

2018

SIXTH SESSION

JUNE 7, 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	ABSENT
Long Lake	Clark J. Seaman
Morehouse	William G. Farber
Wells	Donald W. Beach

Also present: County Attorney

A motion was made to accept the minutes of April 17 and May 3, 2018 by Mr. Wells, seconded by Mr. Seaman. Carried.

Public Comment: No one present.

Reports of Standing/Special Committees:

Mr. Wells: Stated that he attended the AATV meeting in Lake Placid as well as the Local Government Review Board in Saranac. The big part of discussion for both meetings was Conservation Design.

Mr. Tomlinson: Stated that he attended the Cornell Cooperative Extension meeting which was his first. He said that they were very welcoming and took the time to tell him what they are all about. They discussed all the programs they were doing for the summer. He was told that they were getting ready to hire a new director. The Chairman stated that this was exciting news as it has taken them some time to fill it. They were not successful in the first round of interviews so he has been staying in contact with Bernie and Danielle. There was a phone interview that went very well and they are working on setting up a one on one interview with their Board as well.

The Chairman brought up the fact that Wildlife Conservation Society is not going to be able to continue in the Adirondacks because they are eliminating their programming. That was an organization that in some instances did bring actual science, facts, statistics and data to

conversations that we have had. His question to both Danielle and Paul was does this leave a gap and how do we fill it.

Chairman: Stated that the Inter-county meeting had been cancelled due to lack of attendance. The meeting was scheduled for Lewis County.

The Chairman stated that the Public Hearing for Proposed Local Law No. 10 was not scheduled until 11AM so he stated that they would proceed with resolutions until that time.

RESOLUTIONS:

After the following resolution was placed on the floor; the Chairman stated that there is interest in entering into Inter-municipal agreements with the County from Long Lake and Inlet. The other 2 municipalities that had expressed interest were Lake Pleasant and the Village of Speculator. Both of them have elected not to. The Chairman explained that the original agreement allowed the County a 60 day escape clause if it were just to be Inlet and the County with grant writing needs. He went back and talked with Strategic about what to do in this circumstance and the idea they came up with was a 120 day contract. With that it gives us the ability to get the grant writing done for Mr. Seaman. Mr. Frey asked if those other communities should change their minds, concerning the Inter-municipal agreement, could it be reopened. The Chairman stated no and discussed how both the Town of Lake Pleasant and the Village of Speculator got to their decision.

RESOLUTION NO. 179-18

AMENDING RESOLUTION NO. 143-18 STRATEGIC DEVELOPMENT SPECIALISTS

DATED: JUNE 7, 2018

BY MR. FREY:

WHEREAS, the Hamilton County Board of Supervisors by Res. No. 143-18 of April 17, 2018 authorized a contract with Strategic Development Specialists, and

WHEREAS, said resolution and contract contained a 60 day escape clause, and

WHEREAS, the Town of Lake Pleasant and the Village of Speculator have determined they are not interested in grant writing services, and

WHEREAS, the Towns of Inlet and Long Lake have both authorized the participation, and

WHEREAS, this change in circumstance makes it necessary to restructure the term of the Strategic contract, now, therefore, be it

RESOLVED, that the term of the Strategic Development Specialists contract is hereby amended to run from May 1, 2018 to August 31, 2018, rather than December 31, 2018, at the same

\$5,000 per month, with the total contract amount not to exceed \$20,000.00, plus necessary expenses not to exceed an additional \$2,500.00, and be it also

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the necessary amendment to the contract with the approval of the County Attorney.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 180-18

AUTHORIZING HAMILTON COUNTY SOLID WASTE HAULING CONTRACT 2017-2020

DATED: JUNE 7, 2018

BY MR. FREY:

WHEREAS, Hamilton County has been awarded a new 3 year Solid Waste Hauling Contract #DEC01-C00441GG-3350000 for \$150,000.00 per year for a total of \$450,000.00, be it

RESOLVED, that the Chairman is hereby authorized to sign NYS DEC Contract #DEC01-C00441GG-3350000 Hamilton County Solid Waste Hauling in the amount of \$450,000.00 and the County Treasurer and Highway Superintendent be so notified.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 181-18

AUTHORIZING PURCHASE OF IMPACT – VCAD MESSAGING SITE LICENSE AND NCIC INTERFACE – STATEWIDE COMMUNICATIONS GRANT

DATED: JUNE 7, 2018

BY MR. SEAMAN:

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 No. C198376, and

WHEREAS, Hamilton County Sheriff has received a quote from Zuercher Technologies to complete the IMPACT VCAD system with text messaging and the NCIC interface in the total amount of \$23,205.00, including all installation, programming and annual maintenance costs, under NYS Contract Number PM67378, and

WHEREAS, the text messaging interface in VCAD will allow emergency responders to receive a text alert to their cellphones of the emergency call for their agency, and

WHEREAS, the NCIC interface will allow the Hamilton County Sheriff's Office to check vehicle registration and person files in the VCAD system, and

WHEREAS, IMPACT is seeking a 50% down payment before the installation and the remaining will be paid after the project has been completed, therefore, be it

RESOLVED, that the Hamilton County Board of Supervisors authorizes the purchase of the Message Site License and NCIC Interface for \$23,250.00 and that the Chairman of the Board of Supervisors is hereby authorized to sign all the necessary documents, and be it further

RESOLVED, that the Hamilton County Treasurer is hereby authorized to make an \$11,602.50 down payment from Account No. A3645.406 Statewide Communications Grant to Zuercher Technologies, 4509 W 58th Street, Sioux Falls, SD, 57108 in order to place the order and start the software building process

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 182-18

AUTHORIZING CHAIRMAN TO SIGN 2018-2019 PSAP GRANT APPLICATION

DATED: JUNE 7, 2018

BY MR. WELLS:

WHEREAS, the Hamilton County Sheriff and the Hamilton County Director of Emergency Services recommends the County apply for the 2018-2019 PSAP Grant for Hamilton County Sheriff's dispatch communications upgrades, amount to be determined by the NY State Office of Interoperable Communication at the time of award, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign said grant application.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 183-18

RESOLUTION TO CONTRACT FOR RABIES VACCINATION CLINICS – GRACEY WELSH

DATED: JUNE 7, 2018

BY MR. SEAMAN:

WHEREAS, in NYS it is the responsibility of the local health department to have a system in place for the control and suppression of rabies, and

WHEREAS, the Hamilton County Nursing Service (HCPHNS) holds periodic rabies vaccination clinics throughout the County which provides for free vaccination of taxpayers dogs, cats and domestic ferrets, and

WHEREAS, the services of a licensed veterinarian is required to provide this service, and

WHEREAS, Dr. Gracey Welsh has agreed to provide veterinarian services for HCPHNS, and

WHEREAS, Dr. Gracey Welsh has agreed to maintain membership in the American Veterinary Medical Association, making her eligible to maintain professional liability insurance at the required level, and

WHEREAS, Dr. Gracey Welsh will be reimbursed at a rate of \$75.00 per hour, to include travel time and two clinic hours plus travel reimbursement at the prevailing county mileage rate, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to enter into a contract with Dr. Gracey Welsh, to provide veterinary services at HCPHNS rabies clinics, at a rate of \$75.00 per clinic hour, plus mileage to begin July 1, 2018 to June 30, 2019 upon approval of the County Attorney and the County Treasurer be so notified.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 184-18

AMENDING RESOLUTION NO. 154-18 AUTHORIZING TRANSFER FROM HAMILTON COUNTY'S CONTINGENT LINE ITEM AND CREATING NEW ACCOUNT FOR MEDICAID/MEDICARE DENIALS OR DUPLICATED CLAIMS FOR HAMILTON COUNTY PUBLIC HEALTH NURSING SERVICE

DATED: JUNE 7, 2018

BY MR. SEAMAN:

WHEREAS, Resolution No. 154-18, dated May 3, 2018, authorized the Hamilton County Public Health Nursing Service/Home Health Agency and Treasurer's Office to strike from their books some denied or duplicated claims by Medicare/Medicaid that have been reviewed by the Medicaid Inspector General, the Administrative Law Judge, and Medicare's Qualified Independent Contractor in the amount of \$19,080.30, and

WHEREAS, Resolution No. 154-18, did not specify the account number to which this payment will be charged, and

WHEREAS, the County Treasurer suggests that Account No. A4010.419-Public Health, Prior Year Medicaid/Medicare Settlements, will be created, and

WHEREAS, there are sufficient funds in the A1990.401-General Fund, Contingent, line item to transfer the needed funds, be it

RESOLVED, that the County Treasurer be authorized to create Account No. A4010.419-Public Health, Prior Year Medicaid/Medicare Settlements, and be it

RESOLVED, that the County Treasurer be authorized to fund this account by transferring \$19,080.30, from Account No. A1990.401-General Fund, Contingent, to Account No. A4010.419-

Public Health, Prior Year Medicaid/Medicare Settlements, and to make this payment to NYS OMIG for the full amount of \$19,080.30, and be mailed to the following address:

Bank of America Lockbox Services
New York State 417151
MA5-527-02-07
2 Morrissey Blvd.
Dorchester, MA 02125

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 185-18

**AUTHORIZING CHAIRMAN TO SIGN AMENDED GRANT AGREEMENT
BETWEEN OFFICE FOR AGING AND PUBLIC HEALTH NURSING SERVICE FOR
TITLE III-E FUNDING**

DATED: JUNE 7, 2018

BY MR. WELLS:

WHEREAS, Warren/Hamilton Counties Office for the Aging has grant monies available to provide respite Home Health Aide Services under Title III-E for seniors who are patients of the Certified Home Health Agency and require these services to provide respite for caregivers, and

WHEREAS, this agreement is for the period commencing January 1, 2018 – December 31, 2018 for a total of \$10,100.00, and

WHEREAS, the County of Warren has decreased the amount of the agreement from Ten Thousand One Hundred Dollars (\$10,100) to Five Thousand Dollars (\$5,000), be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the amended grant agreement between the Office for the Aging and the Hamilton County Public Health Nursing Service upon approval of the County Attorney, and the County Treasurer be so notified.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

After the following resolution was placed on the floor; both Monro Collie Smith and Jack Fitterer, who serve on the Ethics Board, came into the meeting.

RESOLUTION NO. 186-18

AUTHORIZING ADVERTISING FOR BIDS FOR TRANSPORTATION FOR PRESCHOOL CHILDREN

DATED: JUNE 1, 2018

BY MR. STORTECKY:

WHEREAS, Hamilton County is obligated to provide transportation for Hamilton County children receiving Preschool Special Education services that cannot be provided in the home setting, and

WHEREAS, the HCPHNS staff encourage parents to provide transportation at public expense, and

WHEREAS, it is not an option in two instances and the School Districts are not capable of providing transportation, be it

RESOLVED, that bids for roundtrip transportation from Long Lake to Tupper Lake ARC five days per week and Inlet to Rome UCP four days per week be solicited from vendors for the summer 2018 school session (July 9 to August 17).

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

After the following resolution was placed on the floor; Mr. Stortecky asked who determined the need for psychiatric services. The Chairman stated that the resolution could be amended to read, *Whereas, Bob Kleppang, Community Services Director or the Community Services Board.* Mr. Kleppang had originally brought the data to the Community Services Board and they had determined the need based on how many people they have enrolled in these services. Mr. Stortecky asked if this goes through a committee at all. The Chairman stated that yes Mr. Kleppang came in on Committee Day and discussed the need for the services. Mr. Stortecky asked why the resolution read an amount to be paid per day; what would be considered a day, 7, 8 or 24 hours. He thought this should be more like per hour. The Chairman stated that it is a series of scheduled appointments

that the Community Services Office sets up. The County Attorney added that it's set up as per day because it is not practical to schedule someone for an hour. The Chairman asked if the mover and seconder both agreed with the change of adding Mr. Kleppang to the whereas. Both agreed.

RESOLUTION NO. 187-18

CONTRACT RENEWAL FOR PSYCHIATRIC SERVICES AT COMMUNITY SERVICES – SANDRA ANTONIAK, MD

DATED: JUNE 7, 2018

BY MR. SEAMAN:

WHEREAS, Bob Kleppang, Community Services Director, has determined that there is a need for psychiatric services, and

WHEREAS, the Human Services Committee met with Mr. Kleppang to discussed this need and agrees with Mr. Kleppang's recommendation to contract with Dr. Antoniak, and

WHEREAS, psychiatric services were budgeted in the 2018 Community Services budget, be it

RESOLVED, that Psychiatrist Sandra Antoniak, MD, of 1100 Route 9, Fishkill, NY 12524, who provides this service, be paid \$1,500.00 per day not to exceed an annual amount of \$9,000.00, and be it further

RESOLVED, that said contract would be in effect from July 1, 2018 until December 31, 2018, and be it further

RESOLVED, that upon the approval of the County Attorney, the Chairman of the Board of Supervisors is hereby authorized to execute a contract on behalf of the Hamilton County Community Services with Dr. Sandra Antoniak and the County Treasurer be so advised.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 188-18

APPROVAL OF AND AUTHORIZING CHAIRMAN TO SIGN RESOURCE ALLOCATION PLAN

DATED: JUNE 7, 2018

BY MR. SEAMAN:

WHEREAS, the County of Hamilton is in receipt of the Resource Allocation Plan for the County's Youth Board funding provided by the Office of Children and Family Services for 2018, and

WHEREAS, the plan identifies the program and project applications as part of the required components of the County's Comprehensive Youth Service Plan as approved by the Office of Children and Family Services, and

WHEREAS, this plan will qualify the County for State reimbursement for the program year, be it

RESOLVED, that the Hamilton County Board of Supervisors hereby approves the 2018 Resource Allocation Plan and authorizes the Chairman to sign and the County Treasurer be so advised.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 189-18

TRANSFER OF FUNDS - SOCIAL SERVICES

DATED: JUNE 7, 2018

BY MR. STORTECKY:

WHEREAS, funds will be exhausted in Hamilton County Department of Social Services Account No. A6109.401, Family Assistance, due to payments for an EAF Foster Care child, and

WHEREAS, due to eligibility changes of a foster care child the Hamilton County Department of Social Services must pay for those expenses from Account No. A6109.401, Family Assistance instead of the previously used Account No. A6119.401, Foster Care, be it

RESOLVED, that the following transfer be made:

<u>From</u>	<u>To</u>	<u>Amount</u>
A6119.401 Foster Care	A6109.401 Family Assistance	\$ 45,000.00

and the County Treasurer be so authorized.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

After the following resolution was placed on the floor; Mr. Wells asked why Clinton County. The Chairman stated that Clinton County is the Administrative County for the 4 county service delivery area for what was once the WIA program which evolved into Workforce. There needs to be a singular county to be the grant recipient for the federal dollars that flow in and they do the disbursements to the other counties.

RESOLUTION NO. 190-18

AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL SERVICES TO SIGN AN MOU WITH CLINTON COUNTY EMPLOYMENT AND TRAINING ADMINISTRATION

DATED: JUNE 7, 2018

BY MR. SEAMAN

WHEREAS, Clinton County Employment & Training Administration (CCETA) and Hamilton County Social Services (HCSS) offers Workforce Innovation and Opportunity Act (WIOA) training services to eligible candidates in their respective counties, and

WHEREAS, HCSS caseworkers are charged with the WIOA training of Hamilton County residents work with few trainees because of the small population of Hamilton County and the modest amount of funding allocated to the County for that purpose, and

WHEREAS, the Department of Labor's WIOA data collection program OSOS (OneStop Operating System) is lengthy, complicated and continuously changing, and errors result in negative performance outcomes which can lead to reduced funding, and

WHEREAS, CCETA staff operates WIOA Adult, Dislocated Worker and Youth Programing, on a full-time or semi full-time basis and they are proficient with the OSOS system, and

WHEREAS, HCSS staff requires continued OSOS training and guidance because of their limited amount of exposure to the system, and

WHEREAS, HCSS desires to enter into an agreement with CCETA to process HCSS

customer data into the OSOS system making this process more efficient, now, therefore, be it

RESOLVED, that upon the approval of the County Attorney, the Commissioner of the Hamilton County Department of Social Services is hereby authorized to sign a Memorandum of Understanding with the Clinton County Employment & Training Administration for said service.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 191-18

APPROVAL OF EXPENDITURES FOR INSTALLATION OF ELECTRONIC HVAC CONTROL SYSTEM FOR LAKE PLEASANT COURT HOUSE & INDIAN LAKE PUBLIC HEALTH BUILDINGS

DATED: JUNE 7, 2018

BY MR. WELLS:

WHEREAS, the electronic control system that controls the HVAC system for the Court House is inoperable and needs replacing, and

WHEREAS, the Superintendent received written quotes from two vendors as follows:

Technical Building Services (TBS)	\$7,927.00
PASCO Systems	\$9,995.00

and

WHEREAS, TBS also included in their proposal to replace the control in the Public Health building as that control was installed the same year as the one currently in the Court House at a total cost of \$15,912.00 for both buildings, and

WHEREAS, the Superintendent feels this would be proactive and recommends replacement of both electronic controls, be it

RESOLVED, that Board of Supervisors does hereby approve the expenses of the replacement of the electronic HVAC controls in the Court House and the Public Health buildings performed by Technical Building Services of Ballston Spa at a cost of \$15,912.00 and the County Treasurer and Clerk of the Board be so advised.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

After the following resolution was placed on the floor; Mr. Wells asked if there were any issues with running into steel price changes. The Chairman stated that he has not heard of any.

RESOLUTION NO. 192-18

**AUTHORIZING PAYMENT TO DI HIGHWAY SIGN & STRUCTURE CORP. FOR
EAST MOUNTAIN PROJECT**

DATED: JUNE 7, 2018

BY MR. SEAMAN:

WHEREAS, galvanized steel sheeting was necessary for the base for the building on the East Mountain Tower project, and

WHEREAS, the Superintendent was authorized by the Chairman of the Board to purchase said steel for this purpose in the amount of \$6,930.90, be it

RESOLVED, that the County Treasurer is hereby authorized to make a check payable to DI Highway Sign & Structure Corp., PO Box 123, New York Mills, NY 13417 in the amount of \$6,930.90, and the funds be taken out of Account A3645.406 Statewide Communications Grant and the Emergency Manager, Highway Superintendent and Clerk of the Board be so notified.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 193-18

AUTHORIZING SALE OF SURPLUS VEHICLE TO THE TOWN OF INDIAN LAKE

DATED: JUNE 7, 2018

BY MR. STORTECKY:

WHEREAS, Hamilton County owns a 2006 Chevrolet 3500 Crew Cab Pickup which is no longer needed and considered surplus equipment, and

WHEREAS, Hamilton County typically offers surplus vehicles and equipment to the towns in Hamilton County before the county auctions them off, and

WHEREAS, the Town of Indian Lake is interesting in the purchase of the said vehicle and will offer \$1,500.00, and

WHEREAS, the Fleet Coordinator feels that is a fair price and recommends the offer be accepted, be it

RESOLVED, the Fleet Coordinator is hereby authorized to sell the 2006 Chevrolet Crew Cab VIN No.1GCHK23U66F207702 for \$1,500.00 to the Town of Indian Lake and the revenue be deposited into Account No. DM2665.0000 Sale of Equipment and the County Treasurer be so notified.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

11:00 AM – The Chairman asked to open the Public Hearing on Proposed Local Law 10 of 2018

A motion was made to open the Public Hearing on Proposed Local Law 10 of 2018 – Rescinding Local Law No. 10 of the year 1995 entitled “Code of Ethics of Hamilton County” with the Amendments and Adopting a New “Code of Ethics of Hamilton County” by Mr. Frey, seconded by Mr. Seaman. Carried.

The Chairman asked if there were any supervisors that wanted to say something before it was opened to the public.

The Chairman stated his appreciation to the Board of Ethics for all the hard work put in.

Mr. Monroe Collie Smith, Board of Ethics Chairman, thanked Mr. Jack Fitterer, Ethics Board Member, for all the work he did.

Mr. Fitterer stated that he has been on the Board of Ethics for 5 years and from the time he came in there had been discussion on the difficulty of the current code. He said it seemed like every meeting they talked about how they could fix it. Finally it was decided that they should rewrite the code from the beginning. He gave credit to Ms. Abrams, Ethics Secretary, who also thought

it a good idea. He said that they spent 2 to 2 ½ years researching local ethics. Some of the resources were the NYS Comptrollers, Office of State Attorney General and also other local municipalities. At the present time things are pretty amicable for Hamilton County. We have to think about what the best practices are to put in affect now as well as into the unforeseen future. When the Board looked over the new code they had made some changes which he feels are reasonable. There are 2 issues that he would like to raise and asked if they could be re-included.

1. 26B – Allowing the Board of Ethics to bring about their own investigation.

Mr. Fitterer stated that without that included the Board of Ethics is sitting waiting for formal complaints to come. Without a complaint then the Board has no authority to look into matters on their own.

2. 25 L & M – Conflicts of Interest – only by County Attorney or Clerk of the Board.

Mr. Fitterer stated that he would like language that allowed the Ethics Board to determine a conflict also.

The Chairman stated that none of these changes or comments are meant to detract in any way.

Rebecca Spears entered during the Chairman's response.

The Chairman stated the broadness of the language and the means already exists for 26B.

Mr. Stortecky stated that there is tremendous respect for the Board of Ethics the way it is and it is wonderful that they are a passive group and things are brought to them; it's all about the facts.

Mr. Smith stated the wording of the original code was agreed upon by all of the Ethics Board. The Board has been in existence for over 20 years and at no time have rumors or gossip played a role.

The Chairman stated that it seems that both the Board of Supervisors and the Board of Ethics are in the same place in terms of what the thought and intent is, there are just a couple words in terms of how you get there and what you say in the code that are in question.

Ms. Spears introduced herself and asked the question of who controls what the Grand Jury knows or doesn't know. Or, how they act and react. Does the Board of Ethics oversee the District Attorney or who does oversee her?

The Chairman asked for the County Attorney to respond to the questions as these don't fall under the Code of Ethics.

The County Attorney stated that the Board of Ethics would never oversee a Grand Jury. The Board of Ethics could potentially oversee the District Attorney (DA) but that would be highly unusual unless it were an issue outside of the scope of the typical duties of the District Attorney. Normally the DA would probably be more overseen by a Judicial Review or BAR Association. The Board of Ethics is intended to oversee conduct within the County that could potentially lead to a violation. Typically conflicts that arise within contractual relationships. Ms. Spears asked then it wouldn't have anything to do with the private sector. The County Attorney stated no it would not. Ms.

Spears stated that she was happy to know that the County had an Ethics Board but she did not know that the public could not go to the Board of Ethics with a problem. The County Attorney stated that the Board of Ethics is not an entity which is intended to in any fashion regulate private ethic issues. Ms. Spears asked if a concerned citizen has a problem with a public official where would they go. The County Attorney stated that if the private individual is alleging an ethical issue relative to the public employee; they would be able to file a complaint with the Board of Ethics.

Ms. Spears asked what a private citizen would do if they felt that a public official was not doing their job. The County Attorney stated if you felt that they were doing something which was a conflict of interest or otherwise unethical then the Ethics Board would be the proper source.

RESOLUTIONS: *continued*

RESOLUTION NO. 194-18

**AUTHORIZING AGREEMENT WITH SPYGLASS FOR TELECOMMUNICATIONS
AUDIT**

DATED: JUNE 7, 2018

BY MR. FREY:

WHEREAS, Hamilton County has not conducted a telecommunications audit since 2008,
and

WHEREAS, the Clerk of the Board has been contacted by The SpyGlass Group, LLC to
conduct said audit with success based fees that only pertain to the recommendations Hamilton
County selects, be it

RESOLVED, that upon the approval of the County Attorney, the Chairman of the Board
of Supervisors is hereby authorized to sign the SpyGlass Snapshot Audit Agreement for said
services.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 195-18

AUTHORIZING PAYMENT TO ACCELA – CLERK OF THE BOARD

DATED: JUNE 7, 2018

BY MR. WELLS:

WHEREAS, the Clerk of the Board requested more information from Accela and did not pay the 2017 Accela Invoice for support and maintenance on the County's accounting system, and

WHEREAS, the Clerk of the Board and County Treasurer are now comfortable paying said invoice, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$4,713.30 from the Unappropriated General Fund Balance in accordance with Section 366 Subdivision 1 of the County Law to Account No. A1040.0410 Computer Maintenance, and be it further

RESOLVED, that the County Treasurer is hereby authorized to pay Accela Invoice # INV-ACC31634 for maintenance for the period of 8/1/17 – 7/31/18 in the amount of \$4,713.30 from Account No. A1040.0410 Maintenance.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 196-18

**AUTHORIZING HAMILTON COUNTY TREASURER TO ENTER INTO
AGREEMENT WITH SYSTEMS EAST FOR XPRESS-PAY – A CREDIT CARD/E-
CHECK PAYMENT SYSTEM**

DATE: JUNE 7, 2018

BY MR. FREY:

WHEREAS, the Hamilton County Treasurer has been in discussions with Systems East, Inc. concerning the ability to accept credit card or e-check payments for the collection of taxes, and

WHEREAS, Systems East, Inc. is already the provider of the Total Tax Collection System the County Treasurer's Office presently uses to process the collection of taxes which enables the tax payer to have access to our downloaded bills to process their payment on-line or through a mobile payment without the County Treasurer having to deal with the credit card exchange, and

WHEREAS, Xpress-pay has been in existence for forty years for the ease and use of processing payments of all types by many counties, towns and cities, be it

RESOLVED, that the County Treasurer enter into an enrollment agreement with Systems East, Inc. for the use of Xpress-pay to accept credit card payments at a onetime set-up fee of \$100.00 and a monthly fee of \$15 to “Secure Bank Card” for the credit card security and “Profit Star” for e-checks security, all of which can be absorbed by the County Treasurer Maintenance Account No. A1325.408 in the 2018 budget, and be it further

RESOLVED, that the Chairman of the Board be so authorized to sign the enrollment agreements for Xpress-pay after review by the Hamilton County Attorney, and the County Treasurer be so advised.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 197-18

AUTHORIZING PURCHASE OF ADDITIONAL ANTENNA SYSTEM – EMERGENCY COMMUNICATIONS PROJECT

DATED: JUNE 7, 2018

BY MR. SEAMAN:

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 and interoperability 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, a request for quote was sent to Tessco, Primus, and Hutton, on May 10th and later to PMC Associates who supplies under state contract, all suppliers of antennas and antenna supplies, and

WHEREAS, to date, the Office of Emergency Services has received a complete quote from Tessco at \$8,914.68 including sales tax of \$660.34, a quote from PMC Associates at \$8824.47, a quote which includes one “not able to bid” antenna from Primus for \$6,787.19, and no quote at all from Hutton, and

WHEREAS, Tessco has submitted a quote on May 7, 2018 for the entire antenna equipment list in the amount of \$8,914.68 including sales tax of \$660.34 which is less than the PMC quote under state contract, therefore, be it

RESOLVED, that the Hamilton County Office of Emergency Services, purchase the aforementioned antenna equipment from Tessco in the amount of \$8,254.34 with funding coming from Account No. A3645.406 DHSES contract C198376.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

After the following resolution was placed on the floor; Mr. Frey thanked the County Historian for another grant and hopes that this process continues. The Chairman stated that he hopes that the interns work out.

RESOLUTION NO. 198-18

AUTHORIZING & FUNDING NYSA GRANT 0580-19-7584 – COUNTY HISTORIAN

DATED: JUNE 7, 2018

BY MR. FREY:

WHEREAS, a grant has been awarded by the New York State Archives (“Local Government Records Management Improvement Fund, ID No. 0580-19-7584”) to the County Historian in the amount of \$60,043 to improve the management of the County Historian’s collection of historic records, therefore, be it

RESOLVED, that the County Historian is hereby authorized to accept said grant, and be it further

RESOLVED, that Account No. A7510.0407 Records Management Grant be hereby created and funded at \$60,043.00 to be totally offset by creating and funding Revenue Account No. A3060 Records Management Grant at \$60,043.00 and the County Treasurer be so authorized.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 199-18

**REMOVING SECTION 817 EDUCATION ASSISTANCE IN THE HAMILTON
COUNTY EMPLOYEE HANDBOOK**

DATED: JUNE 7, 2018

BY MR. WELLS:

WHEREAS, the Internal Management Committee met to discuss issues that arose previously from an Employee Education Assistance process and have determined that there should be a change to the Hamilton County Employee Handbook, and

WHEREAS, after reviewing the Education Assistance portion of the handbook, the Internal Management Committee has recommended removing section 817, Education Assistance from the employee handbook, be it

RESOLVED, that Section 817 Education Assistance be removed from the Hamilton County Employee Handbook.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 200-18

APPROVAL OF AND TRANSFER OF FUNDS FOR 2018 MERIT PAY

DATED: JUNE 7, 2018

BY MR. STORTECKY:

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

WHEREAS, the Internal Management Committee met on May 29, 2018 to review merit evaluations, be it

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

COMMUNITY SERVICES

Noni Irish	July 28, 2018 to July 28, 2019	\$1.65
Michele Vance	June 5, 2018 to June 5, 2019	\$.66

SHERIFF

Kevin Braunius	June 24, 2018 to June 24, 2019	\$1.65
Justin Loomis	June 9, 2018 to June 9, 2019	\$1.10

HIGHWAY

Martin Hutchins	June 14, 2018 to June 14, 2019	\$1.32
Christopher Mitchell	June 13, 2018 to June 13, 2019	\$1.54

TOURISM

RaChelle Hosley	June 15, 2018 to June 15, 2019	\$1.21
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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	\$17,291.23
TO:	A4310.113	Clinical Social Worker	\$3,445.20
	A4310.104	Clerk	\$693.00
	A3110.102	Under-Sheriff	\$3,445.20
	A3110.109	Deputy Sheriff	\$1,892.00
	D5110.101	Personal Services	\$2,756.16
	D5110.101	Personal Services	\$3,215.52
	A8020.103	Economic Dev. & Tourism Aide	\$1,844.15

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

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 201-18

APPROVAL OF AUDITS IN COUNTY HIGHWAY FUNDS

DATED: JUNE 7, 2018

BY MR. TOMLINSON:

RESOLVED, that the bills in the Machinery Fund amounting to \$69,541.00 and bills in the County Road Fund amounting to \$56,923.39 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: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

RESOLUTION NO. 202-18

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

DATED: JUNE 7, 2018

BY MR. FREY:

RESOLVED, that the bills audited this day in the County General Fund in the amount of \$267,955.67 by the following committees:

Public Works (Buildings) Committee.....	\$21,354.74
Public Works (Solid Waste) Committee	15,918.48
Finance Committee	69,396.44
Health Committee.....	27,736.60
Human Services Committee.....	36,393.47
Central Government Committee	13,706.37
Emergency Prep./Emergency Response.....	74,288.73
Publicity, Tourism, Economic Development & Planning Committee.....	7,769.92
Internal Management Committee	1,390.92

be it further

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

Hatch Brook Bridge Capital Project 2017-1..... \$14,239.59

are hereby approved.

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

AYES: STORTECKY, TOMLINSON, WELLS, FREY, SEAMAN, FARBER AND BEACH

NAYS: NONE

ABSENT: R. WILT AND D. WILT

A motion was made to close the Public Hearing on the proposed Local Law No. 10 of 2018 Code of Ethics by Mr. Frey, seconded by Mr. Seaman. Carried.

The Chairman stated no changes were made to the proposed local law.

Motion: Mr. Seaman

Second: Mr. Wells

COUNTY OF HAMILTON

LOCAL LAW NO. 10 OF 2018

RESCINDING LOCAL LAW NO. 10 OF THE YEAR 1995 ENTITLED “CODE OF ETHICS OF HAMILTON COUNTY” WITH AMENDMENTS AND ADOPTING A NEW “CODE OF ETHICS OF HAMILTON COUNTY”

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

Section I – Legislative Intent

The Code of Ethics duly adopted by the Board of Supervisors in 1995 has been confusing and more difficult to interpret than Article 18 of the General Municipal Law, whereby at times creating an undue hardship. The Intent of this new Code of Ethics is to provide the Board of Ethics the ability to better serve, when appropriate, the County and grant waivers from those restrictions which are in excess of Article 18 of the General Municipal Law.

Section II – A new Hamilton County Code of Ethics, which shall supersede any previous Code of Ethics and amendments and shall read as follows:

Code of Ethics

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a County from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each County, city (other than the City of New York), town, village, school district and fire

district to adopt a Code of Ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS, a Code of Ethics adopted by the governing body of a County must set forth standards of conduct for the guidance of the officers and employees of the County with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Board of Supervisors of the County of Hamilton hereby adopts a Code of Ethics to read as follows:

Code of Ethics of County of Hamilton, State of New York

Section 1. Purpose.

Officers and employees of Hamilton County hold their positions to serve and benefit the public as a whole, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Board of Supervisors of Hamilton County recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. The purpose of this Code of Ethics is:

- A. To establish those standards;
- B. To provide guidance of these standards to all officers and employees of Hamilton County, whether elected or appointed, paid or volunteer;
- C. To promote public confidence and integrity in local government;
- D. To facilitate the consideration of potential ethical problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people by requiring:
 - 1. Public disclosure of conflicts of interest, and potential conflicts of interest, that may influence or be perceived to influence the actions of officers and employees of the County; and
 - 2. The recusal of any officer or employee of the County, if the officer's or employee's acting, or failing to act, on the matter may result in a conflict of interest, or give the reasonable appearance of a conflict of interest; and
- E. To provide for fair and effective administration of this Local Law.
- F. This Code of Ethics is the **minimum** standard of ethical conduct; employees and officials are encouraged to go above and beyond these expectations.

Section 2. Definitions.

(a) "Board" means the Board of Supervisors and any County administrative board, commission, or other agency or body comprised of two or more County officers or employees.

(b) "Code" means this Code of Ethics.

(c) “Interest” means a direct or indirect financial, material or personal benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the County or an area of the County, or a lawful class of such residents or taxpayers. A County officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

(d) “County” means Hamilton County.

(e) “County officer or employee” means any officer or employee of Hamilton County, whether paid or unpaid, elected or appointed, full or part time, or in any advisory capacity, and includes without limitation all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, branch or committee of Hamilton County. A County officer or employee shall not include a County Judge or acting County Judge.

(f) “Relative” means a spouse, domestic partner, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a County officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

(g) “Contract” includes any claim, account, demand against or agreement with the County—verbal or written, express or implied. Almost any business dealing with the County will involve a “contract”, including purchase or sales agreements, construction agreements and service contracts, as well as vouchers for payment submitted to the County.

Section 3. Applicability.

This Code of Ethics applies to the officers and employees of Hamilton County, and shall supersede any prior County Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of Hamilton County. In the event of any conflict between this Code of Ethics and the provisions of the General Municipal Law of the State of New York, the stricter standard shall control.

Section 4. Prohibition on Use of County Position for Personal or Private Gain.

No County officer or employee shall use his or her County position or official powers and duties to secure a financial, material or personal benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of Interest in Legislation and Other Matters.

(a) Whenever a matter requiring the exercise of discretion comes before a County officer or employee, either individually or as a member of a board, and disposition of the matter could result in, or appear to result in, a direct or indirect financial, material or personal benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the County officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the County officer or employee, or when the County officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the Board of Supervisors of the County. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the County officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a County board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and Abstention.

(a) No County officer or employee may participate in any decision or take any official action (recusal) with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it (abstention), when he or she knows or has reason to know that the action could confer a direct or indirect financial, material or personal benefit, or appear to do so, on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a County officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a County officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a County officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a County employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition Inapplicable; Disclosure, Recusal and Abstention Not Required.

(a) This code's prohibition on use of a County position (Section 4), disclosure requirements (Section 5), and requirements relating to recusal and abstention (Section 6), shall not apply with respect to the following matters:

(1) adoption of the County's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) **all** County officers or employees;

(ii) **all** residents or taxpayers of the County or an area of the County; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by Section 6 of this code;

(2) which comes before a County officer when the officer would be prohibited from acting by Section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments In Conflict with Official Duties.

(a) No County officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under Section 6 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a County officer or employee from acquiring any other investments or the following assets:

(1) real property located within the County and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the County and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private Employment in Conflict with Official Duties.

No County officer or employee, during his or her tenure as a County officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a County officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General municipal law; or

(d) requires representation of a person or organization other than the County in connection with litigation, negotiations or any other matter to which the County is a party.

Section 10. Future Employment.

(a) No County officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the County officer or employee, either individually or as a member of a board, while the matter is pending or within one year following final disposition of the matter.

(b) No County officer or employee, for the one-year period after serving as a County officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the County office, board, department or comparable organizational unit for which he or she serves.

(c) No County officer or employee, at any time after serving as a County officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a County officer or employee.

Section 11. Personal Representations and Claims Permitted.

This code shall not be construed as prohibiting a County officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the County; or

(b) asserting a claim against the County on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of County Resources

(a) County resources shall be used for lawful County purposes. County resources include, but are not limited to, County personnel, and the County's money, vehicles, equipment, materials, supplies or other property.

(b) No County officer or employee may use or permit the use of County resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of County resources authorized by law or County policy;

(2) the use of County resources for personal or private purposes when provided to a County officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of County telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No County officer or employee shall cause the County to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

(a) No County officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law (any future amendment to said statute shall automatically amend the reference hereinafter):

[Except as provided in section eight hundred two of this chapter, (1) no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.]

(b) Every County officer and employee shall disclose in writing interests in contracts with the County in accordance with Section 5(c) of the Ethics Code.

Section 14. Avoidance of Contracts Entered Into in Violation of Code of Ethics

Any contract or agreement entered into by or with the County which resulted in or from a violation of this Code of Ethics shall be null or void and unenforceable unless such contract or agreement is ratified by the Board of Supervisors at a public meeting.

Section 15. Nepotism.

Except as otherwise required by law:

(a) No County officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the County or a County board.

(b) No County officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 16. Political Solicitations.

(a) No County officer or employee shall directly or indirectly compel or induce a subordinate County officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No County officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any County officer or employee, or an applicant for a position as a County officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

(c) No County officer or employee may engage in any political activity: while on duty for the County; with the use of County funds; supplies; vehicles or facilities; in uniform; or during any period of time during which he or she is normally expected to perform services for the County, for which compensation is paid.

Section 17. Complicity with or Knowledge of Others' Violations

(a) No one may, directly or indirectly, induce, encourage, or aid anyone to violate any provisions of this Code. If an official or employee suspects that someone has violated this code, he or she is required to report it to the relevant individual, either the employee's supervisor, the board on which the official sits or before which the official or employee is or will soon be appearing, or the Ethics Board if the violation is past.

(b) Neither the County nor any person, including officials and employees, may take or threaten to take, directly or indirectly, official or personal action, including, but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary or responsibilities, against any official, employee, or other person (or against any member of their family) because that person, or a person acting on their behalf, reports, verbally or in writing, or files a complaint with the Board of Ethics regarding an alleged violation of this Code, or is requested by the Board of Ethics to participate in an investigation, hearing, or inquiry.

(c) Anyone who alleges a violation of subsection (b) may bring civil action for appropriate injunctive relief, or actual damages, or both within ninety days after the occurrence of the alleged violation.

Section 18. Confidential Information.

No County officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 19. Gifts.

(a) No County officer or employee may directly or indirectly solicit any gift.

(b) No County officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more.

(d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a County officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks County action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a County officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained County action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift,

including:

(1) gifts made to the County;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a County officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a County officer or employee, or other service to the community; or

(6) meals and refreshments provided when a County officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 20. Waivers.

(a) Upon written application by a current or former County officer or employee and written approval with justification for the waiver by the applicable department head, the Board of Ethics may grant the applicant, or his or her private employer or business, a waiver of any of the provisions of the Code of Ethics [except: the provisions pertaining to gifts, appearances by the County official's private employer or business, and transactional disclosure] where the Board of Ethics finds that waiving such provision would not be in conflict with the purposes and interest of the County, provided, however, that no such waiver shall permit any conduct or interest otherwise prohibited by Article 18 of the General Municipal Law.

(b) Waivers granted by the Board of Ethics shall be in writing, shall state the grounds upon which they are granted, and shall be available for public inspection and copying.

(c) All applications, decisions and other records and proceedings relating to such waivers shall be indexed and maintained on file by the Board of Ethics.

Section 21. Board of Ethics.

(a) There is hereby established a Board of Ethics for the County. The Board of Ethics shall consist of five members, a majority of whom shall not be officers or employees of the County or any Municipality within the County, but at least one of whom must be an officer or employee of the County or any Municipality within the County. The members of such Board of Ethics shall be appointed by the Board of Supervisors and receive no salary or compensation for their services as members of the Board of Ethics.

(b) The terms of office of members of the Board of Ethics shall be five (5) years and shall run from January 1 through December 31. Members of the Board of Ethics may be reappointed for additional terms.

(c) The Board of Ethics shall adopt rules and regulations as to forms and proceedings and shall at all times maintain appropriate records of its opinions and proceedings.

Section 22. Qualifications of Members of the Board of Ethics

(a) All members shall be residents of Hamilton County, who are ready, willing and able to perform their responsibilities on the Board of Ethics in a completely impartial and nonpartisan manner.

(b) A member of the Board of Ethics shall not hold office in any political party or other organization that nominates candidates for office, nor have held any such office during the two year period immediately preceding his or her appointment to the Board of Ethics.

Section 23. Removal of Member of the Board of Ethics

(a) A member of the Board of Ethics may be removed by the Board of Supervisors after a public hearing at which the reason(s) for such removal shall be presented to the public and at which hearing the member of the Board of Ethics sought to be removed shall have an opportunity to reply.

(b) Grounds for removal shall be substantial neglect of duty, misconduct in office, inability to discharge the powers or duties of office or violation of this Code of Ethics.

(c) Any action, decision or vote to remove a member of the Board of Ethics pursuant to this section shall take place at a regularly scheduled public meeting of the Board of Supervisors at which the Board of Supervisors shall disclose such removal and the reasons therefore.

(d) To ensure full voting strength and minimum voting requirements, a new member shall be appointed to the Board of Ethics as soon as practicable, but not more than forty-five (45) days upon occurrence of a vacancy.

Section 24. Board of Ethics Meeting and Quorum Requirements

(a) A quorum of three (3) members shall be necessary for the board to vote upon any manner.

(b) At the first meeting of the year, the board will elect a chairperson and vice-chairperson from among their members.

(c) Regular meetings of the Board of Ethics shall be held quarterly.

(d) The board may hold as many special meetings as it deems necessary.

1. The chairperson, or any three (3) members of the board may call a special meeting.

2. A special meeting will be held promptly after the filing of a complaint alleging a violation of this Code of Ethics (See Section 26)

Section 25. Powers and Duties of the Board of Ethics

The Board of Ethics shall have the following powers and duties:

- (a) To solely prescribe and promote rules and regulations governing its own internal organization and procedures in a manner consistent with law and with this Code of Ethics.
- (b) To solely conduct investigations pursuant to Section 26 of the Code of Ethics.
- (c) To solely make referrals and to institute actions and proceedings pursuant to this Code of Ethics, and to conduct hearings and make recommendations regarding the ethical conduct of anyone covered by this Code of Ethics as defined in Section 2 (e) of this Code of Ethics.
- (d) To solely grant waivers to this Code of Ethics under the circumstances set forth in Section 20 of this Code of Ethics.
- (e) To solely render advisory opinions with respect to the interpretation or application of this Code of Ethics. Any County officer, employer or applicant may make a written request for an advisory opinion as to whether his or her own action might violate a provision of this Code of Ethics. Such advisory opinions will be available for public inspection. In rendering such advisory opinions, the Board of Ethics shall omit all information identifying the requestor and all non-essential information in order to encourage free inquiry by officers and employees for advisory opinions.
- (f) To solely review all disclosure statements and, if the Board of Ethics determines that a statement is deficient or reveals a potential violation of the Code of Ethics, to notify the person in writing of the deficiency along with the potential penalty for failure to comply with this Code of Ethics.
- (g) Make information regarding this Code of Ethics available to all County officers and employees, to the public and to any person who is interested in doing business with the County.
- (h) To prepare an annual report and recommend changes to this Code of Ethics, if any.
- (i) To act as may be otherwise prescribed or permitted by this Code of Ethics or by the General Municipal Law of the State of New York, as amended from time to time.
- (j) Upon the request from a local municipality, to render advisory opinions, conduct investigations and hold hearings with respect to its Code of Ethics.
- (k) The termination of a County officer's or employee's term of office or employment with the County shall not affect the jurisdiction of the Board of Ethics with respect to the requirements that this Code of Ethics imposed such person before or after termination of his or her term of office or employment with the County.

(l) The County Attorney may be utilized by the Board of Ethics as counsel, except he or she shall be excused when the County Attorney determines that he or she may reasonably appear to have a conflict of interest. The Board of Supervisors will then appoint alternative counsel for the Board of Ethics.

(m) The Clerk of the Board of Supervisors shall act as secretary to the Board of Ethics, except he or she shall be excused when the Clerk of the Board of Supervisors determines that he or she may reasonably appear to have a conflict of interest. The Board of Supervisors will then appoint alternative secretary for the Board of Ethics.

Section 26. Filing a Complaint; Investigations

(a) Upon receipt of a complaint of an alleged violation of this Code on a form prepared by the Board of Ethics, which any person or entity may file, the Board of Ethics will first determine if it, in fact, alleges an action or inaction that, if the allegations are true, might constitute a violation of this Code, and that at least one person or entity accused of a violation is covered by this Code. If the Board of Ethics determines that no such action or inaction has been alleged or that no one accused is covered by this code, then it will dismiss the complaint with notice to the complainant. Similarly, if the Board of Ethics determines that an alleged violation is so minor that it is not worthy of investigation, or is clearly without merit, then it will dismiss the complaint with notice to the complainant. The Board of Ethics must make this determination within thirty days of receipt of a complaint. The Board of Ethics may bar a complainant from submitting further complaints where the Board of Ethics finds that the complainant has repeatedly abused the system.

(b) (Intentionally deleted)

(c) The Board of Ethics will send notification of the complaint, to the respondent against whom the complaint was filed, not later than seven days after making the determination in subsection (a). A copy of the complaint, must accompany such notice. The Board of Ethics will also send notification to the complainant in writing of its receipt and acceptance of the complaint.

(d) The Board of Ethics will review the complaint alleging violations of the Code of Ethics and if the Board of Ethics suspects the alleged allegations to be of a criminal nature, the Board of Ethics will immediately refer the matter to the County District Attorney's office. The Board of Ethics may refer this matter to the County District Attorney's office at any time during its investigation.

(e) Upon the acceptance of a complaint the Board of Ethics will conduct any investigation necessary to carry out the provisions of this Code of Ethics. In conducting such investigations the Board of Ethics may administer oaths of affirmation, subpoena witnesses, compel their attendance and require the production of books and records which it may deem relevant and material. Failure to comply with such requests made by the Board of Ethics are violations of this Code of Ethics, except that no person who is subject of an investigation shall be required to testify before the Board of Ethics.

(f) The subject of an investigation has a right to appear before the Board of Ethics with counsel of his or her choice in executive session to question witnesses or challenge documentary evidence that may be considered by the Board of Ethics.

(g) Nothing herein shall be construed to permit the Board of Ethics to conduct an investigation of itself or any of its members. Should the Board of Ethics receive a complaint alleging that the Board of Ethics or any of its members has violated any provisions of the Code of Ethics, it shall promptly transmit a copy of the complaint to the Board of Supervisors and County Attorney, who shall investigate the complaint and take appropriate remedial action should the results of his or her investigation warrant it. Any member of the Board of Ethics who is investigated is entitled to the same protections afforded to all subjects pursuant to the Code of Ethics.

(h) The Board of Ethics shall promptly transmit copies of its findings, opinions and recommendations to the subject of the complaint and shall provide copies to the complainant after deleting all nonessential identifying information and identifying the subject of the complaint by case number only.

(i) The Board of Ethics shall advise the Board of Supervisors of the disposition of every accepted complaint that it receives and of every related investigation that it conducts, setting forth its related findings, opinions and recommendations in writing, providing, however, that the complainant's name and all nonessential identifying information shall be deleted from all such documents. If the Board of Ethics has determined that there has been a violation of this Code of Ethics, the Board of Ethics will recommend to the Board of Supervisors implementation of appropriate remedies and/or penalties including, but not limited to, warnings, reprimands, suspension, removal from office or employment, civil fine, civil forfeiture, payment of damages or restitution, or debarment from entering any contract with the County for a period of up to three years. The Board of Supervisors may pursue one or more of the foregoing remedies, or may order a violator to cease and desist if the violation is still ongoing, or it may initiate proceedings in the Supreme Court of the State of New York for injunctive relief to enjoin a violation of this Code or to compel compliance with this Code.

Section 27. Public Inspection of Records

The following records shall be available for public inspection:

(a) Transactional disclosure statements.

(b) Rules and regulations of the Board of Ethics.

(c) Findings, opinions and recommendations regarding complaints filed with and investigated by the Board of Ethics, after deleting all nonessential identifying information and identifying the subject of the complaint by case number only.

(d) Waivers granted pursuant to Section 20 of this Code of Ethics.

(e) Advisory opinions issued pursuant to Section 25 of this Code of Ethics. Unless the requesting party states otherwise in writing, all names and unnecessary identifying information will be deleted.

Section 28. Severability

Should any section, clause or requirement of this Code of Ethics be found by a court of competent jurisdiction to be unenforceable or unlawful or invalid, that section, clause or requirement shall be severed from this Code of Ethics and the remainder shall continue in full force and effect.

Section 29. Posting and distribution.

(a) The Clerk of the Board of Supervisors must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the County.

(b) Every County officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing within 60 days. Such acknowledgments must be filed with the Clerk of the Board of Supervisors who must maintain such acknowledgments as a public record.

(c) The failure of a County officer or employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 30. Effective date.

This law shall take effect immediately upon filing with the Secretary of State and supersedes any previous Code of Ethics

Mr. Wells stated thank you for all the hard work and hopes that the slight differences weren't taken as ill will.

Mr. Seaman thanked them for all the work done on the new code but also for all the hard work in the past.

Mr. Frey stated his thanks and it is an excellent working document that will live well in the future.

The Chairman stated his thanks again and that the Board of Ethics has been a great resource.

Mr. Smith thanked the Board of Supervisors for the work that they do along with their support.

Local Law No. 10 of 2018 was adopted with the following vote:

AYES: BENSON (192), HOPE (403), INDIAN LAKE (1352), INLET (333),
LONG LAKE (711), MOREHOUSE (86), WELLS (674) = 3,751

NAYS: NONE

ABSENT: ARIETTA (304), LAKE PLEASANT (781) = 1,085

Other Reports:

Mr. Wells: Stated that the Adirondack Challenge is coming up on July 15th if anyone would like to be involved. Golf will be in Newcomb this year. Horseback riding and hiking will be at Boreas Ponds. There will still be some events in Indian Lake so if anyone needs an invitation please let him know.

Mr. Frey: Stated that the 22nd running of The Black Fly Challenge will be this coming Saturday going from Inlet to Indian Lake through Moose River Plains. There will be about 1,000 riders.

Chairman: Asked for Mr. Frey to keep an eye out and make sure he received the notice from Lake Champlain Lake George Review Board for the meeting. Also on your desks there is a reminder that part of our meeting in July is the picnic.

As there was no further business, motion to adjourn by Mr. Seaman, seconded by Mr. Stortecky. Carried.