



# CATTARAUGUS COUNTY

John R. Searles, County Administrator

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The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, September 12, 2018**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$102,698

4:00 p.m.      CALL TO ORDER  
                  ROLL CALL  
                  INVOCATION  
                  PLEDGE OF ALLEGIANCE  
                  COMMUNICATIONS  
                  PRIVILEGE OF THE FLOOR

- *Presentation by CCE 4-H Members*
- *Public Hearing - Local Law Number 6-2018*

                  MINUTES OF PREVIOUS MEETING  
                  RESOLUTIONS/MOTIONS/NOTICES READY FOR ACTION  
                  RESOLUTIONS – IMMEDIATE CONSIDERATION  
                  UNFINISHED BUSINESS  
                  ADJOURNMENT

**ACT NO.**  
400-18

**RESOLUTIONS NOT READY FOR FINAL ACTION**

Mr. Snyder, Jr., Mr. Snyder, Sr., and Mr. Giardini  
LOCAL LAW NUMBER 7-2018 – AMENDING LOCAL LAW NUMBER 7-2013 (INTRO NUMBER 6-2013) REGARDING FEE SCHEDULE FOR ONOVILLE MARINA BOATING AND CAMPING ACTIVITIES TO INCLUDE DISABLED VETERANS EXEMPTION  
***Additional sponsors: Mr. Boberg, Mr. Helmich, Mr. Neal, Mr. Koch and Mrs. Labuhn***

**AMENDED:** In the title, Section 1 and Section 2, after Disabled Veteran, add “Active Military Personnel and Reservist”; Section 2, add “NYS Lifetime Liberty Pass and/or their Federal America the Beautiful pass”; Section 4, delete “immediately”, replace with “January 1, 2019”

Approved by 4 Finance and 7 Public Works

405-18

Mr. Snyder, Jr.  
WAIVING TAXES, FEES AND INTEREST ON CERTAIN PROPERTY (Village of Ellicottville)  
**Held in Finance Committee**

**ACT NO.****RESOLUTIONS READY FOR ACTION**

- 370-18 Mr. Boberg, Mr. Breton and Ms. Vickman  
LOCAL LAW NUMBER 6-2018 - A LOCAL LAW ESTABLISHING THE CATTARAUGUS COUNTY ANIMAL ABUSER REGISTRY AND REPEALING LOCAL LAW NO. 2-2016 (INTRO NO. 1-2016)  
Approved by 7 Finance and 6 County Operations/Public Safety
- 384-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR SALT AND SAND PREMIX (Department of Public Works)  
Approved by 4 Finance and 7 Public Works
- 385-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR HOT DIP GALVANIZATION OF STEEL (Department of Public Works)  
Approved by 4 Finance and 7 Public Works
- 386-18 Mr. Giardini and Mr. Helmich  
BID ACCEPTANCE FOR CUTTING EDGES AND SHOES FOR GRADERS, PLOWS AND WINGS (Department of Public Works)  
Approved by 4 Finance and 7 Public Works
- 387-18 Mr. Giardini and Mr. Helmich  
REJECTING CERTAIN DEPARTMENT OF PUBLIC WORKS BIDS FOR CUTTING EDGES AND SHOES FOR GRADERS, PLOWS & WINGS (Department of Public Works)  
Approved by 4 Finance and 7 Public Works
- 388-18 Mr. Giardini and Mr. Helmich  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH TESTAMERICA LABORATORIES, INC. FOR GROUNDWATER MONITORING SERVICES AT FARWELL AND FIVE POINTS LANDFILLS AND THE ANALYSIS OF ALLEGANY HIGHWAY FACILITY STORMWATER DISCHARGE  
Approved by 4 Finance and 7 Public Works
- 389-18 Mr. Giardini and Mr. Helmich  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR LANDFILL WATER MONITORING REPORTING AT FARWELL AND FIVE POINTS LANDFILLS  
Approved by 4 Finance and 7 Public Works
- 390-18 Ms. Vickman, Mr. Breton, Mr. Higgins and Mr. Giardini  
CREATING ONE (1) FULL-TIME POSITION OF WATER RESOURCE SPECIALIST IN THE HEALTH DEPARTMENT AND ESTABLISHING COMPENSATION FOR THE SAME (Department of Health)  
Approved by 4 Finance, 5 Human Services and 5 Labor Relations

- 391-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATHOLIC CHARITIES OF WESTERN NEW YORK, INC., FOR DEPARTMENT OF SOCIAL SERVICES KINSHIP PROGRAM  
Approved by 4 Finance and 5 Human Services
- 392-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN YMCA, INC. FOR YMCA MEMBERSHIPS FOR FAMILIES WITH CHILDREN AT RISK OF PLACEMENT  
Approved by 4 Finance and 5 Human Services
- 393-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS FOR AFTER SCHOOL AND SUMMER PROGRAM FOR AT-RISK YOUTH FOR DEPARTMENT OF SOCIAL SERVICES  
Approved by 4 Finance and 5 Human Services
- 394-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH VARIOUS ENTITIES FOR DEPARTMENT OF SOCIAL SERVICES FAMILY GROUP CONFERENCING PROGRAM  
Approved by 4 Finance and 5 Human Services
- 395-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR DEPARTMENT OF SOCIAL SERVICES TRUANCY PREVENTION PROGRAM  
Approved by 4 Finance and 5 Human Services
- 396-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS FOR HIGH SCHOOL EQUIVALENCY INSTRUCTION AND MATH AND READING TUTORIAL SERVICES (Departments of Social Services and Probation)  
Approved by 4 Finance and 5 Human Services
- 397-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD FOR WIOA CAREER SERVICES  
Approved by 4 Finance and 5 Human Services
- 398-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CATTARAUGUS-ALLEGANY WORKFORCE DEVELOPMENT BOARD, INC. FOR YEAR-ROUND YOUTH PROGRAMS (2018-2019)  
Approved by 4 Finance and 5 Human Services

- 399-18 Ms. Vickman and Mr. Snyder, Jr.  
AMENDING ACT 52-2018 TO INCREASE PETTY CASH AMOUNT IN DEPARTMENT  
OF COMMUNITY SERVICES  
Approved by 4 Finance and 5 Human Services  
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- 401-18 Mr. Snyder, Jr., Mr. Snyder, Sr., and Mr. Giardini  
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 7-2018  
Approved by 4 Finance and 7 Public Works
- 402-18 Mr. Snyder, Sr., Mrs. Labuhn, Ms. Vickman, Mr. Neal, Mr. Padlo, Mr. Koch and  
Ms. Hastings  
SUPPORTING FORMATION OF LOCAL DEVELOPMENT CORPORATION FOR  
COUNTY DETENTION FACILITY FOR JUVENILE DELINQUENTS AND PERSONS IN  
NEED OF SUPERVISION AND PARTICIPATION IN AS A MEMBER  
Approved by 4 Finance, 5 Human Services and 7 County Operations/Public Safety
- 403-18 Mr. Klancer and Mr. Neal  
AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
TARGETSOLUTIONS LEARNING, LLC, FOR PURCHASE OF ONLINE TRAINING  
PLATFORM LICENSE FOR OFFICE OF EMERGENCY SERVICES  
Approved by 4 Finance and 7 County Operations/Public Safety
- 404-18 Mr. Klancer  
AUTHORIZING THE CHAIR TO EXECUTE GRANT DOCUMENTS WITH NEW YORK  
STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR SHERIFF'S DEPARTMENT  
TRAFFIC SAFETY PARTNERSHIP PROGRAM  
Approved by 4 Finance and 7 County Operations/Public Safety  
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- 406-18 Mr. Snyder, Sr., Mrs. Labuhn, Ms. Vickman, Mr. Neal, Mr. Padlo, Mr. Koch and  
Ms. Hastings  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH TARGETSOLUTIONS  
LEARNING, LLC FOR PURCHASE OF ONLINE TRAINING PLATFORM LICENSE FOR  
COUNTY-WIDE TRAINING SERVICES  
Approved by 4 Finance and 5 Labor Relations
- 407-18 Ms. Vickman and Mr. Snyder, Jr.  
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH GLOBAL HEALTH  
PRODUCTS, INC. FOR NUTRITIONAL SUPPLEMENTS AND PRODUCTS FOR  
DEPARTMENT OF NURSING HOMES  
Approved by 4 Finance and 5 Human Services

- 408-18 Ms. Vickman and Mr. Snyder, Jr.  
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND DIRECTIONS IN INDEPENDENT LIVING, INC. FOR HEALTH HOME, NON-MEDICAID CARE COORDINATION, MENTAL HEALTH CONSUMER ADVOCACY, SUPPORT AND TRAINING PROGRAM AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
Approved by 4 Finance and 5 Human Services
- 409-18 Ms. Vickman and Mr. Snyder, Jr.  
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND HOUSING OPTIONS MADE EASY, INC. FOR VARIOUS SERVICES, SERVING AS THE LEAD AGENCY FOR RECOVERY CENTER SERVICES AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
Approved by 4 Finance and 5 Human Services
- 410-18 Ms. Vickman and Mr. Snyder, Jr.  
APPROVING AMENDED CONTRACT BETWEEN CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND SOUTHERN TIER ENVIRONMENTS FOR LIVING, INC. FOR VARIOUS MENTAL HEALTH PROGRAMS AND ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS (Department of Community Services)  
Approved by 4 Finance and 5 Human Services

**LOCAL LAW NUMBER 6 - 2018  
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. 2-2016 (INTRO NO. 1-2016)**

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 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 Hundred Dollars (\$500.00) for the first offense, a fine of One Thousand Dollars (\$1,000.00) for the second offense, and a fine of 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.

SECTION 10. Repeal. Local Law No. 2-2016 (Intro No. 1-2016) is hereby repealed.

ACT NO. 400-2018

by Mr. Snyder, Jr., Mr. Snyder, Sr. and Mr. Giardini  
*and Mr. Boberg, Mr. Helmich, Mr. Neal,  
Mr. Koch and Mrs. Labuhn*

LOCAL LAW NUMBER 7 - 2018  
COUNTY OF CATTARAUGUS, NEW YORK

Pursuant to Section 10 of the Municipal Home Rule Law.

AMENDING LOCAL LAW NUMBER 7-2013 (INTRO NUMBER 6-2013) REGARDING  
FEE SCHEDULE FOR ONOVILLE MARINA BOATING AND CAMPING ACTIVITIES  
TO INCLUDE DISABLED VETERANS *ACTIVE MILITARY PERSONNEL AND RESERVISTS* EXEMPTION

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 amend Local Law No. 7-2013 (Intro No. 6-2013), which established the fee schedule for the Onoville Marina boating and camping activities, to exempt disabled veterans, *active military personnel and reservists* from admission fees into the Onoville Marina.

SECTION 2. Amendment. Local Law No. 7-2013 is hereby amended by adding an exemption under Section 2. Onoville Marina Fees, as follows: After: "Vehicle Access Fee \$4.00 per day", add: "Exemption for Disabled Veterans, *active military personnel and reservists* (proof required-*NYS Lifetime Liberty Pass and/or their Federal America the Beautiful pass*)".

SECTION 3. Severability. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication, shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective Date. This Local Law shall take effect ~~immediately~~ **January 1, 2019.**