

Present: Supervisor Newlin; Council Members Edwards, Johnson & Pacioni; Town Atty. Leone; Finance Office DiRamio and Deputy Town Clerk Schroeder.

Absent: Councilman Bax.

Supervisor Newlin opened the Public Hearing at 6:35 p.m.

Supervisor Newlin stated that the Board will not be voting on this law this evening, I was approached by Judge Sheeran who along with Judge Gee have some information (advice) on this. We will hear from the public on their views on this issue. We have two competing interests that we are trying to balance. One is the rights of the public to be able to roam relatively freely and securely within the town without fear of biting. One of our reporters was bit by a dog that was playing in the front lawn. It is a problem that affects all people. We are competing with the rights of pet owners and we are trying to be fair and considerate of their rights and needs as well.

The Clerk read the public notice:

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lewiston, will hold a public hearing on the 14th day of August, 2006 at 6:30 p.m. to hear all interested parties and citizens for or against the adoption of Local Law No. 2, 2006, a proposed local law amending the Animal Law of Lewiston, New York and in particular Article 1, Dogs, § 2-4 DEFINITIONS, and § 2-5 PROHIBITED ACTS.

Article 1, DOGS, §2-4, DEFINITIONS, is hereby amended by adding the following:

AGRICULTURE AND MARKETS LAW – The AGRICULTURE AND MARKETS LAW OF THE State of New York in effect as may be amended by this Article and/or the State of New York.

CONFINED – (a) To be securely restrained and kept on the premises of the owner either within a building, kennel, or other suitable enclosure sufficient to contain the dog or (b) to be securely fastened on a chain, wire, or other effective tether of such length and so arranged, such that the dog cannot reach, endanger, or harass any person who is legally permitted to be on such premises or adjacent property whether on the owner’s premises or otherwise, or any adjacent premises, or on any public street, way or place, or (c) if the dog is being transported, that such dog is confined or otherwise so restrained that it cannot escape therefrom or endanger, reach, or harass any person.

DOG – Male or female, licensed or unlicensed, members of the species of canines.

RUN AT LARGE – To be in a public place or away from the private property of the owner without being confined.

HARBOR – To harbor is to knowingly provide food or shelter to any dog.

Article 1, DOGS, §2-5, PROHIBITED ACTS is hereby amended as follows:

D. Chase, jump upon, at or towards, or otherwise harass any person in such a manner as to cause such person reasonable fear or intimidation, or to put such person in reasonable apprehension of bodily harm or injury to such person or another.

**BY ORDER OF THE TOWN BOARD
JULY 24, 2006**

The Supervisor stated that if anyone would like a copy of this proposed law a request can be made to the Clerk’s office tomorrow.

The Supervisor asked if anyone wished to speak on this issue.

Cheryl Wilson, 1176 Jarrett Drive. My concern is the harassment part of this law. I wonder if it shouldn’t be in more detail. When I walk with my dog, there are dogs inside their houses that bark through the screen door and they could come out. Then there are several dogs that bark viciously when I am outside with my dog. I am in

apprehension. I and my dog have been attacked by a dog that has run from the backyard that was supposedly on a chain. I really think this law is a good change but it is probably a little too restrictive.

David Harvey, 4628 Model City Road. I would like to know what the current law is and what you are actually proposing.

Newlin said you can obtain a copy of the present and proposed law from the Clerk's office.

Tod Davidson, Dog Control Officer. I wish to have any discussion reserved until the Board has an opportunity to discuss this with both judges and get their comments.

Barbara Yandian, 2642 Ridge Road. We have an outside dog that is chained but on occasion we give him some freedom to run on our land and occasionally on the neighbor's property. Will this be a problem?

Newlin: We can't answer your questions directly because we do not have a final version of the law but we will provide you with a copy of the law which you should read to see if you have some concerns.

Melissa Mergi, 533 Meadowbrook Drive. My concern is that if you are a dog owner, you are going to have to have a fence. We had an electric fence that was damaged when our driveway was repaired for piping. It is cost prohibitive to replace the electric piece of the fence. Our dogs are generally well behaved dogs and have never had an incident but it seems that this law would be applied if someone were to complain then you would be made to get a fence or some other type of suitable enclosure without a definition as to exactly what the suitable enclosure would entail. The fencing could be a \$5000 cost and in addition at least \$1000 for the electric dog fence repaired.

Newlin said we are trying to protect citizens who maybe walking on a road in front of your house from dogs who maybe motivated by things that you and I cannot control. We have tried to build in some latitude within the law for people like Mr. Davidson, DCO and the judges to decide what suitable is. Knowing Mr. Davidson and the judges, I cannot imagine they are going to be unreasonable but there is always that latitude for subjective human judgment and that is probably the best way to do that is to have some trust and confidence in those officials and try to make sure the problem will be dealt with as best is possible. It is a worry by some dog owners but I can tell you that as many dog owners we have had concerns like that, we hear every imaginable story about persons walking down the street and getting accosted by a dog that may have never attacked before. We are trying to protect against that. We will take your comments under consideration. Please get a copy of the law and perhaps you may have some ideas how we can improve it.

Johnson MOVED to close the public hearing. Seconded by Pacioni and carried 4-0.

Time: 6:50 p.m.

Transcribed by:

Respectfully Submitted by:

Carol J. Brandon
Town Clerk

Carole N. Schroeder
Deputy Town Clerk