

Agenda

Public Safety Committee

April 18, 2018, 4:15 pm, Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (3/21/18)
- C. Privilege of the Floor
 - 1. Tabled Local Law Intro 4-18- A Local Law Authorizing the Creation of an Animal Abuse Registry
 - 2. Proposed Local Law Intro 7-18- A Local Law Amending the Chautauqua County Charter
 - 3. Proposed Resolution- Confirm Appointments - Chautauqua County Coroners
 - 4. Proposed Resolution- Authorizing Agreements with New York State Office of Parks, Recreation And Historic Preservation for use of State Owned Motorized Boats
 - 5. Proposed Resolution- Authorize Execution of New York State Office of Homeland Security Funding Grant—Operation Stone Garden FY17
 - 6. Proposed Resolution- Authorize Execution of New York State Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY17
 - 7. Proposed Resolution- Authorize Execution of Statewide Interoperability Communications (SICG) Grant Award FY17
 - 8. Proposed Resolution- Authorize Execution of Lease Agreement with Conterra Ultra Broadband, LLC for Tower Space
 - 9. 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.

**LOCAL LAW
INTRODUCTORY NUMBER 7-18
CHAUTAUQUA COUNTY**

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendments to County Charter.

A. Section 2.05(h) of the Chautauqua County Charter regarding the powers and duties of the County Legislature is hereby amended as follows:

(h) To appoint a Public Defender ~~and up to six (6) Coroners~~ to serve as provided by law. The Public Defender ~~They~~ shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her ~~them~~ by applicable law, and be directly responsible to the County Legislature.

B. Section 3.02(a) of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended as follows:

(a) Be the chief executive officer and administrative head of the executive branch of county government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, Comptroller, County Clerk, and Board of Elections; (2) the internal functions of the County Legislature; and (3) the administration of the public defender ~~and coroners~~, which shall be the responsibility of the County Legislature.

C. Section 3.02(c) of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended as follows:

(c) Exercise supervision and control of all executive branch entities, and shall prescribe, within budget appropriations, the staffing, internal organization and reorganization of such entities, including appointment of any heads of such entities, provided, however, that the appointment of the chief fiscal officer of the County, up to six (6) coroners, and the Special Assistant for Medicaid shall be subject to confirmation by the County Legislature. In this connection, the Executive shall have the power to determine who shall perform such duties and have such powers not otherwise clearly defined by the Charter.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Sponsored by Chairman Paul M. Wendel

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

PMW 4/11/18

TITLE: Confirm Appointments - Chautauqua County Coroners

BY: Public Safety Committee:

AT THE REQUEST OF: Chairman Paul M. Wendel:

WHEREAS, Local Law 8-18 amended the Chautauqua County Charter to increase the number of Coroner positions to up to six; and

WHEREAS, three of the six offices of Coroner in Chautauqua County are vacant; and

WHEREAS, the County Charter has vested in the County Legislature the power to appoint Coroners henceforth as the offices become vacant; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following persons as Chautauqua County Coroner for terms to expire as listed.

Daniel Tyler 4868 Route 430 Bemus Point, NY 14712	Term to expire December 31, 2019
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Desiree Sundquist 21 Hern Avenue Lakewood, NY 14750	Term to expire December 31, 2020
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CJH
4/4/2018
ABC 4/4/18
SMA 4/4/18
KMD 4/4/18
KLC 4/4/18
GMB 4/5/18

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorizing Agreements with New York State Office of Parks,
Recreation and Historic Preservation for use of State Owned Motorized Boats

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of the Sheriff is desirous of using state motorized boats for marine law enforcement purposes; and

WHEREAS, the New York Office of Parks, Recreation and Historic Preservation currently has available a McKee Craft outboard-driven patrol boat, a Brunswick outboard-driven patrol boat, and an Angler outboard driven patrol boat, with trailers for such purposes, and may make available other patrol boats in the future; and

WHEREAS, such equipment is available for use by the Office of the Sheriff for such use at no cost to the County provided that the County shall be responsible for all maintenance of this equipment; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into any and all intergovernmental agreements with the State of New York Office of Parks, Recreation and Historic Preservation for use of any and all State owned motorized boats for law enforcement purposes upon the forgoing terms and conditions, and within budget appropriations.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CJH 4/4/18
ABC 4/4/18
SMA 4/4/18
KMD 4/4/18
KLC 4/4/18
GMB 4/5/18

TITLE: Authorize Execution of New York State Office of Homeland Security Funding Grant—Operation Stone Garden FY17

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for further implementation of Operation Stone Garden; and

WHEREAS, the State of New York will provide funding for an FY17 grant in the amount of \$68,336.00, with no local funds, for a contract period of September 1, 2017 through August 31, 2020; and

WHEREAS, this grant is included in the 2018 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CJH 4/4/18
ABC 4/4/18
SMA 4/4/18
KMD 4/4/18
KLC 4/4/18
GMB 4/5/18

TITLE: Authorize Execution of New York State Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY17

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Public Safety Answering Point (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$174,310.00 with no local funds required for the contract period from January 1, 2018 to December 31, 2018; and

WHEREAS, this grant is included in the 2018 budget, but the award is less than anticipated; now therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate agreement with the New York State Office Homeland Security; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance	\$13,690
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; and be it further

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

DECREASE REVENUE ACCOUNT:

A.3020.DISP.R338.9002	New York State Aid – Oth Publ Safety: Dispatch	\$13,690
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CJH 4/4/18
ABC 4/4/18
SMA 4/4/18
KMD 4/4/18
KLC 4/4/18
GMB 4/5/18

TITLE: Authorize Execution of Statewide Interoperability Communications (SICG) Grant Award FY17

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State Division of Homeland Security and Emergency Services approved the application submitted for the Statewide Interoperability Communications (SICG) formula grant; and

WHEREAS, the State of New York will provide funding for an FY17 grant in the amount of \$647,798.00, with no local funds, for the performance period of January 1, 2018 through December 31, 2019; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement to secure the grant funding with the New York State Division of Homeland Security and Emergency Services.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CJH 4/4/18
ABC 4/4/18
SMA 4/4/18
KMD 4/4/18
KLC 4/4/18
GMB 4/5/18

TITLE: Authorize Execution of Lease Agreement with Conterra Ultra Broadband, LLC for Tower Space

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, Conterra Ultra Broadband, LLC desires to enter into an agreement with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the County-owned tower located on Harrington Hill Road in the Village of Clymer, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Conterra Ultra Broadband, LLC, and such tower space is not needed for public (governmental) purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to a lease with an initial five (5) year term of January 1, 2018 through December 31, 2022, with an optional five (5) year renewal period; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the lease agreement with Conterra Ultra Broadband, LLC granting the right to maintain an antenna and communications equipment at the County-owned tower located on Harrington Hill Road in the Village of Clymer; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance \$1,920

; 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 REVENUE ACCOUNT:

A.3020.PSCN.R241.0TWR Rental: Tower Lease \$1,920

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date