

**2012**

**ELEVENTH SESSION**

**NOVEMBER 1, 2012**

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 A. 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	ABSENT

Also present: County Attorney and Pete Klein, Press

The Chairman stated there is a correction for the October 4, 2012 minutes, third paragraph there is a quote by the County Attorney that he does not believe accurate. We will listen to the tape and make the correction. A motion was made to accept the minutes of September 6, 2012 and October 4, 2012, by Mr. McGovern, seconded by Mr. Wilt. Carried.

Public Comment: No one present.

Report of Standings/Special Committees:

John: Announced the Finance Committee met repeatedly and there is a working budget on your desks. John thanked all the departments for working hard to keep their numbers down.

Rick: Asked if there is a resolution in for the fuel oil bid, and the Chairman stated no there is not. The Chairman stated that there will be a meeting with the County Attorney and Tracy to discuss. We only received one bid with a fixed and fluctuating price. Due to Storm Sandy it is making it very challenging to evaluate fixed verses fluctuating. There has been conversation in regards to rejecting the bid and rebidding it.

Bob: Internal Management met with Burnham Financial today to review options for health insurance.

Neil: There are a couple of Tourism resolutions in your packets and he asked for support.

The Chairman announced there are a few more minutes before they can open the public hearing on Proposed Local Law No. 2 of 2012, A Local Law of the County of Hamilton New York Enacting a Right-To-Farm-Law so they will proceed to the resolutions until that time.

RESOLUTIONS:

**RESOLUTION NO. 282-12**

**SUSPENDING RULES OF ORDER FOR FIRST  
ANNUAL SESSION DATE**

**DATED: NOVEMBER 1, 2012**

**BY MR. EDWARDS:**

BE IT RESOLVED, Rule 1 of the Hamilton County Board of Supervisors' Rules of Order provides that the Annual Session shall be held on the First Thursday in November at 10:30 A.M., in the Supervisors' Chambers, and that the Rule be suspended and this meeting be recessed until November 7, 2012 at 10:30 A.M., and be it further

RESOLVED, that said meeting on November 7, 2012 shall be considered the opening of the Annual Session for any and all business, which may be legally transacted by the Board.

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

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

NAYS: NONE

ABSENT: PINCOMBE AND TOWERS

**REPORT OF THE FINANCE COMMITTEE**

**NOVEMBER 1, 2012**

Your Committee on the tentative budget of the fiscal year 2013 as filed by the Budget Officer with the Clerk of the Board of Supervisors, respectfully reports that in its opinion the amounts in the columns headed "Recommended Appropriations" will be necessary to meet the expenditures of the County for the ensuing year.

1. Contributions required by the law be made by tax upon this County for State Employees' Retirement Contributions and Conservation Fire Claims.
2. Salaries of Officers and Employees heretofore authorized by this Board and the amounts necessary to pay for the equipment, supplies and materials and other expenses for each department.
3. Amount necessary to carry out the contract with the State of New York for Snow Removal on State Highways.
4. County Indebtedness maturing and interest payable as shown by the Budget Officer.
5. Appropriations for Public Relief and care and administration expenses.

6. Appropriations for the County Road Fund, Snow Removal on County Road and County Machinery Fund.
7. Appropriations for the Contingent Fund.
8. Appropriations for reserve for uncollected taxes and assessments, tax refunds and tax sales.
9. Appropriations for other specific purposes as stated in the tentative budget by the Budget Officer.

**FINANCE COMMITTEE**

John Frey, Richard A. Wilt  
Brian Towers, Neil P. McGovern

After the following resolution was placed on the floor; Mr. Frey stated he wishes the number was lower. He thanked the Department Heads, Clerk of the Board staff and the Chairman for their help with his first year as Budget Officer.

**RESOLUTION NO. 283-12**

**ACCEPTING REPORT OF THE FINANCE COMMITTEE**

**DATED: NOVEMBER 1, 2012**

**BY MR. EDWARDS:**

RESOLVED, that the Report of the Finance Committee is accepted as read by the Clerk of the Board of Supervisors.

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

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

NAYS: NONE

ABSENT: PINCOMBE AND TOWERS

**RESOLUTION NO. 284-12**

**MORTGAGE TAX DISTRIBUTION**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, it appears from the reports of the County Clerk and the County Treasurer for the period April 1, 2012 through September 30, 2012, that there remains for distribution of moneys received by taxation on Mortgages pursuant to the provision of Article Eleven, Section 261 of the Tax Law, the sum of \$90,952.00, for the distribution among the Towns and Village of the County of Hamilton, now, therefore, be it

RESOLVED, by the Board of Supervisors of the County of Hamilton that the sum of \$90,952.00 be and the same hereby is apportioned as follows:

Arietta	\$4,544.00
Benson	\$1,777.00
Hope	\$3,872.50
Indian Lake	\$18,756.00
Inlet	\$17,978.50
Lake Pleasant	\$12,318.97
Long Lake	\$18,637.00
Morehouse	\$874.00
Wells	\$9,795.00
Village of Speculator	\$2,399.03

and further

RESOLVED, that the County Treasurer be authorized to pay the respective sums so appropriated to the Supervisors of said Towns.

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

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

NAYS: NONE

ABSENT: PINCOMBE AND TOWERS

**RESOLUTION NO. 285-12**

**TRANSFER OF FUNDS AND AUTHORIZING PAYMENT – TREASURER’S OFFICE**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, the new TCS.Net Tax collection system and data base has been installed in the Treasurer’s Office and is being utilized by the Treasurer’s Office and the Town and School Tax Collectors, and

WHEREAS, the system is complete and the remaining balance for system is now due, be it

RESOLOVED, that \$9,100 be transferred from the Unappropriated General Fund Balance in accordance with Section 366 Subdivision 1 of the County Law to Account No. A1325.0410 to cover this final payment, and be it further

RESOLVED, that the Treasurer is hereby authorized to pay the invoice for the balance in the amount of \$9,100 to Systems East, Inc.

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

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

NAYS: NONE

ABSENT: PINCOMBE AND TOWERS

**RESOLUTION NO. 286-12**

**CONTINUATION OF TOURIST PROMOTION AGENCY FOR HAMILTON COUNTY  
AND AUTHORIZING SUBMISSION OF APPLICATION TO NEW YORK STATE  
DEPARTMENT OF ECONOMIC DEVELOPMENT FOR MATCHING FUNDS FOR  
PROMOTION OF TOURISM**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, the New York State Department of Economic Development is empowered to approve application from local governments for matching funds to be used for promoting tourism therein, and

WHEREAS, the Hamilton County Tourism Director has recommended that an application for such funds be submitted to the Department of Economic Development for matching funds up to the amount appropriated therefore within the New York State budget, now, therefore, be it

RESOLVED, that the Hamilton County Tourism Director be, and hereby is, authorized and directed to submit an application to Marisa Finn, Tourism Matching Funds Director, Empire State Development Division of Tourism, Albany, New York 12245, for matching funds in an amount up to Four Hundred Thousand Dollars (\$400,000.00) to be used for the promotion of tourism in Hamilton County, and be it further

RESOLVED, that said Ann Melious, Tourism Director, is hereby named Project Director in relation thereto, and be it further

RESOLVED, that the Hamilton County Board of Supervisors hereby certifies to the New York State Department of Economic Development that both the County of Hamilton and the Tourism Department have been in existence for more than three (3) years, and be it further

RESOLVED, that in order to comply with Commerce Law, Article 5-A (New York State Tourism Promotion Act) that the Hamilton County Department of Planning, Tourism and Economic Development be the duly designated tourist promotion agency for the County of Hamilton for the calendar years of 2012 and 2013, and the County Treasurer be so advised.

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

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

NAYS: NONE

ABSENT: PINCOMBE AND TOWERS

Ms. Pincombe entered at this time.

After the following resolution was placed on the floor; the Chairman explained that Ann worked with a group in Indian Lake and the Indian Lake Chamber to put together a grant application that was submitted for a Northern Boarder Commission grant. They were very encouraged by all the support they received.

**RESOLUTION NO. 287-12**

**AUTHORIZING SUPPORT OF ADIRONDACK TELEWORKS AMERICORPS  
VOLUNTEER**

**DATED: NOVEMBER 1, 2012**

**BY MR. EDWARDS:**

WHEREAS, [www.AdirondackTeleworks.com](http://www.AdirondackTeleworks.com) has been created to support residents who want work-at-home jobs with training and job listings, and

WHEREAS, the Adirondack Teleworks concept is also designed as a resource for regional employers who would like to list on-site job opportunities, and

WHEREAS, the program supports the broadband adoption goals of Connect NY and the county's \$1.7 million grant application to Connect NY, and

WHEREAS, the Indian Lake Chamber of Commerce has obtained the services of an AmeriCorps Volunteer to update the Teleworks website and publicize the program to both potential telework employers and employees for the period of one full year, and

WHEREAS, the Chamber is in need of assistance in paying the final \$1,500 installment of a \$4,500 AmeriCorps stipend for a program that benefits the entire county, therefore, be it

RESOLVED, that \$1,500 be paid to the Indian Lake Chamber of Commerce from Planning Account No. A8020.410, Economic Development Contractual, to cover the AmeriCorps volunteer stipend balance.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 288-12**

**ALLOCATING FORFEITURE OF FUNDS - SHERIFF**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, there is a Judgment filed with the Hamilton County Clerk regarding forfeiture of funds in the amount of \$872.33, and

WHEREAS, said funds have been turned over to the County Treasurer, and

WHEREAS, the District Attorney requests that the Sheriff's portion of the funds be allocated, be it

RESOLVED, that Revenue Account No. A2626 Forfeiture of Crime Proceeds be increased by \$314.04 to be offset by increasing Account No. A3110.402 Deputy Sheriffs and the County Treasurer be so authorized.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 289-12**

**AUTHORIZING & FUNDING OHS GRANT SH12-1020-D00**

**DATED: NOVEMBER 1, 2012**

**BY MR. SEAMAN:**

WHEREAS, a grant has been awarded by the Office of Homeland Security to the Hamilton County Emergency Management Office, Contract No. T970920 Project #SH12-1020-D00, in the amount of \$43,000.00 for interoperable communications, law enforcement equipment, and service contracts, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign Contract No. T970920, and be it further

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

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 290-12**

**CONTRACT FOR PSYCHIATRIC SERVICES AT COMMUNITY SERVICES –  
EILEEN EHRENBERG, MD**

**DATED: NOVEMBER 1, 2012**

**BY MR. SEAMAN:**

WHEREAS, it has been determined that there is a need for psychiatric services, and

WHEREAS, funding for psychiatric services was requested in the 2013 Community Services budget, be it

RESOLVED, that Psychiatrist Eileen Ehrenberg, MD, of 23 Featherfoil Way Malta, NY 12020, who provides this service, be paid \$1,500.00 per day not to exceed an annual amount of \$36,000.00, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013, and be it further

RESOLVED, that upon the approval of the County Attorney, the Chairman of the Board of Supervisors is hereby authorized to execute a contract on behalf of the Hamilton County Community Services with Dr. Eileen Ehrenberg and the County Treasurer be so advised.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 291-12**

**CONTRACT WITH DR. HOWARD AXELROD**

**DATED: NOVEMBER 1, 2012**

**BY MR. SEAMAN:**

WHEREAS, the Hamilton County Community Service Board has recommended contracting with Dr. Howard Axelrod for psychological services at the Hamilton County Office Building, located at White Birch Lane, Indian Lake, New York, on a bi-weekly basis, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors does hereby authorize contracting with Dr. Howard Axelrod to perform psychological services at the County Office Building, located at White Birch Lane, Indian Lake, New York, on a bi-weekly basis, and be it further

RESOLVED, that Dr. Howard Axelrod shall be paid One Thousand One Hundred Dollars (\$1,100.00) per day for the services rendered with the total annual cost to not exceed Thirty-Six Thousand Dollars (\$36,000.00), and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013, and be it further

RESOLVED, that the Chairman of the Hamilton County Board of Supervisors is hereby authorized to sign a contract with Dr. Howard Axelrod, upon approval of the County Attorney, and the County Treasurer be so advised.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 292-12**

**CONTRACT RENEWAL FOR CLINICAL EVALUATIONS AND CLINICAL COUNSELING AT COMMUNITY SERVICES – PATRICE J. HICKS**

**DATED: NOVEMBER 1, 2012**

**BY MR. EDWARDS:**

WHEREAS, it has been determined that during the year there may be a need to expand Community Services' capacity for clinical evaluations and clinical counseling, and

WHEREAS, Clinical Services are requested in the 2013 Community Services budget, be it

RESOLVED, that Patrice J. Hicks, a Clinical Social Worker with R Certification, who provides these services, be paid \$100.00 per hour for clinical evaluations not to exceed an annual amount of \$2,000.00 and \$70.00 per hour for clinical counseling not to exceed an annual amount of \$11,000.00, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013, and be it further

RESOLVED, that upon approval of the County Attorney, the Chairman of the Board of Supervisors is hereby authorized to execute a contract on behalf of the Hamilton County Community Services with Patrice J. Hicks and the County Treasurer be so advised.

Seconded by Ms. Pincombe and adopted by the following vote:

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 293-12**

**AUTHORIZING CONTRACT WITH MENTAL HEALTH ASSOCIATION IN FULTON & MONTGOMERY COUNTIES – REPRESENTATIVE PAYEE SERVICES 2013**

**DATED: NOVEMBER 1, 2012**

**BY MR. SEAMAN:**

WHEREAS, the Mental Health Association in Fulton & Montgomery Counties is a not-for-profit organization that provides a service called Representative Payee Services for certain individuals requiring their services, and

WHEREAS, it is the recommendation from the Community Services Board to accept and contract for their services, and

WHEREAS, this service will be done as a monthly appointment with individuals at a cost to the County of an annual charge of Two Thousand Eight Hundred Seventy Dollars (\$2,870.00) for the first person served and an annual charge of One Thousand Dollars (\$1,000.00) for each additional person, be it

RESOLVED, that the Hamilton County Board of Supervisors does hereby authorize the Chairman of the Board of Supervisors to contract on behalf of the Hamilton County Community Services, upon the approval of the County Attorney, with the Mental Health Association in Fulton Montgomery Counties for Representative Payee Services for the annual sum of Two Thousand Eight Hundred Seventy Dollars (\$2,870.00) for the first person served and One Thousand Dollars (\$1,000.00) for each additional person served payable on a monthly basis, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013, and the County Treasurer be so advised.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 294-12**

**AUTHORIZING CHAIRMAN TO SIGN CONTRACT FOR COMMUNITY SERVICES  
REGISTERED NURSE TO ASSIST PSYCHIATRIST**

**DATED: NOVEMBER 1, 2012**

**BY MR. SEAMAN:**

WHEREAS, Hamilton County Community Services Department provides psychiatric services to the residents of the County, and

WHEREAS, the Department has identified a need to support the Department's psychiatrist with a nurse, and

WHEREAS, Cynthia Lane, of Piseco, NY, a qualified registered nurse, has agreed to provide Hamilton County Community Services with nursing support, at a rate of \$27.50 per hour, and nurse practitioner services, at a rate of \$60.00 per hour, to assist the department's psychiatrist for a total of seven hours per week, be it

RESOLVED, that the Hamilton County Chairman of the Board of Supervisors is hereby authorized to enter into contract with Ms. Lane to provide nursing services under the direction of Hamilton County Community Services, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013, and be it further

RESOLVED, that the funding limit for this contract would be Thirteen Thousand Dollars (\$13,000.00).

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 295-12**

**CONTRACT WITH CITIZEN ADVOCATES, INC. OF FRANKLIN COUNTY FOR  
CHEMICAL DEPENDENCY CLINIC IN SPECULATOR, NY AND MICA PROGRAM  
FOR HAMILTON COUNTY**

**DATED: NOVEMBER 1, 2012**

**BY MS. PINCOMBE:**

WHEREAS, the Hamilton County Community Services Board and the Hamilton County Community Services Department has identified a need for Chemical Dependency Services and MICA services in Hamilton County, and

WHEREAS, funding to provide chemical dependency services were budgeted in the 2013 Community Services budget for this purpose, and

WHEREAS, funding to provide MICA services were requested in the 2013 Community Services budget for this purpose, and

WHEREAS, Citizen Advocates Inc. of Franklin County has agreed to operate, under its certification, the aforementioned Chemical Dependency Clinic and support Hamilton County Community Services' MICA program by providing a Certified Alcohol and Substance Abuse Counselor, be it

RESOLVED, that a contract with Citizens Advocated Inc. of Franklin County, in the amount of \$33,510.00 be made, and the Chairman be authorized to sign said contract upon approval of the County Attorney, for the purpose of operating this Clinic and provide support to the County's MICA program, to be paid in monthly installments, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013, and the County Treasurer be so advised.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 296-12**

**RESOLUTION TO CONTRACT WITH PARSON CHILD AND FAMILY CENTER OF ALBANY, NY FOR RESPITE SERVICES FOR CHILDREN AND ADOLESCENTS IN HAMILTON COUNTY**

**DATED: NOVEMBER 1, 2012**

**BY MR. MCGOVERN:**

WHEREAS, the Hamilton County Community Services Board has identified a need for respite services for children and adolescents in Hamilton County, and

WHEREAS, the Parsons Child and Family Center of Albany, NY is currently a provider in Hamilton County and has the capacity and appropriate certifications and licensure to develop and operate a respite program in New York State, be it

RESOLVED, that the Hamilton County Board of Supervisors authorizes the Chairman of the Board of Supervisors to enter into a contract with the Parsons Child and Family Center of Albany, NY that will allow the Hamilton County Community Services Department to refer appropriately identified children and adolescents to this program and purchase these services per an agreed upon rate of \$30 per hour for up to six hours but no more than \$180 per day, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013.

Seconded by Ms. Pincombe and adopted by the following vote:

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

NAYS: NONE

ABSENT: TOWERS

The Chairman asked for a motion to open the Public Hearing for Proposed Local Law No. 2 of 2012 A Local Law of the County of Hamilton New York Enacting a Right-To-Farm-Law. The motion was made by Ms. Pincombe, seconded by Mr. McGovern. Carried.

Four people entered for the Public Hearing on Proposed Local Law No. 2 of 2012.

The Chairman asked if any of the Board members would like to comment on the Local Law, there was no comment.

The Chairman then asked if any of the Public would like to comment.

Mr. Dave McComb introduced himself; he has a maple syrup business in Speculator. He thanked the Board of Supervisors for entertaining this law. He sees a lot of positives, one is number seven, the worst case scenario is someone buys property next to him and he has been established for some time with major investment and the new property owners decided they don't like plastic tubing running through the woods. This will give him an avenue without going to court. He stated he would like to see it enacted and thanked the Board.

Ms. Nancy Welsh stated she is representing the public today, not her role with Cooperative Extension. Ms. Welsh introduced this to the Board of Supervisors a couple of months prior and she wanted to thank the Board for bringing it to the public. This will allow for arbitration, a local Board who will arbitrate rather than having the neighbors suing each other in the first instance. A lawsuit would put most small businesses right out of business.

Mr. Mike Romanych stated that he manages Spruce Top Resource Management and was here to thank the Board of Supervisors for proposing this new law. He has a young company that he has just started developing in the last couple of years. The company is oriented around forest agricultural. As he has been going around the County he has discovered that there are many who are involved in many aspects of agricultural, not only forest but also traditional as well. Most of these people are young and trying to make a go of it and he feels this law is very important for them. They need some form of reassurance that they will be able to make their investment and realize their benefits without fear of being sued.

The Chairman asked if there was anyone else who would like to comment and no one answered.

The Chairman asked if any of the Board members would like to comment on the proposed law.

Ms. Pincombe stated she feels this is great.

Mr. McGovern stated he has had people come to him about why the fuss over a small matter. Mr. McGovern explained why this is important.

The Board continued with the resolutions.

After the following resolution was placed on the floor; the Chairman explained that this is money in and money out. The way this has been funded is that historically there has been a lead county and that has been Fulton County. All the money from the three counties flowed through Fulton County. The State of New York has now decided that the money for each individual county should flow to the county and then the county should contract with the Prevention Council so that all three counties will have individual contracts.

### **RESOLUTION NO. 297-12**

#### **RESOLUTION TO CONTRACT WITH THE HAMILTON FULTON MONTGOMERY PREVENTION COUNCIL TO PROVIDE A PREVENTION PROGRAM IN HAMILTON COUNTY**

**DATED: NOVEMBER 1, 2012**

**BY MR. SEAMAN:**

WHEREAS, the Hamilton County Community Services Board (HCCSB), the HCCSB's Alcohol and Substance Abuse Subcommittee, and the Hamilton County Community Services Department has identified a need for chemical dependency related prevention programming in Hamilton County, and

WHEREAS, The New York State Office of Alcohol and Substance Abuse Services (NYS OASAS) has approved the Hamilton Fulton Montgomery Prevention Council's (HFM Prevention Council) budget for \$71,175.00, annualized, in recurring funding to support a chemical dependency prevention program in Hamilton County, and

WHEREAS, NYS OASAS has determined that it will provide this funding to the HFM Prevention Council through Hamilton County's OASAS funding, be it

RESOLVED, that the Hamilton County Chairman of the Board of Supervisors, upon approval of the County Attorney, is hereby authorized to enter into contract with HFM Prevention Council for the purpose of providing chemical dependency prevention services in Hamilton County, and be it further

RESOLVED, that the designated funding will be paid in quarterly installments based upon the annualized amount of \$71,175.00 when confirmed in Hamilton County's OASAS state aid letter for the contracted period, and be it further

RESOLVED, that said contract would be in effect from January 1, 2013 until December 31, 2013.

Seconded by Ms. Pincombe and adopted by the following vote:

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 298-12**

**AWARD OF BID FOR THE PURCHASE OF ICE CONTROL SAND (DELIVERED)  
FOR THE 2012-2013 SEASON**

**DATED: NOVEMBER 1, 2012**

**BY MR. EDWARDS:**

WHEREAS, one (1) bid was received for snow and ice control sand (delivered) for Hamilton County for 2012-2013 season, in accordance with Specification No. 11-2012, dated October 22, 2012, as advertised by the Highway Superintendent and the Highway Committee, and

WHEREAS, the following bid was received:

	<u>Benson</u>	<u>Hope</u>
1. Delaney Crushed Stone Products Attention: Brian G. Manzer PO Box 1289 410 State Highway 30 Northville, New York 12134	\$9.35	\$9.45

and

WHEREAS, the County Highway Superintendent and the Highway Committee have determined that the award be made on a per ton per location basis to the lowest bidder meeting the specifications, be it

RESOLVED, that the low bid meeting the specifications for the Towns of Benson and Hope is Delaney Crushed Stone Products, and be it further

RESOLVED, that the award be made as follows:

Delaney Crushed Stone Products	- Town of Benson (delivered)	@ \$9.35 per ton
	Town of Hope (delivered)	@ \$9.45 per ton

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 299-12**

**AWARD OF JANITORIAL CONTRACT FOR THE INDIAN LAKE COUNTY OFFICE BUILDINGS FOR THE YEARS 2013 AND 2014**

**DATED: NOVEMBER 1, 2012**

**BY MR. WILT:**

WHEREAS, two (2) bids were received for Janitorial Contract for the Indian Lake County Office Buildings for 2013 and 2014 in accordance with Specification No. 12-2012, dated October 22, 2012, as advertised by the Hamilton County Building Superintendent and the Building Committee, and

WHEREAS, the following bids were received:

1. Ruby Boya  
PO Box 485  
Indian Lake NY 12842

BID: \$60,000.00 Lump Sum

2. John C. Hall  
PO Box 145  
Indian Lake, NY 12842

BID: \$62,720.00 Lump Sum

and

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

RESOLVED, that award be made for the Janitorial Contract for the Indian Lake County Office Buildings as follows:

Ruby Boya, PO Box 485, Indian Lake, NY 12842,

with a bid of \$60,000.00, and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to enter into an agreement for above contract with Ruby Boya of Indian Lake, NY 12842 for a Lump Sum of \$60,000.00 for the years 2013 – 2014 with the approval of the County Attorney and the County Treasurer, Clerk of the Board and Building Superintendent be so advised.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 300-12**

**AMENDING AMOUNT OF 2012 APPROPRIATION AND REVENUE AND TRANSFER OF FUNDS FOR FLEET REPAIRS**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, the budget appropriation for Account No. DM5130.4010 Repairs and Parts for 2012 was set and duly adopted for \$260,000.00 for the maintenance/repairs of the entire county fleet, and

WHEREAS, the budget revenue amount for Account No. DM2801.1000 Interfund Revenues (repairs for other county fleet) was set and duly adopted for \$15,000.00, and

WHEREAS, the said amounts mentioned herein are estimated by the County Highway Superintendent based on the previous year's expenditures and repairs, and

WHEREAS, because of some major repairs and purchases that were necessary and price increases the fund has been over expended and the Highway Department has to maintain and repair the fleet for the remainder of 2012, and

WHEREAS, the County Highway Superintendent estimates and recommends that an additional \$40,000.00 will be needed to make repairs and purchase parts and supplies for the maintenance of the county fleet until the end of fiscal 2012 and that an additional \$15,000.00 will be received in revenues from the billing of repairs and parts for the remainder of 2012, be it

RESOLVED, the 2012 budget appropriation for Account No. DM5130.4010 Repairs and Parts be increased by \$40,000.00 and increase Revenue Account No. DM2801.1000 Interfund (repairs) by \$15,000.00, and be it further

RESOLVED, that \$25,000.00 be transferred from Account No. D5142.1010 Personal Services to completely offset the increase of the appropriation of Account No. DM5130.4010 and the County Treasurer be so authorized and the Highway Superintendent and Clerk of the Board be so notified.

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

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

NAYS: NONE

ABSENT: TOWERS

After the following resolution was placed on the floor; the Chairman stated it has been a challenging year for the Highway budget.

**RESOLUTION NO. 301-12**

**TRANSFER OF FUNDS – COUNTY ROAD MAINTENANCE**

**DATED: NOVEMBER 1, 2012**

**BY MR. WELLS:**

WHEREAS, there is a shortage of funds in Account No. D5110.4030 Stone and Gravel of \$7,240.36 and Account No. D5110.405 Other Supplies of \$824.79, be it

RESOLVED, that the following transfers be made:

From: Account No. D5110.1010 Personal Services	\$7,240.36
To: Account No. D5110.4030 Stone and Gravel	\$7,240.36
From: Account No. D5110.1010 Personal Services	\$ 824.79
To: Account No. D5110.4050 Other Supplies	\$ 824.79

and the County Treasurer be so authorized and the Clerk of the Board and Highway Superintendent be so notified.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 302-12**

**RESOLUTION TO AMEND COUNTY ROAD FUND PROJECTS FOR 2012**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, the following County Road/Bridge Projects were authorized for 2012 as follows,

Account No. D5112.2473 CR13 Seventh Lake Bridge - \$249,000.00

Account No. D5112.2475 CR3 North Point Road -	\$175,000.00
Account No. D5112.2476 CR6 Benson Road -	\$100,000.00
Account No. D5112.2477 CR4 Big Brook Road -	\$125,000.00

and

WHEREAS, because of fuel adjustments for rising fuel prices, lengths of the projects and more stone/materials required to complete the projects there is a shortage of funds in the above mentioned projects, and

WHEREAS, the County Highway Superintendent recommends the following transfers are made as follows:

From: Account No. D5112.202 Permanent Projects	\$56,668.13
To: Account No. D5112.2475 North Point Road, County Route 3	\$56,668.13

From: Account No. D5112.202 Permanent Projects	\$ 2,624.57
To: Account No. D5112.2476 Benson Road, County Route 6	\$ 2,624.57

From: Account No. D5112.202 Permanent Projects	\$ 3,005.10
From: Account No. D5142.1010 Personal Services	\$20,318.79
To: Account No. D5112.2477 Big Brook Road, County Route 4	\$23,323.89

From: Account No. D5142.1010 Personal Services	\$ 4,103.85
To: Account No. D5112.2473 Seventh Lake Bridge CR13	\$ 4,103.85

and

WHEREAS, \$62,297.80 of the total amount of the \$86,720.44 that is to be transferred will be reimbursed through the CHIP's program, be it

RESOLVED, that hereby the County Treasurer is authorized to make the said transfers and the Clerk of the Board and Highway Superintendent be so notified.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 303-12**

**TRANSFER OF FUNDS - COUNTY ROAD FUND**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

WHEREAS, there is a shortage of funds in the following accounts in the County Road Fund Administration,

Account No. D5010.401 Travel - \$ 175.00  
Account No. D5010.402 Telephone - \$ 575.06  
Account No. D5010.405 Supplies - \$1,194.40

be it

RESOLVED, that \$4,000.00 be transferred from County Road Fund Account No. D5010.102 Administrative Assistant to the following accounts -

Account No. D5010.401 Travel - \$ 175.00  
Account No. D5010.402 Telephone - \$1,730.60  
Account No. D5010.405 Supplies - \$2,094.40

and the County Treasurer be so authorized and the Clerk of the Board and Highway Superintendent be so notified.

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

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

NAYS: NONE

ABSENT: TOWERS

After the following resolution was placed on the floor; Mr. McGovern asked if we are looking at duplications and use. The Chairman stated the usage is down and prices have increased.

### **RESOLUTION NO. 304-12**

#### **AMENDING AMOUNT OF 2012 APPROPRIATION AND REVENUE FOR DIESEL AND GASOLINE**

**DATED: NOVEMBER 1, 2012**

**BY MR. MCGOVERN:**

WHEREAS, the budget appropriation amount for Diesel and Gasoline for 2012 was set and duly adopted for \$600,000.00 for Account No. DM5130.4050 for usage by county departments and other town governments, and

WHEREAS, the budget revenue amount for Sale of Diesel and Gasoline 2012 was set and duly adopted for \$300,000.00 for Account No. DM2655.0000 (Sale of Materials) and \$35,000.00 for Account No. DM2801.0000 (Interfund Revenues) for a total revenue of \$335,000.00, and

WHEREAS, the said amounts mentioned herein are estimated by the County Highway Superintendent based on the previous year's usage and pricing, and

WHEREAS, because of increased prices in 2012 for Diesel and Gasoline the County Highway Superintendent has expended the appropriation in the above account to purchase Diesel and Gasoline and needs to purchase Diesel and Gasoline for the remainder of 2012, and

WHEREAS, because of the rising prices in Diesel and Gasoline the above mentioned revenue accounts have or will soon exceed the adopted amounts, and

WHEREAS, the County Highway Superintendent estimates and recommends that an additional \$100,000.00 will be needed to purchase Diesel and Gasoline until the end of 2012 and that an additional \$50,000.00 will be received in revenues from the sale of Diesel and Gasoline for the remainder of 2012, be it

RESOLVED, the 2012 budget appropriation for Diesel and Gasoline Account No. DM5130.4050 be increased by \$100,000.00 and increase Revenue Account No. DM2655.0000 by \$25,000.00 and Revenue Account DM2801.0000 by \$25,000.00, and be it further

RESOLVED, that \$50,000.00 be transferred from the Unappropriated County Road Fund Balance in accordance with Section 366 Subdivision 1 of the County Law to completely offset the increase of the appropriation of Account No. DM5130.4050 and the County Treasurer be so authorized and Clerk of the Board be so notified.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 305-12**

**RESOLUTION TO CHANGE 2012 ACCOUNTS PER NYS COMPTROLLER**

**DATED: NOVEMBER 1, 2012**

**BY MR. MCGOVERN:**

WHEREAS, Hamilton County has been advised by the New York State Comptroller's Office that it is necessary to update some Hamilton County account numbers, and

WHEREAS, our County Auditor, Dick Dinolfo, has advised the County to adhere to the NYS Comptroller's suggestions for updating our account numbers, and

WHEREAS, the County will update and fund these accounts in the 2013 Budget, and

WHEREAS, these same changes will need to be made in our 2012 accounting records, be it

RESOLVED, that the following accounts be adjusted in our current, 2012, accounting records for acceptance by the New York State Comptroller's Office:

OASAS: Change revenue A3484-Drug Abuse Prevention to A4488-SAPT Block Grant Prevention PB/PG

OASAS: Change revenue A3491-OASAS to A3484-OASAS

Social Services: Change revenue A3655-Daycare to A4689-Daycare

WIA: Change revenue A2320-Economic Assistance, Franklin County-WIA to A4089.1 Economic Assistance, Clinton County-WIA

and be it further

RESOLVED, that the Hamilton County Treasurer's Office be so authorized to make these changes to the County's accounting records, and that the Hamilton County Community Services Department, the Hamilton County Social Services Department, the Hamilton County Personnel Office, and the Hamilton County Treasurer's Office be so advised.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 306-12**

**APPROVAL TO CREATE TEMPORARY POSITION TO COVER VACANCY –  
SOCIAL SERVICES**

**DATED: NOVEMBER 1, 2012**

**BY MR. EDWARDS:**

WHEREAS, Stephanie Hutchins, Information System Support Specialist in the Hamilton County Department of Social Services, has applied for Family Medical Leave, and

WHEREAS, Roberta Bly, Commissioner, requests approval for a temporary position to fill this vacancy, now, therefore, be it

RESOLVED, that the County Treasurer be hereby authorized to transfer 3,100.00 from Account No. A6010.105 DSS Admin Data Coord. to Account No. A6010.114 DSS Temporary to cover said vacancy, and be it further

RESOLVED, that Commissioner Bly is hereby authorized to work with the Personnel Officer to indentify candidates, then interview, and submit a ten day request to the Board of Supervisors for approval, and the Personnel Officer be so notified.

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

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 307-12**

**APPROVAL OF AND TRANSFER OF FUNDS FOR 2012 MERIT PAY**

**DATED: NOVEMBER 1, 2012**

**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 October 22, 2012 to review merit evaluations, be it

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

COUNTY CLERK

Heather Farber                      November 1, 2012 to November 1, 2013      \$1.65

SHERIFF

William Wilt                      November 1, 2012 to November 1, 2013      \$1.54

CLERK OF THE BOARD

Cheryl Paestella                      November 1, 2012 to November 1, 2013      \$1.54

HIGHWAY

Derek Cummins                      November 1, 2012 to November 1, 2013      \$1.54

Mark Hunt                      November 15, 2012 to November 15, 2013      \$ .77

Matthew LaPlant                      November 1, 2012 to November 1, 2013      \$ .66

NURSING

Kristen King                      November 29, 2012 to November 29, 2013      \$ .99

and be it further

RESOLVED, that the following transfers be made to cover the above 2012 merit pay:

FROM:	A1990.401	Contingent	\$17,316.75
TO:	A1410.102	Deputy County Clerk	\$3,445.20
	A3110.112	Deputy Sheriff #A	\$3,215.52

A1040.102	Deputy Clerk of the Board	\$2,645.72
D5110.101	Personal Services	\$3,215.52
D5110.101	Personal Services	\$1,808.40
D5110.101	Personal Services	\$994.40
A4050.120	Acct. Clerk/Computer Support Aide	\$1,991.99

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

Seconded by Ms. Pincombe and adopted by the following vote:

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

NAYS: NONE

ABSTAIN: FARBER

ABSENT: TOWERS

**RESOLUTION NO. 308-12**

**APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

RESOLVED, that the bills in the Machinery Fund amounting to \$103,197.08 and bills in the County Road Fund amounting to \$407,649.49 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. Wells and adopted by the following vote:

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

NAYS: NONE

ABSENT: TOWERS

**RESOLUTION NO. 309-12**

**APPROVAL OF AUDITS IN THE COUNTY GENERAL FUND**

**DATED: NOVEMBER 1, 2012**

**BY MR. FREY:**

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$274,821.10 by the following committees:

Building Committee .....	\$15,864.31
Solid Waste Committee .....	13,239.06
Finance Committee .....	156,615.10
Health & Human Services Committee.....	39,533.65
Central Government Committee .....	19,930.16
Publicity, Tourism, Economic Development & Planning Committee.....	22,530.78
Internal Management Committee .....	7,108.04

are hereby approved.

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

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

NAYS: NONE

ABSENT: TOWERS

Other Reports:

Ms. Pincombe reported that the Office for the Aging’s Annual meeting was held in Chestertown. We will be receiving information regarding the breakdown between Warren and Hamilton Counties.

Ms. Pincombe attended the Local Government Review Board meeting. Lonnie wants to do more outreach so people know there is an APA.

Ms. Pincombe asked the Chairman to explain about the resolution that was passed at this meeting regarding the Nature Conservancy selling property.

The Chairman stated there has been a lot of conversation around the Adirondacks about land acquisition for about four years. Many have acknowledged that the Nature Conservancy’s last acquisition showed improvement in terms of the way it engaged the communities, but it still left some issues unresolved. One is where should the ecological bar be set with respect to what is appropriate as forest preserve and what should remain conservation easement. This issue became more heated due to the fact that the Nature Conservancy held the 69,000 acres and continued to log half of it and now it will become part of the forest preserve and that will probably not be resolved in the near future.

The issue that Ms. Pincombe is talking about is the impact on the forest products industry; they have an issue with both conservation easement and the acquisition that deals with the loss of development rights to the communities. With that a conversation was struck with the Adirondack Association of Towns and Villages and the Review Board on how the local governments might approach this particular issue. The towns that have APA approved plans already have the ability to take the development rights and move them around and reconfigure them within their community. The idea was brought up at the meeting with AATV and the Review Board, that while the Nature Conservancy still owns the land, it is private land under the private land use side of the APA Act. Therefore if communities with approved plans that have this acreage were so inclined there is nothing that would currently prevent them from going to the Adirondack Park Agency for a map amendment and moving the development rights to other areas of private land. The idea has been mentioned to the Adirondack Park Agency Commissioners and no one thought it was a bad idea; several of them embraced it. Now the Review Board needs to get the word out

to the communities that may have the ability to move development lands around. A short discussion followed.

Mr. Wilt: Reported that he met with Tracy and Dan on future projects. The Chairman stated that we will discuss this when reviewing Highway's budget at the November 7<sup>th</sup> meeting. Mr. Wilt stated he will get the numbers to John.

Mr. Wells: Thanked the Sheriff's Office for the help on an issue they had in Sabael the other day. The Sheriff happened to be going by and stopped to help us out. That is a good example of what we have here in Hamilton County.

Mr. Wells also thanked the Chairman for expediting a meeting with DEC and TNC.

Mr. McGovern: Thanked everyone who was prepared for the storm that missed us. It was done well by Don and the Chairman.

He attended the Community Action meeting, the Annual report was given. The Community Action office is in Indian Lake and they have food pantries in Wells and Inlet and they also support a private one that is located in Speculator. He encourages everyone to stop in at the Indian Lake office and see the operation. They do a wonderful job there and due to the economy they are seeing a lot more residents that are not only looking for food but clothes as well, which they do distribute. They reported that they are serving up to 40% more of our residents.

Mr. McGovern reported that Bill Murphy is doing a great job with Teleworks. He would like the Supervisors to familiarize themselves with this Teleworks project.

At this time, 11:40 AM, the Chairman asked for a motion to close the Public Hearing for Proposed Local Law No. 2 of 2012 A Local Law of the County of Hamilton New York Enacting a Right-To-Farm Law; moved by Ms. Pincombe, seconded by Mr. Frey. Discussion, Mr. McGovern stated this is a good first step. Carried.

Motion by Ms. Pincombe:

Second by Mr. Edwards:

LOCAL LAW NO. 2 OF 2012

State of New York

County of Hamilton

A LOCAL LAW OF THE COUNTY OF HAMILTON,  
NEW YORK ENACTING A RIGHT-TO-FARM LAW

BE IT ENACTED, By the Board of Supervisors of the County of Hamilton, State of New York, as follows:

Section 1: Title. This Local Law shall be titled "A Right-To-Farm".

Section 2: Purpose and Intent. The Hamilton County Board of Supervisors hereby recognizes that farms are an integral component of the County's economic base; productive agricultural soil is an irreplaceable asset; and agriculture contributes to the economic diversity, environmental quality and overall quality of life in Hamilton County. Through this local law, this Board also declares that it is the policy of Hamilton County to promote effective communication between farm and non-farm neighbors resulting in a shared understanding of the value of the agricultural enterprises to Hamilton County and the necessary day-to-day operations involved in agriculture.

It is the general purpose and intent of this Local Law to maintain and preserve the agricultural traditions of Hamilton County; to permit the continuation of sound agricultural practices necessary for the operation of farms; to encourage the initiation and expansion of farms and agribusinesses where it is compatible with existing land use regulations; and to promote effective and efficient means to resolve disputes which may arise concerning agricultural practices and farm operations.

### Section 3: Definitions.

(a) Farmland – Any single or multiple, contiguous, or non-contiguous parcel or parcels that are being used for agricultural operations or upon which agricultural practices are being utilized or upon which agricultural farm operations or agricultural practices may be established or utilized in the future.

(b) Agricultural Products – Those products including but not limited to:

1. Field crops, including but not limited to corn, wheat, rye barley, hay, potatoes and dry beans.
2. Fruits, including but not limited to apples, peaches, grapes, cherries and berries.
3. Vegetables, including but not limited to tomatoes, snap beans, cabbage, carrots, beets and onions.
4. Horticultural crops, including but not limited to nursery stock, ornamental shrubs, ornamental trees, flowers and sod.
5. Livestock and livestock products, including but not limited to cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
6. Maple sap and maple syrup.
7. Christmas trees derived from a managed tree operative whether dug for transplanting or cut from the stump.
8. Aquaculture products, including but not limited to fish, fish products, water plants and shellfish.
9. Woody biomass, which means short rotation woody crops raised for bio-energy and shall not include farm woodland.
10. Apiary products, including but not limited to honey, royal jelly, pollen, beeswax and propolis.
11. Compost products.

(c) Farmer – Any person, organization, entity, association, partnership, limited liability company or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops or the raising of livestock.

(d) Farm operation – The land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products including a “commercial horse boarding operation” as a commercial enterprise.

(e) Agricultural Practices – Those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, nutrient management, proper use of agricultural

chemicals, and other crop protection methods, and construction and use of farm structures and fences.

Section 4: Right to Farm Declaration. Farmers, and those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within Hamilton County at all times and at all such locations as are reasonable and necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies and whether the practice is reasonable and necessary, conducted in accordance with the generally accepted agricultural practices and not a threat to public health.

Section 5: Nuisance. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation.
2. Conducted in a manner which is not negligent or reckless.
3. Conducted in conformity with generally accepted and sound agricultural practices.
4. Conducted in conformity with all local, state, and federal laws and regulations.
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person.
6. Conducted in a manner which does not obstruct the free passage or use of navigable waters or public roadways.

Section 6: Notification to Real Estate Buyers. When any purchase and sales contract is presented for the sale, purchase, or exchange of real property located in Hamilton County the prospective grantor shall present to the prospective grantee a disclosure notice which states the following: “It is the policy of Hamilton County to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective buyers that farming activities occur within the area of the property they are about to acquire. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective buyers are also informed that the location of property may impact the ability to access water and/or sewer services for such property under certain circumstances.”

A copy of this notice shall be included by the seller or seller’s agent as an addendum to the purchase and sale contract at the time an offer to purchase is made. Receipt of such disclosure notice shall be recorded on a property transfer report prescribed by the state board of real property services as provided for in section three hundred thirty three of the real property law.

Section 7: Resolution of Disputes. In order to maintain a viable farming economy in Hamilton County it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

The process is intended to resolve disputes between farmers and non-farming neighbors through a mutual understanding of each other’s needs, concerns and desires so that both parties are afforded due property rights, accordingly:

(a) Should any dispute arise regarding an agricultural operation or agricultural practice which cannot be settled by direct negotiation between parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter preliminary to the filing of any court action and prior to a request for a determination by the Commissioner of Agriculture and Markets about whether the practices in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.

(b) Any controversy between parties shall be submitted to the said dispute resolution committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

(c) The dispute resolution committee shall be composed of three (3) members, namely, the Hamilton County Cornell Cooperative Extension Agent, the Supervisor from the town in which the dispute arose or a designee (who shall be the Chairman of the dispute resolution committee), and the Chairman of the Hamilton County Economic Development Committee of the Board of Supervisors. In case the Chairman of the Hamilton County Economic Development Committee is also the Supervisor from the town in which the dispute arose, or in case a member of the dispute resolution committee must recuse himself due to a conflict of interest, an alternate(s) shall be appointed by the Chairman of the Board of Supervisors (or by the Vice Chairman, if the conflict pertains to the Chairman).

(d) The effectiveness of the dispute resolution committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

(e) The controversy shall be presented to the dispute resolution committee by written request of one of the parties within the time limit hereinbefore specified. Thereafter, the dispute resolution committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a place and time set by the dispute resolution committee chairman to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. The time limits provided in this subsection for action by the dispute resolution committee may be extended upon the written stipulation of all parties to the dispute.

(f) Parties to the foregoing dispute resolution process shall stipulate, in writing, that the statements made in such process shall be deemed to be in the nature of settlement discussions, and that such statement(s), and any agreement reached in the process shall not be used for evidentiary purposes in any other action or proceeding.

(g) Records of the dispute resolution committee shall be filed by dispute resolution committee chairman with the Clerk of the Hamilton County Board of Supervisors.

Section 8: Severability. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions, hereto.

Section 9: Precedence. This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

Section 10: Effective Date. This Local Law shall take effect immediately.

AYES: ARIETTA (304), BENSON (192), HOPE (403), INDIAN LAKE (1352), INLET (333), LAKE PLEASANT (781), LONG LAKE (711), MOREHOUSE (86), AND = 4,162

NAYS: NONE

ABSENT: WELLS (674)

The Chairman called for a 5 minute recess.

The Chairman reconvened the meeting.

The Chairman stated that we dodged the bullet with Sandy and in the process learned things regarding the EOC. The Sheriff's Office was out on the road moving trees before DOT even arrived; that was the notable thing that he witnessed that was outside the realm of what you would expect. Now we can go back and make changes for the better and be better prepared for our next emergency.

Recessed until November 7, 2012 at 10:30 AM.