

## Agenda

### Public Safety Committee

**March 21, 2018, 4:15 pm, Room 331**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (2/21/18)
- C. Privilege of the Floor
  - 1. Proposed Local Law Intro 4-18- A Local Law Authorizing the Creation of an Animal Abuse Registry
  - 2. Proposed Resolution – Fiscal Year 2017 Hazardous Materials Emergency Preparedness (HMEP) Grant Program
  - 3. Proposed Resolution – NYS DHSES Fire Suppression Foam Equipment
  - 4. Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – Additional Adjustments
  - 5. Proposed Resolution- Authorize Agreement with Forestville Central School District for School Resource Officer
  - 6. Other

LOCAL LAW  
INTRODUCTORY NO. 4-18  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE CREATION  
OF AN ANIMAL ABUSE REGISTRY

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. Legislative Findings.

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Chautauqua 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 Chautauqua County Legislature further finds and determines that it is in the best interest of the residents of Chautauqua County and their animals that an online registry be established identifying individuals residing in Chautauqua County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty 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 2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

"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 Overdriving, 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 NYS PL §242.10 and NYS PL §242.15
- (d) Killing or injuring a police animal in violation of NYS PL §195.06
- (e) Harming an animal trained to aid a person with a disability in violation of NYS PL §195.12

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

"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.

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

"Animal Shelter" - Any public 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.

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

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

"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.

"Service Animal" - Any dog or miniature horse 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 3. Establishing an Animal Abuser Registry.

The Chautauqua 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 of all available Animal Abuse Offenders living in Chautauqua 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 Office of the Chautauqua County Sheriff and shall be listed on the Chautauqua County official website within the Office of the Chautauqua County Sheriff's 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 Chautauqua 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 Officer 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 Office of the Chautauqua County Sheriff 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 Chautauqua County Animal Abuse Registry within five (5) days following the notification.

### Section 4. Registry Requirements.

(a) All Animal Abuse Offenders who reside in Chautauqua County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Chautauqua 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.

(b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Office of the Chautauqua County Sheriff 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 Office of the Chautauqua County Sheriff that the person is required to register with the Animal Abuser Registry.

(c) Each person required to register with the Animal Abuser Registry shall submit to the Office of the Chautauqua County Sheriff:

- i) Their name and any aliases they may be known by;
- ii) Their residence address;
- iii) Their date of birth; and
- iv) 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.

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

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

(f) The Chautauqua County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

#### Section 5. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.

No Animal Shelter, Pet Seller, or other person or entity located in Chautauqua County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Chautauqua 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. This section shall not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.

#### Section 6. Penalties.

(a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).

(b) 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 misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).

(c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 5 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Chautauqua County Animal Abuser Registry and the name did not appear thereon.

#### Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the

other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

JCG 2/21/18
KDG 3/1/18
SMA 3/1/18
KMD 3/5/18
KLC 3/5/18
GMB 3/7/18

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Fiscal Year 2017 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

**BY:** Public Safety and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive George M. Borrello:

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$15,516.00 under the FY 2017 Hazardous Material Emergency Preparedness (HMEP) Grant Program; and

WHEREAS, funding is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the HMEP planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the grant period runs from October 1, 2017 through September 30, 2018, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2018 budget year; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans if necessary; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual – Hazardous Materials	\$15,516
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INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid – Homeland Security	\$15,516
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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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**Date**

JCG 2/21/18  
KDG 3/1/18  
SMA 3/1/18  
KMD 3/5/18  
KLC 3/5/18  
GMB 3/7/18

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** NYS DHSES Fire Suppression Foam Equipment

**BY:** Public Safety Committee:

**AT THE REQUEST OF:** County Executive George M. Borrello:

WHEREAS, on January 28, 2014, Governor Andrew Cuomo issued an Executive Order 125 directing State agencies to conduct a review of safety procedures and emergency response preparedness related to the shipments of volatile crude from the Bakken Oil fields in North Dakota and other sources; and

WHEREAS, the State formed the NYS Foam Task Force, which is a State and local partnership, to support and supplement existing local foam capabilities to assure that trained personnel and the appropriate equipment are available at strategic locations throughout the state based on risk; and

WHEREAS, as a result of the review, NYS Division of Homeland Security and Emergency Services (DHSES) has acquired a quantity of foam trailers, equipment and supplies, of which Chautauqua County Office of Emergency Services has been selected as a strategic location to pre-position such equipment; and

WHEREAS, CSX has provided information to NYS that 20 to 35 unit trains transporting in excess of 1 million gallons of crude oil each travel through Chautauqua County each week and this trailer will significantly enhance our response to any incident involving one of these trains; therefore be it

RESOLVED, That County Executive George M. Borrello is authorized to enter into agreements as necessary with NYS DHSES for the temporary housing of fire suppression foam equipment.

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**



**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

KMD 3/8/18
SMA 3/8/18
KLC 3/12/18
GMB 3/13/18

**TITLE:** Amend 2017 Budget for Year End Reconciliations – Additional Adjustments

**BY:** Public Safety and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive George Borrello:

WHEREAS, some department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the some departments have received revenues in excess of budget, as well as some revenues did not achieve revenue budgets; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

**INCREASE APPROPRIATION ACCOUNTS:**

A.1162.1120.4	Contractual - Assigned Counsel	\$56,248
A.3010.----.8	Employee Benefits - Emergency Services	\$62
A.3110.----.1	Personal Services - Sheriff	\$777
A.3110.----.4	Contractual - Sheriff	\$1,402
A.3110.----.8	Employee Benefits - Sheriff	\$78
A.3315.----.4	Contractual - STOP DWI	\$27,886
A.3315.----.8	Employee Benefits - STOP DWI	\$1,682
ESN.8120.8122.4	Contractual - Sanitary Sewers-Sanitary Sewers	<u>\$10,161</u>
	- Total	\$98,296

**DECREASE APPROPRIATION ACCOUNTS:**

A.2490.----.4	Contractual - Community College Tuition	\$53,226
A.3010.----.4	Contractual - Emergency Services	\$62
A.4320.----.4	Contractual - Mental Hygiene Programs	\$3,022
A.6129.----.4	Contractual - State Training School	\$24,778
ESN.8120.8122.2	Equipment - Sanitary Sewers-Sanitary Sewers	<u>\$10,161</u>
	- Total	\$91,249

**INCREASE REVENUE ACCOUNT:**

A.3150.----.R158.9012	Departmental Income— Other Public Safety Income Communications	\$7,170
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**DECREASE REVENUE ACCOUNT:**

A.3110.----.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$123
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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

JAG 3/14/2018
KDG 3/15/18
KMD 3/15/18
GMB 3/15/18

**TITLE:** Authorize Agreement with Forestville Central School District for School Resource Officer

**BY:** Public Safety and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive George M. Borrello:

WHEREAS, the Forestville Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of March 12, 2018 through December 31, 2018; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Forestville School District to provide a certified School Resource Officer for the 2018 calendar year at an annual cost of \$62,771.00, a pro-rated amount based upon the start date; and

WHEREAS, any additional expenditures to fund this position will be covered by additional revenue; however, this agreement was not included in the 2018 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Forestville Central School District for the purpose of providing a School Resource Officer for the 2018 term as set forth above with revenues to be credited to account A.3110.R226.0000; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.1	Personal Services—Sheriff	\$51,754
A.3110.4	Contractual—Sheriff	\$ 3,000
A.3110.8	Employee Benefits—Sheriff	<u>\$ 8,017</u>
	Total	\$62,771

INCREASE REVENUE ACCOUNT:

A.3110.R226.0000	Shared Services—Chrgs: Oth Gov—Public Safety	\$62,771
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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**