

2012

TENTH SESSION

OCTOBER 4, 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	Ermina M. Pincombe
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 and Pete Klein, Press

Public Comment: No one present.

Report of Standings/Special Committees:

Brian Towers: Solid Waste met this morning and reviewed the proposed Local Law with regards to Solid Waste and Recycling; it is out for comment. They hope to have it on everyone's desks at next month's meeting. Brian further reported that he attended NYSAC along with a couple of other members in the room. He attended a Solid Waste workshop; they spoke about State changes to the Solid Waste Management Plan.

The Chairman reported that he just gave copies to the County Attorney of what Tracy handed out in regards to State changes. He also asked the County Attorney to look into the municipality's ability to enforce the use of clear/translucent garbage bags.

The Chairman stated that most towns already have in place a local law for recycling. The Chairman reported that at his town they spoke about rescinding their local law and following the County local law.

John: He & Bill met yesterday with Board of Elections to review their request for the upcoming budget. He has met with Tracy and Jane and will be setting up the other meetings; the Board is welcome to attend. John was not here on Committee Day.

The Chairman reported on Committee Day for John. The Chairman reported that he handed out John's spreadsheet. The Chairman offered to help John get the meetings setup.

John stated he will set the meetings and let the Board know. He also wanted to let everyone know that the spreadsheet he gave was just a rough draft.

Rick: Reported that they met this morning and discussed Integrys again. There are still questions to be answered and Dan is working on it.

The Chairman asked if we should get a formal opinion from the Comptroller's Office as to if we have to bid power. Rick suggested that they wait until 2013.

Brian Wells: Attended NYSAC and felt he made some good contacts. Brian further reported that he filled in for the Chair at the Lynn Galusha Field Days and attended ClimAID at the Wild Center.

Neil: He also attended NYSAC for the first time and felt it was very helpful.

The Chairman announced that they will start with the resolutions and then open the Public Hearing on Proposed Local Law No. 1 of 2012 at 11:00 AM.

RESOLUTIONS:

After the following resolution was place on the floor; the Chairman stated that if anyone has feedback now would be a good time.

RESOLUTION NO. 258-12

**AUTHORIZING A PUBLIC HEARING TO CONSIDER
PROPOSED LOCAL LAW NO. 2 OF 2012 A LOCAL LAW OF THE COUNTY OF
HAMILTON NEW YORK ENACTING A RIGHT-TO-FARM LAW**

DATED: OCTOBER 4, 2012

BY MR. EDWARDS:

RESOLVED, that proposed Local Law No. 2 of 2012 titled "A LOCAL LAW OF THE COUNTY OF HAMILTON NEW YORK ENACTING A RIGHT-TO-FARM LAW", attached hereto and made a part hereof, be, and the same hereby is introduced before the Hamilton County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors' Rooms in the Hamilton County Municipal Building on the 1st day of November, 2012, at 11 a.m., on the matter of the adoption of said proposed Local Law No. 2 of 2012, entitled "A LOCAL LAW OF THE COUNTY OF HAMILTON NEW YORK ENACTING A RIGHT-TO-FARM LAW", and it be further

RESOLVED, that the Clerk of the Board of Supervisors be, and she hereby is authorized and directed to give notice of such public hearing in the manner provided by law.

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

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

NAYS: NONE

PROPOSED 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.

After the following resolution was placed on the floor; the Chairman reminded everyone that Trish helped us through the process of claims for the money to recoup some costs of our Medicare Advantage Plan. After they made a payment they determined they overpaid us.

RESOLUTION NO. 259-12

AUTHORIZING REIMBURSEMENT PAYMENT – EARLY RETIREE REINSURANCE PROGRAM

DATED: OCTOBER 4, 2012

BY MS. PINCOMBE:

WHEREAS, Hamilton County has been notified that the Centers for Medicare & Medicaid Services (CMS) has determined that there is an overpayment in the amount of \$6,041.70 with regard to Hamilton County's 2010 Early Retiree Reinsurance Program (ERRP) application, be it

RESOLVED, that the Hamilton County Treasurer is hereby authorized to make the reimbursement payment in the amount of \$6,041.70 from the A690-Overpayments Account to:

Department of Health and Human Services
Early Retiree Reinsurance Program
Attention: Payments
PO Box 5463
Towson, MD 21285

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

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

NAYS: NONE

After the following resolution was placed on the floor; Mr. Towers stated the he will not be available on the 7th and possibly the 9th also.

The Chairman stated that they would cover Highway on the 14th when Mr. Towers can be there.

RESOLUTION NO. 260-12

SETTING ANNUAL SESSION DATES

DATED: OCTOBER 4, 2012

BY MR. FREY:

RESOLVED, the following dates have been designated as the annual session for 2012:

November 7	10:30 A.M.
November 9	10:30 A.M.
November 14	10:30 A.M.
November 27	10:30 A.M.
PUBLIC HEARING	11:00 A.M.
December 6 AUDIT	10:30 A.M.
December 14 AUDIT	10:30 A.M.

and be it further

RESOLVED, that any necessary changes will be subsequently arranged.

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

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

NAYS: NONE

After the following resolution was placed on the floor; the Chairman reported that Dan Fish was able to secure a grant to upgrade the Counties Christmas lighting with LED lights.

RESOLUTION NO. 261-12

**RECOGNIZING MUNICIPAL ELECTRIC & GAS ALLIANCE (MEGA) AND
APPROPRIATING GRANT - BUILDING DEPARTMENT**

DATED: OCTOBER 4, 2012

BY MR. WELLS:

WHEREAS, one of the programs that MEGA offers its participants is a grant program, and

WHEREAS, Dan Fish, Senior Custodian, was able to secure a grant through the Municipal Electric & Gas Alliance (MEGA) to purchase new LED Christmas lights in the amount of \$750.00, and

WHEREAS, the Hamilton County Board of Supervisors hereby goes on record, by expressing its appreciation for said grant, and

WHEREAS, it is necessary that said grant be appropriated to allow the upgrade of said lighting, now, therefore, be it

RESOLVED, that the Hamilton County Treasurer is hereby authorized to increase Building Account No. A1620.401 Lawn Expense in the amount of \$750.00 to be totally offset by increasing Revenue Account No. A2705 Gifts & Donations in the amount of \$750.00.

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

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

NAYS: NONE

RESOLUTION NO. 262-12

SETTING EQUALIZATION RATES

DATED: OCTOBER 4, 2012

BY MR. MCGOVERN:

RESOLVED, that the assessment rolls with proposed rates as set up by the Equalization Committee be adopted for the year 2012 as follows:

Arietta.....	100.00
Benson.....	93.00
Hope.....	93.00
Indian Lake.....	100.00
Inlet.....	100.00
Lake Pleasant.....	100.00
Long Lake.....	100.00
Morehouse.....	100.00
Wells.....	93.00

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

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

FARBER, AND TOWERS

NAYS: NONE

RESOLUTION NO. 263-12

APPROVING 2013 HOLIDAY SCHEDULE

DATED: OCTOBER 4, 2012

BY MR. EDWARDS:

WHEREAS, the Hamilton County Board of Supervisors has received a recommendation from the Internal Management Committee to approve the 2013 Holiday Schedule, and

WHEREAS, the Internal Management Committee has reviewed the 2013 Holiday Schedule proposed by the County Personnel Office, and

WHEREAS, said proposal recommends no additions or adjustments to the County's standard holidays, now, therefore be it

RESOLVED, that this Board of Supervisors authorizes the Hamilton County Holiday Schedule for 2013 as attached and recommended by the Personnel Officer, and be it further

RESOLVED, that the Personnel Officer is hereby authorized to disseminate the 2013 Hamilton County Holiday Schedule as appropriate and that a certified copy of this resolution be provided to the Hamilton County Personnel Officer.

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

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

NAYS: NONE

COUNTY HOLIDAYS
2013

New Year's Day	Tuesday, January 1
Martin Luther King, Jr. Birthday	Monday, January 21
President's Day	Monday, February 18
Good Friday	Friday, March 29
Memorial Day	Monday, May 27
Independence Day	Thursday, July 4
Labor Day	Monday, September 2
Columbus Day	Monday, October 14
Veterans Day	Monday, November 11
Thanksgiving Friday, November 29	Thursday, November 28
Christmas	Wednesday, December 25

A motion was made to open the Public Hearing on Proposed Local Law No. 1 of 2012 by Mr. McGovern, seconded by Ms. Pincombe. Carried.

Mr. Frey commented that right now we are up 5-6% from Department Head requests in expenditures. This does not take into account for revenues. We are underfunded in the Highway Department for bridges etc. He feels we are being forced to go over the 2% tax cap by the lack of mandate relief. He and the Chairman continued the discussion on the tax cap and mandate relief.

Mr. McGovern stated that in regards to Tier 6 it is all due to mismanagement that they have created. Politics is usually perception verses reality but the more local the politics the more real it becomes. What will happen is we will either make terrible decisions with cuts of services or we will make a terrible decision about raising people's property taxes.

The Chairman stated another interesting observation of a couple of other counties that he spoke with was having to do with the impacts that the Highway and Nursing Services are starting to see with the ability of hiring with Tier 6 in place. You're now hiring at a point in time when a significant amount is taken for contributions to health insurance. We take a 20% contribution for the cost of health insurance and now you are providing people with a State Retirement benefit that takes a bigger chunk of their base pay. Many counties are now increasing their entry level just to be able to bring in quality employees and this is something that we may also have to do.

RESOLUTION NO. 264-12

AUTHORIZING REVISIONS AND IMPROVEMENTS TO THE HAMILTON COUNTY TOURISM WEBSITE WWW.ADIRONDACKEXPERIENCE.COM

DATED: OCTOBER 4, 2012

BY MR. MCGOVERN:

WHEREAS, reaching potential visitors via the web is an important and cost-effect promotional methodology, and

WHEREAS, more than 80 percent of travel research is conducted online and search engine optimization is a constantly changing science, and

WHEREAS, optimization is important to keeping our tourism product information before the public and critical to supporting the county's on-going AdWords campaign (aka keywords campaign), and

WHEREAS, assuring that Hamilton County events, attractions, lodging properties and campgrounds are all accurately listed is important to travelers and local businesses, and

WHEREAS, the shared data updating feed with the Adirondack Regional Tourism Council's new website no longer functions because of incompatibility with the county's website, now 4 years old, and causes inexplicable elimination of data and many additional hours of staff time to re-enter data on a weekly basis, therefore, be it

RESOLVED, that the Director of Planning, Tourism and Community Development be authorized to instruct Ad Workshop, 44 Hadjis Way, Lake Placid NY, to separate data update software to eliminate problems associated with sharing feeds with the new Adirondack Regional Tourism Council website at a cost of \$3,000, and be it further

RESOLVED, that the Director be authorized to have Ad Workshop revise the navigation menu to improve search performance and better serve the public at a cost of \$2,500, for a total of \$5,500 to be paid from Publicity Budget Line 6410-401.

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

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

NAYS: NONE

RESOLUTION NO. 265-12

INCREASE OF FUNDS - SOCIAL SERVICES

DATED: OCTOBER 4, 2012

BY MR. SEAMAN

WHEREAS, the funds will be exhausted in Hamilton County Department of Social Services Day Care Account No. A6055.401 by the end of October 2012, be it

RESOLVED, that Appropriation Account No. A6055.401, Day Care, be increase by Six Thousand Five Hundred (\$ 6,500.00) to be totally offset by increasing Revenue Account No. A3655, Day Care, by Six Thousand Five Hundred (\$ 6,500.00) and the County Treasurer be so authorized.

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

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

NAYS: NONE

RESOLUTION NO. 266-12

**SOCIAL SERVICES – TANF FUNDING FOR NON-RESIDENTIAL DOMESTIC
VIOLENCE SERVICES (NonResDV11)**

DATED: OCTOBER 4, 2012

BY MR. FREY:

WHEREAS, the Hamilton County Department of Social Services has applied for and received TANF funding for Non-Residential Domestic Violence Services (NonResDV11) in the

amount of Ten Thousand Eighty-Three Dollars (\$10,083.00) for the purpose of expanding the already existing outreach program that is community education and preventive based, and

WHEREAS, the grant year extends from July 1, 2012 to June 30, 2013, and is 100% federally funded, be it

RESOLVED, that the 2012 Appropriation Account listed below be increased by the following amount:

A6010.122, TANF/Domestic Violence	\$ 2,953.00
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to be totally offset by increasing Revenue Account No. A4610, Social Services Administration, in the amount of Two Thousand Nine Hundred Fifty-Three Dollars (\$2,953.00), and be it further

RESOLVED, that the remaining Seven Thousand One Hundred Thirty Dollars (\$7,130.00) will be allocated in the 2013 County Budget and the County Treasurer be so authorized.

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

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

NAYS: NONE

RESOLUTION NO. 267-12

SOCIAL SERVICES – TANF FUNDING FOR NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES (NonResDV10)

DATED: OCTOBER 4, 2012

BY MR. MCGOVERN:

WHEREAS, the Hamilton County Department of Social Services has applied for and received TANF funding for Non-Residential Domestic Violence Services (NonResDV10) in the amount of Four Thousand Two Hundred Fifty Dollars (4,250.00) for the purpose of expanding the already existing outreach program that is community education and preventive based, and

WHEREAS, the grant year extends from July 1, 2011 to June 30, 2012, and is 100% federally funded, and

WHEREAS, all expenditures will be in the 2012 budget year, be it

RESOLVED, that the 2012 Appropriation Account listed below be increased by the following amount:

A6010.122, TANF/Domestic Violence	\$ 4,250.00
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to be totally offset by increasing Revenue Account No. A4610, Social Services Administration, in the amount of Four Thousand Two Hundred Fifty Dollars (\$4,250.00), and be it further

RESOLVED, that the County Treasurer be so authorized.

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

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

NAYS: NONE

RESOLUTION NO. 268-12

**AUTHORIZATION TO ENTER INTO CONTRACTS WITH BERKSHIRE FARMS,
LAKE PLEASANT SCHOOL, LONG LAKE SCHOOL, INDIAN LAKE SCHOOL AND
WELLS SCHOOL FOR HOME RUN PROGRAM**

DATED: OCTOBER 4, 2012

BY MR. SEAMAN:

WHEREAS, Hamilton County contracted with Berkshire Farm, Lake Pleasant School, Wells Central School, Long Lake School and Indian Lake School, and

WHEREAS, the Home Run program has proved very successful and it continues to be supported financially in part by the four participating schools, and

WHEREAS, the CCSI Tier 2 Committee recommends continuation of the Home Run Program for 2013, and

WHEREAS, the Health & Human Services Committee also recommends continuation of the program, and

WHEREAS, the Commissioner of Social Services has indicated that she has sufficient grant funds to cover the county share, and

WHEREAS, the 2013 contract would be for a total annual amount not to exceed \$147,960 running from January 1, 2013 through December 31, 2013, and serve all four schools in Hamilton County 24 hours a day, seven days a week with the schools continuing to provide \$21,800.00 (\$5,450.00 per school) of the funding, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into contracts with Berkshire Farms, Lake Pleasant School, Long Lake School, Indian Lake School and Wells Central School for provision of the Home Run Program for the period of January 1, 2013 through December 31, 2013 under the terms and conditions set forth above and with the approval of the County Attorney.

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

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

NAYS: NONE

RESOLUTION NO. 269-12

AMENDING DR. AXELROD'S CONTRACT AND APPROPRIATING INCREASED FUNDING

DATED: OCTOBER 4, 2012

BY MR. SEAMAN:

WHEREAS, Dr. Howard Axelrod, a Licensed Clinical Psychologist, performs court ordered clinical evaluations under contract with Hamilton County Community Services, and

WHEREAS, Dr. Axelrod shall be paid One Thousand One Hundred Dollars (\$1,100.00) per day for the services rendered with the total annual cost not to exceed Thirty-Two Thousand Dollars (\$32,000.00), and

WHEREAS, Dr. Axelrod will be exceeding the annual amount due to an unexpectedly high number of court ordered evaluations during 2012, therefore, be it

RESOLVED, that Dr. Axelrod's contract be amended to raise the annual limit in his contract to \$40,355.02, and be it further

RESOLVED, that Account No. A4310.415 Family Support be increased by \$2,612.50 to be totally offset by increasing Revenue Account No. 1620.100 (Law Guardian) by \$2,612.50, and be it further

RESOLVED, that \$5,742.52 be transferred from Account No. A4310.110 Case Manager to Account No. A4310.415 Family Support, and be it also

RESOLVED, that the County Treasurer be so authorized to make these reallocations to cover Dr. Axelrod's anticipated billings through the end of 2012.

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

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

NAYS: NONE

RESOLUTION NO. 270-12

AUTHORIZING DISPOSITION OF EXCESS EQUIPMENT

DATED: OCTOBER 4, 2012

BY MR. TOWERS:

WHEREAS, certain equipment have become excess and no longer needed by certain County Agencies, and

WHEREAS, the County Fleet Coordinator has made the recommendations that the following pieces of equipment be disposed from the County inventory:

Year	Make/Model	VIN	Plate#	Dept	FN
1999	Eager Beaver Trailer	112HCP319XL054237	L19097	HWY	419
?	2 gas powered Tampers	?	N/A	HWY	N/A

be it

RESOLVED, that the above equipment be sold by auction on line by Auctions International and funds from the mentioned auction shall be a revenue credit to revenue DM2665 Sale of Equipment, and be it further

RESOLVED, that the Fleet Coordinator see that proper inventory notes be recorded when the transactions are accomplished, and the Fleet Coordinator, Director of Fixed Assets, and the County Treasurer be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 271-12

**AMENDING AMOUNT OF 2012 APPROPRIATION AND REVENUE FOR BUILDINGS
DEPARTMENT**

DATED: OCTOBER 4, 2012

BY MR. WILT:

WHEREAS, the budget appropriation amount for Account No. 1620.4180A Buildings Court Projects for 2012 was set and duly adopted for \$7,500.00 for court projects and improvements, and

WHEREAS, the Office of Court Administration (OCA) have approved a budget of \$13,500.00 for miscellaneous projects for Hamilton County court facilities and this funding is 100% reimbursable, and

WHEREAS, the County Building Superintendent recommends that the appropriation for Account No. 1620.4180 Buildings Court Projects be increased \$6,000.00 and Revenue Account No.3021.0000A Court Facilities also be increased by \$6,000.00 to completely offset the increased appropriation, be it

RESOLVED, the 2012 budget appropriation for Account No. 1620.4180A be increased by \$6,000.00 and increase Revenue Account No. 3021.0000A by \$6,000.00 and the County Treasurer be so authorized to make the said adjustments and the Clerk of the Board and Buildings Superintendent be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 272-12

TRANSFER OF FUNDS – CREEK ROAD BRIDGE PROJECT

DATED: OCTOBER 4, 2012

BY MR. EDWARDS:

WHEREAS, the Creek Road Bridge Project is now completed and there is a shortage of funds in the amount of \$559.84, be it

RESOLVED, that \$559.84 be transferred from County Road Fund Account No. D5110.403 Stone & Gravel to Account No. D5120.2001 Creek Road Bridge and the County Treasurer be so authorized and the Clerk of the Board and Highway Superintendent be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 273-12

TRANSFER OF FUNDS – BRIDGE PROJECTS

DATED: OCTOBER 4, 2012

BY MR. TOWERS:

WHEREAS, there is a shortage of funds in Bridge Projects Account No. D5112.203 of \$5,600.00, be it

RESOLVED, that \$5,600.00 be transferred from County Road Fund Account No. D5110.101 Personal Services to Account No. D5112.203 Bridge Projects and the County Treasurer be so authorized and the Clerk of the Board and Highway Superintendent be so notified.

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

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

NAYS: NONE

After the following resolution was placed on the floor; the Chairman explained that this resolution goes back and picks up Officials where we didn't have documentation. Note that the Deputy Democratic Commissioner hasn't gotten his documentation in. This does create a small problem for the Treasurer's Office because they need to go back and amend their reporting.

RESOLUTION NO. 274-12

STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS

DATED: OCTOBER 4, 2012

BY MR. TOWERS:

RESOLVED, that the County of Hamilton here establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Board:

Title	Name	Social Security No. (Last 4 digits)	Reg. No.	Standard Work Day	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of activity)	Tier 1 (Check box only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Supervisor	Richard A. Wilt	██	██████	7	1/1/12-12/31/13	N	5.89		
Supervisor	John Frey	██	██████	7	1/1/12-12/31/13	N	4.53		
Supervisor	Brian Wells	██	██████	7	1/1/12-12/31/13	N	4.57		
District Attorney	Marsha K. Purdue	██	██████	7	1/1/12-12/31/15	N	20.25		
Asst. District Attorney	Sterling T. Goodspeed	██	██████	7	1/1/12-12/31/15	N	13.95		
Deputy Democratic Commissioner	William Parslow	██	██████	7	1/1/09-12/31/12	N	0		X

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

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

NAYS: NONE

After the following resolution was placed on the floor; Mr. Towers asked if we had already done this. The Chairman stated no, she was appointed to fill the vacancy when Judy retired and then we had a resolution early this year for the Democratic Commissioner. The Democratic

Committee filed a certification early in the year for that position. The Republican Committee waited until their organizational meeting to appoint for the four year term which is coming before us now.

RESOLUTION NO. 275-12

APPOINTMENT OF MARIE C. BUANNO AS REPUBLICAN COMMISSIONER OF ELECTIONS

DATED: OCTOBER 4, 2012

BY MR. EDWARDS:

WHEREAS, this Board has received a recommendation from the Chairman of the Hamilton County Republican Committee, in accordance with the provisions of Section 3-204 of the Election Law, to appoint Marie C. Buanno, a resident and qualified voter of the Town of Arietta, Commissioner of Elections, be it

RESOLVED, that the recommendation be accepted and Marie C. Buanno is hereby appointed as Commissioner of Elections for a four year term beginning January 1, 2013.

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

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

NAYS: NONE

RESOLUTION NO. 276-12

ADOPTING HAMILTON COUNTY EQUIPMENT INVENTORY POLICY

DATED: OCTOBER 4, 2012

BY MR. TOWERS:

BE IT RESOLVED, that the Hamilton County Equipment Inventory Policy that is placed on the Board of Supervisors' desks and on file in the Clerk of the Board's Office is hereby approved.

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

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

NAYS: NONE

After the flowing resolution was placed on the floor; Ms. Pincombe asked how much is this going to cost us.

The Chairman stated when we receive money from the government they then come in and look at the way your spending money. Then they come up with all these great ideas that if you get Homeland Security money, you have to have a grant administration standard operating guideline that looks like the document on your desk.

RESOLUTION NO. 277-12

**ADOPTING HOMELAND SECURITY GRANT ADMINISTRATION STANDARD
OPERATING GUIDELINE**

DATED: OCTOBER 4, 2012

BY MR. SEAMAN:

BE IT RESOLVED, that the Hamilton County Homeland Security Grant Administration Standard Operating Guideline that is placed on the Board of Supervisors' desks and on file in the Clerk of the Board's Office is hereby approved.

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

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

NAYS: NONE

After the following resolution was placed on the floor; the Chairman stated that we haven't done this in a long time.

The Chairman explained there was a dramatic turnover on the Board since the last time they had done this. When you are operating a Certified Home Health Agency, you review what you are able to collect. There are certain things that will never be collected. Those items need to be removed from the books.

RESOLUTION NO. 278-12

**AUTHORIZATION TO STRIKE UNCOLLECTIBLES FROM PATIENTS' ACCOUNTS
– PUBLIC HEALTH NURSING SERVICE/HOME HEALTH AGENCY FOR THE
YEARS 2006 THROUGH 2010**

DATED: OCTOBER 4, 2012

BY MR. SEAMAN:

WHEREAS, the Hamilton County Public Health Nursing Service/ Home Health Agency in furnishing its patient services receives reimbursement from the Federal and State Governments and various other sources, and

WHEREAS, on the accounts of some patients at various times there remains an amount that is deemed uncollectible, and

WHEREAS, the New York State Department of Audit and Control has recommended that these amounts should be written off the books, in order to balance the patients' accounts, therefore, be it

RESOLVED, that the Hamilton County Public Health Nursing Service/ Home Health Agency be authorized to strike from their books the following amounts:

2006	\$8,893.27
2007	\$6,167.39
2008	\$4,449.16
2009	\$5,682.11
2010	\$10,563.79

For a total of \$35,755 Dollars and 72 cents as uncollectible in order to close out their 2006 through 2010 records, and be it further

RESOLVED, that the County Treasurer be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 279-12

APPROVAL OF AND TRANSFER OF FUNDS FOR 2012 MERIT PAY

DATED: OCTOBER 4, 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 September 24, 2012 to review merit evaluations, be it

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

COMMUNITY SERVICES

Brandy Richards	October 10, 2012 to October 10, 2013	\$1.43
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TOURISM

Christy Wilt	October 16, 2012 to October 16, 2013	\$1.21
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SOCIAL SERVICES

Beverly King	October 18, 2012 to October 18, 2013	\$1.54
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HIGHWAY

Paul Hammer	October 20, 2012 to October 20, 2013	\$1.65
Richard Husson	October 1, 2012 to October 1, 2013	\$1.65
Kenneth Parslow	October 13, 2012 to October 13, 2013	\$1.65

and be it further

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

FROM:	A1990.401	Contingent	\$17,486.70
TO:	A4310.111	CCSI Coordinator	\$2,457.07
	A8020.103	Economic Dev. & Tourism Aide	\$2,052.05
	A6010.108	Social Welfare Examiner B	\$2,813.58
	A1620.103	Laborer	\$3,445.20
	D5110.101	Personal Services	\$3,273.60
	D5110.101	Personal Services	\$3,445.20

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

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

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

NAYS: NONE

Ms. Pincombe asked about total dollar amount in Resolution No. 21 (278-12) during the vote of Resolution No. 22 (280-12).

The Chairman went back and explained further. With respect to the revenues in the County budget, we have always looked at a picture of how we are doing on getting money in from the payers on an annual basis. We have actually tracked actual revenues to look at, whether or not we are anticipating revenues correctly with respect to CHHA. But with respect to accounts payable, yes we had an accumulated balance of account receivables that painted a picture that there was more outstanding money that we could be receiving. We have always mentally factored that into our budgeting. It really should be written off every couple of years, so that a deceiving picture is not being painted.

RESOLUTION NO. 280-12

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: OCTOBER 4, 2012

BY MR. TOWERS:

RESOLVED, that the bills in the Machinery Fund amounting to \$85,345.38 and bills in the County Road Fund amounting to \$55,617.41 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, PINCOMBE, EDWARDS, WELLS, FREY, MCGOVERN, SEAMAN,
FARBER, AND TOWERS

NAYS: NONE

RESOLUTION NO. 281-12

APPROVAL OF AUDITS IN THE COUNTY GENERAL FUND

DATED: OCTOBER 4, 2012

BY MR. FREY:

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$177,528.88 by the following committees:

Building Committee	\$13,923.51
Solid Waste Committee	29,820.11
Finance Committee	41,652.97
Health & Human Services Committee.....	42,045.10
Central Government Committee	38,490.02
Publicity, Tourism, Economic Development & Planning Committee.....	10,291.29
Internal Management Committee	1,305.88

are hereby approved.

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

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

NAYS: NONE

A motion was made to close the Public Hearing on Proposed Local Law No. 1 of 2012 by Mr. McGovern, seconded by Ms. Pincombe. Carried.

Motion by Mr. Frey:

Seconded by All:

LOCAL LAW NO. 1 OF 2012
State of New York
County of Hamilton

A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT FOR HAMILTON COUNTY FOR
2013 AND AUTHORIZING THE ADOPTION BY HAMILTON COUNTY OF A BUDGET
FOR 2013 THAT MAY REQUIRE A TAX LEVY THAT IS GREATER THAN THE TAX
LEVY LIMIT FOR THE 2013 FISCAL YEAR

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

Section 1. **Title:** This Local Law shall be known as “Hamilton County Responsible Budgeting Law of 2012”.

Section 2. **Declaration of intent:** The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2013 Hamilton County Budget. The slow recovery of the national, state and local economies from the most recent recession and the continued financial obligations imposed on the County by the State in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to our citizens. After serious and sustained efforts to minimize the amount of the tax levy, and to project the tax levy limit for Hamilton County for 2013, it is clear that a responsible budget for 2013 will require a tax levy that will be greater than the tax levy limit calculated pursuant to applicable State Law.

Section 3. **Budget Authorization:** The Board of Supervisors hereby overrides the tax levy limit for Hamilton County for 2013 and authorizes Hamilton County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that may require a tax levy increase that is greater than the tax levy limit calculated for 2013 pursuant to Section 3-c of the General Municipal Law.

Section 4. **Severability:** If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5. **Effective Date:** This local law shall take effect upon the date on which a certified copy of this local law is filed in the office of the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

AYES: ARIETTA (304), BENSON (192), HOPE (403), INDIAN LAKE (1352), INLET (333), LAKE PLEASANT (781), LONG LAKE (711), MOREHOUSE (86), AND WELLS (674) = 4,836

NAYS: NONE

The Chairman stated the he feels it is imperative that if you see any members of the State Legislature to have a serious conversation with them on what is really going on.

Other Reports:

Mr. McGovern reported Warren County sent a Resolution in Opposition of Purchase of Land.

The Chairman announced John Heffernan’s graveside services.

The 1st Victim Impact Panel was held last night and the Chairman wanted to thank everyone who put it together and the presenters.

The Chairman wanted to make sure everyone saw the press releases that went out in regards to the North Country Empire State Development.

Mr. McGovern wanted the Chairman to know how much he is appreciated for all the time he has put into this. The Chairman thanked Dan Wilt and Ann Melious as well for their huge amount of time.

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