

**MINUTES OF TOWN BOARD YEAR-END MEETING  
AND PUBLIC HEARING FOR LL# 3 OF 2019  
OF DECEMBER 19, 2019  
HELD AT THE TOWN HALL, 8529 MAIN STREET  
CAMPBELL, NEW YORK**

**PRESENT:** **Town Board Members:** John R. Tschantre; Jeffrey P. Horton, and Terry E. Wheat; **Town Clerk:** Michelle Seeley; and **Highway Supt:** Thomas A. Austin **Bookkeeper:** Wendy Oman

**ABSENT:** James F. Drumm, Glenn Vogel

**GUESTS:** Wayne Crosier, Joseph Seeley

**Call to Order/ Pledge/ Roll Call.**

Mr. Horton called the Year-End meeting to order at noon and led the pledge of allegiance at the meeting room of the Campbell Town Hall. The Town Clerk then took roll call.

**Public Hearing for LL# 3 of 2019**

At a special meeting of the Town Board of the Town of Campbell, County of Steuben,  
State  
of New York, held at the Town Hall, 8529 Main Street, Campbell,, New York, on  
December 19,  
2019 at 12:01 P.M. there were

A public hearing was held before the Town Board at 12:00 p.m. on December 19, 2019 to hear all persons interested in the matter of the adoption of the Introductory Local Law No. 3 of 2019 entitled "A Local Law Repealing and Replacing Town of Campbell Local Law No. 2 Of 2010 Relating to the Control, Confining, Leashing and Licensing of Dogs" for the purpose of providing for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attack and damage within the Town of Campbell. The Town Attorney had explained to Supervisor Horton how the proposed local law would operate. Supervisor Horton and the other Town Board members answered questions from those present for the public hearing. The Supervisor declared the public hearing to be closed at 12:01 p.m.

Following the close of the public hearing the Town Board considered the adoption of the proposed local law for which the public hearing had earlier been held. There being no comments in opposition to the adoption of the Introductory Local Law No. 3 of 2019 "A Local Law Repealing and Replacing Town of Campbell Local Law No. 2 Of 2010 Relating to the Control, Confining, Leashing and Licensing of Dogs" the Supervisor asked for a **Resolution # 36 Of 2019** that the proposed local law be adopted. The following resolution was then offered by John Tschantre, who moved its adoption, and seconded by Terry Wheat, to wit:

WHEREAS, the Town Board of the Town of Campbell, Steuben County, State of New York, has determined that the adoption of this local law is necessary for the purpose of providing for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attack and damage within the Town of Campbell; and

WHEREAS, the Town Board of the Town of Campbell desires to adopt Local Law No. 3 of 2019 to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attack and damage within the Town of Campbell;

NOW, THEREFORE, be it resolved that the Town of Campbell adopt Local Law No.3 of 2019 entitled "A Local Law Repealing and Replacing Town of Campbell Local Law No. 2 Of 2010 Relating to the Control, Confining, Leashing and Licensing of Dogs." which local law shall provide as follows:

Adopted by roll call vote: John Tschantre (Yea) Terry Wheat (Yea) Glenn Vogel (Absent) James Drumm (Absent) and Jeffrey Horton (Yea).

**Local Law No. 3 of the Year 2019**

A Local Law Repealing and Replacing Town of Campbell Local Law No. 2 Of 2010 Relating to the Control, Confining, Leashing and Licensing of Dogs.

**Section 1. PURPOSE.** The Town adopted a Local Law No. 2 of 2010 to regulate the control, confining, leashing and licensing of dogs. The Town Board of the Town of

Campbell finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town as well as protecting the health of dogs and promoting humane treatment of same by including provisions to provide they are among other things protected from extreme weather or kept in unsafe and unhealthy conditions.

**Section 2. AUTHORITY.** This Local Law is enacted pursuant to the provisions of Article 7, Chapter 59; Part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

**Section 3. TITLE.** The title of this Law shall be "Dog Control and License Law of the Town of Campbell".

**Section 4. DEFINITION OF TERMS.** As used in this Local Law, the following words shall have the following respective meanings:

- (a) "Dog" means male and female, licensed and unlicensed, members of the species *canis familiaris*.
- (b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog, unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household of which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) "Run at Large" means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.
- (d) "Town" means the Town of Campbell.
- (e) "DCO" means Dog Control Officer which means any person appointed by the Town of Campbell for the purpose of enforcing Article 7 and this Local Law upon adoption, including deputies or assistant DCOs.
- (f) "Current Rabies Certificate" means a rabies certificate that is in effect for six (6) months or longer.
- (g) "pro-rated monthly" means to make an adjustment such that a portion of the month means the whole month.
- (h) "adequate shelter" means a structure that protects the dog from physical suffering or risks to health due to exposure to the elements of adverse weather such as excessive heat or cold, rain, sleet, snow, hail, direct sunlight and must be a suitable size for the species of dog to be able to stand up and turn around in and contain a sufficient quantity of straw, cedar shavings, hay, blankets or the equivalent to provide insulation against cold and dampness.

**Section 5. RESTRICTIONS:**

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (b) No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.
- (c) Be at large unless the dog is restrained by an adequate leash (not exceeding eight (8) feet in length) or unless accompanied by its owner or a responsible person able to control it by command. For the purpose of this local law a dog or dogs hunting in the company of a duly licensed hunter shall be considered as accompanied by its owner.
- (d) Engage in habitual and loud howling, barking, crying or whining, or conduct itself in such manner as to unreasonably disturb the comfort or repose of any person other than the owner of such dog.
- (e) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
- (f) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon

private property without the consent or approval of the owner of such property.

(g) Create a nuisance by defecating, urinating or digging or commit any other nuisance on public property, or on private property without the consent or approval of the owner of such property.

(h) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

(i) Be at large or on a leash within the boundaries of any Town parks, except for certified service or therapy dogs.

(j) Be kept outside without adequate food, water, shelter and protection.

(k) Be kept in an unclean, unsafe or unsanitary conditions.

(l) Be tethered during severe inclement weather including but not limited to heavy rains, blizzards, heavy or prolonged snows, ice storms, windstorms, unless the dog shall have access to adequate shelter within the length of the tether.

(m) Be in any condition or environment that violates §353-B of Agriculture and Markets law.

(n) Be confined in a motor vehicle under conditions that are likely to cause suffering, injury or death due to heat, cold, lack of adequate ventilation or under other dangerous weather-related conditions.

(o) Fail to have a current license tag on the dog.

(p) Fail to have a current rabies vaccination for the dog pursuant to Title 5 of the State Health Law "Rabies" Section 2141.

(q) Fail to notify the DCO if ownership of the dog is transferred to another Campbell resident.

(r) Affix to any dog any false or improper identification tag, or special identification tag for identifying guide, service or hearing dogs.

#### **Section 6. LICENSING OF DOGS:**

- (a) Basic Requirements. (a) All dogs in the Town of Campbell must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license. In lieu of a current rabies certificate, an owner may present a statement certified by a licensed veterinarian that, because of old age or other reason, the life of the dog would be endangered by receiving a rabies vaccination. (b) The dog license shall state the sex, actual or approximate age, name, breed, color and identification number of the dog and other identifying marks, if any, and the name, address and telephone number of the owner. (c) In the case of a spayed or neutered dog, the owner must present a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he 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. In such case, the license fee for the dog would be the same as for a spayed or neutered dog as set forth herein.
- (b) Common Renewal Date. All dog licenses will be valid for a period of one (1), two (2) or three (3) years and will expire at the end of June of the appropriate year following issuance. Licenses issued for a portion of a year will be prorated monthly so as to charge for the remaining months to expire the following June 30<sup>th</sup>.
- (c) License Fees. Fees for licensing of dogs will be as follows: (1) The fee for a spayed or neutered dog will be \$12.00 [which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control] and, (2) the fee for an un-spayed or unneutered dog will be \$18.00 [which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control] with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Identification Tag. (1) The first identification tag will be issued for the dog upon licensing and will say "Town of Campbell", the identification number of the dog, and the Town Clerk's telephone number. (2) A replacement identification tag will be issued at a fee of \$5.00.
- (e) Enumeration Fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (f) Purebred License. The Town of Campbell will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per the system stated above.

- (g) Service Dogs. The Town of Campbell will not require a license for any guide dog, service dog, hearing dog or detection dog, provided the owner provides documentation confirming same.
- (h) Licensing by a Shelter. The Town of Campbell will not allow the licensing of dogs by a shelter. The Shelter MUST send the adoptive dog owners to the Town Clerk or DCO of the Town of Campbell for the purchase of the license for adoption purposes.
- (i) Licensing in Person or By Mail. All dog license may be purchased in person at the Town Clerk's Office or by regular mail to the Town Clerk's Office, 8529 Main Street, Campbell, New York. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (j) Transfer of Ownership. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- (k) Fees for Administration of Dog Control & Licensing. All fees will be used in funding the administration of this Law of the Town of Campbell.
- (l) Fee for Return of Dog. Upon return of a dog to its owner by the DCO before taking it to the Town Shelter, the owner may be able to redeem the dog by paying to the Town of Campbell the sum of Twenty-Five Dollars (\$25.00).
- (m) Obtaining Licenses.  
A dog license may be purchased at the town hall from the Town clerk or the DCO officer or his/her deputy may collect from the owner the appropriate fees for the license or any other necessary fees and turn them over to the Town Clerk or DCO no later than the next business day. The DCO officer shall provide the owner with a written receipt for fees collected at the time the fees are tendered. The Town Clerk shall issue and mail the license no later than 14 days after receiving the fees.

**Section 7. PROCEDURE FOR SEIZURE OF DOGS:**

- (a) The DCO or any peace officer shall seize: (1) Any unlicensed dog whether on or off the owner's premises; (2) Any dog not wearing a tag, and after December 31, 2019, not identified, and which is not on the owner's premises; and (3) Any dog found in violation of any of the paragraphs of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Campbell in such case is carried out ("Order to Seize" and/or "Dangerous Dog").
- (b) The DCO or peace officer observing a violation of this Law in his or her presence shall issue and serve an appearance ticket for such violation. Said violation should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Campbell or the DCO specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

**Section 8: COMPLAINTS, VIOLATIONS, ENFORCEMENT & PENALTIES.**

Appearance Ticket: Any Dog control officer, peace officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract to the Town, observing a violation of this local law in his/her presence shall issue and serve an appearance ticket or similar instrument for such violation.

(a) Any person who observes a dog in violation of this local law may file a written complaint with the Dog Control Officer, specifying the nature of the violation, the date thereof, a description of the dog and the location and residence, if known, of the owner of the dog. All complaints shall be investigated and it shall be the duty of the Dog Control Officer to proceed with civil or criminal enforcement of this local law or any other provision of law pertaining thereof.

(b) The Dog Control Officer or Town Attorney may elect either to prosecute the violation under the penal law or to commence an action to recover a civil penalty.

(c) A violation of this local law prosecuted under the Penal Law shall be punishable by a fine of not more than one hundred dollars (\$100.00) for a first violation; a fine of not more than three hundred dollars (\$300.00) for a second violation within the prior five years; or a term of imprisonment for not more than 15 days; or both such fine and imprisonment; a fine of not more than five hundred dollars (\$500.00) for a third or further violation within the prior five years or a term of imprisonment for not more than 15 days; or both such fine and imprisonment.

(d) A violation of this local law prosecuted as a civil action shall subject the defendant to a civil penalty of not more than one hundred dollars (\$100.00) for a first violation, and a penalty of not more than two hundred dollars (\$200.00) for a second violation; a fine of not more than four hundred dollars (\$400.00) for a third or further violation within the prior five years.

(e) This local law shall be enforced or prosecuted by the Dog Control Officer, Assistant Dog Control Officer, by any peace officer, police officer, or by any person having jurisdiction under the Agriculture and Markets Law or authorized by the District Attorney such as the Town Attorney or other Special Counsel.

**Section 9: SEPARABILITY:** Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed to be declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 10: REPEALER:** This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Campbell, and they shall be upon the effectiveness of this Local Law, null and void.

**Section 11. EFFECTIVE DATE:**

This local law shall take effect immediately upon its filing in the Office of the Secretary of State as required by law.

**Budget Transfers.**

**RESOLUTION #37-2019** was offered by Vogel and seconded by Tschantre, to authorize the following budget transfers and any other transfers as necessary to fund accounts by approval of the supervisor until the end of the 2019 year.

**December 19, 2019 Board Meeting – Bookkeeper Report**

<u>Revenue Received – General</u>			<u>Highway</u>		
Mortgage Tax	\$21,123.25	12/10/19	CHIPS	\$28,785.48	12/16/19
AIM Related	\$43,771.00	12/12/19			
Youth Grant	\$ 1,052.00	12/12/19			

All revenues received in for General side 2019. CHIPS Money not complete.

**Budget Transfers**

<u>FROM</u>	<u>\$\$\$\$</u>	<u>TO</u>	<u>\$\$\$</u>	<u>DESCRIPTION</u>
A1420.4	4,616.13			Attorney Fees
		A1110.12	1,317.80	#26A Extra Payroll
		A1220.12	1,120.53	#26A Extra Payroll
		A1355.4	62.25	Assessor Mileage
		A1920.4	99.00	Municipal Dues increase
		A8340.4	2,016.55	Water #1 Extension Bills
DA5110.1	5,203.54			General Personnel
		DA5142.1	5,203.54	Snow Personnel
DA9010.8	1.99			Retirement
		DA5110.4	1.99	General Contractual
DA5120.4	4,000.00			Bridges
DA9010.8	1,500.00			Retirement
DA9720.7	900.30			Bond Interest
		DA5142.4	6,400.30	Snow Contractual
DA9060.8	2,593.40			HSA-Medical
		DA5142.1		Snow Personnel
SW1-8320.4	282.64			#26A Extra Payroll
		SW1-8310.11	100.14	#26A Extra Payroll
		SW1-8310.12	182.50	#26A Extra Payroll
SW2-8320.4	49.20			#26A Extra Payroll

		SW2-8310.11	34.20	#26A Extra Payroll
		SW2-9030.8	15.00	#26A Extra Payroll
SW3-8320.4	.86			#26A Extra Payroll
		SW3-8310.11	.86	#26A Extra Payroll
SW3-8310.12	2,442.61			Hydrant
		SW3-8310.4	2,442.61	Hydrant Expense - Extra

Adopted by vote: Wheat-Aye; Tschantre-Aye; Vogel-Absent; and Horton-Aye Drumm-Absent

**NOTE:** The town received news about the WIAA Grant that \$2,731,277.00 had been granted to Campbell for the Water 1 Extension Project. There are still applications out for other grants but this grant will cover more than half of the \$4.5 million projected cost of the project. With this information Hunt Engineering will be able to come closer to an actual cost for water bills in the district.

**Voucher Audit – 12:41 p.m.**

Vouchers were submitted and approved as follows:

General Fund Vouchers #412-426 & 428-429	\$ 26,249.25
And Highway Vouchers #194 & 204-212	\$ 12,963.17;
Water District 1 SW- Vouchers #78	\$ 88.14
Water District 2 SW2-Vouchers # 23	\$ 54.52
Water District 3 SW3-Vouchers #	\$
Trust & Agency TA Voucher # 14	\$ 173.00
Street Lighting SL Voucher # 427	\$ 999.10
For a grand total of	\$ 40,527.18

Adopted by vote: Vogel-Absent; Wheat-Aye; Tschantre-Aye; and Horton-Aye Drumm-Absent

**Executive Session**

**Executive Session.**

On motion of Terry Wheat seconded by John Tschantre, the following resolution was adopted: **RESOLUTION #38-2019:** RESOLVED that this Board move into executive session to discuss items concerning Personnel. Time 12:12 PM. Adopted by roll call Vote: Vogel-Absent; Wheat-Aye; Tschantre-Aye; and Horton-Aye Drumm-Absent

**Close Executive Session.**

On motion of John Tschantre, seconded by Terry Wheat, the following resolution was adopted: **RESOLUTION #39-2019:** Resolved that the executive session be closed and that this Board return to regular meeting. Time 12:22 PM. Adopted by vote: Vogel-Absent; Wheat-Aye; Tschantre-Aye; and Horton-Aye Drumm-Absent

**Resignation of Highway employee**

Thomas Austin informed the Board that Joseph Snyder had resigned his position at the Highway Department and requested that an ad be placed in the Leader Newspaper to find a replacement. The ad would run for 1 day (Saturday the 22<sup>nd</sup>) and the Highway would accept resumes from the 23<sup>rd</sup> of December to the 26<sup>th</sup> of December due to weather conditions and a time crunch to find a replacement driver. A motion by John Tschantre to place the help wanted ad in the paper was seconded by Terry Wheat and adopted by vote: Wheat-Aye; Tschantre-Aye; Vogel-Absent; and Horton-Aye Drumm-Absent

**Adjournment.**

There being no further business before the Board, the meeting was, upon motion by Tschantre and seconded by Wheat, adjourned at 12:25 p.m.

Respectfully submitted,

MICHELLE SEELEY  
Campbell Town Clerk

**DATED: December 26, 2019**