

**Special Town Board Meeting  
September 8, 2014**

The Hamlin Town Board held a public meeting in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, NY. The meeting was called to order at 6 pm by Supervisor Peters. The locations of the fire exits and defibrillator were explained for those present.

Present: Councilperson Jason Baxter, Councilperson Jennifer Goodrich, Councilperson Dave Rose, Councilperson Martin Maier, and Supervisor Eric Peters.

Also present: Dog Control Officer Dave Maynard, Assistant Dog Control Officer Caroline Thompson, and Town Justice Richard Moffett.

The Public Hearing was opened.

**LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 2014 WHICH ESTABLISHED THE FOURTH WEDNESDAY OF MAY AS THE DATE FOR MEETINGS OF THE BOARD OF ASSESSMENT REVIEW.**

Section 1: Local Law No. 1 of 2014, which established the fourth Wednesday of May as the date for the meetings of the Board of Assessment Review of the Town of Hamlin is hereby repealed.

Section 2: This local law shall become effective upon filing with the Secretary of State.

No one was present to speak for or against this.

**LOCAL LAW AMENDING SECTION 187-20 OF THE DOG LICENSING AND CONTROL LAW OF THE TOWN OF HAMLIN WITH RESPECT TO PENALTIES FOR OFFENSES.**

Section 1: Section 187-20 (Penalties for Offenses) of the “Dog Licensing and Control Law of the Town of Hamlin” is repealed and replaced by the following:

187-20. Penalties for Offenses  
Any person convicted of a violation of this Article shall be guilty of a violation and shall be subject to a fine in the amount to be fixed by the Court, not less than \$25.00 and not more than \$250.00, or imprisonment for a period not to exceed fifteen (15) days, or both, or, in the discretion of the Court, for community service not to exceed (40) hours.

Section 2: This local law shall become effective upon filing with the Secretary of State.

Supervisor Peters advised that the rationale for the amendment is to give the judges some flexibility when sentencing. An unidentified resident arrived shortly after the meeting started and inquired whether there was a change in the way the notification was done. Supervisor Peters responded that there was not – this amendment is strictly to address penalties. The resident observed that it’s like not paying a bill on time, but for this you have to go to court. He stated that when he wasn’t home, there was visit to the house and he did receive a notice. He added that he was hopeful it would only be a fine but understood he could go to prison. Councilperson Maier stated that they are working on it but they have to get the language correct. The resident stated “well, I guess I’m going to have to get a lawyer.”

Dave Maynard, Dog Control Officer re-stated the cost to the Town of writing a ticket: just the time and paperwork involved is approximately \$15 per ticket. As far as the community service aspect, and per Article 7, all fees must be kept within Dog Control. Therefore, if community service is added, they'd have to work for the Dog Control Officer. DCO Maynard stated this would make it difficult at the Dog Shelter, if you've got someone that he issued a ticket to also having to work for him. DCO Maynard stated that he does not agree with the possibility of community service, but does agree with the possibility of a payment plan. He stated that he also agreed with a statement made by a citizen earlier in the discussion who spoke about the possibility of tickets by mail and being allowed to plea guilty by mail. DCO Maynard stated that the biggest complaint he has heard from people is "why do I have to be here? I would have just paid the ticket if I could." He stated that this is due to the embarrassment of having to go to court. He summed by saying he believes the fines should be left as is, and that community service should not be part of any sanction for a violation of dog control law.

Councilperson Maier discussed average monthly costs for ticketing and compared supply cost to it, to which DCO Dave Maynard advised that tickets aren't issued until over a month past when they were originally due. In the interim, the dog owner receives both a renewal notice by mail and a postcard from the Town Clerk's office reminding them of the need to address their dog's license renewal.

Supervisor Peters inquired if there were any further comments, and Town Justice Moffett stated he'd like to advise where the court stands on this subject. He stated that he owns a dog and ensures that his dog gets his shots regularly and is licensed with the Town when due. He stated that his issue is the possibility of the court losing discretion in sentencing. He reminded those present that this is a small town that has two trailer parks and an apartment complex for people over 55, and added that \$75 is a lot of money. For older people, the dog may be their only companionship and if something major happens they may not have the money available to license the dog. If they have two dogs, a fine could cost them \$150. He stated he can either assess the fine or dismiss in the interest of justice. Town Justice Moffett added that they came to the Town Board and asked to be able to assess fines in the \$0-\$250 range and up to 40 hours community service. He added that he has no issue putting people in jail for noncompliance but he thinks the court should have discretion because every case is individual. He then restated that he's against charging people \$75.

Supervisor Peters inquired whether anyone else wanted to speak; no one stated that they wished to speak so this element of the Public Hearing was closed.

#### **ADJOURNMENT**

Motion to adjourn was made by Councilperson Rose, seconded by Councilperson Peters, to adjourn the meeting at 7:00pm as all business had been concluded.

Polled votes, Baxter aye, Goodrich aye, Maier aye, Rose aye, Peters aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk