

SECOND SPECIAL SESSION
MAY 24, 2021
Board of Supervisors – County of Hamilton
Lake Pleasant, New York

Mrs. Laura A. Abrams, Clerk
Board of Supervisors of Hamilton County
Lake Pleasant, New York 12108

Dear Clerk:

WHEREAS, the undersigned, we the majority of the members of the Board of Supervisors of Hamilton County, do hereby request you to call a Special Session pursuant to Section 152 of the County Law, to be held at the Chambers of the Board, in the Town of Lake Pleasant, in said County on Monday, May 24, 2021 at 10:45 A.M. for the purpose of considering Proposed Local Law No. 1 of 2021 A Local Law Adopting a Pilot Youth Deer Hunting Program and for any other business that may come before said Board.

Arietta _____	Richard A. Wilt
Benson _____	John M. Stortecky
Hope _____	ABSENT
Indian Lake _____ Via Zoom	Brian Wells
Inlet _____	ABSENT
Lake Pleasant _____	Betsy A. Bain
Long Lake _____ Via Zoom	Clay J. Arsenault
Morehouse _____	William G. Farber
Wells _____	Nick Mauro

A Bid Opening was previously held on May 13, 2021 at 2:00 PM in the Hamilton County Board of Supervisors' Chambers in the Town of Lake Pleasant, NY for the Replacement of the Old Piseco Road (CR 24) Culvert over an Outlet of Oxbow Lake.

Present at the bid opening were Laura Abrams-Clerk of the Board, Tracy Eldridge-Highway Superintendent, Sherry Kearn-Project Engineer for Greenman Pedersen and representatives from the bidding companies.

Tracy Eldridge, Highway Superintendent opened the following bids:

1. D.H. Smith Co., Inc.
PO Box 293
Clayville, NY 13322 \$466,342.43
2. Luck Bros., Inc.
73 Trade Rd
Plattsburgh, NY 12901 \$578,365.82

- | | |
|---|--------------|
| 3. Carver Construction
494 Western Turnpike
Altamont, NY 12009 | \$507,145.00 |
| 4. Slate Hill Constructors, Inc.
6573 Herman Rd
PO Box 279
Warners, NY 13164 | \$557,898.00 |
| 5. Tioga Construction Company, Inc.
333 Gros Blvd.
Herkimer, NY 13350 | \$589,796.00 |

Mr. Eldridge thanked everyone for their interest and stated that Sherry Kearns, Project Engineer for Greenman Pedersen, would be taking the bids back to make sure the low bidder meets all specifications.

Reports of Standings/Special Committees:

Ms. Bain: Stated the County Health Department and Nursing staff wanted to put together a Retirement Celebration for Barbara Taylor as well as a Thank You Celebration for the volunteers and Supervisors that helped during the COVID Pandemic. She would email the Supervisors attending via ZOOM. It will be Friday, July 2nd from 1-4:00 PM at Byron Park, there is no fee.

The Chairman stated we have a public hearing scheduled for 11 AM and several resolutions on the agenda because they were time sensitive.

RESOLUTIONS:

RESOLUTION NO. 128-21

CHANGING DATE OF HAMILTON COUNTY BOARD OF SUPERVISORS' JUNE MEETING

DATED: MAY 24, 2021

BY MR. STORTECKY:

WHEREAS, there is a conflict for multiple Supervisors for the Hamilton County Board of Supervisors' meeting scheduled for June 3, 2021, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors' meeting previously scheduled for June 3, 2021 be re-scheduled for Friday, June 4, 2021 at 10:30 AM.

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

AYES: WILT, STORTECKY, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: TOMLINSON AND FREY

RESOLUTION NO. 129-21

AUTHORIZING REGISTRATION PAYMENT FOR CORONER 101 COURSE

DATED: MAY 24, 2021

BY MR. ARSENAULT:

WHEREAS, Carl Turner, District #4 Coroner has requested to attend the New York State Association of County Coroners & Medical Examiners Coroner 101 Course scheduled for June 26, 2021 in Syracuse, NY, and

WHEREAS, the registration payment must be received prior to June 4, 2021, be it

RESOLVED, that the County Treasurer is hereby authorized to make payment in the amount of \$500.00 from Account No. A1185.0401 Travel to NYSACCME, 6179 Middle Road, Munnsville, NY 13409.

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

AYES: WILT, STORTECKY, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: TOMLINSON AND FREY

After the following resolution was placed on the floor; the Chairman stated that Paul Smith's, through the Adirondack Watershed Institute, has a lab that supports a lot of the work that Soil & Water does. For those that have been around longer, you may remember that 3 years ago Paul Smith's and Soil & Water were in touting 25 years of water quality monitoring and because of that partnership they got more robust data. Paul Smith's is pursuing funding to assist with lab costs. This resolution is to join Franklin County in supporting that application.

Mr. Steve Tomlinson joined the meeting via ZOOM during the Chairman's discussion.

RESOLUTION NO. 130-21

**HAMILTON COUNTY BOARD OF SUPERVISORS JOINS FRANKLIN COUNTY
SUPPORTING PAUL SMITH'S COLLEGE ADIRONDACK WATERSHED INSTITUTE
GRANT PROPOSAL**

DATED: MAY 24, 2021

BY MR. STORTECKY:

WHEREAS, the lakes and streams of Franklin County, Hamilton County and the Adirondacks are irreplaceable assets that support our economy and society by providing recreational opportunities and jobs for residents in all our Adirondack Counties, and

WHEREAS, throughout the Adirondacks, residents and visitors alike depend on our water resource (lakes, streams, and drinking water), and

WHEREAS, the Paul Smith's College Adirondack Watershed Institute through its monitoring, stewardship and community engagement programs plays a central role in protecting the freshwater resources throughout the Adirondacks, and

WHEREAS, Paul Smith's College and its Adirondack Watershed Institute are one of the largest employers in Franklin County, as well as providing critical jobs to monitor and steward our water resources through the Adirondacks, and

WHEREAS, the Paul Smith's College Adirondack Watershed Institute has identified a critical need to expand and improve its facility to grow its programs, attract new funding and to provide both permanent and seasonal jobs, now, therefore, be it

RESOLVED, the Hamilton County Board of Supervisors joins the Franklin County Legislature in hereby supporting Paul Smith's College Adirondack Watershed Institute grant proposal to expand and upgrade its facilities and to obtain grant funds through federal Community Project Funding.

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

AYES: WILT, STORTECKY, TOMLINSON, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: FREY

RESOLUTION NO. 131-21

**PROCLAMATION DESIGNATING MAY 28, 2021 AS THE HEDGES CENTENNIAL
DAY**

DATED: MAY 24, 2021

BY MR. WELLS:

WHEREAS, The Hedges on Blue Mountain Lake opened its doors to the first guests on May 28, 1921, and

WHEREAS, in 1920 Richard and Margaret Collins had purchased the Great Camp of Hiram B. Duryea, and

WHEREAS, in 1880 retired Civil War hero Brigadier General Duryea had acquired the land to escape from city life, and

WHEREAS, Duryea constructed a cluster of buildings including the Main Lodge, the Stone Lodge, a horse barn and carriage house, and from that beginning the Collins family added the Dining Room Lodge and numerous other buildings to create what is today a beloved rustic resort, and

WHEREAS, upon Richard's death in 1943, Richard and Margaret's son John, Sr. became the General Manager, and The Hedges continued to grow in popularity, with families returning year after year, and

WHEREAS, in 1973, The Hedges was sold to Richard and Catherine Van Yperen who maintained its charm and beauty for the next 27 years with the participation of many family members, and

WHEREAS, in 2000 when the Van Yperens wished to retire, they sold The Hedges to Pat and Rip Benton. Two years later, after Rip died, Pat took on the management alone, and

WHEREAS, Pat Benton advocated that the site and buildings of The Hedges be placed on the National Register of Historic Places, and

WHEREAS, in 2018, a coalition of loyal guests purchased The Hedges so Pat could retire and in 2019 Jamie Thomas became the General Manager, and

WHEREAS, nearly 900 are guests each season and 50 are employed, The Hedges has continuously welcomed guests and operated as a successful business benefiting the regional economy for 100 years, and

WHEREAS, in 2020, an historic marker was installed on Hedges Road recognizing the origin of the Duryea Camp in 1880 and the Collins family opening The Hedges for guests in 1921, and

WHEREAS, in commemoration of the 100th anniversary in 2021, a book about its history: "The Hedges: The Story of Twelve Precious Acres on Blue Mountain Lake" has been published, and

WHEREAS, the Centennial season will begin on June 9, 2021, with appropriate safety practices and with on-site celebratory activities for guests and staff, therefore, be it

RESOLVED, the Board of Supervisors do hereby proclaim that Hamilton County, New York recognizes the commemoration of that day in 1921 when The Hedges on Blue Mountain Lake opened and welcomed its first guests and hereby designates May 28, 2021, as THE HEDGES CENTENNIAL DAY.

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

AYES: WILT, STORTECKY, TOMLINSON, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: FREY

After the following resolution was placed on the floor; the Chairman stated to Mr. Wells that Tracy Eldridge, Highway Superintendent, was in and went over both resolutions with the Board. The general consensus followed the conversation that they had with Mr. Eldridge via email.

RESOLUTION NO. 132-21

AWARD OF BID FOR OXBOW LAKE OUTLET CULVERT PROJECT

DATED: MAY 24, 2021

BY MR. WILT:

WHEREAS, Hamilton County DPW solicited bids for the replacement of the Oxbow Lake Outlet Culvert located on County Route 24, (Old Piseco Road) in the Town of Arietta, and

WHEREAS, five (5) bids were received as follows –

- | | |
|------------------------------------|--------------|
| 1. D. H. Smith Co., Inc - | \$466,342.43 |
| 2. Carver Construction - | \$507,145.00 |
| 3. Slate Hill Constructors, Inc. - | \$557,898.00 |
| 4. Luck Brothers, Inc. - | \$578,365.82 |
| 5. Tioga Construction Co., Inc - | \$589,796.00 |

and

WHEREAS, Greenman –Pedersen, Inc. consulting firm for Hamilton County has reviewed the said bids recommends that the award be made to D. H. Smith Co., Inc of Clayville, NY, and

WHEREAS, the County Highway Superintendent has sent the approval recommendation to the New York State Department of Transportation (NYSDOT) for their approval, be it

RESOLVED, the Hamilton County Board of Supervisors hereby award the bid for the Oxbow Lake Outlet Culvert Project to D. H. Smith Co., Inc, PO Box 293, Clayville, NY 13322 in the amount of \$466,342.43 contingent on NYSDOT approval, and be it further

RESOLVED, when Hamilton County receives approval from NYSDOT the Board of Supervisors hereby authorize the Chairman of the Board to enter into an agreement with D. H. Smith Co, Inc for the said culvert project with the approval of the County Attorney, and the County Treasurer, Highway Superintendent and Clerk of the Board be so notified.

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

AYES: WILT, STORTECKY, TOMLINSON, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: FREY

RESOLUTION NO. 133-21

AUTHORIZING TRANSFER OF FUNDS FOR BUILDINGS

DATED: MAY 24, 2021

BY MR. MAURO

WHEREAS, Account No. A1620.413 Projects IL & LP is over expended because of building renovations, broadband installation costs and fuel line costs, and

WHEREAS, the DPW still has to complete sidewalk repairs at the Indian Lake Building Complex and pave the parking lot where the fuel lines were installed, be it

RESOLVED, the County Board of Supervisors does hereby approve the transfer of \$35,000.00 from the Unappropriated General Fund Balance in accordance with Section 366 Subdivision 1 of the County Law to Account No. A1620.413 Projects and the County Treasurer be so authorized and the Clerk of the Board and DPW Superintendent be so notified.

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

AYES: WILT, STORTECKY, TOMLINSON, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: FREY

The Chairman discussed that during the Emergency Preparedness/Emergency Response Committee the next resolution was discussed. He apologized that not everyone has the resolution in front of them. This resolution amends Resolution No. 19-21 of January 7, 2021 and it simply amends the start date for the boat patrol program from June 19, 2021 to May 28, 2021. This is because of the boat traffic they are already experiencing on the lakes and the number of calls that they have been getting.

RESOLUTION NO. 134-21

AMENDING RESOLUTION NO. 19-21 – AUTHORIZATION TO HIRE FIVE BOAT PATROLMEN TO SERVE IN SHERIFF’S OFFICE

DATED: MAY 24, 2021

BY MR. STORTECKY:

WHEREAS, Resolution No. 19-21 authorized a start date of June 19th for the Sheriff’s Boat Patrol, and

WHEREAS, it has been determined that there is a need for them to start prior to Memorial Day, be it

RESOLVED, that Resolution No. 19-21 is hereby amended to start the Sheriff’s Boat Patrol on May 28, 2021.

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

AYES: WILT, STORTECKY, TOMLINSON, WELLS, BAIN, ARSENAULT, FARBER AND MAURO

NAYS: NONE

ABSENT: FREY

The Chairman stated, in terms of bookkeeping, the sheet was sent around that they all sign for special meetings; he asked if it was agreeable with Mr. Wells, Mr. Arsenault and Mr. Tomlinson that Laura Abrams, Clerk of the Board initial on their behalf and note that they joined the Board via ZOOM so they have it for the record. All three agreed.

11:00 AM – The Chairman asked to open the Public Hearing on Proposed Local Law No. 1 of 2021 A Local Law Adopting a Pilot Youth Deer Hunting Program

A motion was made to open the Public Hearing on Proposed Local Law No. 1 of 2021 A Local Law Adopting a Pilot Youth Deer Hunting Program by Mr. Arsenault, seconded by Mr. Mauro. Carried.

No public present.

Mr. Richard Wilt left the meeting at 11:05 AM.

The Chairman stated that he had a phone conversation with Aaron Ross. The conversation was to make the Board of Supervisors aware that not unlike the Tobacco 21 initiative that went county by county before the state changed the smoking age from 18 to 21; there is now an initiative being led by a grass roots effort to promote Tobacco 25 and they are reaching out to counties to see if counties want to proactively raise the age for tobacco sales to 25 rather than 21. He stated he had a nice conversation with him but this is not an initiative that apparently has gone very far. Mr. Ross had indicated that only one county, that he was aware of, had seen it through to passage. There were a couple of other counties that had agreed to look at it. The Chairman stated that he did confess to him that the Hamilton County Board of Supervisors' approach, when it was Tobacco 21, was that they felt that it was a state issue and that the state should deal with it. Mr. Ross did ask that he bring the request to the Board.

The Chairman briefed Mr. Wells, Mr. Arsenault and Mr. Tomlinson on Personnel Officer Kimberly Byrne's meeting. She had come earlier as part of the Internal Management Committee meeting where she had talked to them about her software. She also briefed them on the changes she has made to the COVID policy which included doing away with the travel authorization forms since the rules around travel have changed as well as the rules around mask wearing.

Other Reports:

Ms. Bain: Asked if they should discuss Sheriff Abrams' earlier meeting where he discussed smoking marijuana on county property. The Chairman stated that during Sheriff Abrams' committee meeting he requested the opportunity to move forward and fill the vacant deputy position that is within his budget. They talked as a Board and concluded that the fiscal situation around the County is not such at that point in time where they feel there is any need for a hiring freeze. During that discussion they also talked about the RN position in nursing as well as the vacancy in the County Clerk's Office. They concluded that they were all in line with each other and that he should feel free to go ahead and fill it. The Sheriff also alerted the Board to the fact that now with marijuana legalized that above and beyond the issues that the towns are dealing with Hamilton County might want to think about what the policy is in terms of the public smoking marijuana on grounds. The Board didn't take action but did appreciate his alerting them. They are taking it seriously as they are looking at things like the handbook and grounds policy. The last thing discussed was the Memorial Day Parade in Inlet.

Ms. Bain: Asked the Supervisors who attended via ZOOM if their towns were opting out regarding marijuana? Mr. Arsenault was bringing it up to his Board at their next meeting. Not a single person has asked him in town about this to date. Mr. Tomlinson stated that there had been nothing in

Hope. They would be bringing it up at his next meeting. Mr. Wells stated that he handed out the literature to his Board. He had two people talk to him about it and both people are in favor.

The Chairman remembered one other thing that Sheriff Abrams mentioned. Sheriff Abrams was asked if the County was giving the employees Juneteenth off. Ms. Byrne had discussed the holiday schedule with the Board. The Board had discussed this when they adopted the holiday schedule and decided that they would not change the 2021 schedule. The Supervisors present during that meeting concluded that they didn't want to go back and amend after the fact. It was something they could look at this fall during the holiday schedule discussion for 2022. He asked for their input. Mr. Arsenault stated that it made sense to wait. The Chairman asked Mr. Wells because it was at the Indian Lake Police Reform group meeting that Sheriff Abrams was asked about it. Mr. Wells stated that he hadn't been approached about it. The Chairman asked what the Town of Indian Lake was doing in terms of holiday schedule. He said that the Town of Morehouse adopts the County schedule. Mr. Wells stated that one of the changes they had made was Martin Luther King Day was a floating holiday and now it is mandatory.

A motion was made to close the Public Hearing on Proposed Local Law No. 1 of 2021 A Local Law Adopting a Pilot Youth Deer Hunting Program by Mr. Stortecky, seconded by Mr. Arsenault. Carried.

The Chairman called for a motion to adopt Local Law No. 1 of 2021 A Local Law Adopting a Pilot Youth Deer Hunting Program.

Motion: Mr. Mauro
Second: Ms. Bain

LOCAL LAW NO. 1 OF 2021

State of New York
County of Hamilton

A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

BE IT ENACTED by the County of Hamilton as follows:

SECTION 1. Title

This Local Law shall be known as "A Local Law Adopting a Pilot Youth Deer Hunting Program."

SECTION 2. Purpose

Consistent with the provisions of Environmental Conservation Law section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

SECTION 3. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2[c];
2. New York Municipal Home Rule Law, § 10; and
3. New York Environmental Conservation Law § 11-0935.

SECTION 4. Definitions

1. “Eligible area” means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. “Hunting license holder” means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. “Legal guardian” means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
4. “Mentor” means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor’s parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. “Minor” means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.
6. “Parent” means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
7. “Physical control” means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

SECTION 5. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the County of Hamilton upon (a) the adoption of this Local Law by the Board of Supervisors for the County of Hamilton, State of

New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

Hamilton County hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

SECTION 6. Eligibility and Requirements

1. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Hamilton when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.

2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.

3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.

5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

SECTION 8. Filing

In accordance with ECL § 11-0935.2, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation. And in accordance with Municipal Home Rule § 27, a copy shall be filed with the New York State Department of State.

SECTION 9. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

SECTION 10. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 11. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law

AYES: BENSON (192), HOPE (403), INDIAN LAKE (1352) LAKE PLEASANT (781),
LONG LAKE (711), MOREHOUSE (86), WELLS (674) = 4,199

NAYS: NONE

ABSENT: ARIETTA (304), INLET (333) = 637

As there was no further business, motion to adjourn by Mr. Mauro, seconded by Mr. Arsenault.
Carried.