

**Public Hearing & Regular Meeting**  
**Of the**  
**Putnam Town Board**

April 8<sup>th</sup>, 6:45PM ~ Putnam Town Hall ~ Zoom

**6:45 Public Hearing called to order**

Councilman Larry Shiell led the Pledge of Allegiance.

**Roll Call**

<b>Members present:</b>	Supervisor	Darrell Wilson
	Councilman	Christopher Mallon
	Councilman	Larry Shiell
	Councilwoman	Carole Schneider
	Councilman	Charles Bain

**Others present:** Mary Jane Dedrick (Deputy Clerk, P.O. Box 14), Gary Treadway (Highway Superintendent, Treadway Lane), David Hayes (PVFD, President-elect, Resident, 560 Gull Bay Road), Leslie L. Bain (Resident, 371 Peterson Road). **Present via ZOOM:** Cee McKenzie (BAR Chair, 526 Gull Bay Road), Bob Rudt (Planning Board, 526 Gull Bay Road), May Drinkwine-Shiell (Resident, 439 County Route 3), John Breitenbach (Town Attorney, 23 Father Jogues Place, Ticonderoga, NY 12883), Nancy Wolf-Fisher (Resident, 5183 Sagamore Road), Karl Ohly (Resident, 428 County Route 3), Cynthia Floor (Resident, 419 Lake Road), Leah Dromgool (Resident, 423 Lake Road)

**PUBLIC HEARING**

**A Local Law Setting Forth Dog Control Regulations in the Town of Putnam. Local Law #2 of 2021**

Supervisor Wilson opened the Public Hearing at 6:45 PM. Supervisor read the purpose of the law from the proposed dog control document. (See attached)

Cynthia Floor addressed the Board first. Ms. Floor stated she had a few things that were “kinda minor”. She continued, on page one where it says “harbor, to provide food or shelter to any dog” she indicated that in “another part” it says “food, shelter, water”. She continued saying “if a dog comes up and drinks water on a hot summer day is that my dog?” She also pointed out a typo reading human rather than humane. Ms. Floor continued addressing the term “collars” stating that many dog owners use harnesses rather than collars she felt that should be addressed and clarified. Ms. Floor stated she felt the section on rabies was unclear and should also be clarified. Ms. Floor asked who the shelter is that takes impounded dogs. Supervisor Wilson replied that Countryside Veterinary Hospital located at 454 Queensbury Avenue Queensbury, NY 12804 is the current contracted shelter. Ms. Floor inquired as to why the proposed law addressed dogs in eating establishments. She expressed she felt that should be addressed by the Health Department and not the Town of Putnam. She indicated she’d like to see harassment of animals addressed also. Supervisor Wilson thanked Ms. Floor for her insightful comments.

Karl Ohly addressed the Board next. Mr. Ohly gave a verbal statement and later submitted a written document. (See attached) Mr. Ohly stated his address and indicated his wife Lani was also with him. “ yeah a couple of things here, where there is room for improvement shall we say.

Um under section 3 dangerous dog definitions. Ags and Markets Law Section 108 materially changes the definition which should read quote 'a dangerous dog means any dog one without justification attacks a person companion animal' etcetera. Putnam's version ya know definition leaves out the key words without justification which are important for determining whether or not a dog has been provoked. Um generally speaking the definition section needs revisions to include what has already been defined in the law such as justification or provocation, evidence, burden of proof, guilt, other words that are thrown about in the document along with working farm dog which is defined in various Ags and Markets publications has been completely subverted in Putnam's draft. Section five D and E fails to clarify and uphold protections for farmers in New York Ags and Markets Law as clarified by documents on the Ags and Markets website which states dogs are commonly used to protect more vulnerable animals. Dogs bark when they sense a threat to their flock. Farmer's use dogs to keep wildlife away from crops etcetera. Working farms dogs who may chase, and bark are protected from unreasonable local restrictions etcetera, in which case farmers are responsible for confinement (unintelligible) livestock and other animals. Farm operations must provide adequate fencing and gates to confine livestock in a safe and reasonable manner. Ag and Markets Law surely does not promote a guarantee against accidental releases especially where the fences, dogs, livestock are being tampered with. Section five D is also of great concern because Putnam does not have a noise ordinance that would penalize excessive lawn mowing, noise from parties, snowmobiles, ATV's, excessive wind chimes, children playing, ya know which ah should, why should dog owners alone be subject to a noise ordinance under this law? But uh its inconsistent with Market, with Department of Health Law part seven through 11 governing hotels, motels, cabins which make no mention of dogs in food service spaces. Bing Fido.com has 48 listings for pet friendly bed and breakfasts in New York where pets are allowed inside the commercial facilities. The Dog Control Officer does not have training nor qualifications to inspect restaurants, (unintelligible) and hotels inspection or seizure of property from commercial establishments by a dog control officer would constitute illegal search and seizure. This provision is clearly intended to harass exactly one farm stay bed and breakfast in Putnam. Section number 19 non-liability for damages contradicts the Ags and Markets dog control officer and municipal shelter guide which states the municipality is responsible for dog from the time it is seized by the dog control officer or other authorized agent until disposition. This document provides detailed guidance in handling and mandates (unintelligible) vehicles, (unintelligible) crates number of other provisions to protect dogs, which Putnam fails to even consider in the draft of this regulation. Section 12 dogs to be seized in quotation marks contradicts and violates dog owner rights clarified in the Ag and Markets dog control officer and municipal shelter guide which states quote '(unintelligible) with a dog owner who denies permission to enter the property and seize the dog, the dog control officer must retreat. They should then confer with the municipal attorney about making an application to the court for an administrative warrant, this would include situations in which no one is present to grant or deny permission to seize the dog'. Others can have whatever opinions they like about the dog control officer coming onto their property to seize their pets without their knowledge or consent, but I say my trained guard dogs have extraordinary monetary value and important jobs to do. My dogs are protecting all of my livestock including my horses from EPM and Lyme disease carrying wildlife of all kinds. In 2017 when Supervisor LaPointe demanded that our guard dogs be tethered I suffered EPM veterinary bills and complete loss of a nice horse, and now we are maintaining an unsuitable horse for the rest of its life. Ya know I absolutely will not tolerate the warrantless invasion and theft of my private property including the theft of any

town official of my working dogs. We are prepared to file an injunction against this blatant overreach and harassment of farm and agri-business in the community. If this law passes, I encourage all dog owners in Putnam to send electronic notice to Putnam against the illegal search and seizure provision. We need to make it clear that we won't tolerate cruel and illegal unannounced dog seizure. Recently Putnam demonstrates inordinate difficulty in transparency refusing to properly release documents even with FOIL requests. There is no possible way to verify fair enforcement or proper interpretation of New York State Laws. There is every appearance of a severe problem with Putnam officials catering to dog harassers by concealing and destroying records, along with maintaining an anonymity for those who support this new dog control law. We're at a junction where there is zero transparency in enforcement and proposed penalties of the unannounced mandatory dog seizure, fines of one thousand dollars (\$1000) a day and up to 15 days of jail time. Ah these penalties are in sections 11 A and 20 C and they are for crimes as minimal and as difficult to verify as barking at or scaring someone or even pooping along side the road. A thousand dollars for that guys. Penalties are a violation of the eight amendment of the Constitution that states excessive bail shall not be imposed, nor excessive fines, nor cruel and unusual punishment inflicted. I think I'll leave it there".

Supervisor Wilson thanked Mr. Ohly for his input. Supervisor Wilson asked if there is anyone else wishing to be heard. There were none from the floor. Supervisor Wilson advised that a comment was received in writing from Leah Dromgool. He read paragraph two from the written statement. (See attached for the entire correspondence) "I would like to respectfully request that the Town Board review and consider adding to, defining or adjusting the wording in Section 5, item D to give a more clear explanation of what specifically constitutes 'habitually', 'unreasonably' and 'disturb the comfort or repose'; or clarify how and by whom the appropriateness and validity of a claim of this nature will be determined. These terms read very subjectively. What one individual deems unreasonable, disturbing, uncomfortable, or even habitual can be very different from another as tolerance for noise of any kind (and tolerance for dogs) ranges among individuals and can be generous or nil." Supervisor Wilson continued to read from Mrs. Dromgools statement " I don't have an issue with the requirements of either version, and it is my intention to continue to comply with the current law and the updated law once it is approved and enacted".

Town Attorney John Breitenbach asked if Mr. Ohly could submit his statement in writing as it sounded as if it was written, and it would be worth taking a look at. Mr. Ohly agreed to send something in writing indicating that it might not be word for word from what he said.

### **Public hearing closed at 7:05**

#### **Resolution # 31**

#### **Pay bills as audited**

On motion of Councilwoman Carole Schneider, seconded by Councilman Larry Shiell; all in favor, Resolution unanimously adopted.

Resolved, the bills on the following are paid as audited.

General Fund	# 68-93	\$11,969.39
Highway Fund	# 31-39	\$10,004.72
Black Point Sewer District	# 3-9	\$100.89

**Resolution # 32**

**Accept the minutes of the March 11 regular meeting**

On motion of Councilwoman Carole Schndider, seconded by Councilman Charlie Bain; all in favor, Resolution unanimously adopted.

**Resolution # 33**

**Accept the Budget Officer's report for the month of March 2021**

On motion of Councilman Larry Shiell, seconded by Councilman Charlie Bain; all in favor, Resolution unanimously adopted.

**Resolution # 34**

**Accept the Town Clerk's report for the month of March 2021**

On motion of Councilman Charlie Bain, seconded by Councilwoman Carole Schneider all in favor, Resolution unanimously adopted.

**Resolution # 35**

**Accept the Town Justice Report for the month of March 2021**

On motion of Councilwoman Carole Schneider, seconded by Councilman Charlie Bain; all in favor, Resolution unanimously adopted.

**Correspondence**

Mayor of Lake George Robert M. Blais wrote to Supervisor Wilson asking for support of a lake wide septic inspection program. (See attached) A brief discussion about septic systems around the lake took place, no action was taken.

**Courtesy of the floor** (7:10)

Cynthia Floor asked if when the Board debates the proposed changes to the dog law if it will be in a public forum. Supervisor Wilson replied yes.

Leslie Bain asked about Mayor Blais' correspondence, asking for clarification about septic inspections and who will pay for it. Supervisor Wilson believed it would be at the owners expense. Mrs. Bain stated that she believed it is putting an unnecessary financial burden on people, equating the proposed program to being guilty and having to prove innocence.

**Highway Report** (7:15)

Highway Superintendent (HS) Gary Treadway reported that the tree removal at the Gull Bay Beach has been completed. HS Treadway continued saying the crew has been sweeping the roads and will continue to do so on rainy days when there is less dust. The crew spent time on Best road trimming. The roads are posted with a six-ton limit, but it is expected the signs will be taken down in the coming week.

HS Treadway revisited the tractor/roadside mower topic indicating he had received a ballpark price on a 91 horsepower Kabota with a 21 foot (21') boom extension for around one hundred and sixteen thousand dollars (\$116,000). HS Treadway felt that the current boom mower is still viable for a few more years and would not need to be purchased immediately. Councilman Mallon asked if this purchase is within the current budget or will it go above budgeted monies. Supervisor Wilson indicated that the money is in the capital fund as the Town was working toward this purchase. The old tractor would be auctioned after the purchase. The new tractor will take three or more months to come after it is ordered.

**Resolution #36**

**Approve purchase of a 91 horsepower Kabota with a 21' boom extension**

On motion of Councilman Shiell, seconded by Councilman Mallon; all if favor. Resolution unanimously adopted.

**Planning Board report** (7:30)

The PB meeting will take place April 14<sup>th</sup>.

**Fire Department report** (7:30)

President David Hayes provided a quarterly report from the Putnam Fire Department. (See attached) The Board briefly reviewed the information. Supervisor Wilson asked if anyone had questions for President Hayes. There were none.

**Old business** (7:38)

Dog Control Law after a brief discussion the Board decided to table acceptance of the law until further review can be done. Supervisor Wilson advised that the current dog control law is a penal law, although the dollar values are the only thing out of compliance, jail time is indicated for multiple offenses with a dog. This is in place in the current law. The current proposed law would de-escalate the law from a penal law to a civil law, which means any penalty of incarceration would be removed. More time will be spent deliberating the proposed changes and language improvement.

**Resolution #37**

**Table accepting the proposed dog control law**

On motion of Councilman Charlie Bain, seconded by Councilwoman Carole Schneider; all in favor. Resolution unanimously adopted.

Supervisor Wilson revisited the solar law discussion. The current proposed solar law is based on the Fort Edward model. Each Board member received a copy of the proposed law for review and discussion, as well as a copy of the New York State Solar guide for support and guidance. Supervisor Wilson asked that the Board give feedback by the end of April so a draft can be completed for release to the public for review before the hearing.

Reservation cancellation policy for Cumming Park. The Town Clerk asked the Board for guidance on a refund policy for cancelled reservations at Cumming Park. Councilman Mallon indicated some policy should be in place because if a reservation is made too late the opportunity to reserve the park is diminished. A discussion on time frames took place. Councilwoman Schneider asked what happens to the money that is collected by the Clerk for the park. The Clerk explained that the fee is deposited in an account specific to Cummings Park and the security deposit will be retained by the Clerk or the General Fund until it is given back to the person reserving. Councilman Shiehl asked if the Town is making money on the park. Supervisor Wilson explained that the Town is not making money from the park the monies collected is used for park maintenance like mowing, having the holding tanks pumped, etc. Cee McKenzie and Bob Rudt joined the conversation saying on their rental properties they have a four-week cancellation policy which is the standard in the rental industry. Mr. Rudt also explained when a reservation is made half of the rental fee is due at that time. If they cancel within four weeks, they will get the deposit back only if the property has another renter however, if no other renter appears and the date is wasted the deposit is lost. It was agreed further discussion is needed after some thought on the topic.

**New business** (7:55)

The Board of Assessment Review has had a member resign from the Board. Two individuals have expressed a desire to be on the Board. After some discussion and clarification on resident requirements from the Town Attorney, it was determined that one applicant is not eligible to serve at this time.

**Resolution # 38**

**Appoint Debra Sears to the Board of Assessment Review to complete Sam Smith's term ending 9/30/25**

On motion of Councilwoman Carole Schneider, seconded by Councilman Charlie Bain; all in favor. Resolution unanimously adopted.

A discussion about having a ZOOM policy for public meetings in the Town of Putnam took place. Supervisor Wilson address issues that will need to be addressed with the Planning Board to enable them to use the ZOOM platform for their meetings. Supervisor Wilson indicated he will work with the Planning Board to help them resolve any issues.

**Resolution # 39**

**All public meetings in the Town of Putnam will be accessible by ZOOM or the internet**

On motion of Councilman Mallon, seconded by Councilman Shiell; all in favor. Resolution unanimously adopted.

Electronic recycling day – researching an electronic recycling day, much like the white goods done every July, was discussed. Fees and charges will be collected and reported to the Board at a later meeting.

Councilman Shiell raised the topic of a Putnam clean up day. He suggested the Town purchase color bags to supply to residents for roadside clean up, then have the Highway crew pick up the bags during their garbage pick-up or possibly bring the bags to the Highway Department. Supervisor Wilson suggested publishing safety guidelines for anyone interested in participating and making it a clean-up week rather than one day. The bags will be available at the Town Hall from the Clerk. Items returned must fit in the provided bag. The suggested start date is the first weekend in May continuing throughout the summer.

Town Justice Appointment- Two interested individuals sent a letter of interest as discussed at March's meeting.

**Resolution # 40**

**Appoint Alice Forbes to the Town Justice seat until December 31, 2021**

On motion of Councilwoman Schneider, seconded by Councilman Mallon.

**Roll call:**

<b>Councilman Christopher Mallon</b>	<b>Yes</b>
<b>Councilman Larry Shiell</b>	<b>Yes</b>
<b>Councilwoman Carole Schneider</b>	<b>Yes</b>
<b>Councilman Charlie Bain</b>	<b>Yes</b>
<b>Supervisor Darrell Wilson</b>	<b>Yes</b>

All in favor; Resolution unanimously adopted.

Councilman Shiell revisited the topic of cemetery restoration. A discussion about the dilapidated condition of some of the stones and the specialty services needed to preserve markers was initiated by Supervisor Wilson. Councilwoman Schneider stated that she believed families are responsible for gravesite maintenance. Councilman Shiell replied that some may not have any living family at this point. Supervisor Wilson suggested engaging in a bidding process to find someone to make repairs at the cemeteries.

**Resolution #41**

**Adjourn the regular meeting of the Putnam Town Board**

On motion of Councilman Mallon, seconded by Councilwoman Schneider; all in favor.  
Resolution unanimously adopted.

**The Regular Meeting of the Putnam Town Board adjourned at 8:40 PM**

The next regular meeting is May 13, 2021 at 7 PM.

Respectfully submitted,  
Darlene Kerr  
Putnam Town Clerk

Darrell Wilson \_\_\_\_\_ Supervisor

Christopher Mallon \_\_\_\_\_ Councilman

Larry Shiell \_\_\_\_\_ Councilman

Carole Schneider \_\_\_\_\_ Councilwoman

Charles Bain Sr. \_\_\_\_\_ Councilman