

Regular Board Meeting

Monday, April 9, 2018

Randy Preston, Chairman
Shaun Gilliland, Vice-Chairman

Chairman Preston called this Regular Board Meeting to order at 10:00 am with a salute to the flag. Upon roll-call, the following Supervisors were found in attendance: Robin DeLoria, Archie Depo, Shaun Gilliland, Joseph Giordano, Charlie Harrington, Ronald Jackson, Mike Marnell, Steve McNally, Noel Merrihew, Dean Montroy, James Monty, Ron Moore, Randy Preston Michael Tyler and Joe-Pete Wilson. Gerald Morrow, Roby Politi and Tom Scozzafava were previously excused.

Department Heads present were: Judy Garrison, Don Jaquish, Charli Lewis, Dan Manning, Michael Mascarenas, Sue Montgomery-Corey and Dan Palmer.

Deputies present: Michael Badger and Jim Dougan.

Also present: Stephen Reed, Chairman NCCC Board of Trustees.

News Media: Keith Lobdell – Sun Community News.

PRESTON: I will call the meeting to order please. Will we all rise to salute the flag. Roll call please. We'll move onto resolutions.

RESOLUTION #89 – AUTHORIZING AN AMENDMENT TO THE VENESKY & COMPANY CONTRACT BEARING CONTRACT NO. MISC-18-0025, IN AN AMOUNT NOT TO EXCEED \$5,833.00, TO PROVIDE ESSEX COUNTY WITH A STRUCTURAL COMPONENT DEPRECIATION MODEL FOR POSSIBLE NEW DEPARTMENT OF SOCIAL SERVICES BUILDING, FROM BUDGETED FUNDS, AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME UPON THE APPROVAL OF THE COUNTY ATTORNEY.

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

AYES: 1850 votes

NOES: 0 votes

ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #90 – IN SUPPORT OF PARTICIPATING WITH ST. LAWRENCE COUNTY AND OTHER NORTHERN NEW YORK COUNTIES TO EITHER BECOME A PARTNER UNDER A CORPORATE STRUCTURE OR INDIVIDUALLY CONTRACT FOR A MINIMUM NUMBER OF BEDS IN A SECURED DETENTION FACILITY, AS MANDATED BY RAISE THE AGE.

This resolution was offered by Mr. Monty, seconded by Mr. Depo and adopted.

RESOLUTION #91 – CALLING ON THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE GOVERNOR OF THE STATE OF NEW YORK TO PROVIDE STATE FUNDING TO SUPPORT THE TREATMENT AND TRANSITION SERVICES TO

INDIVIDUALS WITH SUBSTANCE USE DISORDERS (SUD) WHO ARE INCARCERATED IN COUNTY JAILS.

This resolution was offered by Mr. Tyler, seconded by Mr. Marnell and adopted.

RESOLUTION #92 – APPOINTMENTS TO BOARDS, COMMITTEES AND/OR COUNCILS.

This resolution was offered by Mr. Merrihew, seconded by Mr. Wilson with Mr. Monty abstained, and adopted.

RESOLUTION #93 – AUTHORIZING THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT AN ARHN PREVENTION AGENDA GRANT, IN THE AMOUNT OF \$1,000.00, TO PROVIDE PROFESSIONAL GRADE BREAST FEEDING PUMPS AND TO INCREASE SIX MONTH RATES, FURTHER AUTHORIZING A BUDGET AMENDMENT INCREASING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF \$1,000.00, AND AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME.

This resolution was offered by Mr. Tyler, seconded by Mr. DeLoria and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #94 – AUTHORIZING THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT AHI-DSRIP GRANT FUNDS IN THE AMOUNT OF \$1,598.00, TO IMPLEMENT A COPD TRAINING PROGRAM, FURTHER AUTHORIZING A BUDGET AMENDMENT INCREASING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF \$1,598.00, AND AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME.

This resolution was offered by Mr. Depo, seconded by Mr. Marnell and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #95 – AUTHORIZING A CONTRACT AGREEMENT BETWEEN ESSEX COUNTY OFFICE FOR THE AGING AND DENNIN AND DENNIN, TO PROVIDE LEGAL SERVICES IN AN AMOUNT NOT TO EXCEED \$12,000.00, FROM BUDGETED FUNDS.

This resolution was offered by Mr. Monty, seconded by Mr. Depo and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #96 – AUTHORIZING BUDGET AMENDMENTS FOR VARIOUS DEPARTMENTS.

This resolution was offered by Mr. Tyler, seconded by Mr. Giordano and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #97 – OF CONGRATULATIONS TO DANIEL SWEATT UPON HIS RETIREMENT AS ESSEX COUNTY DEPUTY FIRE COORDINATOR/FIRE INVESTIGATOR.

This resolution was offered by Mr. Jackson, seconded unanimously and adopted.

RESOLUTION #98 - AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT NO. DHS01-X200049-1160200 BETWEEN THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES OFFICE OF FIRE PREVENTION AND CONTROL AND ESSEX COUNTY EMERGENCY SERVICES DEPARTMENT FOR TEMPORARY LOAN OF FIRE SUPPRESSION FOAM EQUIPMENT.

This resolution was offered by Mr. Giordano, seconded by Mr. Jackson and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

RESOLUTION #99 – AUTHORIZING THE ESSEX COUNTY PURCHASING AGENT TO GO TO BID OR RFP FOR ENGINEERING, LICENSING, TOWER SITE ACQUISITION, FREQUENCY SEARCH AND PATH STUDIES FOR THE VERMONT TOWER PROJECT.

This resolution was offered by Mr. Jackson, seconded by Mr. Depo and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

RESOLUTION #100 – AUTHORIZING THE ESSEX COUNTY EMERGENCY SERVICES DEPARTMENT TO APPLY FOR AND ACCEPT A GRANT FROM DORMITORY AUTHORITY OF NEW YORK STATE (DASNY), IN AN AMOUNT OF \$500,000.00, FOR THE PURCHASE OF A FIRE TRAINING BUILDING, AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME.

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

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

RESOLUTION #101 – AUTHORIZING A CONTRACT AMENDMENT TO FEDERAL ENGINEERING CONTRACT, NOT TO EXCEED \$12,975.00, TO ADD PROJECT MANAGEMENT AND OVERSIGHT SERVICES FOR THE ANGIER HILL PROJECT, WITH FUNDS TO COME FROM THE RADIO PROJECT AND EXTEND THE TERM OF THE CONTRACT THROUGH DECEMBER 31, 2018; AND AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME, UPON THE APPROVAL OF THE COUNTY ATTORNEY.

This resolution was offered by Mr. Tyler, seconded by Mr. Jackson and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

PRESTON: Any discussion?

MONTY: Just what are the project management and oversight services they're providing?

PALMER: Well, essentially what we need is an engineer to be able to tell the bidders per say what it is it is exactly what we are going to be looking for. Part of the problem that we run into on these projects is every bidder looks at the project differently and in order to get a standardize across the board look at what the bids are we need to make sure the engineer defines for them exactly what it is that we're trying to achieve and how we're going to get there. The other thing that they provide for is oversight of the project once it gets started to make sure that the bidder that agreed to do it does it according to the engineering specs that they have essentially assigned.

MONTY: We don't need to go out to bid for this?

PALMER: We are.

MANNING: We already have a contract with them, the radio project so this is sort of piggy backing on them.

PALMER: Right we had originally gone to bid for it –

MONTY: Similar to a change order then basically?

MANNING: Pretty much.

PALMER: To their contract.

MANNING: To go out to bid you would need this amount to be over \$30,000 in order for our procurement policy so in situations like this where we have a known engineer that's been involved in these projects we stay with them and it's like a change order.

MONTY: Thank you.

PRESTON: Any further discussion?

PALMER: I just want to cover, I mean I know that Tommy had asked at the one of the other previous meetings where we were standing in terms of the amount in the radio project. It looks like we, the total project was \$16,871,000 to date we've received \$15,268,000 in revenue. We currently have when you figure items that we haven't paid for yet but are outstanding to be paid for we have a balance \$716,654, so we still have that amount left in the radio project, \$716,000. Just so, it's important to know though that the amount that \$16 million, the county share of that was the \$10 million that we originally bonded for. The rest of that revenue all came from either State Police sources, New York State Electric and Gas that was the three partners.

PRESTON: Any further discussion? If not, roll call vote please.

RESOLUTION #102 – AUTHORIZING A MAINTENANCE CONTRACT WITH WELLS COMMUNICATIONS FOR THE INSTALLATION OF RADIOS AND ANTENNAS AT BELFRY MOUNTAIN AND WELLS HILL, IN AN AMOUNT OF \$28,952.00, FROM BUDGETED FUNDS; AND AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME, UPON THE APPROVAL OF THE COUNTY ATTORNEY.

This resolution was offered by Mr. Wilson, seconded by Mr. Marnell and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #103 – OF CONDOLENCE TO THE FAMILY OF GLADYS FAYE (MUNSON) DOUGAN.

This resolution was offered by Mr. Monty, seconded unanimously and adopted.

RESOLUTION #104 – AUTHORIZING THE PURCHASING AGENT TO AWARD BIDS AND ISSUE CONTRACTS OR PURCHASE ORDERS IN THE DEPARTMENT OF PUBLIC WORKS, AND AUTHORIZING A BUDGET AMENDMENT AND TRANSFER, AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME UPON THE APPROVAL OF THE COUNTY ATTORNEY.

This resolution was offered by Mr. Monty, seconded by Mr. Depo and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #105 – AUTHORIZING THE ISSUANCE OF A PERMIT ALLOWING USE OF COUNTY ROADWAYS FOR THE WILMINGTON WHITEFACE WHISKEY 10K RUN/RACE TO BE HELD ON SATURDAY, JUNE 16, 2018, UPON APPROVAL OF THE COUNTY ATTORNEY AND WITH THE PROVISION OF INSURANCE.

This resolution was offered by Mr. Monty, seconded by Mr. Gilliland and adopted.

RESOLUTION #106 – IN OPPOSITION OF NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION’S DECISION TO DENY REIMBURSEMENT TO ESSEX COUNTY FOR HOUSEHOLD HAZARDOUS WASTE DAYS.

This resolution was offered by Mr. Gilliland, seconded unanimously and adopted.

RESOLUTION #107 – ENDORSING THE SWING BRIDGE REHABILITATION PROJECT LOCATED IN THE TOWN OF CHESTERFIELD, AND GIVING PERMISSION TO THE RENSSELAER POLYTECHNIC INSTITUTE (RPI) FACULTY AND STUDENTS TO UNDERTAKE THIS PROJECT, AND AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT IN THIS REGARD.

This resolution was offered by Mr. Giordano, seconded by Mr. Monty and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

RESOLUTION #108 – IN RECOGNITION AND APPRECIATION TO MOUNTAIN LAKE SERVICES OF ESSEX COUNTY AND PROCLAIMING MARCH AS NATIONAL DEVELOPMENTAL DISABILITIES AWARENESS MONTH.

This resolution was offered by Mr. Tyler, seconded unanimously and adopted.

RESOLUTION #109 – AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO ACCEPT THE SUM OF \$84,386.80 FROM THE ESTATE OF ANITRA CHRISTOFFEL-

PELL AS AND FOR SATISFACTION OF THE BEQUEST CONTAINED IN HER LAST WILL AND TESTAMENT AND TO EXECUTE A RECEIPT AND RELEASE AND ANY AND ALL OTHER DOCUMENTS NECESSARY TO ACCEPT AND ACKNOWLEDGE RECEIPT OF SAID FUNDS.

This resolution was offered by Mr. Moore, seconded by Mr. Depo and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

RESOLUTION #110 – DESIGNATING APRIL, 2018 AS DONATING LIFE MONTH.

This resolution was offered by Mr. Monty, seconded unanimously and adopted.

RESOLUTION #111 – DECLARING A 1986 GMC TRUCK IN THE FISHERIES DEPARTMENT AS SURPLUS, AND AUTHORIZING THE TOWN OF MORIAH TO PURCHASE SAID TRUCK FOR \$1.00.

This resolution was offered by Mr. Depo, seconded by Mr. Jackson and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

PRESTON: Any discussion? God bless him. You ever see that thing fire up? Lot of smoke. I think it's mostly used in the black fly season. If there is no further discussion roll call vote please.

RESOLUTION #112 – OF CONDOLENCE TO THE FAMILY OF MICHAEL P. ALLEN.

This resolution was offered by Mr. Harrington, seconded unanimously and adopted.

RESOLUTION #113 – AUTHORIZING THE ESSEX COUNTY SHERIFF'S DEPARTMENT TO PROVIDE AND ENFORCE TRAFFIC CONTROL IN THE TOWN OF CROWN POINT FOR MEMORIAL DAY WEEKENED PARADE AND ACTIVITIES FROM MAY 26-28, 2018.

This resolution was offered by Mr. Harrington, seconded unanimously and adopted.

RESOLUTION #114 – FOREGOING THE APPRAISAL WITH RESPECT TO PROPERTY DESIGNATED IN THE VILLAGE OF SARANAC LAKE AS TAX MAP NUMBER 32.247-4-2.000.

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

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

RESOLUTION #115 – AUTHORIZING JOHN BECKER, OWNER OF NORTH COUNTRY RADIO, ACCESS TO THE AM RADIO STATION TOWER LOCATED ON COUNTY-OWNED PROPERTY DESIGNATED IN THE VILLAGE OF SARANAC LAKE AS TAX MAP NUMBER 32.247-4-3.000, TO SECURE FREQUENCY LICENSE.

This resolution was offered by Mr. Moore, seconded by Mr. Jackson and adopted upon a roll-call vote as follows.

AYES: 1850 votes

NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

GARRISON: Resolutions from the floor, authorizing the appointment of Mimi Lane and Eugene Fox to serve on the North Country Workforce Development Board (NCWDB) as Essex County business sector representatives.

PRESTON: We need twelve to allow this from the floor please.

GARRISON: Yes, we do.

RESOLUTION #116 - AUTHORIZING THE APPOINTMENT OF MIMI LANE AND EUGENE FOX TO SERVE ON THE NORTH COUNTRY WORKFORCE DEVELOPMENT BOARD (NCWDB) AS ESSEX COUNTY BUSINESS SECTOR REPRESENTATIVES.
This resolution was offered by Mr. Giordano, seconded by Mr. Gilliland and adopted.

PRESTON: Discussion?

GILLILLAND: It's Mimi Lane, Lane not Lange.

GARRISON: Thank you. I will make the correction.

PRESTON: Okay any further discussion? All in favor, opposed so carried.

GARRISON: Resolution authorizing the sale of property located in the Village of Saranac Lake, New York, bearing Town of North Elba Tax Map No. 32.247-4-3.000, to North Country Radio Corp. for the sum of \$21,502.00, together with payment of all back taxes and further authorizing the County Chairman or County Manager to execute any and all deeds and other documents necessary to effectuate the transfer.

PRESTON: We need twelve to allow this from the floor please.

GARRISON: Yes, we do.

RESOLUTION #117 - AUTHORIZING THE SALE OF PROPERTY LOCATED IN THE VILLAGE OF SARANAC LAKE, NEW YORK, BEARING TOWN OF NORTH ELBA TAX MAP NO. 32.247-4-3.000, TO NORTH COUNTRY RADIO CORP. FOR THE SUM OF \$21,502.00, TOGETHER WITH PAYMENT OF ALL BACK TAXES AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE ANY AND ALL DEEDS AND OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE TRANSFER.
This resolution was offered by Mr. Depo, seconded by Mr. Tyler and adopted upon a roll-call vote as follows.

AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)

GARRISON: Resolution authorizing the Chairman or County Manager to execute an amendment to the supplemental agreement between the New York State Department of Transportation and the Essex County Department of Public Works for the implementation and funding of a State "Marchiselli" program-aid eligible transportation Federal-aid project, to fully

fund the local share of Federal and State-aid eligible and ineligible project costs and appropriating funds therefore.

PRESTON: We need twelve to allow this from the floor please.

GARRISON: Yes, we do.

RESOLUTION #118 - AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE AN AMENDMENT TO THE SUPPLEMENTAL AGREEMENT BETWEEN THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE ESSEX COUNTY DEPARTMENT OF PUBLIC WORKS FOR THE IMPLEMENTATION AND FUNDING OF A STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL AND STATE-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE.

This resolution was offered by Mr. Monty, seconded by Mr. Gilliland and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

GARRISON: Resolution authorizing the Purchasing Agent to award a contract to Peckham Road Corporation in the amount of \$1,928,693.54 for general construction of the CR43 (Shore Airport Road) pavement preservation project with funds to come from budgeted funds and further authorizing the Chairman or County Manager to execute said contract.

PRESTON: We need twelve to allow this on the floor please.

GARRISON: Yes, we do.

RESOLUTION #119 - AUTHORIZING THE PURCHASING AGENT TO AWARD A CONTRACT TO PECKHAM ROAD CORPORATION IN THE AMOUNT OF \$1,928,693.54 FOR GENERAL CONSTRUCTION OF THE CR43 (SHORE AIRPORT ROAD) PAVEMENT PRESERVATION PROJECT WITH FUNDS TO COME FROM BUDGETED FUNDS AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID CONTRACT.

This resolution was offered by Mr. Monty, seconded by Mr. Giordano and adopted upon a roll-call vote as follows.

**AYES: 1850 votes
NOES: 0 votes
ABSENT: 1071 votes (Morrow, Scozzafava, Politi)**

PRESTON: Okay I would now ask for an executive session for legal advice. Motion by Mr. Wilson, seconded by Mr. Depo and Mr. Moore. All in favor, opposed – carried. I would also invite Steve Reed into this. Thank you.

THE COMMITTEE MOVED INTO AN EXECUTIVE SESSION AT 10:30 AM TO RECEIVE LEGAL ADVICE AND MOVED BACK INTO OPEN SESSION AT 11:31 AM.

* Clerk's note – Mr. Scozzafava arrived at 11:00 am.

PRESTON: Okay the time is 11:31 and I need a motion to come out of executive session moved by Mr. Monty, second by Mr. Gilliland. All in favor, opposed – so carried. No decisions were made however, we'll open the floor up to any further resolutions.

WILSON: I'd like to make a motion to put back on the table our resolution vote of no confidence regarding the North Country Community College's President administration of the college.

PRESTON: Do we have twelve people that will allow this back on the floor?

GARRISON: Yes, we do.

PRESTON: Now a second? Mr. Giordano.

AMENDED:

RESOLUTION #120 - VOTE OF NO CONFIDENCE REGARDING THE NORTH COUNTRY COMMUNITY COLLEGE'S PRESIDENT ADMINISTRATION OF THE COLLEGE.

This resolution was moved from the table by Mr. Wilson, seconded by Mr. Tyler and adopted as amended, upon a roll-call vote as follows.

AYES: 1977 votes
NOES: 228 votes
ABSENT: 716 votes (Morrow, Politi)

PRESTON: Comments, discussion?

WILSON: I'd like to make an amendment to the language we have in the original resolution. The last paragraph, to shorten that to say, be it further resolved, that based on the foregoing, the County of Essex requests the Board of Trustees not extend the President's contract so we are going to remove the timeline language that was in there previously.

PRESTON: Okay we need a second on the amendment, Mr. Tyler. Any further discussion? I think we need a roll call please.

GARRISON: Mr. Morrow – excused; Mr. Harrington – yes; Mr. Merrihew- no; Mr. Jackson – yes; Mr. Depo – yes; Mr. Wilson – yes; Mr. Monty - yes; Mr. McNally – yes; Mr. Scozzafava – yes; Mr. DeLoria - yes; Mr. Politi – excused; Mr. Moore – yes; Mr. Marnell - no; Mr. Montroy – yes; Mr. Giordano – yes; Mr. Tyler – yes; Mr. Gilliland – yes; Mr. Preston – yes. The amendment carries.

PRESTON: Okay now we need to have a roll call on the resolution as amended.

GARRISON: Mr. Morrow – excused; Mr. Harrington – yes; Mr. Merrihew- no; Mr. Jackson – yes; Mr. Depo – yes; Mr. Wilson – yes; Mr. Monty - yes; Mr. McNally – yes; Mr. Scozzafava – yes; Mr. DeLoria - yes; Mr. Politi – excused; Mr. Moore – yes; Mr. Marnell - no; Mr. Montroy – yes; Mr. Giordano – yes; Mr. Tyler – yes; Mr. Gilliland – yes; Mr. Preston – yes. The resolution carries as amended.

PRESTON: Okay. I know it's been kind of a long morning, does anyone else have anything to come before the board?

MONTROY: I'd like to make a motion to oppose National Grid. They want to charge twenty-five to twenty-six thousand dollars per mile to run fiber optics on their poles and NYSEG is proposing only two to three thousand dollars per mile so Franklin County has a motion to oppose this and I'd like to do the same.

PRESTON: Do we have twelve people that will allow this back on the floor?

GARRISON: Yes, we do.

RESOLUTION # 121 – DEMANDING THAT NATIONAL GRID CEASE ITS PRACTICE OF SHIFTING ITS COSTS OF THE OBLIGATION FOR THE MAINTENANCE OF ITS INFRASTRUCTURE TO BROADBAND GRANT AWARDEES AND THE CURRENT NEW YORK STATE BROADBAND PROGRAM.

This resolution was offered by Mr. Montroy, seconded unanimously and adopted.

PRESTON: Any further discussion on this?

McNALLY: This is all, this is National Grid, this is for the make ready birth of fiber optics Slick Communication is running line between the towns and what's happening is National Grid is taking advantage of the funding from these grants to upgrade their whole system and that is the problem with this compared to NYSEG is just charging what it costs to do it, National Grid is according to what I read is taking advantage of the funding out there to redo a lot of their poles is the problem. It's putting a lot more expense on these projects.

MONTY: Along the lines of what Steve was saying they also, the HughesNet was on I don't know if anybody read it in the paper today they were granted several hundred thousand dollars for the supposed last mile of satellite service in areas in where they are already serving the communities yet, they are only serving them at \$25 megabits per second and again it all goes back to how it was rolled out by broadband agencies. It's really, it's – I can't explain it.

MONTROY: Charli and I spoke earlier about this – did you come up with anything more to add to that?

LEWIS: This goes back to the Level 3 Communications too if you remember –

PALMER: Charli come on up.

PRESTON: Courtesy of the floor? Moved by Mr. Monty, second by Mr. Giordano. Thank you.

LEWIS: This tie into if you remember the Level 3 communication lawsuit that we had regarding fiber optic. So we won that case just in that we didn't have to pay refunds but the wording of the legislation says that fiber optic is not included in one section of the law and it's included in the other. I did dig out on Mr. Montroy's request what we did. We did a memorandum of support. The county directors did and I believe that the County followed up a memorandum of support of some legislation back in 2013 when this first came up and that did not go anywhere so you know, when it's in the special franchise and I did have this backwards Mr. Montroy you know, if it's special franchise it is taxable, it's real property because it's the transmission of light but if it's

not, if it's non-accessible, it exists on private property that legislation did not go anywhere so I don't know if that's something that you want to support again at this time to try and get some movement on that but it's just a matter of transmitting light is the difference in wording from one section of the law to the other.

PRESTON: I think we ought to be clear on what we're proposing before we propose it and I think Charli can help with that.

LEWIS: Sure.

PRESTON: Anything else to come before this board?

MONTY: Just one more thing I just want to comment on what Dean was talking about with Slick and NYSEG, I do know a couple other providers contacted the Public Service Commission because in the same breath National Grid was granted the right to raise their rates 11% but they were told, these providers were told by the Public Service Commission that, 'oh well, it's the cost of doing business' so I think their Governor's plan is being blown up.

PRESTON: I think so too.

LEWIS: Your town clerks also did receive a form from the Real Property Office 7114 so if you do have anything that is new in your towns any new fiber optic, anything like that it's important that you report it on this form because the State does value that and you should have gotten those just recently.

PRESTON: Okay. Didn't you have something Dan?

MANNING: I did. As you know Town of Jay through the County received a GOSR grant, storm recovery in the amount of \$4.5 million dollars and the Town of Jay with the help of the county has allocated some of that money toward the removal of the Rome Dam and they have approximately \$1.5 million dollars left over that they've allocated to the rehabilitation of the East Branch and the Ausable River and to some improvements of the Community Center because of the way the grant is structured the grant monies have been given to the county and the county is sort of a lead on this usually where you have a structure where the county is a lead and then there is a sub-recipient agreement the town takes over everything. In this case the town is the lead. We put out requests for qualifications for both of these projects which were sort of a hybrid. GOSR requires, it's a hybrid request for qualifications RFP without money attached to it. These requests were graded by county officials and the Town of Jay and the result was that with respect to the restoration and rehabilitation of the East Branch of the Ausable River, we're asking that the county award the bid and contract to ESPC as they received the highest bids as a side ESPC is also doing work in the Town of Keene is my understanding and Keene is happy with them and so this just happens that we are going with them but what we would like is a motion, a second and a roll call to contract with ESPC pursuant to their request for qualifications.

PRESTON: Moved by Mr. Depo, seconded by Mr. Wilson

RESOLUTION # 122 – AUTHORIZING THE BID FOR THE RESTORATION OF THE EAST BRANCH OF THE AUSABLE RIVER IN THE TOWN OF JAY TO ESPC, WITH THE FUNDS THEREOF TO COME FROM MONIES AWARDED BY THE GOVERNOR'S OFFICE OF

STORM RECOVERY (GOSR) AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT WITH ESPC FOR CIVIL AND ENVIRONMENTAL ENGINEERING SERVICES.

This resolution was offered by Mr. Depo, seconded by Mr. Wilson and adopted as amended, upon a roll-call vote as follows.

AYES: 1942 votes
NOES: 263 votes (Gilliland, Preston)
ABSENT: 716 votes (Morrow, Politi)

PRESTON: Discussion?

MONTY: One quick question Dan it's just up until \$1.5 million right?

MANNING: Well, actually I should say this \$1.5 million is allocated we haven't come up with that we can come back doing that, it would be allocated between the two projects we have that amount of money for those two projects.

MONTY: Okay.

MANNING: What happens is those are a different system whereby these will be awarded and then they will ask them to give us the monetary value, it gets sent to some top secret evaluator to make sure we're not getting short changed I don't know how it works but that's the process, they come back and say yes, it's okay or no, we've got to come down and then we would come back and award the extra monetary part so yes, it's not the way I'd do it but.

MONTY: Thank you.

GILLILLAND: So is ESPC is going to act basically as the general contractor of both projects?

MANNING: They are going to be the engineers.

GILLILLAND: Engineers?

MANNING: Yes they will provide the engineering for how the river is to be remediated and they are looking –

GILLILLAND: I'm sorry so when they get the contract who is doing the bid Jay or?

MANNING: The county will do that work. That's just the way it was set up.

PRESTON: Any further discussion on this?

MANNING: With Jay's assistance.

PRESTON: Do we have twelve to put it on the floor? Okay roll call.
Do you have something else Dan?

MANNING: Yes the other thing is for the rehabilitation of the Community Center these are monies again were granted for Jay but because of the way it ended up being funneled through the County but it's a Jay project just like the river and it's for the repair or for the installation of a

new steam boiler in the Community Center, showers in the Community Center because that is going to be a disaster facility it's all been vetted through GOSR and the award went to Lothrop so I would like a motion, twelve to allow on the floor, second and then a roll call on that.

PRESTON: So do we have twelve to allow this on the floor?

GARRISON: Yes we do.

RESOLUTION #123 – AWARDING THE BID FOR EMERGENCY UPGRADES TO THE JAY COMMUNITY CENTER, TOWN OF JAY, WITH FUNDS THEREOF TO COME FROM MONIES AWARDED BY THE GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR) AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT WITH LOTHROP ASSOCIATES LLP, FOR ARCHITECTURAL SERVICES.

This resolution was offered by Mr. Depo, seconded by Mr. Wilson and adopted upon a roll-call vote as follows.

AYES: 2205 votes
NOES: 0 votes
ABSENT: 716 votes (Morrow, Politi)

PRESTON: Discussion?

SCOZZAFAVA: So, just so I'm clear this money was awarded to the Town of Jay?

MANNING: Yes.

SCOZZAFAVA: It didn't even pass through Essex County?

MANNING: Well it was awarded to the Town of Jay but the contractor for GOSR somehow got done with the county. Usually the County is just a pass through and Jay would be a sub-recipient but it didn't work out that way but it's the same thing, same thing.

SCOZZAFAVA: So the money can't be used in Moriah.

MANNING: It can't be used anywhere else.

PALMER: Can't get it to Moriah no matter how we try.

SCOZZAFAVA: Okay thank you.

PRESTON: If there is no further discussion roll call please. Okay if there is nothing else to come before this board. We stand adjourned. Thank you.

As there were no further discussion to come before this regular board meeting it was adjourned at 11:45 am.

Respectfully submitted,

Judy Garrison, Clerk
Board of Supervisors