

AGENDA CONTINUED

MARCH 5, 2020

RESOLUTIONS:

- No. 16 A Local Law Repealing Local Law No. 1 of 1982 and Imposing Requirement for Written Notice Precedent to Commencement of Litigation Against the County of Hamilton Arising from Defective Condition of County Highway, Bridge or Culvert
- No. 17 Supporting NYS Budget Funding for the Full Time District Attorney Position in Hamilton County
- No. 18 Authorizing Chairman to Sign Public Defense Case Management System Agreement
- No. 19 Resolution in Support of Hamilton and Essex County Solid Waste Funding
- No. 20 Authorizing the Chairman to Sign Contracts with Facilitators, Presenters and Guides and Payment for Specific Expenses for the 2020 Birding Festival
- No. 21 Authorizing Creating and Transferring Payroll Accounts – Public Health
- No. 22 Approval of Audits in County Highway Funds
- No. 23 Approval of Audits in the County General Fund and Capital Project 2019-1 Halloween Storm

RESOLUTION NO.

**A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 1982 AND IMPOSING
REQUIREMENT FOR WRITTEN NOTICE PRECEDENT TO COMMENCEMENT OF
LITIGATION AGAINST THE COUNTY OF HAMILTON ARISING FROM
DEFECTIVE CONDITION OF COUNTY HIGHWAY, BRIDGE OR CULVERT**

DATED: MARCH 5, 2020

BY

BE IT RESOLVED, that proposed Local Law No. 7 of the year 2020 entitled respectively, "A Local Law Repealing Local Law No. 1 Of 1982 And Imposing Requirement For Written Notice Precedent To Commencement Of Litigation Against The County Of Hamilton Arising From Defective Condition Of County Highway, Bridge Or Culvert" be and the same is hereby introduced to the Board of Supervisors, and be it further

RESOLVED, that the copies of the aforesaid proposed Local Law be laid upon the desks of each member of the Hamilton County Board of Supervisors, and be it further

RESOLVED, that the Hamilton County Board of Supervisors shall hold a public hearing on said proposed Local Law at the County Office Complex, Route 8, Lake Pleasant, New York, on the 2nd day of April, 2020, at 11:00 a.m., and be it further

RESOLVED, that the Chairman of the County Board of Supervisors publish or cause to be published a public notice in the official newspaper of the County of said public hearing at least five (5) days prior thereto.

Seconded by

PROPOSED LOCAL LAW NO. 7 OF 2020

State of New York
County of Hamilton

**A LOCAL LAW REPEALING LOCAL LAW NO. 1 OF 1982 AND IMPOSING
REQUIREMENT FOR WRITTEN NOTICE PRECEDENT TO COMMENCEMENT OF
LITIGATION AGAINST THE COUNTY OF HAMILTON ARISING FROM DEFECTIVE
CONDITION OF COUNTY HIGHWAY, BRIDGE OR CULVERT**

WHEREAS, New York Municipal Insurance Reciprocal (NYMIR), an insurer comprised of some 900 NYS municipal members including the County of Hamilton, has by correspondence dated January 29, 2020, recommended that the County of Hamilton update requirements for litigation against the County arising from the defective or dangerous condition of any County highway, bridge or culvert, and

WHEREAS, the foregoing recommendation is premised upon the potential for exposure, prior claim experience, and claim trends impacting NYMIR municipal clients, and

WHEREAS, the Hamilton County Attorney has recommended that Local Law No. 1 of 1982 be repealed and that updated provisions be adopted so as to impose a requirement for written notice precedent to commencement of litigation against the County of Hamilton arising from the defective, unsafe or dangerous condition of a County highway, bridge or culvert, and

WHEREAS, the Hamilton County Board of Supervisors desires to repeal Local Law No. 1 of 1982, and to adopt updated provisions imposing a requirement for written notice precedent to commencement of litigation against the County of Hamilton arising from a defective, unsafe or dangerous condition of a County highway, bridge or culvert, now, therefore,

BE IT ENACTED, by the Board of Supervisors of the County of Hamilton that Local Law No. 1 of 1982 is hereby repealed and rescinded, and in place and instead of said provisions, the said Board of Supervisors enacts as follows:

Section 1: No civil action shall be maintained against the County of Hamilton, the Hamilton County Superintendent of Public Works or any employee of the County of Hamilton for damages or injuries to person or property sustained by reason of any highway, bridge, culvert or other property owned by the County of Hamilton, being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert or any other property owned by the County of Hamilton, was actually given to the Clerk of the Hamilton County Board of Supervisors or to the Hamilton County Superintendent of Public Works, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any town, state, or county highway, bridge, culvert or any other property owned by the County of Hamilton unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Hamilton County Board of Supervisors or to the Hamilton County Superintendent of Public Works and there was a failure or

neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2: No civil action shall be maintained against the County of Hamilton and/or the Hamilton County Superintendent of Public Works for damages or injuries to person or property sustained by reason of any defect in the sidewalks or the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the County of Hamilton and/or the Hamilton County Superintendent of Public Works pursuant to law, nor shall any action be maintained for damages or injury to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Clerk of the Hamilton County Board of Supervisors or to the Hamilton County Superintendent of Public Works and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 3: The Hamilton County Superintendent of Public Works shall transmit in writing to the Clerk of the Hamilton County Board of Supervisors within ten (10) days after the receipt of any written notices received by said Superintendent pursuant to this local law, and the Clerk of the Hamilton County Board of Supervisors shall keep an indexed record, in a separate book, of all written notices which said Clerk shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The Clerk of the Hamilton County Board of Supervisors shall preserve the record of each notice for a period of at least five (5) years after the date it is received.

Section 4: The Clerk of the Hamilton County Board of Supervisors shall transmit in writing to the Hamilton County Superintendent of Public Works a copy of any written notice of defect, unsafe, dangerous or obstructed conditions filed in accordance herewith, which has not previously been filed with the Hamilton County Superintendent of Public Works, within ten (10) days after receipt of such notice, and such Superintendent shall take any and all corrective action with respect thereto, as soon as reasonably practicable.

Section 5: This local law shall take effect immediately upon its filing in the Office of the Secretary of State.

RESOLUTION NO.

**SUPPORTING NYS BUDGET FUNDING FOR THE FULL TIME DISTRICT
ATTORNEY POSITON IN HAMILTON COUNTY**

DATED: MARCH 5, 2020

BY

WHEREAS, the Hamilton County Board of Supervisors unanimously passed a Resolution requesting an Amendment of Section 700 of the County Law to make the Hamilton County District Attorney position Full Time, and

WHEREAS, the NYS Senate and NYS Assembly both passed S4632 and A7215 respectively, and

WHEREAS, the Governor's Veto of said Legislation indicated the need for this change to be included in the NYS Budget, and

WHEREAS, the Hamilton County Board of Supervisors understands the need for this inclusion and similarly still needs this critical change, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby requests that the needed change to Section 700 be included in the NYS Budget, and be it further

RESOLVED, that copies of this Resolution be forwarded to Governor Cuomo, Senator Gaughran, Senator Tedisco, Assemblyman Thiele, and Assemblyman Smullen.

Seconded by

RESOLUTION NO.

**AUTHORIZING CHAIRMAN TO SIGN PUBLIC DEFENSE CASE MANAGEMENT
SYSTEM AGREEMENT**

DATED: MARCH 5, 2020

BY

BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign an agreement with the New York State Defenders Association, Inc. for use of the Public Defense Case Management System.

Seconded by

RESOLUTION NO.

**RESOLUTION IN SUPPORT OF HAMILTON AND ESSEX COUNTY SOLID WASTE
FUNDING**

DATED: MARCH 5, 2020

BY

WHEREAS, Hamilton and Essex Counties have worked with NYS over the last 2 decades to prevent the disposal of Solid Waste within the Adirondacks, and

WHEREAS, the agreements to do so have expired and NYS DEC has neither extended those agreements nor funded outside the Park disposal within the EPF, and

WHEREAS, both Counties have continued to work in good faith to protect Adirondack ground water from the impacts of Solid Waste disposal within the Adirondacks, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors respectfully calls upon the Governor, the Legislature, and NYS DEC to continue to make Adirondack ground water a top priority, and be it further

RESOLVED, that the Hamilton County Board of Supervisors request the extension of these agreements and the restoration of this critical funding, and be it also

RESOLVED, that copies of this Resolution be forwarded to the Governor, Senator Tedisco, Senator Little, Assemblyman Smullen, Assemblyman Stec, and DEC Commissioner Basil Seggos.

Seconded by

RESOLUTION NO.

**AUTHORIZING THE CHAIRMAN TO SIGN CONTRACTS WITH FACILITATORS,
PRESENTERS AND GUIDES AND PAYMENT FOR SPECIFIC EXPENSES FOR THE
2020 BIRDING FESTIVAL**

DATED: MARCH 5, 2020

BY

WHEREAS, Hamilton County is sponsoring a county-wide Birding Festival in June of 2020, and

WHEREAS, this Festival consists of numerous separate events from June 11-14, 2020 including: outings, lectures, seminars and certain events will require paid guides, facilitators or presenters, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign contracts with guides, facilitators and presenters approval of the County Attorney as follows:

Each guide or facilitator will receive per outing, with a daily limit of two (2) guided outings per guide as follows:

4 hours or less \$100.00
5 hours or less \$125.00
6 hours or more \$150.00

Total number of guided outings not to exceed eight (8) per each day of the festival.

Outings, Lectures, and Related Events not to exceed a total of \$5,000.00 from Publicity budget 6410.404, Event Funding and the County Treasurer be so notified.

Seconded by

RESOLUTION NO.

**AUTHORIZING CREATING AND TRANSFERRING PAYROLL ACCOUNTS –
PUBLIC HEALTH**

DATED: MARCH 5, 2020

BY

WHEREAS, in an attempt to streamline the County Budget and more accurately account for staff time certain Nursing salaries need to be moved to Public Health, and

WHEREAS, these changes are all simple transfers within the Nursing Service, and

WHEREAS, these changes were recommended by the Nursing Service CPA, the Chairman of the Finance Committee, the Chairman of the Health Committee, and the Budget Officer, now, therefore, be it

RESOLVED, that the Hamilton County Treasurer is hereby authorized to create the following Payroll Accounts and fund them by the following transfers:

A4010.102 to A4050.0121	Director of Patient Services	\$ 73,106.00
A4010.104 to A4050.0122	RP Nurse #4	\$ 52,040.00
A4010.105 to A4050.0123	RP Senior RN	\$ 78,925.00
A4010.106 to A4050.0124	RP Nurse #3	\$ 52,930.00
A4010.109 to A4050.0125	P/T On-Call RN	\$ 10,000.00
A4010.113 to A4050.0126	RN Temp.	\$ 7,280.00
A4010.114 to A4050.0127	Medical Director	\$ 13,402.00
A4010.115 to A4050.0128	Home Health Aide North	\$ 34,359.00
A4010.116 to A4050.0129	Home Health Aide South	\$ 29,418.00
A4010.119 to A4050.0130	Home Health Aide	\$ 31,064.00

Seconded by

RESOLUTION NO.

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: MARCH 5, 2020

BY

RESOLVED, that the bills in the Machinery Fund amounting to \$228,799.39 and bills in the County Road Fund amounting to \$142,212.69 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 2019-1 HALLOWEEN STORM

DATED: MARCH 5, 2020

BY

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$279,797.86 by the following committees:

Public Works (Buildings) Committee.....	\$34,281.28
Public Works (Solid Waste) Committee	19,279.20
Finance Committee	15,586.35
Health Committee.....	28,847.17
Human Services Committee.....	20,404.52
Central Government Committee	17,967.09
Emergency Prep./Emergency Response.....	14,219.98
Publicity, Tourism, Economic Development & Planning Committee.....	127,371.64
Internal Management Committee	1,840.63

be it further

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

Halloween Storm Capital Project 2019-1.....	\$ 3,693.00
---	-------------

are hereby approved.

Seconded by