

Public Speaks Out on Puppy Mills, Fracking

by Aneta Glover | Posted: Wednesday, August 29, 2012 2:28 pm

With a much smaller than expected group assembled, Supervisor Walter Prouty called the Town Board Meeting to order, asked the group to stand to recite the Pledge of Allegiance to be followed by a moment of silence.

Prouty called for a motion to accept the minutes of the June 11, 2012, meeting.

Prior to the Opening of the Public Hearings, Prouty called for a motion to open the Public Hearings and introduced Town Attorney Steven Getman. Getman explained the purpose of the public hearing was to give opportunity to the public to express their opinions in an amiable, respectful manner. "There will be no discussion with other speakers, or questions presented to the board." He further explained, that because the resolutions had not been presented to the County Board, "No vote will be taken by the board at this meeting."

Prouty further stated, "Speakers will be limited to 3 minutes, they must be courteous, they must raise their hands to be acknowledged to speak. Each must clearly state their name and residence, particularly if they are out of the area." His strong admonitions combined with the instruction from the town attorney did a good job of keeping everything orderly. Prouty administered operation of the oven-timer with the aplomb of a long-time baker. Most speakers had written statements.

Dog Breeders, Farmers Discuss Licensing

The Town Attorney read the resolution as it was proposed at the July meeting to enter into a moratorium for a period of 18 months to study the issues as they relate to Puppy Mills in the Town of Ovid.

First presenter was Mary Anne Kowalski of Romulus who represented New York State Humane Association (NYSHA). She identified two types of licensed commercial kennels: (1) those supplying pet stores, dealers and auctions--licensed by USDA (wholesale) and (2) those selling directly to the public (retail)--licensed by NYS Department of Agriculture (NYSDA).

She further explained that breeders who sell wholesale and retail must have both licenses. Breeders who have three or fewer breeding female dogs can wholesale puppies with a USDA license; breeders who sell less than 25 puppies per year can do so without a state license.

NYSHA feels that the standards established by USDA and NYSDA are only minimal and do not address any guidance for building construction standards, space requirements for inside/outside runs, potable and non-potable water, ground water protection, waste management, noise, smells, traffic and other traditional zoning and land-use management issues. These same issues apply to licensed boarding kennels as well as to rescues and shelters.

Currently, USDA licensed commercial breeders are exempt from licensing requirements (\$11 per unspayed/unneutered dog), representing a loss of revenue to the Town. These breeders do not pay into the NYS spay/neuter fund available to shelters and low-income residents. Because of licensing exemptions, there is no way of tracking required vaccinations for adult dogs. A town, or its representative, should be able to visit these facilities to verify compliance. However, without a local law, a dog control officer or code enforcement officer would not be able to conduct an inspection.

In conclusion, NYSHA urged the town to adopt a moratorium to consider "all the issues."

Jeannette Dickinson from Erie County, stated, "Most puppy mills do not allow people in their barns. They have them only for profit. The inspectors help the people avoid the rules ... Dogs are companions; they should not be listed as 'livestock'."

A representative from Beverly Animal Shelter reported that "Five hundred to six hundred dogs are picked up from this county.... The number is overwhelming. We do not need more and more dogs. Legitimate breeders are out there- "

A farmer from Auburn said, "As the breeding rules tighten in neighboring states, more and more breeders will seek refuge in NYS. Our cows are allowed to run free outside, they have a clean barn and clean food. Dogs, who are designed to be companions, should enjoy the same treatment."

A representative from the Dog and Animal Sanctuary, "Dogs are companion animals. They should not be held for profit. Shelters are not a profitable business."

Holly Bailey from Ovid said, "I support a moratorium. It will give time to study things. It will be a means of influence."

Curtis Martin, pleaded, "Do not do a moratorium. Seneca County already has rules. Laws are already in place. Inspectors come unannounced to check on care (of dogs)."

Laurie Slick of NYSLA, "Minnesota is known as the largest migration state for avoidance of puppy mill regulations. We are becoming the second largest such migration state. We want to be known as dog lovers and interested in animal rights. We are concerned about oversight of puppy mills (whereby) inspectors turn a blind eye."

Most of those who came in support of puppy mills, brought supporting documents of inspections and records of vaccinations and licensing. However, no one revealed the number of dogs/puppies housed in their facility.

Following the last of the 15-20 speakers, a motion (Mark Beardsley/ John Hubbard) to close the Public Hearing passed.

Fracking Moratorium Comments

Public Hearing No. 2--to discuss the Town of Ovid's Resolution to enter into an 18-month moratorium to study the issues related to hydro-fracturing --was opened by motion. The Town Attorney read the proposed resolution.

David Dresser read a statement: "DEC will be coming out with regulations sometime soon. The moratorium will give us time to study facts. The resolution provides 18 months in which to do the study and give us time to find out what the people want.

Jean Currie (Ovid). "I approve. Ovid is not able to protect itself. Please vote." Holly Bailey, "During the 18 months we can get the public to volunteer to examine the issues.

Kathy Lewis, "The vineyards in Interlaken . . . treasure the quality of life, clean air, water sparkle clean, clear and blue . . . from agriculture to industrial is a massive change. A moratorium will allow the town to study the issues."

A professional nurse said, "I urge the board to enter into a moratorium . . . I have concerns about the carcinogens in the fracking materials. I support banning hydrofracking."

The Public Hearing was closed by motion.

Prouty Clarifies Who Can Speak For Town

The regular meeting of the Town of Ovid Board continued. At this time, Prouty read a public announcement: "The town board recognizes the right of all individuals to engage in constitutionally protected free speech, including the right to speak to public officials about pending or proposed legislation. The town encourages open dialogue on matters of public interest.

"However, the town board wishes to remind everyone that only current duly appointed or elected town officials are authorized by law to represent or act on behalf of the town of Ovid.

"This includes the process for introducing, enacting or studying proposed local laws. No one, other than town officials or employees, or other duly designated individuals, has any right or authority to enact or attempt to influence other local, state, federal or county agencies by holding himself or herself out as acting on behalf of the town government.

"Furthermore, the fact that someone may be a former town official, or official within another town, gives that person no special rights of access and no special right to speak on the town board's behalf.

"The Ovid Town Board will not prevent any citizen from the right of free speech, but can not tolerate any misrepresentations of authority or right to speak on behalf of the board.

"Any such interference may result in the matter being turned over to legal counsel or local law enforcement for possible investigation."

Written reports from the Highway Superintendent, Bookkeeper and Clerk were accepted.

Supervisor Prouty reported that he met with the engineers from the State regarding the Wyers Point Bridge. He will meet with them on August 15. He should have the costs to the town at that time so that it can be put in next year's budget.

Planning Board. In the absence of Skip Stamberger, John Hubbard reported that last week's meeting went well. They will continue working on the survey and looking into the land-use ordinance. The Planning Board meets the first Thursday of each month.

Joe Borst mentioned that there was some question regarding the boundary lines at the transfer station. Jack Wickham will let him know what they are.

Following discussion, a resolution was made to introduce a proposed local law to allow the board to override the tax levy limit if necessary when the 2013 budget is generated. A public hearing on the matter will be held prior to the regular September meeting.

On September 12, the Town Ovid will hold its regular monthly meeting preceded by a public hearing at 7 p.m.

Steven Getman Attorney Franklin & Gabriel Law Office
Steven Getman County Assigned Counsel, 2008-2011
Steven Getman Seneca County Stop-DWI Coordinator, 2007
Steven Getman Seneca County Attorney, 2002-2007
Steven Getman Seneca County Social Services Attorney, 1995-2001
Steven Getman Attorney Midey & Swinehart, 1995-2001
Steven Getman Seneca County Public Defender, 1995
Steven Getman Seneca County Law Guardian Panel, 1992-1995

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