

**Town of Lyme
November 10, 2010
Dog Licensing Local Law Public Hearing - 6:15 P.M.
Regular Monthly Meeting – 6:30 P.M.**

Supervisor Aubertine called the Public Hearing to Order at 6:15 p.m.

A Public Hearing Notice for the Town of Lyme's Local Law regarding Dog Licensing was placed in the Watertown Daily Times on November 3, 2010.

The Public Hearing was held to consider the adoption of a Local Law regarding regulations for the licensing of dogs and dog control issues within the Town.

Supervisor Aubertine opened the floor for public comments.

Julia Gosier – Asked a question in regard to fees associated with penalties for non-registered animals once enumerated.

Clerk Wallace explained that there would be a five dollar charge implemented if a delinquent owner is referred to the Town for licensure.

There were no more questions or comments.

RESOLUTION 2010 -143: Motion by Supervisor Aubertine and seconded by Councilman Johnson adjourning tonight's public hearing at 6:25 p.m. Four ayes. Motion carried.

Town of Lyme Regular Board Meeting was opened by Supervisor Aubertine at 6:30 p.m. The meeting was opened with a Prayer and the Pledge of Allegiance.

Present at tonight's Meeting: Supervisor Aubertine, Councilwoman Harris, Councilmen Bourquin, Johnson and Villa, Assessor's Barton and Gotham, Highway Superintendent Pat Weston, Andy Nevin from Jefferson County Planning, Planning Board Chairman Paul Norton, ZEO Member Harry Staudenmayer, Bookkeeper Tom Bowie and approximately 15 others.

Tonight's Meeting began with the appointment and Oath of Office of Daniel Villa.

RESOLUTION 2010 -144: Motion by Councilman Johnson and seconded by Councilwoman Harris appointing Daniel Villa to the Town Board of the Town of Lyme, replacing Michael Countryman, who resigned August 1, 2010. Four ayes. Motion carried.

Supervisor's Report

RESOLUTION 2010 - 145: Motion by Councilman Bourquin and seconded by Councilwoman Harris accepting the October 2010 Supervisor's Report as presented by Bookkeeper / Accountant Tom Bowie. Five ayes. Motion carried.

Privilege of the Floor

Andy Nevin – Jefferson County Planning: Mr. Nevin attended tonight's meeting to provide to the Town Board a power point presentation of the Comprehensive Plan for the Town of Lyme. Andy explained that the Comprehensive Plan is a policy foundation upon which the community is built on over time. The power point got over at 7:15 p.m. There was a short recess while Mr. Nevin took down his power point equipment. Full copies of the Town or Village Comprehensive Plans are available at the Town Clerk's Office during regular business hours.

The meeting was called back to order at 7:25 p.m.

Officer Report's

Highway Superintendent's Report – Pat Weston:

Pat looked into the purchase of new dumpsters for the Transfer Site. Prices were \$4,235.00 a piece and \$790.00 for shipping them to the Transfer Site.

Pat checked scrap metal prices and found a place in Syracuse that pays \$205.00 per ton. The Town would be responsible for transporting it. Pat figures it would cost the Town 40 gallons in fuel and approximately 5 hours labor for Garth Thompson.

Pat met with Brian Thomas, General Manager of Thousand Island Parks, regarding the pot holes and the grass island on the Boat Launch Road. Mr. Thomas stated that he would purchase the materials for patching the road and also bring in stone to expand the parking area if the Town Highway Department would be willing to do the work involved. Pat feels it would be a good idea due to the fact that we need ice fishing parking. Mr. Thomas has to have these suggestions approved before a final decision can be made. The Town Board also suggested that this be run by Attorney Gebo for his approval. If Mark agrees that we can proceed then the Town Board would like to have Pat move ahead on the project. Pat figures that the fuel and labor to complete the job would be approximately \$3,800.00. Mr. Thomas had figured the stone would cost approximately \$9,000.00. Pat would start stockpiling the stone now and begin work in the spring.

Clerk’s Report – October 2010

Total State, County, and Local Revenues;	\$5,398.08
Total Local Shares Remitted	3,509.37

Audit of Bills

RESOLUTION 2010 - 146: motion by Councilman Johnson and seconded by Councilwoman Harris approving Abstract #21 in the amount of \$716.57. Five ayes. Motion carried.

RESOLUTION 2010 - 147: Motion by Councilman Bourquin and seconded by Councilman Johnson approving Abstract #22 in the amount of \$68,988.17. Five ayes. Motion carried

Assessor’s Report – Marsha Barton:

There are presently three data collectors from Jefferson County reviewing all the property in the Town of Lyme. Next year, they will begin working on the sales analysis.

The assessor’s are still working on the maintenance file for this year. It should be completed by the end of the month.

Municipal Water Board Report – Marsha Barton:

Rural Development – The Town is still waiting for Rural Development to approve using the money left over from Water District #5 to go up the Cheever Road. Notification from USDA has been received that we were not in compliance with civil rights requirements. Generally, this was making sure that the “equal opportunity provider and employer” statement is on all our paperwork, including water bills, etc. This has been taken care of. Pat has replaced the faucets in the restroom and the handle on the door that they required for handicap access. Pat is also taking care of the parking lot for handicap parking spaces as USDA is requiring. They had asked for documentation on all this information to be sent to them or they would not release the District #5 money or any other future federal monies. Kim has provided all their offices with the information required.

NYS Route 12E District #2 Extension Study – Marsha has met with Gregor Smith of Bernier and Carr to provide them with information they need to get the study started.

Three Mile Bay Cemetery Report – Julia Gosier:

They had a good season and the Cemetery looked nice from beginning to end.

There will not be much lot marking done before spring but they have all the stakes ready to begin.

George Perkins and Larry Radley have been doing some much needed clean-up work. They have totally removed several very large stumps, leveled several areas with the residue and cleaned up overgrowth in some older spots. They have also cleaned up the overgrowth including sumac along the east side.

Planning Board Report – Paul Norton

The Planning Board has started the process of updating the Town’s Zoning Law at their October meeting. Andy Nevin from County Planning attended the meeting and was very helpful. The Town Council will be updated as they make progress with this project.

Youth Committee Report – Charlie Mount

Charlie thanked Highway Superintendent Weston for getting the monitor heater to work.

Attendance at the after school youth program is up, there were 11 children in Three Mile Bay one day after school last week.

The Saturday after Thanksgiving there will be a painting party in the Chaumont Youth Center.

The first Saturday in December from 9 – 12 the basketball program begins; it will run through the end of February.

ZEO Report – Jim Millington

Zoning Permit Applications	5
Complaints	2
Site Visits	8
Investigations	1
Letters/Correspondence	4

The Rook Marina Permit is on hold due to DEC requirements.

RV and Seasonal Permits are on hold until next year per recommendations from the ZBA.

Visiting Seasonal Vehicle Sites to inform owners of current changes in permit laws.

Approval of Minutes

RESOLUTION 2010 - 148: Motion by Councilwoman Harris and seconded by Councilman Bourquin approving minutes of the Joint Meeting with the Village and the Special Meeting of the Town Board on September 21, 2010. Five ayes. Motion carried

RESOLUTION 2010 - 149: Motion by Councilman Bourquin and seconded by Councilwoman Harris approving the minutes of the Public

Hearing for the Wind Moratorium Extension and the October 13, 2010 Regular Monthly Meeting . Five ayes. Motion carried.

Correspondence

Letter From Steve Rutigliano - In response to a letter received in the Town Clerk's Office on October 18, 2010. Mr. Rutigliano made a comment that the Town Board had not responded to his email. It is available to post your thoughts, opinions or ideas. Supervisor Aubertine stated that the Town Board does not have to reply to emails.

Mr. Edsall should not have singled out Councilman Bourquin at the Hearing held in Cape Vincent. It was a surprise to Mr. Bourquin, and being "under the gun" like that, he said all that he could think of to say was "no comment". The surprise and unexpectedness of the question did not allow for a fully developed, thought out response. Mr. Bourquin was only there as an interested spectator. Mr. Edsall was wrong to single him out. There has not been any discussion brought up by any member of the Lyme Town Board regarding what is happening in Cape Vincent, Clayton, Orleans, or any other surrounding Townships.

Jack MacHold – The Town Board discussed Mr. MacHold's concerns with the speed limit leaving the Village of Point Peninsula and heading out to the head of the Point.

RESOLUTION 2010 - 150: Motion by Councilman Johnson and seconded by Councilwoman Harris to take the necessary steps to have a speed limit study done from the Point Peninsula Village out through the South Shore Road heading toward the head of the Point. Five ayes. Motion carried.

Tax Collector Amy Barton, Letter of Resignation – Paula Radley was appointed last year as the assistant to Amy Barton, as such Paula will now fall into the position of the full time tax collector. Residents will have the ability to come to the Town Office and pay their tax bill or receive information five days a week.

RESOLUTION 2010 - 151: Motion by Councilman Villa and seconded by Councilwoman Harris accepting Tax Collector Amy Barton's letter of

resignation, as of November 1, 2010, with regrets. Five ayes. Motion carried.

RESOLUTION 2010 - 152: *Motion by Councilman Bourquin and seconded by Councilman Johnson appointing Paula Radley as the full time Tax Collector for the remainder of Amy Barton's term that ends December 31, 2011. Five ayes. Motion carried.*

New Business

Audit – Councilman Johnson feels that it is healthy for continuity to have another audit of the Town's books for the years 2008, 2009 and 2010. The Town Board will budget for it at the next work session.

Resolutions and Motions

RESOLUTION 2010 - 153: *Motion by Councilman Villa and seconded by Councilwoman Harris scheduling a Budget Work Session on November 15, 2010 at 6:30 p.m. to be held in the social room of the Chaumont Presbyterian Church. Five ayes. Motion carried.*

RESOLUTION 2010 - 154: *Motion by Councilman Johnson and seconded by Councilman Villa approving a meeting to be scheduled at 6:00 p.m. November 17, 2010 to Adopt the 2011 Final Budget to be held at the Municipal Building 12175 NYS RT 12E, Chaumont, NY. Five ayes. Motion carried.*

Approval of Supervisor Aubertine sending letter to Cape Vincent Town and Planning Boards – Councilman Johnson stated that he would like the letter being sent to the Cape Vincent Town Board to confirm that the Lyme Town Board agrees with comments made by Mr. Bowers regarding his concerns regarding the FEIS.

Councilman Bourquin feels that we are sticking our nose in others business. If our Planning Board was that interested in what was going on in Cape Vincent they could have contacted someone from there before now with concerns. There is an Article 78 Law Suit in place right now that lists the Town of Lyme. There are people pushing their personal agendas trying to involve the Town of Lyme.

Councilman Johnson stated that we are involved.

From what Councilman Bourquin understands the Town of Lyme is not an involved agency. As far as the Town of Cape Vincent is concerned they do not need any permission from us to put a wind turbine farm in. As far as they're concerned the SEQR process ends at the Lyme Town Line, anything beyond that is our problem. We do the SEQR in our Town. If the Town of Lyme wants to send a letter to anybody we should have Attorney Gebo write a letter to Cape Vincent having the attorney clarifying whether or not the Town of Lyme is an involved agency. The way Councilman Bourquin understands it; Cape Vincent does not consider the Town of Lyme an involved agency. They have openly stated that at their Board meetings.

Councilman Johnson disagrees with everything that Councilman Bourquin stated.

Councilman Bourquin asked if the Planning Board was that interested in what was happening in Cape Vincent why haven't they done anything about it for over a year?

Councilman Bourquin has attended several of the meetings that have taken place in Cape Vincent.

Councilman Johnson feels that the Town of Lyme Planning Board has immersed themselves in the situation.

Councilman Bourquin wants the Town of Lyme to get a clarification as to whether or not the Town is an involved agency.

Councilman Johnson stated that according to the SEQR process we are an involved agency.

Bert Bowers had with him a copy of the introduction to the FEIS. Page 1. 1-3 lists the involved agencies. It states that the Town of Lyme Planning Board is involved with participation in the SEQR process is an involved agency.

Councilman Bourquin asked if the Planning Board had ever gone to Cape Vincent and asked to be involved with the situation at any time for over a year?

Mr. Bowers stated that he has been to a number of those meetings. He wrote a letter prior to the acceptance of the FEIS. The Lyme Planning Board is listed as an involved agency.

Supervisor Aubertine has spoken to Attorney Gebo and Mr. Gebo stated that the Planning Board should not have been included as an involved agency because they don't issue permits or variances, that is the Zoning Board of Appeals job.

Mr. Bowers feels that if we don't say something then it gives the idea that we have agreed to the document.

Supervisor Aubertine feels that we should send a letter indicating that we don't totally disagree with everything that was said in the letter but we would like to be kept abreast of things. He understands what Councilmen Johnson and Bourquin are saying. However Attorney Gebo stated that the document should not have included the Town of Lyme Planning Board. It does state the ZBA and that is the only one that should be listed; although the document does list "Town of Lyme Departments".

Supervisor Aubertine spoke to Mr. Conboy and asked him where they came up with all these different agencies and Mr. Conboy said that typically what they try to do is list any they can think of so it covers all the bases. Again, Mr. Gebo said that the Town of Lyme Planning Board should not have been included in the document.

Mr. Bowers stated that the fact it is in there would lead you to the conclusion that we have agreed with the SEQR process, and we do not.

Mr. Bowers stated that there are two projects in Cape Vincent that are arbitrarily divided between two companies. If we accept the way that St. Lawrence Wind has progressed we can't expect BP to do anything different. The acceptance of the FEIS of St. Lawrence Wind has been highly improper.

Mr. Bourquin again stated that we should have our attorney write a letter to their attorney asking for clarification of our standing.

Mr. Bower's stated that the FEIS was accepted without them addressing the Town of Lyme.

Councilman Johnson went to Cape Vincent and read a letter that we prepared, that was signed by Supervisor Aubertine, it stated the Town of Lyme disagreed. We asked them to follow what we wanted for transmission lines, underground, off the water line. That's the record.

Councilman Bourquin stated that we will do the SEQR on the transmission lines when the time comes.

Councilwoman Harris stated that the FEIS recognizes the Town of Lyme Planning Board as an involved agency and all along the Town of Lyme Planning Board has thought itself an involved agency. She feels the Town of Lyme Town Board should support the letters that have been written by the Town of Lyme Planning Board. If they have improperly accepted the FEIS we should address Cape Vincent in writing and state our objection, that it has been accepted improperly. She feels the process or the acceptance was not proper.

Supervisor Aubertine asked some professionals the question of whether or not the process was followed properly and they stated "yes". Should they have listened more to their constituents, in following some of their recommendations? They answered, "perhaps". He was also told that the SEQR process was done properly.

Councilwoman Harris stated that the Town of Lyme would be impacted severely by the Transmission Lines. The Town Board needs to write a letter stating that we object to the FEIS.

Councilman Bourquin stated that we need to clarify the standing of the Town of Lyme.

Councilman Villa feels that if the Planning Board was named, although improperly, as an involved agency, they have the right to make the Planning Boards feelings known. He finds it interesting that we were not copied in any of their correspondence; he feels there is a lack of communication. He stated that it is important to correspond to Cape Vincent, saying if we were named as an involved agency we should have been notified.

Julia Gosier- Her understanding is that in the Town of Lyme the Planning Board does not have the authority to do the decision making process or

communicate with other outside agencies, it goes through the Town Board. The Town Board is the one that does the communicating. It is not acceptable in the Town of Lyme for the Planning Board to be the one to communicate. Our Planning Board does the bidding of the Town Board and the Town Board is the one who does the communicating and makes the decisions. The Planning Board has no decision making power. The other thing that needs to be taken into consideration is that we now have a Town Board that is, the majority of which, is made up of Planning Board members who were until recently, involved in this whole process. What twist that puts on circumstances, she doesn't really know, but it's a fact.

Supervisor Aubertine would be more than willing to send a letter to Cape Vincent affirming that the FEIS states that the Town of Lyme Planning Board, Town of Lyme Zoning Board of Appeals and Town of Lyme Departments are named as involved agencies, that we should have at least received some sort of communication from them.

Councilwoman Harris would like to make a Motion that the Town of Lyme Board would send a letter from the whole Board, not just from Supervisor Aubertine, saying we do not accept the validity of the FEIS because we were not informed as an involved agency. We were completely overlooked in the whole process. It is not our responsibility to go to the Planning Board Meetings and beg them for information about the project. They should be sending us that information as an involved agency. They did not do what they were supposed to do regarding this project.

Bert Bowers stated that the letter that he wrote to the Cape Vincent Planning Board on October 12, 2010 gives the functions of the lead agency in the SEQR process. Function number one is asking all other involved agencies about their concerns for the proposed actions and consider these concerns in determining their significance. They absolutely failed to do that. The document itself says the Town of Lyme Planning Board is an involved agency.

Dave Bourquin – Asked the question as to what year the Town of Lyme Board received a request from the Cape Vincent Planning Board to be an involved agency and they did not respond in the time specified. Therefore forfeiting being an involved agency.

Councilman Johnson stated that was not true. The Town of Lyme went for an appeal after they designated Cape Vincent as the lead agency. The Town of Lyme had requested to become “the” lead agency. The DEC stated that Cape Vincent had the majority of the project and that’s why they declared them lead agency.

RESOLUTION 2010 - 155: Motion by Councilwoman Harris and seconded by Councilman Johnson approving the Town Board send a letter stating that the Town of Lyme does not accept the validity of the FEIS due to the fact that the Town of Lyme was not informed as an involved agency. The Town of Lyme was completely overlooked in the process. Four eyes. Motion carried. Councilman Bourquin voted naye.

Dog Licensing Local Law Resolution

RESOLUTION 2010 - 156: Motion by Councilwoman Harris and seconded by Councilman Johnson approving the adoption of the Dog Control Law of the Town of Lyme which will take effect January 1, 2011.

Statement of Authority: The Town Board of the Town of Lyme pursuant to the authority granted under Article 7 of the Agriculture and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Statement of Purpose and Findings: The Town Board of the Town of Lyme hereby finds that in view of new State Laws imposing increased responsibility on the Town for the licensing of dogs and dog control that is necessary to have a global revision of all the prior regulations of the Town with respect to licensing of dogs and dog control. It is the purpose of this law to adopt comprehensive regulations for the licensing of dogs and dog control issues within the Town.

Enactment:

The Town Board of the Town of Lyme hereby enacts as follows:

Section 1: Title: The Title of this Law shall be Dog Control Law of the Town of Lyme.

Section 2: Definition of Terms: As used in this Local Law the following words have the following respective meanings:

- (a) ***“Dangerous dog”, as also defined in Article 7 of the NYS Ag and Markets Law, means any dog which without jurisdiction***
- (i) ***attacks a person or companion and causes physical injury or death, or***
 - (ii) ***behaves in a manner which is reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or***
 - (iii) ***without jurisdiction attacks a service dog, guide dog or hearing dog and causes physical injury or death.***
- (b) ***“Dog” means male and female, licensed and unlicensed, members of the species canis familiaris.***
- (c) ***“Owner” means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.***

- (d) *“Run at Large” means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.*
- (e) *“Town” means Town of Lyme.*

Section 3. Licensing and Regulation of Dogs:
Effective January 1, 2011:

- (a) *All dogs in the Town of Lyme unless otherwise exempted, 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 provided, however, that dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed*
- (b) *Any dog harbored within the Town of Lyme owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a pperiod of thirty (30) days be exempt from the licensing and identification provisions of this Local Law.*
- (c) *All dog licenses will be for a period of one year and will expire at the end of the one month one year from the date of issue.*
- (d) *Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$10.00 (which includes the assessment of a \$1 surcharge for the purpose of carrying out animal*

population control) and the fee for an unsprayed or unneutered dog will be \$20.00 (which includes the assessment of a \$3 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. Replacement tags may be acquired from the Office of the Town Clerk for a fee of \$3.00.

- (e)** *Enumeration Fee:* *When the Jefferson County Dog Control Office conducts biannual dog enumeration and a delinquent owner is referred to the Town for licensure on said basis, a fee of \$5 will be assessed to all dogs found unlicensed or has not been whose renewed at the time the enumeration is conducted.*
- (f)** *Purebred License:* *The Town of Lyme will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.*
- (g)** *Service Dogs:* *The Town of Lyme will require a license for any guide dog, hearing dog, detection dog, wolves, search dog, working dog or therapy dog but such dogs are exempt from a fee.*
- (h)** *The Town of Lyme does not allow the licensing of dogs by a shelter. The County or shelter must send the adoptive dog owners or persons redeeming dogs to the Town Clerk of the Town in which the dog will be harbored for licensing or to the Town Clerk of the Town of Lyme. In*

such instances, the County or the SPCA shall issue a ten (10) day permit with a copy to be sent to the Town during which time the Owner shall secure valid license.

- (i) 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.*
- (j) All fees will be used in funding the administration of the Dog Control Law of the Town of Lyme as defined herein.*
- (k) Monthly Report: The Town of Lyme shall submit a monthly report to Jefferson County Dog Control Office by the 5th of each month.*

Section 4: Restrictions: *In addition to the above licensure requirements, it shall be unlawful for the owner of any dog in the Town to permit or allow such dog to:*

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.*
- (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) Chase, jump upon or at or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to*

put such person in reasonable apprehension of bodily harm.

- (d) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on public street, highway, or place, or upon private property without the consent or approval of the owner of such property.*
- (e) 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.*
- (f) Be “Dangerous” as the same is defined by this Chapter and Article 7 of the NYS Agriculture and Markets Law.*

Section 5: Procedure for Seizure of Dogs:

- (a) The Dog Control Officer, the contracted agency acting on behalf of Town or any peace officer shall seize:
 - (1) Any unlicensed dog whether on or off the owner’s premises;*
 - (2) Any dog not wearing a tag, not identified, and which is not on the owner’s premises, and*
 - (3) Any dog found in violation of paragraphs (a) – (f) of Section 4 of this Local Law.*
 - (4) Any dog deemed by complaint or observation to be “Dangerous” as the same is defined by this chapter and Article 7 of the NYS Agriculture and Markets Law.**

Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of NYS Agriculture and Markets Law, and it shall be seen that the order of the Town Justice of the Town of Lyme in such case is carried out.

- (b) The Dog Control Officer or peace officer observing a violation of this Law in his*

presence shall issue and serve an appearance ticket for such violation.

- (c) *Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Jefferson County Dog Control Office specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.*

Section 6: Enforcement:

Enforcement of the provisions of this Chapter including licensure and offenses regarding violations of Sections 4 and 5 herein shall be delegated to and controlled by contract with the Jefferson County Dog Control Office. Offenses and appearance tickets regarding such provisions shall be made returnable in the local court.

Section 7: Penalties:

- (a) *Upon finding of a violation of sections 4 a through e above, the penalties regarding violations of this Chapter shall be:*
- (1) *For a first violation a fine of no less than \$50.00 nor more than \$100.00*
 - (2) *For a second offense within a one year period, a fine of no less than \$100.00 nor more than \$150.00.*
 - (3) *For a third or subsequent offense within a one year period, a fine of no less than \$150.00 nor more than \$200.00.*
- (b) *Regarding “dangerous dogs” as defined herein in violation of Section 4f, the standards, conditions, review criteria and penalties imposable by the Court shall be*

those stated at Article 7 section 123 of the NYS Agriculture and Markets Law in said Chapter delineated "Dangerous Dogs."

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

Severability: *If any part of this Chapter shall be found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.*

Effective Date: *This Local Law shall take effect immediately upon filing with the Secretary of State.*

Five ayes. Motion carried.

RESOLUTION 2010 - 157: *Motion by Councilman Bourquin and seconded by Councilman Villa reappointing Robert Bates to the Board of Assessment Review for a term of five years from October 1, 2010 through September 30, 2015. Five ayes. Motion carried.*

RESOLUTION 2010 - 158: *Motion by Councilman Bourquin and seconded by Councilwoman Harris appointing Supervisor Aubertine and Councilman Villa to represent the Town of Lyme for the Village Steering Committee that will be looking into the possibility of dissolving the Village. Five ayes. Motion carried.*

Comprehensive Plan

The Town Board would like to review the Comprehensive Plan prior to setting a Public Hearing date. Chairman Paul Norton stated that there has been plenty of time for public comments. There have been open houses and several public meetings held for people to voice their opinions.

RESOLUTION 2010 - 159: *Motion by Councilwoman Harris and seconded by Councilman Villa scheduling the Public Hearing for the adoption of the Town of Lyme Comprehensive Plan on February 9, 2011*

*at 6:15 p.m. to be held at the Municipal Offices at 12175 NYS route 12E
Chaumont, NY. Five ayes. Motion carried.*

Wind Committee Interviews – Supervisor Aubertine and Councilman Johnson will pick a Saturday to schedule appointments for interviewing those who have submitted applications with an interest to serve on one of the Wind Committees.

Privilege of the Floor

Dick Nagel – He has been watching Superintendent Pat Weston mature into his position and stated that he feels Pat is doing an outstanding job.

A Motion was made by Supervisor Aubertine and seconded by Councilman Johnson adjourning tonight's meeting at 8:55 p.m. Five ayes. Motion carried.

Tonight's Minutes are Respectfully Submitted by,

*Kim Wallace
Town of Lyme Clerk*