

**DRAFT**  
**REGULAR TOWN BOARD MEETING**  
June 18, 2008

**CALL TO ORDER:** The regular Town Board meeting was called to order at 7:30 PM by Supervisor David Kaiser.

<b>ROLL CALL:</b>	Supervisor David Kaiser	Present
	Councilman Robert Gerlach	Present
	Councilman Ralph Walborn, Jr.	Present
	Councilwoman Barbara McCall	Present
	Councilman Kyle Collinsworth	Present

<b>OTHERS PRESENT:</b>	Town Clerk, Terry Smith	Present
	Code Enforcement Officer, David Hayes	Present
	Planning Board Chairman, Barry Roach	Present
	Highway Superintendent, Jim Williamson	Present
	Water Commissioner, Jack Holley	Absent
	FLTimes, Paulette Likoudis	Present
	Residents 19	

**PLEDGE OF ALLEGIANCE:** followed by moment of Silence.

**SCHOLARSHIP WINNER'S ESSAY**

Supervisor Kaiser presented Alex Covert with \$100.00 check and Certificate of Recognition for your high standards of excellence for the essay which was presented to the Town of Romulus awarded on this 18<sup>th</sup> of June, 2008. Supervisor Kaiser also presented him with a pin.

**PUBLIC HEARING REGARDING MORATORIUM ON DOG BREEDING KENNELS:**

A. Letters from Locals and Residents – Expressing their concerns.  
Attached

The hearing was opened at 7:40 PM by Supervisor David Kaiser. Supervisor Kaiser started out with a letter from the Town Attorney Getman. Basically, the letter points out to the Town Board in his opinion, that dog breeding facilities are not currently protected under the “right to farm laws”. There is a legislation pending “A06468, and assembly bill S923” that has the intent of amending Agriculture and Market’s Law to provide specific protection on farm dog breeding. The Town Board has received a question by a few people that thought the Agriculture and Market’s Law protected dog breeding facilities. According to our attorney’s analysis of this Law, no current protection exists. Therefore, we do have the right to put some controls on it through zoning. This is why the Planning Board has requested the Town Board adopt the moratorium and to give them up to a year to research the issue, to

determine what we may do and may not do at the Town level in regards to this topic.

Supervisor Kaiser opened the floor to anyone that wanted to speak. Beverly Nosiglia, a member of the Kanadasaga Kennel Club who lives in Varick, a AKC judge, and an AKC Delegate and was show chairman for the Wine Country Circuit Dog Shows at Sampson State Park for the last 18 years. The Wine Country Circuit brings in approximately \$750,000.00 dollars for that weekend every year. That show depends on AKC Licensed Show Dogs. If this moratorium catches on, it will limit show dogs to the point where we will be ineffective and we will not be able to have our shows. Mrs. Nosiglia wanted to speak about several things after having read the moratorium. "One item is that as a pet breeder, pet mill and people that have show dogs whom show their dogs on a consistent basis, would like to have some kind of exclusion for show dog people that would allow us to continue in our pursuit such as showing and raising our dogs. As a Saint Bernard breeder, one of my dog's litters could be as many as 12 - 15 puppies. If this law says I may have only so many puppies a year, 3 or more dogs sold than I am out of business. My suggestion would be to exclude show breeders and people who show at AKC Dog Shows." Mr. Roach, Planning Board Chairman for the Town of Romulus, agreed that there should be language that does not outlaw or prohibit people who are hobbyist and people that belong to the Kennel Club. Basically, Supervisor Kaiser said what this Moratorium is going to do is "upon the effective date of the Local Law, continuing for one year thereafter, construction or operation of any new pet breeder or expansion of any existing pet breeder Kennel facility shall be prohibited within the Town of Romulus". If you are already an existing breeder, you are not affected. Anyone moving into the area, if they are not an existing breeder in this Town, they would not be allowed to open a kennel within that year. Barry Roach thought that it would not take a full year to research everything. Mr. Roach said that we have a whole new language so that we are not putting people in distress Hobbyist, AKC people and professional breeders. Mrs. Nosiglia would like it so that inadvertently the language would exclude, show kennels or exclude show people and pet breeders or something to that effect. Supervisor Kaiser asked whether Mrs. Nosiglia felt that the Moratoria on new kennels would have an impact with your AKC's operations?

Janice White, a member of the Kanadasaga Club and the Irish Setter Club of America stood and said "she would like to make a point that all the members of the clubs that I am apart of are genuinely deeply concerned about some of the same issues that you are and that is the conditions of the puppy mills and the number of animals that have to be euthanized each year because they are unwanted. We are responsible for every dog that we breed and like we say 'from womb to tomb'. We are with you and want to cooperate with you in drawing up legislation that would distinguish between responsible breeding and irresponsible breeding."

Mary Anne Kowalski an “anti-puppy mill” activist representing the New York State Humane Association would like to talk about selecting the proper language when you write this legislation. “ I got involved in this process when I went to the AKC website and found a responsible breeder on that website. We spoke for 2 hours about crating the dog, etc and I missed all the warning signals. Instead of letting me come out and pick up the dog, she said she would bring the dog to me. Also, she only wanted me to pay for the dog in cash. She met me on the Thruway and took the puppy out of the back of her van and at that time I realized the whole van was full of puppies. I finally woke up and realized what was going on and got the ASPCA to visit her home. She had 79 dogs in her house. There was 8 – 10 inches of excrement in the house along with rats and mice. She was just throwing food in for the adult dogs and the puppies were the only ones that were in sort of good shape. The woman considered herself a hobby breeder. When you start writing this legislation, is some sort of text that they are indeed showing the dogs. I think that is an important part of the language and it is very easy to document.”

Eileen Franco, a Beverly Animal Shelter board member, spoke recounting the facts of huge bills and emotional trauma that are associated with rescuing dogs from a massive breeding operation. She also said that some healthy dogs do come from those situations but that is not the norm.

Bill Bowen stood and wanted to be heard. I don’t believe in hugh masses of breeding dogs and selling them just because. I use to raise dogs to sell puppies. I sold most of my dogs in Pennsylvania because they could not crop their ears or tails in Pennsylvania. I feel that make an exception to just show people is not fair to everyone else.

Dallyn Jenkins, the owner of the Beverly Animal Shelter said “our organization is not anti breeding but that her shelter does take in 500 dogs and 500 cats each year. She said that some of the dogs that she had to put down last year were purebreds. She also said that you “can’t legislate morality” and I understand that. Even if you don’t do it under Zoning and enact an ordinance, like Seneca Fall’s Kennel Law, you don’t have to shows show dogs and you don’t have to have pet quality, you just have to treat the dogs that you are breeding decently. Ms. Jenkins stated that is all that she is asking. Ms. Jenkins said that there must be someway we can make an ordinance or zoning where we can just set the limit. No puppy mill will do it for less than 250 dogs. There must be some way of just treating these animals with some respect.

Supervisor Kaiser was reviewing some of the agriculture and markets Laws that pertain to this. Agriculture and Markets currently does differentiate between live stock and dogs and cats. The Ag. and Markets Law is forbidden to use dogs and cats for fur or meat. Ag. and Markets Law does differentiate that dogs and cats are something different than chicken, sheep and goats and horses.

Supervisor Kaiser read two e mails. The first one was from Penny Gummo of Dunkirk and it stated that the USDA, a major overseer of dog

breeding operations, has the job of enforcing the Animal Welfare Act which is intended to promote a very minimum standard of care for the dogs in kennels. USDA 's failure to enforce the provisions with of the ABA not only harm the people that buy sick puppies but thousands of breeder dogs. Be business friendly but smart be humane.

Fred Jensen stated his concern on the moratorium on the dog kennels for the area. I have taken the time to visit four of the kennels and found 3 in Yates County to be clean, ventilated or well lighted and well run . It was not at all a horrible operation that the animal rights group claims it to be. One of the operations that I visited was more like a “Cadillac” operation. The dogs lived better than the farmers did and certainly better than some of the children around the world today. The operations are regulated by the State Agriculture and Markets. I am concerned about many things and one is that the outsiders trying to impose their values and honest people trying to maintain the Olympic standards.

Code Enforcement Officer David Hayes asked that we not condemn everybody that wants to breed dogs. He stated that this is like telling someone that they can't make a living for a whole year and he said that he would like you to give your paycheck to that person for one whole year. When you take food out of someone's mouth you are starving them the same way you are trying to prevent the dogs from starving. That is their lively hood. Be fair to everyone.

Patricia Wiltse, a dog obedience instructor from Geneva and member of the Kanadasaga Kennel Club offered that three to 15 weeks of age is a primary socialization period for dogs. An operation of 250 dogs can't be properly raised or socialized.

The Public Hearing was closed at 8:20 pm

#### B. Proposed Moratorium

Regarding Commercial Dog Breeding Kennels – Attached

#### **Approval of Minutes**

May 21, 2008 – Regular Town Board Meeting

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn

Carried Unanimously

#### **Petitioners to the Board:** None

#### **Communiications to be filed:**

- a. SLAP (Seneca Lake Area Partners) – Seneca Lake Water Quality
  1. Public Meeting Registration June 17<sup>th</sup> and/or June 19<sup>th</sup>
- b. Seneca County IDA – Lead Agency Public Hearing Notice Regarding Seneca BioEnergy
  - i. Public Hearing to be held June 30<sup>th</sup> at 11:30 am at the Romulus Town Hall in Willard.

**Zoning Officer**

- a. Report Submitted Indicating Permits Issued
- b. Violation Letters along with pictures attached.
  - i. 6884 Route 89; Tax Map #21-1-58
  - ii. 5761 Route 96; Tax Map #03-1-75
  - iii. 5664 Route 96; Tax Map #03-1-17
  - iv. 1539 Co. Rd. 132;; Tax Map #18-5-33

**Town Planning Board**

- a. Agenda and minutes from May 5<sup>th</sup>, 2008 Meeting - attached
- b. Agenda and minutes from June 2<sup>nd</sup>, 2008 Meeting - attached
- c. Docks and Moorings - attached

**Seneca County Planning Board**

- a. Agenda and Minutes from May 8<sup>th</sup>, 2008 Meeting - attached

**Town Zoning Board - Meeting**

Scheduled for Thursday, June 19, 2008

**Highway Superintendent**

- a. Report Submitted – I met with the county engineer on June 17, 2008. We reviewed all our bridges in the Town of Romulus and visually inspected them. There was nothing we could find wrong. The bridge out of Elm Beach is a state regulated bridge and he will report back to the state DOT. The other bridge over by Covert was also very safe. Cosmetically we could a little work to the face of it. Structure wise there is nothing to worry about. We did get our new skidster and we have been using it in Willard to sweep the streets. We are moving ahead on the Willard repaving. We will be starting water line on top of hill of third street. County will loan us their mill.

**Dog Control Officer**

Report Submitted – attached

**Water Commissioner****Court Justice**

Received notification – No regular Court will be held on Friday, July 18<sup>th</sup>, 2008. A trial has been schedule in its place.

**Assessor**

Received from State of New York State Board of Real Property Services Notification of Tentative State Equalization Rage of 93.00% for 2008 assessment roll.

**Bookkeeper**

Report submitted

## **Supervisor**

### **Committees:**

- a. Next Hernon Park Meeting June 17, 2008 at 9:00 AM
  - i. Agenda and Minutes from May 20<sup>th</sup>, 2008 Meeting
- b. Community Advisory Meeting
- c. Romulus Historical Society Minutes from May 15, 2008 Meeting
- d. Joint Historical Society Meeting Notes - Attached.

### **Old Business:**

**New Business:** - Bill Bowen questioning the new law passed about garbage trucks using only main roads and not secondary roads. Supervisor Kaiser said that the law had not been passed yet.

### **Resolutions:**

47-08 Moratorium for New Commercial Dog Breeders – Local Law #1-08

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

48-08 Romulus volunteer Fire Dept. Bingo License

Motioned: Councilman Robert Gerlach

Seconded: Councilman Ralph Walborn, Jr.

Carried Unanimously

49-08 VFW Bingo License

Motioned: Councilman Kyle Collinsworth

Seconded: Councilwoman Barbara McCall

Carried Unanimously

50-08 Verification of Payables #496-551

Motioned: Councilwoman Barbara McCall

Seconded: Councilman Kyle Collinsworth

Carried Unanimously

51-08 Town of Romulus to Serve as Sponsoring Town for Grant

Motioned: Councilman Robert Gerlach

Seconded: Councilwoman Barbara McCall

Carried Unanimously

### **Town Clerk Report**

Cayuga Ridge Winery Liquor License Notification to renew Liquor License

Town Clerk's Financial Report submitted – attached.

Motioned: Councilman Robert Gerlach  
Seconded: Councilman Ralph Walborn, Jr.  
Carried Unanimously

**Personnel Meeting scheduled for June 25, 2008 at 10:00 AM**  
**Petitioners to the Board: Please have your notice in before 9AM on Friday before**  
**the Town Board meeting.**

**Meeting Adjourned:**

Motioned: Robert Gerlach  
Seconded: Councilman Ralph Walborn, Jr.  
Carried Unanimously