VILLAGE OF WOLCOTT

BOARD OF TRUSTEES

VILLAGE HALL CONFERENCE ROOM

DEPARTMENT HEAD MEETING

July 12, 2022

7:00 pm

Members Present: Mayor Chris Henner, Trustees: Dave Lewis, Andrew Marshall

Members Absent: Trustees Dan Smith and Misty Harper

Others Present: Fran Acker, Ed Wazinski, Jerry Lasher, Nick Rizzo, Brian Ritchie, Anne Cali Perry, Nicholas D. Cali and Andy Lee.

Mayor Henner called the meeting to order at 7:00 pm with the Pledge of Allegiance.

**Water Account #53640**

Customer account#53640 was present to discuss forgiveness of late fees on water account #53640 due to not receiving water bill. He purchased property in 2021 but the water bill was never changed to his name and he wasn’t receiving the bills. The previous owner had notified Brett Norsworthy on 3 occasions of the sale, but the account was never updated. Trustee Lewis made the motion to forgive all penalties from the time of purchase. Trustee Marshall 2nd the motion. All present voted in favor.

**Fire Department-Jerry Lasher**

Chief Lasher provided 911 report for June 2022.

Fire Chief Lasher received 3 quotes for fittings. Trustee Marshall made the motion to approve Quote in the amount of $2,485.17 from Fire-End & Croker. Trustee Lewis 2nd the motion. All present voted in favor.

Trustee Marshall made the motion to approve the quote from MES in the amount of $1,445.00 for (4) chief helmets. Trustee Lewis 2nd the motion. All present voted in favor.

Clerk-Treasurer Acker provided an update on the CARES-CDBG grant. Paperwork has been submitted, reviewed, corrections made and resubmitted. 1 additional form is needed which has been forwarded to the Mayor.

**Police Department-OIC Brian Ritchie**

See monthly report

**Highway Department- Nick Rizzo**

The highway has been busy helping with the Water Department on various projects.

Mr. Rizzo stated that milling will start Friday July 15th 2022 on West Main Street between Pit Stop Convenience Store and the RR tracks. Paving for the same area will start the following Tuesday or Wednesday depending on the weather. The info will be put on the Village website.

Question came into the office regarding moving one of the handicap parking signs behind the buildings in the municipal parking lot. Deputy Clerk Kellam researched number of disabled parking spots required. The handicap spot will stay where it is for now.

**Sewer Department-Tommy Mettler-absent**

**Water Department-Ed Wazinski**

Mr. Wazinski mentioned a complaint of no water pressure on Thrush Road. This is a private line but he went and met with the resident and showed them it was not a Village issue.

Mr. Wazinski stated they were preparing for the August delivery of the new pump that was previously ordered.

Clerk-Treasurer Acker made the board aware of invoices created by previous Deputy Clerk Norsworthy in 2020 for meters that were replaced for outside customers but do not appear to be sent to the customers or money collected. Also, no invoices created for meters replaced in 2021. Clerk Acker is not sure how far back a receivable can be created and will reach out to NYCOM for guidance before moving forward.

The next Village Trustee Board meeting is after shut offs begin. Deputy Clerk Kellam provided the current water/sewer past due list which is at $31,443.30 before the 2nd penalty which is scheduled to be calculated on July 13, 2022. Shut offs are scheduled to begin 14 days after that date.

**Code Enforcement**

Violation letters for K. Bond properties have been returned. These will now be sent to the residents.

**Amendment to local Animal Law and Mobile Home Park Law**

Trustee Lewis made the motion to the following Amendment to Chapter 33 Article I & II of the Keeping of Animals and Dogs law:

# Chapter 33 Animals

**[HISTORY: Adopted by the Board of Trustees of the Village of Wolcott as indicated in article histories. Amendments noted where applicable.]**

### Article I Keeping of Animals

**[Adopted 8-4-1942]**

**[Amended 7-12-2022]**

#### § 33-3 Penalties for offenses.

Any persons violating this article shall be punishable for the first offense by a fine not exceeding $300.00 or by imprisonment in the Wayne County Jail for 25 days, or both, and for a second or subsequent offense by a fine not exceeding $600.00 or by imprisonment in the Wayne County Jail for 50 days, or both.

§33-4 Animal Codes

§33.4.1 Domesticated animals such as: dogs, cats, fish, hamsters, rabbits, ferrets, hedgehogs, sugar gliders, and caged house birds are allowed.

No more than 3 dogs or cats or other small animals.

§33.4.2 No goats, swine, sheep, donkeys, cattle, horses, geese, roosters, turkeys, llama, emus or alpacas are allowed in the Village limits.

§33.4.3 No free-range chickens or ducks allowed in Village limits. Four (4) chickens or ducks are allowed in tax based lots within the Village. An 8 X 12 coop must be provided. No roosters or drakes are allowed.

§33.4.4 No bee keeping in the residential Village areas. Bee keeping is okay in agricultural areas.

§33.4.5 No venomous reptiles or arachnoids allowed. Snakes and birds of prey should be properly housed so not to be a nuisance.

§33.4.6 No horses allowed in the Village except those that are pre-existing. Horses already in the Village will be grandfathered in.

No breeding nor boarding kennels allowed in the Village.

### Article II Dogs

**[Adopted 4-7-1992 by L.L. No. 1-1992]**

**[Amended 7-12-2022]**

#### § 33-4 Title.

This article shall be known as "L.L. No. 1-1992, a Local Law Providing for the Regulation of Dogs in the Village of Wolcott, New York."

#### § 33-5 Purposes.

The purposes of this article shall be to preserve the public peace and good order in the Village of Wolcott and to contribute to the public welfare, safety and good order of its people by enforcing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of the owners of dogs and the rights and privileges of all citizens of the Village of Wolcott.

#### § 33-6 Definitions.

As used in this article, the following terms shall have the meanings indicated:

**AT LARGE**

An unleashed dog off the premises of the owner.

**DOGS**

Includes male, female or neutered dogs.

**ANIMAL CONTROL OFFICER**

A person or persons appointed by the Village of Wolcott for the purpose of enforcing this article, and for the purposes of this article such a dog warden is a constable and thereby a peace officer under § 2.10 of the Criminal Procedure Law. The dog warden is also the dog control officer under Article 7 of the Agriculture and Markets Law.

**LEASHED**

The dog is equipped with a collar or harness to which is attached a leash, both collar or harness and the leash to be of sufficient strength to restrain the dog, and which leash shall be held by a person having the ability to control and restrain the dog, by means of the collar or harness and the leash.

**OWNER**

Includes any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of parents or other heads of household where the minor resides. Any person harboring a dog for a period of two years or more prior to the filing of any complaint charging a violation of this article shall be held and deemed to be the owner of the dog for the purpose of this article.

**UNDER VOICE CONTROL**

The dog is not more than 40 feet distance from the person in control, and the dog has been fully trained to obey commands of said person to "heel."

#### § 33-7 Rules and regulations.

A. All dogs in the Village of Wolcott are hereby required to be restrained by a leash while off the owner's premises, whether such dogs are or are not tagged or licensed; provided, however, the dogs are permitted to be unleashed while off the owner's premises when under voice control of the owner or member of the owner's household or when on the premises of another person with such person's consent, and no person who owns, keeps, harbors, or has the care, custody, or control of any dog in the Village of Wolcott shall permit such dog to be at large or unleashed in the Village except as permitted by this article. The owner shall also restrain and control such dog as to prevent it from running at large with a pack of other dogs, and from chasing automobiles, moving vehicles, other animals, and children.

B. Dangerous dogs. The owner of any dog which is vicious or dangerous to persons shall at all times restrain and control such dog so as to prevent injury to persons lawfully conducting themselves, and so as to prevent such dogs from putting any person lawfully conducting himself in fear of immediate bodily harm.

C. Female dogs. Any female dog shall be confined to the premises of the owner while such female dog is in season.

D. Howling dogs. No person shall keep or harbor a dog which howls, whines, or barks habitually or continuously so as to disturb the peace and quiet of other persons.

E. Property damage. The owner of a dog shall not permit such dog, even though leashed, to do any of the following acts:

(1) Enter public buildings, restaurants, stores or cemeteries, except Seeing Eye dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

(2) Damage or deface property not belonging to the owner of the dog.

(3) Deposit waste or commit a nuisance on the private property of a person, or a party other than that of the owner of the dog.

#### § 33-8 potentially rabid dogs.

The Dog Warden or any peace officer is hereby authorized to seize or direct the confinement of any dog which is reported to have attacked or injured a human being. Any such dog shall be confined by the owner for such length of time as may be necessary for the purpose of determining whether such dog is affected by rabies and if so affected, it may be disposed of in accordance with the laws of New York State. The owner of such dog shall, upon demand, deliver the possession of such dog to the Dog Warden, or any officer authorized to seize the same, and shall, upon demand, pay to the Village of Wolcott the cost of confinement and treatment of the dog.

#### § 33-9 Untagged dogs.

Any peace officer, or the Dog Warden of the Village of Wolcott, shall seize any dog found at large not wearing the license tag required by Article 7 of the Agriculture and Markets Law of the State of New York, and will attempt to ascertain the owner and notify same by posting a description of the dog at the Village Clerk's office.

#### § 33-10 Seizure of dogs; administration.

A. Any peace officer or Dog Warden of the Village shall have the option to seize any dog which is found at large and in violation of § **33-7** of this article at the time when so found at large.

B. After complaint and hearing, a Village Justice of the Village of Wolcott may direct any dog owner who is in violation of § **33-7**, **33-8** or **33-9** to dispose of the offending dog or to deliver the same to the Dog Warden for humane destruction.

C. Every dog so seized shall be properly fed and cared for at the expense of the Village of Wolcott until disposition thereof, as herein provided, and in accordance with applicable provisions of the Agriculture and Markets Law of the State of New York.

D. If any dog is in violation of § **33-7** and the dog is wearing a license tag, the Dog Warden or peace officer shall ascertain the owner of the dog and shall give immediate notice to the owner, or an adult member of his or her family, with a notice in writing stating that the dog is in violation of this article and will be seized unless the situation is rectified, or unless the Court shall rule otherwise. The Dog Warden shall have the option of seizure if the dog is in violation of § **33-7**.

E. If a dog is seized for a violation of § **33-7** hereof only, and the dog is wearing a license tag, the owner may redeem the dog within 12 days by paying the Village Clerk the sum of $40 for the first 24 hours or any part thereof and $8 for each additional 24 hours or any part thereof for the cost of seizure, and the reasonable cost of feeding and maintaining the dog.

F. If any dog is seized pursuant to § **33-9** hereof only, the owner may redeem the dog within five days by producing to the person seizing the dog a license for the dog and the paying to the Village Clerk the sum of $60 for the first 24 hours or any part thereof and $8 for each additional 24 hours or any part thereof as the cost of seizure, and the reasonable cost of feeding and maintaining the dog.

G. If any owner is entitled to redeem a dog pursuant to Subsections **E** and **F** above, and if not redeemed, the owner shall forfeit all title to the dog and the dog shall be sold or destroyed by the peace officer or Dog Warden. In the case of sale, the purchaser must pay the purchase price to the Village Clerk and, if the dog is not licensed, obtain a license for the dog. The person who destroys a dog shall immediately dispose of the same and make a written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof.

#### § 33-11 Jurisdiction.

Any Justice of the Village of Wolcott shall have jurisdiction to hear all complaints under this article and all actions and proceedings hereunder, and all prosecutions for the violations of this order.

#### § 33-12 Complaints.

A. Any person who observes or has knowledge of a dog violating any section of this article may file a complaint under oath with the Village Justice of the Village of Wolcott specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.

B. Upon receipt by the Village Justice of any complaint against the conduct of any particular dog, the Village Justice may summon the alleged owner or other person harboring said dog to appear in person before him; if the summons is disregarded, then the Village Justice may permit the filing of information and issue a warrant for the arrest of such person in conformity with Article 120 of the Criminal Procedures Law and Article 20 of the Uniform Justice Court Act.

#### § 33-13 Duty of Dog Warden.

It shall be the duty of the Dog Warden to enforce the provisions of this article with discretion and to seize all dogs found at large in violation of this article, or which are ordered seized by a Village Justice in the Village of Wolcott. The Dog Warden also shall enforce the provisions of Article 7 of the Agriculture and Markets Law and shall have all powers granted to dog control officers under that article.

#### § 33-14 Penalties for offenses.

The violation of this article shall be deemed an offense against the within local law, and a violation of this article shall be punishable by a fine not exceeding $100, or by imprisonment for not exceeding 30 days, or by both such fine and imprisonment. Each separate offense shall constitute a separate additional violation. The provisions hereof are in addition to the regulations, restrictions, requirements, and penalties contained in Article 7 of the Agriculture and Markets Law and may be enforced through the Criminal Procedure Law and Uniform Justice Court Act.

#### § 33-15 Authority.

This article is adopted in conformity with the powers granted to the Village by Article IX of the New York State Constitution and the Municipal Home Rule Law of New York State.

Trustee Marshall 2nd the motion. All present voted in favor. Clerk Acker will take the next step of sending to NYS.

Amendments to the Mobile Home Law was tabled.

**Village Clerk-Treasurer-Fran Acker**

Clerk-Treasurer Acker shared information for Fire Department insurance refund from Eastern Shore in the amount of $1,026.00.

Mrs. Acker forwarded an email to the Village Board from NYS Department of Budget confirming the amount of the 2nd half of the ARPA funds in the amount of $82,768.98 to be paid the summer of 2022.

A response has been received by the Village of Wolcott to the COVID expense appeal. More information is requested. Clerk-Treasurer Acker will work on response this week as time allows.

DASNY bridge reimbursement of $100,000 update: electronic signature documents have been sent to the Mayor and the Village Attorney.

Village taxes collected to date = $520,625.18. This includes $158.26 interest.

**Meeting Minutes**

Trustee Marshall made the motion to accept and approve the minutes from the June 14, 2022 Department Head meeting. Trustee Lewis 2nd the motion. All present voted in favor.

Trustee Lewis made the motion to accept and approve the minutes from the June 27, Special Meeting. Trustee Marshall 2nd the motion. All present voted in favor.

**Abstract #002**

Trustee Marshall made the motion to approve Abstract #002 in the amount of $57,770.04, with vouchers numbered 35-112 and checks numbered 31430-31507. Total claims from the General Fund are $32,205.10. Total claims from the Water Fund are $8,105.06. Total claims from the Sewer Fund are $17,459.88. Trustee Lewis seconded the motion. All present voted in favor.

**Facilities Use Request**

Trustee Marshall made the motion to approve Butler Historical Preservation Society BBQ drive-thru use of Northrup Parking Lot Oct. 8, 2022, noon until?. Trustee Lewis 2nd the motion. All present voted in favor.

Trustee Marshall made the motion to approve Wolcott Council of Churches use of the bandstand and Northrup Park July 31st-Aug.4, 2022 5:30pm-8:30pm for VBS. Trustee Lewis 2nd the motion. All present voted in favor.

**Mayor Henner**

Nothing at this time.

**Trustee Harper-absent**

**Trustee Marshall**

Trustee Marshall mentioned to the Highway Department that the street at the end of Willow Lane will have to be squared off at some point.

The Rotary will be hosting a breakfast on Election Day at the Fire House this year.

**Trustee Smith-absent**

**Trustee Lewis**

Nothing at this time.

**Executive Session**

Trustee Marshall made the motion to move the meeting into executive session at 8:18 pm to discuss a contractual matter. Trustee Lewis seconded the motion. All present voted in favor. Nick Rizzo, Ed Wazinski, OIC Brian Ritchie and Clerk-Treasurer Acker were asked to stay.

Trustee Marshall made the motion to move the meeting back to open session at 8:44 pm. Trustee Lewis 2nd the motion. All present voted in favor.

Trustee Marshall made the motion to adjourn the meeting at 8:47 pm. Trustee Lewis 2nd the motion. All present voted in favor.

The next regularly scheduled Village Board of Trustees Meeting will be held on August 9, 2022 at 7:00pm in the Village of Wolcott Conference Room.

Respectfully Submitted,

Fran Acker

Fran Acker

Clerk-Treasurer