



CATTARAUGUS COUNTY

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, February 24, 2021**, for the transaction of such business as may properly come before the meeting.

Pursuant to New York State Executive Order 202.1, public in-person access is not permitted; however, the public may listen to the Committee Meetings by calling: 1-408-418—9388 /Access Code: 179 882 9437 (Followed by #).

Written comments for Local Law Number 2-2021 and 3-2021 are invited and can be submitted by emailing to dkgraham@cattco.org using the subject line "PH – LL 2-2021 or 3-2021". Written comments must be submitted no later than 4:00 p.m. on Wednesday, February 24, 2021.

Written comments for CDBG Public Hearing are invited and can be submitted by emailing to cabers@cattco.org using the subject line "CDBG Public Hearing". Written comments must be submitted no later than 4:00 p.m. on Wednesday, February 24, 2021.

Contingent Fund Balance: \$198,420

- 5:00 p.m.** CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE
COMMUNICATIONS
PRIVILEGE OF THE FLOOR
- *CDBG Public Hearing – Application for funding for Microenterprise Assistant Program*
 - *Local Law No. 2-2021*
 - *Local Law No. 3-2021*
 - *Police Reform Presentation – Mel Churakos*
- RESOLUTIONS/MOTIONS/NOTICES READY FOR ACTION
RESOLUTIONS – IMMEDIATE CONSIDERATION
UNFINISHED BUSINESS
ADJOURNMENT

ACT NO.
77-21

RESOLUTIONS READY FOR ACTION

Ms. Schroder AND Mr. VanRensselaer
LOCAL LAW NUMBER 2-2021 – A LOCAL LAW ESTABLISHING SALARIES FOR CERTAIN COUNTY OFFICERS

79-21 Ms. Schroder
LOCAL LAW NUMBER 3-2021 – A LOCAL LAW ESTABLISHING THE CATTARAUGUS COUNTY ANIMAL ABUSER REGISTRY AND REPEALING LOCAL LAW NO. 6-2018 (INTRO NO. 6-2018)

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85-21 Mr. Helmich and Mr. Koch
BID ACCEPTANCE FOR BRIDGE STRUCTURAL STEEL (Department of Public Works)
Approved by 7 Finance and 6 Public Works

86-21 Mr. Helmich and Mr. Koch
BID ACCEPTANCE FOR CORRUGATED BEAM GUIDE RAILING, BOX BEAM AND CABLE GUIDE RAILING, BRIDGE AND CULVERT POST, BRIDGE RAILING AND TRANSITION SECTIONS (Department of Public Works)
Approved by 7 Finance and 6 Public Works

87-21 Mr. Helmich and Mr. Koch
BID ACCEPTANCE FOR CRUSHED STONE, ROCK RIP RAP, CONCRETE CATCH BASINS, PORTLAND CEMENT CONCRETE, FLEXIBLE CONCRETE MATS, GEOTEXTILE FABRIC AND PROCESSED GRAVEL (Department of Public Works)
Approved by 6 Finance and 6 Public Works

88-21 Mr. Helmich and Mr. Koch
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH CHRISTOPHER SURMA D/B/A ENVIROTEKNIX FOR LEACHATE, SURFACE AND GROUNDWATER MONITORING AT FARWELL AND FIVE POINTS LANDFILLS AND ALLEGANY AND FRANKLINVILLE HIGHWAY BARNS STORM WATER DISCHARGE ANALYSIS
Approved by 7 Finance and 6 Public Works

89-21 Mrs. Andreano
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH MCCARTHY & CONLON, LLP FOR PREPARATION AND REVIEW OF SKILLED NURSING FACILITY MEDICARE COST REPORTS FOR DEPARTMENT OF NURSING HOMES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Nursing Homes)
Approved by 7 Finance and 5 Human Services

90-21 Mr. Boberg and Mr. Klancer
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Sheriff's Office – 911 Center Furniture)
Approved by 7 Finance and 7 County Operations/Public Safety

91-21 Mr. Klancer
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED FOR DELEVAN DEPARTMENT OF MOTOR VEHICLES OFFICES JANITORIAL SERVICES
Additional sponsors: Mr. Boberg and Mr. Koch
Approved by 7 Finance, 7 County Operations/Public Safety and 6 Public Works

**LOCAL LAW NUMBER 2 - 2021
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law and
Sections 201 and 205 of the County Law.

A LOCAL LAW ESTABLISHING SALARIES FOR CERTAIN COUNTY OFFICERS

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

SECTION 1. Legislative Intent. It is the intent of this Local Law to establish salaries for County Officers, elected or appointed, who serve fixed terms for the year 2021.

SECTION 2. Schedule of 2021 Salaries. Effective January 1, 2021, the County Officers listed below shall receive the following bi-weekly salary, which represents a cost of living increase of 1% for 2021:

<u>Position</u>	<u>2021 Bi-Weekly Salary</u>
County Administrator	\$4,467.33
County Attorney	\$4,758.66
Director of Aging	\$2,905.07
Director of Community Services	\$3,432.26
Public Health Director	\$4,304.82
Commissioner of Social Services	\$3,934.21
Personnel Officer/Human Resources Director	\$3,301.10
Information Services Director	\$3,461.54
Economic Development, Planning & Tourism Director	\$3,439.39
Real Property Tax Director	\$3,174.33
Director of Emergency Preparedness/Services	\$2,509.09
Commissioner of Public Works	\$3,508.79
Public Defender	\$3,936.73

SECTION 3. Schedule of Salaries for Other County Officers. Effective January 1, 2021, the County Officers listed below shall receive the following salaries which incorporate a 1% salary increase for 2021:

<u>Position</u>	<u>2021 Bi-Weekly Salary</u>
Election Commissioner (2)	\$2,484.07
County Historian	\$617.07
Museum Curator	\$617.07
Probation Director	\$3,375.00
Veterans Services Director	\$2,373.93
Youth Bureau Director	\$2,711.51

<u>Position</u>	<u>Bi-Weekly Salary</u>
County Clerk	\$3,207.20
County Coroners (4)	\$ 464.11
Sheriff	\$4,296.22

SECTION 4. Supercession. All local laws and resolutions of the Cattaraugus County Legislature, including without limitation Local Law Number 2-2020 (Intro Number 2-2020) and Act No. 72-2020, to the extent that the same are inconsistent with this local law, are hereby superseded.

SECTION 5. Effective Date. This Local Law is subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law.

**LOCAL LAW NUMBER 3 - 2021
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
AND REPEALING LOCAL LAW NO. 6-2018 (INTRO NO. 6-2018)**

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 "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.

3.8 "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. Prohibited Acts and Required Registry Checks.

6.1 No Animal Abuse Offender shall possess, own, adopt or purchase an 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.

6.3 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.

6.4 This section shall not apply to Service Animals for people with disabilities.

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 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).

7.2 Any Animal Abuse Offender who violates the prohibition against possession, owning, adopting or purchasing an animal, except for 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 not to exceed Five Thousand Dollars (\$5,000.00).

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 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 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.

SECTION 10. Repeal. Local Law No. 6-2018 (Intro No. 6-2018) is hereby repealed.