Regular Monthly Meeting, Colton Town Board, April 11, 2018

**County of St. Lawrence, State of New York, 94 Main St., Colton 13625**

Present: Grace Hawley, Deputy Supervisor Councilpersons: Ronald Robert

Darren Richards, DPW Supt. Katheryn Hayes

Donna Arquiett, Clerk Lisa Fisher-Davis

Others present: Ed Fuhr, Tina Miller, Ruth McWilliams, Joe McWilliams, Mary Jane Watson, Rick Perkins,

Brad Barber, Jamie Rogers and Laurie Thornton

Absent: George Cayey and Kevin Hawley

Deputy Supervisor Hawley opened the meeting at 6:05 p.m. immediately after the public hearing.

Mrs. Hawley questioned the Board if they reviewed their minutes and if so asked for a motion to accept them along with the bills on warrant # 4. There were no transfers to approve.

Motion # **1**

**APPROVE MARCH MINUTES**

Motion made by Mrs. Fisher-Davis, seconded by Mr. Robert to approve the March 17 minutes as written.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

Motion # **2**

**APPROVE WARRANT # 4, BANK STATEMENT & RECONCILIATION**

Motion made by Mr. Robert, seconded by Mrs. Fisher-Davis to approve the bills on Warrant # 4 along with the bank statement & reconciliation.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

General Fund $ 40,193.42

Highway Fund $ 23,126.23

Colton Light District $ 743.36

South Colton Light District $ 703.78

Sewer District #1 $ 5,963.93

Water District #1 $ 6,524.76

Mrs. Hawley offered courtesy of the floor. No comments.

**COUNTY LEGISLATOR** Mr. Perkins reported they Legislator’s met April 2nd. At that meeting they adopted 40 resolutions including the same Benchmark resolution the Town is passing tonight, 4 modifications to the budget, applied for 2 grants for emergency services, filled 8 positions, provided aid for the CR 24 bridge project and declared Fair Housing Month.

**ASSESSOR’S REPORT** Ms. Miller reported:

* The 2018 Field Book has been submitted to St. Lawrence County for keying, printing and proofing of the tentative roll. This means there are no meetings or discussions regarding possible changes of assessment at this time. Once the dates are published for review we can resume discussions. During the month of May there will be times allotted for property owners to come in and review assessments as well as sitting in for Hearing of Complaints. These meetings will occur during the month of May. If you call for an appointment please leave a message and I will call back to set the time and date. Formal grievance day is May 22, 2018 between the hours of 4:00 pm and 8:00 pm. Hearings on Grievance Day will be first come first serve basis. There will not be appointments on May 22, 2018. All persons grieving on that day must have a RP524 form completed.
* During the month of April, the office will be open on Thursday evening between the hours of 5:30 and 9:00 pm only due to the fact all property review meetings will be held in May and I can do nothing until then.
* During the month of May review of assessments will be by appointment only due. Sitting with the roll for review and hearing of complaints will be held at the Town Hall at 94 Main St, Colton NY. Dates and Hours will be posted on the door of the Town Hall and in the newspapers once they are finalized.

1

Regular Monthly Meeting, Colton Town Board, April 11, 2018

**County of St. Lawrence, State of New York, 94 Main St., Colton 13625**

**Bti REPORT** Mrs. Hawley read aloud Ms. Malik’s written report:

* Treatments for Black flies started March 12th. We had to take a break in treating when the extreme cold hit and resumed March 21st.
* Most of the major brooks have been treated first round. I'm hoping to have all the brooks treated first round within a few weeks.
* The cold, not only very uncomfortable to work in, slows our progress because we have to extend the application times to get a good kill rate. In spite of the weather we are making steady progress and the new crew is doing a great job.
* I'll be treating the Raquette River for the first time this season, April 11th.
* We received the Mosquito permit April 6th. Once it starts warming up a little and we have standing water, we'll begin treating for mosquitoes. We are short on crew and have no one right now to work on the mosquito program so, the black fly crew will be doing it once we get caught up on our streams. In May, I'll have a crew member returning to work on the mosquito program once her college year ends.

**CODE ENFORCEMENT REPORT** Mr. Richards reported:

We are currently at 14 permits for the season and several open permits from last year still going. We have a sub-division application to discuss with the board and a request for the Planning board to look at some survey issues as a case study. We are awaiting a ZBA meeting on April 12th for a possible variance to continue an operation permit process. County referrals have been submitted and returned for local action. Code Enforcement class for energy was completed April 2nd to complete another task for the Smart Communities Energy Grant application. A Unified Solar Permit was worked up for resolution and permit forms. This marks the 4th and final action taken to be eligible for the NYSERDA grant we are applying for through Adirondack North Country Association.

Mr. Richards explained the conflict of someone wanting to build on a non-conforming lot. The difference between a property line that runs rod to rod and the FERC line (similar to a contour line). This can happen whether it’s road frontage or waterfront. He asked the Town Board to commission the Planning Board to review the issue and make a recommendation.

Motion # 3

**COMMISSION PB TO REVIEW PROPERTY LINE DESCRIPTIONS**

Motion made by Mrs. Fisher-Davis, seconded by Mr. Robert to authorize the Planning Board to review and recommend changes, if any, to property line descriptions.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

**SAFETY REPORT** Mr. Richards reported:

The DPW crew attended a Dig Safe Seminar in March at SUNY Potsdam. It discussed PPE, doing jobs right procedure-wise. Discussed the job you hurry through at the end of the day to be the most dangerous when it comes to being cautious. Those tasks are worth not cutting corners on as well. BTI season started with new personal. We are going over communications when an emergency occurs.

Mr. Richards spoke to the Board about access to the Courtroom. At this time the only persons that have access are the Judge, Court Clerk and the Cleaner. There has already been an instance when fire trucks were called there and we didn’t have access to the courtroom to check it. The Judges issue is the security of records, etc. Not only is there a key card entry but surveillance cameras and the computers are password protected. When the work that is planned this summer has to revolve around being let in, it’s not feasible. We are asking DPW be given access to the Courtroom.

Motion # 4

**AUTHORIZE DPW CREW TO HAVE CARD ACCESS TO COURTROOM**

Motion made by Mr. Robert, seconded by Mrs. Fisher-Davis to authorize the DPW Crew to have card access to the Courtroom.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

Mr. Richards stated the shed behind the Library needs to be eliminated and he could see another about 16x16 to be installed on the blacktop behind the Library to accommodate storage for the Library, Tourism, Beautification and the supplies for the annual Christmas dinner. Mr. Robert asked where that money was coming from. Mr. Richards stated from the people who will be using it. Mrs. McWilliams replied it would mean a fundraiser for the T & B Committee.

Mr. Richards mentioned he has received 2 applications for summer help.

2

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

**DPW REPORT** Mr. Richards introduced Jamie Rogers and asked if anyone had any questions for him regarding the grant application of which the next 2 resolutions are for.

*Transfer Station* The metal bin has switched to a thirty yard vs a 15 yard to reduce trips and therefore reduce costs.

*Waste Water & Water* Please shut off any water running that ran for ground freezing purposes. We will not adjust your water bill this quarter. During the last wind storm the brown outs, and power flickers created communication and tower reading measurements between tower and pump house. The DPW and Webb are working on the solutions this week. Some manual readings and calculations are being done in the meantime. Sewer plant lost power for two days and the Penn Power Generator worked great for the plant and one lift station. Many board members wished to see the water and sewer rate changes to reflect eliminating road frontage and make up the revenue on water usage. We will present that when the rate chart is reworked.

*Building and Grounds* We have had the approval of the Town Board to host Elementary Lacrosse at Swift Field. Currently if individuals wish to have personal sports at Swift they are welcome to do so, if the community wants a public pick-up game to be schedule we ask that board approval is given and the event can be covered under the town's insurance. If there is a league type of sport which will host different teams, we ask for board approval and a third party insurance carrier on the players and coaches. There are companies which will insure for a nominal fee. We also ask for maintenance and cleaning purposes for people to reserve through the town hall our facilities. That includes meeting spaces. We also have the Benchmarking resolution to be decided upon be the board. This helps track our energy costs, and fulfills one of the four requirements for the NYSERDA energy grant.

Motion # 5

**PASS RESOLUTION # 2-2018 BENCHMARKING**

Motion made by Mr. Robert, seconded by Mrs. Fisher-Davis to pass Resolution # 2-2018 as follows.

Roll Call

Councilperson Fisher-Davis - Aye

Councilperson Robert - Aye

Councilperson Hayes - Aye

Councilperson Hawley – Aye

Supervisor Cayey - absent

Motion carried

**TO ADOPT ENERGY BENCHMARKING POLICY REQUIREMENTS FOR**

**CERTAIN MUNICIPAL BUILDINGS IN THE TOWN OF COLTON**

## RESOLUTION # 2 - 2018

**WHEREAS,** buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings, for the exact same building use; and

**WHEREAS,** this local policy will use Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Colton; and

**WHEREAS,** collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide; and

**WHEREAS,** equipped with this information, the Town of Colton will be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

**WHEREAS,** the following definitions will apply:

(1) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(2) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(3) “Commissioner” shall mean Town Supervisor.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Colton that is 1,000 square feet or larger in size.

(5) “Department” shall mean the [name of the Department or authorized Body assigned the responsibility of administering the Energy benchmarking program].

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations; and

**WHEREAS,** this local policy is applicable to all Covered Municipal Buildings as defined in item 4 above; and

**WHEREAS,** the Supervisor or authorized individual may exempt a particular Covered Municipal Building from the benchmarking requirement if he determines that it has characteristics that make benchmarking impractical; and

**WHEREAS,** no later than December 31, 2018, and no later than May 1 every year thereafter, the Supervisor or authorized individual or his designee shall enter into Portfolio Manager the total energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year; and

3

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

**WHEREAS,** for new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Supervisor or authorized individual or his designee shall begin inputting data in the following year; and

**WHEREAS,** the Department shall make available to the public online Benchmarking Information for the previous calendar year:

(a) no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and

**WHEREAS,** the Department shall make available to the public online and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Local Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by this Local Policy) across calendar years for all years since annual reporting under this Local Policy has been required for said building; and

**WHEREAS,** the Department shall maintain records as necessary for carrying out the purposes of this Local Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years; and

**WHEREAS,** the Supervisor or authorized individual or his or her designee shall be the Administrator of this Local Policy; and

**WHEREAS,** the Administrator of this Local Policy may promulgate procedures necessary for the administration of the requirements of this Local Policy;

**THEREFORE BE IT RESOLVED THAT** within thirty days after each anniversary date of the effective date of this Local Policy, the Administrator of the Benchmarking Policy shall submit a report to the Town Board, including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Supervisor or authorized individual determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Local Policy;

**BE IT ALSO RESOLVED THAT** this Local Policy shall be effective immediately upon adoption by the Town Board and a copy of this resolution shall be provided to the Supervisor or authorized body assigned the responsibility of administering the Energy benchmarking program.

Motion # 6

**PASS RESOLUTION # 3-2018 ADOPT NYS UNIFIED SOLAR PERMIT**

Motion made by Mr. Robert, seconded by Mrs. Fisher-Davis to pass Resolution # 3-2018 as follows.

Roll Call

Councilperson Fisher-Davis - Aye

Councilperson Robert - Aye

Councilperson Hayes - Aye

Councilperson Hawley – Aye

Supervisor Cayey - absent

Motion carried

**ADOPT NEW YORK STATE UNIFIED SOLAR PERMIT**

**RESOLUTION # 3-2018**

**WHEREAS**, New York State has developed a unified solar photovoltaic permitting process designed to streamline municipal

permitting which will reduce the costs for solar projects and support the growth of clean energy jobs across the state; and

**WHEREAS,** the Town of Colton is desirous of participating in the unified permitting process, thereby increasing the Town’s

eligibility for various incentives and grants through the New York State Energy Research and Development Authority (NYSERDA);

now, therefore, be it

**RESOLVED,** that the Town of Colton adopts the New York State Unified Solar Permit as attached hereto as Exhibit I, and be it further

**RESOLVED,** that this resolution shall take effect immediately and a copy of this resolution, with Exhibit I, shall be provided to the Codes & Zoning Department.

Mr. Richards stated he had one more item. The “brown out” last week damaged the antennas for our radio’s we use to keep in touch with the Bti Crew since they are deep in the woods a lot of the time. It was over the procurement policy amount but was done in an emergency. Do you want me to turn this into our insurance company? Ms. Arquiett recommended sending a bill to National Grid too. When we had the brown out a few years ago, they reimbursed for damaged appliances.

**HIGHWAY REPORT** Mrs. Hawley read highlights of Mr. Hawley’s written report.

* Since the last board meeting, we’ve still been geared up for snow and ice.
* We have also been Cold Patching and picking garbage along road sides.
* This spring we have had a big problem with Glass, Bud Light, beer bottles, being thrown out along our road sides. Any type of littering is not only disrespectful to all of our Towns people; the glass obviously poses a more serious threat with all of the "walkers" that we have. We try to make every effort possible to pick up all we can, but in many cases the bottles are broken and we simply just do not see them. The guys have picked up two big pickup loads of just plain trash and garbage, and over 300 Bud light bottles. I would ask anybody with information as who this person may be to call my office, 315-262-2500. There is an answering machine on this phone and you need not to leave your name.
* I made the trip down to the Town of Hamlin and picked up our new dump trailer. The Aluminum dump trailer is in nice shape, we went completely threw the brakes on it and replaced all of the wheel bearings. This will be both a cost and time saving tool for many years.
* I have our "Chips" numbers for this year as the State recently passed their budget. Chips is 124,917.22, our pave NY amount is 28,511.13, and our Extreme Winter recovery apportionment is 23,937.21 for a total amount available $177,365.56. I would like to ask the board to approve adjusting both the revenue and expenditure lines in the appropriate accounts to reflect this increase from our original budget figures.

4

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

Motion # 7

**AUTHORIZE HIGHWAY BUDGET AMENDMENT**

Motion made by Mr. Robert, seconded by Mrs. Fisher-Davis to authorize the budget amendment showing an increase to DA3501.1 and Capital Outlay DA 5112.22 to total $177,365.56 each.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

**TOURISM & BEAUTIFICATION REPORT** Mrs. McWilliams reported:

Right now the committee continues to focus on a number of tourism-related projects, as follows.

**Raquette River Blueway Trail (RRBT)**

* **Traveling Exhibit**—Traveling exhibit about dam building on the Raquette River produced by Traditional Arts in Upstate New York (TAUNY) in conjunction with RRBT partners is currently on display in Massena at the Celine G. Philibert Memorial Cultural Centre and Museum. On Saturday, April 21 a presentation on dams along the whole river will be presented by Mary Jane Watson in the Library near the Museum. A brochure about the exhibit and the oral history project underpinning the exhibit is now being produced by TAUNY for distribution at such events and at The TAUNY Center in Canton.
* **New Kiosks**—Series of ten new kiosks being developed by communities for places along the river (including South Colton) are supported in part through grant funds. So the final panel designs must now be reviewed and approved by the NYS Department of State. We do anticipate the kiosks will be installed in late April or early May.

**Tourism Destination Area (TDA) Planning**

The committee is now working with Brooke Rouse, Executive Director of the St. Lawrence County Chamber of Commerce, on putting an agreement in place covering her role as facilitator for the project. Preparatory work by the committee includes identifying goals to be achieved by undertaking the TDA process and identifying a project team of people in the community to work with Brooke and the Tourism & Beautification Committee on completing the TDA Workbook developed by the North Country Regional Economic Development Council as a community and economic development tool. Ideally the project team will include people representing a variety of interests in town. Anyone wishing to participate on the project team or being involved otherwise should contact Ruth McWilliams ([ruth@cataountlodge.com](mailto:ruth@cataountlodge.com); 315-262-2450).

**Heritage Tourism / History of Colton**

Preparations for summer include assisting the Colton Historical Society and partners with the Sunday Rock Legacy Project now in its 7th year. The theme “Get Your Kicks on Route 56” begun during Winterfest continues to bring focus to history of the town along 56. A variety of events are being planned leading up to the summer production of the country music revue *Pump Boys & Dinettes* during the Colton Country Days Celebration in mid-July. Lead-up events are expected to include more photo and story sharing opportunities about work historically and currently in town for North Country Public Radio’s North Country at Work project.

**Next Meetings**

A special committee meeting is being scheduled for Monday, April 23 from 4-6pm to focus on Caring for Colton Days and other spring activities plus initial planning for summer including the schedule of activities and involvement in the Colton Country Days Celebration. The committee’s next regularly scheduled monthly meeting will be held on Monday, May 7 from 4-5:30pm in the Town Hall.

**PLANNING/ZONING REPORT** Mr. Fuhr reported the Planning Board met March 27th and discovered in South Colton there is a planning issue for mixed occupancy. Meaning they couldn’t act on the permit submitted because where Crosley/Clarkson is planning a liquor store, gift shop and 2 apartments, it’s not allowed. Ms. Watson said that it has always been a mixed occupancy there. Mr. Fuhr said yes but the store had not been occupied for more than a year is what caused the problem so, they have been sent to the zoning board.

**TOWN CLERK’S REPORT** Ms. Arquiett reported:

* We are on the downhill slide of tax collection. The last payment is due here May 31.
* The County needs a motion regarding our 2nd notice fee of $2. This fee is charged when another notice is mailed to those who haven’t paid anything at all on their taxes this year.
* The Land Use Code Book (eCode) has been put on the website and a blurb on facebook.
* The Standard Workday Resolution will be done next month as some are finishing their record of daily activities.
* It’s time to line things up for the summer swim program. I put a call into Shari at Higley and Trey at Potsdam to get the information for this year’s program. I’ll request a bus and get insurances once we know what we are doing.
* The census gets my attention when other work is done.

Motion # 8

**SET 2ND NOTICE FEE**

Motion made by Mrs. Fisher-Davis, seconded by Mr. Robert to set the 2nd Notice Fee at $2.00 for this tax collection year.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

5

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

**UNFINISHED BUSINESS**

1. Water/sewer rates – the Board decided to remove the road frontage fee before finalizing the new rate scale.
2. Internet – nothing happening yet

Mrs. Hawley stated a need for Executive Session for an employee.

Motion # 9

**MOVE TO EXECUTIVE SESSION**

Motion made by Mr. Robert seconded by Ms. Hayes to move to Executive Session.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried, 7:15 p.m.

Motion # 10

**CLOSE EXECUTIVE SESSION AND RESUME MEETING**

Motion made by Mr. Robert, seconded by Ms. Hayes to close Executive Session and resume the Regular Meeting.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried, 7:35 p.m.

Mrs. Hawley stated the Board’s decision after a twenty minute discussion was as follows.

Motion # 11

**AUTHORIZE SHARE OF EXPENSE**

Motion made by Mrs. Fisher-Davis, seconded by Mr. Robert to have the employee turn the incident into their own insurance. The Town will pay the deductible. If there is no comprehensive on the vehicle, the Town will pay ½ of the bill (full estimated is $1420). In the future, employees who use their own vehicle for Town business have to carry comprehensive.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

Ms. Arquiett reminded the Board they still need to vote on the local law.

Motion # 12

**ADOPT LOCAL LAW # 1-2018 REVISION TO LOCAL LAW # 6-2010 DOG CONTROL LAW**

Motion made Ms. Hayes, seconded by Mr. Robert to adopt Local Law # 1 – 2018 as written.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried

**INTENT.**

This local Law is enacted pursuant to the provisions of Article 7, Chapter 59: Part T of Agriculture and Markets Law and municipal Home Rule Law of the State of New York.

**TEXT.**

SECTION 1:

Purpose

The purpose of this local law is to provide for the licensing and identification of dogs and control of dogs; protect the health, safety and well-being of the persons and property for the public peace and good order in the Town of Colton by establishing certain regulations and restrictions of dogs that are consistent with the rights and privileges of other residents of the Town.

SECTION 2:

Definitions

*Dog* - Includes any dog of any sex and any age, licensed or unlicensed unless otherwise indicated herein.

*Confined* - Any animal restrained or kept on the premises, either within a building, kennel, or other suitable enclosure or securely fastened on a chain, wire or other effective tether to prevent the animal from endangering any person or any adjacent property or in any public street, way or place; or if the animal is being transported, that it is secured in a crate or other container or restrained in a vehicle that it cannot be expected to escape from.

*Owner* - Means any person who harbors or keeps any dog. If the dog is not licensed, the term “owner” shall be construed to include any person who at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept, bought or comes within the Town. In the event that the owner of any dog which is found to be in violation of this law is a minor, head of the household in which the minor resides shall be responsible for any acts of said dog in violation of this law.

*Running at Large* - A dog shall be deemed “running at large” if it is elsewhere than on the premises of the owner while not under the control of the owner or his agent and without the knowledge, consent or approval of the owner of such lands. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

6

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

*Under Control* - A dog shall be deemed “under control” when it is under either voice command or a suitable restraining device designed for that purpose.

*Dog Warden* - The person appointed by the Town Board of the Town of Colton to assist in the enforcement of this law. The person shall provide services at the pleasure of the Town Board. The Dog Warden in addition to all other powers and duties prescribed by law shall have the authority to issue Appearance Tickets in accordance with Article 150 of the Criminal Procedure Law. Every dog seized by the Dog Warden shall be maintained, redeemed, sold or destroyed in accordance with Article 7 of the Agriculture and Markets Law of the State of New York.

*Dangerous Dog* -

1. Any dog that, when unprovoked, approaches and does any menacing act or aggressive action directed toward any person or in an apparent attitude of attack, upon the street, sidewalks, highways or any public grounds or places;
2. Any dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human being or domestic animals as well as household pets;
3. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, including household pets without provocation on public or private property;
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

*Enumeration Fee -* A fee determined by the Town Board to impose on dog owners for each unlicensed dog upon the occurrence of an enumeration performed by the Dog Warden. The current fee is $5.00 per dog. Future increases of the enumeration fee will be set by resolution of the Town Board or the Town of Colton.

SECTION 3:

Identification Tags

1. The Town Clerk shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times, except if a dog is participating in a dog show or within the confines of the residence.
2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number was assigned.
3. Any person wishing to replace a lost tag shall pay the sum currently set at $3.00 to the Town Clerk. Future lost tag replacement fees schedules will be set by the Colton Town Board by resolution.

SECTION 4:

Lost, Stolen or Death of a Dog

In the event any dog which has been licensed is lost, stolen or died, the owner shall, within ten (10) days of discovery notify the Town Clerk, be it by phone, e-mail, mail or fax.

SECTION 5:

Restrictions

No dog shall;

A. Knowingly be allowed to run at large within the Town of Colton

B. Knowingly be allowed upon the public streets or upon any public property within the Town of Colton unless it shall be accompanied

by its owner or a responsible person able to restrain and control said dog by command and unless such person accompanying said

dog shall actually control and restrain said dog by some suitable device and used for that purpose.

C. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or

repose of any person other than the owner of said dog.

D. Chase, jump up on or at or otherwise harass any person in such manner as to reasonable cause intimidation or fear or to put such person

in reasonable apprehension of bodily harm.

E. 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.

F. Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the

owner of such property.

G. If a female dog, when in heat, is off the owner’s premises, without being restrained by a leash.

SECTION 6:

Licensing

1. All dogs in the Town of Colton must be licensed with the Town Clerk by the age of four (4) months and are required to present a valid Certificate of Rabies at the time of licensing or renewal of an existing license.
2. All dog licenses are for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue.
3. The Town of Colton will issue Purebred or Kennel licenses.
4. The Town of Colton will not require a license for any Service dogs with proper certification.
5. No dog will be licensed without a valid rabies certificate.
6. The Town of Colton will be the only entity to issue dog licenses for the Town of Colton dog owners.
7. No shelter will be allowed to issue licenses for the Town of Colton. The shelter must send the adoptive dog owner to the Town Clerk for the licensing of their adopted dog since that is where the dog will be harbored.

7

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

Licensing Fees

The Town of Colton hereby establishes the fee for a dog license pursuant to Section 110 of Agriculture and Markets Law to be: 1. Fees for altered dogs will be $10.00.

2. Fees for unaltered dogs will be $20.00.

3. The fee for altered dogs includes $1.00 surcharge.

4. The fee for unaltered dogs includes a $3.00 surcharge.

5. Dog license fees will be set by the Town Board by resolution hereon after.

6. No dog license will be refunded.

7. If a tag is lost, the cost of a new tag will be $3.00.

##### 

##### A. Purebred license; application fee

The owner of one or more purebred dogs registered by a recognized registry association, as defined in Agriculture and Markets Law § 108, may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this article. A purebred license shall be valid for a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date.

B. License application.

(1) The purebred dog license application shall state:

1. The name, address and telephone number of the owner;
2. The county and town where such dogs are harbored;
3. The sex, breed, registry name and number of each purebred registered dog over the age of four months that is harbored on the premises; and
4. The sex and breed of each purebred dog over the age of four months that is harbored on the premises and that is eligible for registration.

(2) The application shall also include a statement by the owner that all purebred dogs over the age of four months that

are harbored on the premises have been listed.

(3) The application shall be accompanied by the license fee prescribed by this article and a certificate of rabies

vaccination or statement in lieu thereof, as required by this article and Article 7 of the State Agriculture and

Markets Law.

C. Upon receipt of the foregoing items, the Clerk shall assign a license number, which shall be reserved for the sole use of

the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefor shall

be made. The Town Clerk shall:

(1) Provide a copy of the purebred license to the owner

(2) Retain a record of the purebred license in the office of the Town Clerk.

1. Fees.
2. If no more than 10 registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner’s premises at the time of the application: **$25**.
3. If no more than 25 registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner’s premises at the time of the application: **$50**.
4. If more than 25 registered purebred dogs or purebred dogs eligible for registration over the age of six

months are harbored on the owner’s premises at the time of the application: **$100**.

1. Each purebred dog license shall be subject to an animal population control surcharge in the

amount of $1 for each spayed or neutered dog or $3 for each un-spayed or unneutered

SECTION 7

Seizure of Dogs

1. The Town of Colton appointed Dog Warden shall seize;
2. Any unlicensed dog on or off the owners’ premises.
3. Any dog not wearing a tag, not identified and not on the owners premises.
4. Any dog found in violation 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 Colton, in such case be carried out.
5. The Dog Warden observing a violation of this Law shall issue and serve an appearance ticket for such

violation. Said Law should be considered a petty offense and not a misdemeanor.

1. Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Dog Warden of the Town of Colton specifying the nature of the violation, the date, 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.
2. Upon receipt by the Dog Warden of any complaint or in the event that any dog is found by the Dog Warden to be in violation of any provision of this Law, the Dog Warden shall, if possible, seize and take into custody said dog. In any event, as soon as circumstances will permit, issue and deliver to the owner of said dog an appearance ticket pursuant to Section 126 of the Agriculture and Markets Law of the State of New York, detailing the violations and instructing the owner to appear before the Justice Court of the Town of Colton or to answer such appearance ticket by registered or certified mail, return receipt requested, within five (5) days of the date of such violation.
3. If said appearance ticket is disregarded by such person, the Dog Warden or complainant may file an information with said Court, which Court shall then issue a warrant for the arrest of such person.
4. In the event that any dog has been seized or taken into custody by the Dog Warden, its owner shall require to pay to the boarding facility designated by the Town the sum of $10.00 per day for each day during which said dog shall be boarded by the boarding facility designated by the Town.

8

**Regular Monthly Meeting, Colton Town Board, April 11, 2018**

Impoundments

The owner of any dog impounded by the Town of Colton shall be entitled to redeem that dog within five (5) business days, excluding the day the dog was impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars ($10) per day and for the second day impoundment and any thereafter an additional three dollar ($3) fee will be added for each twenty-four (24) hour period.

SECTION 8

Penalties

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of twenty-five dollars ($25.00) for a first violation, fifty dollars ($50.00) for a second violation and one-hundred dollars ($100.00)

for each subsequent violation.

SECTION 9:

Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair the validity of this Local Law as a whole, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional or invalid parts therein.

SECTION 10:

Repealer

This Local Law shall supersede all prior local laws, ordinances, rules and regulations relating to the confinement and control of dogs within the Town of Colton, and any such prior ordinances, rules and regulations are hereby repealed.

SECTION 11

Effective Date

This Local Law shall take effect upon filing with the Clerk of the Town of Colton, County of St. Lawrence, State of New York, and upon filing the same with the Secretary of State of the State of New York.

Motion # 13

**ADJOURNMENT**

Motion made by Ms. Hayes, seconded by Mr. Robert to adjourn.

Ayes 4 Fisher-Davis, Robert, Hayes, Hawley

Noes 0

Motion carried, 7:40 p.m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Arquiett, Town Clerk

9