

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Attys. M. Dowd & M. Gabriele; WPCC Op/Adm. T. Lockhart; Finance Director M. Johnson; Bldg. Insp. T. Masters; Dep. Clerk C. Schroeder, 2 Press; 7 Residents

Also Present: Dog Control Officer David Sherriff

The Supervisor called the Public Hearing to order. Reiter asked the Clerk to read the public notice for the record.

**TOWN OF LEWISTON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Lewiston, New York on the 13th day of December, 2010 beginning at 5:45 p.m., at the Town Hall, 1375 Ridge Road, to consider an amendment to Chapter 2 of the Town Code entitled, "Dog Control" in its entirety, pursuant to the provisions of § 122 of Article 7 of the Agriculture and Markets Law and the New York State Municipal Home Rule Law. The purpose of this local law/ordinance is to provide for the licensing and identification of dogs, the control and protection of the dog population, the protection of persons and property from dog attack and damage and amending the fee structure accordingly. A copy of the entire text of the law is on file in the Town Clerk's office where it may be examined during normal business hours. All persons of interest will be given an opportunity to be heard. If approved, this will become Local Law #4, 2010

**By order of the Town Board
Lewiston, New York
November 22, 2010**

The Supervisor opened the floor for comments.

Robin Aubin and Thomas Casillo, Kline Kennels, 5893 Kline Road, said she submitted a letter to the Board in regard to a letter they received December 7 which identified changes in the way dogs would be licensed. The letter stipulated there would no longer be purebred licenses available to individuals in the Town as per the new local law. Casillo said he reviewed documents of the NYS Dept. of Agriculture and Markets outlining guidelines for municipalities to follow when drafting a local law. The guidelines, he said, identified that purebred licenses may still be issued to individuals that previously had them. The Town, for whatever reason, has decided that it would no longer provide purebred licenses. What rationale is behind that? I can't believe there are that many breeders that it would cause an inconvenience to process a purebred license. It would probably save work because now you're taking one registration number and putting it under multiple animals instead of each one individually having to be processed. We still have to license the dog. We understand that. We don't have a problem with that but I don't understand why you're taking away something that the State says municipalities still could provide.

Winkley: Could you explain what a purebred license is?

Casillo: There are individual breeders that have more than one purebred dog that are used for breeding purposes. In our case we have 25 animals that we use on a rotating basis. We now pay State fees of \$50 plus a \$3 Spay/Neuter Fee per each unaltered dog that go towards other programs in the State. Now, with the cost the Town is imposing, it would cost us \$20 per dog. I would go from paying \$123 now to close to \$500 to license all my dogs. Each dog would have to have its own individual tag and its own paper individual dogs paper work. The State provided breeders a luxury. It helped simplify a system and allow small business individuals a small break when you consider the cost

for housing, feeding, veterinary care for all the animals. It adds up. This may not seem too unreasonable or expensive to you, but when you put it in perspective with everything else that is increasing such as taxes, utilities, fuel and food, it places another hardship on my ability to stay in business.

Reiter: Speaking for the Board, we were not aware of the number of breeders that this impacts. We should be able to amend the law to work that out.

Atty. Dowd: I spoke with the Town Clerk at length and her assistants that administer the program. We took a look at the number of dogs that we have in the Town. While you say that \$500 is a lot of money, it certainly is but the distinction we drew was that breeders are in it for a business. There are breeding dogs to make money. That was part of the rationale. If you take the number of dogs in the Town and you figure out the costs that we spend to pay for a Dog Control Officer and to harbor animals at the SPCA, there is an expense associated with about every dog that is in the Town. That was the decision that we made. The Board doesn't have to accept that. That was something that was recommended. We are permitted to have purebred licenses. That's the Board's decision. That was the rationale behind it.

Casillo: To say a business owner should incur the costs for those things you stipulated is truly not fair. There are enough things a business owner has to try and do to keep their head above water, especially in these times. I don't know how much money you think we make but as a breeder you don't make a lot of money. To say that that is supposed to be acceptable for us to take that as an additional cost is unfair.

Reiter: Let me speak for the Attorney. He is not making an opinion. He is just looking at it from a Town aspect as far as revenue and things of that nature which we, as a Board, have to do collectively. The reason we are having this public hearing is so we can hear from people like you. If I may say so, the Clerk sent you a letter specifically because we knew you had purebred licenses and so you had the opportunity to come and give us some information. I'm sure with the diligence that this Board has had in the past, my colleagues will do you right and make sure we make the right assessment. We appreciate your comments. If you give us an opportunity, so far every time this year we've had an incident we've been able to resolve it to everybody's satisfaction. I'm sure we'll be able to help you in this situation also.

Dowd: Just as long as the Board is aware that this law has to be adopted before January First.

Reiter: If we pass the law in its current state so we meet those guidelines, and we meet with the breeders...

Dowd: And amend it at a later time, absolutely. The law becomes effective when it is filed in the office of the Secretary of State. Ag and Markets has required that the law be passed by January 1. It might be prudent to adopt it in its current form with the understanding that we'll meet with the groups.

Casillo: I have a fear that if that happens, it may not get changed.

Reiter: I would just ask you to give us a little more credit than that.

Winkley: We're under the gun. This whole dog thing got thrown on all the municipalities out of nowhere. Now, we're in the dog licensing business all of a sudden.

Casillo: It means you're going to keep 100% of the revenues now. You don't have to share it with the State.

Sherriff: Not true.

Winkley: We have to incur all of the expenses. I don't think we're here to punish you.

Bonnie Mattison, 5425 Bridgeman Road, said she currently holds a purebred license. I have four dogs. I had up to 20 before. If you don't want to have purebred licenses, grandfather the ones that you have now and don't issue anymore.

Reiter asked if any member of the Board would be a liaison and work with the purebred owners. Marra said he would volunteer.

Steve Stevens, 1606 Ridge Road: I moved out here 21 years ago. I had a purebred license in Niagara Falls. Then they passed a law where you could only have 2 dogs and a cat. Because I was grandfathered I was able to keep all my Great Danes that I had. I could always get a purebred license. If at all possible he asked that they allow the grandfather clause. It has always worked out and the girls working at the Town Hall have been wonderful. We still have to get rabies shots. We still have all the dogs individually listed. They are registered dogs with a Kennel Club. They are not dogs that are running loose or wild. I raise mine for show. It's not for profit. Anything you can do for us would be wonderful.

Evelyn Vanuden, Lower Mountain Road, said she also moved out to Lewiston because her love of dogs. She currently has a purebred license for four dogs. At one time she had 17. Not all of us that have purebred dog licenses are necessarily a business. My dogs are family members. They are pets as well as show dogs. I would guess that anybody here that has a purebred dog license – the dog warden is not going to be picking up one of their dogs. The dog warden is not going to have to check and see if they have their inoculations. For those of us who have purebred dogs that show them and breed them, we probably take better care of them than anybody else. They are valuable companions. As far as making any money with raising puppies, that hasn't happened in my life. To show a dog and get a championship, all my dogs that are bred must be champions. To show a champion, the average is probably about \$2,000 to get a show championship on a dog. If a dog has to have an emergency C-section you're talking \$3,000 - \$4,000. It is not a money making proposition. I would like to make that clear. My dogs are my companions, my guardians, and my security system. It's not just about having a purebred dog license. It means a lot in my life. And, I think it untimely that 1) we get a week's notice to this meeting; 2) it's at dinner time; and 3) it is two weeks before Christmas. It's not a good time to really have a hearing where you're going to get everybody's opinion.

Winkley MOVED to close the Hearing. Seconded by Marra and carried 5-0.

Time: 6:15 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk