

AGENDA CONTINUED

MARCH 1, 2018

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- No. 18 Authorizing Contract with Nancy Berkowitz, Community Development Consultant – Adirondack Hamlets to Huts Implementation Project
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RESOLUTION NO.

OPPOSITION TO TAXABLE NYS OWNED LAND CONVERSION TO PILOTS

DATED: MARCH 1, 2018

BY

WHEREAS, State-owned lands are currently assessed by the local municipality where the State land is located, and

WHEREAS, Governor Andrew Cuomo is proposing to convert the local assessment of taxable State-owned land into a Payment in Lieu of Taxes (“PILOT”) program based on existing tax amounts to be increased each year by the allowable levy growth factor, and

WHEREAS, said payment change will result in loss of local assessment of taxable State-owned as well as loss in tax revenue to local municipalities due to changes in value not reflected in a PILOT agreement, now, therefore, be it

RESOLVED, by the Hamilton County Board of Supervisors that the assessments of taxable State-owned land should remain under control of the local municipality where such property is located and is hereby opposed to New York State converting the assessment of taxable State-owned land into a Payment in Lieu of Taxes, and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew Cuomo, New York Senator Elizabeth Little and New York Assemblyman Dan Stec.

Seconded by

RESOLUTION NO.

**HAMILTON COUNTY DECLARATION PERTAINING TO OPIOID COST
RECOVERY AND DETERMINATION OF PUBLIC NUISANCE**

DATED: MARCH 1, 2018

BY

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

I. Purpose and intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing the County of Hamilton (the “County”). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This Resolution clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

II. Definitions.

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

III. Governmental function cost recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a

responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

IV. Effect of criminal or civil proceedings on governmental function cost recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

V. Public nuisance.

The County hereby finds and declares the following:

- 1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- 2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- 3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- 4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- 5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- 6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact resolutions and ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the County determines to be a public nuisance;
- 7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- 8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

VI. Retroactive application.

This legislation applies retroactively.

Seconded by

RESOLUTION NO.
CORRECTING 2017 BUDGET OVERAGES

DATED: MARCH 1, 2018

BY

WHEREAS, there were several accounts with overages at the end of 2017, be it

RESOLVED, that the County Treasurer be authorized to make the following transfers:

FROM:

A1990.0401 Contingent	\$6,382.38
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TO:

A1010.0101 Chairman	\$6.50
A1010.0102 Board of Supervisors	\$26.88
A1420.0101 County Attorney	\$.08
A1420.0102 Assist. County Attorney	\$.10
A1620.0107 Buildings Overtime	\$1,003.19
A3140.0102 Probation Director	\$.34
A3140.0103 Probation Officer	\$.30
A4010.0102 PH Dir. of Patient Services	\$4,854.10
A4310.0101 MH Clinical Social Worker	\$.86
A4310.0102 MH Community Services Dir.	\$.52
A4310.0110 MH Case Worker	\$488.05
A4310.0111 MH CCSI Coordinator	\$1.38
A7510.0101 County Historian	\$.08

Seconded by

RESOLUTION NO.

2017 INCREASE COURT SECURITY ACCOUNT

DATED: MARCH 1, 2018

BY

WHEREAS, there is a shortage of funds in Account No. A3110.114 Court Security, be it

RESOLVED, that the County Treasurer is hereby authorized to increase Account No. A3110.114 – Court Security by \$1,101.53 to be totally offset by increasing Revenue Account No. A3330 – Court Security by \$1,101.53.

Seconded by

RESOLUTION NO.

**AUTHORIZING AND FUNDING TEMPORARY POSITION IN CLERK OF THE
BOARD'S OFFICE**

DATED: MARCH 1, 2018

BY

WHEREAS, the Clerk of the Board has requested the authorization to hire a part time temporary position in her office, be it

RESOLVED, that the Clerk of the Board is hereby authorized to hire Cheryl Paestella as an Account Clerk/Computer Support Aide Grade 6, Step 12 at \$23.243 per hour for up to 14 hours per week for 4 weeks, and be it further

RESOLVED, that the County Treasurer be authorized to transfer \$1,350.00 from Contingent Account No. A1990.0401 to Clerk of the Board Account No. A1040.0103 Temporary and the Personnel Officer be so notified.

Seconded by

RESOLUTION NO.

**AUTHORIZING CONTRACT WITH ADIRONDACK HAMLETS TO HUTS -
ADIRONDACK HAMLETS TO HUTS IMPLEMENTATION PROJECT**

DATED: MARCH 1, 2018

BY

WHEREAS, Hamilton County wishes to implement the recommendations of the Adirondack Community based Trails and Lodging System Plan, and

WHEREAS, the Adirondack Community based Trails and Lodging System Plan has recommended the implementation of the plan, phase 2, be implemented by the Hamlets to Huts Project, and

WHEREAS, Hamilton County has received funding to undertake the activities needed to implement the Hamlets to Huts Program through the Department of State under the 2017 EPF LWRP funding round in the full amount of \$219,375, and

WHEREAS, the Department of State will contract with Hamilton County to provide contractual services of \$186,469 for project implementation effective January 1, 2018 for a three year period, and

WHEREAS, Adirondack Hamlets to Huts, with offices on 47 Main Street in Saranac Lake, NY, has been formed as a not-for-profit firm, ID 81-4833239, specifically as recommended by the Adirondack Community Based Trails and Lodging Program to carry out the activities of the implementation of the plan, phase 2, Hamlets2Huts and is therefore uniquely qualified to provide the implementation of such contracted grant work program including activities such as developing a network of affiliate lodging, developing a reservation system, marketing and advancing trail and travel routes, therefore, be it

RESOLVED, that upon approval by the County Attorney, the Chairman of the Hamilton County Board of Supervisors is hereby authorized to enter into a contract with Adirondack Hamlets to Huts, with offices on 47 Main Street in Saranac Lake, NY, for the Adirondack Hamlets to Huts Implementation Project for an amount not to exceed \$186,469.00 and will include all such sub-contracts needed for project completion.

Seconded by

RESOLUTION NO.

**AUTHORIZING CONTRACT WITH NANCY BERKOWITZ, COMMUNITY
DEVELOPMENT CONSULTANT - ADIRONDACK HAMLETS TO HUTS
IMPLEMENTATION PROJECT**

DATED: MARCH 1, 2018

BY

WHEREAS, Hamilton County wishes to implement the recommendations of the Adirondack Community based Trails and Lodging System Plan, and

WHEREAS, the Adirondack Community based Trails and Lodging System Plan has recommended the implementation of the plan, phase 2, be implemented by the Hamlets to Huts Project, and

WHEREAS, Hamilton County has received funding to undertake the activities needed to implement the Hamlets to Huts Program through the Department of State under the 2017 EPF LWRP funding round in the amount of \$219,375, and

WHEREAS, the Department of State will contract with Hamilton County to provide contractual services of \$186,469 for project implementation and \$32,906 Administration effective January 1, 2018 for a three year period, and

WHEREAS, Nancy Berkowitz, Community Development Consultant is uniquely qualified to provide administration of such contracted grant work program including activities such as the preparation of progress reports and payment requests as required by the funding agency and remuneration for administrative services under this contract is within the Hamilton County Procurement Policy for contract services, therefore, be it

RESOLVED, that upon approval by the County Attorney, the Chairman of the Hamilton County Board of Supervisors is hereby authorized to enter into a contract with Nancy Berkowitz PO Box 104, Blue Mountain Lake, NY 12812, for the contract administration of the Adirondack Hamlets to Huts Implementation Project for an amount not to exceed \$32,906.00.

Seconded by

RESOLUTION NO.

AUTHORIZING APPOINTMENT OF PHYSICAL THERAPIST

DATED: MARCH 1, 2018

BY

WHEREAS, interviews were done in attempt to hire a Physical Therapist for the Public Health Nursing department, and

WHEREAS, the Director of Public Health would like to offer Jo Ann Marsala, who is currently a contracted physical therapist for Hamilton County, the full-time physical therapist position, and

WHEREAS, Ms. Marsala has numerous years of experience as a physical therapist and would like to receive credit for those years of service and the Director of Public Health agrees that she should be compensated for those years, now, therefore, be it

RESOLVED, that Jo Ann Marsala be offered the position as Hamilton County's full-time physical therapist and based on her prior years of experience, will be hired at Grade 19, Step 2 at a salary of \$56,766, and be it further

RESOLVED, that the County Treasurer and the Personnel Officer be so notified.

Seconded by

RESOLUTION NO.

**AMENDING AMOUNT OF 2017 APPROPRIATION AND REVENUE FOR STATE
SNOW & ICE CONTRACT**

DATED: MARCH 1, 2018

BY

WHEREAS, the budget appropriation amount for State Snow removal for 2017 was set and duly adopted for \$850,000.00 for Account No. D5144.400 for State Snow & Ice Contract, and

WHEREAS, the budget revenue amount for the State Snow for 2017 was set and duly adopted for \$850,000.00 for Account No. D2302.0000 (Snow Removal other Govt) for a total offset of expenditures, and

WHEREAS, the said amounts mentioned herein are estimated by the County Highway Superintendent based on the previous year's expenditures, and

WHEREAS, because of variations of winter conditions the Highway Department has over expended the 2017 budget estimate in the following amounts:

D5144.401 Equipment Rental -	\$108,298.65
D5144.402 Salt -	\$128,131.05

be it

RESOLVED, the 2017 budget appropriation for Account No. D5144.401 Equipment Rental by \$108,298.65 and Account No. D5144.402 Salt be increased by \$128,131.05 and increase Revenue Account No. D2302.0000 by \$236,429.70 and that hereby the County Treasurer be so authorized and the Clerk of the Board and Highway Superintendent be so notified.

Seconded by

RESOLUTION NO.

AUTHORIZING TRANSFER OF FUNDS FOR PART TIME CLEANER

DATED: MARCH 1, 2018

BY

WHEREAS, the Superintendent made a mistake on the Buildings Part Time Cleaner #2 budget line Account No. A1620.109 Part Time Cleaner #2 for 2018, and

WHEREAS, the adopted 2018 budgeted \$3,000.00 in this line and it should have been \$4,477.98, be it

RESOLVED, the following transfer be made:

From: Account No. A1620.404 Heating	\$1,477.98
To: Account No. A1620.109 Part Time Cleaner	\$1,477.98

and the County Treasurer be so authorized to make the said transfer and the County Highway Superintendent and Clerk of the Board be so notified.

Seconded by

RESOLUTION NO.

AUTHORIZING TRANSFER OF FUNDS FOR FULL TIME CLEANER

DATED: MARCH 1, 2018

BY

WHEREAS, there was a Full Time Cleaner position added to the Building staffing in 2018 and the said position was not budgeted for in the 2018 adopted County Budget, and

WHEREAS, the said position will be funded out of the current budget line in Buildings Account No. A1620.104 Part Time Cleaner which the 2018 adopted budget was funded at \$13,397.00 and will be under funded by \$13,293.56, be it

RESOLVED, the following transfer be made:

From: Account No. A1620.404 Heating	\$13,293.56
To: Account No. A1620.104 Cleaner	\$13,293.56

and the County Treasurer be so authorized to make the said transfer and the County Highway Superintendent and Clerk of the Board be so notified.

Seconded by

RESOLUTION NO.

AUTHORIZING REPAIRS TO TRAILER #985

DATED: MARCH 1, 2018

BY

WHEREAS, the County DPW owns a 2004 Spec-Tec Ejector trailer that needs frame and fifth wheel plate repair immediately, and

WHEREAS, the Superintendent had the said trailer taken to Sowle Auto Body for estimate and repairs, and

WHEREAS, the repairs have been estimated at a cost of \$8,500.00 to complete, be it

RESOLVED, that hereby the Fleet Coordinator is authorized to have the repairs done by Sowle Autobody Corp., Fultonville, NY to the 2004 Spec-Tec trailer and the County Treasurer and Clerk of the Board be so notified.

Seconded by

RESOLUTION NO.

APPROVAL OF AND TRANSFER OF FUNDS FOR 2018 MERIT PAY

DATED: MARCH 1, 2018

BY

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

WHEREAS, the Internal Management Committee met on February 16, 2018 to review merit evaluations, be it

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

HIGHWAY

George Hoffman	March 27, 2018 to March 27, 2019	\$1.43
Diana Stuart	March 10, 2018 to March 10, 2019	\$1.54

BUILDINGS

Diana Stuart	March 10, 2018 to March 10, 2019	\$1.54
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SHERIFF

James Luck	March 20, 2018 to March 20, 2019	\$1.21
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SOCIAL SERVICES

Connie Mahoney	March 10, 2018 to March 10, 2019	\$.22
Laura Wilt	March 31, 2018 to March 31, 2019	\$.88

NURSING

Karina Elkin	March 1, 2018 to March 1, 2019	\$.44
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and be it further

RESOLVED, that the following transfers be made to cover the above 2018 merit pay:

FROM:	A1990.402	Contingent for Merit	\$11,825.55
TO:	D5110.101	Personal Services	\$2,985.84
	D5010.103	Acct. Clerk/Computer Support Aide	\$2,813.58
	A1620.109	Cleaner – P/T	\$401.94
	A3150.106	Correction Officer F	\$2,526.48
	A6010.105	Social Welfare Examiner	\$902.44
	A6010.103	Caseworker A	\$1,457.61

A4010.104 Registered Professional Nurse #4 \$737.66

and the County Treasurer be so authorized and Personnel Officer be notified.

Seconded by

RESOLUTION NO.

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: MARCH 1, 2018

BY

RESOLVED, that the bills in the Machinery Fund amounting to \$113,536.85 and bills in the County Road Fund amounting to \$181,449.43 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 NO. 2017-1 HATCH BROOK BRIDGE**

DATED: MARCH 1, 2018

BY

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$161,004.09 by the following committees:

Public Works (Buildings) Committee.....	\$21,149.91
Public Works (Solid Waste) Committee	11,805.62
Finance Committee	62,918.87
Health Committee.....	25,006.84
Human Services Committee.....	13,315.16
Central Government Committee	11,379.83
Emergency Prep./Emergency Response.....	10,823.10
Publicity, Tourism, Economic Development & Planning Committee.....	3,962.42
Internal Management Committee	642.34

be it further

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

Hatch Brook Bridge Capital Project 2017-1..... \$ 6,923.53

are hereby approved.

Seconded by