

2018

THIRD SESSION

MARCH 1, 2018

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

Also present: County Attorney, Pete Klein, Daniel Engel-Veterans' Director, Jordanna Mallach,- Special Programs Coordinator NYS Div. of Veterans' Affairs, Bernard Armata, Interim Executive Director of Cornell Cooperative Extension, Kathleen Recchia and Christine Pouch of ALCA, Sue Montgomery-Corey of the Indian Lake Theater, and Alan Hipps and Bruce Misarski of HAPEC

A motion was made to accept the minutes of November 27th, December 7 and 15, 2017; January 4 and 22, February 1, 2018 by Mr. D. Wilt, seconded by Mr. Seaman. Carried.

Public Comment:

The Chairman introduced Bernie Armata, Interim Director for Cornell Cooperative Extension. He is based in Herkimer County but is bridging the gap for us in Hamilton County. The Chairman asked him to come in to give an update of what is going on and how we plan to proceed during this period.

Mr. R. Wilt entered during Mr. Armata's presentation.

Mr. Armata stated he will be starting the spring programming with gardening classes planned for Lake Pleasant, Indian Lake and Wells to start. Lyme disease is a current concern that they will be addressing. Also, he is doing local recruiting and going to push for interviews and hiring with administration.

The Chairman thanked him for coming in.

Reports of Standing/Special Committees:

Mr. Wells: Stated that there was an Access Meeting in Indian Lake; the majority of the discussion was the Governors' tax cap on state land. Boreas Pond and Gooley Club were also discussed. The Chairman stated that there are two resolutions on the agenda today in support of the Historic designation as well as the Ad Valorem tax.

Mr. R. Wilt: Stated that there is a meeting scheduled for next Tuesday on grants, past and future. They are still working on PSAP and the tower work will start again in the spring. The Chairman is getting information about ownership of the towers and seeing what creative solutions are available.

Mr. Tomlinson: Stated that Mr. Beach and he went to the Inter-County meeting in Warren County last week. They had a tour of their new court facility which will be opening April.

Mr. D. Wilt: Stated that things are looking up in the Public Health Department. Applications have come in for both the Physical Therapist and Director of Patient Services. There's a resolution on the agenda regarding the Physical Therapist position. He suggested going into Executive Session to discuss potential litigation. The Chairman asked for his consent to do so after the presentations today.

The Chairman introduced Daniel Engel, Veteran Service Director.

Mr. Engel stated that he has a resolution on the agenda to switch his visit days from Friday to Wednesday. Mr. Engel introduced Jordanna Mallach, Special Programs Coordinator NYS Div. of Veterans' Affairs.

Ms. Mallach handed out information and reviewed.

Ms. Mallach left after her presentation.

The Chairman introduced Kathleen Recchia, Decentralization Grant Coordinator for the Adirondack Lakes Center for the Arts. Ms. Recchia explained that Christine Pouch, the Executive Director for the Adirondack Lakes Center for the Arts and Sue Montgomery-Corey from the Indian Lake Theater are also with her today. Ms. Recchia gave a brief explanation of the Decentralization Grant Program. Ms. Recchia reviewed the packet of their 2018 Grant Awardees that was handed out.

Ms. Recchia, Ms. Pouch and Ms. Montgomery-Corey left after the presentation.

The Chairman announced that the next item on the agenda is Alan Hipps of the Housing Assistance Program of Essex County (HAPEC). Mr. Hipps handed out information on Hamilton County's Housing Rehabilitation Program. Mr. Hipps introduced the new Executive Director of HAPEC,

Bruce Misarski. Mr. Hipps explained that he retired in December, but he is still doing some work for HAPEC. Mr. Misarski gave a brief history of his experience. Mr. Misarski also explained that recently they have applied for a new round of funding through NYS Affordable Housing Corporation. Mr. Hipps reviewed the chart that was handed out regarding the current Housing Program. Mr. Hipps explained that the opportunity for more funding through the Community Development Block Grant will come up again in the fall.

Mr. Hipps and Mr. Misarski left after their presentation.

The Chairman introduced Tracy Eldridge, Hamilton County Highway Superintendent.

Mr. Eldridge stated that he wanted to let the Board know that NYS DOT has a failing culvert on the state road between Long Lake and Tupper Lake. They approached him a couple of months ago about utilizing Sabattis Road for a detour. He met with them to let them know his concerns with putting Rt. 30 traffic on that road. He gave them tentative approval to use it with stipulations that they would do some overlay paving, new signage, stripping etc. As they got into the process, in their permit application with the APA for their road culvert, the APA wanted some stipulations on the detour route. The APA wanted the DOT, if they were going to put in guiderails to use rustic rail. The Chairman stated that it ends up being junk, its good money after bad and the mere fact that it is going on a county road instead of a state road is frankly all the more offensive. The Chairman further stated that if they want to make bad decisions on their own road that's one thing, but don't try to interject that into our town and county roads. Mr. Eldridge stated that he felt the same way and had sent an email to Mr. Seaman, Mr. Wells and Mr. Farber to get their take and they all agreed. He will not accept anything but galvanized rail on our roads. He sent an official letter to everyone involved. He just wanted everyone to be aware.

The Chairman explained, for the new Supervisors, that this is something that has happened from time to time, where DOT will work with us to detour on a stretch of our road and part of the process is they make improvements. We try to be good partners when they have a circumstance like this, and it traditionally works out well.

Mr. Eldridge explained that the public meeting for the Hatch Brook Bridge construction is scheduled for the same night as the Benson Town Board meeting, March 14th, 7 PM. They are required to hold this public meeting.

Mr. Eldridge stated that at the last committee meeting, he received permission to bid on a cab and chassis, it went above our bid. He would like permission to advertise for bids instead. The Board approved.

The Chairman stated the Mr. D. Wilt had requested an Executive Session.

The County Attorney stated that Mr. D. Wilt had requested an Executive Session for an issue regarding pending litigation. The County Attorney stated that he had previously discussed with Mr. D. Wilt and he recommended to him that it is something to be discussed in Executive Session.

Mr. D. Wilt made a motion to enter Executive Session, seconded by Mr. Wells. Motion Carried.

Members of the public left at this time. Ms. Kim Byrne, Hamilton County Personnel Officer joined the Board for the Executive Session.

Motion to open session by Mr. D. Wilt, seconded by Mr. Seaman. Motion Carried.
Mr. Pete Klein returned to the meeting.

The County Attorney reported that in Executive Session the Board discussed a matter which he believes could potentially result in litigation. The Board has advised him on how to proceed should it result in such litigation.

The Chairman announced that the next items on the agenda are the resolutions.

RESOLUTIONS:

RESOLUTION NO. 84-18

**RESOLUTION IN SUPPORT OF HISTORIC PRESERVATION
OF THE GOOLEY CLUB CAMP AND FORMER GOOLEY FARMHOUSE**

DATED: MARCH 1, 2018

BY MR. SEAMAN:

WHEREAS, the Gooley Club Camp is in the Town of Minerva on the Third Lake of the Essex Chain Lakes, and

WHEREAS, the Gooley Farmhouse is located at the confluence of the Hudson and Indian Rivers, and

WHEREAS, both the Gooley Club Camp and the Farmhouse are under the care of the current lease holders which share in a long history of environmental stewardship of lands of the Adirondacks in the Towns of Newcomb, Minerva and Indian Lake, and

WHEREAS, the Gooley Farmhouse was first built in the 1890's and has played host to hunters, fisherman and lumberjacks during the river drives, and there exists a late-nineteenth-century woodshed, and an open storage shed from the 1930, and

WHEREAS, these structures were determined to be eligible for the National Register of Historic Places in 2002, and presents an opportunity to save a historic property, to further interpret the cultural and historical importance of logging camps, hunting and fishing clubs in the region, and

WHEREAS, the Gooley Historical Society, has offered to help manage these historic sites in partnership with the New York State Department of Environmental Conservation (DEC), and

WHEREAS, the Hamilton County Board of Supervisors recognizes the important role that preserving these sites holds for our community, both economically and historically, now, therefore, be it

RESOLVED, the Hamilton County Board of Supervisors do hereby request the New York State Department of Environmental Conservation to support the historic designation of these valuable historical landmark structures, to establish a program fostering public use and to provide for the continued maintenance of these structures.

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

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

NAYS: NONE

RESOLUTION NO. 85-18

**AMENDING RESOLUTION NO. 22-18 – APPROVAL OF VETERANS SERVICES
CONTRACT 2018**

DATED: MARCH 1, 2018

BY MR. SEAMAN:

WHEREAS, Hamilton County has received a request from Mr. Dan Engel, Director of the Veterans Services to change the days he visits Hamilton County from Fridays to Wednesdays, therefore, be it

RESOLVED, that Resolution No. 22-18 be amended by replacing the final Resolved with the following:

“RESOLVED, that the Director of Veterans Services shall visit the County each Wednesday alternating between Indian Lake Town Hall and the County Court House in Lake Pleasant.”

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

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

NAYS: NONE

RESOLUTION NO. 86-18

**AUTHORIZING THE HAMILTON COUNTY CLERK TO ENTER INTO
MEMORANDUM OF UNDERSTANDING WITH ENTITIES FOR THE ELECTRONIC
TRANSMITTAL OF REAL PROPERTY DOCUMENTS**

DATED: MARCH 1, 2018

BY MR. FREY:

WHEREAS, the Hamilton County Clerk is requesting authorization to enter into a Memorandum of Understanding (MOU) or similar agreement with entities of the Clerk's choosing who meet all the provisions of law for the electronic transmittal of real property documents to the Clerk for any vendors utilizing the electronic filing system at no cost to the County, now, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors and the Hamilton County Clerk to enter into a Memorandum of Understanding (MOU) or similar agreement with entities of the Clerk's choosing who meet all the provisions of law for the electronic transmittal of real property documents to the Clerk for any vendors utilizing the electronic filing system at no cost to the County in a form approved by the County Attorney.

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

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

NAYS: NONE

RESOLUTION NO. 87-18

**AUTHORIZATION TO ADVERTISE FOR BIDS FOR ANTENNA SYSTEM –
STATEWIDE COMMUNICATIONS GRANT**

DATED: MARCH 1, 2018

BY MR. R. WILT:

WHEREAS, Hamilton County has received a grant from New York State Department of Homeland Security and Emergency Services (DHSES) in the amount of \$2,530,385.00, contract C198376, for a new communications system, and

WHEREAS, one phase of the communications project was the construction of a communications tower at Lake Pleasant, and

WHEREAS, another phase of the communications project is to make provision for a system for back-up redundancy for the Hamilton County Sheriff's Office communications system, and

WHEREAS, to accomplish redundancy, an additional antenna system, to be mounted on the newly constructed communications tower at Lake Pleasant, is necessary to send signal from the back-up communications system stored in the radio room in Lake Pleasant, and

WHEREAS, cost of said antenna system falls within the cost parameters set by the Hamilton County Board of Supervisors which requires that procurement of the system be done through the bidding process, therefore, be it

RESOLVED, that the Hamilton County Office of Emergency Services, in conjunction with the Hamilton County Sheriff's Office, is hereby authorized to advertise for bids for procurement of said antenna system.

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

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

NAYS: NONE

RESOLUTION NO. 88-18

FULTON COUNTY INFORMATION SERVICES CONTRACT – PROBATION

DATED: MARCH 1, 2018

BY MR. SEAMAN:

WHEREAS, the Hamilton County Probation Department began contracting with the Fulton County Information Services Department to provide hosting and IT services for their Caseload Explorer Program on October 1, 2013, and

WHEREAS, the Probation Department wishes to continue receiving this service, and

WHEREAS, Fulton County is willing to continue this service at the same rate of \$2,400.00 per year, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a contract between the Hamilton County Probation Department and the Fulton County Information Services Department for \$2,400.00 per year effective until December 31, 2018.

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

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

NAYS: NONE

After the following resolution was placed on the floor, the Chairman stated that this is the next step in the process; we have now received the formal sign off from the Department of Health. Mr. D. Wilt stated that she is doing an excellent job so far. He feels we are headed in the right direction.

RESOLUTION NO. 89-18

AUTHORIZING APPOINTMENT OF DIRECTOR OF PUBLIC HEALTH

DATED: MARCH 1, 2018

BY MR. D. WILT:

WHEREAS, Erica O. Mahoney, was appointed interim Director of Public Health effective January, 27, 2018, and

WHEREAS, the County submitted a request to the New York State Commissioner of Health requesting that Erica O. Mahoney be approved to be Hamilton County's Public Health Director, and

WHEREAS, Hamilton County Personnel has received a letter from the New York State Commissioner of Health that allows for a two-year conditional appointment of Erica O. Mahoney, contingent upon completion of specific requirements and Erica's willingness to complete such requirements, now, therefore, be it

RESOLVED, that Erica O. Mahoney, current interim Director of Public Health, be appointed the Director of Public Health for the County of Hamilton effective March 1, 2018 at an annual salary of \$80,000, and be it further

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

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

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

NAYS: NONE

RESOLUTION NO. 90-18

AMENDING RESOLUTION NO. 30-18 - AGREEMENT WITH BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH FOR NON- SECURE DETENTION SERVICES

DATED: MARCH 1, 2018

BY MR. SEAMAN:

WHEREAS, Resolution No. 30-18 authorized the unreserved usage agreement with Berkshire Farm Center and Services for Youth with a per diem rate for an unreserved bed of \$299.00, and

WHEREAS, it has now been determined that the correct rate is \$310.00, be it

RESOLVED, that Resolution No. 30-18 be hereby amended by replacing the last Resolved with the following:

“RESOLVED, that upon approval of the County Attorney, the Chairman of the Hamilton County Board of Supervisors is hereby authorized to enter into an unreserved usage agreement with Berkshire Farm Center and Services for Youth for the purposes of placing appropriate juveniles with a per diem rate for an unreserved bed of \$310.00 and will be effective from January 1, 2018 through December 31, 2018.”

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

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

NAYS: NONE

RESOLUTION NO. 91-18

AUTHORIZING PAYMENT TO NORTRAX, INC. FOR A 2018 JOHN DEERE 624K-II WHEEL LOADER

DATED: MARCH 1, 2018

BY MR. WELLS:

WHEREAS, Resolution Number 48-18 duly adopted on January 22, 2018 authorizes the County Fleet Coordinator to purchase one (1) 2018 John Deere 624K-II Wheel Loader for use by the County DPW, and

WHEREAS, the equipment ordered has been delivered and the County Fleet Coordinator has inspected said equipment and confirms it is accepted and meets specifications and recommends payment of said equipment, be it

RESOLVED, the County Treasurer is hereby authorized to make payment to Nortrax, Inc., PO Box 433, Clifton Park, NY 12065 in the amount of \$162,629.39 and the funds to be taken out of Account No. DM5130.201 Road Equipment and the County Highway Superintendent and the Clerk of the Board be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 92-18

**EXTENSION OF CONTRACT FOR BRIDGE REPAIR & PNEUMATICALLY
PROJECTED CONCRETE FOR 2018**

DATED: MARCH 1, 2018

BY MR. WELLS:

WHEREAS, Hamilton County DPW solicited bids for Bridge Repair & Pneumatically Projected Concrete per Specification No. 5-2017, and

WHEREAS, by Resolution No. 111-17 the Hamilton County Board of Supervisors awarded the Bridge Repair & Pneumatically Projected Concrete bid to R & B Construction, L.L.C., and

WHEREAS, the referenced bid provides the bid pricing for a one-year contract with the option of extending the contract by one year if both parties (Hamilton County and R & B Construction, L.L.C.) agree that terms and conditions remain the same for the duration of the extension, and

WHEREAS, the County Highway Superintendent has contacted R&B Construction and that Randy Bascomb, President of R&B Construction will agree to a contract extension of the same terms and conditions for a one (1) year period, and

WHEREAS, the County Highway Superintendent believes it is in Hamilton County's best interest to extend the current contract with R&B Construction because of price stability as in no increase to 2017 contract prices and bridge repair projects to be completed in 2018, be it

RESOLVED, that the Chairman of the Board of Supervisor be so authorized to enter into a contract extension with R&B Construction, L.L.C. for the period of one (1) Year with approval of the County Attorney and the County Treasurer and Clerk of the board be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 93-18

**EXTENSION OF AWARD OF BID FOR COLD IN-PLACE RECLAMATION FOR THE
YEAR 2018**

DATED: MARCH 1, 2018

BY MR. WELLS:

WHEREAS, Hamilton County DPW solicited bids for Cold In-Place Reclamation per Specification No. 6-2017, and

WHEREAS, by Resolution No. 113-17 the Hamilton County Board of Supervisors awarded the Cold In-Place Reclamation bid to Gorman Brothers, Inc., and

WHEREAS, the referenced bid provides the bid pricing for a one-year contract with the option of extending the contract by one year if both parties (Hamilton County and Gorman Brothers, Inc.) agree that terms and conditions remain the same for the duration of the extension, and

WHEREAS, the County Highway Superintendent has contacted Gorman Brothers, Inc. and that Gorman Brothers, Inc. will agree to a contract extension for Cold In-Place Reclamation at the same terms and conditions for a one (1) year period, and

WHEREAS, the County Highway Superintendent believes it is in Hamilton County's best interest to extend the current contract with Gorman Brothers, Inc. due to price stability resulting in no increase to 2018 bid prices, be it

RESOLVED, that the Hamilton County Board of Supervisors has determined that the bid awarded to Gorman Brothers, Inc. for Cold In-Place Reclamation should be extended for a period of one (1) year subject to the approval of the County Attorney, and the County Treasurer, Highway Superintendent and Clerk of the Board be so notified.

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

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

NAYS: NONE

RESOLUTION NO. 94-18

AUTHORIZING PURCHASE OF FUEL CONDITIONER AS SOLE SOURCE

DATED: MARCH 1, 2018

BY MR. FREY:

WHEREAS, Hamilton County operates six (6) fuel depots around the County, and

WHEREAS, the gasoline and diesel fuel stored at these depots are treated with a fuel conditioner that protects the fuel and the tanks from harmful bacteria, and

WHEREAS, the County Superintendent has utilized the fuel conditioner from Lubrication Engineers, Inc. for many years and now that the county fuel depots have expanded in the last several years the amount of fuel conditioner needed has greatly increased and the cost of the said conditioner has now exceeded the County's Procurement Policy, and

WHEREAS, this product from Lubrication Engineers, Inc. is only available to purchase directly through Lubrication Engineers, Inc. and the Superintendent strongly feels this product is very good and does not believe it would be in Hamilton County's best interest to stop using or to change to a different fuel treatment, be it

RESOLVED, that hereby the County Board of Supervisors hereby authorizes the County Highway Superintendent to continue to purchase the fuel treatment from Lubrication Engineers, Inc. as a sole source for this product and hereby waives the County's Procurement Policy for the purchase of this product and the County Treasurer, Clerk of the Board and County Highway Superintendent be so notified.

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

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

NAYS: NONE

After the following resolution was placed on the floor, the Chairman explained that this is the resolution that AATV passed. He suggested that we add Senator Tedisco and Assemblyman Butler to the resolution. The Board agreed to the change. The Chairman further stated that this is a resolution that has been passed throughout the Adirondacks. This is an idea that comes up roughly once per administration. It tends to get the same reaction every time it comes up.

RESOLUTION NO. 95-18

OPPOSITION TO TAXABLE NYS OWNED LAND CONVERSION TO PILOTS

DATED: MARCH 1, 2018

BY MR. FREY:

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, Senator James Tedisco, Senator Elizabeth Little, Assemblyman Marc Butler and Assemblyman Dan Stec.

Seconded by All and adopted by the following vote:

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

NAYS: NONE

After the following resolution was placed on the floor, the Chairman explained the County entered into the opioid litigation. The County Attorney has been working with the attorneys representing all of the counties that are participating. They are working on trying to position us with as strong a case as possible; this is part of their recommendation in terms of moving this along. They are trying to compile actual damages that range from collecting information on employee lost work time to the actual cost the counties have been forced to bear around law enforcement time, ambulance time, fireman that are on the scene, cost to our probation department, the court system, etc. It is a fairly complex system that they have put together to make sure that they have captured the expenses that counties have had to bear; including some of the economic impacts that it has had on communities.

Resolution not adopted per Rule No. 5 of the Rules of Order of the Board of Supervisors. Hold for next meeting.

RESOLUTION NO.

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

DATED: MARCH 1, 2018

BY MR. STORTECKY:

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 Mr. Frey.

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

NAYS: SEAMAN

RESOLUTION NO. 96-18

CORRECTING 2017 BUDGET OVERAGES

DATED: MARCH 1, 2018

BY MR. FREY:

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 Mr. Seaman and adopted by the following vote:

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

NAYS: NONE

RESOLUTION NO. 97-18

2017 INCREASE COURT SECURITY ACCOUNT

DATED: MARCH 1, 2018

BY MR. FREY:

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

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

NAYS: NONE

RESOLUTION NO. 98-18

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

DATED: MARCH 1, 2018

BY MR. D. WILT:

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 Mr. Frey and adopted by the following vote:

AYES: R. WILT, STORTECKY, TOMLINSON, WELLS, FREY, D. WILT, SEAMAN,

FARBER AND BEACH

NAYS: NONE

RESOLUTION NO. 99-18

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

DATED: MARCH 1, 2018

BY MR. SEAMAN:

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 Mr. Wells and adopted by the following vote:

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

NAYS: NONE

RESOLUTION NO. 100-18

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

DATED: MARCH 1, 2018

BY MR. FREY:

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 Mr. Stortecky and adopted by the following vote:

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

NAYS: NONE

After the following resolution was placed on the floor, the Chairman explained that we have in the past taken a look at relevant experience in several instances where we brought in employees. Ms. Byrne has a formula she uses to evaluate the time they have put in, and then it is prorated based on their background. In this circumstance, this individual has worked both for Hamilton County as a contract physical therapist and also other counties. Mr. Frey asked how many applicants were there. The Chairman stated one. Mr. Wells stated that it was a very good interview, one of the best that he has sat in on.

RESOLUTION NO. 101-18

AUTHORIZING APPOINTMENT OF PHYSICAL THERAPIST

DATED: MARCH 1, 2018

BY MR. D. WILT:

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 Mr. Frey and adopted by the following vote:

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

NAYS: NONE

After the following resolution as placed on the floor, the Chairman explained that this is in and out funding associated with our work for NYS DOT under the ice and snow contract. When we need more money on the appropriation side, it is totally offset by the revenue that comes in from the state. We quite often have to make adjustments depending on the type of winter we have.

RESOLUTION NO. 102-18

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

DATED: MARCH 1, 2018

BY MR. FREY:

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

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

NAYS: NONE

RESOLUTION NO. 103-18

AUTHORIZING TRANSFER OF FUNDS FOR PART TIME CLEANER

DATED: MARCH 1, 2018

BY MR. WELLS:

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 Mr. Frey and adopted by the following vote:

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

NAYS: NONE

RESOLUTION NO. 104-18

AUTHORIZING TRANSFER OF FUNDS FOR FULL TIME CLEANER

DATED: MARCH 1, 2018

BY MR. WELLS:

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

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

NAYS: NONE

RESOLUTION NO. 105-18

AUTHORIZING REPAIRS TO TRAILER #985

DATED: MARCH 1, 2018

BY MR. R. WILT:

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

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

NAYS: NONE

RESOLUTION NO. 106-18

APPROVAL OF AND TRANSFER OF FUNDS FOR 2018 MERIT PAY

DATED: MARCH 1, 2018

BY MR. R. WILT:

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 Mr. Stortecky and adopted by the following vote:

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

NAYS: NONE

RESOLUTION NO. 107-18

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: MARCH 1, 2018

BY MR. D. WILT:

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 Mr. Frey and adopted by the following vote:

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

NAYS: NONE

RESOLUTION NO. 108-18

**APPROVAL OF AUDITS IN THE COUNTY GENERAL FUND AND CAPITAL
PROJECT NO. 2017-1 HATCH BROOK BRIDGE**

DATED: MARCH 1, 2018

BY MR. FREY:

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 Mr. Seaman and adopted by the following vote:

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

NAYS: NONE

Other Reports:

Mr. Stortecky: Stated that on the 2017 Sheriff's Report that was on the desks today, under Jail, where it shows average daily inmate 1.22 per day and average daily female housed .38 then average total inmates 1.6, wouldn't that be the 1.6 divided by 2 for the average of .80 per day? The Chairman stated he will take a look at it and see how he calculates it and if there is a reason why it is structured that way. His point is duly noted and he will follow up with the Sheriff.

Mr. D. Wilt: Stated that the North Country Economic Development Council meeting that was scheduled for tomorrow has been cancelled.

The Chairman stated that we have received the Sheriff's five day notice for the re-hire of the navigation officers. Re-hires are a shorter term process because they are people coming back. The Chairman asked if there was any objection to the hires. The Board members approved.

The Chairman stated that there is a fair amount of conversation going on about the Executive Budget and impacts. There is conversation about the Empire Forest for the Future Initiative (EFFI) which relates to the 480a tax exemption proposing a 480b with the phase out of 480a, that proposal has a 1% threshold for loss of revenues for the municipality.

The Chairman stated that, as a reminder, Adirondack Day is April 16th in Albany and Local Government Day is April 18-19 in Ray Brook.

As there was no further business, motion to adjourn by Mr. D. Wilt, seconded by Mr. Wells. Carried.