

**Resolution No. 47**

**April 7, 2003  
Regular Board Meeting**

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

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

Upon the recommendation of the various 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 Board of Supervisors of Essex County hereby makes and following appointments:

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

(a) Appoint Mary Bell to the Community Services Board for a term of March 1, 2003 through December 31, 2004.

**2. From the Regular Board Meeting:**

(a) To the Bed Tax Advisory Committee:  
Fred Balzac of Jay to replace Cheri Cross.

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

**Resolution No. 48**

**April 7, 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 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 amends the 2003 Essex County Budget as follows:

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

(a) For the Public Health Department, increase revenues and appropriations in the amount of \$12,700 from a Clinical Services Healthy Living Partnership grant as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
4010 44450	Healthy Living Partnership	\$ 12,700.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
40104 5445HLP	Clinical Services - HLP	\$ 12,700.00

(b) For the Department of Social Services, increase revenues and appropriations in the amount of \$50,298 from a Federal grant for Nutrition Education as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
6010 446112	FS COOP	\$ 50,298.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
60105 5Coop-FS	COOP Ext. FS	\$ 50,298.00

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

(a) For the Planning Department, increase revenues and appropriations in the amount of \$3,000 from a grant from Preserve New York as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
8020 42705	Gifts and Donations	\$ 3,000.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
80204 5440	ARCH	\$ 3,000.00

**3. From the Finance/Tax Reduction/Mandate Relief Committee:**

(a) For the Public Health Department, increase revenues and appropriations in the amount of \$5,000 from a HIV Education grant as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
4010 4340186	HIV Education Grant	\$ 5,000.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
40104 5486	Educational Materials	\$ 5,000.00

**4. From the Ways and Means Committee:**

(a) For the Department of Public Works, increase revenues and appropriations in the amount of \$12,752 from an insurance settlement from a pickup truck that was totaled

in an accident as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
5130 42680	Insurance Recovery	\$ 12,752.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
51302 5240	Highway & Street Equip.	\$ 12,752.00

(b) For the Veterans Office, increase revenues and appropriations in the amount of \$3,720 from grant funds for the purchase of furniture as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
6510 437101	VA Grant	\$ 3,720.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
65102 5210	Furniture and Fixtures	\$ 3,720.00

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**RESOLUTION AUTHORIZING THE CREATION OF A NEW YORK  
STATE VETERAN'S CEMETERY AT PLATTSBURGH, NEW YORK**

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

*Upon the recommendation of the Public Safety Committee, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.*

**WHEREAS**, there are currently more than 28,000 veterans in Northern New York, an area which includes the counties of Clinton, Essex and Franklin, and as the median age of New York State's Veterans is 60 years, the need for a cemetery will increase in coming years; and

**WHEREAS**, the 28,000 veterans who live in Northern New York deserve to have a Veterans' cemetery close enough for families to visit; and

**WHEREAS**, the federal government will contribute 100% of the cost to create the cemetery, and under Federal Law, New York State would incur no fiscal obligation for establishment of a Veterans cemetery, and, under the program, the initial equipment to operate the facility would also be provided; and

**WHEREAS**, Section 2 amends subdivision 12 of Section 353 of Executive Law, as added by Chapter 613 of the New York State Law of 1984, provided that one half the cost to operate and maintain the Veterans cemetery at a site to be determined in Plattsburgh, New York, shall be borne by New York State.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses their support for creation of a Veterans cemetery in Plattsburgh, and respectfully urges the New York State Legislature to enact the necessary legislation to establish the Plattsburgh Bay New York State Veterans Cemetery in Plattsburgh, New York; 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; Director of the New York State Division of Veterans Affairs George Basher; and Chairman of the Legislative Committee of the American Legion Department of New York John DePersis.

*This resolution was duly unanimously seconded and adopted.*

**Resolution No. 50**

**April 7, 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) The 2002 Annual Report of the Essex County Board of Elections.

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

(a) The 2002 Annual Report of the Essex County Historical Society.

**3. From the Finance/Tax Reduction/Mandate Relief Committee:**

(a) The 2002 Annual Report of Essex County Real Property Tax Services.

**4. From the Ways and Means Committee:**

(a) The 2002 Annual Report of the Essex County Personnel and Civil Service Office.

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

**Resolution No. 51**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION OF APPRECIATION TO  
KATHRYN L. BERTRAND  
FOR HER DEDICATED SERVICE TO ESSEX COUNTY**

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

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

**WHEREAS**, Kathryn L. Bertrand has served the People of Essex County with distinction, excellence, dedication and integrity for more than 5 years as a Deputy Commissioner of Elections since October, 1997; and

**WHEREAS**, on March 14, 2003, Kathryn Bertrand resigned her position with Essex County to pursue other employment, and this Board wishes to express its deep appreciation for her hard work and exemplary job performance.

**BE IT RESOLVED** that the Essex County Board of Supervisors, its Clerk of the Board, County Attorney and County Manager, hereby extend their deep appreciation to Kathryn Bertrand for her years of committed, dedicated, and exemplary service, as well as to wish her well in her future endeavors; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board be and she hereby is authorized and directed to spread this resolution upon the minutes of this Board and to furnish a suitably embossed replica of this resolution to Kathryn Bertrand.

This resolution was unanimously seconded and adopted.

**Resolution No. 52**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000  
AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF ESSEX  
COUNTY, NEW YORK, TO FINANCE THE COSTS OF THE  
CONSTRUCTION AND RECONSTRUCTION OF BRIDGES IN AND  
FOR THE COUNTY, PURSUANT TO THE LOCAL FINANCE LAW**

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

Upon the recommendation of the Department of Public Works Committee, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

**WHEREAS**, the Board of Supervisors of Essex County (the "County"), a municipal corporation of the State of New York (the "State"), (i) on December 7, 1998 adopted Resolution No. 271 authorizing \$2,500,000 serial bonds for the financing of the costs of the reconstruction of and construction of additions to bridges on County roads in the County, (ii) on May 7, 2001 adopted Resolution No. 67 authorizing \$400,000 serial bonds for the financing of the costs of the acquisition of four front-end loaders for the County Highway Department, and (iii) on April 1, 2002 adopted Resolution No. 90 authorizing \$3,500,000 for the financing of the costs of the construction and reconstruction of highway roads in and for the County; and

**WHEREAS**, the Board of Supervisors desires to finance the costs of the construction and reconstruction of bridges in and for the County, at a total maximum cost of up to \$2,000,000 and has determined and hereby determines that the construction and reconstruction of such bridges is in the public interest of the County; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Essex County, New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the County in the aggregate principal amount of up to \$2,000,000 pursuant to the Local Finance Law, in order to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the construction and reconstruction of bridges in and for the County, together with applicable incidental and preliminary costs in connection therewith (the "Project").

None of the amounts authorized in this section 2 have been included in a prior bond authorization in any prior bond resolutions adopted by the Board of Supervisors of the County for an object or purpose specifically described or referred to in such section.



Section 3. The Board of Supervisors of the County has ascertained and hereby states that (a) the estimated maximum cost of the Project is not more than \$2,000,000; (b) no money has heretofore been authorized to be applied to the payment of the cost of the Project; and (c) the Board of Supervisors of the County plans to finance the cost of the Project from funds raised by the issuance of obligations authorized herein.

Section 4. It is hereby determined that the specific object or purpose of the Project described in Section 2 of this Resolution is an object or purpose described in subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such object or purpose is twenty (20) years. Obligations authorized in this Resolution shall mature in not more than twenty (20) years computed from the earlier of (a) the date of issuance of the first bond anticipation notes authorized to be issued in anticipation of the issuance of such serial bonds, or (b) the date of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds is hereby delegated to the County Treasurer, as chief fiscal officer of the County. The County Treasurer is hereby authorized to execute by manual or facsimile signature on behalf of the County all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Clerk of the County is hereby authorized to affix the seal of the County (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such serial bonds and such bond anticipation notes. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the County Treasurer.

Section 6. When this Resolution takes effect, the Clerk of the Board of Supervisors shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the Valley News, Press Republican and Times of Ti, newspapers having general circulation in the County and published in Essex County, New York, respectively. The validity of such serial bonds and of bond anticipation notes issued in anticipation of the issuance of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The faith and credit of the County are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 8. Prior to the issuance of obligations authorized to be issued by this Resolution, the Board of Supervisors of the County shall comply with all, if any, relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations

promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal Laws and Regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the applicable environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this Resolution, the Board of Supervisors of the County will re-adopt, amend or modify this Resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Supervisors of the County that to the extent the environmental compliance proceedings may apply to the Project, the Project will not have a significant effect on the environment.

Section 9. The County intends to issue obligations authorized by this Resolution to finance the cost of the purpose described in Section 2 hereof. The County covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the County, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provision hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized or authorized to be issued herein may be applied to reimburse expenditures or commitments made for such purpose on or after a date which is not more than 60 days prior to the date of adoption of this Resolution.

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the “obligations”), the County agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the County Clerk, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the

Commitment, shall be the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County attorney and bond counsel or other qualified independent special counsel to the County. The County Treasurer acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. This Resolution shall take effect immediately upon its adoption.

This resolution was duly seconded by Supervisor Canon, and adopted upon a **two-thirds** roll-call vote as follows:

<b>AYES:</b>	<b>3916 votes</b>
<b>NOES:</b>	<b>0 votes</b>
<b>ABSENT:</b>	<b>0 votes</b>

**Resolution No. 53**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION OPPOSING THE SCENIC BYWAY DESIGNATION OF NEW YORK STATE ROUTES 9 AND 373 WITHIN THE TOWN OF CHESTERFIELD AND SUPPORTING THE TOWN OF CHESTERFIELD'S CONSTITUTIONAL RIGHTS TO DO ITS OWN ZONING AND PLANNING**

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

Upon the recommendation of the Department of Public Works Committee, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

**WHEREAS**, the Adirondack North Country Association (ANCA) is working on behalf of or with the New York State Department of Transportation on the development of a corridor management plan which includes Olympic Trail Scenic Byway designations; and

**WHEREAS**, New York State Routes 9 and 373 within the Town of Chesterfield are not currently designated as scenic byways; and

**WHEREAS**, the Town of Chesterfield strongly opposes the designation of said State Routes as scenic byways; and

**WHEREAS**, the Towns of Ausable, Black Brook and Jay, as well as the Village of Keeseville have requested that scenic byway designations within their respective boundaries be rescinded; and

**WHEREAS**, Essex County supports the rights of municipalities to exercise zoning and planning within their respective jurisdictions as authorized by the New York State Constitution.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its strong opposition to the Scenic Byway Designation of New York State Routes 9 and 373 within the Town of Chesterfield, and supports the Town of Chesterfield's constitutional rights to perform and control its own zoning and planning; 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; and Assembly Members Chris Ortloff and Teresa R. Sayward.

This resolution was duly seconded by Supervisors Rushby and Canon, and adopted with Supervisors Both and Ashworth having abstained.



**Resolution No. 54**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION CHANGING CERTAIN COUNTY ROAD NAMES  
AND ROUTE NUMBERS TO COMPLY WITH E-911**

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

Upon the recommendation of the Department of Public Works 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 directs that the names and route numbers for the following county roads be changed to comply with E-911 as indicated below:

<b><i>Current Road Name/Number</i></b>	<b><i>Location</i></b>	<b><i>New Road Name/Number</i></b>
State Street - County Route 18	Beginning at NYS Route 3 (St. Armand) to the Franklin County line	State Street - County Route 81
Gillespie Drive - County Road 18	Beginning at NYS 431 (Wilmington) to the Franklin County line (St. Armand)	Gillespie Drive - County Road 72

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

**Resolution No. 55**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION APPROPRIATING \$5,000.00 FROM THE CONTINGENT ACCOUNT FOR TRANSFER TO THE 2003 ESSEX COUNTY BUDGET TO PAY THE MORIAH-PORT HENRY-ESSEX COUNTY EMPIRE ZONE FOR SERVICES IN CONNECTION WITH ZONE BOUNDARY REVISIONS THROUGH THE SUNY PLATTSBURGH TECHNICAL ASSISTANCE CENTER**

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

Upon the recommendation of the Economic Development/Planning/Publicity 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 appropriates the sum of \$5,000.00 from the contingent account (Account No. 19904-5487) for transfer to the 2003 Essex County budget (6420429 5400EDZ - Essex County Development Zone) to pay the Moriah-Port Henry-Essex County Empire Zone for GIS services in connection with zone boundary revisions through the SUNY Plattsburgh Technical Assistance Center.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

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<b>BUDGET IMPACT STATEMENT:</b>	
Contingent Account Balance as of 4/07/03:	\$ 397,045.00
Reduction Impact of This Resolution:	\$ 5,000.00
FY2003 Contingent Account Balance:	\$ 392,045.00

**Resolution No. 56**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION AMENDING THE 2003  
MARKETING PLAN AND BUDGET**

The following resolution was offered by Supervisor Canon, 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. 304 of 2002, the 2003 Marketing Plan and Budget for publicizing the advantages of Essex County was approved, and the budget contained a line item of \$3,000 for the Adirondack History Museum, Westport Heritage Days, Depot Theater and Essex Days.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends the 2003 Marketing Plan and Budget so as to provide for said line item budgeted funds to be available for all Essex County towns in the Champlain Valley and not just for specific events.

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

<b>AYES:</b>	<b>2843 votes</b>
<b>NOES:</b>	<b>0 votes</b>
<b>ABSENT:</b>	<b>0 votes</b>



**Resolution No. 57**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION OF SUPPORT FOR  
PRESIDENT BUSH AND THE MEN AND  
WOMEN OF THE UNITED STATES ARMED SERVICES**

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

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

**WHEREAS**, there are no causes more important to our Nation than the defense and preservation of the liberty and safety of its citizens, to support the President of the United States and the members of the United States Armed Services in times of war and conflict, and to protect and promote freedom at home and abroad; and

**WHEREAS**, the United States military is the finest in the world, and the fine men and women who serve deserve our unwavering support and commitment; and

**WHEREAS**, hundreds of thousands of Army, Air Force, Marine Corps, Navy, and Coast Guard personnel and reservists, as well as members of the National Guard, have been called to active duty or active service for the purpose of eradicating the threat and spread of terrorism within the United States and elsewhere around the world posed by the brutal and rogue regime in Iraq, and to free the People of Iraq from the brutal and inhuman dictatorship of Saddam Hussein; and

**WHEREAS**, the men and women of the United State military have put their lives on hold, and left their families, jobs and other pursuits, in order to serve our Nation with distinction, honor and courage.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, on behalf of itself and the People of Essex County, do hereby express our unwavering and steadfast support for President Bush and for the men and women serving our Nation in the Armed Services, and do hereby hope for the speedy and safe return of each and every person presently serving our Country.

This resolution was unanimously seconded and adopted.

**Resolution No. 58**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY  
PURCHASING AGENT TO GO TO BID, ACCEPT AND/OR  
REJECT BIDS, AND/OR PURCHASE VARIOUS ITEMS**

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

Upon the recommendation of the various committees indicated, 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 directs the County Purchasing Agent to go to bid and/or purchase in accordance with the Essex County Purchasing Policy (Resolution No. 320-97) the following:

**1. From the Finance/Tax Reduction/Mandate Relief Committee:**

(a) Request proposals for County Auction services.

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

(a) For the Department of Public Works to purchase a pick-up truck to replace one that was totaled due to a motor vehicle accident, in an amount not to exceed \$14,300.00 from 2003 budgeted funds.

(b) For the Department of Public Works to purchase a surplus dump trailer from the Town of Crown Point at a cost not to exceed \$6,500.00 to be paid out of funds that were realized from equipment trade-ins.

(c) For the Veterans Office, purchase furniture at a cost not to exceed \$3,720.00 from 2003 budgeted funds.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**Resolution No. 59**

**April 7, 2003**  
**Regular Board Meeting**

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

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

Upon the recommendation of the various 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 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. From the Finance/Tax Reduction/Mandate Relief Committee:**

- (a) For the Treasurer's Office, appoint two temporary acting deputy's.

**2. From the Personnel/Administration Committee:**

- (a) For the Information Systems Department:
- (1) appoint Daniel L. Palmer to the position of Director of Information Systems, with there being no compensation for such position other than necessary travel and other expenses incurred in the performance of the duties of such position as provided in Civil Service Law §27; and
  - (2) increase the annual salary of the Senior Computer Programmer Analyst/Deputy Information Systems Director by the sum of \$3,500 (pro-rated).

- (b) For the Personnel Office, increase the annual salary of the Deputy Personnel Officer by the sum of \$3,500 (pro-rated).

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

**AYES: 2362 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**  
**ABSTAIN: 481 votes (Seney)**  
**Resolution No. 60**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION INTRODUCING PROPOSED  
LOCAL LAW NO. 4 OF 2003**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 4 of 2003, fixing the 2003 salary of the County Personnel Officer who is appointed for a fixed term, as follows:

**"ESSEX COUNTY LOCAL LAW NO. 4 OF 2003**

A local law fixing the 2003 salary of the County Personnel Officer who is appointed for a fixed term.

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

§1. The annual salary during fiscal year 2003 for the County Personnel Officer shall be \$65,000.00, with the increase of \$15,000 to be pro-rated.

§2. This local law shall take effect 45 days after adoption hereof; except that in the event a valid petition protesting against this local law is filed with the Clerk within 45 days of such adoption, this local law shall take effect only upon approval by the affirmative vote of a majority of the qualified electors of Essex County."

**AND BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on April 14, 2003 at 9:45 o'clock in the forenoon of that day, to hear any and all persons concerning the same.

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

**Resolution No. 61**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING CONTRACTS**

The following resolution was offered by Supervisor Canon, 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.

**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 a contract with the Lake Placid Chamber of Commerce, Inc. d/b/a Lake Placid Commerce and Visitors Bureau for professional publicity, promotion and advertising services to publicize the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law, with the proposed contract to exclude paragraph 5(i) of the proposed contract and with paragraph 5(k) of the proposed contract to be redesignated as 5(j) and read as follows:

(j) no promotional or marketing activities, efforts or publications paid in whole or in part with funds furnished under this agreement shall in any way discriminate or differentiate between persons/entities which are members of the Contractor from those which are not members, or otherwise favor one such group over the other, solely by reason of their membership status; however, nothing shall prohibit the Contractor from offering or providing different or improved advertising for its members as long as (1) the cost attributable to such different/improved advertising is paid for from its non-County membership funds and (2) non-members are given the same opportunity to purchase either the same such different/improved advertising or substantially equal different/improved advertising at the same or substantially the same pro-rata cost. This provision shall not apply to the 2003 Summer Guide currently in the process of being printed.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**Resolution No. 62**

**April 7, 2003  
Regular Board Meeting**

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

The following resolution was offered by Supervisor Morency, 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 Finance/Tax Reduction/Mandate Relief Committee:**

(a) For the Public Health Department to apply for and accept grant funds in an amount of up to \$5,000 for HIV Education.

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

(a) For the Veterans Office, accept a grant from the Veterans Administration in the amount of \$3,720.00.

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

**TABLED**  
**Resolution No. 63**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY MANAGER TO IMPLEMENT  
A TEMPORARY IDENTIFICATION SYSTEM FOR ALL COUNTY  
OFFICIALS/ EMPLOYEES UNTIL A TAMPER-PROOF SYSTEM IS  
AVAILABLE FOR CODE RED EMERGENCY SITUATIONS**

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

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

**WHEREAS**, certain County officials and employees have official duties when and if a Code Red emergency situation exists, and therefore need to possess official identification authorizing them to travel and otherwise perform such duties during said times of emergency when the general public may be prohibited from engaging in similar activities.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the County Manager to implement a temporary identification card system for all County Officials and employees until a tamper-proof system is available for those having official duties during Code Red emergency situations, such system to be designed to prevent tampering, replication or forgery;

**BE IT FURTHER RESOLVED** that the County Manager and Personnel Officer are hereby directed to develop a list of those offices and positions which have official duties during Code Red emergency situations, with a copy of such list to be filed with the New York State Police, the Essex County Sheriff's Department, and such other law enforcement and emergency services agencies as may be appropriate.

This resolution was duly seconded by Supervisor Jackson, and **tabled** with Supervisor Morrow being opposed to the table.

**Resolution No. 64**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION OF APPRECIATION TO  
RALPH MARTIN**

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

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

**WHEREAS**, Ralph Martin has been the director of the ECHO homebuyer program since its inception; and

**WHEREAS**, this program has helped almost 100 Essex County individuals and couples purchase their first houses; and

**WHEREAS**, these people are from most of the Towns in Essex County.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby extends its deep appreciation to Ralph Martin for his tireless work on the behalf of the people of Essex County and extend their wishes for a happy second retirement; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board be and she hereby is authorized and directed to spread this resolution upon the minutes of this Board and to furnish a suitably embossed replica of this resolution to Ralph Martin.

This resolution was unanimously seconded and adopted.



**Resolution No. 65**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION CONGRATULATING THE MORIAH  
CHEERLEADING TEAM FOR WINNING THE 2003 CHEER  
TECH NATIONAL CHAMPIONSHIP**

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

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

**WHEREAS**, the Moriah Central School Varsity Cheerleading Team went to compete along with eight other regional qualifiers at the 2003 Cheer Tech National Championships on March 8-9, 2003; and

**WHEREAS**, this was the first time a North Country school has ever qualified to participate in a National Cheering Association sanctioned event; and

**WHEREAS**, the Moriah Cheerleading Team earned the highest team score after the initial phase of the competition and sealed the overall title with impressive first and fourth-place finishes in the tumbling phase; and

**WHEREAS**, the Moriah team earned the overall varsity team title by accumulating 839 points out of a possible 1,000.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its County Manager, Clerk of the Board and County Attorney hereby congratulate the Moriah Central School Varsity Cheerleading Team and their coach Vicki Allen for their outstanding accomplishments, including but not limiting to their winning the 2003 Cheer Tech National Championships.

This resolution was unanimously seconded and adopted.

**Resolution No. 66**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION CONGRATULATING THE MORIAH BOYS  
VARSITY BASKETBALL TEAM FOR WINNING THE  
SECTION VII CHAMPIONSHIP AND REACHING THE NEW  
YORK STATE CLASS D CHAMPIONSHIP GAME**

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

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

**WHEREAS**, this Board of Supervisors is pleased to learn that the Moriah Central School Boys Basketball Team won the 2002-2003 Section VII Championship; and

**WHEREAS**, this team then went on to win the Class D Final Four Championship game against Faith Heritage, and then went on to the Class D Championship game against S.S. Seward; and

**WHEREAS**, this Board recognizes that Moriah is the first Section VII boys' team to ever reach the New York State Finals in Glens Falls.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its County Manager, Clerk of the Board and County Attorney hereby congratulate the Moriah Central School Varsity Basketball Team and their coach Brian Cross for their outstanding accomplishments, including but not limiting to their winning the Section VII Championship and going on to play in the New York State Class D Championship games.

This resolution was unanimously seconded and adopted.

**Resolution No. 67**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION IN SUPPORT OF FUNDING FOR  
WASTEWATER TREATMENT FACILITIES**

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

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

**WHEREAS**, all communities are dependent upon a safe and adequate supply of clean water for the general health and welfare of their residents and to enhance opportunities for economic development; and

**WHEREAS**, the provision of cost-effective wastewater collection and treatment systems is necessary in order to maintain and enhance New York State water quality resources; and

**WHEREAS**, numerous communities throughout Essex County which have installed wastewater systems during the 1960s and 70s are realizing the need to rehabilitate or construct new wastewater systems due to the age and deterioration of existing facilities; and

**WHEREAS**, available funding for wastewater systems in New York State is primarily limited to loan only programs, creating severe financial hardship upon local residents whose communities typically are heavily indebted for water system improvements and have substantial O/M costs for both water and sewer systems; and

**WHEREAS**, it is clearly in the public interest to develop and install water pollution control facilities to protect public health and the environment and to enable new economic activities to take place; and

**WHEREAS**, it is projected that the required funding to repair, update and install the appropriate and necessary wastewater treatment facilities and associated collection systems in Essex County will exceed \$55 million over the next 15 years.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby supports the creation of a funding program that provides immediate and long-term funding relief for the capital construction of municipal wastewater treatment and collection facilities throughout Essex County and the Adirondack Park that is modeled after the New York State Drinking Water State Revolving Loan Hardship Grant Program; and

**BE IT FURTHER RESOLVED** that a committed funding source for said program be

established in the Environmental Protection Fund and maintained for the long-term benefit of the residents of the State of New York; 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; House Minority Leader Nancy Pelosi; 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; Commissioner Crotty of the New York State Department of Environmental Conservation; and the Environmental Protection Agency.

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

**Resolution No. 68**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION OF APPRECIATION TO**  
**MARCY NEVILLE**

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

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

**WHEREAS**, Marcy Neville has served with distinction, excellence and untiring commitment as the Zone Coordinator for the Moriah-Port Henry-Essex County Empire Zone since September 1994; and

**WHEREAS**, during her tenure, Marcy was instrumental in developing and implementing many important projects which greatly benefitted not only the Village of Port Henry and the Town of Moriah but all of Essex County as well, such as:

- ▶ overseeing the first Empire Zone Landbank in the State of New York which allowed all of Essex County to share in Empire Zone benefits;
- ▶ administration of one of the first Empire Zones in New York State, and the expansion of the focus of the Zone from the Town and Village to the entire County;
- ▶ development of Power House Park, the DEC Boat Launch Parking area, the waterfront pier restoration project, the upgrading of two public campground facilities, and numerous walking trails on the lake front;
- ▶ downtown improvements for the Village of Port Henry and the Town of Moriah, including the Iron Center Museum restoration and displays;
- ▶ overseeing the birth of the [www.porthenry.com](http://www.porthenry.com) web site;
- ▶ serving on numerous committees for the betterment of the County; and

**WHEREAS**, Marcy Neville has made outstanding and lasting contributions to the people of Essex County, the Town of Moriah and the Village of Port Henry; and

**WHEREAS**, this Board of Supervisors desires to extend its deep appreciation to Marcy Neville for her exemplary service, contributions and accomplishments while serving as the Moriah-Port Henry-Essex County Empire Zone Coordinator.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby extend and express their deep appreciation and thanks to Marcy Neville for her outstanding, dedicated and exemplary public service to the People of Essex County during her tenure as the Moriah-Port Henry-Essex County Empire Zone Coordinator, and do further express their best wishes to her in all of her future endeavors; and

***BE IT FURTHER RESOLVED*** that the Clerk of this Board be and she hereby is authorized and directed to spread this resolution upon the minutes of this Board and to furnish a suitably embossed replica of this resolution to Marcy Neville.

This resolution was unanimously seconded and adopted.

**Resolution No. 69**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION CONGRATULATING JEANNE ASHWORTH  
ON BEING NAMED CITIZEN OF THE YEAR IN 2002**

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

Upon the recommendation and 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, its Clerk of the Board, County Manager and County Attorney hereby extend their congratulations to Jeanne Ashworth on being named the Town of Wilmington's Citizen of the Year for 2002.

This resolution was unanimously seconded and adopted.

**Resolution No. 70**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION REQUESTING KRENN BRIDGE COMPANY AND WHEELER LUMBER, LLC, TO CONDUCT TEST BORINGS OF, AND LABORATORY TESTS OF THE SUBSTANCE SEEPING FROM, ITS TIMBER BRIDGES IN ESSEX COUNTY, AND AUTHORIZING THE COUNTY TO RETAIN A LABORATORY TO TEST SUCH MATERIALS TO DETERMINE THE COMPOSITION AND SOURCE THEREOF**

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

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

**WHEREAS**, The New York State Department of Environmental Conservation (DEC) has determined that the substance seeping from the Alder Meadow Bridge in Schroon Lake is creosote from the treated wood sold by Krenn Bridge Company (Krenn) to the County; and

**WHEREAS**, Wheeler Lumber, LLC (Wheeler), supplied the lumber to Krenn, and at a meeting with DEC promised to perform test borings of the Alder Meadow timber bridge installed over the Schroon River; and

**WHEREAS**, those test borings have not yet been performed despite the passage of more than one month since the meeting with DEC; and

**WHEREAS**, the laboratory tests conducted by both DEC and Wheeler did not test the same samples of material from the Alder Meadow Bridge site.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby requests Krenn Bridge Company and Wheeler Lumber, LLC, to conduct test borings of, and laboratory tests of the substance seeping from, its timber bridges in Essex County, and authorizing the County to retain a laboratory to test such materials to determine the composition and source thereof at a cost not to exceed \$2,500.00, to be paid from 50204 5445 - Consulting Fees.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**Resolution No. 71**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION OF CONGRATULATIONS TO THE ELIZABETHTOWN-LEWIS CENTRAL SCHOOL BOYS VARSITY BASKETBALL TEAM ON WINNING THE MOUNTAIN AND VALLEY ATHLETIC CONFERENCE CHAMPIONSHIP**

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

*Upon the passage of a motion to consider from the floor, and the same appearing*



*property and necessary.*

***WHEREAS***, the 2003 Elizabethtown-Lewis Central School Boys Varsity Basketball team is the Champion of the Mountain and Valley Athletic Conference; and

***WHEREAS***, Coach Ralph Holzhauer and the team members are to be commended for their hard work and dedication, and for the example that they set by exhibiting an unwavering desire to perform to the best of their abilities; and

***WHEREAS***, this Board of Supervisors wishes to recognize the 2003 Elizabethtown-Lewis Central School Boys Varsity Basketball Team and Coach Holzhauer for their fine season.

***BE IT RESOLVED***, that the Essex County Board of Supervisors, its Clerk of the Board, County Attorney and County Manager hereby congratulate the 2003 Elizabethtown-Lewis Central School Boys Varsity Basketball Team and Coach Ralph Holzhauer, for winning the Mountain and Valley Athletic Conference Championship.

*This resolution was unanimously seconded and adopted.*

**Resolution No. 72**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION CONGRATULATING**  
**WILLIAM SCHMARDER**  
**FOR OUTSTANDING MUSICAL ACCOMPLISHMENTS**

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

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

**WHEREAS**, Elizabethtown-Lewis Central School Junior William Schmarder has been chosen as one of only seven tenor vocalists from all of New York State High Schools to represent the State of New York at the National Association of Music Education Eastern Division Conference; and

**WHEREAS**, William Schmarder is the son of Mary Lou Morgan of Elizabethtown and the late Les Schmarder, former employee of the Essex County Public Health Nursing Service; and

**WHEREAS**, this Board wishes to recognize the outstanding accomplishments of William Schmarder.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its County Manager, Clerk of the Board and County Attorney hereby express their congratulations to William Schmarder, a junior at the Elizabethtown-Lewis Central School, for his exemplary achievement in being selected to represent the State of New York at the National Association of Music Education Eastern Division Conference, and extend their best wishes to him in this endeavor.

This resolution was unanimously seconded and adopted.

**Resolution No. 73**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION OF CONGRATULATIONS TO THE TICONDEROGA**  
**CENTRAL SCHOOL BOYS VARSITY BASKETBALL TEAM ON**  
**BEING DIVISION II CVAC CO-CHAMPIONS**

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**, this Board of Supervisors is pleased to learn that the Ticonderoga Central School Boys Basketball Team won the 2002-2003 Division II Championship, and finished the season with an exemplary record of 16 wins and 5 losses.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Ticonderoga Central School Sentinels Boys Varsity Basketball Team, their coach Michael Graney and his assistants and staff, for their outstanding accomplishments, including but not limiting to earning the title of 2002-03 Division II CVAC Co-Champions.

This resolution was unanimously seconded and adopted.

**Resolution No. 74**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION OF CONGRATULATIONS TO THE TICONDEROGA  
CENTRAL SCHOOL DISTRICT GIRLS VARSITY BASKETBALL  
TEAM ON BEING CVAC DIVISION II CHAMPIONS**

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**, this Board of Supervisors is pleased to learn that the Ticonderoga Central School Girls Varsity Basketball Team won the 2002-2003 Section 7, Class C Championship, and finished the season with an exemplary record of 21 wins and 1 loss.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Ticonderoga Central School Sentinels Girls Varsity Basketball Team, their coach Rick Smith and their assistants and staff, for their outstanding accomplishments, including but not limiting to their earning the title of CVAC Division II Champions.

This resolution was unanimously seconded and adopted.

**Resolution No. 75**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION AMENDING THE 2002  
ESSEX COUNTY BUDGET**

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 amends the 2002 Essex County Budget as follows:

<u>Fund</u>	<u>Acct Group</u>	<u>Account #</u>	<u>Description</u>	<u>Increase Revenue (Debit)</u>	<u>Increase Appropriation (Credit)</u>
EF	E6020	4E302030	Medicaid income	197,836.82	
	E8350	4E302040	Intergovernment Trans Income	48,826.00	
	E8350	4E5010	County Cost Allocation	195,197.00	
	E8350	4E5061	Hn Misc Revenues	58,095.26	
	E8350	4E5031	Transfer From General	270,400.11	
	E60101	5150	Longevity Wages		200.00
	E60101	5160	Clothing Allowance		300.00
	E60191	5110	Reg wages		80,224.95
	E60191	5130	PT Wages		12,814.16
	E60191	5150	Longevity Wages		400.00
	E60201	5110	Reg wages		49,287.49
	E60201	5130	PT Wages		58,777.33
	E60201	5150	Longevity Wages		4,600.00
	E60204	5E57	Instr & Minor Med Equip		238.19
	E60204	5E59	Other Supplies		1,306.26
	E60204	5E63	Repairs		47.12
	E60211	5120	Regular wages		36,563.94
	E60211	5130	PT Wages		197,972.28
	E60211	5150	Longevity Wages		8,100.00
	E72591	5120	Overtime Wages		406.08
	E72591	5150	Longevity Wages		400.00
	E72601	5110	Regular wages		1,499.49
	E72601	5120	Overtime Wages		425.56
	E72601	5130	Part Time wages		1,008.28
	E72601	5150	Longevity Wages		2,000.00
	E72604	5E50	HN Food Supplies		951.66
	E72604	5E59	Other Supplies		533.81
	E72604	5E92	Donated Services		16,629.00

E72704	5E42	RX Drugs	59,683.75
E72904	5E64	Dentist	6.88
E73304	5E55	Office Supply	9.99
E73801	5150	Longevity Wages	800.00
E73804	5E21	Social Worker Consultant	300.00
E74204	5E35	Physician	1,750.00
E82101	5120	Overtime Wages	18.01
E82101	5150	Longevity Wages	200.00
E82104	5E59	Other Supplies	298.40
E82104	5E68	Contracted Services	24,966.29
E82104	5E91	Other Direct Expense	1,052.64
E82121	5110	Regular wages	11,525.36
E82121	5130	Part Time wages	14,824.83
E82121	5150	Longevity Wages	700.00
E82131	5110	Regular wages	15,205.30
E82131	5130	PT Wages	33,115.35
E82131	5150	Longevity Wages	1,000.00
E82201	5110	Regular wages	1,174.80
E82201	5120	Overtime Wages	901.21
E82201	5160	Clothing Allowance	42.47
E82204	5E59	Other Supplies	9.96
E82204	5E66	Rubbish Collection	1,312.94
E82204	5E76	Water & Sewage	22,851.70
E82204	5E77	Fuel Oil	9,328.42
E82211	5120	Overtime Wages	115.71
E82211	5150	Longevity Wages	300.00
E82391	5120	Overtime Wages	487.48
E82391	5140	On Call Wages	248.00
E82391	5150	Longevity Wages	800.00
E82401	5110	Regular wages	4,903.48
E82401	5130	Part Time wages	28,190.45
E82401	5150	Longevity Wages	900.00
E82404	5E54	Cleaning supplies	1,260.03
E82404	5E59	Other Supplies & Materials	529.45
E82501	5110	Regular wages	3,024.42
E82501	5150	Longevity Wages	2,000.00
E82504	5E38	Disposable Linen	643.26
E82504	5E53	Linen & bedding	3,034.21
E82701	5150	Longevity Wages	300.00
E82704	5E79	Auto Gas & Oil	197.68
E83091	5110	Reg Wages	126.62
E83091	5150	Longevity Wages	200.00
E83101	5150	Longevity Wages	1,733.00
E83104	5E55	Office admin	167.48
E83501	5150	Longevity Wages	400.00
E83504	5E23	Other expenses	1,521.53
E83504	5E30	HN Hepatitis Control	841.00
E83504	5E84	Telephone	4,123.47
E83504	5E92	Donated Services	77,428.75
E83504	5E97	Intra County Expenses	195,197.00
E83504	5E99	Assessment Expense	226,716.00
E83508	59901	Transfer to Unemployment	13,167.00
E83508	5E16	Fica Taxes	37,510.35

E83508	5E17	Disability Insurance	125.11
E83508	5E19	Pension retirement expense	61,216.30
E84824	5E70	Note Interest	17,186.00
E60101	5110	Regular wages	893.84
E60104	5E55	Office & Admin	454.75
E60104	5E67	Other Purchased Service	126.03
E60104	5E85	Dues & Subscriptions	91.14
E60104	5E88	Hn Travel Conference	600.00
E60104	5E89	Books & Periodicals	200.00
E60104	5E91	Other Direct Expenses	1,635.22
E60131	5110	Regular wages	277.31
E60191	5120	Overtime wages	4,743.29
E60191	5160	Clothing Allowance	679.42
E60201	5120	Overtime Wages	2,439.72
E60201	5160	Clothing Allowance	1,459.90
E60204	5E49	Other Medical	929.12
E60204	5E55	Office & Admin	94.84
E60204	5E62	Purchased Suplies	1,702.52
E60204	5E86	Printing	500.00
E60204	5E88	Travel Conference	201.63
E60204	5E89	Books & Periodicals	71.24
E60211	5110	Regular wages	21,049.49
E60211	5160	Clothing Allowance	4,611.57
E72591	5110	Regular wages	1,801.78
E72604	5E29	Pastoral Services	1,000.00
E72604	5E55	Office & Supply	27.36
E72604	5E67	Other Purchased Service	99.26
E72604	5E85	Dues & Subscriptions	116.21
E72604	5E86	Printing	25.00
E72604	5E88	Travel Conference	77.32
E72604	5E90	Postage	25.00
E72704	5E28	Pharmacist	1,208.00
E72704	5E41	Oxygen	5,209.84
E72704	5E43	OTC Drugs	221.47
E72704	5E49	Other medical care	7,464.40
E72804	5E62	Purchased Supplies	1,000.00
E72904	5E91	Other Direct Expenses	185.00
E73304	5E27	Physical therapist	2.00
E73304	5E59	Other Supplies	187.08
E73404	5E26	Occ Therapy Consultant	2,067.50
E73504	5E25	Speech Therapy	1,990.00
E73801	5110	Reg Wages	3,265.22
E73804	5E55	Office & Admin	12.04
E73804	5E85	Dues & Subscriptions	30.00
E73804	5E88	Travel Conference	8.00
E73804	5E89	Books & Periodicals	100.00
E73804	5E90	Postage	50.00
E73904	5E37	Medical Records	4.00
E74201	5110	Regular wages	370.36
E74204	5E89	Books & Periodicals	300.00
E82101	5110	Regular wages	422.25
E82101	5160	Clothing Allowance	27.27
E82104	5E50	Food Supplies	550.81

E82104	5E54	Cleaning supplies	100.00
E82104	5E55	Office & Admin	72.41
E82104	5E88	Travel Conference	50.00
E82104	5E89	Books & Periodicals	150.00
E82121	5120	Overtime Wages	117.86
E82121	5160	Clothing Allowance	491.90
E82131	5120	Overtime Wages	2,695.48
E82131	5160	Clothing Allowance	590.99
E82201	5140	On Call Wages	2,040.00
E82204	5E63	Repairs & Maint	5,662.20
E82204	5E68	Contracted Services	370.38
E82204	5E74	Electricity	1,530.47
E82204	5E75	Bottled Gas	1,333.48
E82204	5E88	Travel Conference	64.23
E82211	5110	Regular wages	7,503.27
E82211	5140	On Call Wages	929.25
E82211	5160	Clothing Allowance	269.25
E82254	5E59	Other Supplies	300.00
E82254	5E63	Repairs & Maint	300.00
E82391	5110	Reg Wages	20.52
E82391	5160	Clothing Allowance	32.04
E82401	5120	Overtime wages	949.98
E82401	5160	Clothing Allowance	1,026.04
E82404	5E63	Repairs & Maint	75.38
E82404	5E67	Other Purchased Service	60.00
E82501	5120	Overtime Wages	579.45
E82501	5130	PT Wages	3,500.86
E82501	5160	Clothing Allowance	601.96
E82504	5E54	Cleaning supplies	326.56
E82504	5E59	Other supplies	628.73
E82504	5E68	Contracted Services	2,301.52
E82701	5110	Regular wages	1,063.38
E82701	5120	Overtime wages	579.16
E82704	5E63	Repairs & Maint	265.93
E83101	5110	Regular wages	13,648.21
E83104	5E31	Auditing	6,530.00
E83104	5E63	Repairs	34.00
E83104	5E68	Contracted Services	2,335.84
E83104	5E85	Dues & Subscriptions	30.00
E83104	5E86	Printing	138.75
E83104	5E88	Travel Conference	258.69
E83104	5E89	Books & Periodicals	165.60
E83501	5110	Regular wages	33,403.61
E83502	5E34	Purchase Major Equipment	97,750.00
E83504	5E22	General Insurance	5,329.00
E83504	5E85	Dues & Subscriptions	931.60
E83504	5E88	Travel Conference	4,401.64
E83504	5E89	Books & Periodicals	200.00
E83504	5E90	Postage	1,611.61
E83504	5E91	Other Direct Expenses	155.68
E83508	5E18	Health Insurance	203,384.10
E83508	5E20	Workers Comp	9,333.28
E83508	5E24	Unemployment	13,170.00



E84824	5E60	Bond Principle	90,000.00	
			<b>1,360,357.68</b>	<b>1,360,357.68</b>

**2002 GENERAL FUND**

<u>Fund</u>	<u>Acct Grp</u>	<u>Account #</u>	<u>Description</u>	<i>Inc Est Rev</i> <u>Debit</u>	<i>Inc Approp</i> <u>Credit</u>
	99004	59904	Transfer To Horace Nye		270,400.11
	1900	41110	Sales Tax Revenue	270,400.11	

**2002 Road Machinery  
YEAR END BUDGET  
AMENDMENT**

<u>Fund</u>	<u>Acct Grp</u>	<u>Account #</u>	<u>Description</u>	<u>Inc Est Rev Debit</u>	<u>Inc Approp Credit</u>
A	19104	5475	General Insurance	\$39,197.03	
	99004	59906	Transfer to Road Machinery		\$39,197.03
DM	51304	5475	General Insurance		\$32,407.00
DM	51308	5810	Retirement		\$2,043.98
DM	51308	5820	Soc Security		\$322.71
DM	51308	5830	Worker's Compensation		\$633.00
DM	51308	5840	Disability Insurance		\$147.00
DM	51308	5850	Health Insurance		\$3,643.34
DM	5130	45031	Interfund Transfers	\$39,197.03	
				<b>\$39,197.03</b>	<b>\$39,197.03</b>

**CAPITAL FUND  
YEAR END BUDGET  
AMENDMENT**

<u>Fund</u>	<u>Acct Grp</u>	<u>Account #</u>	<u>TASK</u>	<u>Description</u>	<u>Inc Est Rev Debit</u>	<u>Inc Approp Credit</u>
H	H8750	45031	00-1	Transfer from General Fund	6,397.13	
H	H8750	5216	00-1	Renovations & Repairs		6,397.13
A	87504	5412		Revolations & Repairs	6,397.13	
A	99004	59905		Transfer to Capital Fund		6,397.13

**2002 GENERAL FUND  
YEAR END BUDGET  
AMENDMENT**

<u>Fund</u>	<u>Acct Grp</u>	<u>Account #</u>	<u>Description</u>	<u>Inc Est Rev Debit</u>	<u>Inc Approp Credit</u>
A	7180	43889	SNOWMOBILE GRANT	15,866.11	
	71804	5SNOW	SNOWMOBILE GRANT		15,866.11

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**Resolution No. 76**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE PURCHASE OF  
MISCELLANEOUS OFFICE SUPPLIES AND EQUIPMENT FROM  
QUINN & MONTANYE FOR THE PUBLIC DEFENDER'S OFFICE**

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 purchase of miscellaneous office supplies and equipment from Quinn & Montanye for the Public Defender's Office in the amount of \$900.00 from 2003 budgeted funds.

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

**Resolution No. 77**

**April 7, 2003**  
**Regular Board Meeting**

**RESOLUTION ACCEPTING AND PLACING ON FILE THE ANNUAL  
ALTERNATIVES TO INCARCERATION CONSOLIDATED SERVICE  
PLAN AND DEMONSTRATION INFORMATION PACKET FOR 2003**

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.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby accepts and places on file the Annual Alternatives to Incarceration Consolidated Service Plan and Demonstration Information Packet for 2003.

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

**Resolution No. 78**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION CONGRATULATING THE WESTPORT CENTRAL  
SCHOOL DISTRICT LADY EAGLES BASKETBALL TEAM  
ON THEIR OUTSTANDING ACCOMPLISHMENTS**

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

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

**WHEREAS**, the Westport Central School District Lady Eagles Basketball Team won the 2002-03 Mountain and Valley Athletic Conference (MVAC) North Championship as well as the overall MVAC Championship; and

**WHEREAS**, the Westport Lady Eagles also won both the Section 7, Class D Championship for the ninth straight sectional title; and

**WHEREAS**, the Westport Lady Eagles finished the season with an exemplary record of 16 wins and 5 losses.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney, hereby congratulate the Westport Central School Lady Eagles Basketball Team, their coach Hokey McKinley and their assistants and staff for their outstanding accomplishments and achievements.

This resolution was unanimously seconded and adopted.

**Resolution No. 79**

**April 7, 2003  
Regular Board Meeting**

**RESOLUTION PROCLAIMING MAY 1, 2003 AS  
"LAW DAY"**

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

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

**WHEREAS**, Law Day is a celebration of America and the rule of law; and

**WHEREAS**, an essential component to the American ideal of the rule of law is a fair and impartial judiciary; and

**WHEREAS**, a fair and impartial judiciary protects American's rights and liberties under state and federal constitutions; and

**WHEREAS**, a fair and impartial judiciary requires an independent judiciary able to fulfill its constitutional obligation as the third branch of government in the American system of checks and balances; and

**WHEREAS**, there have been examples of an escalating partisan and special interest battle over American courts; and

**WHEREAS**, the escalating partisan and special interest battle over American courts are antithetical to the judiciary's role in the American experiment in self-government; and

**WHEREAS**, as we celebrate Law Day 2003, we restate our commitment to judicial independence as an essential component of the rule of law and our dedication to ensuring fair and impartial judicial decision making under federal and state constitutions as essential to American democracy, liberty, and freedom; and

**WHEREAS**, Law Day 2003 provides an opportunity to re-examine how we as a nation want our judiciary to function. At a time when partisans and special interests try to shape a judiciary that is responsive to political considerations above all else, we have the responsibility to reaffirm our commitment to a truly independent third branch; and

**WHEREAS**, our renewed commitment to judicial independence can be expressed through many actions, big and small, taken in our local communities and at the national level, such as:

- ▶ Defending the state and federal judges from unfair or unwarranted criticism, whether it be motivated by partisanship, special interests, or simply a misunderstanding of the role of the judiciary in our system of government;

- ▶ Demanding adequate funding for court systems so that judges have the resources to administer justice without undue delay or burden;
- ▶ Promoting new approaches to improving judicial elections, such as public financing of campaigns and voter guides, that produce a better educated electorate while reducing the influence of private contributions to judges; and,
- ▶ Continuing to work towards merit-based systems of appointing and retaining judges that provide an appropriate balance of judicial independence and accountability to the public; and

**WHEREAS**, as New Jersey Chief Justice Arthur T. Vanderbilt said in the last century, "Judicial reform is no sport for the short-winded," indeed, the theme of Law Day 2003 serves to remind us that the American experiment in self-government requires constant vigilance of purpose, especially when it comes to ensuring the continuing luster of the crown jewel of our Republic, our uniquely American independent judiciary.

**NOW THEREFORE, BE IT RESOLVED**, that the Essex County Board of Supervisors hereby proclaims Thursday, May 1 , 2003, as Law Day and urges its citizens, schools, businesses, and media of to use this occasion to dedicate ourselves to preserve and strengthen the rule of law and the independence of our courts.

This resolution was unanimously seconded and adopted.

**Resolution No. 80**

**April 14, 2003  
Special Board Meeting**

**RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2003**

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

**WHEREAS**, by Resolution No. 60 duly adopted at a Regular Board Meeting held on April 7, 2003, this Board of Supervisors introduced proposed Local Law No. 4 of 2003, fixing the 2003 salary of the County Personnel Officer who is appointed for a fixed term, and scheduled a public hearing thereon on April 14, 2003, at 9:45 o'clock in the forenoon of that day, to hear any and all persons concerning the same; and

**WHEREAS**, the aforesaid public hearing has been held by this Board, and due deliberation having been had regarding said proposed local law and the comments made with respect thereto at said public hearing.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 4 of 2003, fixing the 2003 salary of the County Personnel Officer who is appointed for a fixed term, as follows:

**“ESSEX COUNTY LOCAL LAW NO. 4 OF 2003**

A local law fixing the 2003 salary of the County Personnel Officer who is appointed for a fixed term.

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

- §1. The annual salary during fiscal year 2003 for the County Personnel Officer shall be \$65,000.00, with the increase of \$15,000 to be pro-rated.
- §2. This local law shall take effect 45 days after adoption hereof; except that in the event a valid petition protesting against this local law is filed with the Clerk within 45 days of such adoption, this local law shall take effect only upon adoption by the affirmative vote of a majority of the qualified electors of Essex County.”

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

**AYES: 2026 votes**  
**NOES: 0 votes**  
**ABSENT: 336 votes (Both, Glebus, Ashline)**  
**ABSTAIN: 481 votes (Seney)**



**Resolution No. 81**

**April 14, 2003  
Special Board Meeting**

**RESOLUTION DECLARING THE FORMER STATE SHED  
PROPERTY TO BE SURPLUS, AND AUTHORIZING THE  
SALE THEREOF TO THE ELIZABETHTOWN COMMUNITY  
HOSPITAL FOR THE APPRAISED PRICE OF \$36,000**

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

WHEREAS, the Elizabethtown Community Hospital has expressed its interest in purchasing the former State Shed property from the County since it is the only adjacent parcel of property to which the Hospital can expand; and

WHEREAS, the County has secured an appraisal of the property which resulted in a fair market full value of \$36,000; and

WHEREAS, the Hospital intends to use a portion of the property as a landing area for use by LifeFlight and other emergency medical helicopters; and

WHEREAS, the property is no longer necessary for public purposes.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby declares the former State Shed property as surplus and authorizes the sale thereof to the Elizabethtown Community Hospital for the appraised value of \$36,000.00 plus all closing costs, subject to the continuing right of the County to exclusively use (1) the concrete block building for records storage until such time as the County is able to relocate such records to another facility, and (2) the wood frame structures for equipment/materials storage until October 1, 2003.

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

AYES: 2507 votes  
NOES: 0 votes  
ABSENT: 336 votes (Both, Glebus, Ashline)

**Resolution No. 82**

**April 21, 2003  
Special Board Meeting**

**RESOLUTION AUTHORIZING THE PURCHASE OF REAL  
PROPERTY IN THE TOWN OF NEWCOMB FROM FINCH  
PRUYN & COMPANY FOR THE RECONSTRUCTION OF THE  
GOODNOW FLOW BRIDGE AND THE REALIGNMENT OF THE  
TOWN ROAD APPROACHES THERETO AT A COST OF  
\$35,000 TO BE PAID FROM THE BRIDGE BOND PROCEEDS**

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

*BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes and directs that the County purchase real property in the Town of Newcomb from Finch Pryun & Company for the sum of \$35,000.00, to be paid from the proceeds of the issuance of serial bonds pursuant to Resolution No. 52 of 2003, for use by the County to reconstruct/replace the Goodnow Flow Bridge and to reconstruct/realign the Town road approaches thereto; and*

*BE IT FURTHER RESOLVED, that the County Attorney is hereby authorized and directed to make the necessary arrangements and take all appropriate measures to have the land involved in the Town road reconstruction/realignment be conveyed to the Town of Newcomb; and*

*BE IT FURTHER RESOLVED, that the Chairman of the Board and the County Manager are each hereby separately authorized to execute any and all documents and instruments necessary to effectuate this resolution.*

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**Resolution No. 83**

**April 21, 2003  
Special Board Meeting**

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$1,500,000  
AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF ESSEX COUNTY,  
NEW YORK, TO FINANCE THE COSTS OF (I) THE ACQUISITION OF LAND  
OR RIGHTS-IN-LAND FOR THE NEW COUNTY CORRECTIONAL FACILITY  
AND (II) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF  
CORRECTIONAL FACILITY BUILDINGS, IN AND FOR THE COUNTY,  
PURSUANT TO THE LOCAL FINANCE LAW**

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

**WHEREAS**, the Board of Supervisors of Essex County (the "County"), a municipal corporation of the State of New York (the "State") desires to finance the costs of (i) the acquisition of land or rights-in-land for the new County correctional facility (\$300,000) and (ii) the acquisition, construction and reconstruction of correctional facility buildings (\$1,200,000), in and for the County, at a total maximum cost of up to \$1,500,000 and has determined and hereby determines that such acquisition of land or rights-in-land or the construction, reconstruction and acquisition of such correctional facility buildings, are in the public interest of the County; and

**WHEREAS**, the Board of Supervisors of the County has not taken any action or adopted any local law which would require the effectiveness of this serial bond resolution be subjected to a permissive or mandatory referendum.

**BE IT RESOLVED** by the Board of Supervisors of Essex County, New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the County in the aggregate principal amount of up to \$1,500,000 pursuant to the Local Finance Law, in order to finance the classes of objects or purposes, or specific objects or purposes hereinafter described.

Section 2. The classes of objects or purposes, or specific objects or purposes to be financed pursuant to this bond resolution, the estimated maximum cost of each object or purpose and the period of probable usefulness of each object or purpose pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance Law are as follows:

a. The acquisition of land or rights-in-land for the new County correctional facility at an estimated cost of \$300,000 for which \$300,000 principal amount serial bonds are authorized herein, such object or purpose having a period of probable usefulness of thirty (30) years pursuant to subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

b. *The acquisition, construction and reconstruction of correctional facility buildings for the County, such buildings being of "Class B" construction (as that term is defined in the Local Finance Law), together with buildings, land, rights-in-land, equipment, furnishings, apparatus appurtenant thereto and all preliminary and incidental costs not specifically referred to herein, at an estimated cost of \$1,200,000 for which \$1,200,000 principal amount serial bonds are authorized herein, such class of objects or purposes having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 11(b) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed twenty-five (25) years computed from the earlier of (a) the first issue of such serial bonds or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.*

*Section 3. The Board of Supervisors of the County has ascertained and hereby states that (a) the estimated maximum cost of the classes of objects or purposes or specific objects or purposes listed in Section 2 above is not more than \$1,500,000; (b) no money has heretofore been authorized to be applied to the payment of the costs such objects or purposes; and (c) the Board of Supervisors of the County plans to finance the costs of such objects or purposes from funds raised by the issuance of obligations authorized herein.*

*Section 4. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds is hereby delegated to the County Treasurer, as chief fiscal officer of the County. The County Treasurer is hereby authorized to execute by manual or facsimile signature on behalf of the County all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Clerk of the County is hereby authorized to affix the seal of the County (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such serial bonds and such bond anticipation notes. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the County Treasurer.*

*Section 5. When this Resolution takes effect, the Clerk of the Board of Supervisors shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the Valley News, Times of Ti, and Press Republican, newspapers having general circulation in the County and published in Essex County and Clinton County, New York, respectively. The validity of such serial bonds and of bond anticipation notes issued in anticipation of the issuance of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.*

*Section 6. The faith and credit of the County are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.*

*Section 7. Prior to the issuance of obligations authorized to be issued by this Resolution, the Board of Supervisors of the County shall comply with all, if any, relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal Laws and Regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the applicable environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this Resolution, the Board of Supervisors of the County will re-adopt, amend or modify this Resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Supervisors of the County that to the extent the environmental compliance proceedings may apply to the Project, the Project will not have a significant effect on the environment.*

*Section 8. The County intends to issue obligations authorized by this Resolution to finance the cost of the purpose described in Section 2 hereof. The County covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the County, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provision hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized or authorized to be issued herein may be applied to reimburse expenditures or commitments made for such purpose on or after a date which is not more than 60 days prior to the date of adoption of this Resolution.*

*Section 9. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the "obligations"), the County agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and*

*termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the County Clerk, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County attorney and bond counsel or other qualified independent special counsel to the County. The County Treasurer acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County attorney or such bond counsel or other special counsel in determining whether a filing should be made.*

Section 10. *This Resolution shall take effect immediately upon its adoption.*

*This resolution was duly seconded by Supervisor Canon, and adopted upon a **two-thirds** roll-call vote as follows:*

<b>AYES:</b>	<b>3916 votes</b>
<b>NOES:</b>	<b>0 votes</b>
<b>ABSENT:</b>	<b>0 votes</b>

**Resolution No. 84**

**April 21, 2003  
Special Board Meeting**

**RESOLUTION AUTHORIZING AN OPTION TO PURCHASE REAL PROPERTY FROM JAMES AND CAROL PIERCE FOR THE NEW COUNTY JAIL FACILITY, AND AUTHORIZING CONTRACTS FOR PROFESSIONAL AND OTHER SERVICES IN CONNECTION THEREWITH, AND REPEALING RESOLUTION NO. 306 OF 2002**

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the purchase of real property from James Pierce and Carol Pierce in the Town of Lewis consisting of 12.4± acres and possibly an additional 17.32± acres, for use as the site of the new Jail & Emergency Services facility, at the fair market value as determined by an appraisal; and

**BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized and directed to secure an appraisal of said property, as well as enter into any other necessary contracts and agreements including but not limited to a survey, soil analysis, and environmental analysis in connection herewith, to be paid from the proceeds of the issuance of serial bonds pursuant to Resolution No. 83 of 2003; and

**BE IT FURTHER RESOLVED**, that the County Attorney is hereby authorized and directed to petition the New York State Supreme Court for approval of this purchase should the same be necessary; and

**BE IT FURTHER RESOLVED**, that Resolution No. 306 of 2002, authorizing the purchase of property from Gail Durand is hereby repealed.

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

**AYES: 2690 votes**  
**NOES: 153 votes (Ashline)**  
**ABSENT: 0 votes**

**Resolution No. 85**

**April 21, 2003  
Special Board Meeting**

**RESOLUTION AUTHORIZING THE PURCHASE OF A MODULAR INMATE BUILDING FROM WASHINGTON COUNTY AT A COST OF \$250,000, TO BE INSTALLED ADJACENT TO THE ESSEX COUNTY JAIL, AND TO ENTER INTO CONTRACTS WITH OTHER JAIL FACILITIES FOR THE HOUSING OF ESSEX COUNTY INMATES**

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the purchase of the used modular jail facility from Washington County at a cost of \$250,000.00, and the installation of the same adjacent to the existing County Jail, all to be paid from the proceeds the serial bonds issued pursuant to Resolution No. 83 of 2003; and

**BE IT FURTHER RESOLVED**, that the County Manager and Sheriff be and they hereby are authorized and directed to enter into contracts with other jail facilities, including but not limited to those in Fulton and Schoharie counties, to house County inmates (subject to bed/cell availability) while the new facility is being built, with the County Manager being directed to identify sources of appropriated and unappropriated funds to pay for the costs of such housing and transportation over and above the costs which have been budgeted in the 2003 budget; and

**BE IT FURTHER RESOLVED**, that the Chairman of the Board and the County Manager are each hereby separately authorized to execute any and all documents and instruments necessary to effectuate this resolution.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**