

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, AUGUST 28, 2017 AT 7:00 P.M. IN THE TOWN OF SHELBY TOWN HALL.

Present: Mayor Michael Sidari  
Trustees Owen Toale, Todd Bensley, Timothy Elliott  
Fire Chief Thomas Lupo, Police Chief Chad Kenward, DPW Supt. Joseph Perry, Code Enforcement Officer Martin Busch  
Attorney Matthew Brooks

Excused: Trustee Marguerite Sherman

Mayor Sidari called the meeting to order at 7:00 p.m with the Pledge of Allegiance to the flag.

Thurston Dale, resident of West Avenue, thanked the Mayor and the Board for the presentation in the Canal Basin honoring the 185<sup>th</sup> anniversary of the Canal.

The Mayor reported that Attorney Brooks had sent out a proposed amendment to the local law addressing the truck weight limits on Village streets. He asked the Board to review for discussion at the next workshop meeting.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. Local Law #5 Dog Park Ordinance – is adopted with changes to the proposed to read as follows:

**A. Purpose.**

The purpose of this chapter is to establish regulations for use of municipal dog parks.

**B. Authority.**

This chapter is enacted pursuant to the provisions of §122 of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

**C. Applicability.**

This chapter applies to dog parks, and it does not supersede the obligations of dog owners or handlers under either Chapter 108 of the Village Code or under Article 7 of this State's Agriculture and Markets Law. With the exception of the fact that dogs are allowed to be off leash within the fenced area of a dog park, these other provisions of State statute and Village code, regarding animal behavior and dog owner responsibility, are applicable to all users of dog parks. The behavior of a dog as a dangerous dog within the meaning of Article 7 of the Agriculture and Markets Law, and the enforcement and remedies pertaining thereto, shall be equally applicable to behavior of unleashed or leashed dogs within a dog park.

**D. Definitions.**

**DOG PARK.** A fenced and enclosed area that has been designated for use as an off-leash dog area for the exclusive use of dogs and their handlers.

**ENFORCEMENT OFFICER.** A police officer or peace officer or animal control officer with jurisdiction including the area of the dog park in the Village of Medina.

**HANDLER.** The person who accompanies a dog for the purpose of its

supervision. This may, but does not have to be the owner of said dog. Any liability of the handler under this chapter shall not be forgiven or excused because the handler did not, in reality, possess the consent of the dog's owner.

**OWNER.** The legal owner of a dog.

**OFF-LEASE AREA.** The fenced, secured section of a dog park where the dog is allowed to exercise without a leash and under supervision of a handler.

**PUPPY.** A dog between birth and 12 months of age.

#### **E. Restrictions on Dog Park Use.**

Dog Park Use. Activities within dog parks shall be limited to exercise of dogs accompanied by handlers and others, and there shall be no other allowable recreational activities such as ball playing within the dog park.

The Village Board may, by resolution, establish and, from time-to-time, amend dog park rules and regulations, and may establish an entry fee.

#### **F. Prohibition of drugs, alcohol and food.**

Possession or consumption of alcohol or drugs is prohibited in dog parks at all times. All handlers shall be free from the influence of alcohol or drugs while escorting, transiting, training or accompanying a dog in a dog park. No food, including dog food or treats, shall be allowed in the off-leash area of a dog park.

#### **G. Requirements for dogs.**

Each dog entering a dog park shall have a current valid dog license and tag displayed on each dog's collar. Handlers shall insure that dogs demonstrate safe behavior and social interaction, at all times, toward people and other dogs.

Dogs displaying aggressive behavior, of any kind, shall be immediately leashed and removed from the park's off-lease area, after which they shall immediately leave the dog park and the shared-use or multi-use park. Local and state laws and regulations pertaining to dangerous dogs are applicable to all dogs and handlers entering a dog park. Those state or local laws and regulations are not suspended while a dog or handler is within an off-lease area.

Any enforcement officer may issue a written notice of violation against the handler of a dog that exhibits aggressive, dangerous or vicious behavior within a dog park, and may further issue written notices of violation against any handler who fails to act in accordance with this chapter and any additional rules and regulations governing dog parks adopted by the Village. Upon issuance of a Notice of Violation, the dog, and in the event such notice is issued against a handler, the handler, shall be prohibited from entering any dog park unless and until final adjudication of the matter. In the event adjudication results in a determination that the dog is a dangerous dog within the meaning of Article 7 of the Agriculture and Markets Law, the dog shall not be permitted to return to any dog park, and shall be prohibited from park use. Causation of actual physical injury is not a pre-requisite to issuance of a Notice of Violation. Any individual who enters a dog park following receipt of a Notice of Violation, but prior to final adjudication of same, shall be subject to prosecution for trespass under this state's Penal Law, in addition to the enforcement provisions of this chapter and all other applicable laws.

#### **H. Dog Vaccinations.**

1. Before entering a dog park, each dog shall have current vaccinations required by law, and each handler shall be prepared to provide documentation to enforcement officers of the current vaccinations upon request. Suitable documentation shall consist of veterinary records, vaccine certificates and/or receipts identifying vaccinations issued by a licensed veterinarian. Dogs shall be free of internal parasites upon entering a dog park. Dogs shall have been treated within the preceding thirty (30) days of the first entry for control of fleas, ticks or other external parasites.

2. Required vaccinations shall include distemper virus, infectious canine hepatitis, leptospirosis, parvo virus, together with any other vaccinations required by state or county law which are not included among the aforesaid.

**I. Penalties for Offenses; Appearance Tickets.**

Offenses pursuant to the provisions of this chapter shall be subject to the same provisions as enumerated in Chapter §108-7.

**J. Dog Park Rules & Regulations.**

Pursuant to this chapter, the following rules and regulations shall be prominently posed on site at the dog park:

- Hours: Dawn to Dusk.
- Owners and/or handlers are liable for damage or injury inflicted by their dog(s). This means owners are legally and financially responsible for their dog's behavior. The Village of Medina has no liability or responsibility for injuries in the dog park.
- Users of this facility acknowledge that by entering this dog park, they have read, are fully aware of and understand the rules and regulations for its use.
- Dogs must be properly licensed and vaccinated with proper registration tags displayed on each dog's collar.
- Dogs must be leashed before entering and upon leaving the Park and unleashed area, and must be leashed in the transition corridor. Handlers must have a visible leash for each dog, at all times.
- Handlers are required to clean up after their dogs and must pick up their dog's fecal matter, and properly dispose of it in a trash receptacle.
- Handlers must be in verbal and sight control of their dogs at all times and prevent aggressive behavior, biting, fighting and aggressive barking. Handlers may never leave a dog(s) unattended.
- Any dog that exhibits aggressive, dangerous or vicious behavior within a dog park, are prohibited. Handlers must immediately lease their dog(s) and leave the dog park and park.
- Upon issuance of a Notice of Violation, the dog, and in the event such notice is issued against a handler and/or owner, the handler/owner shall be prohibited from entering the dog park unless and until final adjudication of the matter.
- Any dog with a history of aggressive behavior is prohibited.
- Bark-Free Zone: Please be considerate. Noise from the park is a nuisance to our neighbors. Dogs that bark persistently must be removed from the park.
- No puppies under four (4) months of age are allowed in the dog park.
- Female dogs in heat are not allowed in the dog park.
- Unattended dogs will be impounded.
- No children age 12 years or younger are allowed in the dog park. Children ages 13 through 18 must be accompanied by an adult. Permitted children must be supervised by the adult and behave appropriately: No running, shouting, chasing dogs, or petting other people's dogs without the handlers' and/or owner's permission.
- No food, including dog food or treats, shall be allowed in the off-leash area of a dog park.
- Possession or consumption of alcohol or drugs is prohibited in dog parks at all times. All handlers shall be free from the influence of alcohol or drugs while escorting, transiting, training or accompanying a dog in a dog park.
- No smoking in the dog park.
- Violation of Village Code results in fines and no further use of the dog park.

Animal Control Officer:

Orleans County Sheriffs Office: (585) 589-5527. In an emergency situation, call "911".

All ayes  
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The following Public Hearings are scheduled to review the recommendations of the Orleans County Planning Board to make zoning law changes regarding a Central Business District Overlay and Planned Residential Development, on September 25, 2017 at 7:00 p.m. and 7:05 p.m., respectively.

All ayes  
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Toale. The Mayor is authorized to request Wendel Engineers to draft a Request for Proposals for a study to determine the full capacity of the Wastewater Treatment Plant.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The installation of a panic button in the Police Department Secretary's office at a cost of \$373.90, is hereby authorized.

All ayes  
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The minutes of July 24, 2017 and August 14, 2017 are accepted as submitted.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The bills are authorized for payment as submitted.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The Clerk-Treasurer is authorized to proceed with the borrowing of \$215,000 for a new street sweeper, authorizing a ten-year bond period, as per the July 10, 2017 bond resolution.

All ayes  
Motion carried.

Mayor Sidari reported that the Niagara County Water District has advised that their water rates will be increasing to \$.90 per thousand effective January 1, 2018. The out of district rates will increase to \$1.80 per thousand.

DPW Supt. Perry reported that his department was repairing all of the catch basins on Gwinn Street. He also reported selling approximately \$3,200 in scrap along with preparing a list of surplus items for sale at auction. He added that they had been spot patching as well as preparing a list of streets for paving.

Trustee Elliott requested that Supt. Perry share the surplus items list with the Towns of Ridgeway and Shelby for possible trades. Trustee Bensley asked Supt. Perry to coordinate Shorty's Beast with Chris Busch regarding tree trimming in the cemetery.

Code Enforcement Officer Busch reported updates on the Cobblestone Hotel, a pizzeria business, and Bent's Opera House.

Fire Chief Lupo reported that his department had responded to 2 house fires and assisted with an incident regarding a vehicle in the canal. He also reported that Jeff Lyons was looking for donations to purchase a raft boat for the Fire Department.

Police Chief Kenward requested the 2010 Dodge Charger be declared surplus and added to the items for auction. He also reported that all the Ford vehicles in his department had carbon monoxide detectors installed. He added that the Crossing Guard was attending training for her position.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The 2010 Dodge Charger is declared surplus and authorized to be sold at auction.

All ayes  
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The Mayor is authorized to request the Civil Service Certificate of Eligibles List for a Police Sergeant position.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The following list of items is declared surplus and authorized for sale at auction:

Discharge Hose	Rolls of Chainlink Fence	7 Steel Street Light Poles
Roll -off Hook Bed/Spreader	1983 Chevrolet Dump Truck	15,000 gallon Steel Tank
1993 Ford Street Sweeper	1985 Ford Mixer Truck	6,400 gallon poly storage tank
15' drop in spreader	31' TWG Incline Conveyor	F350 Pickup truck bed

All ayes  
Motion carried.

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Trustee Toale commented that he was pleased to see the Police Department using the bike patrol during cruise nights.

Trustee Elliott agreed with Trustee Toale. He also added that he had attended the season wrap-up meeting for the parks program and that Ridgeway and Shelby were considering increasing their donations to the program.

Mayor Sidari announced that he and the Board had visited Pride Pak, Take Form and BMP.

A motion was made by Trustee Bensley and Trustee Toale. The meeting is adjourned to Executive Session at 8:05 p.m. to discuss pending litigation.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The regular meeting is reconvened at 8:32 p.m.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The Village Attorney is authorized to accept \$6,200 from Barnes Metal Finishing as payment in satisfaction of the judgement filed on their delinquent community development loan, to be received within 30 days, in cash or certified check.

All ayes  
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The meeting is adjourned at 8:35 p.m.

All ayes  
Motion carried.

Respectfully submitted,

Deborah L. Padoleski  
Clerk-Treasurer