

2019

SECOND ANNUAL SESSION

NOVEMBER 18, 2019

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	John M. Stortecky
Hope	ABSENT
Indian Lake	Brian Wells
Inlet	John Frey
Lake Pleasant	ABSENT
Long Lake	Clark J. Seaman
Morehouse	William G. Farber
Wells	Donald W. Beach

Also present: County Attorney, Clay Arsenault, Don Purdy, Tracy Eldridge and Caitlin Stewart, Lenny Croote and Marjorie Remias – Soil & Water

Public Comment:

Gordon Purdy, Emergency Services Director, stated that he received an email from State Emergency Management Office (SEMO) requesting that Federal Emergency Management Agency (FEMA) start doing the town assessments ASAP. He thought that it would be this week. He asked that the Supervisors alert their Town Highway Superintendents to make sure they are available. Once he knows then he will reach out. The Chairman asked if they could shed any light on the status of the State's formal request to the Federal Government. There are people within communities reaching out that are upset that a request hasn't been made. Mr. Purdy stated that he has heard that the Federal Government has given us 30 days from the date of the storm to get assessments in. Once they are in and have met the State's damage threshold it then goes to Washington to be declared as a disaster for the state. He doesn't feel that it will be done any sooner than the 30 days. We are the first county to receive an official public assessment. All the other counties are behind us. The Chairman asked if there was a reason as to why they are starting this piece now. Tracy Eldridge, Highway Superintendent, stated that they have been here a couple times. One of those times they collaborated an estimate and stated that we easily met the threshold county wise not even including the towns. He stated that it is very important that everyone document their employees time spent so when it is declared the time spent can be reimbursed. The Chairman stated that they should also keep track of Solid Waste that is being brought in regarding this. Mr. Eldridge stated that they will not reimburse for straight time. It is overtime only. They will reimburse for equipment rental. Once projects are started then they will reimburse for all time spent. Mr. Wells asked if this information could be sent to the Town Highway Superintendents

directly by email instead of it being relayed through the Supervisor. Mr. Eldridge stated that he had talked with the Superintendents already but wanted to also reiterate it to them. The Chairman asked if Mr. Purdy could put together an email explaining what steps are happening and also reinforce the need to document everything. The email can be sent to Highway so the office staff can send it along to the towns.

Mr. Eldridge stated that he went with Craig Small, Arietta Highway Superintendent, and Andrew Bell, A.S Bell Engineering, to look at Pawley Road in Arietta. The bridge did not get hurt but Arietta has a major washout on the other side. The bridge was built in 1910 and Fulton County will have to come in from the other end. He would like to take the County's temporary bridge down there and extend it over so trucks can get across. Arietta has offered 2 guys for 2 days. The amount would be about \$2,800 so he would need the Boards' approval. Everyone agreed.

Mr. Eldridge discussed Flood Mitigation and how it was good funding. It's more tedious than FEMA. It took 8 years to get the money back. The Chairman stated that he felt from the presentation that this is funding of last resort. We go through what FEMA can reimburse and then this is another resource for those projects that didn't fit in to the recovery or mitigation. Mr. Eldridge agrees that we need to go through the FEMA process first. He is hoping that they give him a heads up when declaration will be so he can get Mr. Bell started on designing bridges.

Reports of Standings/Special Committees: None

Caitlin Stewart, District Manager for Soil & Water, introduced herself as well as Marjorie Remias, Secretary and Assistant Treasurer and Lenny Croote, Conservation Technician. She shared their accomplishments for 2019. Included in that she explained the Elbow Creek Natural Channel Design and how it wasn't completely destroyed by the Halloween Storm. She talked about repairs being done to dry hydrants. She stated that there were materials left over and if there were any municipalities in need please let them know. Mr. Seaman stated that Long Lake was interested. Ms. Stewart talked about how purple loosestrife is an invasive species that's prevalent in Hamilton County and how they have released Galerucella beetles to help control it. She talked about the new invasive species called the spotted lanternfly. She thanked the Board for their continued support and showed them a short film on Conservation Field Day. She stated how the video showed students taking notes and that was because there was an essay and poster contest. This year's entries were fantastic. Each entry was judged by their Director, Vicky Buyce and she will be arranging award ceremonies for each school. The Board thanked them.

RESOLUTIONS:

RESOLUTION NO. 325-19

RESOLUTION TO SET DATE OF ORGANIZATION MEETING

DATED: NOVEMBER 18, 2019

BY MR. STORTECKY:

RESOLVED, that the Organization Meeting of the Board of Supervisors will be held on Wednesday, January 8, 2020 at 2:00 P.M.

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

AYES: R. WILT, STORTECKY, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: TOMLINSON AND D. WILT

The Chairman stated, before Resolution No. 2 on the agenda was placed on the floor, that the County Attorney was present and that he would like to have him go over the status of this process with the Board.

The County Attorney stated that Resolution No. 2 Authorizing Hamilton County to Opt Out of the Negotiation Class – Opiate Litigation is a continuation of what the Board has already approved. We are one of thousands that have participated. Currently the litigation is presently centered in Ohio and will be moving soon to New York. The request in Ohio is to have all plaintiff municipalities participate as part of the class. Our Attorney's opinion is that New York's Municipalities would be better served by opting out of participating in the Ohio litigation class and letting it move to New York. The feeling is that New York will get a faster result at a higher value. The County would need to opt out by November 22, 2019. The Chairman stated that New York is differently positioned over others because of the level of benefits offered at state level. He feels that it makes sense for Hamilton County to opt out and continue to participate for the better deal.

After the following resolution was placed on the floor; Mr. Frey stated that he hopes that New York State will be fair to the counties. The Chairman stated that we have gone through this before with the tobacco settlement and it was a great deal of back and forth. It is why counties opted to participate in this. The state was going to move ahead with or without the counties and they clearly would have simply opted to take all of the money for their General Fund if the counties hadn't.

RESOLUTION NO. 326-19

**AUTHORIZING HAMILTON COUNTY TO OPT OUT OF THE NEGOTIATION
CLASS - *OPIATE LITIGATION***

DATED: NOVEMBER 18, 2019

BY MR. R. WILT:

WHEREAS, Judge Polster of the United States District Court, Northern District of Ohio has preliminarily approved a request to certify a negotiating class setting forth the framework to assist the Court and the parties to achieve a national resolution of the opioid litigation, and

WHEREAS, it is advantageous to negotiate in a group and the New York cities and counties are currently coordinated in a state litigation in Suffolk County, and

WHEREAS, the coordinated litigation in Suffolk County will be the next county case be tried and Hamilton County is already in a unique situation to negotiate as a group, and

WHEREAS, to opt out of the class, an *Exclusion Request Form* needs to be signed on behalf of Hamilton County and submitted to counsel prior to November 22, 2019, and

NOW, THEREFORE, BE IT RESOLVED, that Hamilton County is authorized to execute an *Exclusion Request Form* to opt out of the *Negotiation Class* as is advised by our legal counsel in this matter.

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

AYES: R. WILT, STORTECKY, WELLS, FREY, FARBER AND BEACH

NAYS: SEAMAN

ABSENT: TOMLINSON AND D. WILT

The County Attorney stated, before Resolution No. 3 Authorizing the County to Retain Outside Counsel for Pharmaceutical Price Fixing Recovery Litigation was placed on the floor, that this is new litigation. This litigation pertains to the price fixing of generic drugs specifically. States, counties and municipalities are looking to recover the cost to the extent that they participate. He feels Hamilton County shares in that cost.

After the following resolution was placed on the floor; Mr. Seaman asked if this was an offshoot of the previous. This is separate and an attempt to recover funding that may have been gouged. County Attorney agreed. Mr. R. Wilt stated that these people don't do this for nothing. The County Attorney stated that there was never a question about the attorneys making money, but to the extent of one manufacturer getting together with another. Mr. R. Wilt stated that he meant with the outside counsel; how much are the attorney fees. The County Attorney stated that the Attorney will take anywhere between 1/4 to 1/3. The Chairman stated that was in full disclosure, that their share is driven by the amount of the work that they put in to it.

RESOLUTION NO. 327-19

**AUTHORIZING THE COUNTY TO RETAIN OUTSIDE COUNSEL FOR
PHARMACEUTICAL PRICE FIXING RECOVERY LITIGATION**

DATED: NOVEMBER 18, 2019

BY MR. FREY:

WHEREAS, the Pharmaceutical Price Fixing Recovery Litigation is now moving forward within the court system, and

WHEREAS, the Hamilton County Attorney recommends Hamilton County pursue said Pharmaceutical Price Fixing Recovery Litigation, now, therefore, be it

RESOLVED, that Hamilton County is hereby authorized to retain and contract with Napoli Shkolnik PLLC Attorneys at Law to represent Hamilton County in the Pharmaceutical Price Fixing Recovery Litigation, and be it further

RESOLVED, that Napoli Shkolnik PLLC Attorneys at Law are hereby authorized to bring an action on behalf of Hamilton County in an effort to recover Pharmaceutical Price Fixing costs on behalf of the County.

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

AYES: R. WILT, STORTECKY, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: TOMLINSON AND D. WILT

After the following resolution was placed on the floor; Mr. Seaman asked if Sterling Goodspeed, Assigned Panel Counsel Coordinator, had figured out his retirement. The Chairman stated that he had and explained and how we got to this point. He and Mr. Goodspeed have discussed this with NYS Office of Indigent Legal Services (NYSOILS). He stated that NYSOILS have been trying to insulate the pockets of conflict from each other. The next phase that they are going to push is working with another county that has a panel manager which is on call 24/7 and 365 days to make assignments when there is a conflict. For the number of instances that Mr. Goodspeed would have it doesn't make sense for the county to have someone on call 24/7 and 365 days of year. The logical connection is with another county. That is not in place yet but is something Mr. Goodspeed is working on and the Board will be seeing in the future.

RESOLUTION NO. 328-19

CREATING THE OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER

DATED: NOVEMBER 18, 2019

BY MR. SEAMAN:

WHEREAS, the Hamilton County Assigned Counsel Coordinator's Office was established to manage the assigned counsel panel and facilitate effective legal representation in Hamilton County, and

WHEREAS, Sterling T. Goodspeed was appointed the Hamilton County Assigned Counsel Coordinator, and

WHEREAS, in the last several months significant changes have occurred in Hamilton County, including the following:

- Substantial diminishment of counsel available to participate in the panel
- Substantial diminishment of the practicing attorney population
- Assumption by the Assigned Counsel Coordinator of more criminal defense responsibilities due to a diminished panel

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2020, the Office of the Hamilton County Public Defender will be established to provide criminal representation to all indigent legal defendants, and be it further

RESOLVED, the following individuals are hereby appointed effective January 1, 2020 to the following positions in the newly established office:

Sterling T. Goodspeed – Hamilton County Public Defender - \$90,000.00

Martin Pozefsky – Assistant Public Defender - \$50,000.00

Susan C. Goodspeed – Administrative Assistant Paralegal - \$16,400.00

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

AYES: R. WILT, STORTECKY, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: TOMLINSON AND D. WILT

RESOLUTION NO. 329-19

**AUTHORIZATION TO AMEND THE 2019 CONTRACT WITH COMPREHENSIVE
MEDICINE, PLLC – COMMUNITY SERVICES**

DATED: NOVEMBER 18, 2019

BY MR. SEAMAN:

WHEREAS, the County of Hamilton has approved a contract with Comprehensive Medicine PLLC to provide tele-psychiatry to residents of Hamilton receiving mental health services at Hamilton County Community Services, and

WHEREAS, the utilization of services exceeded the cap of \$30,000.00 specified in the contract, and

WHEREAS, services projected to be provided by Comprehensive Medicine PLLC will require additional funding through the end of the current year, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby approves amending the County's 2019 contract with Comprehensive Medicine PLLC from a \$30,000.00 cap to a \$45,000.00 and the Treasurer be so advised.

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

AYES: R. WILT, STORTECKY, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: TOMLINSON AND D. WILT

RESOLUTION NO. 330-19

AUTHORIZING CHAIRMAN TO SIGN "CERTIFICATION STATEMENT FOR ELECTRONIC BILLING" FOR HAMILTON COUNTY COMMUNITY SERVICES

DATED: NOVEMBER 18, 2019

BY MR. SEAMAN:

WHEREAS, Hamilton County Community Services is required by the NYS Department of Health to have a current Certification Statement for Electronic Billing to allow the Adirondack Health Institute to process electronic claims on its behalf through the State's Medicaid Fiscal Agent for its Care Coordination Services, and

WHEREAS, the current Certification Statement for Electronic Billing for this program expires December 21, 2019, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the Certification Statement for Electronic Billing to recertify electronic billing for ETIN BE6W Care Coordination Services for Hamilton County Community Services

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

AYES: R. WILT, STORTECKY, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: TOMLINSON AND D. WILT

Other Reports:

No Reports

Tentative Budget Review:

The Chairman stated that after passing the resolution for the Public Defender's Office the revenue should also increase, 3025.0100, State Aid Public Defender/Coordinator.

The Chairman stated that looking at a Board of Elections expenditures, he anticipates that Revenue Account No. A2215, Election Services Charges, should increase \$10,000. The way the revenue comes in against what is spent is that there is a one-year lag. When they do their chargeback calculation for 2019, that the Board will authorize this year, the revenue will not come in until 2020.

The Chairman stated that there are some non-salary budget questions that should be discussed as a Board. Mr. R. Wilt had discussed with the Chairman how challenging the grant administration for Gordon Purdy, Emergency Services Director, is. Mr. Purdy didn't make any changes to his budget for 2020. Mr. R. Wilt wasn't sure if someone was brought in for Admin, could it be charged back to one of the grants. Mr. R. Wilt stated that he hadn't talked with Mr. Purdy about it but Ernie Virgil, Deputy Emergency Services Director, has been in more often and supportive. If at all possible, he would like to see more hours put in for Mr. Virgil. He is up to speed on everything already. The Chairman stated that he agreed but wanted to make sure it was discussed. They discussed Mr. Virgil's time in respect to the Halloween Storm. The Chairman stated that Mr. Purdy did increase hours for temp staff in 2020 but only \$4,000 to \$4,500. He asked Mr. R. Wilt to talk it over with Mr. Purdy today and get back to the Board.

The Chairman stated he would like to discuss the outside agencies that put in requests. He did them different than the previous Budget Officer. Soil and Water has requested a 2% increase, \$110,359.00. His personal thought was that they have done yeoman's work and the Board has given other departments the 2%, so he put it in. The 2019 Appropriation was \$108,195.00, if any of the Board disagree with the increase it can be changed. Cornell Cooperative Extension hasn't had an increase in the last 5 budgets. That was due to what they were doing, staffing and how things were going. He believes that with the new leadership and adding a position that their request of a 5% increase wasn't outlandish so he put that in. It went from \$45,339.00 to \$47,589.00. Lake Champlain Lake George Regional Planning Board (LCLGRP) was another left flat for years. Their Appropriation for 2019 was \$1,675.00 and their request was \$2,730.00. He felt that with all the help Beth Gillis, Director of LCLGRP, gave to Christy Wilt, Director of Tourism and Economic Development, regarding the Snowmobile Application alone made this a reasonable request. He has not put that in the tentative budget and asked if the Board agreed. Mr. Frey agreed that it was reasonable.

The Chairman stated that based on criminal justice reform everyone anticipates the level of incarceration to decrease. In reviewing the previous history of jail food, medical expenses and other corrections we should see lower numbers. That's not to say that we won't run into trouble with our jail in the terms of having female inmates.

Mr. Frey asked if impacting the salaries later would change the tentative or was that already taken into consideration. The Chairman stated that there is money in the budget as long as on average there isn't a monkey wrench thrown in for grade and step and on average the Board comes out with 2% for department heads. He explained how if they agree to give a Department Head 3 or 4% then they would have to average it out by giving another 0 or 1%. He doesn't feel that that will happen so it is possible to have to go back for that. Mr. Frey stated that the Board should take that into consideration when they hand out 3 or 4% to Department Heads. The Chairman stated that he doesn't disagree. He said that it is what it is and would be less than fair to everybody implicated if he didn't say that it is becoming more extraordinary on how difficult it is to fill some of the positions and what we see happen around us in terms of starting wages. He doesn't know where the next generation of employees are going to come from when they look at where we are starting the wages. We are still getting applicants but he feels it still has implications on the quality of applicants. He feels that they should continue to look at the wages.

The Chairman made an adjustment on Revenue 2215, Election Services Charges. He increased it by \$10,000. Marie Buanno, Republican Commissioner, told him that she would be working on chargebacks in the near future. He stated that the Board might see a resolution coming from the Election Office. The resolution will be to allow an employee to accrue more than 80 hours of Comp Time. The handbook states that an employee is not able to accrue more than 40 hours of comp time and he explained different instances. He stated that this employee in Elections also had him sign off on allowing her to accrue more than 40 hours but no more than 80 hours. Mr. R. Wilt asked if the Election Services charges included; temporary workers and ballots. The Chairman stated that it included everything contributing to the cost to run an election and the chargeback is where they charge the towns. This year they were going to include early voting costs in their chargebacks.

The Chairman stated that he followed the Treasurer's recommendation in request to interest in earnings.

The Chairman stated that Revenue 3025, State Aid Indigent Legal Services, the \$15,000 is some back-grant money and money that we can take in attributable to the panel. In light of what has happened with the panel, he has reduced it by \$10,000 making it \$5,000. 3025.100, State Aid Public Defender/Coordinator, is \$140,200 and should be \$200,200. We get back 100% of what is spent.

Recess until November 22, 2019.