

PUBLIC HEARING ON LOCAL LAW NO.  
2 OF 2014, October 9, 2014

The Gerry Town Board held a Public Hearing on Proposed Local Law No. 2 of 2014 entitled "A Dog Control Law."

Present were: John R. Crossley, Supervisor  
Gary J. Swan, Councilman  
Richard C. Heath, Councilman  
Linda D. Bartholomew, Councilwoman  
Todd R. Anderson, Councilman  
Recia L. Myers, Town Clerk  
Larry Barmore, Chautauqua County Clerk  
Paul & Jan Rounds  
Dawn Thompson

Supervisor Crossley called the meeting to order at 6:45 PM and asked the Town Clerk for Proof of Publication. Proof was provided.

Dawn Thompson, Ellicott Town Resident, commented that the Local Law looks identical to the Town of Ellicott's and she said it is written to vaguely. She received a ticket in Ellicott regarding the Dog Control Law and she was told by the former District Attorney that she could appeal it as it is too vague. She feels the law makes it neighbor against neighbor and our area is too rural for this. The wording of two areas on the law she feels needs to be adjusted. The Section c#1 explains cause noise. She noted that you cannot control dogs from barking especially if they are provoked for a length of time and that there should be hours listed as well under the definition of barking. Councilman Swan commented that you cannot place a time frame as some people work 3<sup>rd</sup> shift etc. Dawn Thompson suggests writing unreasonable barking as right now it just states noise and it is subjective. Councilwoman Bartholomew noted that the former judge looked at this as if the dog disturbed sleep or was detrimental to someone's health.

Supervisor Crossley commented that the Dog Control Law is a guideline which the Town needs to have and it should be applied correctly. The Dog Control Officer and the Judge will apply the law correctly and the Town Board agreed as they are both very fair. Paul Rounds, Town Resident, commented that in one section it lists domestic animals. Councilman Swan commented that the law only applies to Dogs. After discussion the Town Board agreed to table the law until they spoke with Town Attorney, William Duncanson, Jr., to discuss the wording of the Town Law and thanked the residents for their concerns and will ask the Town Attorney his advice on the wording of certain sections the residents requested. The public hearing closed at 7:14 PM.

Minutes taken by,

Recia L. Myers,  
Gerry Town Clerk