

**Resolution No. 10**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION ACCEPTING, ADOPTING AND PLACING ON FILE  
POLICIES, PLANS, PROCEDURES AND ANNUAL REPORTS**

The following resolution was offered by Supervisor Morrow, who moved its adoption.

Upon the recommendation of the respective committees indicated below, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby accepts, adopts, and/or places on file the following:

**1. From the Public Safety Committee:**

(a) Accepts and places on file the 2002 Annual Report of the Essex County Department of Weights and Measures.

**2. From the Economic Development/Planning/Publicity Committee:**

(a) Accepts and places on file the 2003 Department of Fisheries Annual Report.

This resolution was duly seconded by Supervisors Canon and Moses, and adopted.

**Resolution No. 11**

**February 6, 2003  
Regular Board Meeting**

**RESOLUTION AMENDING THE 2003  
ESSEX COUNTY BUDGET**

The following resolution was offered by Supervisor Morency, who moved its adoption.

Upon the recommendation of the Human Services Committee, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends the 2003 Essex County Budget for the Department of Social Services (Dept. 6010) as follows so as to increase revenues and appropriations in the total amount of \$179,801.00 due to the receipt of Federal funds:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
6010 44610	Federal Aid-Administration	\$ 179,801.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
60104 5434	Consulting Fees	\$ 25,580.00
60104 54T&DBG	TANF & DOL Block Grant	\$ 151,567.00
60105 553	Drug and Alcohol	\$ 2,654.00

This resolution was duly seconded by Supervisor Dedrick, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**

**Resolution No. 12**

**February 6, 2003  
Regular Board Meeting**

**RESOLUTION AUTHORIZING APPOINTMENTS TO  
BOARDS, COMMITTEES AND/OR COUNCILS**

The following resolution was offered by Supervisor Merrihew, who moved its adoption.

Upon the recommendation of the respective committees below, with the approval of the Ways and Means Committee, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Board of Supervisors of Essex County hereby makes and following appointments:

**1. From the Human Services Committee:**

(a) To the Community Services Board:

<b><u>Person</u></b>	<b><u>Term Starts</u></b>	<b><u>Term Expires</u></b>
Virginia Weeks, MD	01/01/03	12/31/06
Keela Rogers	01/01/03	12/31/06
John O'Neill	01/01/03	12/31/06
Nathaniel Selleck, MD	01/01/03	12/31/06

(b) To the Mental Health Subcommittee:

<b><u>Person</u></b>	<b><u>Term Starts</u></b>	<b><u>Term Expires</u></b>
Carmela Calvi, PhD	01/01/03	12/31/06
Ann Sheppard	01/01/03	12/31/06

(c) To the Alcoholism/Substance Abuse Subcommittee:

<b><u>Person</u></b>	<b><u>Term Starts</u></b>	<b><u>Term Expires</u></b>
Doug Terbeek	01/01/03	12/31/06
Scott McDonald	01/01/03	12/31/06

(d) To the MRDD Subcommittee:

<b><u>Person</u></b>	<b><u>Term Starts</u></b>	<b><u>Term Expires</u></b>
Dipu Basu	01/01/03	12/31/06

**2. From the Ways & Means Committee:**

(a) To the Essex County Hazardous Materials Emergency Response Team:

William Petro, Jr. and Richard Redmond.

This resolution was duly seconded by Supervisors Ashworth and Both, and adopted.

**Resolution No. 13**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION SCHEDULING PUBLIC HEARINGS ON THE  
NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT**

The following resolution was offered by Supervisor Connell, who moved its adoption.

Upon the recommendation and approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby schedules two public hearings on the New York State Community Development Block Grant, to be conducted by the Housing Assistance Program of Essex County, for February 19, 2003 and February 24, 2003 both at 9:45 a.m. in the Board of Supervisors' Chambers in Elizabethtown, New York, to hear any and all persons concerning the same.

This resolution was duly seconded by Supervisors Dedrick and Rushby, and adopted.

**Resolution No. 14**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION EXPRESSING ESSEX COUNTY'S COMMITMENT  
TO THE COMPLETION OF THE STUDIES BY THE UNITED  
STATES ARMY CORPS OF ENGINEERS TO REMEDY THE  
FLOODING OF THE AUSABLE AND BOQUET RIVERS**

The following resolution was offered by Supervisor Morrow, who moved its adoption.

Upon the recommendation of the Economic Development, Planning & Publicity Committee, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

**WHEREAS**, by Resolution No. 299 duly adopted on December 2, 1996, Essex County authorized a contract with the United States Army Corps of Engineers for a study of water resource and related problems within the Ausable River and Boquet River basins and the Lake Champlain shoreline at a cost of \$30,000, and appropriated the sum of \$30,000 to be expended for such purpose; and

**WHEREAS**, on March 6, 2000 the Essex County Board of Supervisors duly adopted Resolution No. 65 requested that New York State appropriate \$1.7 million to match the federal share of the costs of studies by the U.S. Army Corps of Engineers to remedy the flooding conditions of the Ausable and Boquet Rivers; and

**WHEREAS**, thereafter the Federal Government appropriated \$1.8 million for the purpose of paying 50% of the costs of such studies; and

**WHEREAS**, the Essex County Board of Supervisors adopted Resolution No. 39 of 2001 requesting that New York State appropriate \$1.8 million in the 2001-02 Final State Budget to match the Federal share of the costs of studies by the U.S. Army Corps of Engineers to remedy the flooding conditions of the Ausable and Boquet Rivers; and

**WHEREAS**, Federal and State funding has been authorized and approved for the studies to undertaken and completed; and

**WHEREAS**, this Board of Supervisors is committed to pursuing completion of the studies by the U.S. Army corps of Engineers as soon as possible so that the flooding problems which plague the properties and residents near the Boquet and Ausable Rivers

can be remedied.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its' commitment to the completion of the studies by the United States Army Corps of Engineers to remedy the flooding of the Ausable and Boquet Rivers, and urges that the authorized Federal and State funding for such studies be made immediately available for expenditure by the Corps of Engineers so that such studies may be completed prior to the next, inevitable flood disaster occurring; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Thomas A. Daschle; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor George E. Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O'C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; Assembly Members Chris Ortloff and Teresa R. Sayward; New York State Director of the Budget Carol Stone; and DEC Commissioner Erin Crotty.

This resolution was duly seconded by Supervisor Jackson, and adopted upon a roll-call vote as follows:

**AYES:**            **2362 votes**  
**NOES:**            **0 votes**  
**ABSENT:**        **481 votes (Seney)**

**Resolution No. 15**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING APPOINTMENTS AND  
CHANGES TO POSITIONS IN COUNTY SERVICE**

The following resolution was offered by Supervisor Connell, who moved its adoption.

Upon the recommendation of the Finance/Tax Reduction/Mandate Relief Committee, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes and approves the following appointments and changes in county service, all to be performed in compliance with, as and if applicable, the Essex County Civil Service Rules and Regulations, and/or the current CSEA contract and/or the Essex County Personnel Policy Manual:

1. For the Department of Public Works, create and fill a temporary three (3) month non-competitive position of Maintenance Mechanic (Grade 8 - \$12.73 per hour), at a total cost not to exceed \$25,000 in grant funds, or the amount of grant funds actually received, whichever is less.

This resolution was duly seconded by Supervisor Rushby, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**



**Resolution No. 16**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING APPLICATION FOR,  
AND ACCEPTANCE AND USE OF, GRANT FUNDS**

The following resolution was offered by Supervisor Ashworth, who moved its adoption.

Upon the recommendation of the respective committees below, the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes application for and, to the extent specifically noted below, the acceptance and use of the following grants:

**1. From the Economic Development/Planning/Publicity Committee:**

(a) For the Department of Community Development & Planning to apply for and accept grant funds in the amount of up to \$125,000 for renovations to Floral Hall at the Essex County Fairgrounds.

**2. From the Ways & Means Committee:**

(a) For the Department of Public Works to apply for and accept three separate hazard mitigation grants from to the New York State Emergency Management Office, with the County providing a 25% match from budgeted funds and/or in-kind services, to fund repairs and improvements to Hulls Falls Road (County Road No. 69), Mace Chasm Road (County Road No. 71) and Elizabethtown-Wadhams Road (County Road No. 8).

This resolution was duly seconded by Supervisor Jackson, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**

**Resolution No. 17**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING COUNTY EMPLOYEES TO TRANSFER  
ACCRUED SICK LEAVE BENEFITS TO DEBRA LYNCH IN THE MENTAL  
HEALTH DEPARTMENT, CONTINGENT UPON EXECUTION BY CSEA  
OF A WRITTEN AGREEMENT AUTHORIZING SUCH TRANSFER**

The following resolution was offered by Supervisor Connell, who moved its adoption.

Upon the recommendation of the Personnel & Administration Committee, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes County employees to transfer, without any consideration being paid therefor, their accrued sick leave benefits to Debra Lynch, an employee of the Mental Health Department, by and upon completing and executing appropriate forms as required by the Personnel Officer; and

**BE IT FURTHER RESOLVED** that the transfer of sick leave benefits to/from bargaining unit employees shall be contingent upon execution by CSEA of a written agreement authorizing such transfer; and

**BE IT FURTHER RESOLVED** that the Chairman of this Board and/or the County Manager be and hereby is authorized to enter into and execute the aforesaid agreement once the same has been executed by CSEA.

This resolution was duly seconded by Supervisor Dedrick, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**

**Resolution No. 18**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING CONTRACTS**

The following resolution was offered by Supervisor Ashworth, who moved its adoption.

Upon the recommendation of the respective committees below, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of the Board or the County Manager to enter into and execute the following contracts:

**1. From the Economic Development/Planning/Publicity Committee:**

(a) For the Department of Public Works, a letter of authorization under the existing contract with Schoder Rivers for professional design services/work for renovations to Floral Hall at the Essex County Fairgrounds, to be paid from budgeted funds (Account #H87504 5400PS - Professional Services).

**2. From the Finance Committee:**

(a) For the E911 System, a contract with Twin State for the purchase and installation of equipment to upgrade the County emergency dispatch system to handle E911 calls, to be paid from E911 surcharge funds (Reserve Fund 3516).

(b) For the Department of Public Works, a contract for professional consultant services with T.J. Boyle and Venture Engineering to prepare a campus plan for the Essex County Fairgrounds, to be paid from budgeted funds (Account # 87504 5440 - Miscellaneous Fees and Services).

This resolution was duly seconded by Supervisors Jackson and Both, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**

**Resolution No. 19**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION ADOPTING PROPOSED LOCAL LAW  
NO. 3 OF 2003 AMENDING THE PUBLIC DEFENDER LOCAL LAW**

The following resolution was offered by Supervisor Merrihew, who moved its adoption.

**WHEREAS**, by Resolution No. 301 adopted on December , 2002, proposed Local Law No. 3 of 2003 was introduced to amend sections 1, 2, 3, 4, 6 and 10 of Local Law No. 8 of 2002 (Public Defender); and

**WHEREAS**, a public hearing on said proposed local law was duly held on January 13, 2003.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 3 of 2003, amending the Public Defender local law (Local Law No. 8 of 2002) as follows:

**"ESSEX COUNTY LOCAL LAW NO. 3 OF 2003**

A local law amending sections 1, 2, 3, 4, 6 and 10 of Local Law No. 8 of 2002 (Public Defender).

**BE IT ENACTED** by the Board of Supervisors of Essex County as follows:

Section 1. Sections 1, 2, 3 and 4 of Local Law No. 8 of 2002 are hereby amended to read as follows, with the matter to be deleted being contained in brackets [] and the matter to be added being underlined and italicized:

**§1. Purpose**

It is the purpose of this local law to establish [three (3)] two (2) wholly separate offices of public defender pursuant to County Law Article 18-A and Municipal Home Rule Law §10, subdivision 1, subparagraph a(1), as of January 1, 2003, in order to provide for the most economical and efficient use of taxpayer funds as well as to provide legal counsel to eligible indigent

persons as required by law in criminal, family court, surrogate's court, parole appeal, sex offender registration, and other actions/proceedings for which such representation is required by law, so as to provide such persons with effective legal representation and assistance.

**§2. Office of Essex County Public Defender**

(a) There is hereby established and created the full-time office of Essex County Public Defender.

- (b) The duties of such full-time office shall include:
- (1) acting as the head of public defender services in Essex County; and
  - (2) having primary responsibility for representing all eligible indigent persons
    - (A) charged with a felony in Essex County, and
    - (B) charged with a crime other than a felony arising out of incidents occurring in the towns of Crown Point, Elizabethtown, Minerva, Moriah, Newcomb, North Hudson, Schroon, Ticonderoga, and Westport; and
  - (3) representing such other eligible indigent persons entitled to counsel as required by County Law §717, and the constitutions and laws of the United States and the State of New York; and
  - (4) representing eligible indigent persons for whom the office[s] of Assistant Essex County Public Defender 1 [and/or Assistant Essex County Public Defender 2 have] has primary or secondary responsibility whenever the person[s] holding such office[s are] is disqualified or unable to provide such primary representation; and
  - (5) determining who is eligible for public defender services; and
  - (6) notifying the Court immediately upon becoming aware that a person for whom representation is being provided pursuant to this local law is financially able to obtain counsel or make partial payment for the services so that the Court may terminate the assignment of counsel or authorize payment, as the interests of justice may dictate; and
  - (7) preparing and submitting proposed budgets and amendments thereto for consideration by the County Manager and the Board of Supervisors, and administering the budgets as adopted and amended by said Board; and

- (8) authorizing the retention of professional or expert witness services in relevant fields to assist in the representation of eligible indigent persons by the Public Defender, any Assistant Public Defender, or counsel assigned by a court pursuant to §6 of this local law; and
- (9) supervising assigned clerical staff in his/her office; and
- (10) maintaining records, and preparing reports to the Board of Supervisors, of the activities of the Public Defender and the Assistant Public Defenders pursuant to County Law §720; and
- (11) performing the duties required by §5 of this local law.

**§3. Office of Assistant Essex County Public Defender [1]**

(a) There is hereby established and created the part-time office of Assistant Essex County Public Defender [1].

(b) The duties of such part-time office shall include:

- (1) having primary responsibility for representing those eligible indigent persons entitled to counsel as required by
  - (A) County Law §717 and who are charged with a crime other than a felony arising out of incidents occurring in the towns of Chesterfield, Essex, Jay, Keene, Lewis, North Elba, St. Armand, Wilmington and Willsboro; and
  - (B) Executive Law Article 12-B relative to parole revocation hearings and appeals; and
  - (C) sex offender registration matters as provided in Corrections Law Article 6-C; and
- (2) having secondary responsibility for representing eligible indigent persons for whom the office[s] of Essex County Public Defender [1 and/or Assistant Essex County Public Defender 2 have] has primary responsibility whenever the person[s] holding such office[s are] is disqualified or unable to provide such primary representation; and
- (3) notifying the Public Defender and the appropriate court immediately upon becoming aware that a person for whom representation is being provided pursuant to this local law is financially able to obtain counsel or make partial payment for the services so that the Public Defender and/or the court may terminate the assignment of counsel or authorize payment, as the interests of justice may dictate; and
- (4) performing the duties required by §5 of this local law;

- and
- (5) determining whether a conflict of interest exists precluding such officer from providing counsel and representation to an eligible indigent person, and notifying the Public Defender of such conflict so that arrangements for substitute counsel can be made.

**§4. [Office of Assistant Essex County Public Defender 2**

(a) There is hereby established and created the office of Assistant Essex County Public Defender 2.

- (b) The duties of such part-time office shall include:
- (1) having primary responsibility for representing those eligible indigent persons entitled to counsel as required by County Law §717 and who are involved in proceedings in family court or surrogate's court; and
  - (2) having secondary responsibility for representing eligible indigent persons for whom the offices of Essex County Public Defender 1 and/or Assistant Essex County Public Defender 1 have primary responsibility whenever the persons holding such offices are disqualified or unable to provide such representation; and
  - (3) notifying the Public Defender and the appropriate court immediately upon becoming aware that a person for whom representation is being provided pursuant to this local law is financially able to obtain counsel or make partial payment for the services so that the Public Defender and/or the court may terminate the assignment of counsel or authorize payment, as the interests of justice may dictate; and
  - (4) performing the duties required by §5 of this local law; and
  - (5) determining whether a conflict of interest exists precluding such officer from providing counsel and representation to an eligible indigent person, and notifying the Public Defender of such conflict so that arrangements for substitute counsel can be made.]

**Assignment of Counsel in Family & Surrogate's Court Proceedings**

Whenever it is provided by law that an indigent person is entitled to be assigned an attorney in connection with a matter in the family or surrogate's courts of Essex County, the courts shall make an assignment of counsel to said indigent person from a list of qualified attorneys from an approved plan of the Essex County Bar Association; except that the County shall neither

appoint nor provide compensation for a plan administrator.

Section 2. Section 6 of Local Law No. 8 of 2002 is hereby amended to read as follows, with the matter to be deleted being contained in brackets [ ] and the matter to be added being underlined and italicised:

§6. **Conflict; Disqualification**

(a) The Essex County Public Defender shall enter into reciprocal agreements with the offices of public defender in adjoining counties of this State providing for such offices to serve as public defender for those indigent persons eligible for public defender or assigned counsel services pursuant to this local law where circumstances exist precluding representation by the persons appointed under §2, §3 and §4 of this local law for reasons of disqualification or conflict of interest. All expenses incurred in providing such services shall be a County charge as provided in County Law §719 and payable as therein provided.

(b) In the event that all of the persons appointed to the offices of public defender established by this local law are disqualified or unable to represent an indigent person entitled to counsel pursuant to law, then the appropriate courts shall make an appointment of other counsel pursuant to County Law §718.

(c) In the event that the appropriate court is unable to make an appointment of counsel pursuant to County Law §718, then said court shall make an assignment of counsel to said indigent person from a list of qualified attorneys from an approved plan of the Essex County Bar Association.

Section 3. Section 10 of Local Law No. 8 of 2002 is hereby amended to read as follows, with the matter to be deleted being contained in brackets [ ] and the matter to be added being underlined and italicised:

§10. **Implementation; Pending Cases**

All cases pending at the time of the effective date of this local law shall be retained by the respective attorneys assigned where transfer to the appropriate office of [P]public defender would prejudice the rights of the indigent persons involved to a competent defense or effective assistance of counsel. The Public Defender shall, upon taking office, obtain information on pending cases in which counsel has been assigned pursuant to the plan of representation of the Essex County Bar Association, and make such arrangements as are necessary and appropriate to have such cases retained by such attorneys and/or transferred to one of the offices established pursuant to §2 or §3 of this local law. [, except those cases involving an indigent person for whom all three offices of Public defender are disqualified



or unable to provide or furnish representation.]

Section 4. This local law shall take effect immediately upon filing with the Secretary of State."

This resolution was duly seconded by Supervisors Morency and Dedrick, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**

**Resolution No. 20**

**February 6, 2003  
Regular Board Meeting**

**RESOLUTION APPROPRIATING \$1,725.00 FROM THE CONTINGENT  
ACCOUNT FOR TRANSFER TO THE 2003 ESSEX COUNTY BUDGET  
TO PURCHASE CONFINED SPACE SAFETY EQUIPMENT**

The following resolution was offered by Supervisor Jackson, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, the actual cost to purchase confined space safety equipment is \$6,725, which exceeds the \$5,000.00 budget appropriation by \$1,725.00.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby appropriates the sum of \$1,725.00 from the contingent account (Account No. 19904-5487) for transfer to the 2003 Essex County budget (Account No. 16204 5260) so that the confined space safety equipment can be purchased.

This resolution was duly seconded by Supervisors Dobie and Dedrick, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes (Seney)**

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<b>BUDGET IMPACT STATEMENT:</b>	
Contingent Account Balance as of 2/06/03:	\$ 460,000.00
Reduction Impact of This Resolution:	\$ 1,725.00
<b>FY2003 Contingent Account Balance:</b>	<b>\$ 458,275.00</b>

**Resolution No. 21**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY PURCHASING  
AGENT TO PURCHASE CERTAIN ITEMS FOR THE COUNTY  
ATTORNEY'S OFFICE FROM ENCUMBERED 2002 FUNDS**

The following resolution was offered by Supervisor Morency, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the County Purchasing Agent to purchase computer equipment, a printer, a scanner, and related equipment and software for the County Attorney's Office at a cost not to exceed \$9,000, to be paid from encumbered 2002 funds.

This resolution was duly seconded by Supervisor Moses, and adopted upon a roll-call vote as follows:

<b>AYES:</b>	<b>2362 votes</b>	
<b>NOES:</b>	<b>0 votes</b>	
<b>ABSENT:</b>	<b>481 votes</b>	<b>(Seney)</b>

**Resolution No. 22**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING REPAIRS TO THE NORTH ELBA  
TRANSFER STATION, TO BE PAID FROM FUNDS IN THE LANDFILL  
OPERATIONS BUDGET SUBJECT TO RECOVERY FROM INSURANCE**

The following resolution was offered by Supervisor Morency, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, the concrete crib retaining walls at the North Elba transfer station have been severely damaged such that immediate repairs are necessary to safeguard employees and the public; and

**WHEREAS**, the cost for engineering services in connection with such repairs is estimated to be approximately \$3,000 and the estimated repair cost is approximately \$65,000.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes repairs to be made to the concrete crib retaining walls at the North Elba transfer station, at a cost not to exceed \$68,000.00 including engineering, to be paid from funds in the Landfill Operations budget subject to recovery from available insurance.

This resolution was duly seconded by Supervisors Rushby and Moses, and adopted upon a roll-call vote as follows:

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 481 votes**

**Resolution No. 23**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING SETTLEMENT OF  
THE ENFORCEMENT ACTION BY THE NEW  
YORK STATE DEPARTMENT OF HEALTH**

The following resolution was offered by Supervisor Morrow, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, in April, 2002, the New York State Department of Health (NYSDOH) conducted a survey of the Essex County Public Health Nursing Service and determined that certain violations of the New York State Medical Facilities Code had occurred which did not involve or cause patient harm; and

**WHEREAS**, even though the County prepared and implemented a plan of correction which was approved and accepted by NYSDOH, NYSDOH has commenced an enforcement action which it has offered to settle for a civil penalty of \$2,500, of which the sum of \$1,250 will be suspended based upon the County's continued compliance, so that the net civil penalty is \$1,250.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the settlement of the NYSDOH enforcement action on the terms proposed, with the civil penalty to be paid from the uninsured judgments and claims account (14204 5476) in the County Attorney's budget.

This resolution was duly seconded by Supervisor Jackson, and adopted upon a roll-call vote as follows:

**AYES:           2362 votes**  
**NOES:            0 votes**  
**ABSENT:        481 votes       (Seney)**

**Resolution No. 24**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION AMENDING RESOLUTION NO. 285 OF 2002 SO AS  
TO PROVIDE FOR AN EFFECTIVE DATE OF DECEMBER 9, 2002**

The following resolution was offered by Supervisor Canon, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, by Resolution No. 285 of 2002, a temporary position of Public Health Director was created, and Patricia Beneshan was appointed to such position, during the absence of Public Health Director Linda Lazzari, but the resolution omitted an effective date.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends Resolution No. 285 of 2002 so as to provide that the temporary position so created, and the appointment of Patricia Beneshan thereto, shall be effective December 9, 2002.

This resolution was duly seconded by Supervisor Glebus, and adopted.

**Resolution No. 25**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION IN SUPPORT OF RECIPROCAL FISHING  
LICENSES BETWEEN VERMONT AND NEW YORK**

The following resolution was offered by Supervisor Dedrick, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, the Vermont Legislature is considering a bill which would allow for reciprocal fishing licenses between Vermont and New York; and

**WHEREAS**, Essex County supports reciprocal fishing licenses between the two states so as to promote fishing on Lake Champlain, and has previously adopted Resolution No. 184 of 1997 so stating.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its strong support for reciprocal fishing licenses between Vermont and New York; and

**BE IT FURTHER RESOLVED** that this Board of Supervisors hereby requests that the Vermont and New York Legislatures adopt legislation providing for reciprocal fishing licenses between the two states, and suggests that consideration be given to the sale of stamps to be affixed to the respective state's licenses so as to make the same reciprocal with the fees for such stamps to be shared by the two states in such proportion as they may agree; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: New York Governor George E. Pataki; Vermont Governor Jim Douglas; New York State Senate Majority Leader Joseph L. Bruno; Vermont Senate Majority Leader John F. Campbell; New York State Senator Elizabeth O'C. Little; New York State Senate Minority Leader David A. Paterson; New York State Assembly Speaker Sheldon Silver; New York State Assembly Minority Leader Charles H. Nesbitt; Vermont House Speaker Walter E. Freed; and New York State Assembly Members Chris Ortloff and Teresa R. Sayward.

This resolution was duly seconded by Supervisor Moses, and adopted.

**Resolution No. 26**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND  
REPORT ON THE FUTURE OF THE HORACE NYE NURSING HOME**

The following resolution was offered by Supervisor Canon, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, the Horace Nye Nursing Home is facing significant financial difficulties with the loss of Inter-Governmental Transfer (IGT) funds after 2003, a base reimbursement rate in 1970's dollars, and a 2003 operating budget deficit of more than \$700,000.00 which is paid out of County real property tax revenues; and

**WHEREAS**, it is in the best interests of Essex County residents and taxpayers that the future of the Horace Nye Home as a County facility be studied.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby establishes a task force to study and report on the future of the Horace Nye Home, to be comprised of the following members of this Board: George H. Canon (Chair), Joyce W. Morency, Shirley Seney, Cathy Moses, Ronald Jackson, and Noel Merrihew; and

**BE IT FURTHER RESOLVED**, that the Task Force shall be assisted in its work by such County officials as it shall require, including but not limited to the County Manager and Horace Nye Home Administrator.

This resolution was duly seconded by Supervisor Merrihew, and adopted.



**Resolution No. 27**

**February 6, 2003**  
**Regular Board Meeting**

**RESOLUTION SUPPORTING THE MERGER AND NAME CHANGE  
OF THE CHAMPLAIN CANAL BYWAY AND CHAMPLAIN TRAIL  
BYWAY TO THE LAKES TO LOCKS PASSAGE**

*The following resolution was offered by Supervisor Jackson, who moved its adoption.*

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby support the merger and name change of the Champlain Canal Byway and Champlain Trail Byway to the Lakes to Locks Passage; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to Senator Elizabeth O'C. Little and Assembly Members Chris Ortloff and Teresa R. Sayward.

This resolution was duly seconded by Supervisor Rushby, and adopted.