

**Minutes of the Regular Meeting of the Town Board of the Town of Kirkland held at the Town of Kirkland Municipal Building, 3699 State Route 12-B, Clinton, Oneida County, New York on October 14, 2020, at 7:00 p.m.**

Present:

Supervisor Robert J. Meelan

Councilman Garry F. Colarusso

Councilwoman Donna E. Yando

Councilman Richard J. Maxam

Councilwoman Melanie L. O'Neil

Attorney Anthony Hallak

Supervisor Meelan called the regular meeting to order at 7:00 p.m. and asked those present to stand for the Pledge of Allegiance.

Supervisor Meelan opened the Public Hearing for Local Law No. 3-2020. The Public Hearing was left open. (A copy of the Notice of Public Hearing has been made a part of these minutes.)

TOWN OF KIRKLAND  
COUNTY OF ONEIDA, STATE OF NEW YORK  
**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT, in Accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Kirkland, Oneida County, New York (the "Town") will conduct a public hearing on October 14, 2020 at 7 p.m. at the Town of Kirkland Municipal Building, located at 3699 State Route 12B, Clinton, New York in regard to proposed Local Law No. 3 of 2020 entitled "A Local Law to amend and modify the code of the Town of Kirkland by restricting the keeping of certain animals."

The Public Hearing will be held to hear all persons interested in Local Law No. 3 of 2020 entitled "A Local Law to amend and modify the code of the Town of Kirkland by restricting the keeping of certain animals."

A copy of the proposed Local Law is available for inspection in the Office of the Town Clerk, 100 N. Park Row, Clinton, NY

Dated: September 14, 2020

By Order of the Town Board of  
The Town of Kirkland  
Oneida County, New York  
Donna B. Maxam, Clerk

Comments from the Public regarding Local Law #3 (now 4) Farm Animals or Fowl

**Lee Kelly, South St:** Unsure of initial complaint, but has lived here 5 years, has chickens, ducks, pigs, goats, sheep, dogs, cats and hornets. Have asked neighbors repeatedly, do you hear anything? Do you smell anything? Have always been told there is no problem with the animals, everyone enjoys them. Understand that in tighter living spaces when someone is inconsiderate, that is unfortunate. Hopes whatever decision is made, that it doesn't punish the responsible for those that are irresponsible.

**Katelyn Koury, Griffin Rd:** Concern that this flies in the face of the rural community that this is, that this may be too broad and too far sweeping. Understands limitations where residences are more densely placed and your neighbors are close, saying all residential and including all rural residential areas, is not keeping with the character, in a community that prides itself on the apple orchards and the cider mill and then to say you can't have honey bees in the same area you have apple trees is counterproductive. Does the agricultural overlay apply to this? Is this a right to farm community? The difference between a honey bee and a cow seems a little dramatic and to bundle it all into one package seems a little out of scope.

**Jim Wright, Fountain St:** A hobby bee keeper has 5 acres and 2 hives, personal use and gifts. Bees are a misunderstood creature, if you disturb the bees you deserve to get stung. Bees are 200-250 from nearest neighbor, has never had any complaints. If the bees are out working the flowers and vegetables, they are not interested in you. He would ask if you move forward with any restrictions on honey bees that there be a consideration to distance and the number of colonies.

**Connie Brockett, Lombard Rd:** Understands the necessity of having something to fall back on when something goes wrong, feels this is a farming community. Find fault with making a blanket law and then having to go apply for a variance, she sees that as a way out, that would be a lot of people having to apply for a variance, feels it would stunt the spontaneity and enjoyment and beauty of what farming is. Not in favor of law, not in favor of variance, would like to keep Clinton the way it is, let people be free. If something arises have something in place to fall back on. If it becomes a nuisance have some kind of law if you have 2, 5, 10 acres, unfair to make all apply for a variance.

**Anna Wisniewska, Bristol Rd:** Agrees with basically everything lady prior said and feels like the Town is putting the onus on the law bidding people and making them get variances. Target the people creating the nuisance and leave the law abiding citizens alone. This is a rural community, if you don't like animals go live in the city. Seems you are doing it backwards, if someone creates a nuisance can be addressed on a case by case basis.

**John Angerosa, Roberts Rd:** Too broad, need to narrow it down. If there's a party at a house you send someone to deal with it, you don't create a massive bureaucratic infrastructure; the solution is too broad based.

**Kathy Partridge, Limberlost Rd:** She sees it as the Town has gone from no regulation what so ever and now want to make sure no one can have anything. Does not have chickens but has been giving thought to it, has 1.8 acres. Wants hens, no roosters. Has been looking into model backyard poultry laws. In the times we are living in people are more concerning about being able to produce a little of their own food, chickens are ideal. Produce eggs, compost for garden, entertainment – fun to watch. Have looked on website and found there was no regulation and thinks that is part of the problem, there are a lot of model backyard poultry laws, the ones she has seen – the one thing in common is no roosters, hens only. Criteria that must be met, limit on number of hens. There are major cities that have backyard poultry laws, usually limit 6 hens, no roosters and a square feet requirement, point of this is animals being treated humanely, not an industrial cage where they can't even turn around, guidance to set backs from property lines, how far from neighbors, how far from your residence. Rather than a blanket ban it seems a model law could be developed with criteria. Have something that can be looked up and says this is how it has to be done.

**Richard Cook, South St:** Most have already said what he was going to say so he will say what they didn't say. 97% of big cities in the U.S. allow backyard chickens such as NYC, Denver and LA, feels if NYC can handle backyard chickens then Clinton, NY should be able to handle backyard chickens. Takes exception for getting permits for backyard chickens, thinks anyone should be able to have chickens, has 8 "beautiful ladies" himself. Takes exception to the statement that chickens are not household pets, he is a vegan and owns 8 chickens, and they are his pets, he wakes them up every morning and tells them he

loves them and that they are beautiful, feeds them treats and do not eat them. Chickens are not a new occurrence and doesn't think that it requires a new law, if chickens are noisy then there is a noise ordinance, if they smell it's a sanitation issue, there must be existing laws for that as well. Chickens are not unsafe or unsanitary, thinks this law is based on myths, the law should be thrown out.

**Carrie Storm, Homewood Dr:** Thinks everyone is familiar with what she has dealt with, appreciate all the people that want to farm, grew up in rural Clinton and moved to Homewood Dr. She would appreciate setbacks because unfortunately not everyone is considerate. Went 3 years without a solid nights sleep because of her neighbors. Would like a law and be specific as previously mentioned. Should have set backs and enforceable noise ordinance. Can't enjoy backyard because of the smell, has been in the house 17 years and then 4 years ago completely changed her life, some type of restrictions because no one should have to go through what she went through.

**Danielle Furlong, Brimfield St:** She is sorry about Carries experience but doesn't feel 1 case necessitates a blanket law like this, if you are going to do a blanket law like this one then, she doesn't feel you should be able to itemize the animals, 6 dogs will cause smells and noise and can cause harm, if you are going to punish all of us for the 1 house on Homewood Dr. you have to include owners of dogs, cats, snakes and lizards and that would be terrible – you can't pick and choose who you are going to support and who you aren't.

**Mike Gus, Canterbury Dr:** Agrees with everything that has been said. In April his wife called the Town and Village to get clearance to get chickens and she was told absolutely as long as you don't get a rooster, that's not recommended, acquired 4 hens, has built a coop himself and a run. Has had no issues with the hens. His 3 children consider them as pets and companions. During this pandemic doesn't want to strip the kids of another thing in their life. Totally disagree with a blanket law.

**Kevin Martin, Lombard Rd:** Is against this, thinks there is no reason for it. If my neighbor is causing a nuisance on my property, odor, not confining animals then I can bring a civil action for nuisance for trespass, the Town does not have to get involved, they need to go to court, there is relief in the law for people who have these kinds of problems, this is totally unnecessary. Was there a study, how often does this arise that chickens cause problems. Normally when you draft a law you want to have a rational basis, take a look and do maybe the least restrictive thing to solve the problem. Thinks this is a law in search of a problem. Doesn't see animals and chickens running amuck. Sorry some have had problems. Has anyone looked into what this might do property values, people are leaving big cities and looking harder at places like the Town of Kirkland, one of the nice things about coming here is there is very limited restrictions on what they can do with their own land. People are more interested in having chickens and doing things to be more self-sufficient, are taking away the ability of people to do that without going through some bureaucratic mess. Thinks it will hurt property values. When you take away freedoms that reduces a property value. Normally when a law gets passed you want to look into all these things, how big is the problem, is there an easier way to solve it, rather than having a total prohibition he wouldn't mind if you made a law that said if you do have livestock or chickens and you don't confine them properly or you create a nuisance the Codes Officer is going to come and take a look and you will get a fine and each time they come the fine is going to go up. Simple to say too much noise, too much odor or out of the confined pens, would be a fairer solution and the least restrictive thing to do.

**Liseli Haines, Austin Rd:** Comprehensive Plan from 1993 talks about small town character and rural character that's enjoyed by the residents of the Town. It is out of date and needs updating it is from 1993. Thinks Plan should be taken into account in this situation. Thinks there is an importance in people being able to grow their own food, own eggs. This spring when the stores were out of eggs, where were we going? To our neighbors to get eggs. We need resilience in this Town. We need other ways of keeping ourselves feed and healthy, and having animals is one way of doing that.

Supervisor Meelan stopped the public comments if there was no one else present who wished to speak for the local law. He stated that it was not going to be voted on at this meeting, this is a starting point, and it will be reviewed and he will also meet with the Planning Board and the Codes Officer. This decision will take time. He also stressed that if you have chickens and no one is complaining then it is not an issue.

Councilman Colarusso said that the Board will take a hard look at everything that everyone had said this evening.

**RESOLUTION #88**

Upon motion by Councilwoman Yando, seconded by Councilman Colarusso, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board close the Public Hearing for Local Law No. 3 of 2020 at 7:45 p.m.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

Supervisor Meelan opened the Public Hearing for Local Law No. 4-2020. The Public Hearing was left open. (A copy of the Notice of Public Hearing has been made a part of these minutes.)

TOWN OF KIRKLAND  
COUNTY OF ONEIDA, STATE OF NEW YORK  
**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT, in Accordance with Section 202-b of the New York State Town Law, the Town Board of the Town of Kirkland, Oneida County, New York (the “Town”) will conduct a public hearing on October 14, 2020 at 7 pm at the Town of Kirkland Municipal Building, located at 3699 State Route 12B, Clinton, New York in regard to the proposed Local Law No. 4 of 2020, entitled “A Local Law to override the tax levy limit established in General Municipal Law §3-c.”

The Public Hearing will be held to hear all persons interested in Local Law No. 4 of 2020, entitled “A Local Law to override the tax levy limit established in General Municipal Law §3-c.”

A copy of the proposed Local Law is available for inspection in the Office of the Town Clerk, 100 N. Park Row, Clinton, NY.

Dated: September 14, 2020

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Oneida County, New York

Donna B. Maxam, Clerk

This year the Town has no idea what the revenues, sales tax or state aid will be.

Budget Director Arcuri said that the Town doesn't have the fund balances that they have had in the past; at one point it was too high. Supervisor Meelan said that the Town has been drawing from the balance but can't deplete it, there could be a storm or other unforeseen events. He also stated that the Town has a lower tax base because of non-profits such as churches, school and the college.

### **RESOLUTION #89**

Upon motion by Councilman Colarusso, seconded by Councilman Maxam, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board close the Public Hearing for Local Law No. 4 of 2020 at 8:05p.m.

#### **Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O'Neil	Aye

### **RESOLUTION #90**

Upon motion by Councilman Colarusso, seconded by Councilman Maxam, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board adopt Local Law No. 4 of 2020 with the amendment to change the Local Law to Local Law No. 3 of 2020. (To keep the Local Law numbers in order)

#### **Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O'Neil	Aye

**RESOLUTION #91**

Upon motion by Councilwoman Yando, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board approve the minutes of September 30, 2020 as printed.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

**RESOLUTION #92**

Upon motion by Councilman Colarusso, seconded by Councilwoman Yando, the following resolution was ADOPTED:

TOWN OF KIRKLAND  
COUNTY OF ONEIDA, STATE OF NEW YORK

**Resolution of the Town of Kirkland Town Board  
Election to Opt-Out of Section 487 of the New York State Real Property Tax Law**

At a regular meeting of the Town Board duly called and held on the 14 day of OCTOBER, 2020, the following resolution was proposed and seconded:

Resolution by: COUNCILMAN COLARUSSO

Seconded by: COUNCILMAN MAXAM

**WHEREAS**, paragraph 2 of Section 487 of the Real Property Tax Law of the State of New York (the "RPTL") provides that real property which includes a solar or wind energy system or farm waste energy system approved in accordance with the provisions of such section shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar or wind energy system or farm waste energy system for a period of fifteen (15) years; and

**WHEREAS**, paragraph 8 of Section 487 of the RPTL provides that, notwithstanding the provisions of paragraph 2 of Section 487 of the RPTL, a municipality may by Board Resolution provide that no exemption under Section 487 of the RPTL shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system constructed subsequent to the effective date of such Board Resolution; and

**WHEREAS**, the Town of Kirkland Town Board desires to adopt a Board Resolution opting out of the tax exemption under Section 487 of the RPTL.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Kirkland Town Board that:

1. The tax exemption made available by Section 487 of the RPTL shall not be applicable withing the boundaries of the Town of Kirkland with respect to any solar, wind and/or farm waste energy systems constructed subsequent to the date of this Resolution.
2. This Resolution shall take effect immediately.

The foregoing Resolution was put to a vote as follows:

NAME	VOTE
Garry Colarusso	<u>AYE</u>
Donna Yando	<u>AYE</u>
Robert Meelan	<u>AYE</u>
Melanie O'Neil	<u>AYE</u>
Richard Maxam	<u>AYE</u>

Dated: OCTOBER 14, 2020

  
Robert Meelan, Town Supervisor

  
Donna Maxam, Town Clerk

**RESOLUTION #93**

Upon motion by Councilman Colarusso, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board allow the request from the Clinton Chamber of Commerce for the use of Town roads (will not endorse or participate) for the 2020 Clinton Jingle Jog to be held on Saturday, November 28<sup>th</sup>.

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

GENERAL ORDER

Attorney Anthony Hallak – No report  
Town Clerk Donna Maxam – No report  
Highway Supt. Jon Scott and Councilman Colarusso– Hwy. Supt. Scott absent, Councilman Colarusso said he had talked to Hwy. Supt. Scott regarding issues with green waste and about the transfer station  
Police Dept.- Administrative Officer Occhipinti – Doing very well with the Police Reform issues, just about done with it and by the end of the month should have the law enforcement end of it wrapped up  
Building and Grounds Liaison Councilwoman Yando – No report  
Recreation Liaison Councilman O’Neil – Park set to close Oct 30, Arena set to open November 2, starting ice on Monday, Oct 19<sup>th</sup>. 20 people allowed and there will be no public skating this year  
Seniors Liaison Councilwoman Yando – Still closed, some seniors still getting together for lunch on Thursdays  
Sewer Liaison Councilman Maxam – No report  
SWOCO Liaison Councilman Maxam– No report

The monthly Safety Inspectors’ Reports and Animal Control Officer’s Reports were reviewed by members of the Town Board.

CORRESPONDENCE

None

AUDIT BILLS

**RESOLUTION #94**



Upon motion by Councilman Colarusso, seconded by Councilwoman Yando, the following resolution was ADOPTED:

**RESOLVED**, that the Kirkland Town Board review and approve the bills as audited: The totals were:

- A - 12,675.16
- B - 7,862.21
- DA - 16,629.92
- DB - 38,283.39
- SS1 - 2,684.66
- SS2 - 573.64
- SS4 - 2,101.23

**Roll Call Vote:**

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Aye
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

**BUDGET WORKSHOP:**

Budget Director Arcuri said that sales tax generated here does not stay here; sales tax generated in Oneida County is shared. The budget director had a hand out describing the “Functional Description of Town Operations” explaining the funds: what they fund and what they are funded by and also amendments to the 2021 proposed budget.

The Budget Director and Supervisor are available for questions that anyone may have.

Public Comments: Police Reform Policy – Executive Order 840

No one present regarding the Police Reform Policy

There being no further business to come before the Town Board, upon motion by Councilman Colarusso, seconded by Councilman Maxam, the meeting was adjourned at 8:45 p.m.

Donna B. Maxam, Town Clerk