

AGENDA CONTINUED

AUGUST 3, 2017

RESOLUTIONS:

- No. 10 Authorizing a Public Hearing to Consider Proposed Local Law No. 11 of 2017 A Local Law to Extend the Additional Mortgage Recording Tax within the County of Hamilton
- No. 11 Authorizing a Public Hearing to Consider Proposed Resolution to Extend the General Sales and Compensating Use Taxes Tax within the County of Hamilton
- No. 12 Resolution Authorizing Communication Project Bidding
- No. 13 Authorizing Equipment Purchase through Newport Telephone Company to Finalize E911 Phone Line Connection
- No. 14 Authorizing Chairman to Sign HEAP Agreements with Warren/Hamilton OFA and Community Action Agency
- No. 15 Authorizing Budget Amendment for Hamilton County Fuel Consolidation Project Phase III
- No. 16 Authorizing Payment to Ampersand Electric Inc. for Backup Generator – Fuel Consolidation Phase III – Morehouse Site
- No. 17 Authorizing Payment to White’s Bore Repair and Welding Service
- No. 18 Approval of and Transfer of Funds for 2017 Merit Pay
- No. 19 Approval of Audits in County Highway Funds
- No. 20 Approval of Audits in the County General Fund and Capital Project 2015-1 Fuel Consolidation Phase III

RESOLUTION NO.

**AUTHORIZING A PUBLIC HEARING TO CONSIDER
PROPOSED LOCAL LAW NO. 11 OF 2017 A LOCAL LAW TO EXTEND
THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE
COUNTY OF HAMILTON**

DATED: AUGUST 3, 2017

BY

RESOLVED, that proposed Local Law No. 11 of 2017 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 28th day of August, 2017, at 11 a.m., on the matter of the adoption of said proposed Local Law No. 11 of 2017, 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

PROPOSED LOCAL LAW NO. 11 OF 2017
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, 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, 2017 and ending December 1, 2020, 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, 2015, 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, 2017, 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.

**AUTHORIZING A PUBLIC HEARING TO CONSIDER
PROPOSED RESOLUTION TO EXTEND THE GENERAL SALES AND
COMPENSATING USE TAXES TAX WITHIN THE COUNTY OF
HAMILTON**

DATED: AUGUST 3, 2017

BY

RESOLVED, that proposed Resolution extending the general sales and compensating use taxes 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 28th day of August, 2017, at 11:15 a.m., on the matter of the adoption of said proposed Resolution extending the general sales and compensating use taxes 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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF HAMILTON COUNTY
EXTENDING THE GENERAL SALES AND COMPENSATING USE TAXES FOR A
PERIOD OF THREE YEARS**

WHEREAS, Resolution 210 of 2013 duly enacted by the Board of Supervisors of the County of Hamilton authorized imposition of general sales and compensating use taxes at the rate of Four percent (4%) in accordance with Section 1210 of Article 29 of the Tax Law of the State of New York, and

WHEREAS, the Board of Supervisors of the County of Hamilton desires to extend such general sales and compensating use taxes, NOW, THEREFORE

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

SECTION 1. Imposition of general sales and compensating use taxes. There are hereby imposed in this county and there shall be paid all of the sales and compensating use taxes described in Article Twenty-eight of the New York Tax Law as authorized by subdivision (a) of section twelve hundred ten of the Tax Law, at the rate of three percent. In addition to those taxes imposed at the rate of three percent, there are hereby imposed in this county and there shall be paid such sales and compensating use taxes at the additional rate of one percent, for the period commencing December 1, 2017, and ending November 30, 2020.

SECTION 2. Local options - Application of special provisions. Notwithstanding any contrary provision of this enactment or other law:

(a) Motor fuel and diesel motor fuel described in subdivision (m) of section eleven hundred eleven of the Tax Law shall not be taxed at a rate of cents per gallon.

(b) The clothing and footwear exemption described in paragraph thirty of subdivision (a) of section eleven hundred fifteen of the Tax Law shall apply to the taxes imposed by this enactment.

(c) The residential solar energy systems equipment and installation service exemptions described in subdivision (ee) of section eleven hundred fifteen of the Tax Law shall apply to the taxes imposed by this enactment.

(d) The commercial solar energy systems equipment and installation service exemptions described in subdivision (ii) of section eleven hundred fifteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(e) The empire zone refund and credit described in clause six of subdivision (a) of section eleven hundred nineteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(f) The qualified empire zone enterprise refund and credit described in subdivision (d) of section eleven hundred nineteen of the Tax Law shall not apply to the taxes imposed by this enactment.

(g) Residential energy sources and services described in paragraph three of subdivision (a) of section twelve hundred ten of the Tax Law shall be exempt from the taxes imposed by this enactment at the rate of three percent and also from the additional one percent rate of such taxes.

SECTION 3. Taxes in addition to others. The taxes imposed by this enactment are in addition to any and all other taxes authorized or imposed under any other provision of law.

SECTION 4. Administration of taxes. The taxes imposed by this enactment shall be administered and collected by the State Commissioner of Taxation and Finance as provided in Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 5. Applicability of state law to taxes imposed by this enactment. The provisions of Articles Twenty-eight and Twenty-nine of the Tax Law and any provision of the Tax Law or other law that applies to Article Twenty-eight or Twenty-nine, relating or applicable to the taxes imposed by this enactment, including the applicable definitions, transitional provisions, limitations, special provisions, exemptions, exclusions, refunds, credits, and administrative provisions, so far as those provisions can be made applicable to the taxes imposed by this enactment, shall apply to the taxes imposed by this enactment with the same force and effect as if those provisions had been incorporated in full into this enactment and had expressly referred to the taxes imposed by this enactment, except to the extent that any of those provisions is either inconsistent with or not relevant to the taxes imposed by this enactment.

SECTION 6. Allocation and distribution of net collections. Pursuant to section 1262 of the Tax Law:

(a) The county shall set aside for county purposes one hundred percent of the net collections from the taxes imposed by this enactment at the rate of four percent.

(b) The county shall set aside for educational purposes zero percent of the net collections from the taxes imposed by this enactment.

(c) The county shall allocate quarterly zero percent of the net collections from the taxes imposed by this enactment to the towns in the county.

(d) Because there are no cities in the county to preempt the county's taxes, the county shall not be subject to mandatory distribution under Tax Law section 1262(d).

SECTION 7. Deposit and use of revenues. Except as otherwise provided by law, net collections received by this county from the taxes imposed by this enactment shall be paid into the treasury of the county and shall be credited to and deposited in the general fund thereof and, unless restricted by local law, ordinance, or resolution to a specified purpose or purposes, shall be available for any county purpose of this county. Expenditures from the proceeds of such taxes shall not be considered as part of the cost of government within the meaning of any limitation on expenditures contained in any general, special, or local law applicable to this county.

SECTION 8. Severability. If any provision of this enactment or the application thereof, for any reason, shall be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this enactment, but shall be confined in its operation to the provision thereof directly involved in the controversy in which such judgment shall have been rendered and the application of that provision to other persons or circumstances shall not be affected by that judgment.

SECTION 9. Effective date. This enactment shall take effect December 1, 2017.

RESOLUTION NO.

RESOLUTION AUTHORIZING COMMUNICATION PROJECT BIDDING

DATED: AUGUST 3, 2017

BY

WHEREAS, Hamilton County received an Interoperable Communication Project Grant in December of 2013 (Contract No. C198376), and

WHEREAS, the County has proceeded through design and permitting, and

WHEREAS, at this time it is necessary for the County Board to authorize for bidding key components of said project, now, therefore, be it

RESOLVED, that the following is authorized with respect to said bidding:

1. Advertise for bids in the Hamilton County Express August 17 & August 24, 2017 editions
2. Bid Opening September 6, 2017 at 10:30 AM in Supervisors' Chambers
3. Bid award at Special Meeting of the Hamilton County Board on September 11, 2017

and be it also

RESOLVED, that the Clerk of the Board of Supervisors and Emergency Manager be so authorized.

Seconded by

RESOLUTION NO.

**AUTHORIZING EQUIPMENT PURCHASE THROUGH NEWPORT TELEPHONE
COMPANY TO FINALIZE E911 PHONE LINE CONNECTION**

DATED: AUGUST 3, 2017

BY

WHEREAS, Hamilton County has successfully worked with Newport Telephone Company and Frontier Communications to create an off network E911 connections to handle 911 calls, and

WHEREAS, the County has confirmed monthly payment for said service through TANF and the Public Service Commission, and

WHEREAS, the only remaining piece is for Newport Telephone Company (NTC) to install the final equipment on their end, and

WHEREAS, the County cost for said equipment is \$3,000.00, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to sign the necessary authorization with NTC committing the County to reimbursing said equipment expense.

Seconded by

RESOLUTION NO.

**AUTHORIZING CHAIRMAN TO SIGN HEAP AGREEMENTS WITH
WARREN/HAMILTON OFA AND COMMUNITY ACTION AGENCY**

DATED: AUGUST 3, 2017

BY

WHEREAS, the Department of Social Services requires a service agreement with a qualified provider to provide HEAP outreach and certification services to the low-income residents, be it

RESOLVED, that upon the County Attorney's approval, the Chairman of the Board of Supervisors is hereby authorized to sign an agreement with Warren/Hamilton Office for the Ageing and Community Action Agency for HEAP services for a term of October 1, 2017 – September 30, 2018.

Seconded by

RESOLUTION NO.

**AUTHORIZING BUDGET AMENDMENT FOR HAMILTON COUNTY FUEL
CONSOLIDATION PROJECT PHASE III**

DATED: AUGUST 3, 2017

BY

WHEREAS, Phase III of the Hamilton County Fuel Consolidation Project and established an estimated budget of \$797,028.00 per the NYS Department of State grant award to fund the said project, and

WHEREAS, Phase III is essentially complete and currently the total estimated cost with engineering and construction is \$926,521.08, be it

RESOLVED, that \$129,521.08 be transferred from the Unappropriated General Fund Balance in accordance with Section 366 Subdivision 1 of the County Law to Account No. H5.5989.201 Fuel Consolidation Project Phase III and the County Treasurer be so authorized.

Seconded by

RESOLUTION NO.

**AUTHORIZING PAYMENT TO AMPERSAND ELECTRIC INC. FOR BACKUP
GENERATOR – FUEL CONSOLIDATION PHASE III – MOREHOUSE SITE**

DATED: AUGUST 3, 2017

BY

WHEREAS, Ampersand Electric Inc. has installed the backup generator for the county fueling depot located at the Morehouse site, and

WHEREAS, the Highway Superintendent recommends the payment of the said installation of the said generator, be it

RESOLVED, that the County Treasurer is hereby authorized to make a check payable to:

Ampersand Electric Inc.
PO Box 1077
Saranac Lake, NY 12983

in the amount of \$10,134.21 and the funds be taken out of Account No. H5.5989.201 Fuel Consolidation and the Highway Superintendent and Clerk of the Board be so notified.

Seconded by

RESOLUTION NO.

AUTHORIZING PAYMENT TO WHITE'S BORE REPAIR AND WELDING SERVICE

DATED: AUGUST 3, 2017

BY

WHEREAS, the DPW owns a 2002 Freightliner tandem axle dump truck fleet number 134,
and

WHEREAS, the said truck needed the rear hinge pins of the dump body line bored and re-
bushed because of excessive looseness, and

WHEREAS, this is specialized work and the County Highway Superintendent had White's
Bore Repair and Welding Service do the repairs and the work is completed satisfactorily, and

WHEREAS, the Highway Superintendent recommends the payment of the said repairs of
the said vehicle, be it

RESOLVED, that the County Treasurer is hereby authorized to make a check payable to:

White's Bore Repair and Welding Service
PO Box 215
Fonda, NY 12068

in the amount of the authorized repair of \$2,000.00 and the funds be taken out of Account No.
DM5130.401 Repairs and the Highway Superintendent and Clerk of the Board be so notified.

Seconded by

RESOLUTION NO.

APPROVAL OF AND TRANSFER OF FUNDS FOR 2017 MERIT PAY

DATED: AUGUST 3, 2017

BY

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

WHEREAS, the Internal Management Committee met on July 24, 2017 to review merit evaluations, be it

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

SHERIFF

| | | |
|----------------|----------------------------------|--------|
| Carrie O'Neill | August 1, 2017 to August 1, 2018 | \$1.65 |
|----------------|----------------------------------|--------|

HIGHWAY

| | | |
|---------------------|------------------------------------|--------|
| Clarence Desrochers | August 9, 2017 to August 9, 2018 | \$1.43 |
| Lisa Johnson | August 30, 2017 to August 30, 2018 | \$1.65 |
| Robert O'Neill | August 14, 2017 to July 5, 2018 | \$.55 |

SUPERVISORS

| | | |
|------------------|------------------------------------|--------|
| Samantha Sherman | August 14, 2017 to August 14, 2018 | \$.99 |
|------------------|------------------------------------|--------|

SOCIAL SERVICES

| | | |
|----------------|------------------------------------|--------|
| Dyanne Crotty | August 27, 2017 to August 27, 2018 | \$1.54 |
| Cynthia Hansen | August 1, 2017 to August 1, 2018 | \$.99 |

NURSING

| | | |
|---------------|------------------------------------|--------|
| Lisa Lorensen | August 24, 2017 to August 24, 2018 | \$1.21 |
|---------------|------------------------------------|--------|

and be it further

RESOLVED, that the following transfers be made to cover the above 2017 merit pay:

| | | | |
|-------|-----------|---------------------------------|-------------|
| FROM: | A1990.402 | Contingent for Merit | \$16,635.41 |
| TO: | A3110.107 | Confidential Secretary | \$3,003.00 |
| | D5110.101 | Personal Services | \$2,974.40 |
| | D5010.102 | Administrative Assistant to Hwy | \$3,432.00 |
| | D5110.101 | Personal Services | \$440.00 |
| | A1040.105 | Asst. Deputy Clerk of the Board | \$1,801.80 |

| | | |
|-----------|-------------------------------|------------|
| A6010.109 | Support Collection Specialist | \$2,802.80 |
| A6010.112 | Clerk | \$755.37 |
| A4010.115 | Certified Home Health Aide | \$1,426.04 |

Seconded by

RESOLUTION NO.

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: AUGUST 3, 2017

BY

RESOLVED, that the bills in the Machinery Fund amounting to \$39,345.49 and bills in the County Road Fund amounting to \$24,251.79 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

RESOLUTION NO.

APPROVAL OF AUDITS IN THE COUNTY GENERAL FUND AND CAPITAL PROJECT 2015-1 FUEL CONSOLIDATION PHASE III

DATED: AUGUST 3, 2017

BY

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$133,243.15 by the following committees:

| | |
|---|-------------|
| Building Committee | \$20,078.14 |
| Public Works (Solid Waste) Committee | 26,724.29 |
| Finance Committee | 13,311.53 |
| Health Committee..... | 20,630.17 |
| Human Services Committee..... | 16,590.75 |
| Central Government Committee | 13,732.02 |
| Emergency Prep./Emergency Response..... | 19,832.05 |
| Publicity, Tourism, Economic Development & Planning Committee..... | 785.99 |
| Internal Management Committee | 1,558.21 |

be it further

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

Fuel Consolidation Phase III.....\$ 180.92

are hereby approved.

Seconded by