

April 8, 2014

The regular monthly meeting was held at 7pm at the Town Hall

Present were:	Supervisor:	Steve Breneman
	Councilmen:	Joey Pudney
		Theodore Law Jr
		Jeff Smith
		Riley Closson
	Town Clerk:	April Law
	Highway Super:	Roy Eltz
Absent:	Planning Board Chair:	Kathryn Elwood
	Accountant:	Debbie Fisher

Also present: Marie Peri, Denise Cote-Hopkins and Hal Hopkins.

Steve opened the meeting with the Pledge of Allegiance to the Flag.

PUBLIC COMMENT:

Denise asked the Board to speak up when talking with them this evening due to the acoustics in the building and her husband has a hearing aid. She stated that she had prepared a statement that would take 3-4 minutes as well as a set of questions for the Town Supervisor. She said that they have been reviewing quite a few of the Town minutes from Board meetings and they are trying to get a whole picture, proper knowledge. She said she would like the Town to know and address the Supervisor and Town Board about an incident that occurred. She feels there are some important things that should be shared. She began saying this applies to a pack of dogs that has been allowed to run at large, unsupervised chasing cars up and down Elwood road constantly. On February 21, 2014 while in her vehicle driving, in a happy mood, to town to get a pizza. She encountered the dogs in front of the owners property when they came charging out of the driveway approximately .2 miles north of the dogs home. At this point 2 dogs began chasing her car and when she slowed down trying to come to a stop one of the dog's criss crossed in front of her vehicle. She stated that after another .2 miles coming closer to the owner's residence she noticed that one dog had begun to lag behind on the right but she did not know that the other dog was not with him. She said

this dog was coming at the front of her car chasing at the wheels and she said that she hit the dog. She stated that this was horrible because she had run over the dog's head and was very traumatized. She immediately got out of her vehicle walking down the driveway to try and find the owners while crying her eyes out because she knew that it was bad after seeing the dog. She said the owner came out and she told him I hit your dog and I am so sorry. At this point she stated that these dogs have been running at large in a pack for at least a year. She said originally it was 3 dogs then it was 2 but the last few weeks there has been 2 younger dogs running and learning the behavior. So now there are 5-6 dogs that charge at you and chase your car for at least a quarter mile in both directions every time you go up and down Elwood road. In the last 3 weeks the United States postal carrier has twice made remarks to them about the dog situation. She said she could get many affidavits from people who have been chased by the dogs as well as attest to the behavior. She said that the owner stated in the driveway that he had told the dog not to chase cars. Sherriff's department came to their house to investigate and said to Denise and Hal that they did everything that they were supposed to and that the problem lies with the owners because the dogs were unleashed. She added that this is not the dogs fault but the owners for not controlling them. She said that they are not at home and all the dogs are left outside and furthermore has never seen the owners walk the dogs on a leash or off. In all the time she has been chased by the dogs in her vehicle she has never seen anyone come out to reprimand the dogs. She claims the owners are oblivious to the whereabouts of the dogs even when someone is home. She said that she told her husband that they are going to have to start using the horn to go by the dogs because they can't keep going on like this. Denise suggested that the let the dogs out one at a time but they don't, the dogs run in a pack all the time. Resident Patti Michaels has witnessed these dogs chasing deer many times and has also gone to their home tearing up the gardens and being aggressive to the Michaels when leaving the house. She added that Gary refuses to walk up the road anymore but she said she should not speak for them. Denise stated that running in a pack is fine but when they chase cars and cause an accident possibly on icy roads leading to a possibility of going in the ditch or flipping their vehicle is unacceptable. She again said she does not blame the dogs but the owners. She understands that dogs need to be outside but the issue at hand is the chasing front and back. When it was alleged that these dogs were chasing deer she stuck up for the dogs saying it is their nature to be predatory, the fault lies with the owners who fail to control their animals. She wrapped her statement and handed

a sheet of questions to April and said unless the Supervisor would like to fill it in. Denise said she had questions that related back to minutes from previous meetings and she is trying to learn the facts. She asked the Board the 1st question - Was Chip Elwood the Taylor Dog Warden from on or about August 2012 through December 2013? And she specifically stated she was asking this of the Town Supervisor and acknowledged that he has the ability not to answer. Steve answered yes. Denise asked 2nd question- Was Chip's sister Sharon Eltz Taylor Town Council member from at least August 2012 through December 2013? Steve answered yes. She moved on to the 3rd question- Was Kathryn Elwood on the Taylor Planning Board from August 2012 through the present? Steve said yes. Denise asked is Chip still on the Town Planning Board, she did not know when he started but was assuming he was still on there. Steve said he would have to assume he is and Denise said she was sure she saw he was somewhere. Denise asked when the last dog enumeration was performed for the Town. Steve replied 2 years ago and Denise said not in 2013 from what she understands and Steve said no, 2012. Denise confirmed 2012 and Steve agreed. Denise asked if Chip conducted the 2013 enumeration and then said well no, there wasn't one we already answered that. She asked if Chip conducted the 2012 enumeration and Riley answered yes. She asked when the date of the enumeration was and Jeff and Riley explained there is no set date it is set up then it usually takes a month or two to get all the information. She asked when the data was presented to the Town Clerk and April said the dog enumeration data for was received by me on or about September 2012. Denise asked April if it was a form if it was just a report and April answered it was a report. Denise asked her if names were listed or were the dogs just counted. April answered yes and no then tried to explain that sometimes homeowners were not present but left a note stating that a dog was heard. There was not always a name listed with it but an address. Denise said okay but added that she did not understand that. She then asked are enumerations available for public review. April replied yes. Denise then asked did the Taylor Dog Warden send a letter out this fall telling dog owners that they did not license their dogs and must do so by November 1, 2013 or face getting an appearance ticket this was sent out on October 17, 2013. April said she believes so, yes. Denise then added then on November 11 there were 9 dogs -6 owners that were facing criminal summons and asked if that was correct. April said she would have to refer to the minutes. Denise said deferring was fine and asked Steve if there were 6 letters sent during this time in November. Steve said to April that would be her department and April said I believe there was 6 letters sent out.

Denise then asked when the Dog Warden learns of a new dog in the Town how long does he have to report it to the Town Clerk to determine the dog's license status. April answered that she was unaware if there was a rule or law but generally 30 days. She added that if the Dog Warden finds a dog in the Town she would expect him to let her know within a 30 day time period. Denise then asked Steve if Bobbi Elwood or her boyfriend Mike, who resides at the grandmother Kathryn Elwood's property, were listed on the Town's list of people that own dogs that needed to be licensed. Jeff said he felt this was heading into areas that he felt were better to talk to the lawyer before anything else was answered. Jeff said he was unsure how much to answer without speaking to the Town's lawyer and Denise said that was what the other column was for. Jeff said it sounds like you are heading somewhere with a suit or something and added hopefully we should have your situation taken care of because we hired Country Acres as our Dog Control now and we are about to work on a new Dog Law that should cover your situation. He said that this new Law will help the issue and Riley added that was why they chose an outside firm instead of someone in Town to take care of the dogs. Hal reminded Denise to address the Town Supervisor and Denise said yes. She asked Steve if it was correct that he did not want to answer any questions under number 14. Steve said that was right and Denise confirmed that he was deferring to the Lawyer and Steve agreed. She said that the Town Law does support that and he can defer to one of the Town's council people or to the lawyer. She said if you're not going to answer number 14 then you probably won't answer number 15, If not, why not? Denise then asked when people refuse to license their dogs what should the Town do to determine the risk of rabies. She asked if they make them prove the dog has had rabies shot in the past 3 years. Steve said he did not have an answer for that question and Hal asked him why not. Steve replied because and then Jeff said defer. Steve agreed they would just defer it and Hal said "bullshit". Denise said if not what is the Town prepared to do about compliance on the license and asked if she was at risk of rabies in her neighborhood. Hal pointed at Steve and asked him what he was going to do about it and Denise asked if he was going to call the SPCA. Steve began saying I don't know how much but then stopped and said again I would have to talk to the lawyer to see how far the Town can go with a property owner on that issue. Denise added that they would return, not tonight, and Hal said they would be following it up. Hal then told Steve to do something about it and Jeff again said with this new Law we should be able to do something and Denise cut him off saying loudly no, no, no I want to know what took place for the last year and a

half. She stated that they have been dealing with these dogs. She added the Dog Warden never notified the Clerk those dogs were there and needed to be licensed. She stated that they are not licensed as of now and asked if everybody knew that. Steve presented a report and said that Country Acres has already taken the first step against them and if they do not comply. Denise stopped him and said she was sorry and Hal said he was not sorry and again told Steve to do something. Denise said they were getting upset and they want answers. Steve told her they were giving them and Denise asked if they had a local Ethics committee and if not they would contact the Association of Towns, Hal stated we will. Hal stated that they were going to put them on the spot and Denise said she forgot one question and said it was back in July of 2012, did not Sharon Eltz, Chip's sister propose that he have the position at a 50% increase. He went from \$600.00 to \$1200.00 per year. Did she not and Jeff answered we as a Board voted as to what his pay would be. Denise again asked did she or did she not bring it to the Board, did she make the motion. Jeff said he did not know and then said to Denise you have the information apparently. Denise said that's right so that is a yes and added that she did have it. She then said I don't remember what meeting it was maybe November or September there was a budget discussion about road Supervisor's pay. The Town said they would not do the 3% then said they would but at the end of the year and then April's pay situation was discussed and it was said that 10% raise was out of the question. It was said no one had ever seen that before, did Sharon not say that? And Denise added that she, Sharon, couldn't answer because she is not here anymore. Jeff said he did not know what to say. Denise asked the Board what did you end up with and Hal said to Denise again you are not talking to him you are talking to the Supervisor and told Jeff to "shut up". Roy said whoa and Steve said we are done. Jeff and Riley agreed saying they were done. Denise said "bullshit" and Steve said we are done. Hal loudly said we are not done, we were talking to the Town Supervisor and you are interjecting. Jeff said he had every right to answer and Denise said don't worry we are going. Denise and Hal both stated that they would be back and that the Town was not being run legally. Denise, obviously upset, then said April is to audit all the vouchers and Hal asked Steve if he wanted him to leave and Steve said yes sir or we are calling 911. Jeff said we are asking you to leave and Denise stated that she did not care what Jeff was telling her. Hal again asked Steve do you want me to leave and Steve replied yes sir, I do. Hal said ok but you are not done with me. Denise added you know what the Town's people elected new people and shouted leave Sharon out of the Town's business. Obviously upset Denise and Hal left with

Joey reminding them to grab Hal's cane. Hal told the Board that they were not done with them and said he would bring them down. They left the meeting with Denise with her telling the Board, you guys are afraid to answer honest answers. Steve asked if there was any other Public Comment.

Prior to the meeting the Board members read copies of the minutes

MOTION: "Accept minutes of meeting as written"

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Jeff Smith

Riley Closson

Joey Pudney

TJ Law

carried

MOTION: "Accept Accountant's report as written"

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Jeff Smith

Riley Closson

Joey Pudney

TJ Law

carried

MOTION: "Accept Time Warner Franchise Public Hearing minutes as written"

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Jeff Smith

Riley Closson

Joey Pudney

TJ Law

carried

Prior to the meeting the Board reviewed, discussed and signed vouchers

MOTION: Pay Highway Vouchers for a total of: \$54,803.86

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Jeff Smith

Riley Closson

Joey Pudney

TJ Law

carried

MOTION: Pay General Fund Vouchers for a total of: \$2,296.48

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Jeff Smith
 Riley Closson
 Joey Pudney
 TJ Law **carried**

Total funds disbursed was: **\$57,100.34**

INFORMATION CORRESPONDENCE:

Steve said he goofed last month and said the \$20,000.00 transfer was to be put into the Highway equipment reserve to pay for the new truck. So he asked if he could get a Motion to transfer it now.

MOTION: Transfer \$20,000.00 to Highway Equipment Reserve

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Jeff Smith
 Riley Closson
 Joey Pudney
 TJ Law **carried**

Steve said he received a phone call and the Time Warner agreement back and said they just cannot do the 5 year part. He said that got kicked up to 10 years and he said they also made it so they could get 5% royalties and after asking her how that would work. Steve was told that would get added onto the customer's bill and Steve said okay we will go back to 1%. Steve made an executive decision and took it back to 1%. The only other thing that was in there, that doesn't add up to much, is the amount of distance between houses for providing service. They said it just won't work here in the Town of Taylor but they did get the Highway garage cable internet and it was installed last Friday. Riley joked asking how much they will take the bill up for that. Steve moved on to the Dog Laws and said he was going to let April highlight on that. April began by stating that she felt it was great Dog Law and it covered all aspects. She feels it can't be argued and the definitions are very thorough and we did add per Steve, Section 7 sub 10-Any dog chasing deer during the time period of October 1-March 31 as well as any other time frames issued by New York State. April stated that they had addressed the issue of the universal renewal of Dog licenses and prorating fees for new dogs coming in and April pointed out the section addressing this issue. She said it is on page 3

under Section 5, Subdivision 5d- All dog licenses expire August 31 of said year. New dogs licensed shall be prorated according to Section 6, Subdivision 4. She then said if we go back to that Section it states- An original license shall be issued with a universal expiration date of August 31 of the year in which the license is issued. Any new dogs licensed within January through June will receive the license prorated 50% for the remainder of that licensing year, August 31. She added that she wants to keep the common renewal because she does not want dogs spread throughout the year adding more work to the Tax season. She asked if the Board was okay with the wording and Riley and Jeff both agreed it was great. Jeff said it was descriptive and April agreed saying very. Riley said this should help solve all the problems and just give them a copy of this. April said that before the meeting she had said to Joey that she feels it does a great job at giving the opportunity to have the dog unleashed. It doesn't state you have to keep the dog leashed or tied up. The dogs can roam as long as it is under your control and Jeff said if you have someone's dog on your property and you don't want them there you call Country Acres and they will take care of it. Joey clarified that this will be all Country Acres responsibility to take on and they said yes. April showed the Board an example of a Notice to Comply and explained that once Country Acres receives a complaint they will send out the Notice to Comply then the dog owner has 2 weeks to fix the offense (running at large, unlicensed dog, etc.). Jeff added that people must be willing to sign the complaint for them to proceed and people can't just complain anonymously. April wrapped up saying that our license fees have put been put as set by Resolution so she had retyped the new fee schedule to include the seizure and impoundment fees. It penalizes people for repeat offenses by the penalty going up after each impoundment. If your dog gets picked up once then it is a \$30.00 + \$10.00 per day for food, shelter, care (which comes back to the Town). If the dog is picked up again Country Acres will automatically tell them this is your second violation and now have to pay \$50.00 + \$10.00 per day. Steve asked if there were any questions or comments and said he is assuming he needs the Board's approval and then send it to the lawyer and then he files it with the State. April said no it would come back to me and I would file it with the State with signature and Town seal. Steve asked if there was a Public Hearing necessary and April said Lindsay from Country Acres said we did. Marie said she was almost positive they did. April offered her Town Law Manual to look it up and Riley asked to borrow it to be sure. Steve asked if they could make it a Resolution so it could be changed and Jeff said this part has to be a Law holding up the proposed Dog Ordinance, has to go through Albany. The resolution only applies to the fee

schedule so if down the road they decide that the fees need to be changed it can be done easily. Riley referred to the Law Manual and looked it up saying we do need to hold a Public Hearing for it. Jeff told Steve that he though he handled the whole situation with Denise very well and Steve asked if he should have the Sherriff at the next meeting. It was agreed that it was not a bad idea and the idea of the lawyer being present was brought up as well. Then any questions can be sent to him to answer and Jeff said either have him come out or show him the questionnaire Denise gave the Board. April joked that she couldn't wait to type those minutes and Riley said she did not have to be so descriptive. He said he looked it up on the computer and said she is way more descriptive than any Town Clerk ever was. He said that many minutes say there was a discussion that is it. April said if you look at the definition of minutes it says they are to be verbatim with very little paraphrasing and that is what she goes by. Steve said what he needs to know and said he understands everything is open to public knowledge but how far does that go in this instance. Steve said that was something he had to figure out and Jeff said he didn't know if they just wanted answers or if they were trying to get some lawsuit going and Steve agreed saying that is exactly where he thought it was going. Marie said that anything said in a meeting cannot be kept secret and Steve said no he means does Joe Blow have the right to require the Clerk to disclose whose dogs are licensed and who is not. April said that is Public information and Marie agreed. April told Steve you could come in tomorrow and ask me if someone's dog is licensed and I can tell you. Marie said it is their right because if someone wanted to complain they would come to the Clerk as a first step. Steve said he does not see where the Town would have the right to get mad at, for example Roy, if his dog doesn't have its rabies shot if it is not licensed. April answered saying if the dog is not licensed then the Town should go after him to license the dog and he must prove that the dog has had its rabies vaccination. Steve said we can give him tickets to license the dog until the cows come home but we cannot demand him to show proof of rabies. April said the only thing she could think of was where rabies was a problem was the Town of Lapeer. They have a lot of Amish in that area that refuse vaccinations on their animals and at a recent meeting it was estimated that they have around 500 dogs attributed to this problem. CNY SNAP program had offered to setup a rabies clinic for them at this meeting but that will not help. They do not do vaccinations for religious reasons so yes that may be an issue but not something that affects us here. Steve said he would scan the Dog Ordinance and send it to the lawyer and asked if they were going to hold a Public Hearing a half hour before the next meeting. Riley said

he would want to get it down so they are enacted and April reminded them of the time necessary to run the Legal Notice. Riley said yes we need 5 days' notice and April said yes, if we contact the Cortland Standard by tomorrow the earliest it will run is Saturday of this week. Everyone went over the calendar as to the dates available and Steve pointed out he will be gone the week of the 22nd but said the meeting can be ran without him. April counted running the Legal and days of notice and said the earliest it can be done is the 21st of April. Steve asked when we would hear back from the State and Riley said from what he reads it is accepted once the Public Hearing is done and it has been passed by vote. April said yes once it is signed and sealed she then mails it to Albany and it is filed. Marie said they will send you a little card in the mail that states it is filed. Public Hearing on the Dog ordinance was set for April 21st at 6:30 pm. Steve asked if there was anything else that needed to be discussed and April said she would like to explain something real quick. She stated that Steve was still confused on the matter of the Abstract voucher sheets and questioned her in the office after last month's meeting so she wanted to take a minute and make sure everyone understands what she was talking about. April explained that when the vouchers come in before a meeting and showed an Unaudited Voucher sheet and said she then goes through each voucher lists them all accordingly. After the vouchers are presented and signed they are turned over to the Accountant to be paid out and she will also do a similar sheet that is referred to as the Audited Voucher sheet. This sheet should match up to the Unaudited that April prepares before the meeting. If there is anything found to be in error on a voucher it should be discussed and the Motion made for payout of vouchers would need to be adjusted in the minutes. April said that after going through 2012 vouchers she found a couple times where the Motion made during the meeting was different than what was paid out and she is left with the question of who makes that call. Steve said he would like to see the ones in question and April said okay. Riley and Jeff then reminded Steve they needed to pass the Resolution enacting the Local Dog fee schedule.

MOTION: Accept Local Dog Law fee schedule by Resolution

Made by Riley Closson, 2nd by Jeff Smith

Votes cast: Riley Closson

Jeff Smith

Joey Pudney

TJ Law

carried

HIGHWAY REPORT:

Roy said that they have been hauling stone and sweeping roads. He said the he likes the new truck and although he has not used it much. Steve said they needed to address what to do with the old truck- F350. Roy said that everything is worn out on it except the motor and that is a diesel still worth a lot of money. Jeff suggested Auction International, who sold the generator recently, and there was a discussion as to the best way to deal with it. The Board agreed to leave the truck as is, throw in both plows and sell it as is. Roy mentioned that he believes if a vehicle is listed in the auction there is an additional fee and they said they would check the contract.

CODE ENFORCEMENT:

Mike first joked that because he was not technically on the Board he was requesting his chair be moved to the back for further meetings referring to the incident during Public Comment. Everyone laughed and then Mike said he had been in contact with Bryce Wehner, Foggy Bottom racetrack, and they are interested in building an observation deck, bleachers and then would like to put a seasonal home there as well. Mike told Bryce that he would have to contact the County Health Department regarding his septic/well permit before anything could be done. Mike added that all energy codes do apply because the State does not recognize seasonal homes. Mike said he had received a phone call from McCoy, Hawley Woods, about putting a camp on his0 property as well and Mike told him the same thing. He must contact the County for proper permits, well/septic, before Town of Taylor can issue any new building permits for structures. Mike then briefly spoke to the Board and gave them an example of how building permit issuing can affect property owners several years down the road. He spoke about a recent incident in Groton where the home owner had replaced windows throughout his home without a permit. The homeowner was turned in and Mike went out to inspect the windows and they were up to code and Mike noted this. Now, a few years, later Mike was contacted by the bank because this homeowner has put the property for sale and had an interested buyer and the bank requested copies of the building permits when applied for and upon completion. Mike told them that he did not have it because the homeowner never applied for a building permit and then bank immediately said that was a deal breaker. Mike said the homeowner is now out of luck unless he drops the price thousands of dollars the bank will not finance because of lack of a building permit for the windows. He

ended saying that homeowner must have the documentation to prove it was done properly.

PLANNING BOARD REPORT:

Steve said that they had told him that they will require a survey for the subdivision that they are dealing with now and added that Art had been to the lawyer and they will have a meeting once that is done.

CLERK'S REPORT:

April said it was a slow month but she took in \$21,592.03 in property taxes. Of this amount \$226.48 was interest which was paid to Steve in a check, copy on back of her report. She has also sent a check for \$50,000.00 to Cortland County Treasurer's Office towards settlement in June.

MOTION: Adjourn the meeting was made by Riley Closson, 2nd by Jeff Smith....**carried**

Respectfully Submitted,

April Law
Town Clerk