

TOWN BOARD MEETING

June 25, 2008

PUBLIC HEARING

CALL TO ORDER

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session at the Town Hall, 7340 South Broadway, Red Hook at 7:30 P.M.

Present: Supervisor Sue Crane
Councilman James Ross (7:40)
Councilwoman Micki Strawinski
Councilman Harry Colgan
Councilman Robert Latimer
Deputy Town Clerk Claire Horst
Absent: Town Clerk Sue McCann
Also Present: Attorney for the Town Christine Chale

Supervisor Crane welcomed everyone to the meeting and opened with the Pledge of Allegiance. Before opening the Public Hearing she recognized two young men who achieved the rank of Eagle Scout.

RESOLUTION 2008 #42

RE: HONORING ROBERT D. SPANO FOR ACHIEVING THE RANK OF EAGLE SCOUT

On a motion of Supervisor Sue Crane, seconded by Councilwoman Micki Strawinski, moved to honor and commend Robert D. Spano for his achievement of acquiring the rank of Eagle Scout and authorize this resolution be passed to commemorate this achievement.

Adopted	Ayes	4	Crane, Strawinski, Colgan, Latimer
	Nays	0	
	Absent	1	Ross

RESOLUTION 2008 #43

RE: HONORING CHRISTOPHER W. HATHCOCK FOR ACHIEVING THE RANK OF EAGLE SCOUT

On a motion of Supervisor Sue Crane, seconded by Councilwoman Micki Strawinski, moved to honor and commend Christopher W. Hathcock for his achievement of acquiring the rank of Eagle Scout and authorize this resolution be passed to commemorate this achievement.

Adopted	Ayes	4	Crane, Strawinski, Colgan, Latimer
	Nays	0	
	Absent	1	Ross

PUBLIC HEARING:

Supervisor Crane opened the Public Hearing at 7:35 PM by reading the Public Hearing notice to hear all interested persons on a proposed local law amending Chapter 63 entitled, "Dogs" of the Code of the Town of Red Hook regarding unreasonable noise.

Supervisor Crane explained that the substance of the local law is a section which has the following text: No dog owner shall permit any dog to cause noise which shall annoy or disturb the quiet, comfort, or repose of a reasonable person of normal sensibilities. Noise disturbance for more than 15 minutes at any time of the day or night, by repeated barking, whining, howling, or other sounds which can be heard beyond the boundary of the owner's property, shall be deemed prima facie evidence of violation of this section. She then opened the Public Hearing for comments.

Rebecca Kent owns a dog grooming business and asked what constitutes noise. We already have an ordinance. Any reasonable person should be able to resolve an issue. What is reasonable?

Any reasonable person with normal sensibilities should be able to resolve the issue without legislation. It's like legislating good behavior and manners. What makes someone reasonable or unreasonable? When you say 15 minutes is it continual? She views dog barking as a 24/7 neighborhood watch. If there is a problem, training is available. There are other ways to resolve things without legislating.

Rosemarie Zengen has tenants and when dogs are barking at 1:00 and 2:00 in the morning they can't sleep. She thinks that legislation is definitely needed.

Jennifer Odlum walks with her children and sees a lot of electric fences now. A dog can bark for three minutes but really terrorize a family trying to walk passed. If a dog ordinance is going to be addressed at this point she feels it should be looked at beyond just barking. There are other ways a dog can be a menace. She thinks the dog barking ordinance now is a good thing to look at but there should be more scope to it.

Mandy Coon lives in a development and has two outside dogs that have bark collars. She has a neighbor who allows their children to cut through her property to get into Linden Acres. They go right past her fence. The children torment her dogs and she has made numerous calls to the police departments. Someone has thrown fireworks in the kennel at her dogs so she incurred the expense of roofing the kennel. She has picked glass out of her kennels too. If her dogs bark because the children are aggravating them, she asked why she should be punished. She has receipts for collars and everything else she's done to prevent them from barking. Even the dog warden has seen the steps she's taken. There is one person who calls the dog warden regularly on Friday and Saturday nights regarding barking she thinks comes from the Coon's home. She doesn't know what else to do and asked if the Board has any recommendations for her. She thinks a 15 minute time limit on barking is ridiculous. Her dogs bark because they are alerted of something. In certain instances, 15 minutes can be too short. There are times her dogs will take the shock from the shock collar when alerted to something.

Supervisor Crane said it seems there is more going on in her neighborhood than just dogs barking that needs to be addressed.

Councilwoman Strawinski thinks that they need to rethink the 15 minutes and expand on what the violation would be if a dog were disrupting people's peace and quiet in their homes. It doesn't really say that in the local law. Understanding what the violations would be is important. Would it be first a warning then a citation? Has that been thought through?

Attorney Chale explained we are not modifying that, it is an existing ordinance so it is a violation.

Councilman Latimer thinks if it is an existing violation it would be a monetary fine.

Councilman Colgan asked if it is like Tivoli's ordinance.

Attorney Chale responded that it is narrower than Tivoli's. There is an existing noise ordinance for dogs now and this is an attempt to make it a little easier to enforce.

Councilman Colgan said whatever they have in Tivoli seems to work.

Attorney Chale explained the Tivoli law was adopted because of issues they had. If we want to consider a broader ordinance, we certainly can. That provides for decibels enforcement as well as reasonable person enforcement. Sometimes decibels aren't a great way of measure what's going on.

Councilwoman Strawinski thinks this law has a way of determining if there is some neglect on the part of the owner. Sometimes a dog is left all day long on a short lead and this allows for that sort of investigation. Dogs will bark for trespassing by either people or other animals. She doesn't think that would be violation because there is just cause.

Sarah Taylor lives on Guski Road and has dogs that bark. She lives on about 33 acres and has neighbors who have dogs that respond to hers barking. She is vigilant about keeping them

indoors. She understands making a law in the Village where homes are closer but is concerned about the law for homes in the country. She has people who from March to October go on her property to look at her house, or runners who take breaks and rest on the grass who get annoyed if the dogs bark at them. The dogs see those people as intruders and bark. They don't belong on her property which is wrong. Whose fault is it when the dogs bark at them?

Rebecca Kent spoke from a trainer's perspective. There are different types of barks and she understands the nuisance of some types of barks. When does the 15 minutes start? From the first bark? There are also leash laws that are not being enforced.

Rosemarie Zengen thinks we have to trust the police. If someone is taunting we have to leave it up to the police department. She feels bad for people who are awakened by dog barking and how about if someone is home ill and has to hear it.

Supervisor Crane re-read the local law and stressed that it is characterized as noise disturbance for more than 15 minutes any time of day or night by repeated barking, whining, howling and other sounds. 15 minutes is a long time to have repeated barking going on without the owner responding in some fashion. She does not think this is unreasonable. In terms of normal sensibilities, most of us know what normal sensibilities are. She agrees that police enforcement can be the best means of defense but we do need to do something because we've received a number of complaints. This is the first step to try to address it.

Councilman Latimer thanked Mrs. Zengen for her comments. Enforcement is the key. Tickets can't be written on hearsay or opinion. They have to be written on investigation. 99 times out of 100 it will lead to a discussion where no tickets are written. He thinks the spirit of this law is to try to reduce the chronic offenders. Enforcement might be softer than what people believe.

Councilman Colgan said what we are attempting to do is deal with chronic problems. There are village like neighborhoods where a number of cases have dogs barking all day long and the owners are not home. There is no legal authority to take legal action in that situation. That is one of the things we are trying to deal with.

Councilman Ross said this all boils down to "reasonableness". This give us a guideline and it makes sense. If we find it is not working and infringes on people's rights too much then we can look at it again.

Ann Rubin asked how you separate chronic problems from a onetime thing?

Councilman Ross responded that we pass it to try to help every citizen in Red Hook control the few nuisance cases we have to address. We hope that everyone who enforces it and every neighbor that turns a complaint in is reasonable in their way of thinking of what is truly a nuisance and what is not.

Councilwoman Strawinski referred to the investigation Town Clerk Sue McCann did regarding local dog ordinances and the Hyde Park law does use the term "habitual". Might it be appropriate to add that?

Councilman Latimer asked if they define "habitual".

Councilwoman Strawinski read the Hyde Park law. It did not seem to define "habitual".

Sarah Taylor gave her definition of habitual as meaning consistently. If her dogs bark, something is wrong. If her dogs bothered someone she expects to be informed about it.

Donny Pervisi commented that if you hear a dog bark for 15 minutes talk to the owner yourself. He suggested that calling the police is a waste of a trip for them if it can be handled neighborly.

Councilman Colgan said most people resolve these issues themselves but this gives people a tool if it can't be resolved. He doesn't like the term habitual.

Councilwoman Strawinski agrees that we need an ordinance but would like to tweak the language.

Councilman Ross said that “reasonable” is a personal thing. Until we use it and understand how it is used by the public, we won’t know.

Rebecca Kent asked if justifiable barking would be exempt from this.

Supervisor Crane said the law as written does take into account, different circumstances.

On a motion of Supervisor Crane, seconded by Councilman Ross, moved to close the Public Hearing.

Adopted	Ayes	5	Crane, Ross, Strawinski, Colgan, Latimer
	Nays	0	

Respectfully submitted,

Claire W. Horst, Deputy Town Clerk