



CATTARAUGUS COUNTY

John R. Searles, County Administrator

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Note: On **Wednesday March 9, 2016** there will be a **required** one-hour training session on Active Shooter to be held in the Chambers after the Board meeting.

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, March 9, 2016** for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$362,715

4:00 p.m.

CALL TO ORDER
ROLL CALL
MINUTES OF PREVIOUS MEETING
COMMUNICATIONS
PRIVILEGE OF THE FLOOR
• Public Hearing – Local Law Number 1-2016
RESOLUTIONS READY FOR ACTION
RESOLUTIONS – IMMEDIATE CONSIDERATION
UNFINISHED BUSINESS
ADJOURNMENT

ACT NO.

RESOLUTIONS READY FOR ACTION

- 96-16 Mr. Snyder, Sr. and Mr. Padlo
LOCAL LAW NUMBER 1-2016 – A LOCAL LAW ESTABLISHING THE CATTARAUGUS COUNTY ANIMAL ABUSER REGISTRY (*as amended*)
Approved 6 Finance and 7 County Operations/Public Safety
- 102-16 Mr. Weller and Mr. Koch
BID ACCEPTANCE FOR PURCHASE OF TWO ARTICULATED WHEEL LOADERS (Department of Public Works)
Approved 6 Finance and 4 Public Works
- 103-16 Mr. Weller and Mr. Koch
BID ACCEPTANCE FOR ROAD STRIPING (Department of Public Works)
Approved 6 Finance and 4 Public Works

- 104-16 Mr. Weller and Mr. Koch
ACCEPTING MATERIAL BIDS FOR ASPHALT CONCRETE, LIQUID BITUMINOUS MATERIALS, MICRO SURFACING, IN-PLACE RECYCLING OF BITUMINOUS PAVEMENT, SURFACE TREATING, PAVER PLACED CHIP SEAL, FIBER REINFORCED BITUMINOUS MEMBRANE SURFACE TREATMENT AND HOT MIX ASPHALT IN-PLACE PAVING PROJECTS (Department of Public Works)
Approved 6 Finance and 4 Public Works
- 105-16 Mr. Klancer
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH WILMAC FOR SOFTWARE MAINTENANCE AND SUPPORT OF WORDNET SERIES 3 VOICE RECORDER TO NICE INFORM INCIDENT INFORMATION MANAGEMENT SYSTEM **Additional Sponsor: VanRensselaer**
Approved 6 Finance and 6 County Operations/Public Safety
- 106-16 Mr. Klancer
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH ALLEGANY COUNTY FOR JOINT CRIME PREVENTION AND REDUCTION STRATEGIES PROGRAMS
Approved 6 Finance and 6 County Operations/Public Safety
- 107-16 Mr. Klancer
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Sheriff's Office-Domestic Violence Officer Grant) **Additional Sponsor: Padlo**
Approved 6 Finance and 6 County Operations/Public Safety
- 108-16 Mr. Klancer and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH NEW YORK STATE BOARD OF ELECTIONS FOR HELP AMERICA VOTE ACT (HAVA) FUNDS REIMBURSEMENT (Voter Education/Poll Worker Training Program)
Approved 6 Finance and 6 County Operations/Public Safety
- 109-16 Mr. Klancer and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT EXTENSION WITH NEW YORK STATE BOARD OF ELECTIONS FOR HELP AMERICA VOTE ACT (HAVA) SHOEBOX PROGRAM FUNDS REIMBURSEMENT
Approved 6 Finance and 6 County Operations/Public Safety
- 110-16 Ms. Vickman and Mr. Lamberson
CREATING ONE (1) PART-TIME POSITION OF AGING SERVICES AIDE AND ESTABLISHING COMPENSATION FOR THE SAME (Department of Aging)
Approved 6 Finance, 5 Human Services and 3 Labor Relations

- 111-16 Ms. Vickman and Mr. Lamberson
ABOLISHING ONE (1) PART-TIME POSITION OF LEISURE TIME ACTIVITIES AIDE AND ONE (1) PART-TIME POSITION OF ACCOUNT CLERK TYPIST, CREATING ONE (1) PART-TIME POSITION OF LEISURE TIME ACTIVITIES WORKER AND ONE (1) PART-TIME POSITION OF KEYBOARD SPECIALIST II, AND ESTABLISHING COMPENSATION FOR THE SAME (Department of Nursing Homes)
Approved 6 Finance, 5 Human Services and 3 Labor Relations
- 112-16 Ms. Vickman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH KENT A. LIEBER, M.D. FOR PINES HEALTHCARE and REHABILITATION CENTER-MACHIAS CAMPUS MEDICAL DIRECTOR SERVICES
Approved 6 Finance and 5 Human Services
- 113-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING CERTAIN CHARGE-OFFS OF CERTAIN ACCOUNTS RECEIVABLE IN THE DEPARTMENT OF HEALTH
Approved 6 Finance and 5 Human Services
- 114-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SALAMANCA YOUTH BUREAU FOR NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS REACHING PEOPLE WITH DISABILITIES THROUGH HEALTHY COMMUNITIES PROJECT (Cooperative Agreement No. 5U38OT000225-03)
Approved 6 Finance and 5 Human Services
- 115-16 Ms. Vickman and Mrs. Labuhn
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH SALAMANCA HOUSING AUTHORITY FOR HEALTH DEPARTMENT OFFICE SPACE
Approved 6 Finance and 5 Human Services
- 116-16 Mr. Klancer and Mr. Padlo
AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH ROCHESTER STREET DEVELOPMENT FOR PROBATION DEPARTMENT OFFICE SPACE ***Additional Sponsor: Labuhn***
AMENDED: III Whereas: Delete "\$1,081.60" and Add "\$1,124.86"
Approved 6 Finance and 6 County Operations/Public Safety

**LOCAL LAW NUMBER 1 - 2016
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

A LOCAL LAW ESTABLISHING THE CATTARAUGUS COUNTY ANIMAL ABUSER REGISTRY

BE IT ENACTED, by the County Legislature of the County of Cattaraugus as follows:

Section 1. Intent. It is the intent of this local law to establish a registry of individuals in Cattaraugus County who have abused animals.

Section 2. Legislative Findings. Cruelty is a serious problem resulting in the abuse of many animals each year, and while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Cattaraugus County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans, and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Cattaraugus County Legislature hereby finds and determines that it is in the best interest of the residents of Cattaraugus County and their animals that an online registry be established identifying individuals residing in Cattaraugus County who have been convicted of animal abuse crimes in order to prevent these individuals from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale or other means.

Section 3. Definitions. As used in this local law, the following terms shall have the meanings indicated:

3.1 "Animal Abuse Crime" - Any of the following crimes:

- a) A Violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:
 - Section 351 - Prohibition of animal fighting
 - Section 353 - Torturing and injuring animals; failure to provide proper sustenance
 - Section 353-A - Aggravated cruelty to animals
 - Section 355 - Abandonment of animals
 - Section 356 - Failure to provide proper food and drink to impounded animals
 - Section 359 - Carrying animal in a cruel manner
 - Section 360 - Poisoning or attempting to poison animals
 - Section 361 - Interference with or injury to certain domestic animals
 - Section 362 - Throwing substance injurious to animals in public place
 - Section 365 - Clipping or cutting the ears of dogs
 - Section 366 - Companion animal stealing
 - Section 366-A - Removing, seizing or transporting dogs for research purposes
- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- c) Harming a service animal in violation of PL §242.10 and PL §242.15
- d) Killing or injuring a police animal in violation of PL §195.06
- e) Harming an animal trained to aid a person with a disability in violation of PL §195.12.

3.2 "Animal" - Any living mammal (except a human being), bird, reptile, amphibian or fish.

3.3 "Animal Abuse Offender" - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

3.4 "Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Cattaraugus County convicted of an Animal Abuse Crime.

3.5 "Animal Shelter" - Any publicly or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

3.6 "Conviction" - An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.

3.7 "Farm Animal" - An animal used in the production of human or animal food, feed or fiber.

3.8 "Pet Seller" - Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

3.9 "Service Animal" - Any animal that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

Section 4. Establishing an Animal Abuser Registry. The Cattaraugus County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information, the nature of, and date of conviction of all Animal Abuse Offenders living in Cattaraugus County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Cattaraugus County Sheriff's Office and shall be listed on the Cattaraugus County official website within the Cattaraugus County Sheriff's Office webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Cattaraugus County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Cattaraugus County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Cattaraugus County Animal Abuse Registry within five (5) days following the notification.

Section 5. Registry Requirements.

5.1 All Animal Abuse Offenders who reside in Cattaraugus County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Cattaraugus County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.

5.2 When a person is convicted of an Animal Abuse Crime, the court shall forward to the Sheriff's Office the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.

5.3 Each person required to register with the Animal Abuser Registry shall submit to the Cattaraugus County Sheriff's Office on a form prepared by the Sheriff's Office, the following:

- a) Their name and any aliases they may be known by,
- b) Their residence address,
- c) Their date of birth, and
- d) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

5.4 Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residence address and/or upon any official change of name.

5.5 Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Cattaraugus County Sheriff's Office at the time of Registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.

5.6 The Cattaraugus County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 6. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.

6.1 Except as provided for otherwise in this local law, no person who is required to register under this local law shall possess or own any animal.

6.2 No Animal Shelter, Pet Seller, or other person or entity located in Cattaraugus County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Cattaraugus County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

Section 7. Penalties.

7.1 Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a violation punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

7.2 Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal - except for Farm Animals for farmers and Service Animals for people with disabilities - shall be guilty of a violation punishable by a fine of Five Hundred Dollars (\$500.00).

7.3 Any Animal Shelter, Pet Seller or other individual or entity that violates Section 6 of this Local Law shall be guilty of a violation and subject to a fine of up to Five Hundred Dollars (\$500.00) for the first offense, a fine of up to One Thousand Dollars (\$1,000.00) for the second offense, and a fine of up to Two Thousand Dollars (\$2,000.00) for the third offense. It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Cattaraugus County Animal Abuser Registry and the name did not appear thereon.

Section 8. Severability. If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 9. Effective Date. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**AUTHORIZING THE CHAIR TO EXECUTE LEASE AGREEMENT WITH
ROCHESTER STREET DEVELOPMENT FOR
PROBATION DEPARTMENT OFFICE SPACE**

Pursuant to Sections 215 and 450 of the County Law.

I. WHEREAS, Act 190-2013 authorized a lease agreement with Snyder Holdings Company, Inc., for the leasing of office space located at 255 Rochester Street, Unit #1, Salamanca, New York, and

II. WHEREAS, Snyder Holdings Company, Inc., has sold the aforementioned property to Rochester Street Development, effective February 17, 2016, and

III. WHEREAS, Rochester Street Development, 14411 Route 438, Gowanda, New York 14070, has approximately 2,000 square feet of space available in its facility, located at 255 Rochester Street in Salamanca, and will lease it to the County for an amount of ~~\$1,081.60~~ **\$1,124.86** per month, plus an additional amount of \$250.00 per month for electricity, heat, air conditioning, bi-weekly restroom cleaning and supplies, and snow removal, to be paid as invoiced, and

IV. WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned lease, now, therefore, be it

I. RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Rochester Street Development, for the leasing of the aforementioned office space, for a term commencing February 17, 2016 and terminating February 16, 2019, with the option to renew for three (3) additional years with a 4% increase each year, according to the above-described terms.

Resolution Referred to:

- | | | | |
|------------------------------|-------------------------------------|--------------------|-------------------------------------|
| Finance | <input checked="" type="checkbox"/> | Human Services | <input type="checkbox"/> |
| DPW | <input type="checkbox"/> | Develop. & Ag | <input type="checkbox"/> |
| Labor Relations | <input type="checkbox"/> | Strategic Planning | <input type="checkbox"/> |
| Co. Operations/Public Safety | | | <input checked="" type="checkbox"/> |