

A public hearing was held by the Town Board of the Town of Moreau on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of considering the adoption of Local Law No. 1 of 2011, which if adopted would amend Chapter 59 "Dog Control Law" of the Town of Moreau.

Supervisor Jenkins opened the public hearing at 6:50 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Paul Joseph, Highway Superintendent; Town Residents: William & Maria Bollinger; Tom Clary; Don Monroe; and Lydia Wheeler, Post Star Reporter

Supervisor Jenkins welcomed everyone to the public hearing and asked the Town Clerk to give an overview of the proposed changes in the dog law.

The Town Clerk summarized the changes proposed to section 59-6, sub-section b and c as follows:

The term of a dog license was changed from two years back to one year, to accommodate the Town Clerk's dog licensing computer software package.

When the new dog law was adopted back in December 2010 the Town Clerk had intended to leave the purebred dog license fees as they were previously and due to an error on her part the fees adopted in the new dog law were incorrect. This amendment will put the purebred dog license fees back to the way they were before the new law was adopted.

Finally, a new sub-section (v) is proposed under section 59-6 that will allow the Town Board to amend dog license fees, from time to time, by resolution, rather than by local law.

Councilman Prendergast asked the Town Clerk to explain to him what is meant by purebred dog.

The Town Clerk explained that people who own multiple purebred dogs that are registered with the American Kennel Association can purchase a purebred dog license for all dogs at one fee rather than purchase individual licenses at \$13.00 each. (Most purebred dogs are unspayed so the fee would be \$13.00 per dog, if purchased individually.). She thought the reason the State offered purebred dog licenses in the past was, because most people who own purebred dogs breed them and sell them and they aren't kept for long periods of time and it is easier to license them all under one license. She noted that a purebred dog license does not mean a person can run a kennel. Kennels are regulated by the Town's zoning law.

(Editor's Note: To qualify for a purebred dog license, purebred dogs can be registered with a New York State recognized registry, per the dog law, and not just the American Kennel Association as the Town Clerk stated.)

Supervisor Jenkins asked if there were any comments from the public.

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Bill Bollinger who resides at 399 Fortsville Road in the Town of Moreau stated he owns a retired greyhound, that has been spayed, and he wasn't sure if the purebred dog license section of the law requires him to obtain a purebred dog license for his greyhound or not.

The Town Clerk explained to Mr. Bollinger that he is not required to purchase a purebred dog license for his greyhound. He could purchase a regular dog license. She explained that it wouldn't behoove him to purchase a purebred license at \$25.00 when an individual license for his dog would cost \$5.00.

Supervisor Jenkins asked if a person raises and sells purebred dogs how is the licensing handled.

The Town Clerk explained that the purebred dogs and their registry numbers are listed on the purebred license and the owner of the dogs is supposed to notify the Town each time a dog is sold or purchased so the license can be amended.

Councilman Kusnierz asked why the fee is \$13.00 for unspayed/unneutered and \$5.00 for spayed/neutered dogs. He said he understands the change in State statute that gives a municipality leeway in establishing fees. He also understands about the \$3.00 surcharge that is required by State statute, but he wanted to know why we wouldn't make the fee the same for both spayed/neutered and unspayed/unneutered dogs with the \$3.00 surcharge tacked on. In other words, \$5.00 per dog with a \$3.00 surcharged added on.

The Town Clerk stated that when the law was originally adopted in December 2010, per her recommendation, the board left the fees the same as they had been for years, to avoid confusion on the part of the public.

Councilman Kusnierz said he realized this, but the municipalities have the leeway to change the fees.

The Town Clerk responded that this was correct, but the board had that opportunity to make the dog license fees any amount they wanted when the new dog law was adopted back in December. She recalled that the board decided to leave the fees the same and that Councilman Kusnierz had said he wanted the fees to be kept track of during 2011 under the new dog law and at budget time in 2011 the board could review the fees collected and decide if they wanted to revise the fee schedule or not.

Attorney Auffredou added that this would be allowed by resolution of the board, if this local law is adopted.

Bill Bollinger asked for an explanation about the animal population control fee of \$3.00.

Councilman Kusnierz replied that the State had by statute a mandatory animal population control program to provide low cost spay and neuter programs, whereby participating veterinarians could be reimbursed for their services. This program is no longer carried out by the State, even though there is a line item in the budget that continues funding for it. When the State law was amended there was language included that allows a not-for-profit to run the program and recently NYS Agriculture & Markets selected the ASPCA to administer the program, but he didn't think they were up and running yet.

The Town Clerk went back to the question from Councilman Kusnierz about the \$13.00 license fee vs. the \$5.00 license fee. She stated that she thought the reason the State of New York used to charge the two different fees was because they were trying to encourage people to get their dogs spayed and neutered and they hoped the lesser fee would be an incentive.

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Bill Bollinger stated that Article 7, section 110, paragraph 4 (b) reads that the municipality may adopt a resolution exempting additional fees for dogs owned by persons 65 and older. He respectfully asked the board to consider doing this.

Councilman Kusnierz said it was a "fantastic" idea. Especially when people that age are on fixed incomes and it would be a way to give back to the seniors in our community. It would be a nominal fee, but it would go a long way, from the standpoint of goodwill, in that the board would recognize the seniors and their financial challenges.

Councilman Prendergast said he agreed and Councilwoman LeClair acknowledged that she did also.

Supervisor Jenkins said he would be in support of this, but suggested that they adopt the amendments as proposed and address the exemption for seniors by resolution at a later time. It will be easier that way.

Supervisor Jenkins asked if there were any other comments. There was no response.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to close the public hearing at approximately 7:00 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Respectfully submitted,

Jeanne Fleury  
Town Clerk