

SECOND SPECIAL SESSION
October 24, 2011
Board of
Supervisors – County of Hamilton
Lake Pleasant, New York

Mrs. Laura A. Abrams, Clerk
Board of Supervisors of Hamilton County
Lake Pleasant, New York 12108

Dear Clerk:

WHEREAS, the undersigned, we the majority of the members of the Board of Supervisors of Hamilton County, do hereby request you to call a Special Session pursuant to Section 152 of the County Law, to be held at the Chambers of the Board, in the Town of Lake Pleasant, in said County on Monday October 24, 2011 at 11:00 A.M. for the purpose of considering proposed Local Law No. 8 of 2011 and for any other business that may come before said Board.

Arietta_____	Richard A. Wilt
Benson_____	Ermina M. Pincombe
Hope_____	Robert Edwards
Indian Lake_____	Barry Hutchins
Inlet_____	John Frey
Lake Pleasant_____	Neil P. McGovern
Long Lake_____	Clark J. Seaman
Morehouse_____	William G. Farber
Wells_____	Brian Towers

Also present: Pete Klein

Public Comment: No one present.

Report of Standing/Special Committees:

Brian: Inter-County was Thursday in Plattsburgh. They met at the BOCES facilities at the airport where they offer a program for aviation. They passed a resolution in support of Warren County in regards to Zebra Mussels in Lake George to find funding to help combat them. There was discussion from NYSAC on County budgets and Tax Cap.

The Chairman reported at the NYSAC conference the conversation there was a mix across the counties. Some counties that have been historically conservative were really struggling on how to get in under the tax cap. It appeared they were going to be adopting Local Laws just as insurance if nothing else, because they didn't know whether it was possible to cut enough programs to get in under the cap. The Chairman continued to discuss.

A motion to open the Public Hearing on Proposed Local Law No. 8 "A Local Law to Extend the Additional Mortgage Recording Tax within the County of Hamilton by Ms. Pincombe, seconded by Mr. Edwards. Carried.

Mr. Hutchins entered at this time.

Rick: The furnace at the Lake Pleasant Highway Garage should be running within the next week.

Bob: Reported that they have been holding budget meetings with the departments; the department heads are doing an excellent job.

Ermina: OFA is having a Public Hearing on November 8th and that is the first day of our Annual Sessions. The Chairman stated he is not sure what the hearing is on, but will look into it.

The Chairman asked if the Review Board Meeting was next week and Ermina stated yes, it is at Paul Smiths. Ermina stated that she will not be able to attend, but Brian will be going.

Neil: Stated that he too was taken by the Department Heads and their efforts to keep the budgets flat. The biggest drivers of the budget are things that we can't control such as pensions, mandates and one of the bigger ones is payroll, which we can control. He urges that they stay the same as last year.

RESOLUTIONS:

RESOLUTION NO. 269-11

**AUTHORIZATION FOR PRINTING OF AND NOTICE OF PUBLIC HEARING ON
TENTATIVE BUDGET**

DATED: OCTOBER 24, 2011

BY MR. TOWERS:

BE IT RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to have the 2012 tentative budget printed or reproduced and to be available November 8, 2011, and be it further

RESOLVED, that the Clerk of the Board is hereby authorized to advertise a public hearing on the Tentative Budget to be held November 18, 2011 at 11:00 A.M. at the Court House, Lake Pleasant, New York, and the Clerk of the Board shall have notice of hearing published in the Hamilton County Express on October 26 and November 2, 2011.

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

**AYES: WILT, PINCOMBE, EDWARDS, HUTCHINS, FREY, MCGOVERN, SEAMAN,
FARBER AND TOWERS**

NAYS: NONE

After the following resolution was placed on the floor; the Chairman stated the Adirondack Partnership has asked the County to sponsor them for the Smart Growth Grant. The Chairman continued to explain how the Regional Council split the Adirondack Park into three Economic Regions.

RESOLUTION NO. 270-11

AUTHORIZING SUBMISSION OF CONSOLIDATED FUNDING APPLICATION

DATED: OCTOBER 24, 2011

BY MR. MCGOVERN:

WHEREAS, Hamilton County has agreed to serve as the sponsor municipality for Adirondack Partnership grants, and

WHEREAS, Hamilton County applied for and received a Smart Growth Grant in the amount of \$123,000.00, and

WHEREAS, said grant will allow the Adirondack Partnership to begin the process of developing Adirondack Economic Strategies, and

WHEREAS, the North Country Regional Council and the Adirondack Work Group have identified additional priorities and tasks, and

WHEREAS, the current CFA (consolidated funding application) period will close October 31, 2011, and

WHEREAS, there is an Adirondack Partnership meeting scheduled for October 27, 2011 to affirm the support of the Partnership for continuing this process through said application, and

WHEREAS, within the Adirondack Park, it has been universally stated that we need the capacity to look at the Park as a unit, and

WHEREAS, Hamilton County, as sponsor municipality for the CFA, will have to submit said application, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors and Melissa McManus, LLC to submit said application on behalf of the Adirondack Partnership, and be it also

RESOLVED, that it is hereby understood, that this work is part of the original Scope of Work contemplated as Task #2, of the proposal dated 9/15/11 from Melissa McManus LLC, in an amount not to exceed \$5,000.00, and is part of the entire contract for an amount not to exceed \$20,000.00 (Not including additional work which may be authorized by the Partnership or this Board / Further described as Task #3 and billed at \$135.00 per hour), and that the entirety of same be hereby authorized, and be it further

RESOLVED, that the Clerk of the Board and the Hamilton County Treasurer be so notified.

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

AYES: WILT, PINCOMBE, EDWARDS, HUTCHINS, FREY, MCGOVERN, SEAMAN,
FARBER AND TOWERS

NAYS: NONE

RESOLUTION NO. 271-11

**AUTHORIZING CHANGE ORDER TO THE PURCHASE ORDER FOR A SINGLE
AXLE DUMP TRUCK WITH PLOW AND DUMP BOX**

DATED: OCTOBER 24, 2011

BY MR. HUTCHINS:

WHEREAS, Resolution No. 162-11 duly adopted by the Hamilton County Board of Supervisors on June 27, 2011 authorized the County Highway Superintendent to order a single axle dump truck with plow equipment not to exceed \$83,000.00 under New York State Contract pricing, and

WHEREAS, the original purchase order total was \$80,789.15 for the said truck with plow equipment, and

WHEREAS, the said truck has been delivered to the dealer and went on to the body company to get the dump body and plow installed and at that time it was discovered the wrong plow was specified for the truck because of the GVW's, and

WHEREAS, the plow equipment was originally specified to be a Fisher and now needs to be Meyers plow that meets the 33,000 pound GVW of the truck, and

WHEREAS, the County Highway Superintendent is recommending approval to authorize a change order for said plow equipment at a cost difference of \$4,084.00, be it

RESOLVED, that hereby the County Highway Superintendent is approved to authorized the change order for the plow equipment at a cost difference of \$4,084.00 bringing the total delivered price for the unit to \$84,873.15 and the County Treasurer and Clerk of the Board be so notified.

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

AYES: WILT, PINCOMBE, EDWARDS, HUTCHINS, FREY, MCGOVERN, SEAMAN,
FARBER AND TOWERS

NAYS: NONE

Other Reports:

Mr. Hutchins: Reported the Economic Development Meeting in Indian Lake was well attended. November 2nd is Meet the Candidate at 7 PM at the Indian Lake Theater.

The Chairman stated the Public Forum on Economic Development will be in Lowville the 26th from 6 – 8 PM.

A motion was made to close the Public Hearing by Mr. Hutchins, seconded by Ms. Pincombe. Carried.

A motion was made to adopt Local Law No. 8 "A Local Law to Extend the Additional Mortgage Recording Tax within the County of Hamilton by Mr. Edwards, seconded by Mr. Frey. Carried.

Motion by Mr. Edwards:

Seconded by Mr. Frey:

LOCAL LAW NO. 8 OF 2011
State of New York
County of Hamilton

A LOCAL LAW TO EXTEND THE ADDITIONAL
MORTGAGE RECORDING TAX IN THE
COUNTY OF HAMILTON

WHEREAS, Local Law No. 9 of 2006 duly enacted by the Board of Supervisors of the County of Hamilton authorized the imposition of a mortgage recording tax in accordance with Section 253 of the Tax Law of the State of New York, and

WHEREAS, Local Law No. 10 of 2009 duly enacted by the Board of Supervisors of the County of Hamilton authorized the extension of said mortgage recording tax in accordance with Section 253 of the Tax Law of the State of New York, and

WHEREAS, the Board of Supervisors of the County of Hamilton desires to further extend such mortgage recording tax, now, therefore

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 Local Law Extending the Additional Mortgage Recording Tax in Hamilton County”.

Section 2: Purpose and Intent. The purpose of this law is to authorize Hamilton County, pursuant to the provisions of Section 253-j of the Tax Law of the State of New York, to impose an Additional Mortgage Recording Tax.

Section 3: Imposition of Tax. For the period commencing December 1, 2011 and ending December 1, 2015, unless further extended by Local Law of the Board of Supervisors, there is hereby imposed, in the County of Hamilton a tax of twenty-five cents (\$0.25) for each one hundred dollars (\$100.00), and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Hamilton and recorded on or after December 1, 2011, and a tax of twenty-five cents (\$0.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00).

Section 4: Administration and Collection of Tax. The taxes imposed pursuant to this Local Law shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 of the Tax Law and paragraph (b) of subdivision one of Section 255 of the Tax Law. Except as otherwise provided in Section 253-j of the Tax Law, all the provisions of Article 11 of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivision shall apply to the taxes imposed by this Local Law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in Section 253-j of the Tax Law, except to the extent that any provision is either inconsistent with a provision of Section 253-j of the Tax Law or not relevant to the tax

authorized by Section 253-j of the Tax Law.

Section 5: Real Property located in more than one County or State. Where the real property covered by the mortgage subject to the tax imposed pursuant to this Local Law is situated in this state but within and without Hamilton County, the amount of such tax due and payable to Hamilton County shall be determined in a manner similar to that prescribed in the first undesignated paragraph of Section 260 of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within Hamilton County and without the state, the amount due and payable by Hamilton County shall be determined in the manner prescribed in the second undesignated paragraph of such Section 260 which concerns property situated within and without the State. Where real property is situated within and without Hamilton County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

Section 6: Additional Mortgage Recording Tax. The tax imposed pursuant to this Local Law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 7: Disposition of Taxes. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Hamilton during each month upon account of the tax imposed pursuant to this Local Law, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of Section 253-j of the Tax Law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of Hamilton County and, after the deduction by such treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the general fund of the County of Hamilton. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, under which the provisions of Section 253-j of the Tax Law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the New York State Commissioner of Taxation and Finance.

Section 8: Payment of Taxes. The tax imposed pursuant to this Local Law shall be payable on the recording of each mortgage of real property subject to taxes there under. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the county, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this Local Law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 9: Effective Date. This Local Law shall take effect December 1, 2011, provided that a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least 30 days prior to the date this Local Law shall take effect. Certified copies of this Local Law shall also be filed with the Hamilton County Clerk, the Secretary of State and the State Comptroller within five (5) days after the Local Law is duly enacted and this Local Law shall be deemed to be duly enacted upon its date of adoption by the Hamilton County Board of Supervisors.

AYES: ARIETTA (293), BENSON (201), HOPE (392), INDIAN LAKE (1471), INLET (406), LAKE PLEASANT (876), LONG LAKE (852), MOREHOUSE (151), AND WELLS (737) = 5379

NAYS: NONE

As there was no further business, motion to adjourn by Mr. Hutchins, seconded by Mr. McGovern. Carried.