

REGULAR BOARD MEETING
Monday, February 1, 2010

Randall Douglas, Chairman
Roby Politi, Vice-Chairman

Chairman Douglas called this Regular Board Meeting to order at 10:00 a.m. with a salute to the flag. Upon roll-call, the following Supervisors were found in attendance: David Blades, Sharon Boisen, George Canon, Daniel Connell, Robert Dobie, Randall Douglas, William Ferebee, Bethany Kosmider, Lori Lincoln-Spooner, Debra Malaney, Noel Merrihew, Sue Montgomery-Corey, Jerry Morrow, Randy Preston and Tom Scozzafava. (Joyce Morency, Cathy Moses and Roby Politi had been previously excused).

Department Heads present were: Mike Diskin, Monica Feeley, Brandon Boutelle, Henry Hommes, Don Jaquish, Dan Manning, Dan Palmer and Deb Palmer.

Also present were: Mike Blaise, Margaret Bartley, Sindy Brazee and Shona Doyle.

News Media present were: Adirondack Enterprise, Denton Publications, Press Republican.

DOUGLAS: I will call this meeting to order and ask you to join me in the pledge of the flag please. Please remain standing for the invocation given by Mr. Blades.

BLADES: Dear Heavenly Father: We give you thanks for allowing us to gather together today as this Board meets to benefit others.

Keep us strong of mind and commitment, mindful of those who are most needy.

Give us articulate tongues as we work toward keeping Moriah Shock open.

We make a special prayer to help the people of Haiti in these devastating times.

In a special way we pray for our brother and friend, Robert Politi, give him a speedy and complete recovery.

Keep our country safe from terrorist attacks. Bless and Guide our President and national leaders, our Governor and State leaders, our Chairman, County leaders and officers.

Keep safe the members of our armed forces both here and abroad.

We ask all of this in your holy and precious name. Amen

DOUGLAS: Thank you Dave. Roll-call please.

There are no guests on the agenda, we will move right to resolutions.

RESOLUTION #17 - AUTHORIZING APPOINTMENTS TO BOARDS, COMMITTEES AND/OR COUNCILS.

This was offered by Mr. Scozzafava, seconded by Mr. Canon and Mr. Merrihew, and adopted.

RESOLUTION #18 - AUTHORIZING BUDGET AMENDMENTS FOR VARIOUS DEPARTMENTS.

This was offered by Mr. Scozzafava, seconded by Mr. Dobie, and adopted upon a roll-call vote as follows:

AYES: 2114 votes

NOES: 0 votes

ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #19 - INCREASING THE CERTIFIED HOME HEALTH AGENCY SKILLED NURSING VISITS FROM \$175.00 PER VISIT TO \$185.00 PER VISIT FOR 2010.

This was offered by Mr. Blades, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #20 - SETTING THE 2010 RATE OF \$17.00 PER HOUR FOR VOTING MACHINE TECHNICIANS.

This was offered by Mr. Morrow, seconded by Mr. Connell, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #21 - SETTING THE 2010 RATE FOR ELECTION INSPECTORS AT \$11.00 PER HOUR, CHAIR FEE AT \$25.00, TRAINING AT \$30.00 FOR THE CLASS AND THE STANDARD MILEAGE RATE.

This was offered by Mr. Canon, seconded by Mr. Dobie, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #22 - AUTHORIZING THE REPLACEMENT OF THE BELFRY TOWER LOW BAND BASE STATION AND THE PURCHASE FROM WELLS COMMUNICATIONS OF SIX (6) DANIELS LOW BAND BASE STATIONS AT A COST NOT TO EXCEED \$83,090 WITH SUCH FUNDS TO COME FROM THE RADIO PROJECT ACCOUNT.

This was offered by Mr. Preston, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #23 - AUTHORIZING THE APPOINTMENT OF BRANDON BOUTELLE AS ESSEX COUNTY PUBLIC DEFENDER, FOR A TWO YEAR TERM BEGINNING JANUARY 4, 2010, AT A SALARY OF \$92,000.00.

This was offered by Mr. Canon, seconded by Mr. Ferebee, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #24 - IN OPPOSITION TO THE ADIRONDACK PARK AGENCY'S PROPOSED

REGULATIONS ON BOAT HOUSES.

This was offered by Mr. Canon, seconded by unanimously, and adopted.

RESOLUTION #25 - AUTHORIZING THE ESSEX COUNTY CLERK TO SELL E-Z PASSES IN THE CLERK'S OFFICE.

This was offered by Ms. Kosmider, seconded by Mr. Blades, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #26 - ACCEPTING AND PLACING ON FILE THE 2009 REAL PROPERTY TAX SERVICE ANNUAL REPORT.

This was offered by Mr. Canon, seconded by Mr. Morrow and Mr. Scozzafava, and adopted.

RESOLUTION #27 - TO RENEW THE CONTRACT WITH VENESKY AND COMPANY FOR INDIRECT COST REPORTS, IN THE AMOUNT OF \$9,500.00, FROM BUDGETED FUNDS.

This was offered by Mr. Dobie, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #28 - ESTABLISHING ACCOUNT FOR THE FIRE/AMBULANCE GROUP PLAN FOR WORKERS' COMPENSATION AND AUTHORIZING A BUDGET AMENDMENT TO INCREASE REVENUES AND APPROPRIATIONS BY \$304,222.00.

This was offered by Mr. Scozzafava, seconded by Mr. Preston and Mr. Morrow, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #29 - IN OPPOSITION TO GOVERNOR PATERSON'S PROPOSED CLOSURE OF THE MORIAH SHOCK INCARCERATION FACILITY LOCATED IN MORIAH, NEW YORK.

This was offered by Mr. Scozzafava, seconded unanimously, and adopted.

RESOLUTION #30 - AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CSEA REGARDING ARTICLE 14-DPW, BUILDINGS AND GROUNDS CALL-IN PROCEDURE AND TO REVISE ARTICLE 14, SECTION D, SUBSECTION 1-4 FROM THE CURRENT WORDING AND REVISING THE LAST SENTENCE OF ARTICLE 17, SECTION G.

This was offered by Mr. Connell, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2023 votes
NOES: 91 votes (Preston)
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #31 - AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE COUNTY OF ESSEX AND NEW YORK STATE UNIFIED COURT SYSTEM RELATIVE TO THE PROVISION OF SECURITY STAFFING FOR THE PROTECTION OF JUDGES, NON-JUDICIAL OFFICIALS, EMPLOYEES, TRIAL JURORS, PARTIES ATTORNEYS, WITNESSES AND THE GENERAL PUBLIC AT THE ESSEX COUNTY COURTHOUSE FOR A FIVE-YEAR TERM COMMENCING APRIL 1, 2009 THROUGH MARCH 31, 2014 IN AN AMOUNT NOT TO EXCEED \$38,000 FRO THE INITIAL PERIOD.

This was offered by Mr. Morrow, seconded by Ms. Malaney, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #32 - AUTHORIZING THE EXECUTION OF CONTRACTS WITH LAKE PLACID CHAMBER OF COMMERCE, INC. d/b/a LAKE PLACID/ESSEX COUNTY VISITORS BUREAU.

This was offered by Ms. Malaney, seconded by Mr. Preston, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

RESOLUTION #33 - IN SUPPORT OF FULL FUNDING IN THE 2010 GOVERNOR'S BUDGET FOR THE OFFICIAL I LOVE NEW YORK GATEWAY INFORMATION CENTER IN BEEKMANTOWN.

This was offered by Mr. Merrihew and Mr. Canon, seconded by Ms. Malaney, and adopted.

DOUGLAS: Just to follow up on that, our County Manager and I just met with Garry Douglas, the Director of the Chamber of Commerce for the region and he thanked us for this resolution and felt that it would be very important that we did move such a resolution because it is the Gateway to the Adirondack communities. He wanted to thank us for that.

RESOLUTION #34 - AUTHORIZING THE SAFETY OFFICER TO APPLY FOR A HAZARD ABATEMENT GRANT THROUGH THE NEW YORK STATE OCCUPATIONAL SAFETY AND HEALTH HAZARD ABATEMENT BOARD.

This was offered by Mr. Connell, seconded by Mr. Merrihew, and adopted.

DOUGLAS: Resolutions from the floor?

CANON: I would like to introduce a resolution authorizing payment to McNamee, Lochner, Titus & Williams, PC in the additional amount of \$702.50.

DOUGLAS: Do I have 12 Supervisors to allow that on the floor please?

PALMER: Yes, you do.

DOUGLAS: Seconded by Mr. Dobie and Mr. Merrihew.

RESOLUTION #35 - AUTHORIZING PAYMENT TO McNAMEE, LOCHNER, TITUS & WILLIAMS, P.C. IN THE ADDITIONAL AMOUNT OF \$702.50.

This was offered by Mr. Canon, seconded by Mr. Dobie and Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2114 votes

NOES: 0 votes

ABSENT: 729 votes (Politi, Moses, Morency)

DOUGLAS: Other resolutions from the floor?

BLADES: Resolution adopting Local Law No. 1 of 2010.

DOUGLAS: Is there a second to that? Seconded by Mr. Canon.

RESOLUTION #36 - ADOPTING LOCAL LAW NO. 1 OF 2010.

This was offered by Mr. Blades, seconded by Mr. Canon, and adopted upon a roll-call vote as follows:

AYES: 1586 votes

NOES: 528 votes (Ferebee, Scozzafava, Preston)

ABSENT: 729 votes (Politi, Moses, Morency)

DOUGLAS: Discussion?

MERRIHEW: I would ask to offer an amendment to adjust the Public Defender's salary as to what we adopted previously. I would offer that amendment.

DOUGLAS: First I have to get 12 to put that on the floor - is there 12?

PALMER: Yes there is.

DOUGLAS: Your amendment was?

MERRIHEW: To reflect the Public Defender's salary that we just adopted of \$92,000 as opposed to \$120,149.

MANNING: Because the Public Defender was a new appointment, I would ask for an amendment that would remove that line from this local law. The intent of the local law is generally just to apprise the public of the increase of any salary's during their term and since we have just appointed him and in the appointment it reflected his salary, we don't have to put it in this local law so we will just remove it.

CANON: I assume the basis for that is because we had a public hearing on this and the public had an opportunity to look at what we were doing and now we are changing it after the public hearing?

MANNING: That really is not it. Actually if we are changing it after the public hearing we would have to do the process all over again with the local law and generally myself and other County Attorney's just throw everybody in here but there are people in here that really don't need to be in here. By virtue of the fact that if you were appointed at a certain time with a salary and your salary does not change during that two year appointment, like Brandon has been appointed, then this local law doesn't need to be done. The people here have been appointed or elected and during the term their salary has changed, that is why this is required. So we are just going to take him out.

CANON: Okay.

DOUGLAS: So we vote on the amendment first?

CANON: The amendment is remove it instead of changing it.

DOUGLAS: All in favor of the amendment? Opposed. Carried.
On the resolution as amended - roll-call vote.
Further resolutions from the floor?

MORROW: I would move a resolution authorizing the adoption of Workplace Violence Prevention Policy Statement.

DOUGLAS: Do I have 12 to put that on the floor please?

PALMER: Yes, you do.

DOUGLAS: Is there a second - Mr. Blades and Mr. Connell.

RESOLUTION #37 - AUTHORIZING THE ADOPTION OF WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT.
This was offered by Mr. Morrow, seconded by Mr. Blades and Mr. Connell, and adopted.

DOUGLAS: Further resolutions from the floor?

KOSMIDER: On behalf of Supervisor Scozzafava and myself, I would like to move a resolution thanking Governor Paterson of New York, Governor Douglas of Vermont, Commissioner Gee, the NYS Dept. Of Transportation, Lake Champlain Transportation, Ticonderoga Ferry, Lake Champlain Bridge Coalition, all the construction workers and most importantly all our constituents for their patience, support and dedication to bring the ferry transportation to completion in Crown Point.

DOUGLAS: Moved by Ms. Kosmider and Mr. Scozzafava. Unanimous second.
Do I have 12 to put that on the floor?

PALMER: Yes, you do.

RESOLUTION #38 - OF APPRECIATION AND THANKS TO GOVERNOR PATERSON OF NEW

YORK, GOVERNOR DOUGLAS OF VERMONT, COMMISSIONER GEE, THE NYS DEPARTMENT OF TRANSPORTATION, LAKE CHAMPLAIN TRANSPORTATION, TICONDEROGA FERRY, LAKE CHAMPLAIN BRIDGE COALITION, ALL THE CONSTRUCTION WORKERS AND ALL THE CONSTITUENTS FOR THEIR PATIENCE, SUPPORT AND DEDICATION TO BRING THE FERRY TRANSPORTATION TO COMPLETION IN CROWN POINT.

This was offered by Ms. Kosmider and Mr. Scozzafava, seconded unanimously, and adopted.

DOUGLAS: Further resolutions from the floor?

KOSMIDER: I would like to move a resolution of condolence to the Dale French family in the death of his father, Howard French.

DOUGLAS: Do we have 12 to put this on the floor?

PALMER: Yes, you do.

RESOLUTION #39 - OF CONDOLENCE TO THE FAMILY OF HOWARD FRENCH.

This was offered by Ms. Kosmider, seconded unanimously, and adopted.

DOUGLAS: Any other resolutions from the floor?

FEREBEE: I would like to offer a resolution ratifying certain change orders with respect to the contract with Barton & Loguidice for resurfacing and guide railing on the Blue Ridge Road.

DOUGLAS: Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Seconded by Mr. Merrihew and Mr. Dobie.

RESOLUTION #40 - RATIFYING CERTAIN CHANGE ORDERS WITH RESPECT TO THE CONTRACT WITH BARTON & LOGUIDICE FOR RESURFACING AND GUIDE RAILING ON THE BLUE RIDGE ROAD.

This was offered by Mr. Ferebee, seconded by Mr. Merrihew and Mr. Dobie, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

DOUGLAS: Further resolutions from the floor?

BLADES: I would like to offer a resolution of condolence to the family of Elaine Fields. Elaine does have several children that works in the county, one at DPW and one in Mr. Meyer's office. She also has a son that works at Moriah Shock.

DOUGLAS: Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Unanimous second.

**RESOLUTION #41 - OF CONDOLENCE TO THE FAMILY OF ELAINE FIELDS.
This was offered by Mr. Blades, seconded unanimously, and adopted.**

DOUGLAS: Any other resolutions from the floor?

MERRIHEW: I would offer a resolution amending the 2010 budget in the Transportation Department by increasing revenues and appropriations in the amount of \$152,000 with said funds to be used for the purchase of two buses for the Transportation Department.

DOUGLAS: Do I have 12 to put that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second to the resolution - Mr. Canon.

RESOLUTION #42 - AMENDING THE 2010 BUDGET IN THE TRANSPORTATION DEPARTMENT BY INCREASING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF \$152,000.00 WITH SAID FUNDS TO BE USED FOR THE PURCHASE OF TWO BUSES FOR THE TRANSPORTATION DEPARTMENT.

This was offered by Mr. Merrihew, seconded by Mr. Canon, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

DOUGLAS: Discussion?

MANNING: This resolution was done last year and because of the funding for the 2009 budget which vanishes if it is not used, we have to do it again for 2010 - just so you know what it is all about.

DOUGLAS: Roll-call vote please.
Further resolutions from the floor?

CANON: A resolution appointing the Republican Election Commissioner for Essex County -

Derinda Sherman.

DOUGLAS: Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second – Mr. Blades.

RESOLUTION #43 - APPOINTING THE REPUBLICAN ELECTION COMMISSIONER FOR ESSEX COUNTY.

This was offered by Mr. Canon, seconded by Mr. Blades, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

DOUGLAS: Further resolutions from the floor?

I have one, a resolution of condolence to the family of Terry Walton. Terry was Undersheriff for years for Essex County and was also a Town Councilman in the Town of Jay.

Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Unanimous second.

RESOLUTION #44 - OF CONDOLENCE TO THE FAMILY OF TERRANCE WALTON.

This was offered by Mr. Douglas, seconded unanimously, and adopted.

DOUGLAS: Further resolutions from the floor?

CANON: I don't have it ready yet Mr. Chairman, but this sales/occupancy tax memo that we had from Mike should go through Economic Development I guess and get a resolution through in February.

DOUGLAS: Mr. Diskin, did you want to speak on that today? Would someone offer the courtesy of the floor to Mr. Diskin - Mr. Merrihew and Mr. Morrow.

DISKIN: First of all I want to thank you for giving me a couple of minutes to talk about this today. I sent it out to everybody on Friday. Late Wednesday afternoon I got an email and follow up phone call from Steve Traylor who is an Associate Legislative Director at NACo, he is also the liaison and contact that I have with the National Association of County Treasurer's and Finance Officers.

As you are probably aware, I have been the Chairman of their Legislative Committee for the last four years and even though they appointed me as Secretary this year, they asked me to continue on legislation. I don't know if it was because they couldn't find anybody else that wanted to do it

or what but they did ask me to stay on so I have had contacts with NACo through Steve Traylor. I also on Friday has a discussion with NYSAC and they were not really aware of this either, I talked to Jackie Dedrick down there and she was going to look into it and hopefully get it out to the rest of the counties.

Basically what it is, legislation was proposed in the US Senate and is winding it way through the Finance Committee, it is called the Travel Promotion Act of 2009, it sounds like a very commendable act except if you follow through some of the pieces of legislation that have been added to it and one of them is as thing that was slipped in with no public hearings, no time for anybody from the public to have any testimony as to any of the adverse affects of it.

Currently on line, travel company's such as Price Line, Travelocity, Expedia - I am sure a lot of you may have used these people at one time or another, Hotels.com, any of these on line booking company's - book hotel rooms through their web sites. How they do it is they purchase or they work an arrangement with the hotel to buy it at discount and then sell it at a retail mark up. Obviously they keep the retail which is fine, that is their business but when they sell this room they pay the sales tax and the occupancy tax on the discounted rate that they purchased it from the hotel. When they sell it to you they mark it up, they mark it as a facilitation charge, they don't tell you it is taxes, they mark it as a facilitation charge which could be additional service charges at the higher rate for sales tax and occupancy tax and the additional sales tax and occupancy tax goes in their pocket and not in our pocket. This has been going on for quite a while. There are a number of lawsuits around the country from various counties and states opposing this and basically saying that this is something that isn't done in any other retail and wholesale company. You can image in car dealers were allowed to do this and they were able to buy a car from Ford Motor Company, the dealer paid the state the sales tax and then when he sold the car to you he charged you the retail sales tax and kept the difference. It is the same thing with grocery's - whatever you want to apply to it. It just doesn't happen at the wholesale level except in this case.

They have been getting away with it and now what they are trying to do is forge some legislation and put it into this travel promotion act that would say they are exempt from collecting any sales tax. On the surface it looks like they are asking just to be exempt from the additional amount but if you really read the legislation in depth it says that they want to be exempted from paying any sales tax on the room that they sell. Obviously this would have a very detrimental affect because imposition of taxes obviously is a local decision along with approval from the state and we certainly don't want Congress telling us how to tax people and what to do.

I did have an opportunity to briefly talk with Jim McKenna about it. Jim was able to contact his state agency that does tourism throughout the State of New York and they are working on this as well. He gave me what he thought were some reasonable estimates of the impact on Essex County. The report says that at a very low ball idea because obviously they don't have a real clear handle on this and they were only able to get information from about 17 states so this is a very conservative estimate that NYS in 2007 lost 107 million dollars in revenue because of this. Now according to Jim 3% of all the tourism revenue in the State of New York is attributed to the Adirondacks as a general area and the 27% of the Adirondack tourism is attributed to Essex County so if you extrapolate some of that information you find that Essex County had \$866,700 in sales, just the room sales through these on-line company's.

The state because of this, their 4% sales tax lost \$34,668. Statewide they would have lost over \$4 million, \$4,280,000 in sales tax. Essex County sales tax at 3.75% was a loss of \$32,501.25 and the 3% occupancy translated to \$25,980. This is just from on-line bookings that they are aware of and a very low ball estimate. Obviously it could be extensively more. Now one

of the fears in writing this, this does not include travel agency's. If you go to Liberty Travel or one of these other company's, when they sell that hotel room to you where they book it through them, they get 100% of the tax so if this was allowed to be done through the on-line agency's, it would translate over to the travel agency's themselves which would further lose money.

The other part of the legislation that concerns a lot of people is that if this is done a lot of the major hotels could do their own spin off subsidiary of these company's, create their own on-line booking company, direct everybody when they book to them through their website direct them to go their and book their room, and the potential for that was about \$8.5 billion dollars per year in potential sales tax nationwide. It translated out to about \$913 million a year from New York State. That translates down to about \$7 million in Essex County alone or a loss of \$277,323 in sales tax and \$221,859 in occupancy. You can see that you are talking over half a million dollars between sales tax and occupancy that potentially could be lost if this was enacted.

So what we have been asking people to do and we did late Wednesday afternoon about 4:45 pm sent a major email to all the members of the National Association of County Treasurer's throughout the United States, it covers over 1000 people who received this email, asking them to contact their Senator to tell them their opposition to this. We are also asking the public to do this as well. One of our Senators, Senator Schumer is on the Finance Committee. The Chairman of the Finance Committee is Senator Bachus from Montana as the ranking member and Senator Grassley from Iowa is the ranking minority leader of that. We are asking people to do resolutions saying this would be very detrimental to counties and states if this happened so that was the purpose of sending it out, to make you aware of it and hopefully get Essex County out in front of this because I don't believe anybody else in the state is doing this as of yet until NYSAC gets out to them so hopefully we can be out in the forefront because of some of the contacts that we have in Washington.

DOUGLAS: So this could have a serious detrimental affect to our sales tax and occupancy tax.

DISKIN: Between sales tax and occupancy if this went through and if on-line company's were created from these hotels the potential is over half a million dollars a year between sales and occupancy alone.

DOUGLAS: Does anyone have any questions for Mike? Mike, can you help prepare a resolution for us for Finance?

DISKIN: I will have to do it for Ways and Means as there are no committee meetings this month.

DOUGLAS: We can do it through Ways and Means. It will be to contact Senators Schumer and Gillibrand and also Backus and Grassley as well to send these to and tell them the county's opposition to this and the impact.

DOUGLAS: Will you get together with Dan and give him some of the details?

DISKIN: I will do that.

CANON: In the meantime I think a committee directive might be in order here until we get that resolution. That will allow Mike to contact his people and say the Essex County Board has taken

action and we will get the resolution as we go through the process. I think a committee directive would be in order here.

DISKIN: I would be glad to do that and get this out to other Treasurer's around the state who can take it to their counties and say look at Essex County, they have already done a resolution or a directive to get this out.

MANNING: We need to tell people too in the area so they can write letters.

DISKIN: It certainly will be helpful if I can contact other counties and let them know that Essex County has already acted on this and you need to get out there and act on it in your county and let NYSAC grab it as well.

CANON: I would move a committee directive in opposition to the legislation that is moving through.

DOUGLAS: A committee directive moved by Mr. Canon, seconded by Mr. Ferebee and Ms. Kosmider.
Discussion?

PRESTON: I am curious - would it be appropriate to move the resolution in opposition to this bill and just have Mike submit the pertinent information?

MANNING: That is fine. Just do the resolution and we will fill in the blanks.

CANON: That is fine if you are satisfied with doing resolutions without knowing what they say?

MANNING: It is in opposition.

DISKIN: You will have to trust the County Attorney and I.

CANON: I am sure it will be fine.

DOUGLAS: Moved by Mr. Canon. Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Seconded by Mr. Ferebee and Ms. Kosmider.

RESOLUTION #45 - IN OPPOSITION TO PROPOSED FEDERAL LEGISLATION EXEMPTING TAXATION OF ON-LINE HOTEL RESERVATIONS.

This was offered by Mr. Canon, seconded by unanimous, and adopted.

DISKIN: Thank you and it is nice to know that Essex County is going to be out in front on this nationwide because I don't think that many know.

Before I forget, we got notice this morning that the state land money should be here in a couple of days - I thought I would give you some more good news. You know what the policy is,

we contact you and send you the letter and authorize it.

MANNING: Mike, do you have the material from the woman who asked on the taxes?

DISKIN: While I am up here -the other day I received an email from the Supervisor from Schroon, Cathy Moses. She had been in contact with one of her constituents. I had been in contact with the lady late in the fall concerning a property that she owns in the Town of Schroon. She had some delinquent taxes going back to the year 2006 and when she spoke to me she said - well I never got any bills that is why I didn't pay it. My first comment to her was - well you know you owe them don't you? She said - yes, I paid taxes all the way up through 2005 and I realized that I had taxes but I didn't get the bill so I didn't pay them. She wanted to be relieved of penalties and interest. Obviously I didn't have any authority to do that and I gave her the information and suggested she contact the Town Supervisor in that town which is my practice normally when people call me with this.

As a way of background on some of this, the lady apparently moved in 2003 and claimed she sent a change of address to everybody but it was interesting that even though the bill went to the old address in 2004 and 2005 and got paid, starting in 2006 it didn't. I am not sure how that happened but she did pay them in 2004 and 2005 even though they went to her former address. She did pay the 2009 and the 2008 taxes so she still owes 2007 and 2006. She also paid her 2009 school tax bill before the time expired to pay it and she asked for a resolution to relieve penalties and interest. When I added it up it would be about \$2,377.85 in interest, penalties and mail fees.

In the letter I address to Ms. Moses and the County Attorney, I said that I could not support this but certainly if the board wanted to do it they could and I believe Dan sent a memorandum out on Friday. That is the back ground on it unless somebody has other questions.

MANNING: I agree with Mike. She moved in 2003. She paid her 2004 taxes and her 2005 taxes and then said she got no notice for 2006, 2007 and I think 2008. First of all everybody is on notice that they have to pay their taxes. She had been paying taxes in the past. She knew she had to pay taxes. Just because she doesn't get a bill, if that did happen, she still is under the obligation to pay the taxes. Moreover, if you do this for one person you are going to open up a whole can of worms, you are going to have people flying in here saying I didn't get a notice or this or that happened. The simple fact of the matter is that you are responsible for your real property taxes and your school taxes and this kind of reasoning would not work with the IRS either.

CANON: It sounds like the case is closed to me.

MORROW: I agree. I couldn't support it especially when there is no good reason and she even admits that she knew she owed them.

I can remember about six years ago that there was an elderly couple from North Elba that came down here and sat in the audience and they were sick and didn't get their taxes and the people who were suppose to pay them did not pay them and we did not relieve those penalties and interest so I could not support this.

CONNELL: We had a very similar circumstance in the Town of Westport two years ago and the board did not allow it then so obviously if you were thinking about it I couldn't support it because if nothing else we set precedent that we didn't allow it in the Town of Westport.

DOUGLAS: Any other comments?

DISKIN: I will contact Ms. Moses and let her know that no action was taken. Thank you.

MANNING: Do you want to do a resolution? It is a decision by the board.

DOUGLAS: Will someone move the resolution? Moved by Mr. Morrow. Do I have 12 to allow this on the floor?

PALMER: Yes, you do.

DOUGLAS: Seconded by Mr. Ferebee and Mr. Blades.

RESOLUTION #46 - DENYING ABATEMENT ON PENALTIES AND INTEREST OF UNPAID TAXES FOR PROPERTY ASSESSED TO MARIJEANNE CARINO IN THE TOWN OF SCHROON. This was offered by Mr. Morrow, seconded by Mr. Ferebee and Mr. Blades, and adopted.

DOUGLAS: Discussion?

SCOZZAFAVA: I think we adopted a policy on this a couple of years ago whereas they were suppose to contact the board with a letter of the circumstances and it would be reviewed and then a determination made.

DISKIN: She did contact the Town Supervisor.

SCOZZAFAVA: By letter?

DISKIN: Yes. That is what I told her to do, contact the Town Supervisor and she did send a letter to the Town Supervisor.

SCOZZAFAVA: Okay. My next question would be - what is the resolution?

MANNING: That you denied granting her an abatement on interest and penalties on those taxes not paid.

PALMER: I think the value of the resolution is simply that it provides simple answer.

DISKIN: It is something that in the future you can look at.

MANNING: Plus, it is a decision by the board.

DOUGLAS: All in favor, opposed, carried.

In attendance is Brandon Boutelle. Brandon, congratulations on your appointment. Is there anything that you would like to say to the board at this point?

BOUTELLE: Yes.

DOUGLAS: Can I ask someone to move the courtesy of the floor? Moved by Mr. Ferebee and Mr. Preston.

BOUTELLE: I would just thank you for the honor of allowing me to serve as the County's Public Defender. One of my first orders of business is hiring a Deputy. I have already received about six resumes so far. I have some interviews scheduled down in Albany at the Albany Law School, they have been assisting me in finding applicants and providing me interview space. I will be interviewing three people this Friday. I think in this job market it is a very good time to get high quality applicants and I am very impressed with the applicants we have so far. Also I have read some things in the newspapers and no one that I am aware of is related to anyone in this county.

PALMER: And especially they are not related to me.

BOUTELLE: Correct, especially not related to the Palmer's.

PRESTON: Be careful though, they will make something up, give them a chance.

BOUTELLE: One of the other issues I saw in the Post Star that was happening to Warren County was a ruling in the Appellate Division about contracting public defense services instead of paying Assigned Counsel rates or having them as an employee. It wouldn't really affect us ever. We never had contracts with attorney's per se. I know when I was gone in the military Livingston had some arrangements with some local attorney's but in the meantime to help fill in some of the back log and to help me out while I hire someone, a local attorney Reg Bedell from Willsboro, he has an office here in Elizabethtown, he has been appointed as a part time for the next three months as a temporary Assistant Public Defender covering some of the smaller justice courts. His assistance is very valuable so I would like to thank him publicly for stepping up and helping us out. I think that I should have someone to be hired permanently by this spring, early summer.

MANNING: Brandon, I am just curious on the contracting - what did the Appellate Division rule? Did they say that was proper or improper?

BOUTELLE: The case came from Cortland County and I believe it said that paying attorney's for public defense work on a contract rate was circumventing the Assigned Counsel rules. It doesn't impact us so much but in bigger counties like Warren that had contracted out their conflicts, the headline was - Court Ruling Means Increased Cost for County. Our conflicts have been somewhat minimal in comparison to other counties.

MANNING: But what we are doing with Reg, he simply is an employee so we are not violating anything.

DOUGLAS: Thank you. Any questions for Brandon? Again Brandon congratulations. We look forward to working with you.

BOUTELLE: Thank you sir.

DOUGLAS: Does anybody have anything else they want to bring before this board?

FEREBEE: Not before the board, it is just a question for Supervisor Scozzafava. This morning I was watching the news and it is good to see that the first ferry has run to Vermont. I did recognize Governor Douglas from Vermont on the front of the ferry but there was something next to him with yellow duck boots and pink swimmy's on and it did resemble you - was that you?

SCOZZAFAVA: That was Ms. Kosmider.

DOUGLAS: Do you guys want to update us on the ferry at this point? Did it open smoothly this morning?

KOSMIDER: They came across at 5:15 from Vermont with the Governor from Vermont. We rode over to Vermont with the Governor. I noticed that he went to every car and said hello to everybody and there were 46 cars on there. It is a 50 passenger ferry. We talked with everyone. Everyone was cordial. The passengers were thrilled. I think Tom was taken aback by one person from Crown Point who was crying and she gave out little angel tokens to everyone and said thank you - Jean Bree from Crown Point. It was a moving experience. There was some media there. I didn't get to talk with them.

PRESTON: Tom was in the way?

SCOZZAFAVA: After they interviewed me they went to the Governor. As Beth pointed out, it was very moving, very emotional and I can tell you that all the commuters are just so relieved that now they are going to get home at a decent time, can leave for work at a decent time and the most important thing and what most have expressed throughout this is they are going to have time once again to spend with their families and so on. It is just great that it is up and running.

DOUGLAS: Thank you for the update. Does anybody else have anything?

MANNING: I have a couple quick resolutions – we need a resolution authorizing the execution of Section 5311 agreements with the Village of Lake Placid, the Town of Keene and ORDA. This is relative to our transportation system. Basically we throw these 5311 agreements, we do them every year, and they allow us to provide worthy pass-through money for the trolley's and for the buses that are used and which service the residents in Placid, Keene and ORDA.

DOUGLAS: Would somebody move that resolution? Moved by Mr. Dobie.
Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second? Mr. Preston.

RESOLUTION #47 - AUTHORIZING THE EXECUTION OF SECTION 5311 AGREEMENTS WITH THE VILLAGE OF LAKE PLACID, THE TOWN OF KEENE AND ORDA RELATIVE TO THE TRANSPORTATION SYSTEM.

This was offered by Mr. Dobie, seconded by Mr. Preston, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

DOUGLAS: Further resolutions?

MANNING: The next resolution is a transportation department resolution and it is another housekeeping resolution in that these funds were available in the 2009 budget but because we are now in 2010 those funds roll over. We need a resolution to roll-over a grant in the amount of \$6,514.53 through the 5311 marketing program and amending the 2010 budget in the Transportation Department by increasing revenues and appropriations by \$6,514.53. This comes from an original grant funding of \$20,000.

DOUGLAS: Moved by Mr. Blades. Seconded by Mr. Morrow.
Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

RESOLUTION #48 - AUTHORIZING A GRANT ROLL-OVER IN THE AMOUNT OF \$6,514.53 THROUGH THE 5311 MARKETING PROGRAM AND AMENDING THE 2010 BUDGET IN THE TRANSPORTATION DEPARTMENT BY INCREASING REVENUES AND APPROPRIATIONS BY \$6,514.53.

This was offered by Mr. Blades, seconded by Mr. Morrow, and adopted upon a roll-call vote as follows:

AYES: 2114 votes
NOES: 0 votes
ABSENT: 729 votes (Politi, Moses, Morency)

MANNING: Just one last one, we need a resolution authorizing the execution of a memorandum of understanding with the NYS Police and NYSEG relative to cooperation in the building of our microwave loop for the new radio system. It is a non-binding MOU but it just states the parties intent to work together relative to the establishment of the loop, towers, equipment, infrastructure and things of that nature.

DOUGLAS: Will someone like to move that resolution? Mr. Merrihew.
Do I have 12 to allow this on the floor?

PALMER: Yes you do.

DOUGLAS: Seconded by Mr. Blades and Mr. Morrow.

RESOLUTION #49 - AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE NYS POLICE AND NYSEG RELATIVE TO COOPERATION IN THE BUILDING OF THE MICROWAVE LOOP FOR THE NEW RADIO SYSTEM.

This was offered by Mr. Merrihew, seconded by Mr. Blades and Mr. Morrow, and adopted.

DOUGLAS: In discussion with the County Attorney and County Manager - as you know the Governor announced in the last couple of weeks that because of the failed wireless system, the Statewide Wireless System, he is going to have \$50 million dollars available, competitive wise for granting funding. I just want us to be up-front when this money does become available so I am asking for a resolution for our staff to apply for this grant when it becomes available to off-set the cost of the radio system.

Moved by Mr. Preston. Do I have 12 to allow it on the floor?

PALMER: Yes you do.

DOUGLAS: Seconded unanimously.

RESOLUTION #50 - AUTHORIZATION TO APPLY FOR GRANT FUNDING RELATIVE TO THE NEW RADIO SYSTEM.

This was offered by Mr. Douglas, seconded unanimously, and adopted.

DOUGLAS: Is there anything else to come before this committee?

CONNELL: Just a question for clarification - we talked a little bit about this at Ways and Means. I have an action for the County Planning Board and there was some discussion that they might meet before Ways and Means. I don't care if they meet or not, I just need to make sure that my action gets a letter of No Comment or that it is approved by default because the committee didn't meet. I again remind the board that I do have this very important action involving a water system and my funding with EFC that I have to get through in the month of February.

PALMER: I have it on the calendar. I marked it for the date that Economic Development would normally meet and whenever the 30 days is from the letter that I received from you, I will send you a No Comment letter.

CONNELL: I am fine with that.

DOUGLAS: Anything else to come before this Board? If not, we stand adjourned.

AS THERE WAS NO FURTHER BUSINESS TO COME BEFORE THIS
REGULAR BOARD MEETING, WE ADJOURNED AT 10:55 A.M.

Respectfully submitted,

Deborah Palmer, Clerk
Board of Supervisors