September 10, 2012

Agenda

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. Roll Call
5. FYI: Remind residents to sign in
6. FYI: Department head reports are on file in Clerks Office.
7. Public Comment
8. Katelin Olsen - AMSA
9. Public hearing on Local Law #1, Chapter 45, Dogs, License Fee Increase.
10. Close Public hearing on Local Law #1, Chapter 45, Dogs, License Fee Increase.
11. Resolution to adopt Local Law #1 – Chapter 45, Dogs, License Fee Increase
12. Resolution – Legal Services agreement transfer from John Gavenda to Robert Roberson, Water District #9.
13. Reappoint Kevin Parker to the Board of Assessment Review for a 5 year term 10/1/2012 – 9/30/2017.
14. Motion to approve minutes of the August 13, 2012 and the August 22, 2012 meetings.
15. Resolution to approve the vouchers.
16. Motion to pay prior to abstract of the MVP and Univera health care bills in the amount of $4,089.71.
17. Motion to change October meeting date to October 1, 2012 due to the holiday.
18. Time Clock – Time and Attendance policy.
19. Comprehensive Plan
20. Property Maintenance Issue – Dan Strong
21. Executive session

Exhibit "A"

Chapter 45 - Dog Law

Amendment to Section 45 – 7 Fees:

(a) The fee for a spayed/neutered dog will be $10.00 (which includes the assessment of a $1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unsprayed/unnuetured will be $20.00, (which includes the assessment of $3.00 for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(b) All other items listed in Section 45 – 7 shall remain the same.

Section 13 – Repealer

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Albion, and they shall be upon the effectiveness of this Local Law, null and void.

Section 14 – Amendments to previous laws:

Local Law No. 1 of 2012 constitutes an amendment of Local Law No. 3 of 2010, Local Law No. 4 of 2004, Local Law No. 2 of 2002, Local Law No. 3 of 1990 and Local Law No. 4 of 1985 which establishes a Local Law "Dog Control Law".

Section 15 – This Local Law shall be effective January 1, 2013 and shall be filed with the Secretary of State.

Amendment to Dog Control – Chapter 45 of the Town Code – Effective 1/1/2013

Last license fee increase was Local Law #4 of 1985 -
Local Law #3 of 2010 increased the spayed/neutered license by a $1.00 to satisfy NYS Ag and Markets surcharge.

Section 45-7- Fees
License Increases as follows:
Spayed/Neutered - $7.00 to $10.00
Unspayed/Unneutered - $15.00 to $20.00

Current cost associated with Dog Control - 2011

1. County of Orleans Contract - $ 4980.44
2. Paper, Postage, Envelopes, Tags - $475.00
3. Control of Dogs – 2011 Budget - $1,500.00

Total - $6,955.44

Town of Albion Revenue for 2011 from Dog Licensing

1. $4,991.00

As of 12/31/2011 –

1. 514 spayed/neutered dogs @$6.00 each - $3,084.00
   514 spayed/neutered dogs @$9.00 each - $4,626.00
   Increase of $1,542.00

2. 149 unspayed/unneutered dogs @12.00 each - $1,788.00
   149 unspayed/unneutered dogs @17.00 each - $2,533.00
   Increase of $ 745.00

NYS Ag and Markets retains the $1.00 spay/neuter and $3.00 un-spayed/un-neutered surcharges.

With new fees the total amount of revenue and expenses would be as follows:

Total Revenue – New fees – 2011 dog count -	$7, 159.00
County Of Orleans – Dog Control Services -	$5,080.44
Paper, Postage, Envelopes, Tags-	$ 600.00
Town of Albion DCO – Licensing	$1,000.00

The County is increasing the annual contract by 2% for 2013.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town
~~Village~~ of Albion - Albion, N.Y. Orleans County

Local Law No. 4 of the year 19 85

A local law Increasing dog license fees.
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~
Town
~~Village~~ of Albion as follows:

SECTION 1. Commencing February 1, 1986, the license fees for gods shall be as follows:

(a) $6.00 for a spayed or neutered dog.

(b) $12.00 for an unspayed or unneutered dog.

SECTION 2. This local law shall take effect immediately upon filing in the office of the Secretary of State.

ATTORNEY'S CERTIFICATION
Pursuant to Section 2105 of the New York State Civil Practice Law and Rules, I, an attorney admitted to practice in the courts of the State, hereby certify that this copy has been compared by me with the original and is a true and complete copy thereof.

Attorney

(If additional space is needed, please attach sheets of the same size as this and number each)

Date 9/25/90

Local Law(s) No. 3
Year 1990
Municipality Town of Albion

Please be advised that the above-referenced material was received and filed by this office on 9/17/90

(Please Use this F

Text of law s
eliminated and do

Additional forms for filing local laws with this office will be forwarded upon request.

Cou
City
Tow
Vill

NYS Department of State
Bureau of State Records

DOS-236(4/87)

A local law amending the Local Law increasing dog license fees
(Insert title)

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

County
City
Town
Village
of Albion, Orleans County **as follows:**

Section 1. The Local Law increasing dog license fees is hereby amended by adding thereto the following:

A. The following additional fees are hereby established for pure bred licenses issued in the Town of Albion:

(1) Five ($5.00) Dollars if no more than ten (10) registered pure bred dogs or pure bred dogs eligible for registration over the age of six (6) months are harbored on the owners premises at the time of application;

(2) Ten (10.00) Dollars if no more than twenty-five (25) registered pure bred dogs or pure bred dogs eligible for registration over the age of six (6) months are harbored on the premises at the time of application; or

(3) Fifteen ($15.00) Dollars if more than twenty-five (25) registered pure bred dogs or pure bred dogs eligible for registration over the age of six (6) months are harbored on the premises at the time of application.

Section 2. The above mentioned local fees are in addition to the State fees established by the Agriculture and Markets Law of the State of New York.

Section 3. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

(If additional space is needed, please attach sheets of the same size as this and number each)

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~ of

Town Albion

~~Village~~

Local Law No. 2 of the year 2002

A local law providing for the control, confining an d leashing of dogs in the Town of Albion
(Insert Title)

A complete copy of the law is attached hereto.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~ of as follows:

Town Albion

~~Village~~

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DOS-239 (Rev. 7/91)

Local Law No. 4 of 2004
Amendment and Addition to Chapter 45 – Dogs

Be it hereby enacted by the Town Board of the Town of Albion as follows:

Section 1: Section 45 – 6(A)(7) of the Town Code is amended to read in its entirety as follows:

§45-6(A)(7) Remain unlicensed after the age of four (4) months, or for said owner to fail to renew any dog license as required by this Chapter.

Section 2: Section 45 – 12 of the Town Code is added in its entirety as follows:

§45-12 Dog Enumeration

The Town of Albion will conduct a dog enumeration every three years. In addition to other fees assessed under this Chapter, a $5.00 extra fee will be collected with the license fee for each dog found unlicensed during the dog enumeration.

Section 3: This Local Law shall be effective upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

Passed and adopted by the Town Board of the Town of April on 12th day of April, 2004.

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

Local Law Filing

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underline to indicate new matter.

~~County~~

~~City~~

Town of ALBION, ORLEANS COUNTY, NEW YORK

~~Village~~

Local Law No. 3 of the year 2010

A local law to be known as the "Town of Albion Dog Licensing Law"

Be it enacted by the Town Board of the

~~County~~

~~City~~

Town of Albion, Orleans County, New York as follows:

~~Village~~

See Attached Exhibit "A"

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2010 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Albion was duly passed by the Albion Town Board on October 4, 2010 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2010 _ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on ____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20___,

(b) 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 such dog.

(c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(d) Chase, jump upon 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, be off the owner's premises, unrestrained by a leash.

(h) Remain unlicensed after the age of four months, or for said owner to fail to renew any dog license as required by this article.

(i) Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, unless the dog is on a leash.

2. Establishment of the fact or facts that a dog has committed any of the acts prohibited by this article shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine, leash or control his dog.

Section 6: Licensing of Dogs:

(a) All dogs in the Town of Albion must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license. A spay/neuter certificate, if applicable, must be presented at the time of original application or renewal of the license.

(b) All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

Section 7: Fees for Licensing of Dogs:

(a) The fee for a spayed or neutered dog will be $7.00, (which included the assessment of a $1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be $15.00, (which included the assessment of a $3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(b) Purebred License: The Town of Albion will be issuing Purebred or Kennel Licenses. Purebred license fees are $30.00 for no more than 10 dogs, $60.00 for 11 to 25 dogs and $120.00 for more than 25 dogs. In addition to the above fees a surcharge of $1.00 per spayed/neutered or $3.00 per unspayed/unneteured will apply for each dog listed on the purebred license. Purebred is AKC or UKC only.

(c) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of $5.00 will be assessed to all dogs found unlicensed at the time the enumeration is conducted.

(d) Tag replacement fee shall be set at $3.00 and must be paid at the time of application.

(e) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this law or the laws of the New York State Department of Agriculture and Markets Law shall be required to pay the same impoundment and euthanasia fees per animal that are set forth in §117 of said Article 7 of the Agriculture and Markets Law.

(f) Service Dogs: The Town of Albion will not require a license for any guide dog, service dog, hearing dog or detection dog.

(g) The Town of Albion will allow the licensing of dogs by the Orleans County Animal shelter. All dog licenses shall be transmitted monthly to the Town of Albion for dogs that will be harbored within the Town of Albion.

(h) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

(i) All fees will be used in funding the administration of the Dog Control Law of the Town of Albion. All fees listed in this Section may be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

BRANDT, ROBERSON & BRANDT, P.C.

Attorneys at Law

Albert R. Brandt, Jr.
Robert S. Roberson
Thomas H. Brandt

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Lockport, New York 14094
Tel: (716) 433-5941
Fax: (716) 434-3362
rroberson929@yahoo.com

May 16, 2012

John C. Gavenda
Attorney at Law
27 North Platt Street
Albion, New York 14411

RE: Assignment of Contract with
Town of Albion Water Dist. No. 9
Town of Albion

Dear John:

As we discussed, you agreed that you would assign your attorney service contract with Water Dist. No. 9.

Accordingly, I have prepared the following for your signature:

"I hereby assign all of my rights, title, and interest in and to my attorney services Contract with Town of Albion Water District No. 9 to Robert S. Roberson

Dated: May 18, 2012

John C. Gavenda"

and request you return the same to me in the envelope provided at your earliest convenience.

Very truly yours,

BRANDT, ROBERSON & BRANDT, P.C.

By: _____
Robert S. Roberson

RSR/mjc
Enc.

August 13, 2012

Town of Albion regular Town Board meeting held in the Town hall, 3665 Clarendon Rd.

Workshop session began at 6:45 pm.

Regular meeting called to order at 7:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Daniel Poprawski, Councilperson Timothy Neilans, Supervisor Dennis Stirk, Councilperson Jake Olles and Councilperson Matthew Passarell.

Supervisor Dennis Stirk: I need a motion for the agenda.

Motion was made by Councilperson Jake and was seconded by Councilperson Daniel Poprawski to approve the agenda with the additions of the Comprehensive plan, Water District #9, Time cards and a voucher for Hoselton Chevrolet. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, aye
Councilperson Timothy Neilans, aye
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a motion to approve the minutes of the July meeting.

Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles to approve the minutes of the July 9th meeting as published and submitted. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, aye
Councilperson Timothy Neilans, aye
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a motion to approve the vouchers.

Resolution #95 Payment of Claims

Whereas, the following are against the Town:

General A & B #'s - 269 – 304	**$ 26,497.93**
Highway DA & DB #'s – 119 – 141	**$ 17,076.37**
Water Districts #'s – 50 – 59	**$ 59,457.73**
Sewer District 1 #'s 10 & 11	**$ 5,507.72**
Grant 9 #'s – 13 -16	**$ 1,971.10**
For a grand total of	**$110,510.85**

Motion was made by Councilperson Daniel Poprawski and was seconded by Councilperson Jake Olles to approve payment of the above listed claims. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, aye
Councilperson Timothy Neilans, aye
Councilperson Jake Olles, aye

Councilperson Timothy Neilans opposed 130, 286 and 289.
Councilperson Daniel Poprawski opposed 298

Supervisor Dennis Stirk: I need a motion for the health care bills.

Motion was made by Supervisor Dennis Stirk and was seconded by Councilperson Matthew Passarell to approve payment prior to abstract of the health care bills in the amount of $4,089.71. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, aye
Councilperson Timothy Neilans, aye
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a motion to approve the transfers.

Resolution #96 Mid-Year Transfers

The transfers as submitted by Baldwin Business in their entirety are hereby filed with and made a part of these minutes.

Motion was made by Councilperson Daniel Poprawski and was seconded by Supervisor Dennis Stirk to approve the mid-year transfers. Resolution duly adopted by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, nay
Councilperson Timothy Neilans, nay
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: Next item is the time clock.

Discussion ensued regarding the use of a time clock in the Highway Department. The Board discussed the issue of a time and attendance policy which was not included in the Union Contract when it was settled. The Board decided that a review of different time and attendance polices was in order and then proceed with the implantation of it.

Motion was made by Councilperson Jake Olles and was seconded by Supervisor Dennis Stirk to table the Time Clock issue. Motion was carried by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, aye
Councilperson Timothy Neilans, aye
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need a motion to schedule a public hearing.

Motion was made by Councilperson Jake Olles and was seconded by Supervisor Dennis Stirk to call for a public hearing on September 10, 2012 for Local Law #1, Dog License Fee Increase. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Supervisor Dennis Stirk, aye
Councilperson Matthew Passarell, aye
Councilperson Timothy Neilans, aye
Councilperson Jake Olles, aye

Supervisor Dennis Stirk: I need to schedule a meeting to review the Comprehensive plan.

The Board decided that they would have a special meeting on August 22, 2012 at 7:00 pm with Barbara Johnston, from Stuart Brown, for the discussion and review of the proposed Comprehensive plan.

Supervisor Dennis Stirk: I need a motion to pay the Hoselton voucher.

Motion was made by Supervisor Dennis Stirk and was seconded by Councilperson Daniel Poprawski to pay prior to abstract of the Hoselton Chevrolet voucher in the amount of $ 29,374.83. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Councilperson Timothy Neilans, nay

Supervisor Dennis Stirk, aye
Councilperson Jake Olles, aye
Councilperson Matthew Passarell, nay

Supervisor Dennis Stirk: I need a motion to close.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Daniel Poprawski to close the meeting at 7:29 pm. Motion carried by the following vote:

Councilperson Daniel Poprawski, aye
Councilperson Timothy Neilans, aye
Supervisor Dennis Stirk, aye
Councilperson Jake Olles, aye
Councilperson Matthew Passarell, aye

August 22, 2012

Town of Albion Special meeting to review the proposed Comprehensive plan in the Town hall, 3665 Clarendon Rd.

Present was Councilperson Daniel Poprawski and Councilperson Jake Olles. Absent were Supervisor Dennis Stirk, Councilperson Timothy Neilans and Councilperson Matthew Passarell.

Deputy Supervisor Jake Olles: We do not have a quorum tonight so we will not be able to conduct the meeting.

Meeting cancelled at 7:05 pm.