

**Law Enforcement and Public Safety Committee  
Special Meeting Minutes**

**DATE & TIME:** October 14, 2015 – 2:00 PM  
**LOCATION:** COB, 6<sup>th</sup> Floor, Karen Binder Library  
**PRESIDING OFFICER:** Chairman TJ Briggs  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk/Confidential Secretary  
**PRESENT:** Legislators Ronk and Wishnick  
**ABSENT:** Legislators Fabiano and Provenzano  
**QUORUM PRESENT:** Yes  
**OTHER ATTENDEES:** Minority Counsel Guerin, Tracey Steeves – UC Attorney’s Office, Melanie Mullins – UC Probation, Richard Snider – Shawangunk Kennel Club, Bev Delaney – Shawangunk Kennel Club, Linda Doughty – Shawangunk Kennel Club, Matt McGillivray – Albany Kennel Club, Lucy Muller – Shawangunk Journal Pet Column, Melissa Fairweather – citizen breeder, Pat Valusek, NYSHA, Adam Saunders – UC SPCA, Brian Shapiro – HSUS, Kirsti Gholson – Task Force, Bill Ketzer – ASPCA, Merle Bornstein – Task Force

Chairman Briggs called the meeting to order at 2:05 PM.

Chairman Briggs welcomed everyone and thanked them for taking the time to come to the Legislative Offices to work together to find compromises on the Pet Sellers Law. He advised everyone that there was one other matter of Legislative business that he would like to take care of first.

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**Motion No. 1:** Resolution No. 368 – October 20, 2015

**Text of Motion:** **Resolved to approve Resolution No. 368** – Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With New York State Division Of Criminal Justice Services – Project Crime Victims Assistance Program – Department Of Probation

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Resolution No. 368 Summary:** This resolution authorizes the Chairman to execute and agreement with the NYS DCJS in the amount of \$39,000 for the Crime Victims Assistance Program through the UC Department of Probation.

**Discussion:**

Ms. Melanie Mullins from the Department of Probation advised the committee members that the funds being awarded in Resolution No. 368 were funds from the State Legislature to compensate counties for monies previously cut from the Crime Victims Assistance Program. She said the amount Ulster lost was about \$27,000 making the \$39,000 being awarded in 2015 a gain.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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After extensive deliberation the following amendments to Amended Proposed Local Law No. 12 of 2015 (A Local Law Of The County Of Ulster For The Regulation Of Pet Sellers) were agreed to:

**Motion No. 2**

**Text of Motion: Resolved to amend Section 2. DEFINITIONS, subsections 4 and 5 to read as follows**

4. “Pet Seller” means any person in Ulster County who engages in the sale or offering for sale of more than nine (9) dogs or cats per **calendar** year or who breeds more than two litters of dogs or cats per **calendar** year for sale to the public **for profit**. This definition shall not include any ~~individual who obtains a dog from a pure breed rescue organization and places such dog, for a fee, into an adoptive home. Nor shall this definition include~~ duly incorporated humane societies or animal protective associations dedicated to the care of unwanted animals which make such animals available for adoption, whether or not a fee is charged for such adoption.
5. “Dog Dealer” means any person who:
- a) Sells dogs belonging to such person that he or she has not bred on his or her own premises to a Pet Seller in Ulster County for resale to a Consumer, or;
  - b) Transfers dogs belonging to another to a Pet Seller in Ulster County for any type of consideration, fee, commission or percentage of sales price. ~~Excluded from such transfers under this section are the placement of pure breed dogs that are obtained from a pure breed rescue organization and placed, for a fee, into an adoptive home.~~

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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### Motion No. 3

**Text of Motion:** Resolved to amend Section 5. PERMIT REFUSAL, SUSPENSION, OR REVOCATION, subsection 1. to read as follows –

1. Convictions. The Commissioner shall not issue or renew, and shall suspend or revoke a Pet Seller permit issued pursuant to section 4 of this Local Law based on a conviction of a violation of any provision of Article Twenty-Six of the Agriculture and Markets Law, **or equivalent in the Penal Law**, or regulations promulgated thereunder pertaining to the inhumane treatment of animals, cruelty to animals, endangering the life or welfare of an animal, or violation of federal, state or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule promulgated pursuant thereto relating to the endangerment of the life or health of an animal.

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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### Motion No. 4

**Text of Motion:** Resolved to amend Section 8. PET SELLERS – MINIMUM STANDARDS OF CARE, subsection 1(a)(4) to read as follows –

~~(4) The temperature surrounding the animal shall be compatible with its health and well-being of each animal and breed, as determined by the Commissioner.~~ **The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be**

regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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### **Motion No. 5**

**Text of Motion: Resolved to amend Section 8. PET SELLERS – MINIMUM STANDARDS OF CARE, subsection 1(a)(7) to read as follows –**

(7) In the event that a Pet Seller has a pregnant or nursing dog on the Pet Seller’s premises, the Pet Seller shall provide a whelping box for such dog. Each nursing dog shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics in accordance with generally accepted husbandry practices as determined by a licensed veterinarian. ~~If the amount of floor space is less than 5% of the minimum space requirement for the nursing dog, the amount of floor space must be approved in writing by a licensed veterinarian and kept in the Pet Seller’s records.~~

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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## Motion No. 6

**Text of Motion: Resolved to amend Section 8. PET SELLERS – MINIMUM STANDARDS OF CARE, subsection 1(a)(7) to read as follows –**

(7) In the event that a Pet Seller has a pregnant or nursing dog on the Pet Seller's premises, the Pet Seller shall provide a whelping box for such dog. Each nursing dog shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics in accordance with generally accepted husbandry practices as determined by a licensed veterinarian. ~~If the amount of floor space is less than 5% of the minimum space requirement for the nursing dog, the amount of floor space must be approved in writing by a licensed veterinarian and kept in the Pet Seller's records.~~

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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## Motion No. 7

**Text of Motion: Resolved to amend Section 8. PET SELLERS – MINIMUM STANDARDS OF CARE, subsection 1(e)(1)(f) to read as follows –**

(f) In the case of Dog Source Breeders who sell or offer to sell nine (9) or more dogs ~~or cats~~ per year to the public that are born and raised on the Dog Source Breeder's residential premises, there shall be annual veterinary examinations, at a minimum, for all intact adult dogs or cats on such Dog Source Breeder's premises.

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Wishnick

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 7**

**Text of Motion: Resolved to amend Section 14. VIOLATIONS, subsection 1 to read as follows –**

1. Violation of any provision of this Local Law is a civil offense for which a fine of not less than \$150.00 and not more than ~~\$1,000.00~~ **\$500.00** for each violation may be imposed.

**Motion Made By:** Legislator Ronk  
**Motion Seconded By:** Legislator Briggs

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 8:** Resolution No. 272 – July 21, 2015

**Text of Motion: Resolved to approve Resolution No. 272 to set a Public Hearing on Amended Proposed Local Law No. 12 as presented in amended form – Setting A Public Hearing On Proposed Local Law No. 12 of 2015 (A Local Law Of The County Of Ulster For The Regulation Of Pet Sellers) To Be Held On Tuesday, November 10, 2015 At 7:10 PM**

**Motion Made By:** Legislator Wishnick  
**Motion Seconded By:** Legislator Ronk

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Briggs, Ronk and Wishnick  
**Voting Against:** None  
**No. of Votes in Favor:** 3  
**No. of Votes Against:** 0  
**Disposition:** Carried

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Chairman Briggs asked if there was any other business and hearing none.

**Adjournment**

**Motion Made By:** Legislator Wishnick

**Motion Seconded By:** Legislator Briggs

**No. of Votes in Favor:** 3

**No. of Votes Against:** 0

**TIME:** 4:31 PM

**Respectfully submitted this 2<sup>nd</sup> day of November, 2015**

**Jay Mahler, Deputy Clerk**

**Minutes Approved: November 2, 2015**