

2013

THIRD SESSION

MARCH 7, 2013

The Board convened at 10:30 A.M. in the Supervisors' Chambers at the Court House, Lake Pleasant, New York, with the Chairman, William G. Farber presiding. Mr. Farber led the members of the Board of Supervisors in the Pledge of Allegiance to the Flag, and an opening prayer.

The Clerk, Mrs. Laura Abrams, called the roll with the following Supervisors answering:

Arietta	Richard A. Wilt
Benson	ABSENT
Hope	Robert Edwards
Indian Lake	Brian Wells
Inlet	John Frey
Lake Pleasant	Neil P. McGovern
Long Lake	Clark J. Seaman
Morehouse	William G. Farber
Wells	Brian Towers

Also present: County Attorney, Beth Hunt and Pete Klein

A motion was made to accept the minutes of February 7, 2013 by Mr. Wilt, seconded by Mr. McGovern. Carried.

Public Comment: No one present

Report of Standing/Special Committees:

Brian Towers: Stated Inter-County was in Essex County. They had a presentation from Essex County Soil & Water Department on stream bank restoration. They passed a resolution opposing the Safe Act.

He also attended a Region 5 Open Spaces meeting. They are in the process of developing a scoring system to measure the goals that are in the plan. Next meeting will be on the 22nd.

John: Thanked Laura for sending out the reports on the budget to everyone.

Rick: The storage area for the County Clerk and the Sheriff's Office is mostly done. They are up north working now at Social Services. He is going to stream line the white paper collection next. The Chairman stated that the white paper that gets collected now goes to our transfer stations, so now at the transfer station it will be co-mingled with other paper products based on the new vendor that we have that is going to take mixed paper. Rick stated it is mostly the shredded paper that is the problem, taking mass amounts of time to get completed.

Bob: Looking for support for the merit pay resolution.

Neil: Asked for support for resolutions number 6 and 7.

Just a reminder to follow up with the support letters on the fuel consolidation; resolution number 20 on the agenda.

The Chairman asked John as the Budget Officer to do a letter stating that we exceeded the tax cap.

The Chairman stated that they have started to schedule Department Heads to come in and give the Board a brief update on their departments. Today we have the County Treasurer and the County Clerk.

10:50 AM - Beth Hunt, Treasurer – Department update:

Beth reported her office is doing well with a smaller staff. The staff's dedication and new software has made this possible. The benefit of the new software has helped cut down the time in doing the accounting and creates less paper. The tax collection software is working well and the tax collectors seem to like it. They are also collecting school taxes for Lake Pleasant Central School.

Beth reported that her office is working on the audit for 2012 and the annual report. She hopes all the gathering of data for the audit will be complete within the next two months.

Tax foreclosures: there are four properties that have been turned over. She has been working with delinquent tax payers to avoid the foreclosure process. She only has four properties that are foreclosed and she is not sure that is enough to hold an auction, they usually do it in conjunction with Fulton County's auction.

They are supporting Barry Baker as Real Property Tax Director in his development of the Image Mate System. What he has shown them so far will be a time saver for her office.

Brian Towers asked if her office were to take on additional tax collections for towns or schools would she need additional staff. Beth stated it would depend on how many they pick up. She probably would need temporary help if she receives a lot of requests to do this. A short discussion followed.

Jane Zarecki entered at this time.

10:50 AM – Jane Zarecki, County Clerk – Department update:

Jane announced they are very busy with pistol permits from new applicants to amendments. They have received around 100 opt out forms. With the new law, and not getting any answers to their questions, they are proceeding as normal.

Bob asked if these permits or opt outs get filed with their pistol permit. Jane answered no, at this point the law says they have to be filed separately. They're scanned into your pistol license file but they are filed separately.

Jane stated depending upon how it goes she may need some help this summer.

Jane reported that her staff has been busy inputting old files, approximately 1,300 are completed. In the deeds department Eileen has been busy back scanning the documents into the new computer system. Deeds are back to January 2009, mortgages are back to January 2008, APA permits, federal tax liens are all in from the back books. They are scanning everything that comes in now; it is making it a lot easier and faster.

Neil asked if there have been any changes in the DMV traffic. Jane stated they are starting to see an increase.

Jane left at this time.

The Chairman asked for a 5 minute recess.

The meeting re-convened.

11:00 AM – A motion was made to open the Public Hearing – Proposed Local Law No. 11 of 2013 Solid Waste and Recycling Law for Hamilton County, NY by Mr. Edwards, seconded by Mr. Wilt. Carried.

No public present.

Mr. Towers reported that his Town Board has discussed the new proposed local law and hasn't had any feedback.

Mr. McGovern stated that he has only received positive feedback about the mixed paper and questions about curb side pickup.

The Chairman stated the information sheet that Tracy did really helped a lot with his Board. They might get some grumbling about the clear bags.

The Chairman stated that they will leave the public hearing open while they do the resolutions.

RESOLUTIONS:

RESOLUTION NO. 61-13

AUTHORIZING ACCEPTANCE OF BACK TAXES

DATED: MARCH 7, 2013

BY MR. MCGOVERN:

WHEREAS, the Board of Supervisors has been contacted by Sandra Kwarta, owner of record on property located in Indian Lake, with parcel ID 56.019-3-7.100 concerning the 2011 and 2012 back taxes owed, and

WHEREAS, Sandra Kwarta has submitted a written explanation of the circumstances of why the taxes have not been paid to date by her and a request to rectify the situation by paying the back taxes, be it

RESOLVED, that the Hamilton County Treasurer is hereby authorized to accept payment of the taxes owed in the amount of \$9,956.18 together with an administrative charge of \$500.00 for a total of \$10,456.18.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND

TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 62-13

**RESOLUTION AUTHORIZING A CONTRACT WITH AVALON ASSOCIATES, INC.
FOR PREPARATION OF AN APPLICATION FOR 2013 HOME INVESTMENT
PARTNERSHIPS PROGRAM FUNDING**

DATED: MARCH 7, 2013

BY MR. EDWARDS:

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute a contract with Avalon Associates, Inc., Community Development Consultants, for preparation of an application for federal grant funding and administrative services required to complete all activities under the 2013 HOME Investment Partnerships (HOME) Program. Compensation for those services will be made in the form of specified lump sum fees or hourly billing rates plus expenses where applicable, as outlined in a separate proposal submitted to the Board of Supervisors on February 19, 2013.

Seconded by Mr. Frey and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 63-13

**AUTHORIZING RELEASE OF PART OF MORTGAGED PREMISES AND THE
CHAIRMAN TO SIGN SAME- HOME GRANT**

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, Hamilton County presently holds a second mortgage on premises owned by Robert and Donna Adams in the Town of Long Lake per HOME grant project completed in October of 2009, and

WHEREAS, the said homeowner has an opportunity to sell two acres of the 20+ acre parcel, and

WHEREAS, there will be sufficient remaining equity to secure the County's interest, and

WHEREAS, the improved residence does not sit on the two acres to be sold, and

WHEREAS, the Adams have committed a portion of the proceeds of the sale to pay all the property taxes due on the entire parcel, and

WHEREAS, Avalon Associates, Inc. has advised that there is no reason that Hamilton County should not execute said release, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby authorizes the requested 'Release of Part of Mortgaged Premises' and the Chairman's execution of same, with the approval of the County Attorney.

Seconded by Mr. Edwards and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the resolution was placed on the floor; Mr. Edwards asked for an explanation on what this really does.

The Chairman stated this is money that comes to the County and it is specific to the work that Weights and Measures does with the fuel quality testing.

RESOLUTION NO. 64-13

AUTHORIZING CHAIRMAN TO SIGN AMENDMENT TO CONTRACT WITH AGRICULTURE & MARKETS "PETROLEUM PRODUCT QUALITY PROGRAM" - APRIL 1, 2004-MARCH 31, 2014

DATED: MARCH 7, 2013

BY MR. TOWERS:

BE IT RESOLVED, that the Chairman of the Hamilton County Board of Supervisors is hereby authorized to sign an amendment to Contract No. T010437 with NYS Department of Agriculture & Markets for the "Petroleum Product Quality Program" for the period of April 1, 2004-March 31, 2014 and the County Treasurer be so advised.

Seconded by Mr. Edwards and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 65-13

**RESOLUTION AUTHORIZING CHAIRMAN TO ENTER INTO A CONTRACT WITH
INTEGRYS ENERGY SERVICES OF NEW YORK, INC.**

DATED: MARCH 7, 2013

BY MR. EDWARDS:

WHEREAS, Resolution No. 40-12 duly adopted by the Board of Supervisors on January 4, 2012 authorized the Chairman of the Board to enter into a one year agreement with Integrys Energy Services of New York for purchase of electricity for all County facilities, and

WHEREAS, with the uncertainty of the energy prices overall for 2013, and

WHEREAS, based on review of past prices for electricity and the ability to lock in at a fixed rate for the year 2013 with Integrys Energy Services, the County Building Superintendent believes that it is a good fiscal decision to lock into a fixed price agreement for the year 2013, therefore, be it

RESOLVED, that the Chairman of the Hamilton County Board of Supervisors is hereby authorized to enter into a contract with Integrys Energy Services of New York, Inc. for a fixed price of \$0.07107 kWh for one (1) year, subject to the approval of the County Attorney.

Seconded by Mr. Wilt and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 66-13

**AUTHORIZING THE PRINTING OF THE HAMILTON COUNTY MAP/GUIDE BY
CATAMOUNT COLOR/THE OFFSET HOUSE, ESSEX VT**

DATE: MARCH 7, 2013

BY MR. MCGOVERN:

WHEREAS, the Hamilton County Board of Supervisors has authorized the Director of Planning, Tourism and Community Development to seek bids for printing of the 2013-2014 Hamilton County Map/Guide, and

WHEREAS, the Board of Supervisors authorized printing of at least 100,000 copies of the Map/Guide at a cost not to exceed \$16,000, and

WHEREAS, the following six (6) bids were received and opened on February 25th:

	<u>125,000 copies</u>
Dellas Graphic, Syracuse NY	\$12,065
Dual Printing, Cheektowaga NY	\$10,440
Steffen Publishing, Holland Patent NY	\$22,782
Fort Orange Press, Albany NY	\$12,848
Courier Printing Corp., Deposit NY	\$12,210
Catamount Color/The Offset House, Essex VT	\$ 9,780

and

WHEREAS, the low bidder is Catamount Color/The Offset House of Essex, VT, printer of the previous Hamilton County Map/Guide, and

WHEREAS, Catamount Color/The Offset House has a solid reputation as the printer of other Adirondack travel guides and maps, therefore, be it

RESOLVED that the Catamount Color/The Offset House quote for printing and delivery of 125,000 copies of the MAP/GUIDE at a cost \$9,780 be accepted, payment hereby authorized from Publicity Budget Line 6410.0401 following delivery.

Seconded by Mr. Seaman and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; Mr. McGovern stated he feels it is time to increase them because this is a well-attended program.

RESOLUTION NO. 67-13

**AUTHORIZING CHAIRMAN TO SIGN CONTRACTS WITH FACILITATORS,
PRESENTERS AND GUIDES AND PAYMENT FOR SPECIFIC EXPENSES FOR 2013
BIRDING FESTIVAL**

DATED: MARCH 7, 2013

BY MR. MCGOVERN:

WHEREAS, Hamilton County is sponsoring a county-wide Birding Festival in June 2013, and

WHEREAS, this Festival consists of numerous separate events from June 6th through 9th, 2013 including: outings, lectures, seminars, and certain events that will require paid guides, facilitators or presenters, and

WHEREAS, continuation of this Festival is necessary to expand its positive economic impact during a particularly slow time of year, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign contracts with guides, facilitators and presenters upon approval of the County Attorney as follows:

Each guide or facilitator to receive a \$75 honorarium per outing, with a daily limit of two (2) guided outings per guide.

Total number of guided outings not to exceed eight (8) per each day of the festival

Lectures not to exceed \$250 per event

Seconded by Mr. Frey and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 68-13

APPOINTMENT TO COMMUNITY SERVICES MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES SUBCOMMITTEE

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, the Chair of the Community Services Board can recommend appointments for the Subcommittees, and

WHEREAS, a vacancy exists on the Community Services Mental Retardation and Developmental Disabilities Subcommittee, be it

RESOLVED, that Darlene St. Amour, of 216 Lake Shore Drive, Sabael, NY 12864, be appointed to the Community Services Mental Retardation and Developmental Disabilities Subcommittee to a term that would expire December 31, 2016, and the County Treasurer be so advised.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 69-13

**AUTHORIZING CONTRACT WITH SUNMOUNT DEVELOPMENTAL
DISABILITIES SERVICES OFFICE**

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, the NYS Office for People With Developmental Disabilities (NYS OPWDD) operates the Sunmount Developmental Disabilities Services Office (SDDSO) which provides services to individuals residing in NYS OPWDD certified residential facilities and/or Day Treatment programs, and

WHEREAS, individuals in these residential facilities and/or Day Treatment programs require psychiatric services, and

WHEREAS, Hamilton County Community Services (HCCS) has qualified staff to provide psychiatric services to the individuals residing in these facilities and/or programs, and

WHEREAS, SDDSO desires to contract with HCCS to provide these psychiatric services, be it

RESOLVED, that HCCS will provide psychiatric services to individuals identified as residing in SDDSO residential facilities in Hamilton County, and/or attending SDDSO Day Treatment programs within the county, and be it

RESOLVED, that these services will be billed at a rate of \$165.00 per hour for a Licensed Psychiatrist and \$75.00 per hour for a Licensed Psychiatric Nurse Practitioner, and be it

RESOLVED, that the Hamilton County Board of Supervisors authorizes the Chairman for the Board of Supervisors to enter into a contract with SDDSO to allow HCCS to provide these services as specified above.

Seconded by Mr. McGovern and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 70-13

MEDICAID AND MEDICARE COST REPORTS

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, the Hamilton County Public Health Nursing Service is required to submit the following Cost Reports annually for all services provided by the Nursing Service:

Certified Home Health Agency Medicare Cost Report
Certified Home Health Agency Medicaid Cost Report
Diagnostic and Clinic Services Medicaid Cost Report

and

WHEREAS, the current contracted provider of accounting services for the Nursing service is McCarthy and Conlon, LLP, and

WHEREAS, Michael McCarthy, CPA will complete the reports within appropriate timeframes and review results with the Public Health Nursing Service, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the Medicaid and Medicare Cost Reports for Year 2012.

Seconded by Mr. Edwards and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 71-13

**AUTHORIZING CONTRACT WITH GLENS FALLS ANIMAL HOSPITAL FOR
RABIES SPECIMEN PREPARATION AND SUBMISSION FOR PUBLIC HEALTH
NURSING SERVICE**

DATED: MARCH 7, 2013

BY MR. FREY:

WHEREAS, the Hamilton County Public Health Nursing Service is required under New York State Public Health Law (PHL) and 10 NYCRR 40-2.100 and 2.101 to designate and maintain a system for communicable disease control, including rabies, and

WHEREAS, PHL sections 2140 through 2145 gives primary responsibility for control and suppression of rabies to local health departments, and

WHEREAS, that responsibility includes provision of specimen preparation by a qualified veterinarian; provision of quarantine for un-vaccinated suspect rabid animals; as well as euthanasia and cremation as appropriate following PHL, and

WHEREAS, the Glens Falls Animal Hospital, 66 Glenwood Avenue, Queensbury, NY 12804, is willing to provide said services for the County of Hamilton following NYS DOH guidance and directives, and

WHEREAS, HCPHNS is supported by annual NYSDOH grant funding and NYS aid to fund these activities, and

WHEREAS, Glens Falls Animal Hospital has agreed to collect fees for cremation, quarantine and/or subsequent required rabies vaccinations from animal owners as feasible per NYS Law, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to enter into an agreement with the Glens Falls Animal Hospital for provision of services as outlined above upon, for the period April 1, 2013 through March 31, 2014, upon approval of the County Attorney and the County Treasurer be so notified.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; the County Attorney asked the Board if they want to appoint by name or title that way they wouldn't have to revisit this in the future. The Chairman stated if they do it by name they can keep it together with Highway Superintendent. There could be a time where things change in Highway and you might want the Deputy Highway Superintendent to be responsible for Solid Waste or someone else. So if we did it by name that would give us the flexibility. The members agreed to keep it as it is.

RESOLUTION NO. 72-13

APPOINTMENT OF COUNTY SOLID WASTE COORDINATOR

DATED: MARCH 7, 2013

BY MR. WILT:

WHEREAS, Hamilton County Local Law No. 11 of 2013 requires that Hamilton County designates a Solid Waste Coordinator, be it

RESOLVED, the Hamilton County Board of Supervisors hereby appoints Tracy J. Eldridge as Hamilton County Solid Waste Coordinator.

Seconded by Mr. Edwards and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; Mr. Seaman asked if there is some definition in the law as to what is classified as hazardous waste/materials. Tracy stated it is broad.

Mr. Wilt asked can't we just refer to DEC, they must have documentation on it. Tracy stated that is the law that is stated in the resolution.

Mr. Towers asked if he look into the Laws 371 and 42, would it be more precise. Tracy stated he believed so.

Mr. Frey stated that the law is extensive after looking it up on his laptop.

RESOLUTION NO. 73-13

DESIGNATION OF HAZARDOUS WASTE

DATED: MARCH 7, 2013

BY MR. TOWERS:

WHEREAS, Hamilton County Local Law No. 11 of 2013 requires that Hamilton County designates a list of hazardous waste, be it

RESOLVED, the Hamilton County Board of Supervisors hereby designates the following waste as hazardous waste and these materials will not be accepted at any county transfer station -

Any solid waste, or a combination of solid wastes, as identified and listed in 6 NYCRR §371 and 42 USCA §6903(5), and shall include, but are not limited to,

- Explosives
- Hazardous Radioactive Materials
- Toxic Substances
- Hypodermic Needles

and those substances which the Board of Supervisors has heretofore or hereafter identified as a hazardous waste pursuant to the above criteria and as included on a list of hazardous waste promulgated by this Board.

Seconded by Mr. McGovern and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; the Chairman explained that this was discussed on Committee day; this is the award for the two used dump trailers with the idea that we would first make our used dump trailer available to the towns and then auction it off if no one is interested and replace them with these two used ones.

RESOLUTION NO. 74-13

AWARD OF BID FOR TWO (2) USED DUMP TRAILERS

DATE: MARCH 7, 2013

BY MR. TOWERS:

WHEREAS, One (1) bid was received for ONE USED TRI-BROOK DUMP TRAILER in accordance with Specification No. 4-2013, dated February 25, 2013, as advertised by the Hamilton County Highway Superintendent and the Highway Committee, and

WHEREAS, the following bid was received:

1. Tracey Road Equipment, Inc.
6803 Manlius Center Road
East Syracuse, NY 13057

One Used 1995 Ti-Brook Dump Trailer: \$30,000

and

WHEREAS, Tracey Road Equipment, Inc. also included an alternate bid for a 1994 Used Ti Brook Dump Trailer with the same specifications with the exception of the Model Year and Steel Wheels for \$30,000.00, and

WHEREAS, County Highway Department personnel have inspected both trailers and find them to be in excellent condition overall, and

WHEREAS, the County Highway Superintendent feels that it would be beneficial to the Highway Department to purchase both used Ti Brook Trailers because of the increased hauling capacity of the trailers compared to the capacity of 1984 Dorsey Trailer and the tandem dump truck fleet the county currently owns, and

WHEREAS, the County Highway Superintendent recommends that the 1984 Dorsey Dump Trailer should be offered for sale to one of the towns within the Hamilton County or if no towns are interested in the purchase of the said trailer it would be sold at auction and the funds to be used to help offset the purchase of the second trailer, be it

RESOLVED, that hereby the County Highway Superintendent is hereby authorized to purchase both used Ti Brook Trailers as follows:

1. 1995 Ti Brook Dump Trailer VIN #1T9BSAH28SB021646 - \$30,000.00
2. 1994 Ti Brook Dump Trailer VIN #1T9BSAH28RB021351- \$30,000.00

and be it further

RESOLVED, that the Chairman of the Board hereby is authorized to enter into a purchase agreement with Tracey Road Equipment, Inc., 6803 Manlius Center Road, East Syracuse, NY 13057 for two (2) used Ti Brook Dump Trailers for a total delivered bid price of \$60,000.00 subject to the approval of the County Attorney, and be it further

RESOLVED, that Account No. DM5130.201 Road Equipment be increased by \$14,152.62 to be totally offset by increasing Revenue Account No. DM2655.000 Sale of Equipment by \$14,152.62 and the County Treasurer be so authorized and the Clerk of the Board and County Highway Superintendent be so notified.

Seconded by Mr. Seaman and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 75-13

ACCEPTANCE OF BID FOR BRIDGE REPAIR & PNEUMATICALLY PROJECTED CONCRETE

DATED: MARCH 7, 2013

BY MR. TOWERS:

WHEREAS, two (2) bids were received for Bridge Repair, in accordance with Specification No. 1-2013, dated February 25, 2013, as advertised by the Hamilton County Highway Superintendent and the Highway Committee, and

WHEREAS, the bid amounts are shown hereon:

(1) Randy J. Bascom, Owner
R & B Construction, L.L.C.
1094 Bulls Head Rd.
Amsterdam, N.Y. 12010

A. Foreman W/equipped field truck	\$ 78.00
B. Carpenter/Iron Worker	\$ 54.00
C. Laborer	<u>\$ 76.00</u>
Total	\$208.00

With a price per bag of Pneumatically Projected Concrete at a unit price of \$225.00

(2) Vincent L. Paolozzi, President
Town & County Bridge and Rail, Inc.
P.O. Box 16395

Albany, NY 12212

A. Foreman W/equipped field truck	\$ 92.00
B. Carpenter/Iron Worker	\$ 90.00
C. Laborer	<u>\$ 88.00</u>
Total	\$270.00

With a price per bag of Pneumatically Projected Concrete at a unit price of \$245.00

and

WHEREAS, R & B Construction L.L.C is the low bidder now, therefore, be it

RESOLVED, that the Highway Committee and the County Highway Superintendent have determined that the bid does meet the specifications and that the bid be awarded to R & B Construction L.L.C., at the amount shown hereon for all locations as per the requirements of the Hamilton County Highway Superintendent, and be it further

RESOLVED, that hereby the Chairman of the Board is authorized to enter into a agreement with R&B Construction L.L.C. for Bridge Repair and Pneumatically Projected Concrete with the approval of the County Attorney and the Treasurer and Clerk of the Board be so notified.

Seconded by Mr. Seaman and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 76-13

AWARD OF BID FOR ONE (1) NEW ROLL-OFF TRAILER

DATE: MARCH 7, 2013

BY MR. TOWERS:

WHEREAS, Two (2) bids were received for ONE NEW ROLL-OFF TRAILER in accordance with Specification No. 3-2013, dated February 25, 2013, as advertised by the Hamilton Solid Waste Coordinator and the Solid Waste Committee, and

WHEREAS, the following bids were received:

1. CEJJ, Inc.
939 Route 9
Schodack Landing, NY 12156

Make: Galbreath A5-EX-250

Price: \$54,129.00

2. Tracey Road Equipment, Inc.
6803 Manlius Center Road
East Syracuse, NY 13057

Make: J & J Dynahauler RT
Price: \$74,750.00

WHEREAS, the County Highway Superintendent and the Highway Committee have recommended award be made to the low bidder for the item, now, therefore, be it

RESOLVED, that award be made for One (1) New Roll-Off Trailer to CEJJ, Inc., 939 Route 9, Schodack Landing, NY 12156 with a bid of \$54,129.00 and the Chairman of the Board is hereby authorized to enter into a purchase agreement with CEJJ for the purchase of the Roll-Off Trailer subject to the approval of the County Attorney and the County Treasurer, Clerk of the Board and Solid Waste Coordinator be so notified.

Seconded by Mr. McGovern and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 77-13

ACCEPTANCE OF BID FOR READY MIX CONCRETE DELIVERED AND APPLIED AT VARIOUS LOCATIONS WITHIN HAMILTON COUNTY

DATED: MARCH 7, 2013

BY MR. EDWARDS:

WHEREAS, Hamilton County Highway Department heretofore solicited bids for the county's purchase of Ready Mix concrete delivered and applied, pursuant to invitation to bidders and in accordance with Specification No. 2-2013, Dated February 25, 2013, and

WHEREAS, four (4) bids were received in response to the said invitation to bidders as follows:

- (1) Miller's Ready Mix Concrete and Block
PO Box 291
Mayfield, NY 12117

Item No. 1 – New York State Standard Class “A” Mix Concrete
Total delivered price per cubic yard to the following towns:

Arietta	\$ 133.25	Lake Pleasant	\$ 119.25
---------	-----------	---------------	-----------

Benson	\$ 101.25	Long Lake	\$ N/A
Hope	\$ 101.25	Morehouse	\$ 133.25
Indian Lake	\$ 133.25	Wells	\$ 108.00
Inlet	\$ N/A		

Item No. 2 – 4000 LBS Ready Mix Concrete (Non-DOT)

Total delivered price per cubic yard to the following towns:

Arietta	\$ 130.00	Lake Pleasant	\$ 116.00
Benson	\$ 99.75	Long Lake	\$ N/A
Hope	\$ 99.75	Morehouse	\$ 130.00
Indian Lake	\$ 130.00	Wells	\$ 105.50
Inlet	\$ N/A		

- (2) Cranesville Block Co.
1250 Riverfront Center
Amsterdam, NY 12010

Item No. 1 – New York State Standard Class “A” Mix Concrete

Total delivered price per cubic yard to the following towns:

Arietta	\$ N/A	Lake Pleasant	\$ 122.00
Benson	\$ 111.45	Long Lake	\$ N/A
Hope	\$ 111.45	Morehouse	\$ N/A
Indian Lake	\$ 138.00	Wells	\$ 112.45
Inlet	\$ 133.00		

Item No. 2 – 4000 LBS Ready Mix Concrete (Non-DOT)

Total delivered price per cubic yard to the following towns:

Arietta	\$ N/A	Lake Pleasant	\$ 120.00
Benson	\$ 111.45	Long Lake	\$ N/A
Hope	\$ 111.45	Morehouse	\$ N/A
Indian Lake	\$ 136.00	Wells	\$ 112.45
Inlet	\$ 138.45		

- (3) V.S. Virkler & Son Inc.
7513 East State St.
Lowville, NY 13367

Item No. 1 – New York State Standard Class “A” Mix Concrete

Total delivered price per cubic yard to the following towns:

Arietta	\$ 110.00	Lake Pleasant	\$ 112.00
Benson	\$ N/A	Long Lake	\$ N/A
Hope	\$ N/A	Morehouse	\$ 108.00
Indian Lake	\$ N/A	Wells	\$ N/A
Inlet	\$ 114.00		

Item No. 2 – 4000 LBS Ready Mix Concrete (Non-DOT)

Total delivered price per cubic yard to the following towns:

Arietta	\$ 103.50	Lake Pleasant	\$ 105.50
Benson	\$ N/A	Long Lake	\$ N/A
Hope	\$ N/A	Morehouse	\$ 101.50
Indian Lake	\$ N/A	Wells	\$ N/A
Inlet	\$ 102.50		

- (4) Graymont Materials NY Inc.
111 Quarry Road
Plattsburgh, NY 12901

Item No. 1 – New York State Standard Class “A” Mix Concrete

Total delivered price per cubic yard to the following towns:

Arietta	\$ N/A	Lake Pleasant	\$ N/A
Benson	\$ N/A	Long Lake	\$ 130.00
Hope	\$ N/A	Morehouse	\$ N/A
Indian Lake	\$ N/A	Wells	\$ N/A
Inlet	\$ N/A		

Item No. 2 – 4000 LBS Ready Mix Concrete (Non-DOT)

Total delivered price per cubic yard to the following towns:

Arietta	\$ N/A	Lake Pleasant	\$ N/A
Benson	\$ N/A	Long Lake	\$ 130.00
Hope	\$ N/A	Morehouse	\$ N/A
Indian Lake	\$ N/A	Wells	\$ N/A
Inlet	\$ N/A		

be it

RESOLVED, that all bids be and hereby are listed and accepted and are to be tabulated and used as needed and as the Highway Superintendent sees most advantageous to Hamilton County, and the County Treasurer be so notified.

Seconded by Mr. Towers and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 78-13

AUTHORIZING COUNTY HIGHWAY SUPERINTENDENT TO PURCHASE TWO TRAILER MOUNTED MESSAGE/RADAR SIGNS

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, the County Highway Superintendent has received a written quote for the purchase of two (2) Message/Radar Signs that would be utilized for speed monitoring for speed zones and traffic counts at various locations throughout Hamilton County, and

WHEREAS, these units are trailer mounted for portability and ease of movement from place to place and they also have solar powered battery charging so no electrical hookup is necessary, and

WHEREAS, the County Sheriff could utilize these signs for special events or emergencies that may arise from time to time within Hamilton County, be it

RESOLVED, that hereby the County Highway Superintendent is authorized to purchase the said Trailer Mounted Message/Radar Signs from All Traffic Solutions of State College, PA 16801 in the amount of \$19,080.00 delivered under GSA Contract #GS-07F-6092R, and be it further

RESOLVED, that the cost of said signs be a charge against Account No. D5110.405 Other Supplies and the County Treasurer and Clerk of the Board be so notified.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; Mr. McGovern urged everyone to get their support letters in.

RESOLUTION NO. 79-13

RESOLUTION AUTHORIZING HAMILTON COUNTY'S CHAIRMAN, WILLIAM G. FARBER TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE 2012-2013 LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM FOR GRANT FUNDS TO SUPPORT A SHARED FUEL SERVICES

DATED: MARCH 7, 2013

BY MR. EDWARDS:

WHEREAS, the Board of Supervisors, after due consideration, has determined that it is desirable and in the public interest to act as the Lead Applicant, and along with the Town of Indian Lake, the Town of Long Lake, the Indian Lake Central School District, the Long Lake Central School District, the Raquette Lake Union Free School District, the Indian Lake Volunteer Fire Department, the Long Lake Volunteer Fire Department, the Raquette Lake Volunteer Fire Department, the Blue Mountain Lake Volunteer Fire Department, the Indian Lake Ambulance

Corps, and the Long Lake Rescue Squad, and the Long Lake Rescue Squad as the Co-applicants, to undertake the necessary activities for the submittal of an application under the 2012-2013 Local Government Efficiency Grant Program to be titled, Phase II Hamilton County Fuel Management Consolidation, and

WHEREAS, the intent of the proposed project is to provide the County, Towns, Village, and fire, ambulance and school districts the ability to share fuel services at a decreased cost in both time and money. The project will include decommissioning the Town of Indian Lake's and the Town of Long Lake's existing fuel management facilities; the County's facility will be upgraded. Implementation of the project will promote more efficient government spending now and well into the future, and

WHEREAS, the maximum amount of funds to be requested from the Local Government Efficiency Grant program is not to exceed \$600,000. The Town of Indian Lake, the Town of Long Lake, and Hamilton County hereby commit to using funds to provide a combined local cash match of \$60,000, with each of the three contributing to the project. The combination of these sources will bring the available funds to \$660,000, which is the estimated total cost of the project, and

WHEREAS, Hamilton County as Lead Applicant, and the Town of Indian Lake, the Town of Long Lake, the Indian Lake Central School District, the Long Lake Central School District, the Raquette Lake Union Free School District, the Indian Lake Volunteer Fire Department, the Long Lake Volunteer Fire Department, the Raquette Lake Volunteer Fire Department, the Blue Mountain Lake Volunteer Fire Department, the Indian Lake Ambulance Corps, and the Long Lake Rescue Squad as the Co-applicants and other beneficiaries, and as directed by adopted resolution, shall provide Hamilton County's Board of Supervisors with the authorization to execute all processes related to the consolidation of fuel services to be located at the County's facility, therefore, be it

RESOLVED, that Hamilton County Board of Supervisors authorizes and directs Hamilton County's Chairman, William G. Farber to submit an application for financial assistance under the Local Government Efficiency Program and is authorized to execute all other documents necessary for the implementation of this work, and is also authorized to execute all financial and/or administrative processes relating to the grant program.

Seconded by Mr. McGovern and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; the Chairman stated he feels this is an equally good project and it's the right thing to do.

RESOLUTION NO. 80-13

RESOLUTION TO PARTICIPATE IN SHARED SERVICE GARAGE PROJECT WITH THE TOWN OF LONG LAKE, LONG LAKE FIRE DISTRICT AND THE LONG LAKE CENTRAL SCHOOL DISTRICT

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, the Town of Long Lake is served by the local government, the Fire Department, Hamilton County and the public school system, and

WHEREAS, each public entity serves many of the same constituents and taxpayers, and

WHEREAS, good government, efficiency, prudent spending, and effective public policy and service delivery are all best served by strong collaboration among the four public entities, and

WHEREAS, the Board of Supervisors of the County of Hamilton has determined that it is desirable and in the public interest to join the Town of Long Lake, along with the Long Lake Fire District and the Long Lake Central School District, to undertake the necessary activities for the submittal of an application under the 2012-2013 Local Government Efficiency Grant Program to be titled, the Shared Service Garage Project, and

WHEREAS, the intent of the proposed project is to provide the County, Town, Fire Department and School District the ability to house and/or maintain their vehicles in a new garage to be constructed by the Town of Long Lake. Implementation of the project will promote more efficient government spending now and well into the future, and

WHEREAS, the maximum amount of funds to be requested from the Local Government Efficiency Grant program is not to exceed \$800,000, now, therefore be it

RESOLVED, that the Board of Supervisors approves participation in this grant request for a shared garage project, and be it further

RESOLVED, the Board of Supervisors hereby authorizes the Chairman of the Board to execute all documents associated with application for said funding and the necessary implementation thereof should this project be funded.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; Mr. Towers asked what this particular grant is for. The Chairman replied it's for interoperability.

RESOLUTION NO. 81-13

**FUNDING ACCOUNT FOR EMERGENCY MANAGEMENT'S OFFICE OF
HOMELAND SECURITY GRANT # T97020 – 2013 BUDGET**

DATED: MARCH 7, 2013

BY MR. FREY:

WHEREAS, Resolution No 289-12 adopted November 1, 2012 funded EM OHS Grant Contract No. T97020 in the amount of \$43,000.00, and

WHEREAS, the contract has been approved and awarded by OHS, be it

RESOLVED, that Account No. A3645.402 OHS SH12-1020-D00 be funded at \$43,000.00 to be totally offset by increasing Revenue Account No. A4389.110 SH12-1020-D00 at \$43,000.00 and the County Treasurer be so authorized.

Seconded by Mr. Edwards and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; Mr. McGovern questioned why we are not paying the cost of the conference. The employee will cover all expenses; this is to just make sure that he does not have to use his time for the one day conference.

RESOLUTION NO. 82-13

OUT OF STATE TRAVEL – COMMUNITY SERVICES

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, Hamilton County Community Services provides behavioral health services that include helping children with behavioral challenges, and

WHEREAS, the MacNamee Memorial Professional Conference is sponsoring a conference on Dr. Ross Greene's Model for Understanding and Helping Kid with Behavioral Challenges on April 5th, 2012 at the Fireside Inn in West Lebanon, NH, and

WHEREAS, Joseph SanAntonio is a Prevention Educator with Hamilton County Community Services and would benefit from attendance at this conference as it would positively enhance his work with the children he works with throughout Hamilton County, and

WHEREAS, Mr. SanAntonio will be paying for the cost of the conference and all related expenses himself, be it

RESOLVED, that the Hamilton County Chairman of the Board of Supervisors authorize Mr. SanAntonio for out of state travel to attend this conference, during his normal work day.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

After the following resolution was placed on the floor; Mr. Wilt asked what the amount is. The Chairman stated it is \$660.00 per month for a two year period.

RESOLUTION NO. 83-13

**RENEWAL OF COMMUNITY SERVICE'S LEASE FOR OFFICE SPACE AT LANE
EMPORIUM**

DATED: MARCH 7, 2013

BY MR. MCGOVERN:

WHEREAS, per Resolution No. 52-03 dated February 24, 2003, Hamilton County Community Services entered into a two year lease with Brant Bros., Inc. for office space at the Lane Emporium, and

WHEREAS, there have been multiple 2 year renewals since that time, and

WHEREAS, Hamilton County Community Services wishes to continue renting space at the Lane Emporium, and

WHEREAS, the original monthly rent was \$675.00 per month, with the rent having been \$620.00 per month for the last four years, therefore, be it

RESOLVED, that the Chairman is hereby authorized to sign a renewal of the lease at \$660.00 per month for a two year period (5/1/13-4/30/15) with the approval of the County Attorney.

Seconded by Mr. Edwards and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 84-13

**AUTHORIZING CHAIRMAN TO SIGN AGREEMENT WITH THE NEW YORK
STATE DEPARTMENT OF HEALTH AS AN EARLY INTERVENTION PROVIDER**

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, pursuant to Public Health Law 2550, the New York State Department of Health is the lead agency responsible for the administration of the Early Intervention Program and that each Municipality is responsible for the local administration of the program, which includes accepting referrals of children potentially eligible for program services, assigning initial service coordinators, participating in Individual Family Service Plan (IFPS) meetings, ensuring that services contained in the IFSP are appropriately delivered and reimbursing providers for services not covered by Medicaid or commercial insurance according to rates set by the NYSDOH, and

WHEREAS, Hamilton County by and through the Hamilton County Public Health Nursing Service assumes the responsibilities delineated above, and

WHEREAS, initial service coordinators may be assigned to employees of the Hamilton County Public Health Nursing Service, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized to sign the Early Intervention Provider Agreement with the New York State Department of Health, pending approval by the County Attorney and the County Treasurer be so advised.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 85-13

**AUTHORIZING THE DIRECTOR OF PUBLIC HEALTH TO SIGN MEMBERSHIP
AGREEMENT WITH MMCAP**

DATED: MARCH 7, 2013

BY MR. SEAMAN:

WHEREAS, the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) is a free, voluntary group purchasing organization for government-authorized facilities, and

WHEREAS, the Director of Public Health is desirous of purchasing vaccine through MMCAP, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby authorizes Beth Ryan, Director of Public Health to sign a Membership Agreement with Minnesota Multistate Contracting Alliance for Pharmacy to purchase vaccines.

Seconded by Mr. McGovern and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 86-13

AUTHORIZING TEMPORARY EMPLOYEE FOR SOLID WASTE

DATED: MARCH 7, 2013

BY MR. TOWERS:

WHEREAS, there is a Solid Waste employee out for an extended period of time because of a medical issue, and

WHEREAS, the Solid Waste Coordinator recommends hiring Richard Clawson, Sr. of Indian Lake to fill the absence of the said employee and then work as leader in the construction of the recycling shed to be built at the Indian Lake Transfer Station, and

WHEREAS, Mr. Clawson has worked for the County Highway Department the past two years as a temporary employee and has many years of experience in the operation of the transfer station in Indian Lake and the in construction trade, and

WHEREAS, the Solid Waste Committee does recommend hiring Richard Clawson, Sr. of Indian Lake temporarily to fill in for the absence of the transfer station technician and then continue to work as leader for the construction of the recycling shed and when the shed is completed to then continue working for the Highway Department in the capacity that the County Highway Superintendent needs for the remainder of the summer season, be it

RESOLVED, that hereby the Solid Waste Coordinator is authorized to hire Richard Clawson, Sr. of Indian Lake as Transfer Station Technician at Step 1 effective March 7, 2013 and the Personnel Officer, County Treasurer and Clerk of the Board be so notified.

Seconded by Mr. Frey and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND
TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 87-13

AUTHORIZING FUNDING FOR THE PURCHASE OF RECYCLING EQUIPMENT IN THE 2013 BUDGET

DATED: MARCH 7, 2013

BY MR. TOWERS:

WHEREAS, Resolution No. 340-12 dated December 6, 2012 authorized funding for the purchase of recycling equipment in which 50% of the actual cost will be reimbursed through the NYSDEC Recycling Grant, and

WHEREAS, said funds were not expended in the 2012 budget, be it

RESOLVED, that in the 2013 Budget, Revenue Account No. A2376.1000 SW Equipment be increased by \$55,500.00 and that \$55,500.00 be transferred from the Unappropriated General Fund Balance in accordance with Section 366 Subdivision 1 of the County Law, which will be reimbursed by the Solid Waste Reserve, in order to fund Account No. A8160.201 Refuge & Garbage at \$111,000.00 for the costs in the first instance and the County Treasurer be so authorized and the Clerk of the Board and Solid Waste Coordinator be so notified.

Seconded by Mr. Frey and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 88-13

APPROVAL OF AND TRANSFER OF FUNDS FOR 2013 MERIT PAY

DATED: MARCH 7, 2013

BY MR. EDWARDS:

WHEREAS, the Hamilton County Board of Supervisors has instituted a merit system for county employees, and

WHEREAS, the Internal Management Committee met on February 25, 2013 to review merit evaluations, be it

RESOLVED, that the Internal Management Committee recommends the following hourly merit increments:

HIGHWAY

George Hoffman	March 27, 2013 to March 27, 2014	\$1.43
Diana Stuart	March 10, 2013 to March 10, 2014	\$1.54

SHERIFF

James Luck

March 20, 2013 to March 20, 2014

\$.99

and be it further

RESOLVED, that the following transfers be made to cover the above 2013 merit pay:

FROM:	A1990.401	Contingent	\$7,779.53
TO:	D5110.101	Personal Services	\$2,985.84
	D5010.103	Acct. Clerk/Computer Support Aide	\$2,775.85
	A3150.106	Correction Officer F	\$2,017.84

and the County Treasurer be so authorized and Personnel Officer be notified.

Seconded by Mr. Wells and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 89-13

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: MARCH 7, 2013

BY MR. TOWERS:

RESOLVED, that the bills in the Machinery Fund amounting to \$120,809.79 and bills in the County Road Fund amounting to \$141,966.26 presented by the County Superintendent of Highways and audited this day by the County Public Works Committee, be, and the same hereby are approved and audited.

Seconded by Mr. Frey and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

RESOLUTION NO. 90-13

APPROVAL OF AUDITS IN THE COUNTY GENERAL FUND

DATED: MARCH 7, 2013

BY MR. FREY:

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$204,531.76 by the following committees:

Building Committee	\$35,986.64
Solid Waste Committee	51,864.72
Finance Committee	41,378.11
Health & Human Services Committee.....	52,644.22
Central Government Committee	17,162.01
Publicity, Tourism, Economic Development & Planning Committee.....	3,931.28
Internal Management Committee	1,564.78

are hereby approved.

Seconded by Mr. Towers and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

The Chairman handed out Resolution No. 31 regarding the settlement with Hudson River - Black River Regulating District.

After the following resolution was placed on the floor; the County Attorney explained how this came about.

Mr. Towers asked if this is the total amount due. The County Attorney stated yes.

RESOLUTION NO. 91-13

AUTHORIZING SETTLEMENT WITH HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

DATED: MARCH 7, 2013

BY MR. EDWARDS:

WHEREAS, the County of Hamilton heretofore commenced an action in the Supreme Court of the State of New York against Hudson River – Black River Regulating District (HRBRRD) for its failure to pay real property taxes, and

WHEREAS, said Supreme Court action resulted in a Decision and Judgment (Hon. Richard T. Aulisi, JSC), dated August 6, 2012 as against HRBRRD in the sum of \$119,361.84 for County/Town real property taxes (2009-2012) and re-levied school real property taxes (2009/10-2001/12), and

WHEREAS, HRBRRD has proposed a settlement of the said Judgment, now, therefore be it

RESOLVED, that subject to approval of the stipulation of settlement by the County Attorney, the Board of Supervisors hereby authorizes the Chairman to sign such stipulation which shall provide for payment, without interest/penalties, of current real property taxes (County/town/school) as such taxes become due, together with payment of 50% of the said Judgment on or about March 1, 2013 and the balance of said Judgment amount by March 1, 2014.

Seconded by Mr. Frey and adopted by the following vote:

AYES: WILT, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN, FARBER, AND TOWERS

NAYS: NONE

ABSENT: PINCOMBE

A motion was made to close the Public Hearing for Proposed Local Law No. 11 of 2013 Solid Waste and Recycling Law for Hamilton County, NY by Mr. McGovern, seconded by Mr. Wells. Carried.

Motion: Mr. Towers
Second: Mr. Edwards

COUNTY OF HAMILTON

LOCAL LAW NO. 11 OF 2013

SOLID WASTE AND RECYCLING LAW FOR HAMILTON COUNTY, NY

BE IT ENACTED, by the Board of Supervisors of the County of Hamilton, as follows:

Section 1. A local law entitled "Solid Waste and Recycling Law" shall be enacted to read as follows:

Article I. Short Title.

This law shall be known as the recycling law.

Article II. Findings.

A. The Board of Supervisors of the County of Hamilton finds that the reduction of the amount of Solid Waste and the conservation of recyclable materials are important public concerns. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, electronics, tires and other materials for recycling from residential,

commercial, industrial and institutional establishments in the County will protect and enhance the County's physical and visual environment as well as promote the health, safety and well-being of persons and property within Hamilton County by facilitating the implementation and operation of other forms of Solid Waste Management, conserving natural resources, ensuring conformance with the Hamilton County Solid Waste Management Plan. The promotion and use of recycled materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

Article III. Purposes.

This law is adopted pursuant to the Laws of New York State to:

A. Institute a plan for the management of recyclable materials generated or originated in Hamilton County and to promote the safety, health and well-being of persons and property within Hamilton County; and to

B. Implement the express policy of the State of New York encouraging waste stream reduction through recycling.

Article IV. Definitions.

"Board of Supervisors" shall mean the Hamilton County Board of Supervisors.

"County" shall mean Hamilton County

"Comingled" shall mean source separated, non-putrescible, non-contaminated recyclable materials that have been placed in the same container.

"Garbage" shall mean putrescible animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, servicing and consumption of food primarily in home kitchens, stores markets, restaurants, and other places where food is stored, prepared or served.

"Hazardous Material or Hazardous Waste" shall mean a solid waste, or a combination of solid wastes, as identified and listed in 6 NYCRR §371 and 42 USCA §6903(5), and as may be hereafter amended, which because of its quantity, concentration, physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Such materials or waste shall include, but are not limited to, explosives, hazardous radioactive materials, toxic substances, hypodermic needles and those substances which the Board of Supervisors has heretofore or hereafter identified as a hazardous waste pursuant to the above criteria and as included on a list of hazardous waste promulgated by the Board of Supervisors.

"Person" shall mean any individual, firm, partnership, company, corporation, association, society, club, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of

such persons which is recognized by law as the subject of rights and duties. In any provisions of this Local Law prescribing a fine, penalty, or imprisonment, the term PERSON shall include the employees, officers, directors, partners, managers, or persons in charge of a company, corporation or other legal entity having employees, officers, directors, partners, managers or other persons in charge.

“Recyclable Material” shall mean any Solid Waste generated or originated within the County as heretofore or hereafter designated by this Local Law, and/or by resolution of the Board of Supervisors which may include but is not limited to the following:

“Solid Waste Coordinator” shall mean the Solid Waste Coordinator of Hamilton County, or such other office or employee of the County who may, from time to time, be designated by the Board of Supervisors with the responsibility for the County’s solid waste issues and programs.

I. Containers:

(a) “Aluminum”: Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink products.

(b) “Glass Food and Beverage Containers”: New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green, and brown (amber) colored glass bottles. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass, flat glass, make-up, perfume or medicine bottles.

(c) “Metal cans”: Containers fabricated primarily of steel or tin, or bi-metal cans of steel, tin and/or aluminum, but not including aluminum cans.

(d) “Plastics”: Containers fabricated of plastic including high density polyethylene (HDPE), low density polyethylene (LDPE), polystyrene, and polyethylene terephthalate (PET) commonly used for soda, milk and other containers.

II. Paper

(e) “Boxboard”: Woodpulp-based material which is usually smooth on both sides but with no corrugated center (excluding material with wax coating).

(f) “Corrugated”: Woodpulp-based material which is usually smooth on both sides with a corrugated center. Commonly used for boxes (excluding material with wax coating).

(g) “High grade paper”: White and colored office bond, duplicating paper, computer paper, and other high quality paper.

(h) “Magazines”: Magazines, glossy catalogs, and other glossy paper.

(i) "Newsprint": Common, inexpensive machine finished paper made chiefly from woodpulp and used for newspapers (excluding magazines).

III. Tires

(j) "Tires": Used or waste tires from vehicles of all sizes made of rubber (excluding steel and/or aluminum wheels).

IV. Electronics

(k) "Electronics": Computers (includes cables, cords), televisions, small scale servers, monitors, keyboards, mice, fax machines, scanners, printers, VCR's, DVR's, portable digital music players, DVD players, digital converter boxes, cable or satellite receivers, and electronic or video games.

V. Other

(l) "Large Appliances": Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal (excluding air conditioners, microwaves and televisions).

(m) "Yard Waste": Grass clippings, leaves, branches up to 4" in diameter, and other like vegetative garden materials.

"Recycling" shall mean a material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

"Recycling Collection Area" shall mean any facility designated and operated solely for the receiving and storing of source-separated designated recyclable materials.

"Resident" shall mean any person residing within the County on a temporary or permanent basis, but excluding persons residing in hotels or motels. For purposes of this Local Law, RESIDENT does not include commercial, industrial or institutional establishments.

"Solid Waste" shall mean all putrescible and non-putrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, construction and demolition debris, discarded automobiles and offal, but not including designated recyclable material, solid or dissolved matter in domestic sewage or substances, materials in non-containerized gaseous form or hazardous materials or waste.

"Source Separate" shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

Article V. Administrative Responsibilities.

The Solid Waste Coordinator is hereby authorized and directed to:

A. Promulgate and publish rules and regulations from time to time which:

1. Identify, define, expand and modify categories of Solid Waste and Recyclable materials consistent with the Hamilton County Solid Waste Management Plan heretofore approved or hereafter amended by the Board of Supervisors; except that in the event of an emergency condition, the Solid Waste Coordinator may amend the categories of Solid Waste and Recyclable Materials to respond to such emergency conditions, the Solid Waste Coordinator shall immediately notify the Board of Supervisors and report to the Solid Waste Committee at its next scheduled committee meeting. The Solid Waste Coordinator is authorized to expand and modify the categories of Recyclable Materials set forth in the Solid Waste Management Plan with Board of Supervisors approval.

2. Identify one or more Authorized Recycling Facility(ies) to which Recyclable Materials may be delivered, subject to such exceptions as the Solid Waste Coordinator may determine with Board of Supervisors approval to be in the best interest of the public.

3. Establish a County-wide program via rules and regulations with Board of Supervisors approval to implement and enforce Source Separation of Recyclable Materials and maximize the opportunity for and educate and inform the public regarding the reclamation and recovery of Recyclable Materials. These rules and regulations shall prescribe methods of Source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and waste composition. In promulgating such rules and regulations, the Solid Waste Coordinator shall also give due consideration to existing Source Separation, recycling and other facilities in the area, to the adequacy of markets for separated materials, and any additional expense and effort to be incurred by residents and Authorized Haulers. In addition, the Solid Waste Coordinator shall consider the capacity, handling, disposal and marketing capabilities of available Facilities, the geographical location of Facilities and other such factors enabling the Solid Waste Coordinator to determine that the public interest is served by the applicable rule or regulation.

B. Revise, amend, promulgate and publish other such rules, regulations and orders necessary to carry out the purposes of this Local Law.

C. The Solid Waste Coordinator shall perform the administrative functions, powers and duties specified in this Local Law on behalf of the County, and may delegate any or all of the administrative functions, powers and duties specified herein. He shall report at least annually to the Board of Supervisors. Nothing in this Local Law divests the Chairman of the Board or the Board of Supervisors of any functions, powers and duties which they may otherwise have.

Article VI. Waste Delivery and Disposal; Source Separation

A. Solid waste generated or originated within the County which has been left for collection or which is delivered by the generator of such waste to a Facility shall be handled and disposed of as follows:

1. Prior to collection or transport, such Solid waste shall be Source Separated into Recyclable Materials and remaining Solid Waste as provided in the rules and regulations promulgated pursuant to Article V of this Local Law.

2. Source Separated Recyclable Materials shall not be comingled with other Solid Waste during collection, transportation, processing or storage following collection.

3. Persons choosing to dispose of Source Separated Recyclable Materials generated or originated with the County to a County Transfer Station or other Authorized Facility must so dispose of all of said Person's recyclable materials.

B. Disposal of Solid Waste which is barred from the County Transfer Stations by rules, regulations or orders promulgated pursuant to Section V of this Local Law, or by any other law, regulation or ordinance shall not otherwise be regulated by this Local Law.

C. No Hazardous Waste may be delivered to any County Transfer Station.

Article VII. Collection of Recyclables.

Only Persons acting under the authority of a Hauler or the County shall collect, pick up, remove or cause to be collected, picked up or removed, any Recyclable Materials placed in or adjacent a to a Container for collection; each unauthorized collection, pick up or removal shall constitute a separate violation of this Local Law. Provided, however, where the Hauler or the County has refused to collect Recyclable Materials because they have not been separated, placed or treated in accord with the provisions of this Local Law, or the rules and regulations promulgated hereunder, the Person responsible for initially placing those Materials for collection may and shall remove those Materials from any curb, sidewalk, streetside or designated collection place.

Nothing herein shall prevent any Person from making arrangements for the reuse, private collection, sale or donation of Recyclable Materials; provided that the Recyclable Materials to be privately collected, sold or donated shall not be placed curbside or at any other designated collection place on or immediately preceding the scheduled day for collection of such Recyclable Materials. Any and all Recyclable Materials placed in a County owned Container at curbside or any designated collection place shall be immediately become the property of the County.

Article VIII. Haulers.

A. Haulers, in addition to the foregoing provisions and those provisions hereinafter set forth, shall be subject to the following requirements:

1. As a condition for use of the County's facilities, Haulers shall indemnify and hold harmless Hamilton County for any pending, threatened or actual claims, liability or expenses arising from collection and disposal by the Hauler in violation of this law.

2. Haulers shall offer or cause to be offered collection services for all Recyclable Materials to all residential customers for whom they provide Solid Waste collection services, on the same days as Solid Waste collection services are provided, unless otherwise authorized by the rules and regulations promulgated pursuant to Article V of this Local Law.

3. Haulers shall not accept for collection Solid Waste which has not been Source Separated in conformity with the said rules and regulations promulgated pursuant to Article V of this Local Law and shall leave a notice with the generator informing the generator of why the Solid Waste or Recyclable Materials were not collected.

Article IV. Enforcement

Inspections: All portions of vehicles and containers used to haul, transport or dispose of Recyclable Materials, including such containers placed outside of residences, shall be subject to inspection by the Solid Waste Coordinator or by his designees to ascertain compliance with this Local Law and the rules, regulations or orders promulgated hereunder; the Solid Waste Coordinator and his designees shall be authorized to reject said materials for disposal at a County Facility.

Article X. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, paragraph, section or part thereof involved in the controversy in which such judgment shall have been rendered.

Article XI. Effective Date.

The provisions of this law shall be effective immediately

Section 2. This Local Law shall take effect in accordance with the provisions of the Municipal Home Rule Law.

AYES: ARIETTA (304), HOPE (403), INDIAN LAKE (1352), INLET (333), LAKE PLEASANT (781), LONG LAKE (711), MOREHOUSE (86), AND WELLS (674) = 4,644

NAYS: NONE

ABSENT: BENSON (192)

Other Reports:

Brian Wells: He wanted to say thank you to the Sheriff, Deputies and Dispatchers for their help through the tragedy over the weekend.

Neil: To go along those lines with Brian, he feels we are missing an opportunity to use the State Camp grounds at the Indian Lake Islands for snowmobile parking and he will be pursuing this with DEC. We have had great success at Moffitt Beach.

He also wanted to say Get Well to Ermina.

The Town of Lake Pleasant moved on Monday to support the NYS Safe Act resolution.

As there was no further business, motion to adjourn by Mr. Frey, seconded by Mr. Edwards.
Carried.