

Town of Starkey  
Public Hearing & Regular meeting  
February 8, 2018

Members Present:	George Lawson	Supervisor
	Fred Shoemaker	Councilman
	Bill Holgate	Councilman
	Jack Ossont	Councilman
	Alan Giles	Councilman
Absent:		
Others Present:	Leah Webb	DVM
	Mary Rose	Resident
	Susan Farmer	DVM
	Walter Hoover	Resident
	Susan Collins	DVM Resident
	Marlene Button	DVM Resident
	Suzanne Patterson	DVM Resident
	Karen Ducette	DVM
	Glenn Fahnestock	Eastview DVM
	Kenneth Zimmerman	Resident
	Jerry Zimmerman	Resident
	Susan Martin	Resident
	Bonnie Doan	Yates
	Clair Martin	Resident
	Ronald Ringler	Resident
	Lawrence Martin	Resident
	Elvin Brubacher	Resident
	Janelle Davidson	DVM
	Matt Tristan	FL Media Reporter
	Stephanie Dowd	DVM
	Lawrence Weaver	Resident
	Loren Martin	Resident
	Raymond Hoover	Resident
	Gwen Chamberlein	Resident, Chronicle Express
	George Lawson	Observer
	Jerri McDaniel	Resident
	Gary Little	Resident
	Lloyd Nolt	Resident
	Mark Catlin	Resident
	Beverly Boardman	Resident
	Terri Cadwell	Resident
	Rebecca Pollack	Resident
	Yvonne Thomas	Resident
	Leonard Nolt	Resident
	Heather Cook	Resident
	John Cooley	Resident

Naaman Faus	Resident
David Hoover	Resident
Louis Seeley	Hwy Superintendent
Brian Quackenbush	Code Enforcement
Sue Crans	Recording Sec.

The advertised public hearing to consider a moratorium on kennels held February 8, 2018 at the Starkey Town Hall, 40 Seneca Street, Dundee, Yates County, New York was called to order at 7:00 PM by George Lawson.

George Lawson opened the public hearing to comments. He explained that everyone who wished to voice their opinion could do so. No second comments would be allowed until everyone had a chance to comment. All opinions and comments would be taken into consideration by the Board.

George Lawson made a motion to close the public hearing at 7:48 PM seconded by Jack Ossont. All persons wishing to be heard having been heard. Appr: 5-0

Ayes: Bill Holgate, George Lawson, Jack Ossont, Fred Shoemaker, Alan Giles

Noes: None

The regular meeting of the Town of Starkey Board held February 8, 2018, at the Starkey Town Hall, 40 Seneca Street, Dundee, Yates County, New York was called to order at 7:50 PM by George Lawson.

Minutes of the January 4, public hearing and regular meeting of the Town Board were offered for approval with typos corrected.

Motion: Jack Ossont Seconded: Fred Shoemaker Appr: 5-0

Ayes: Bill Holgate, Jack Ossont, Fred Shoemaker, George Lawson, Alan Giles

Noes: None

George opened a town board member only discussion on their response to the public comments concerning the Local Law Establishing a Moratorium on Kennels.

#### RESOLUTION 4-2018

##### Local Law 1-2018

A local Law Establishing a Moratorium on Kennels in the Town of Starkey

BE IT ENACTED by the Town Board of the Town of Starkey as follows:

#### Section I. STATEMENT OF LEGISLATIVE INTENT:

The present regulations on kennels in the Town of Starkey Zoning Regulations Local Law do not address the emergence of large-scale kennels and breeders. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these kennels and to the public who work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such kennels and to the environment.

THEREFORE, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of kennels so that the Town Board can review the present Town, State and Federal laws and

regulations pertinent to kennels and have the opportunity to enact laws to better protect and preserve the health, safety and welfare of the dogs and other domestic animals in kennels, of the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such kennels and of the environment.

## Section 2. DEFINITIONS

- A. Town: Town of Starkey, Yates County, New York.
- B. Town Board: Town of Starkey Town Board.
- C. Planning Board: Town of Starkey Planning Board.
- D. Zoning Board: Town of Starkey Zoning Board.
- E. Building Inspector: Town of Starkey Building Inspector or Code Enforcement Officer.
- F. Dog: Any member of the species *canis familiaris*, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- G. Domestic Animal: Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- H. Kennel: Any premises or structure used to breed, house, shelter, incarcerate, groom, train or offer for sale four (4) or more dogs or other domestic animals, other than farm animals, male or female, over the age of four months.

## Section 3. MORATORIUM

- A. The Town Board hereby enacts a moratorium that shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel anywhere within the Town.
- B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed: or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.
- C. This moratorium shall apply to all zoning districts and all real property within the Town.
- D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision application which includes a kennel as part of the application.
- E. Pursuant to this moratorium, the Building Inspector shall not issue Building Permits or Certificates of Occupancy that involve the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel.
- F. Pursuant to this moratorium, the Zoning Board shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel.

## Section 4. VARIANCE

- A. Any property owner affected by this moratorium may apply to the zoning board of appeals and make use of existing variance procedures under the zoning laws of the Town of Starkey.
- B. Current permitted kennels may apply to the planning board for approval of projects that improve the welfare of the animals.
- C. Current approved projects may be completed, and a certificate of occupancy issued.
- D. Each approved modification will be inspected by the Building Inspector to ensure compliance.

Any person, firm, corporation or other legal entity which shall establish, place, relocate, construct, reconstruct, enlarge, modify or erect any kennel in violation of the provisions of this Local Law, shall be subject to:

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period of one (1) year from the date of such filing.

Noes: Bill Holgate, Alan Giles

Noes: None

Noes: None

#### RESOLUTION 6-2018

RESOLVED to reappoint Peter Honsberger to the Board of Assessment Review for the term expiring September 30, 2022.

Motion: Alan Giles

Seconded: Jack Ossont

Appr: 5-0

Ayes: Fred Shoemaker, George Lawson, Alan Giles, Bill Holgate, Jack Ossont

Noes: None

#### RESOLUTION 7-2018

RESOLVED to authorize Louie Seeley to purchase a 2019 Peterbilt, Model 567 truck from Utica General Truck, 472 Summit Point Drive, Henrietta, NY 14467 through Oneida County Contract, quote # Q52260503 for estimate of \$129, 912.

Motion: Fred Shoemaker

Seconded: Alan Giles

Appr: 5-0

Ayes: Bill Holgate, Jack Ossont, George Lawson, Alan Giles, Fred Shoemaker

Noes: None

Louie and George are working on Highway agreement 284.

Supervisor Report: January monthly balance sheet and report were received. George will make sure board members have the latest draft of the short-term rental regulation draft. He is expecting more forms that needs to be filled out on the Clean Energy Grant.

#### RESOLUTION 8-2018

RESOLVED to make the following budget amendments for the General Funds for the year ending 2017:

Increase the amount of A General Town wide Fund Balance used in the budget by \$15,000.00

Increase Account A1620.2 for Town Hall Capital Outlay by \$15,000.00 for the purchase of the Chevrolet Volt.

RESOLVED to make the following budget amendments for General Fund for February 2018:

Increase Account A9030.8 for FICA & Medicare Expenses by \$765.00

Increase Account 1411.1 for Deputy Town Clerk Wages by \$9235.00

Increase A General-Town wide Fund Balance used in the budget by \$10,000.00

Decrease Account A9010.8 for NYS Retirement by \$410.00.00

Increase Account A9010.8 for Disability Insurance by \$410.00

To cover Tony, Jerri, Helene & Amy

Decrease Account B9055.8 for NYS Retirement by \$94.00

Increase Account B9055.8 for Disability Insurance by \$94.00 to cover Brian

This employee benefit totaling \$504.00 for 2018-2019

Motion: Fred Shoemaker

Seconded: Jack Ossont

Appr: 5-0

Ayes: Fred Shoemaker, Bill Holgate, George Lawson, Jack Ossont, Alan Giles

Noes: None

Code Enforcement Report: Brian reported he has training March 12, 13, & 14. The Sunoco fuel only credit card was received along with 2 regular credit cards. He would like to charge the room on the Towns Sunoco Card to avoid paying room tax. Bill Holgate made a motion to

authorize Brian Quackenbush to use the Sunoco Card for conference expenses. Seconded by George Lawson

Appr: 5-0

Ayes: Fred Shoemaker, Bill Holgate, George Lawson, Jack Ossont, Alan Giles

Noes: None

The planning Board is down 2 members. The PB has an application from Joe Gibson to add a maintenance shop.

Clerk's report: The January monthly report of code, clerk and court fees was received. Tax collection is over \$2,000,000.00, less than \$700,000 outstanding. Sue requested an increase in the line of credit for the towns Five Star credit card from \$2000 to \$4000. Ordering postage paid envelopes for mailing by town departments overlaps which requires putting some orders on hold or placing partial orders which increases shipping & handling charges.

#### RESOLUTION 9-2018

RESOLVED to authorize Five Star Bank to increase the credit limit on the Town of Starkey credit card to \$4000.00.

Motion: Jack Ossont

Seconded: Fred Shoemaker

Appr: 5-0

Ayes: Bill Holgate, Jack Ossont, George Lawson, Alan Giles, Fred Shoemaker

Noes: None

Sue asked the board to consider sending Amy Fleet to the Annual Town Clerks Conference in Albany for training, Notary, Electronic Death, issuing hunting licenses. Sue would like to have things covered, so there is no lapse in duties by having someone trained before she retires. The board would prefer not to send an appointed person and would like to wait to send whomever gets elected to the position of Town Clerk.

Seneca 7 Race will be taking place again this April. There is no action required by the Town if they have no objections to the Race. The Town Board has no objections.

George Lawson made a motion to grant Outlaw Speedway a waiver of the 30 day notification to the Town of their application for their Alcoholic Beverage License. Seconded by Fred Shoemaker

Ayes: Bill Holgate, Jack Ossont, George Lawson, Alan Giles, Fred Shoemaker

Noes: None

Appr: 5-0

Jack Ossont presented a resolution for the Towns consideration, opposing the proposed garbage incinerator in the Town of Romulus, Seneca county. After a short discussion Jack was authorized to write a condensed resolution in letter form to email to the board members. If approved, Sue can put it on official Town letterhead and mail it.

Town Claims: General Funds 13-G through 37-G (\$8629.30) and Highway Funds 10-H through 23-H (\$18481.69) were audited and approved for payment.

Motion: Fred Shoemaker

Seconded: Bill Holgate

Appr: 5-0

Ayes: Fred Shoemaker, Bill Holgate, George Lawson, Jack Ossont, Alan Giles

Noes: None

The minutes of this meeting will be offered for approval at the next regular Town Board meeting March 8, 2018 at 7:00 PM.

There being no further business to come before the Town of Starkey Board, a motion to adjourn was made by Alan Giles and seconded by Bill Holgate. Appr: 5-0

Ayes: George Lawson, Fred Shoemaker, Bill Holgate, Jack Ossont, Alan Giles

Noes: None

The meeting adjourned at 10:15 PM

Sue A. Crans,  
Starkey Town Clerk