any dog owner presenting sufficient proof that such dog owner is 65 years of age or over may be entitled to pay a lower annual license fee, as set forth by Town Board resolution.

Section 7. Identification Tags

A. Each dog licensed pursuant to Section 4 of this Local Law shall be assigned, at the time the dog is first licensed, a Town identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee and in a manner prescribed by the Clerk.

B. A dog participating in a dog show shall be exempt from the identification requirement in subdivision (A) of this section during the participation in such dog show.

C. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

D. The holder of a purebred license may procure, at his or her expense, any number of tags imprinted with the same number as the purebred license. One such tag shall be affixed to the collar of each dog harbored pursuant to the purebred license at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation. Such a tag shall be affixed only to the collar of a dog owned by the holder of the purebred license and harbored on his premises.

E. The applicant for a license for any guide dog, hearing dog, service dog or detection dog, as those terms are defined in Section 108 of Article 7 of the New York State Agriculture and Markets Law, may procure a special tag for identifying such dog. This special tag shall be in addition to the identification tag required by subdivision (A) of this section.

Section 8. Change of Ownership; Lost or Stolen Dog

A. In the event of a change in the ownership of any dog which has been licensed pursuant to this article or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, file with the Clerk a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

B. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft file with the Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.

C. In the case of a dog's death, the owner of record shall notify the Clerk either prior to or upon the time for renewal of the license.

Section 9. Dogs Registered Elsewhere

A. The owner of a dog that is registered in a municipality other than the Town but which comes to be harbored in the Town during the term of such registration period shall not be required to comply with the licensing requirements and fees set forth in this Local Law, except as described below. However, such owner shall be required to register the dog's existing license with the Town, which shall in turn notify the original licensing municipality of the change and reissue a new license to the owner for the remainder of the original license term. Upon termination of the original license term, the owner shall be required to comply with all licensing requirements contained in this Local Law.

Section 10. Violations

A. It shall be a violation, punishable as provided in subdivision (B) of this section, for:

(1) any owner to fail to license any dog;

(2) any owner to fail to have any dog identified as required by this Local Law;

APPRECIATION

The Town Board expressed appreciation to Mr. Joseph Marcheterre for the Christmas lights on the trees in the Veterans' Park and on the Korcz Memorial tree.

CNY LANDTRUST

The CNY Landtrust has clarified their prior request: they are asking for delivery and grading of four loads of gravel to the High Hickory parking area. Councilor Clark asked what activities are permitted in the High Hickory area; are they activities the majority of the Town residents would pursue? Councilor Clark will contact CNY Landtrust for information.

ADJOURNMENT

A motion to adjourn the meeting at 8:35 p.m. was made by Councilor Fesko, seconded by Councilor Ireland. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held
Thursday, January 13, 2011 @ 7 p.m.
@ Spafford Town Hall

Lisa M. Valletta
Town Clerk
Town of Spafford