

**2013**

**FOURTH ANNUAL SESSION**

**NOVEMBER 21, 2013**

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

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

Arietta	ABSENT
Benson	ABSENT
Hope	ABSENT
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: Frank Mezzano and Pete Klein

Public Comment: No one present

Reports of Standing/Special Committees:

Brian Towers: Mr. Edwards is attending Intercounty today.

John: The Finance Committee met to discuss pay increases for Department Heads and Elected Officials and it was agreed that it would be 3% across the board.

The Chairman explained that they would first go through the resolutions and then break for lunch and come back for the final budget review.

**RESOLUTIONS:**

After the following resolution was placed on the floor; the Chairman explained that the individual we selected took a job with Fulton County.

He will be putting in a resolution for December 5<sup>th</sup> to fix the 2013 budget so that our next choice can start December 16<sup>th</sup>. They will also be doing a resolution on December 5<sup>th</sup> to appoint Beth Ryan as Provisional Director of Patient Services until she has completed the Civil Service test for this position.

**RESOLUTION NO. 295-13**

**RESCINDING RES. NO. 256-13 AND CONDITIONAL APPOINTMENT OF DIRECTOR OF PUBLIC HEALTH**

**DATED: NOVEMBER 21, 2013**

**BY MR. SEAMAN:**

WHEREAS, a vacancy will exist for the position of Director of Public Health effective December 16, 2013, and

WHEREAS, interviews have been conducted, and

WHEREAS, the process has been confirmed with the NYS Department of Health, now, therefore, be it

RESOLVED, that Susan Franko be conditionally appointed the Director of Public Health for the County of Hamilton effective December 16, 2013 at a salary of \$80,000.00, and be it further

RESOLVED, that this Resolution be forwarded to the NYS Department of Health so that they can determine the conditions of her appointment, and be it further

RESOLVED, that the County Treasurer and the Personnel Officer be so notified.

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

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

NAYS: NONE

ABSENT: WILT, PINCOMBE AND EDWARDS

After the following resolution was placed on the floor; the Chairman explained he wrote the resolution based on discussions by the Board.

Mr. McGovern stated well done. He feels it should start at the beginning of the next term and that funding should be pursued.

Mr. Towers stated the resolution is fine. We should be concerned with the relationship with the Assistance District Attorney.

The Chairman suggested amending the resolution to have the Central Government Committee look at the relationship of the District Attorney's time with the Assistant District Attorney's time.

Mr. Towers feels that the Assistant District Attorney brings a lot of experience to the office.

Mr. Frey stated he is concerned with availability.

Mr. Wells stated he can't support a change mid-term.

Mr. Seaman stated it is worth looking into, but can't support a mid-term change either. The resolution carries with amendment.

**RESOLUTION NO. 296-13**

**RESOLUTION AFFIRMING THE BOARD OF SUPERVISORS' SUPPORT FOR A  
PROCESS TO ATTAIN FULL TIME STATUS FOR THE POSITION OF HAMILTON  
COUNTY DISTRICT ATTORNEY**

**DATED: NOVEMBER 21, 2013**

**BY MR. MCGOVERN:**

WHEREAS, the Hamilton County Board of Supervisors has deliberated over this issue, and taken input concerning the need for a full-time Hamilton County District Attorney, and

WHEREAS, it has been established that every other county in NYS has a full-time District Attorney, and therefore receives grant support for the position of District Attorney, and

WHEREAS, Hamilton County District Attorney Marsha Purdue, has appeared before the Board multiple times over the last two years, to discuss the increasing work load, the adjustments she has been forced to make, and the challenges associated with the County having a part-time District Attorney, and

WHEREAS, the Board has also embarked on an effort to receive input, from people involved in the Criminal Justice system, and

WHEREAS, the Board has also pursued input from our constituents, in an effort to assure we had sufficient information, prior to determining the correct course of action, given the information available, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby determines that for the long term good of the County and as a matter of equity to our taxpayers, that it is necessary for us to embark on a process to make the Hamilton County District Attorney position full time, and be it further

RESOLVED, that in the first instance, the process must affirm that Hamilton County is entitled to the same funding and reimbursement, as every other county in NYS, including assuring that our current Aid to Prosecution Grant will not be negatively impacted, by our participation if the funding available for counties who have a full-time District Attorney, and be it also

RESOLVED, that this Resolution is intended to set forth a goal, but not suggest or assert the time frame within which this transition can be accomplished, and be it further

RESOLVED, that this Resolution should be considered the basis for; the Central Government Committee to meet to consider timing and the relationship between the District Attorney's hours and the Assistant District Attorney's hours; the Chairman of the Board to begin preliminary discussions with State Officials on funding; and the District Attorney to continue her efforts to assure equitable funding for Hamilton County taxpayers and equal protection for our citizens and taxpayers.

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

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

NAYS: NONE

ABSENT: WILT, PINCOMBE AND EDWARDS

After the following resolution was placed on the floor; the Chairman stated it is a disappointment, he doesn't know why we go through periods where we will receive a few bids and other times we only receive one bid. The Chairman discussed different groupings to get more bids.

**RESOLUTION NO. 297-13**

**AWARD OF BID FOR HEATING FUEL FOR THE YEAR 2014**

**DATED: NOVEMBER 21, 2013**

**BY MR. WELLS:**

WHEREAS, Hamilton County Building Department heretofore solicited bids for the County's purchase of Heating Fuel Oil for all owned County Buildings and Facilities pursuant to invitation to bidders and in accordance with Specification No. 14-2013, and

WHEREAS, one (1) bid was received in response to the said invitation to bidders, as follows:

1. G.A. Bove & Sons  
1537 State Hwy 30  
Wells, NY 12190

Bid: Fluctuating price of \$0.20 per gallon over Journal of Commerce (JOC) per Port of Albany, NY

and

WHEREAS, the County Building Superintendent recommends the award be made to G.A. Bove & Sons for the Fluctuating Bid of \$0.20 above daily RAC price at the Port of Albany, NY, be it

RESOLVED, that award be made as follows:

G.A. Bove & Sons  
1537 State Hwy 30  
Wells, NY 12190

and be it further

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to enter into a purchase agreement with G.A. Bove & Sons for the fiscal year 2014 for heating fuel with the approval of the County Attorney and the County Treasurer, Building Superintendent and Clerk of the Board be so notified.

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

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

NAYS: NONE

ABSENT: WILT, PINCOMBE AND EDWARDS

**RESOLUTION NO. 298-13**

**AWARD OF BID FOR ALL WHEEL DRIVE MOTOR GRADER**

**DATED: NOVEMBER 21, 2013**

**BY MR. TOWERS:**

WHEREAS, one (1) bid was received for one (1) Used 2008 or Newer Diesel Powered All Wheel Drive Motor Grader in accordance with Specification No. 15-2013 as advertised by the Highway Superintendent and Highway Committee, and

WHEREAS, the following bid was received:

1. Nortrax, Inc.  
14 The Crossing Blvd.  
Clifton Park, NY 12065

Bid: 2008 John Deere 772D with 3307 Hours VIN DW772DX619604	\$213,900.00
Trade in Allowance for 1988 Cat 120G VIN 87V08867	<u>\$(50,000.00)</u>
Total with trade in	\$163,900.00

and

WHEREAS, the County Highway Superintendent has determined the bid by Nortrax, Inc. does meet the bid specification, be it

RESOLVED, the award be made to Nortrax, Inc. of for the purchase of a 2008 John Deere 772D Motor Grader VIN DW772DX619604 and the award made to also include the trade in of the currently County owned Caterpillar 120G Motor Grader Serial No.8V08867, and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into a contract for the purchase of one (1) used 2008 Motor grader in the amount of \$163,900.00 with Nortrax, Inc. with the approval of the County Attorney, and be it further

RESOLVED, that \$163,900.00 be transferred from the Unappropriated County Road Fund balance in accordance with Section 366 Subdivision 1 of the County Law to Account No. DM5130.201 Road Equipment to cover the cost of the grader, and be it further

RESOLVED, that payment be made to Nortrax, Inc. within 45 days of delivery of fully operational unit and acceptance by the County Highway Superintendent and that payment be made from Account No. DM5130.201 Road Equipment in the amount of \$163,900.00 and the County Treasurer be so authorized and the County Attorney, Clerk of the Board and Highway Superintendent be so advised.

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

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

NAYS: NONE

ABSENT: WILT, PINCOMBE AND EDWARDS

The Chairman called for a motion to open the Public Hearing on the 2014 County Budget.

A motion was made by Mr. Frey to open the Public Hearing on the 2014 County Budget, seconded by Mr. Wells. Carried.

The Chairman stated they had planned on meeting until recessing for lunch then coming back in for the afternoon session; this would allow Beth time to get some numbers from Barry. Beth can then submit to the Comptroller's Office on-line.

The Chairman reported he would like to modify the afternoon agenda to have the Internal Management Committee meeting at 1:00PM for evaluations and then the Board re-convening at 2:00PM to adopt the budget.

The Chairman reported that Tracy needs to talk about an employee's performance in Executive Session in the Internal Management Committee meeting.

The Chairman will be doing a draft of an updated Department Head Evaluation form for the December 5<sup>th</sup> meeting for everyone to review.

John stated we asked the Department Heads to help with the budget process and keep things level. The 3% salary increase obviously didn't represent what quite a few were seeking. With a new evaluation form we will be able to score on performance, not every office is equal and we have fallen behind the ball with evaluations. This is a step in the right direction for going forward.

A discussion continued regarding Department Heads.

The Chairman pointed out on the resolution for Amendments to and Adoption of the 2014 County Budget the Board of Elections travel line is split.

John wanted to know if they wanted to discuss anything that was not a .1 and the members stated yes.

Frank went down through the lines with explanations for each one. They had a short discussion on how the Board of Elections travel was split.

Frank reported that he and John had a discussion and they feel they should reduce the sales tax revenue by \$50,000. Originally they put it in at \$800,000; right now it is at \$850,000.

The Chairman stated that he agrees with them.

A motion by Mr. Frey to close the Public Hearing, seconded by Mr. McGovern. Carried.

Other Reports: None.

Recessed until 1:00 PM for Internal Management Committee meeting.

Re-Convened 2:00 PM

The Chairman introduced the Deputy Budget Officer.

Frank reviewed the changes they made to stay under the Tax Cap.

After the following resolution was placed on the floor; Mr. Frey thanked all of the County employees for their work on the budget.

Mr. Towers stated we have begun to restore some of the important areas within the Highway budget and we are now on the right path.

**RESOLUTION NO. 299-13**

**AMENDMENTS TO AND ADOPTION OF THE 2014 COUNTY BUDGET**

**DATED: NOVEMBER 21, 2013**

**BY MR. FREY:**

WHEREAS, the tentative budget for the year 2014 has been duly presented to the Board by the Finance Committee and Budget Officer and duly advertised, and

WHEREAS, a Public Hearing was held on November 21, 2013 as required by Section 359 of the County Law, be it

RESOLVED, that the following increases and decreases be made in the 2014 Tentative Budget:

**INCREASE:**

A1040.101 Clerk of the Board	\$654
A1165.101 District Attorney	\$1,063
A1325.101 County Treasurer	\$863
A1355.101 RPTS Director	\$766
A1355.407 SDG Data Contract	\$1,250
A1420.101 County Attorney	\$849
A1410.101 County Clerk	\$863
A1430.101 Personnel Officer	\$545
A1450.101 Elections Comm.-D	\$516

A1450.102 Elections Comm.-R	\$516
A1450.414 Election Travel	\$2,500
A1620.105 Senior Custodian	\$636
A1990.402 Contingent for Merit	\$200,000
A3110.101 Sheriff	\$938
A3110.106 Water Patrol Salary	\$9,297
A3140.102 Probation Director	\$665
A3150.405 Medical & Dental	\$1,000
A3640.101 Emergency Management Director	\$353
A4010.102 Director of Patient Services	\$1,907
A4310.102 Mental Hygiene Director	\$1,158
A6010.101 Comm. of DSS	\$926
A6010.105 Social Welfare Examiner	\$2,856
A6010.109 Support Collection	\$1,730
A6410.402 Publicity Admin.	\$25,000
A6410.404 Event Funding	\$16,000
A6610.101 Weights & Meas. Director	\$166
A7510.101 Historian	\$134
D5010.101 Highway Superintendent	\$960
D9050.801 Unemployment	\$7,000

DECREASE:

A1355.406 GIS Contract	\$1,000
A1450.401 Board of Elections Travel	\$2,500
A1990.401 Contingent	\$200,000
A3110.110 Sheriff Deputy C	\$360
A4320.102 Mental Health Director	\$13
A6326.405 North Country Life Flight	\$1,000
A6410.401 Hamilton County Promotion	\$5,000
A8020.101 Planning Director	\$30,000
A8020.410 Econ. Dev. Contractual	\$6,000
A9050.801 Unemployment	\$5,000

and be it further

RESOLVED, that the Revenues be amended as follows:

INCREASE:

A3715 Tourism Promotion	\$81,000
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DECREASE:

A1110 Sales and Use Tax	\$20,000
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and be it further

RESOLVED, that upon the amendments, amounts as listed to be raised by tax, making a total 2014 Budget \$7,501,318 and pursuant to Section 360 of the County Law, the said tentative budget as amended be and hereby is adopted as the Budget for the year 2014.

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

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

NAYS: NONE

ABSENT: WILT, PINCOMBE AND EDWARDS

Other Reports:

Brian Towers: He will have to leave the December 5<sup>th</sup> meeting early.

John: May have a conflict for the December 5<sup>th</sup> meeting.

Recessed until December 5, 2013 at 10:30 AM.