

**THIRD EMERGENCY SESSION
DECEMBER 27, 2019
Board of Supervisors – County of Hamilton
Lake Pleasant, New York**

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

Dear Clerk:

WHEREAS, the undersigned, we the majority of the members of the Board of Supervisors of Hamilton County, do hereby request you to call an Emergency Session pursuant to Section 152 of the County Law, to be held at the Chambers of the Board, in the Town of Lake Pleasant, in said County on Friday, December 27, 2019 at 10:00 A.M. for the purpose of addressing the Governor's Veto of the DA Legislation and for any other business that may come before said Board.

Arietta _____	Richard A. Wilt
Benson _____	John M. Stortecky
Hope _____	ABSENT
Indian Lake _____	Brian Wells
Inlet _____	ABSENT
Lake Pleasant _____	Daniel Wilt
Long Lake _____	Clark J. Seaman
Morehouse _____	William G. Farber
Wells _____	Donald W. Beach

Also present: Nick Mauro - Town of Wells Supervisor-elect, Marie Buanno – Republican Election Commissioner

Public Comment: No one present.

Reports of Standings/Special Committees: No Reports.

The Chairman thanked the Board for convening on such short notice. The language in the first resolution lays out the sequence of events. During the last session on December 20th, the legislation related to the full-time Hamilton County District Attorney was delivered to the Governor. Unfortunately, later that day it prompted a veto. The veto message was that it was a piece of legislation that had a budgetary impact for NYS and therefore the Governor stated it should have been put in the State Budget. He has spoken with Assemblyman Smullen and Senator Tedisco. The County needs to take the veto message at its word and move forward. He went on to discuss the salary for District Attorney.

The Chairman asked for a motion to move the resolution. Motion by Mr. Seaman with \$106,938 as the salary, seconded by Mr. Stortecky.

After the resolution was placed on the floor; the Chairman explained the three salary options of \$94,000.00, \$104,441.00 and \$106,938.00 as per Mr. D. Wilt asking for clarification. Mr. Wells asked what the full-time salary was. The Chairman stated \$200,400.00.

Mr. Stortecky asked if anyone was aware this could happen at any level. The Chairman stated it was one of the questions asked of Assemblyman Smullen and Thiele. The thinking was that some counties have done this by Local Law, NYS had provided the reimbursement and that nobody would nitpick over such a small impact to NYS budget. He doesn't think that anyone had the expectation that this would get a veto. Mr. Seaman stated that he is personally torn about this and felt a sense of responsibility as a Board member having said before the Primary that this position would be full-time. Now in the 11th hour the County is saying because of the veto we are changing our minds and the salary will be 50% of what we initially said it would be. He is really struggling with it.

Mr. Stortecky asked when the State Budget is adopted. The Chairman stated that NYS works on their budget between the opening session in January and March 31st. The State's fiscal year runs April 1 through March 31. Mr. Stortecky asked how it would affect the DA's salary. The Chairman stated that the salary can be changed during 2020 by local law. Mr. Stortecky asked if either Senator Tedisco or Assemblyman Smullen think this might not get in the State Budget. The Chairman stated that his guess was that we could probably get them to speculate either way but welcomed him to call them.

Mr. Seaman encouraged the Board to pursue this vigorously regardless of the State Budget in April. He feels that the County has an obligation.

Resolution passed with \$106,938.00 as the District Attorney's salary.

RESOLUTION NO. 399-19

**AMENDING RESOLUTION NO. 373-19 OF DECEMBER 20, 2019 – RESOLUTION TO
PAY 2020 SALARIES**

DATED: DECEMBER 27, 2019

BY MR. SEAMAN:

WHEREAS, the Hamilton County Board of Supervisors on December 19, 2018 resolved the Board's intent to seek Legislation authorizing a Full Time District Attorney for Hamilton County through Resolution No. 405-18, and

WHEREAS, as prescribed by Resolution No. 405-18, County Attorney Charles R. Getty, Jr. recommended an amendment to Section 700 of the County Law, and

WHEREAS, on June 17, 2019 and June 20, 2019, S4632/A7215 passed the Senate and Assembly respectively, and

WHEREAS, on December 20, 2019, the same day the Hamilton County Board of Supervisors was considering a Resolution to pay the Salaries in the 2020 Hamilton County Budget, S4632/A7215 was Vetoed by the Governor, and

WHEREAS, the Governor's Veto message sets forth the need for this change to be part of the New York State Budget due to the reimbursement to Hamilton County said change would require, now, therefore, be it

RESOLVED, Resolution No. 373-19 of December 20, 2019 is hereby amended to exempt out the District Attorney's salary based on the Veto of S4632/A7215, and be it also

RESOLVED, that the District Attorney's Salary is hereby set at the level of the non-fulltime District Attorney, \$106,938.00, effective January 1, 2020, and be it further

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

RESOLVED, that the Board of Supervisors hereby requests that Senator Tedisco and Assemblyman Smullen make the Amendment to Section 700 of the County Law part of the 2020/2021 New York State Budget, and be it also

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

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

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

NAYS: NONE

ABSENT: TOMLINSON AND FREY

After the following resolution was placed on the floor; the Chairman stated that the agreements for Board of Elections grant money requires contracts between Hamilton County and NYS. It is two pots of money and it requires the Chairman's signature on both. The Board had not authorized the Chairman's signature prior and because this meeting was already scheduled, he included it on the Agenda. When he and the Clerk of the Board had met with Marie Buanno, Republican Election Commissioner, he thought she had done a good job. His only suggestion was that if there was a way to capture more of the State money they should. They were able to find additional costs to receive the whole \$17,299.68.

RESOLUTION NO. 400-19

AUTHORIZING BOARD OF ELECTION GRANTS

DATED: DECEMBER 27, 2019

BY MR. SEAMAN:

WHEREAS, the Hamilton County Board of Elections has been awarded the Early Voting Aid To Localities Grant BOE01-C004090-1110000 for an amount up to \$17,299.68, and

WHEREAS, the Hamilton County Board of Elections has also been awarded the Electronic Poll Books Capital Grant Project BOE01-C004029-1110000 for an amount up to \$18,754.02, and

WHEREAS, both of these grants are reimbursements for actual costs per the Work Plan submitted by the Hamilton County Board of Elections, and

WHEREAS, both Commissioners have agreed to and signed off on said Work Plan, now, therefore, be it

RESOLVED, that the Chairman of the Hamilton County Board of Supervisors is hereby authorized to sign Early Voting Aid To Localities Grant BOE01-C004090-1110000 and Electronic Poll Books Capital Grant Project BOE01-C004029-1110000.

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

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

NAYS: NONE

ABSENT: TOMLINSON AND FREY

Other Reports:

Mr. D. Wilt: Wished everyone a Happy New Year.

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