

**2011**

**TENTH SESSION**

**OCTOBER 6, 2011**

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

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

Arietta	Richard A. Wilt
Benson	Ermina M. Pincombe
Hope	Robert Edwards
Indian Lake	Barry J. Hutchins
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

A motion was made to accept the minutes of September 1, 2011 by Mr. McGovern, seconded by Ms. Pincombe. Carried.

Public Comment: No one present.

Report of Standing/Special Committees:

Brian: Solid Waste met this morning with Barton & Loguidice to discuss the draft Solid Waste Management Plan. Jillian will come back with another draft to review.

Rick: Reported that the trees by the Court House are down. The fuel tanks in Indian Lake will be removed next week.

Neil: He attended the Local Government Review Board, Senator Seward gave a presentation. He also attended his first Community Action Meeting and they are doing a great job. We should get the word out who they are and what they do.

**RESOLUTIONS:**

After the following resolution was placed on the floor; the Chairman explained this is an extension of the additional mortgage recording tax that was imposed several years ago. It requires State Legislative authorization every two years.

**RESOLUTION NO. 237-11**

**AUTHORIZING A PUBLIC HEARING TO CONSIDER**

**PROPOSED LOCAL LAW NO. 8 OF 2011 A LOCAL LAW TO EXTEND  
THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE  
COUNTY OF HAMILTON**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

RESOLVED, that proposed Local Law No. 8 of 2011 titled "A LOCAL LAW TO EXTEND THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HAMILTON", 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 24<sup>th</sup> day of October, 2011, at 11 a.m., on the matter of the adoption of said proposed Local Law No. 8 of 2011, entitled "A LOCAL LAW TO EXTEND THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HAMILTON", 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 Mr. Edwards and adopted by the following vote:

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

NAYS: NONE

PROPOSED 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.

## **RESOLUTION NO. 238-11**

### **REQUEST FOR NYS LEGISLATION AUTHORIZING COUNTY RECORDING TAX PURSUANT TO ARTICLE 11 OF THE TAX LAW**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

WHEREAS, the County of Hamilton is facing increased costs due to unfunded mandates in Medicaid and other programs, without the additional revenues to cover these costs, and

WHEREAS, the County of Hamilton is facing an increase in liability due to these unfunded mandates, and

WHEREAS, the County of Hamilton is also facing an increase in costs to retain and recruit qualified employees, and

WHEREAS, Section 253 (2) of the Tax Law authorizes an additional county recording tax of Twenty-five (\$.25) Cents per One Hundred (\$100.00) Dollars of principal debt secured by a mortgage on real property within the County, which mortgage tax is distributed in conformance with the statutory authority contained in Section 261 of the Tax Law, and which mortgage tax will be limited to a three (3) year period subject to renewal thereafter, and

WHEREAS, it is necessary to request the New York State Legislature to adopt Home Rule legislation so as to authorize Hamilton County to enact a local law(s) imposing the aforesaid additional tax authorized in Section 253 (2) of the Tax Law and to distribute such additional tax to the Hamilton County Treasurer for deposit into Hamilton County's General fund, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby requests the New York State Legislature adopt Home Rule legislation so as to authorize Hamilton County to enact local law(s) imposing the aforesaid additional tax, and be it further

RESOLVED, that the Hamilton County Board of Supervisors hereby requests the New York State Legislature amend Section 261 of the Tax Law to authorize the Comptroller to distribute the Hamilton County share of the said recording tax to the Hamilton County Treasurer for deposit into the County's general fund, as expeditiously as possible, and be it further

RESOLVED, that the Clerk of the Hamilton County Board of Supervisors is hereby directed to forward a certified copy of this resolution to Senator Betty Little, Assemblywoman Teresa Sayward, and to Governor Andrew M. Cuomo and Comptroller Thomas P. DiNapoli.

Seconded by Ms. Pincombe 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 pointed out the two ways this is different from what we originally had in place. First and most important is it brings everything into one policy, our practices with respect to purchasing. Second is it sets the ranges against the bid statues.

### **RESOLUTION NO. 239-11**

### **PROCUREMENT POLICIES AND PROCEDURES PURSUANT TO SECTION 104-b OF THE GENERAL MUNICIPAL LAW**

**DATED: OCTOBER 6, 2011**

**BY MR. WILT:**

WHEREAS, Section 104-b of the General Municipal Law requires the Board of Supervisors, by resolution, to adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of the General Municipal Law, so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the County and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud, and corruption, and

WHEREAS, the Board of Supervisors has solicited from County officers, department heads and employees involved in the procurement process prior to the enactment of this resolution, and, from time to time, will solicit further comments from said County officers, department heads, and employees, and

WHEREAS, the following adjustments have been suggested:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$0 - \$1,999	Purchases may be made by the Department Head or County official providing an appropriation has been made in the current year's budget for said goods or services.
\$2,000 - \$ 3,999	2 Verbal quotations Purchases may be made by the Department Head or County official providing an appropriation has been made in the current year's budget for said goods or services.
\$4,000 - \$ 9,999	3 Written/fax quotations or written request for proposals and advance written authorization by the Chairman of the Board of Supervisors, and there has been an appropriation made in the current year's budget for the said goods or services.
\$10,000 - \$14,999	3 Written/fax quotations or written request for proposals & Board Resolution

with the addition of the following for Public Works Contacts:

\$10,000 - \$35,000	3 Written/fax quotations or written request for proposals & Board Resolution
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now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors does hereby adopt the policies and procedures, that have been placed on the desks of each member of the Board of Supervisors and will be on file with the Clerk of the Board, pursuant to Section 104-b of the General Municipal Law governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements, and be it further

RESOLVED, that the Hamilton County Board of Supervisors shall at least annually review its policies and procedures made pursuant to Section 104-b of the-General Municipal Law.

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

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

NAYS: NONE

**RESOLUTION NO. 240-11**

**SETTING EQUALIZATION RATES**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

RESOLVED, that the assessment rolls with proposed rates as set up by the Equalization Committee be adopted for the year 2011 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 Ms. Pincombe 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; Mr. McGovern asked who receives this money. The Chairman stated it comes to us. The Court Cleaning contract is the contract that we are able to charge back a portion of the cleaning costs, building maintenance etc.

**RESOLUTION NO. 241-11**

**AUTHORIZING CHAIRMAN TO SIGN NECESSARY DOCUMENTS FOR THE  
COURT CLEANING CONTRACT**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

WHEREAS, Hamilton County has received the Annual Renewal Letter and Budget for the Court Cleaning Contract #C-300177 authorized by Resolution No. 240-08 adopted October 2, 2008, and

WHEREAS, said Renewal Letter covers State Fiscal Year 2011-2012 with a budget of \$89,163.00, now, therefore, be it

RESOLVED, that the Letter of Renewal and Budget is hereby approved for State Fiscal Year 2011-2012, and the Chairman is authorized to sign the necessary documents and the County Treasurer be so notified.

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 explained that this has worked out very well in terms of the work that Dan has been doing with creating manuals and documents.

**RESOLUTION NO. 242-11**

**AUTHORIZATION OF CONTINUED ADDITIONAL HOURS FOR BUILDINGS  
EMPLOYEE**

**DATED: OCTOBER 6, 2011**

**BY MR. MCGOVERN:**

WHEREAS, Resolution No. 165-11 authorized the addition work hours for Daniel Fish to work on a Master Building Maintenance Reference Book to reference for the safe operation of the essential systems of the physical buildings, and

WHEREAS, the Buildings Superintendent states that the said employee has completed the reference books for the Heating and AC systems for the physical buildings in located in Lake Pleasant and Indian Lake, and

WHEREAS, the Buildings Superintendent recommends the said employee continues to work additional hours to further complete the reference book for the sewer and plumbing for the Lake Pleasant facilities and the employees schedule continue to be twenty hours at his normal duties and twenty hours be spent on working on the said reference book and working on other buildings projects currently being completed, and

WHEREAS, the Buildings Superintendent recommends the said employee continue the extended hours work schedule for the remainder of the fiscal year to help accomplish projects and to shadow the current Sr. Custodian that plans retirement early in 2012, and

RESOLVED, the Buildings Superintendent is hereby authorized to continue to add twenty hours per week to the work schedule of Daniel Fish, Cleaner for the remainder of the fiscal year 2011 to continue the work on current projects and other duties that may arise for the Buildings Department at his current rate of pay, and be it further

RESOLVED, that \$3,000.00 be transferred from Account No. A1620.402 Bldg. Repairs to Account No. A1620.1020 P.T. Cleaner #1 to cover the additional hours for the said employee for the remainder of 2011 and the County Treasurer be so authorized and the Personnel Officer and Clerk of the Board be so notified.

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

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



NAYS: NONE

**RESOLUTION NO. 243-11**

**RESOLUTION TO PAY FOR CONSUMER SHOW BOOTH AT THE ALBANY SKI  
AND SNOWBOARD SHOW**

**DATED: OCTOBER 6, 2011**

**BY MR. FREY:**

WHEREAS, attracting skiers to Oak Mountain Ski Center, the county's largest winter employer, is important to winter marketing of Hamilton County, and

WHEREAS, a display booth at the Albany Ski and Snowboard Show Nov. 4 through 6 will provide positive exposure to the skiing public for Oak Mountain and Hamilton County, and

WHEREAS, such exposure is a cost-effective method of reaching potential ski customers, now, therefore, be it

RESOLVED that the Hamilton County Treasurer be authorized to pay \$595.00 to Ed Lewi Associates, 6 Chelsea Place, Clifton Park, NY 12065 from Publicity budget line 6410-4010-A.

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

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

NAYS: NONE

**RESOLUTION NO. 244-11**

**FUNDING ACCOUNT FOR EMERGENCY MANAGEMENT'S THERMAL IMAGING  
CAMERA GRANT**

**DATED: OCTOBER 6, 2011**

**BY MR. EDWARDS:**

WHEREAS, Resolution No. 164-08 adopted on June 5, 2008 authorized Community Projects Appropriation Contract #TM088406 in the amount of \$10,000 that was used to purchase Thermal Imaging Cameras, and

WHEREAS, the grant funding was not entirely spent, and

WHEREAS, the Emergency Manager has determined that the remainder of the grant money can be used for accessories to the Thermal Imaging Cameras, be it

RESOLVED, that Account No. A3640.412 Thermal Imaging Camera be funded at \$1,000.00 to be totally offset by increasing Revenue Account No. A3305 Civil Defense by \$1,000.00 and the County Treasurer be so authorized.

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

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

NAYS: NONE

**RESOLUTION NO. 245-11**

**AUTHORIZING FUNDING FOR CONTRACT #TM09587 – EMERGENCY  
MANAGEMENT**

**DATE: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

WHEREAS, Resolution No. 99-10 stated that Senator Little was able to secure \$5,000.00 in funding to assist the Hamilton County Emergency Management Department in purchasing emergency frequency radios for Hamilton County EMS and Fire Services, and

WHEREAS, subsequent to said resolution the Emergency Manager was informed that the money would not be available, and

WHEREAS, the Emergency Manager has now been able to verify that the money is available and the proper paperwork has been processed, be it

RESOLVED, that Revenue Account No. A3305 Civil Defense be increased by \$5,000.00 to be be totally offset by funding Account No. A3640.412 Radios at \$5,000.00 and the County Treasurer be so authorized.

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

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

NAYS: NONE

**RESOLUTION NO. 246-11**

**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 6, 2011**

**BY MR. HUTCHINS:**

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 2012, 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 2012 contract would be for a total annual amount not to exceed \$145,318 running from January 1, 2012 through December 31, 2012, 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, 2012 through December 31, 2012 under the terms and conditions set forth above and with the approval of the County Attorney.

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

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

NAYS: NONE

**RESOLUTION NO. 247-11**

**TRANSFER OF FUNDS - SOCIAL SERVICES**

**DATED: OCTOBER 6, 2011**

**BY MR. MCGOVERN:**

WHEREAS, the funds will be exhausted in Hamilton County Department of Social Services Contractual Travel Account No A6010.401, be it

RESOLVED, that the following transfers be made:

From: A6010.405 All Other Direct	\$ 2,500.00
To: A6010.401 Travel	\$ 2,500.00

and the County Treasurer be so authorized.

Seconded by Mr. Towers 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; Mr. Towers asked if this money gets distributed to the towns. The Chairman explained that Bob came in and explained the money would not be distributed directly to the towns; he was going to administer the funds.

**RESOLUTION NO. 248-11**

**AUTHORIZING INCREASED FUNDING FOR HAMILTON COUNTY YOUTH BOARD**

**DATED: OCTOBER 6, 2011**

**BY MR. EDWARDS:**

WHEREAS, the Hamilton County Community Services Department is responsible for administering the Hamilton County Youth Board, and

WHEREAS, the Hamilton County Youth Board for 2011 will disperse funding for both Youth Development Delinquency Prevention (YDDP) and Special Delinquency Prevention Program (SDPP) programming, and

WHEREAS, YDPP and SDPP funding for the Hamilton County Youth Board for 2011 as provided by the New York State Office of Children and Family Services is in the amount of \$6,006.00, and

WHEREAS, the revenue and expense line in the Hamilton County Budget for 2011 was only \$5,000.00 as the additional revenue was not anticipated at the time the budget was finalized, be it

RESOLVED, that Revenue Account No. A3820.000 Division of Youth be increased by \$1,006.00 to be totally offset by increasing Appropriation Account No. A7310.401 Spec. Del. Youth Program by \$1,006.00 and the County Treasurer be so authorized.

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

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

NAYS: NONE

**RESOLUTION NO. 249-11**

**AUTHORIZING CONTRACT WITH SUE RUNDELL, PHYSICAL THERAPIST AND LORIE BROSEMER, OCCUPATIONAL THERAPIST**

**DATED: OCTOBER 6, 2011**

**BY MR. FREY:**

WHEREAS, Hamilton County is required to provide for Comprehensive Evaluations (CORE) for children aged 3-5, who reside within Hamilton County and have a suspected developmental delay through the Committee on Pre-School Special Education (CPSE) process, and

WHEREAS, pursuant to Section 4410 of the New York State Education Law, the County is required to maintain contracts with several related services providers for the provision of skilled Physical, Occupational, and Speech Therapy Related services; in order to provide parents with a choice for service provision, and

WHEREAS, frequency, duration and reimbursement for related services is determined following evaluation and results, based on eligibility guidelines at rates set in conjunction with the Rate Setting Unit of the New York State Education Department, and

WHEREAS, CORE Evaluations may be requested at anytime and/or professional related service provision may be requested at anytime through the regular school year and/or the 30 day summer session, and

WHEREAS, the Hamilton County Public Health Nursing Service represents Hamilton County as administrator of this program, be it

RESOLVED, that the Chairman of the Hamilton County Board of Supervisors is hereby authorized to execute a contract, upon approval of the County Attorney, for physical therapy provision, for children residing within Hamilton County at rates set by the New York State Department of Education, for the Period of October 6, 2011 through August 31, 2012 between the Hamilton County Public Health Nursing Service and Sue Rundell, Physical Therapist, P.O. Box 310 Old Forge, New York 13420 and be it further,

RESOLVED, that the Chairman of the Hamilton County Board of Supervisors is hereby authorized to execute a contract, upon approval of the County Attorney, for occupational therapy provision, for children residing within Hamilton County at rates set by the New York State Department of Education, for the Period of October 6, 2011 through August 31, 2012 between the Hamilton County Public Health Nursing Service and Lorie Brosemer, Occupational Therapist, P.O. Box 757 Old Forge, New York 13420.

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

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

NAYS: NONE

**RESOLUTION NO. 250-11**

**AUTHORIZING CHAIRMAN TO SIGN CONTRACT WITH THE NEW YORK STATE  
DEPARTMENT OF HEALTH CHILDREN WITH SPECIAL HEALTH CARE NEEDS  
PROGRAM**

**DATED: OCTOBER 6, 2011**

**BY MR. SEAMAN:**

WHEREAS, the New York State Department of Health requests the renewal of the contract with Hamilton County Public Health Nursing Service to provide Children with Special Health Care Needs Program (CHSCN) Contract # C-024620 for the period October 1, 2011 through September 30, 2014, and

WHEREAS, the NYSDOH is transitioning the grant to a multi-year contract, totaling \$45,840 to be allocated at an annually rate of \$15,280, and

WHEREAS, the current grant year overlaps the 2011 and 2012 budget fiscal years, and

WHEREAS, these funds have been appropriated in the 2011 Municipal Budget and the remainder will be proposed for the 2012 Municipal Budget, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized to sign the contract with Children with Special Health Care Needs Program of the New York State Department of Health, pending approval by the County Attorney and the County Treasurer be so advised.

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

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

NAYS: NONE

**RESOLUTION NO. 251-11**

**AUTHORIZING CONTRACT BETWEEN NURSING SERVICE AND COMMUNITY  
HEALTH CENTER FOR PROVISION OF PHYSICAL THERAPY SERVICES IN  
HAMILTON COUNTY**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

WHEREAS, the Hamilton County Public Health Nursing Service has been unable to secure the service of independent physical therapy providers for residents, and

WHEREAS, the Community Health Center of St. Mary's Hospital and Nathan Littauer Hospital (CHC), 2-8 West Main Street, Johnstown, NY 12095 is willing to provide physical therapy services throughout the county for the period of November 1, 2011 through March 31, 2012, and

WHEREAS, under the terms of the agreement, a physical therapist assistant shall provide regular visits under the supervision of a physical therapist in compliance with relevant regulations, and

WHEREAS, CHC has proposed compensation for said services shall be as follows:

- a. HCPHNS shall pay CHC \$70.00 per Physical Therapist Assistant (PTA) visit as requested by HCPHNS
- b. HCPHNS shall pay CHC for supervisory time of the PTA for the amount equal to the actual cost of the supervision which includes salary and fringe benefits of CHC professional staff that provide the supervision of the PTA
- c. HCPHNS shall designate and pay CHC additional monies consistent with the requirements set forth by the Recruitment & Retention, Recruitment, Training and Retention and Accessibility, Quality and Efficiency programs.
- d. HCPHNS shall reimburse CHC for all reasonable out-of-pocket expenses that CHC incurs including travel, meals, lodging, outside copying, and staff overtime expenses,

be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to enter into a contract with Community Health Center of St. Mary's Hospital and Nathan Littauer Hospital, with compensation as described above upon approval of the County Attorney and the County Treasurer be so notified.

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

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

NAYS: NONE

**RESOLUTION NO. 252-11**

**AUTHORIZING DIRECTOR OF PUBLIC HEALTH TO EXECUTE PARENTAL  
TRANSPORTATION AGREEMENTS**

**DATED: OCTOBER 6, 2011**

**BY MR. MCGOVERN:**

WHEREAS, Res 172-09 authorized enhanced mileage rates for parents transporting children eligible for services in Early Intervention and Preschool Special Education Programs that requires a policy and procedure be developed in consultation with the County Attorney, and

WHEREAS, a parental transportation agreement has been developed, and

WHEREAS, Hamilton County policy and procedural guidelines are as follows:

- Mileage is paid for the most direct route, which is verified through an online source.
- Payment will be made for one (1) round trip per day, regardless of distance when services are less than 1 hours per day.

- Payment will be made for one (1) round trip per day, if distance round trip is greater or equal to 80 miles and services are equal to or less than 2 ½ hours per day.
- Payment will be for two (2) round trips per day, if distance round trip is equal to or less than 40 miles and services are between 1 hour and 2 ½ hours per day.
- Payment will be for two (2) round trips per day, if distance round trip exceeds 80 miles and services are greater than 4 hours per day.
- Where two (2) round trips are authorized by virtue of this policy, the County will pay for two (2) round trips--- if and only if 2 round trips are actually made on each day.
- Mileage is paid for the days the child has attended school or related services. Attendance is verified through school records and daily service provider session notes.
- The County reserves the right to verify any and all the details of claims submitted, including but not limited to: distance, attendance, actual trips made on each day, etc.

and

WHEREAS, the Hamilton County Public Health Nursing Service represents Hamilton County as administrator of this program, be it

RESOLVED, that the Director of Public Health is hereby authorized to execute parental transportation agreement based on these guidelines and is granted discretionary judgment when circumstances warrant, and be it further

RESOLVED, that the County Treasurer and the Director of Public Health be so notified.

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

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

NAYS: NONE

**RESOLUTION NO. 253-11**

**AMENDING AMOUNT OF 2011 APPROPRIATION AND REVENUE FOR DIESEL  
AND GASOLINE**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

WHEREAS, the budget appropriation amount for Diesel and Gasoline for 2011 was set and duly adopted for \$500,000.00 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 2011 was set and duly adopted for \$250,000.00 for Account No. DM2655.0000 (Sale of Materials) and



\$35,000.00 for Account No. DM2801.0000 (Interfund Revenues) for a total revenue of \$285,000.00, 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 2011 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 2011, 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 \$180,000.00 will be needed to purchase Diesel and Gasoline until the end of 2011 and that an additional \$95,000.00 will be received in revenues from the sale of Diesel and gasoline for the remainder of 2011, be it

RESOLVED, the 2011 budget appropriation for Diesel and Gasoline Account No. DM5130.4050 be increased by \$180,000.00 and increase Revenue Account No. DM2655.0000 by \$75,000.00 and Revenue Account DM2801.0000 by \$20,000.00, and be it further

RESOLVED, that \$85,000.00 be taken out of the Machinery DM 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. Hutchins 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; Ms. Pincombe stated there is a big difference in pricing. The Chairman stated they proposed different ways of doing it.

**RESOLUTION NO. 254-11**

**APPROVAL OF REPLACEMENT OF BOILER IN THE LAKE PLEASANT HIGHWAY  
GARAGE**

**DATED: OCTOBER 6, 2011**

**BY MR. WILT:**

WHEREAS, the highway garage located in Lake Pleasant is in need of replacing the oil fired boiler, and

WHEREAS, the Buildings Superintendent solicited written proposals for replacement of the current oil fired boiler including removal of current boiler and installing a propane fired boiler in place of the current boiler, and

WHEREAS, the Superintendent received the following proposals –

- |                                   |             |
|-----------------------------------|-------------|
| 1. Allen & Palmer, Northville, NY | \$13,205.00 |
| 2. G.A. Bove Fuels, Wells, NY     | \$33,800.00 |
| 3. Vincents Heating, Poland, NY   | \$23,709.00 |

and

WHEREAS, the Buildings Superintendent recommends moving forward with the replacement of the said heating system boiler using Allen & Palmer, be it

RESOLVED, that the Board of Supervisors of the County of Hamilton does approve the Buildings Superintendent to hire Allen & Palmer True Value of Northville, NY for the sum of \$13,205.00 and the County Treasurer and Clerk of the Board be so advised.

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

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

NAYS: NONE

#### **RESOLUTION NO. 255-11**

#### **AUTHORIZING PAYMENT FOR PETROLEUM BULK STORAGE REGISTRATION RENEWAL FOR LAKE PLEASANT HIGHWAY GARAGE**

**DATED: OCTOBER 6, 2011**

**BY MR. MCGOVERN:**

WHEREAS, the Petroleum Bulk Storage (PBS) 5 year registration renewal fee is due,  
and

WHEREAS, the New York State Department of Environmental Conservation will not accept vouchers for the renewal of the registration, be it

RESOLVED, that the Hamilton County Board of Supervisors do hereby authorize payment for registration renewal fees of \$500.00 for the County's PBS located at the Lake Pleasant highway facility, and be it further

RESOLVED, that the County Treasurer is hereby authorized to make a check payable to the New York State Department of Environmental Conservation in the amount of \$500.00 for the said PBS renewal and the funds be taken out of Account No. DM5130.405 Fuel and the County Highway Superintendent 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

**RESOLUTION NO. 256-11**

**APPROVAL OF EXPENDITURES FOR CRANE SERVICES FOR SEVENTH LAKE  
BRIDGE PROJECT**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

WHEREAS, the Highway Department is beginning the reconstruction of the Seventh Lake Bridge, and

WHEREAS, the Highway Superintendent received written proposals for the professional crane service to remove the existing truss and set the new superstructure items, and

WHEREAS, the proposals are as follows,

- |    |                                      |  |
|----|--------------------------------------|--|
| 1. | Stephen Miller General Contractors - | Could not provide service at needed dates.   |
| 2. | Tioga Construction -                 | \$1,800.00 per day for crane<br>\$4,000.00 each way mobilization<br>\$260.00 per hour for OT                 |
| 3. | Lewis Crane Service -                | \$1,800.00 per day for crane<br>Mobilization included<br>\$90.00 permit fee<br>\$245.00 per hour for OT, and |

WHEREAS, the Highway Superintendent recommends that we use Lewis Crane Service for the crane work necessary for the Seventh Lake Bridge Project because of cost and availability and the Highway Superintendent estimates the crane service will be necessary for 2 to 3 days, be it

RESOLVED, this Resolution authorizes the County Highway Superintendent to hire Lewis Crane Service for the above mentioned crane service at the above rates and the County Treasurer and Clerk of the Board be so advised.

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; Mr. Towers explained that this was discussed on Committee Day.

**RESOLUTION NO. 257-11**

**AUTHORIZING COUNTY HIGHWAY SUPERINTENDENT TO PURCHASE A FRONT  
END WHEEL LOADER**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

WHEREAS, the Highway Department is in need of replacing a Front End Wheel Loader,  
and

WHEREAS, 2011 Wheel Loaders are available for purchase on State Contract with  
associated options, and

WHEREAS, the vendor of the Wheel Loader has offered \$45,000.00 for the currently  
county owned 2002 John Deere 544H (VIN No DW544HX582141) as trade in value toward the  
purchase of the 2012 John Deere 624K, and

WHEREAS, the County Highway Superintendent is recommending approval to purchase  
the said Wheel Loader under State Contract pricing, be it

RESOLVED, that hereby the County Highway Superintendent is authorized to order said  
Wheel Loader under New York State Contract pricing, be it further

RESOLVED, the County Highway Superintendent is hereby authorized to trade in the  
2002 John Deere 544H VIN No. DW544HX582141 wheel loader currently owned by Hamilton  
County and that the trade in value is \$45,000.00 and the final cost for the purchase of the 2012  
John Deere 624K is \$74,132.44 delivered, be it further

RESOLVED, that \$74,132.44 be transferred from the Machinery DM Fund Balance in  
accordance with Section 366 Subdivision 1 of the County Law to Account No. DM5130.201  
Equipment to cover said purchase 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, HUTCHINS, FREY, MCGOVERN, SEAMAN,  
FARBER AND TOWERS**

**NAYS: NONE**

After the following resolution was placed on the floor; the Chairman stated that he hopes other  
departments will look at similar savings.

**RESOLUTION NO. 258-11**

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN EARLY RETIREMENT AGREEMENT**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

WHEREAS, local government budgets continue to be tight, and

WHEREAS, the NYS Legislature failed to enact legislation to allow Hamilton County's sales tax increase request, and

WHEREAS, the NYS Legislature failed to enact significant mandate relief, and

WHEREAS, NYS Legislature did enact a 2% property tax cap, and

WHEREAS, the most significant increase in the budget is the NYS Retirement bill and that calculation for exemption is fatally flawed, and

WHEREAS, this will force the county to cut programs that are important to county constituents and to cut county positions, and

WHEREAS, in light of this a cooperative early retirement incentive would be the most non-onerous and cost effective solution, and

WHEREAS, Tracy Eldridge has proposed the elimination of a Senior Mechanic Position from the County Highway Department at an annual savings of \$50,134.00, which will include the consensual retirement of Harold Fish, now, therefore, be it

RESOLVED, upon the County Attorney's approval, the Chairman of the Hamilton County Board of Supervisors is hereby authorized to enter into an early retirement agreement with Tracy Eldridge, Hamilton County Highway Superintendent and Harold Fish, Senior Mechanic, and be it further

RESOLVED, that the County Treasurer and the County Personnel 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

After the following resolution was placed on the floor; Mr. McGovern reported he will be out on November 9<sup>th</sup> and the 14<sup>th</sup>. The Chairman discussed the override of the tax cap with a local law.

**RESOLUTION NO. 259-11**

**SETTING ANNUAL SESSION DATES**

**DATED: OCTOBER 6, 2011**

**BY MR. FREY:**

RESOLVED, the following dates have been designated as the annual session for 2011:

November 8	10:30 A.M.
November 9	10:30 A.M.
November 14	10:30 A.M.
November 18	10:30 A.M.
<b>PUBLIC HEARING</b>	<b>11:00 A.M.</b>
December 1 AUDIT	10:30 A.M.
December 16 AUDIT	10:30 A.M.

and be it further

RESOLVED, that any necessary changes will be subsequently arranged.

Seconded by Mr. Towers 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 explained that Medicaid took a step in the right direction by capping the growth at 3%. County Governments in general endorse that property taxes are too high. Local Governments and School Districts in general believe that property taxes should be reduced not capped. The source of the problem is the cost. The Chairman and the Board members continued to discuss the issue.

**RESOLUTION NO. 260-11**

**RESOLUTION URGING MULTI-YEAR STATE TAKEOVER OF LOCAL SHARE OF  
MEDICAID**

**DATED: OCTOBER 6, 2011**

**BY MR. MCGOVERN:**

WHEREAS, county officials across the state are presently introducing their 2012 budgets; and

WHEREAS, these budget decisions are being made under the constraints of the State's new property tax cap; and

WHEREAS, when State lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS that mandate relief has not materialized; and

WHEREAS, By far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS, State Legislation (S.5889-B) will require state policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual State takeover of county Medicaid costs; and

WHEREAS, removing county taxpayers from the financing of Medicaid is the single most important thing the State Legislature can do to lower property taxes for New Yorkers; and

WHEREAS, the State takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS, state lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including, applying MRT (Medicaid Redesign Team) reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment initiatives that can be applied to property tax relief and applying future revenues to lowering property taxes and by allowing federal health care reforms to cover New Yorkers; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Hamilton County calls on State lawmakers to keep their promise, and sign on to legislation (S5889-B) designed to provide mandate relief for counties, in the form of an eight-year State takeover of county Medicaid costs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Governor, Senator Little, Assemblywoman Sayward, NYSAC, and Adirondack Intercounty Legislative Committee.

Seconded by All and adopted by the following vote:

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

NAYS: NONE

#### **RESOLUTION NO. 261-11**

**AUTHORIZING A PUBLIC HEARING TO CONSIDER  
PROPOSED LOCAL LAW NO. 9 OF 2011 A LOCAL LAW OVERRIDING THE TAX  
LEVY LIMIT FOR HAMILTON COUNTY FOR 2012 AND AUTHORIZING THE  
ADOPTION BY HAMILTON COUNTY OF A BUDGET FOR 2012 THAT REQUIRES A  
TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMIT FOR THE 2012  
FISCAL YEAR**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

RESOLVED, that proposed Local Law No. 9 of 2011 titled "A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT FOR HAMILTON COUNTY FOR 2012 AND AUTHORIZING THE ADOPTION BY HAMILTON COUNTY OF A BUDGET FOR 2012

THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMIT FOR THE 2012 FISCAL YEAR”, 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 18<sup>th</sup> day of November, 2011, at 11:30 a.m., on the matter of the adoption of said proposed Local Law No. 9 of 2011, entitled “A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT FOR HAMILTON COUNTY FOR 2012 AND AUTHORIZING THE ADOPTION BY HAMILTON COUNTY OF A BUDGET FOR 2012 THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMIT FOR THE 2012 FISCAL YEAR”, 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 Mr. Edwards and adopted by the following vote:

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

NAYS: NONE

PROPOSED LOCAL LAW NO. 9 OF 2011  
State of New York  
County of Hamilton

A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT FOR HAMILTON COUNTY FOR 2012 AND AUTHORIZING THE ADOPTION BY HAMILTON COUNTY OF A BUDGET FOR 2012 THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMIT FOR THE 2012 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 2011”.

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 2012 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 2012, 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 2012, it is clear that a responsible budget for 2012 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 2012 and authorizes Hamilton County, after completing all required procedures for the adoption of a budget, to adopt a budget



for 2012 that requires a tax levy that is greater than the tax levy limit calculated for 2012 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.

**RESOLUTION NO. 262-11**

**APPROVING 2012 HOLIDAY SCHEDULE**

**DATED: OCTOBER 6, 2011**

**BY MR. EDWARDS:**

WHEREAS, the Hamilton County Board of Supervisors has received a recommendation from the Internal Management Committee to approve the 2012 Holiday Schedule, and

WHEREAS, the Internal Management Committee has reviewed the 2012 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 2012 as attached and recommended by the Personnel Officer, and be it further

RESOLVED, that the Personnel Officer is hereby authorized to disseminate the 2012 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. Wilt and adopted by the following vote:

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

NAYS: NONE

COUNTY HOLIDAYS

2012

New Year's Day  
Martin Luther King, Jr. Birthday

Monday, January 2  
Monday, January 16

President's Day	Monday, February 20
Good Friday	Friday, April 6
Memorial Day	Monday, May 28
Independence Day	Wednesday, July 4
Labor Day	Monday, September 3
Columbus Day	Monday, October 8
Veterans Day	Monday, November 12
Thanksgiving	Thursday, November 22
	Friday, November 23
Christmas	Tuesday, December 25

**RESOLUTION NO. 263-11**

**TRANSFER OF FUNDS – CORONER**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

WHEREAS, there is a shortage of funds in Coroner Account No. A1185.403 Misc. & Autopsies, therefore, be it

RESOLVED, that \$3,000.00 be transferred from the Unappropriated General Fund Balance in accordance with Section 366 Subdivision 1 of the County Law to Coroner Account No. A1185.403 Misc. & Autopsies and the County Treasurer be so authorized.

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. 264-11**

**AMENDING RESOLUTION NO. 172-11 – RESOLUTION TO MAKE 1 TO 1  
HAMILTON COUNTY EVENTS PUBLICITY MATCHING FUNDS PAYMENTS**

**DATED: OCTOBER 6, 2011**

**BY MR. FREY:**

WHEREAS, Resolution No. 172-11 authorized reimbursement to One Square Mile of Hope for 50% of advertising costs, and

WHEREAS, it has now been determined that payment should be made to Susan G. Koman for the Cure, and

WHEREAS, paperwork has been submitted verifying over \$4,000.00 was spent on advertising for One Square Mile Hope, therefore, be it

RESOLVED, that Resolution No. 172-11 is hereby amended to replace One Square Mile of Hope with Susan G. Koman for the Cure, and be it further

RESOLVED, that the County Treasurer is hereby authorized to pay Susan G. Koman for the Cure \$2,000.00 from Account No. A6410.401A Hamilton County Promotion.

Seconded by Mr. McGovern 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; Mr. Towers explained that we use this a lot and there are times we can't get it when we need it; purchasing one makes more sense.

**RESOLUTION NO. 265-11**

**AUTHORIZING COUNTY HIGHWAY SUPERINTENDENT TO ADVERTISE FOR  
BIDS TO PURCHASE A USED ROAD WIDENER**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

WHEREAS, the Highway Department typically rents a road widener for extending back up shoulders on road projects, and

WHEREAS, the County Highway Superintendent feels there are more uses for a road widener that would benefit the county road system but doesn't rent them at other times because the monthly rental typically is approximately \$10,000.00 per month, and

WHEREAS, the Highway Superintendent has had difficulty the past few years finding road wideners to rent when the department needs one, and

WHEREAS, the County Highway Superintendent has located a used road widener that would meet the departments needs and if purchased would save a considerable amount of money over the next few years, and

WHEREAS, the Superintendent believes the Towns could also benefit from the County owning a road widener as the Town Highway Departments could utilize the widener for their highways when needed, and

WHEREAS, the County Highway Superintendent recommends that going to bid within the coming weeks would enable the department to purchase the said used road widener to save money, and

WHEREAS, the department would need to transfer funds out of the Unappropriated DM Fund Balance to fund the proposed purchase and the cost estimate is \$50,000.00, and

WHEREAS, the County Highway Superintendent recommends that the department purchase a used road widener using the DM Fund Balance as the said widener would be utilized by the County Highway Department and Town Highway Departments and save future high rental costs, be it

RESOLVED, that the County Highway Superintendent is hereby authorized to advertise for public bids to purchase a used road widener and the County Treasurer and Clerk of the Board be so notified.

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

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

NAYS: NONE

**RESOLUTION NO. 266-11**

**APPROVAL OF AND TRANSFER OF FUNDS FOR 2011 MERIT PAY**

**DATED: OCTOBER 6, 2011**

**BY MR. HUTCHINS:**

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

WHEREAS, the Internal Management Committee met on September 26, 2011 to review merit evaluations, be it

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

COMMUNITY SERVICES

Brandy Richards	October 10, 2011 to October 10, 2012	\$1.32
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SOCIAL SERVICES

Beverly King	October 18, 2011 to October 18, 2012	\$1.54
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TOURISM

Christy Wilt	October 16, 2011 to October 16, 2012	\$1.10
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HIGHWAY

Paul Hammer	October 20, 2011 to October 20, 2012	\$1.65
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Richard Husson	October 1, 2011 to October 1, 2012	\$1.54
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Kenneth Parslow	October 13, 2011 to October 13, 2012	\$1.65
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and be it further

RESOLVED, that the following transfers be made to cover the above 2011 merit pay:

FROM:	A1990.401	Contingent	\$16,155.04
TO:	A4310.111	Sub. Abuse Prevention Educator	\$1,940.40
	A6010.108	Social Welfare Examiner B	\$2,644.18
	A8020.103	Economic Dev. Tourism Aide	\$1,686.30
	A1620.103	Laborer	\$3,248.96
	D5110.101	Personal Services	\$3,203.20
	D5110.101	Personal Services	\$3,432.00

and the County Treasurer be so authorized and Personnel Officer be 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. 267-11**

**APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

RESOLVED, that the bills in the Machinery Fund amounting to \$82,815.59 and bills in the County Road Fund amounting to \$211,881.06 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. McGovern and adopted by the following vote:

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

NAYS: NONE

**RESOLUTION NO. 268-11**

**APPROVAL OF AUDITS IN THE COUNTY GENERAL FUND AND CAPITAL  
PROJECT 2010-1 FUEL CONSOLIDATION PROJECT**

**DATED: OCTOBER 6, 2011**

**BY MR. TOWERS:**

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$279,497.57 by the following committees:

Building Committee ..... \$34,243.99

Solid Waste Committee .....	49,848.38
Finance Committee .....	94,220.21
Health & Human Services Committee.....	56,385.36
Central Government Committee .....	25,290.42
Publicity, Tourism, Economic Development & Planning Committee.....	18,438.43
Internal Management Committee .....	1,070.78

and be it further

RESOLVED, that the bills audited this day in the following Capital Project:

Fuel Consolidation Project.....\$23,490.65

are hereby approved.

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

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

NAYS: NONE

Other Reports:

Mr. Towers: Reported he was at Paul Smith last week and participated in a planning initiative which was worthwhile. He urges anyone who might be interested to attend the upcoming one in Chestertown and/or Old Forge later on in the year. Mr. Towers asked when the Board can expect the 2012 Tentative Budget, the Chairman stated at the November 3<sup>rd</sup> meeting.

Mr. Frey: Reported that he just received a notice on the Adirondack Park Workshop, does this mean he should attend the one in Chestertown. The Chairman stated yes. Mr. Frey was wondering how this intersects with the Partnership. The Chairman explained the common development. Mr. Frey also asked if there was any hope for a Sales Tax increase and the Chairman reported not for this year. The Chairman feels that the counties that have been holding their Sales Tax low are being penalized. If you were a county that opted to increase Sales Tax to 4 or more percent the State is willing to reward them by extending their Sales Tax. If we were free spending enough this wouldn't be a problem. Discussion continued.

The Chairman reported at the Indian Lake Theater there will be a Public Forum for the North Country Regional Council on October 19<sup>th</sup> at 6pm. Mr. Towers asked if the Clerk would send out an email reminding them.

Mr. Hutchins: Asked where the old elections machines should be taken. The Chairman wasn't sure, maybe they should bring them to the Board of Elections Office.

The Chairman reported that Tracy's auction went very well; we received more on some things than anticipated.

Ms. Pincombe: Asked if there is a law that a town has to supply ambulance service, they contract with Northhampton. Mr. Towers stated he has a printout of breakdowns and laws of the ambulance corps he will get her.

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