

March 20th, 2010

The Town Board met as the Board of Health on Saturday, March 20th, 2010 at 9:00 AM with the following members present: Daniel Pemrick, Deputy Supervisor; Daniel Cochran and Walter Chandler, Councilman. Richard Rowland, Supervisor and Thomas Kinsella, Councilman were absent. Also present was Code Enforcement Officer Gerard McKenna.

The purpose of the meeting was to act on a serious health hazard involving property owned by Donald Carpenter and Ann Arnold at 131 Wilton Road. Deputy Supervisor Pemrick read the letter from Dr. Kenneth Hill, Town Health Officer, which stated that the decomposing horse carcass on the property was causing bacterial contamination to the local environmental and local residents and was a serious health hazard. Town Code Enforcement Officer presented pictures. D. Pemrick asked the Code Enforcement Officer what could be done under the Town Code in addition to sending her a letter indicating that the decomposing carcass must be taken care of immediately. Mr. McKenna believed that the only other thing he could do would be to write her up under the new Right to Farm Law. However, those violations would not go to Court, they would go before a review committee. D. Pemrick asked what the next step would be if the Town sent her a letter giving her 2 days to properly dispose of the carcass and she did not do so. Mr. McKenna was not sure what the next step would be. She would be in violation of a direct order from the Town Board of Health and would fall under the Health Department regulations. Mr. McKenna stated that the State Trooper that he spoke with was going to the property to take pictures for himself and indicated that he was going to write her up under an Ag & Markets Regulation about disposing of an animal. Chandler, C. felt that arrangements could be made for this matter to be taken care of right away, possibly even today. He felt that the Board needs to look into what could be done the next time that this happens. Mr. McKenna felt that it was obvious that she was neglecting the animals. There were at least 23 other horses on the property and they were all milling around this dead carcass. D. Pemrick questioned what the difference was between this situation and the one that was recently in the news where the owner of the race horses was taken to Court and fined and sentenced to jail time for cruelty to animals. Chandler, C. stated that he knew someone who rescued three of those horses and he could talk to her to get more information about the process and procedures. Mr. McKenna stated that the Humane Society, SPCA, etc. have all said that there was nothing that they could do in this case since the horses are being minimally being taken care. Board members in agreement to send the property owner a certified letter giving her 48 hours to properly dispose of the carcass. In addition, the Code Enforcement Officer would hand deliver the letter today. A copy of the Health Officers' letter and a picture of the carcass to be included. D. Pemrick felt that that would take care of the immediate problem, however the Board needed to figure out what the next step would be. Cochran, C. felt that the Right to Farm Law was put in place for this reason, to try and bring people in to resolve disputes. D. Pemrick felt that the Board should continue to investigate NYS Law to see what further action can be taken. In addition, they should set up the Right to Farm dispute resolution committee. He suggested that a second letter be sent to the property owner stating that the Town intends to begin this resolution process pursuant to the Right to Farm Law and that she will be required to participate in an effort to try and

March 20th, 2010

resolve this dispute. Board members to continue to further investigate how to proceed. They would like to consult with Town Counsel regarding any possible legal action, given the situation. Mr. McKenna felt that the Board needed to keep going from a Board of Health perspective. There is a big pond on the property and the marsh area and stream runs right through the property. Mr. McKenna understands that there is a guideline as to what “minimally taken care of” means and he believed that the horses had to wormed regularly; there has to have been a Vet there to check for hoof disease, etc. and there has to be records to show that this was being done. D. Pemrick did not believe that the Board of Health had jurisdiction over animals. The Health Officers letter clearly directs concerns of the health of humans. Board members to continue to gather information. On motion of Cochran, C. and seconded by Chandler, C., the meeting of the Board of Health was closed at 9:25 AM.

Town Clerk