

Town of Washington
Town Board
November 4, 2010

The Town Board of the Town of Washington held its regular meeting on Thursday, November 4, 2010 at the Town Hall, 10 Reservoir Drive, Millbrook. The meeting was called to order at 7:00 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turletes, Michael Murphy, Robert Audia and William Murphy, Town Clerk Mary Alex, Highway Superintendent James Brownell, Bookkeeper to the Supervisor Laura Hurley and Associate Attorney Rebecca Valk.

Also present were Joan Trombini, Kate Farrell, Howard Schuman Christine Bates, Rita Rotunno, Sally Knapp, Molly Sager, Bill Zmudosky, Jerry Baker, Tom Barger, Warren McMillan, Kelly Whalen-Cassinelli, Paul Guardiola, Kerry Weller, Jim Outwater and Chris Muscardi.

Supervisor Prisco opened the meeting with the Pledge of Allegiance.

On a motion made by Councilman Audia and seconded by Councilman Turletes the Town Board opened the Public Hearing on the proposed 2011 Budget. All ayes were recorded.

Supervisor Prisco said she wanted to recognize the Recreation Commission for the all that they do. While we thank all of our volunteers, this group is really quite remarkable. She said to them that you just don't attend meetings, but you work at every event. Supervisor Prisco said that it has been a great year and believe communication has been enhanced with Steve as liaison to the Recreation Commission. The communication with Warren and Laura working together and an understanding of the finances has been beneficial to everyone.

Mrs. Hurley said the Board had a comprehensive review of the recreation budget with Kerry and Warren. They have looked at the programs and the number of participants and for the current year will exceed the budgeted revenue and they have under spent of on expenses. The summer camp, which is considered the cornerstone program, had revenue of \$46,522 and \$31,000.00 was expended. The summer camp provides employment to over four dozen young people, and scholarships were extended to families. Supervisor Prisco said everyone in the community should go up there at least once and see what an exceptional program the town offers. Supervisor Prisco said to the Recreation Commission that it is not easy to be told to tighten your budget, and we appreciate your creativity.

Councilman W. Murphy said that the park expansion project is about 90% complete. We'll be letting it sit through the winter, and it will be finalized in the spring. The children should be playing on the field in the fall. Mr. McMillan said that when he began as a volunteer on the recreation commission 17 years ago, it was a number one agenda item to have more playing fields. Our children will benefit, and it will be ideal for the parents to see their children playing in one location rather than different areas.

Mrs. Hurley said another accomplishment this year was the completion of the camp building. She reminded everyone that there is unexpended money in the capital spending account, and she would like to be able to isolate and identify the remaining project prior to the year end.

Supervisor Prisco said that some of the benefactors were at the park looking at the field and camp building. They thought it was great. Supervisor Prisco said she is now begging for tree donations, as they have ideas for landscaping projects. The town is looking for donations and we have space at the park for memorial plantings. Anyone wishing to make a donation should contact Supervisor Prisco or any of the Town Board members.

Mr. McMillan said the upcoming recreation events are a Foxwoods trip on Sunday, which is virtually sold out. Santa night and the Community Tree Lighting is scheduled for the first Friday in December and Gingerbread night on the second Friday. He offered his thanks to the fire department for their assistance during the Halloween parade. It's a nice event and the kids love a parade.

Mrs. Hurley said the Deputy Supervisor suggested a salary increase for the Town Supervisor. Supv. Prisco is currently the lowest paid Supervisor in Dutchess County. Councilman Turletes explained that he asked Mrs. Hurley to look at other town's numbers: Amenia pays \$18,000.00; Clinton pays \$21,000.00 and Pine Plains \$20,000.00. He talked to the other Town Board members and suggested a \$5,000.00 increase in the Supervisor salary. He said his reason is that he felt we should get more real in the salary. While the Board feels the council positions are similar to volunteers, we need to get closer to reality. If we want to attract different people for positions, we will need to increase the salaries and it best that we do it sooner rather than later.

Town Clerk Alex notified the Board that the salaries of elected officials have to be published in the body of the Notice of Public Hearing. The Town Board will be required to schedule a new Public Hearing with the newly proposed salary before the salary increase can be considered. Councilman Audia said he agrees that the salary should be increased and would like to see it higher. Councilman M. Murphy said he would like to move forward with Steve's suggestion and Councilman W. Murphy agreed.

Ms. Rotunno said that she is in agreement and said if you are going to go higher than get it in sync with the other towns. Go the right way now. Ms. Farrell said with an increased salary more people might be interested in the job. Supervisor Prisco said this is part time job and it could be full time. She thought it was an excellent idea.

Mrs. Hurley said that the preliminary budget decreases appropriations by \$18,000.00. There is a two percent increase in salaries, exclusive of the Town Board. The Town will be able to meet all revenues. In other budget business, Mrs. Hurley reported that as the Town Clerk updated employee information, two employees not currently on the insurance plan signed up for

medical benefits. The Town Board has to continue to be mindful of the fund balance. The increase in appropriations is due to the decrease in fund balance, which the town has continued to decrease over the years. The overall increase on the tax levy is 2.74%. The Village residents only pay the A fund, and is proposed at a rate of 41 cents per thousand. The increase on the \$400,000.00 house that we have used in the past is \$3.00. Town residents pay on the A, B and DB fund. The rate per thousand is \$1.23 and the increase on the \$400,000.00 home is \$18.00 per year. The library tax is paid by Village and Town residents at a rate of 7 cents per thousand. The fire tax is paid by town residents at a rate of 32 cents per thousand. The original budget increase was 2.3%, however with the increase in the Supervisor salary and the addition of two employees on the health care plan, the budget increase is proposed at 2.7%.

Mr. Barger said with zero percent inflation, he is not happy with town employees getting a two percent raise across the board. Supervisor Prisco responded that the Board had many hard discussions on this topic and it was not a unanimous one. The point you made is one that was made around this table. The fact that town employees receive full health benefits is heavily weighed as well. This is a heavily researched item and it took a lot of conversations and she said she appreciated his opinion. Ms. Rotunno said she doesn't know if employees were asked to contribute. As an IBM employee she had an increase in her benefit costs with no increase in her social security. Mr. Barger said it is the philosophy I have a problem with. It doesn't feel good. Councilman Audia said he was one that wasn't excited about giving raises. He said we don't have a big employee base and we have some really good people. We had quite a battle. This was a lot about the people and all that they do. They do a lot of hard work and that was my giving point. Ms. Farrell said a lot of people would like to have those jobs. Supervisor Prisco said it was good to hear your opinions.

Councilman Turletes offered a resolution which was seconded by Councilman W. Murphy to reschedule the Public Hearing on the 2011 budget for Monday, November 15 at 6:00 PM, and to republish the Notice of Public Hearing with the revised Supervisor's salary. All ayes were recorded.

On a motion made by Councilman Audia and seconded by Councilman W. Murphy the Board opened the Public Hearing on the franchise renewal agreement with Cablevision. All ayes were recorded. Ms. Valk said that the renewal agreement includes a \$4,000.00 grant to the Millbrook Central School District, complimentary television service to all municipal buildings and internet connections for town offices and a payment of a maximum 5 percent of gross receipts. Ms. Valk introduced Roger Connor to the Town Board. Mr. Connor explained that the franchise renewal is for Cablevisions use of the streets and that the rates are set by Albany. Supervisor Prisco asked what happened to Channel 5 and what could we do as the town to prevent it from happening. Mr. Connor said you could only lend your voice to request that the two parties remedy the situation as quickly as possible. There was a breakdown of communication between the two corporations with negotiations coming down to the last minute. The broadcasters have no option other than to remove the channel when the breakdown occurs. Supervisor Prisco asked do the people have any weight by complaining. Mr. Connors opinion was that in this case it did have an effect because it was a high profile

channel with marquis events. The federal government has looked into the situation and may decide to review the policies in place. He said hopefully we won't see this again anytime soon.

Mr. Baker asked if there is anything new about the coverage and any expansion plans. Mr. Connor said Shady Dell Rd is being evaluated. In 2002 a fiber optic trunk line was added and they are steadily building out the more rural areas of the county. The franchise agreement says Cablevision will build out with 15 homes per mile. As a business, they are looking for a return on their investment, so they will send out a person to survey the area and talk to the residents to see if there is a request for Cablevision services.

Ms. Rotunno said that she was upset that they took away 12 or 13 channels. In order to get those channels back she needs to put a card in the box and pay \$12.95 per TV set. She said she doesn't care about Fox; she cares about MSNBC and the food channels. She said that she doesn't like that it costs \$72.53 per month, which is a lot of money for senior citizens on fixed incomes. Can you explain that change? Mr. Connor replied that it is complicated. They are going through a technology transition with the digitations of television. He said it will happen again in 2011 as they go from analog delivery to digital delivery; currently they are simulcasting 45 channels both with analog and digital delivery. By plugging in the Cablevision card you would get those channels. As they continue to remove analog services, if you don't have the digital box you will continue to lose services. It is a transition that is going to continue to happen. The cable industry is working more in tune with television manufacturers to try and reduce costs, but he did say that it will be more painful going into the next year for consumers. He said to Ms. Rotunno that you will have to pay the \$12.95 for the enhanced stations.

Mr. Schuman asked can you buy a non-Cablevision box. Mr. Connors said that they are moving in the direction of non-proprietary boxes but with the current Cablevision encryption you can't use the one time purchase boxes. Cablevision does have some non-encrypted stations. The closest Cablevision has to the box, is that there are television sets that directly accept the card, and there is a reduced charge for the card.

Mr. Barger asked how much profit did Cablevision make. Mr. Connor said he did not know.

Councilman W. Murphy asked what other companies like Time Warner is doing? Mr. Connors said they are all going through the same transitioning period.

Ms. Rotunno thanked Mr. Connor for his time. He said he would be happy to come back any time that the Town might need questions answered. Mr. Baker suggested that Cablevision might want to get in touch with the local papers to do a feature on digital ready televisions so people know what to buy.

Ms. Farrell appeared before the Board to update everyone on the Comprehensive Plan. She said that each month a different member of the Administrative Committee will be addressing the Town Board. They have established their regular meeting as the first Monday of

the month from 6:00 – 8:00 PM. Josh Mackey will be the contact person with River Street. Maureen King will be the liaison between the Committee and Supervisor Prisco and Nikki Caul. Kate Farrell will be in contact with Mary Alex. Karen Mosca will be responsible for the consolidation of information. David Strayer has volunteered to assemble binders for the library. Mayor Hurley is the Village representative and has offered to work closely with the committee.

Ms. Farrell said that the committee is conscious of the budget, and will only be having River Street at the meetings as needed. The focus of the December 6th meeting will be to review the notes and information from the May 22nd community meeting. As a group they will work on the goals to try and condense and streamline some of the information. This has been done by some of the committees already.

The community meeting in regard to a vision statement has been delayed to mid-January or February due to requests from the community to wait until after the holiday season. The committee is asking people to invite 10 people that haven't attended any of the meetings. They are looking at it as a fun date with the community. The committee will be facilitating the meeting with River Street attending. The vision statement will be considered a draft until the plan is complete.

The committee is looking to update the census data and the demographic information. They feel it is stale information with new census information being available shortly. The committee will be reviewing and discussing with River Street what is left to be accomplished and what has to be done to complete the work. The meetings have been good and somewhat well attended. Everyone feels the regularly scheduled meetings are advantageous. They are getting up to speed and looking forward to a public meeting where the community feels it is their plan with their ideas.

Mr. Barger said he thought there was good interaction with the Village Mayor and suggested there should be memorandums of understandings between the municipalities. Mayor Hurley said that the Village is open to participating with the Town. She understands that there is still much confusion on the town versus the village. Mayor Hurley said that the town and village have in place several memorandums of understandings, and as we continue to move forward and consolidate whenever possible MOU's will continue to be added. She said that the Village water committee is very active and that information should be included in the town master plan. Mayor Hurley said she is unsure how quickly the village will move forward with their Comprehensive Plan. Ms. Farrell added that the affordable housing issue continues to come up. There will be an educational component at some time on affordable housing. The Board thanked Ms. Farrell for the complete report and the work the committee is doing.

On a motion made by Councilman M. Murphy and seconded by Councilman Turletes the Board closed the Public Hearing on the franchise renewal agreement with Cablevision. All ayes were recorded.

Resolution

At the regular meeting of the Town of Washington Town Council held on November 4, 2010, the following resolution was moved by Councilman M. Murphy, seconded by Councilman Audia and adopted by those Town Council Members present.

WHEREAS, The Town of Washington entered into a franchise agreement with Cablevision Systems Dutchess Corporation (“Franchisee”) and was previously granted a franchise in the Town of Washington (“Town”) for the provision of cable television and other communications services; said authorization expired on September 18, 2010; and

WHEREAS, Franchisee has applied for a renewal of said franchise with the Town; and

WHEREAS, the Town has determined that Franchisee is not in material breach of its current franchise; that Franchisee has the requisite legal, technical and financial capabilities; and, that Franchisee’s proposal for renewal of the franchise meets the cable- related needs of the community; and,

WHEREAS, the Town and the Franchisee have mutually agreed to the terms of a renewal franchise agreement annexed hereto,

WHEREAS, a Public Hearing was held before the Washington Town Board on November 4, 2010;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Washington that the Board does hereby approve a renewal of the franchise to construct, own and operate a cable television system within the Town of Washington to Cablevision Systems Dutchess Corporation for a ten year period.

BE IT FURTHER RESOLVED that the Supervisor be hereby authorized to execute a franchise renewal agreement with Cablevision Systems Dutchess Corporation.

Dated this 4th day of November, 2010. All ayes were recorded.

Mr. Connor thanked the Board for the franchise renewal with Cablevision. They are pleased to offer, as part of the agreement, the \$4,000.00 grant to the Millbrook High School. When Cablevision launched MSG Varsity, they created an outreach program which the Millbrook High School participates in. The students are filming and producing the contents. It is a great opportunity for the students and Cablevision as corporate citizens. Contracts will be signed by the Town Supervisor and Cablevision, and when approved by Albany a letter of Certification will be issued to the Town.

On a motion made by Councilman Turletes and seconded by Councilman Audia the Board reappointed Don Fegan to the Board of Assessment Review for an additional five year period. All ayes were recorded.

Supervisor Prisco advised the Board that on Veteran's Day, Thursday, November 11th, there will be a solemn ceremony with the VFW and American Legion to honor the deceased veterans of the community. The Millbrook Central School District will be dedicating a plaque honoring the Millbrook High School students who have been killed in wars. There will be a parade from the Village Green to the Thorne Building with the Veterans, school students and the Town officials have been invited to participate.

Supervisor Prisco told the Board that she had met with Dan Weller, Matthew Rollins and Tom Fiore at the Town Park to discuss ideas for future tree and shrub plantings at the facility. Supervisor Prisco is requesting donations of trees from the community. Memorial plantings have been placed at the park and she would welcome additional trees.

The Town has received several applications for the Special Prosecutor position. Interviews will be scheduled on Saturday, November 20th. The Board discussed the salary for the position. Councilman Audia offered a resolution which was seconded by Councilman Turletes establishing the rate of pay for the Special Prosecutor at \$200.00 per night. All eyes were recorded. After the person is appointed by the Town, they will need to be approved by the District Attorney's office.

Deputy Highway Superintendent Wheeler presented the Board with the Highway department bills. The Board asked how Killlearn Road was holding up with the storms we've been having. Mr. Wheeler said the road is in good shape and the new grader is working well.

Mrs. Hurley advised the Board that the Bank balances will be completed for the Board when they meet on Nov. 15th, as the statements haven't been received from the bank. The Town has received 98.77% of its overall revenue. The town has received \$157,000.00 in sales tax revenue and anticipates an additional \$40,000.00 before the year is closed out. Mrs. Hurley said she will be looking for a commitment on the capital project with the park building. The Recreation Department will need to identify how they will use the rest of the grant, so the funds can be isolated and carried over to 2011. Councilman M. Murphy asked if the Town has been notified of any pass downs from the County to the town. To date, other than election costs, there has been no information sent to the town.

RESOLUTION

Councilman M. Murphy, seconded by Councilman Turletes, introduced the following proposed local law, to be known as Local Law No. ____ of 2010 entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK ENTITLED "LICENSING, IDENTIFICATION AND CONTROL OF DOGS."

BE IT ENACTED by the Town Board of the Town of Washington as follows:

Section 1. LICENSING, IDENTIFICATION AND CONTROL OF DOGS

A. Purpose

The purpose of this local law is 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.

B. Definitions.

1. All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York; specifically, the following terms shall have the meaning given to them within that statutory section: "adoption"; "dog"; "domestic animal"; "euthanize"; "guide dog"; "harbor"; "identification tag"; "identified dog"; "official identification number"; "owner"; "owner of record"; "person"; "police work dog"; "war dog"; "hearing dog"; "service dog"; and "person with a disability."

2. As used in this article, the following terms shall have the meanings indicated:

CLERK -- Town Clerk.

RUN-AT-LARGE -- To be an unleashed dog off of the premises of the owner.

TOWN -- Town of Washington

C. License Required

1. Pursuant to Article 7 of the Agriculture and Markets Law, no person shall own or harbor a dog within the Town of Washington unless such dog is licensed. Such license shall be renewed annually at fees determined by the Town Board of the Town of Washington. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog or police work dog, and copies of any license for such dogs shall be conspicuously labeled as such by the person issuing the license.
2. In accordance with Article 7 of the Agriculture and Markets law, the following are exempted from the licensing requirement:

- a. Dogs under the age of four months, which are not at large, shall not require a license:
 - b. Dogs 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.
3. Grace period: Any dog harbored within the Town of Washington 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 be exempt from the licensing and identification provisions of this local law for a period of thirty (30) days.
4. The application shall state the sex, actual or approximate age, breed, color and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner.
5. The application shall be accompanied by the license fee and a certificate of rabies vaccination or a statement certified by a licensed veterinarian stating that, because of old age or other reason, the dog's life would be endangered by the vaccine. In the case of a spayed or neutered dog, every application shall also 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, provided that such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. 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 shall be the same as for spayed or neutered dogs.
6. Dogs will be licensed for a one year license period. The expiration date will be the last day of the month of issuance, one year from the date of issuance.
7. No license shall be issued by a pound, shelter, or any other entity, on behalf of the Town of Washington.
8. The Town of Washington will issue purebred licenses. Applicants for purebred licenses shall be assessed a surcharge of \$5.00 per dog in addition to all other licensing fees.
9. Dog licenses issued by another agency, municipality or shelter will not be recognized by the Town of Washington. The Town of Washington does not credit unexpired terms of licenses issued by another municipality, nor does it refund licensing fees for any reason, including, but not limited to: dogs and dog

owners that relocate to a municipality other than the Town of Washington, dogs that are no longer alive, dogs that are relinquished or transferred to another owner and dogs that are missing, gone or lost.

10. Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund therefore shall be made.
11. The Clerk shall provide a copy of the license to the owner and retain a copy in the Town Clerk's office.
12. No license shall be transferrable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

D. Change of Ownership

1. In the event of a change of ownership of any dog which has been licensed pursuant to this Local Law, or in the change of address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, notify the Town Clerk of such change.
2. If any dog which has been licensed pursuant to this Local Law is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Town Clerk of such loss or theft. The owner of record of any such dog shall not be liable for any violation of this Local Law committed after such notification.
3. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to the renewal of licensure or upon the time of such renewal.

E. Fees:

1. Dog licensing fees shall be determined by the Town Board of the Town of Washington and may be amended at any time by said Town Board. All revenue derived from such fees is the sole property of the Town of Washington and shall be used for the purposes permitted by Article 7 of the Agriculture and Markets Law.
2. In addition to the fees set by the Town Board of the Town of Washington, an additional \$1.00 shall be assessed to a license for an altered dog and an additional \$3.00 shall be assessed to a license for an unaltered dog. This additional charge is assessed for the purposes of carrying out animal population control efforts. As the Town of Washington does not have its own animal control program, these surcharge dollars will be remitted by the Town Clerk to the state animal population control fund, as required by Agriculture and Markets Law §117-a(7).

3. When the Town Board of the Town of Washington determines the need for a dog enumeration or dog census, a fee of \$30.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted. Such fees shall be the sole property of the Town of Washington and shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the municipality for enforcing this Local Law and for animal population control programs.
4. The fee for a replacement identification tag shall be \$3.00.
5. Pursuant to Agriculture and Markets Law §107(4), the licensing process and fees set forth in this Local Law do 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.

F. Identification tag required.

1. All dogs required to be licensed must wear an identification tag, bearing the municipal identification number, attached to a collar at all times. No dog shall be permitted to be without a collar and an identification tag. All untagged dogs shall be subject to seizure and confinement by the Dog Control Officer. The collars of all dogs four months and over shall also have a tag evidencing rabies vaccination.
2. 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.
3. A dog participating in a dog show shall be exempt from the identification requirements of both Agriculture and Markets Law §111 and this local law during such participation.

G. Adequate shelter.

All premises occupied or used by dogs shall be kept in a clean and sanitary condition. Failure to provide adequate food, water or shelter shall be a violation of this local law and shall constitute grounds for seizure of the animal hereunder. These principles shall apply both to individual owners and to any other persons harboring dogs for training, retail sale or boarding.

H. Restrictions.

1. Dogs are not permitted in the Town Parks at any time.

2. When off the property of the owner, owners shall be responsible for immediate cleanup of any excrement deposited by their animals.
3. It shall be unlawful for any owner of or any person harboring any dog in the Town of Washington to permit or allow such muzzled or unmuzzled dog to:
 - a. Engage in habitual loud howling or barking or to conduct itself in such a manner so as to habitually annoy any person other than the owner or owners harboring such dog.
 - b. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.
 - c. Chase or otherwise harass any person, except on property of its owner, in such manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
 - d. Attack, harass or annoy the domestic or farm animals of another person while on the property of said other person.
 - e. Habitually chase or bark at motor vehicles, motorcycles, bicycles or horses.

I. Enforcement official.

This local law shall be enforced by the Town's Dog Control Officer. Those persons shall have the authority to issue appearance tickets or other process set forth within Article 7 of the Agriculture and Markets Law.

J. Seizure of dogs; redemption; disposition of unclaimed dogs.

1. Seizure; fines; redemption.
 - a. Any dog which is not carrying an identification tag and which is not on the owner's premises, any dog which is not licensed, whether on or off the owner's premises, and any dog in violation of any other provision of this Local Law or which poses an immediate threat to the public safety, shall be subject to seizure, redemption, impoundment fees and adoption procedures as set forth in Article 7 - § 117 of the Agriculture and Markets Law.
 - b. Pursuant to § 117, of the Agriculture and Markets Law, fines and impoundment fees are set by Town Board resolution in their adoption of

the Town's Fee Schedule. An owner may redeem their dog within the applicable redemption period specified in subsection J(1)(c), below, upon payment all fines and impoundment fees, and by producing proof that the dog has been licensed.

- c. Pursuant to § 117, of the Agriculture and Markets Law, redemption periods are set as follows:
 - i. Where an owner has been personally notified: seven days from the date of such notice.
 - ii. Where an owner has been sent notice by certified mail, return receipt requested: nine days from the date of such mailing.
 - iii. Where the dog is unidentified: five days, excluding the day the dog is seized or impounded.
2. No person shall hinder, resist or oppose the Dog Control Officer or any other person authorized to administer and enforce the provisions of this chapter in the performance of the person's duties pursuant to this chapter.
3. No action shall be maintained against the Town of Washington, any duly designated Dog Control Officer or any other agent or officer of the Town to recover the possession or value of any dog, for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law.
4. It shall be the duty of the Dog Control Officer or Officers to feed and care for, at the expense of the Town, any animal seized hereunder until disposal thereof be made as provided herein.
5. All monies collected as fines or penalties as a result of any prosecution for violations of the provisions of this Local Law, and all bail forfeitures by persons charged with such violations, shall be the sole property of the Town of Washington and shall be used only for controlling dogs and enforcing this Local Law.
6. All fines and impoundment fees must be paid in full at the time of redemption.
7. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized, provided that no dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of this article prior to its release from custody.

8. No liability in damages or otherwise shall be incurred on account of the seizure, euthanization or adoption of any dog pursuant to the provisions of this article.

K. Violations.

It shall be a violation 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;
3. Any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs or purebred license tag;
4. Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this Local Law;
5. Any person to furnish any false or misleading information on any form required to be filed with the Town of Washington pursuant to the provisions of this Local Law or rules and regulations promulgated pursuant thereto;
6. The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog; and
7. Any owner of a dog to fail to notify the Town of Washington of any change of ownership or address as required by this Local Law.
8. The Town of Washington may elect either to prosecute such actions described in this section as a violation under the penal law or to commence an action to recover a civil penalty.

L. Dangerous Dogs

Agriculture and Markets Law §123 sets forth the applicable procedural and substantive requirements applicable within the Town of Washington when a dog is alleged to be dangerous.

M. Penalties for offenses.

Upon conviction, a violation of this article shall be deemed an offense and shall be punishable by a fine not exceeding \$50 for the first offense, \$100 for the second offense within the preceding

five (5) years, and \$250 for each additional offense within the preceding five (5) years or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

N. Severability.

Each provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 2. Sections 4, 9 and 10 of Local Law #5 of 1988 are hereby repealed.

Section 3. Local Law #1 of 1995 is hereby repealed.

Section 4. This Local Law shall be filed immediately with the Secretary of State as provided by law and shall be effective as of January 1, 2011.

Supervisor Prisco advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. Councilman M. Murphy offered the following resolution which was seconded by Councilman Turletes, who moved its adoption:

WHEREAS, on November 4, 2011, Councilman M. Murphy has introduced this local law for the Town of Washington, to be known as “Town of Washington Local Law No. __ of the Year 2010, a local law of the Town of Washington, Dutchess County, New York, entitled “Licensing, Identification and Control of Dogs.”

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on December 9, 2010 at 7 o’clock, p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of

Washington, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Washington will hold a public hearing at the Town Hall, 10 Reservoir Drive, Millbrook, New York on December 9, 2010 at 7 o'clock, p.m., on Local Law No. __ of the Year 2010, entitled "Licensing, Identification and Control of Dogs."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Washington, at the Town Hall, 10 Reservoir Drive, Millbrook, New York between the hours of 9:00 a.m. to 12:30 p.m. and then between 1:30 p.m. to 3:00 p.m.. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York
 November 4, 2010
 MARY ALEX, TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman M. Murphy	Aye
Councilman Audia	Aye

Councilman W. Murphy

Aye

On a motion made by Councilman Audia and seconded by Councilman Turletes, the following resolution was offered:

Notice of Public Hearing

The Town Board of the Town of Washington has scheduled a Public Hearing for the renewal of Fire Contracts with the Village of Millbrook, JH Ketcham Fire Department and East Clinton Fire Department for Thursday, December 9, 2010, at 7:00 PM, at the Town of Washington Town Hall, 10 Reservoir Drive, Millbrook. All citizens will have the opportunity to be heard.

By the Order of the Town Board

All ayes were recorded.

On a motion made by Councilman M. Murphy and Councilman Audia the Board approved the minutes of August 12 and September 9, 2010 as presented. All ayes were recorded.

On a motion made by Councilman Turletes and seconded by Councilman W. Murphy the Town Board closed the Public Hearing on the proposed 2011 budget. All ayes were recorded

Councilman M. Murphy reported that the Planning Board's two newest members Paul Schwartz and Lisa Schwartz were in attendance at the most recent meeting. They both seem well prepared and the rest of the Board was happy to share information. Currently under review is a business in Mabbettsville, known as The Pink Coat. The applicant is renting the Eggleston property and there are questions regarding signage and the display of materials.

Councilman M. Murphy advised that the Wetlands committee will be having a workshop meeting on Wednesday, November 10th, to review the minutes, letters and submittals and decide if there should be changes made to the proposed legislation. Mr. Schuman asked if Vernal Pools will be added to the maps. Mr. Murphy said it was on the agenda. Councilman Murphy said he has been playing phone tag with Mr. Dyson, and his attorney Mr. Cantor has been in touch with Ms. Valk.

The Emergency Committee will be meeting on Monday, November 15th. Bill Augerson has been reviewing the Village binder and Bob Mahoney has been reviewing the Town binder. The Committee will be discussing Memorandums of Understanding and community participation.

Councilman Audia said that he has looked at the basement of the Town Hall, where there has been problems with water. He has some ideas on correcting the problem and will take a closer look at it within the week.

On a motion made by Councilman Turletes and seconded by Councilman Audia the Board moved into Executive Session at 9:10 PM. All ayes were recorded. On a motion made by Councilman W. Murphy and seconded by Councilman Turletes the regular meeting resumed at 9:58 PM. All ayes were recorded.

There being no other business, on a motion made by Councilman Audia and seconded by Councilman Turletes the meeting was closed at 10:00 PM. All ayes were recorded.

Mary Alex, Town Clerk