

Resolution No. 251

**December 1, 2003
Regular Board Meeting**

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

The following resolution was offered by Supervisor Seney, 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 Human Services Committee:

(a) For the Horace Nye Home, change the Nursing Assistant Trainee positions from a Grade 7 to a Grade 5.

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

AYES: 2746 votes
NOES: 0 votes
ABSENT: 97 votes (Glebus)

Resolution No. 252

**December 1, 2003
Regular Board Meeting**

**RESOLUTION PROCLAIMING NOVEMBER AS NATIONAL ADOPTION
MONTH AND SUPPORTING LOCAL FOSTER PARENTS**

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

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

WHEREAS, November has been declared National Adoption Month by Congress;
and

WHEREAS, many foster parents become adoptive parents; *and*

WHEREAS, Essex County certifies prospective adoptive and foster parents through the ten-week MAPP (Model Approach to Partnerships in Planning) training program; *and*

WHEREAS, the purpose of foster parenting, as exemplified in the training program, is to provide a "safe-haven" for a child while the child's family learns to manage its stresses in a child-safe way, allowing for return of the child in the shortest possible time; *and*

WHEREAS, all certified foster parents in Essex County are to be commended for

- *their commitment to, and the quality of the care they provide for, children in need,*
- *setting aside their own attachment to the children they care for in order to effect family reunification, and*
- *demonstrating a remarkable level of interest and commitment to the MAPP principles of teamwork and permanency with the goal that all children deserve a permanent, safe home.*

BE IT RESOLVED that the Essex County Board of Supervisors hereby proclaims the month of November, 2003 as National Adoption Month; *and*

BE IT FURTHER RESOLVED that this Board hereby honors the extraordinary efforts provided by the following foster/adoptive parents in helping to reunite families with children: Gina Johns, Merri and Joe Peck, Becky and Bob Provost, Kay and Art Belles, and Donna Hozley.

This resolution was unanimously seconded and adopted.

Resolution No. 253

**December 1, 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 Jackson, 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 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 Human Services Committee:

(a) For the Office for the Aging, purchase software at a cost not to exceed \$11,618.60 from 2003 budgeted funds.

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

AYES: 2746 votes
NOES: 0 votes
ABSENT: 97 votes (Glebus)

Resolution No. 254

December 1, 2003
Regular Board Meeting

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

The following resolution was offered by Supervisor Connell, 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 the following appointments:

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

(a) To the Clinton-Essex-Franklin Library Board of Trustees – Barbara Stowe to fill the unexpired term of Robin Pell.

(b) To the Workforce Investment Regional Board – Lynn Edmonds.

2. From the Public Safety Committee:

(a) To the Essex County Hazardous Materials Emergency Response Team – Byron Skeels, Robert Ballard, Tom Beach, Robert Fay and Douglas Thatcher (to replace William Norton, Edward Martin, Larry Fish, Douglas Trudeau, Todd DeBrobander, Michael Andersen, Alvin Frasier and Randy Moore).

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

Resolution No. 255

December 1, 2003
Regular Board Meeting

**RESOLUTION SUPPORTING THE NEW YORK STATE
ASSOCIATION OF COUNTIES AND THE NEW YORK STATE
COUNCIL OF PROBATION ADMINISTRATORS EFFORTS TO
SECURE PASSAGE OF LEGISLATION FOR INCREASED
PROBATION FEES**

The following resolution was offered by Supervisor Morrow, 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, the utilization of Probation services has grown and expanded considerably over the past few decades; and

WHEREAS, compared to prison, jail and parole, Probation is by far the sanction most utilized by judges and magistrates; and

WHEREAS, as such, Probation must be responsive to the orders of the Courts and provide services that not only meet the needs of the courts and offenders, but that also help keep our communities safe; and

WHEREAS, over the past decade, the state has shifted its support for Probation, decreasing reimbursement rates from 46.5% to 20% in 2003-2004; and

WHEREAS, counties have tried to be inventive at coming up with new ways to maintain their Probation systems, including passing local laws to allow for the collection of certain fees; and

WHEREAS, a recent opinion of the New York State Attorney General has declared that counties may not, pursuant to their home rule authority alone, enact local laws imposing administrative Probation fees; and

WHEREAS, counties and Probation departments are no longer in a fiscal position to continue to pick up losses due to decreases in state aid to Probation and are, therefore, seeking legislative relief.

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of Supervisors supports the immediate passage of Senate Bill S5436--A and Assembly Bill A9044--A which allow counties to adopt local laws to impose administrative costs on probationers; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Senator Elizabeth Little and Assemblywomen Teresa Sayward and Assemblyman Chris Ortloff.

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

Resolution No. 256

**December 1, 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 Ashworth, 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:

<i>Current Road Name/Number</i>	<i>Location</i>	<i>New Road Name/Number</i>
Springfield Road and Haselton Road - County Route 12	Town of Wilmington	Springfield Road and Haselton Road - County Route 83

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

Resolution No. 257

**December 1, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ACQUISITION OF A DRAINAGE
EASEMENT OFF OLD MILITARY ROAD IN THE TOWN OF NORTH ELBA**

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

Upon the recommendation of the DPW 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 the acquisition of a drainage easement off Old Military Road in the Town of North Elba.

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

Resolution No. 258

**December 1, 2003
Regular Board Meeting**

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

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

Upon the recommendation of the 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, as the case may be, the following policies, plans, procedures and annual reports:

1. From the DPW Committee:

(a) *The Campus Plan for the Essex County Fairgrounds as prepared by T.J. Boyle & Associates is hereby adopted.*

2. From the Ways & Means Committee:

(a) *The revised Essex County All-Hazards Comprehensive Emergency Management Plan and Terrorism Annex, as well as the Essex County Fire Mutual Aid Plan, are hereby adopted.*

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

Resolution No. 259

**December 1, 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 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 amends the 2003 Essex County Budget as follows:

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

(a) For the Essex County Tourism Contractual, increase revenues and appropriations in the amount of \$168,950.00 from additional occupancy tax revenues as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6410 41113	Occupancy Tax	\$ 167,700.00
6410 411131	Occupancy Tax Interest and Penalties	1,250.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
64104 5429	Tourism Promotion of Industry	\$ 160,502.00
64104 5440	Tourism Misc. Fees and Services	\$ 8,448.00

(b) For the Essex County Treasurer's Office, increase revenues and appropriations in the amount of \$8,448.00 from administration fees for the occupancy tax revenues as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>		<u>Amount</u>
1325 412301	Occupancy Tax Administration Fees	\$	8,448.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>		<u>Amount</u>
13254 5410	Office Supplies	\$	600.00
13254 5420	Printing		400.00
13254 5423	Telephone		320.00
13251 5110	Personal Services		7,128.00

(c) For the Essex County Home Ownership Program, increase revenues (6989 449973 - Home Purchase Governor's Office) and appropriations (69894 5400HP-G -Home Purchase Governor's Office) by \$3,886.00 for grant #382-HO-109-01.

(d) For the Essex County Home Ownership Program, increase revenues (6989 449974 - Home Purchase) and appropriations (69894 5400HPG1 - Home Purchase) by \$13,820.00 for grant #382-HO-170-02.

(e) For the Essex County Sheriff's Department, increase revenues (3150 4280140 - Traffic Safety Program) and appropriations (31501 5120 – Overtime Wages) by \$19,436.00 from additional funds from the Traffic Safety Program.

(f) For the Essex County Sheriff's Department, increase revenues (3150 42650 - Auction Proceeds) and appropriations (31504 5441 – Auto Supplies/Repair) by \$1,184.00 from auction proceeds.

2. From the Ways and Means Committee:

(a) For the Mental Health Department, increase revenues (4322 43490101 - NYSOMH Aid to Localities) and appropriations (43224 5430 – Families First) by \$3,261.00 from additional funds from NYSOMH.

(b) For the Department of Public Works, increase revenues (1620 43389023 - Unified Court System) and appropriations (16204 5412 – Building Repairs) by \$1,300.13 from a supplemental appropriation grant to install a traffic control barrier post.

(c) For the Department of Public Works, increase revenues (5130 4265520 - Sale of Parts & Labor) and appropriations (51304 5464 – Vehicle Repairs & Parts) by \$2,786.56 from sales to pay the November Serkil bill.

(d) For the Department of Social Services, increase revenues (6010 44610 - Fed. Aid - Admin.) and appropriations (60104 5434 – SS Cont. cons. Fees Act & Fin.) In the total amount of \$73,241.00 from CST grants.

(e) For the Department of Social Services, increase revenues (6010 42772 - IGT) and appropriations (6102487 5487 – MMIS) by \$1,881,976.00 from IGT funds received.

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

AYES: **2746 votes**
NOES: **0 votes**
ABSENT: **97 votes (Glebus)**

Resolution No. 260

**December 1, 2003
Regular Board Meeting**

**RESOLUTION APPROPRIATING THE SUM OF \$152,447.00 FROM
THE CONTINGENT ACCOUNT FOR TRANSFER TO THE
2003 ESSEX COUNTY JAIL BUDGET**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appropriates the sum of \$152,447.00 from the contingent account (Account No. 19904-5487) for transfer to the 2003 Essex County Jail Budget as follows:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
31508 5850	Health Insurance	\$ 52,685.00
31501 5120	Overtime	\$ 99,792.00

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

AYES: 2746 votes
NOES: 0 votes
ABSENT: 97 votes (Glebus)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 12/01/03:	\$ 185,941.00
Reduction Impact :	\$ 152,477.00
FY2003 Contingent Account Balance:	\$ 33,464.00

Resolution No. 261

**December 1, 2003
Regular Board Meeting**

RESOLUTION AUTHORIZING CONTRACTS

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

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

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

1. An amendment with Families First for the Mental Health Department so as to increase the contract amount by \$3,261 from additional NYSOMH funds.

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

AYES: 2746 votes
NOES: 0 votes
ABSENT: 97 votes (Glebus)

Resolution No. 262

**December 1, 2003
Regular Board Meeting**

RESOLUTION AUTHORIZING THE LEVY OF CHARGEBACKS

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 and Means Committee of this Body, and the same appearing proper and necessary.

BE IT RESOLVED that the Clerk of the Board of Supervisors is hereby authorized and directed to levy, from towns as accumulated chargebacks accrued, consisting of chargebacks from corrections to the tax rolls, as well as any other incidental charges to the towns of Essex County as follows:

<u>TOWN</u>	<u>2004 SELF-INSURANCE</u>	<u>2003 TREASURERS</u>	<u>2003 REAL PROPERTY</u>
Chesterfield	\$ 0.00	\$ 0.00	\$ 0.00
Crown Point	0.00	0.00	0.00
Elizabethtown	6,271.94	0.00	0.00
Essex	0.00	0.00	0.00
Jay	0.00	0.00	0.00
Keene	22,084.09	0.00	946.50
Lewis	0.00	0.00	0.00
Minerva	14,606.33	0.00	705.00
Moriah	0.00	0.00	0.00
Newcomb	0.00	0.00	0.00
North Elba	0.00	0.00	0.00
North Hudson	12,399.07	0.00	0.00
St. Armand	0.00	0.00	0.00
Schroon	0.00	0.00	0.00
Ticonderoga	0.00	0.00	0.00
Westport	0.00	0.00	0.00
Willsboro	0.00	0.00	0.00
Wilmington	20,313.68	0.00	609.00

BE IT FURTHER RESOLVED, that no chargeback shall be made against any Town which, prior to the close of business on December 5, 2003, furnishes the Essex County Real Property Tax Services Director with a written statement that such Town will be making payment of an amount listed above on or before December 31, 2003.

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

Resolution No. 263

**December 1, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY CLERK TO
WITHHOLD NECESSARY EXPENSES INCURRED IN 2004
IN ADMINISTERING THE MORTGAGE TAX RECORDING LAW**

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

WHEREAS, by Section 262 of the Tax Law, recording officers are entitled to receive their necessary expenses for purposes of administration of mortgage taxes in their offices upon approval and allowance by the State Tax Commission; and

WHEREAS, the State Tax Commission did on July 1, 1946, by resolution duly adopted, determine that such mortgage tax expense be approved at the amount certified to the State Tax Commission by the County Board of Supervisors, provided it is a reasonable and necessary allowance for such expenses.

BE IT RESOLVED, that the sum of \$20,000.00 per annum be and hereby is determined to be a reasonable and necessary allowance of the Recording Officer of Essex County for the hire of clerks and assistants to perform the administration of the Mortgage Recording Tax Law in his office; and

BE IT FURTHER RESOLVED, that effective January 1, 2004, the County Clerk collect or withhold from his disbursements in twelve (12) equal monthly installments of \$1,666.67 per month, the total annual sum of \$20,000.00, which this Board does hereby certify to the New York State Tax Commission and the New York State Department of Audit and Control, as the reasonable and proper allowance for expenses; and

BE IT FURTHER RESOLVED, that the Clerk of this Board provide 3 original resolutions for submission to the Department of Taxation and Finance.

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

Resolution No. 264

December 1, 2003
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

NANCY A. DELOR

The following resolution was offered by Supervisor Dobie, 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, Nancy A. Delor, a resident of the Town of North Hudson, tragically passed away at her home in the early evening hours of Nov. 15, 2003; and

WHEREAS, Nancy A. Delor was a legal secretary to Essex County Judge Andrew Halloran for the past 8 years, and before that was employed in a similar capacity by Schroon Lake attorney Randolph E. Parker; and

WHEREAS, Nancy enjoyed her family, especially her grandchildren, and is survived by her husband of 40 years, Raymond A. Delor, Jr.; three sons, Matthew A. Delor and his wife Gina M. Delor of Gansevoort, Mark R. Delor and his wife Mary Ellen Delor of Queensbury, and Michael J. Delor of Albany; her grandchildren, Lauren A. Delor, Trent A. Delor, Jeremy L. Delor and Abigail R. Delor; her mother, Doris Urquhart, and her brother, James R. Urquhart, both of Fishkill; her sister, Linda Lundell of Auburn, Alabama; and several nieces; and

WHEREAS, Nancy loved to shop and take care of her garden and plants; and

WHEREAS, Nancy will be remembered by her friends and colleagues in Elizabethtown for her bright and cheerful disposition, and will be sorely missed.

BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Nancy A. Delor; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Delor family.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ARTO C. MONACO**

The following resolution was offered by Supervisor O'Neil, 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, Arto C. Monaco of Upper Jay sadly passed away on Friday, November 21, 2003; and

WHEREAS, Arto C. Monaco was a world-renowned artist and craftsman whose vision and determination led to his creation in 1954 of the Land of Make Believe in the Town of Jay, Essex County, the first theme park in North America, which he and his family operated for more than two decades; and

WHEREAS, Arto C. Monaco attended the Pratt Institute to become an illustrator, and later worked in Hollywood at Disney Studios, MGM and Warner Brothers; and

WHEREAS, Arto C. Monaco served his country in World War II, designing life-size replicas of combat areas where U.S. soldiers could drill prior to heading to Europe for real combat; and

WHEREAS, Arto C. Monaco designed a number of theme parks, including Old McDonald's Farm in Lake Placid and Santas Workshop in Wilmington, all of which were carefully designed for the entertainment of children and their families; and

WHEREAS, Arto C. Monaco loved children and animals; and

WHEREAS, Arto C. Monaco is survived by his loving wife of 62 years, Gladys (Burrell) Monaco of Upper Jay; a sister-in-law, Theresa Monaco of Upper Jay; two nephews, Robert M. Monaco of Lakeland, Fla., and Timothy Monaco of Upper Jay; a godson, Cameron Eldred of Hanover, New Hampshire; nieces Gladys Farrell of Keene, and Lynda Denton and Carrie Denton of Upper Jay; his many loyal employees throughout the years, and all his faithful and devoted animals; and

WHEREAS, Arto C. Monaco made a lasting and significant contribution to the People of Essex County and to the generations of children who delighted in his genius while visiting his theme parks and toy shop.

BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Arto C. Monaco; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of

this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Monaco family.

This resolution was unanimously seconded and adopted

Resolution No. 266

**December 1, 2003
Regular Board Meeting**

**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. 7 OF 2003**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 7 of 2003, amending the Public Defender Local Law (Local Law No. 8 of 2002 as amended by Local Law No. 3 of 2003):

"ESSEX COUNTY LOCAL LAW NO. 7 OF 2003

A local law amending the Public Defender Local Law (Local Law No. 8 of 2002 as amended by Local Law No. 3 of 2003) so as to comply with the provisions of County Law Article 18-A.

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

§1. Local Law No. 8 of 2002, as amended by Local Law No. 3 of 2003, is hereby amended to read and provide as follows, with the matter to be deleted being ~~stricken out~~ and the matter to be added being underlined and italicized:

§1. Purpose

It is the purpose of this local law to establish ~~two (2) wholly separate~~ the offices of public defender pursuant to County Law Article 18-A and ~~Municipal Home Rule Law §10, subdivision 1, subparagraph a(1), as of January 1, 2003,~~ in order to provide for the most economical and efficient use of taxpayer funds as well as to provide legal counsel to eligible indigent persons as required by law in criminal, family court, surrogate's court, parole appeal, sex offender registration, and other actions/proceedings for which such representation is required by law, so as to provide such persons with effective legal representation and assistance.

§2. Office of Essex County Public Defender

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

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

- said Board; and
- ~~(8)~~(6) authorizing the retention of professional or expert witness services in relevant fields to assist in the representation of eligible indigent persons by the Public Defender, any Assistant Public Defender, or counsel assigned by a court pursuant to §6 of this local law; and
 - ~~(9)~~(7) supervising assigned clerical staff in his/her office; and
 - ~~(10)~~(8) maintaining records, and preparing reports to the Board of Supervisors, of the activities of the Public Defender and the Assistant Public Defenders pursuant to County Law §720. ; and
 - ~~(11)~~ performing the duties required by §5 of this local law.

~~§3. **Office of Assistant Essex County Public Defender**~~

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

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

- ~~(1) — having primary responsibility for representing those eligible indigent persons entitled to counsel as required by
 - ~~(A) — County Law §717 and who are charged with a crime other than a felony arising out of incidents occurring in the towns of Chesterfield, Essex, Jay, Keene, Lewis, North Elba, St. Armand, Wilmington and Willsboro; and~~
 - ~~(B) — Executive Law Article 12-B relative to parole revocation hearings and appeals; and~~
 - ~~(C) — sex offender registration matters as provided in Corrections Law Article 6-C; and~~~~
- ~~(2) — having secondary responsibility for representing eligible indigent persons for whom the office of Essex County Public Defender has primary responsibility whenever the person holding such office is disqualified or unable to provide such primary representation; and~~
- ~~(3) — notifying the Public Defender and the appropriate court immediately upon becoming aware that a person for~~

~~whom representation is being provided pursuant to this local law is financially able to obtain counsel or make partial payment for the services so that the Public Defender and/or the court may terminate the assignment of counsel or authorize payment, as the interests of justice may dictate; and~~

- ~~(4) performing the duties required by §5 of this local law; and~~
- ~~(5) determining whether a conflict of interest exists precluding such officer from providing counsel and representation to an eligible indigent person, and notifying the Public Defender of such conflict so that arrangements for substitute counsel can be made.~~

§3. Appointment of Assistant Attorneys & Other Staff

Subject to the approval and authorization of the Board of Supervisors or County Manager, and provided that there are sufficient funds appropriated in the budget therefor, the Public Defender may appoint such assistant attorneys, clerks, investigators, stenographers, confidential secretaries, and other employees as he/she may deem necessary. The compensation of such assistants and staff shall be within the amounts appropriated for such purposes.

§4. Assignment of Counsel in Family & Surrogate's Court Proceedings

Whenever it is provided by law that an indigent person is entitled to be assigned an attorney in connection with a matter in the family or surrogate's courts of Essex County, the courts shall make an assignment of counsel to said indigent person from a list of qualified attorneys from an approved plan of the Essex County Bar Association; except that the County shall neither appoint nor provide compensation for a plan administrator.

§5. General Duties of Representation

(a) In addition to the duties specified for ~~each~~ the office created by this local law, when representing an eligible indigent person ~~each officer appointed pursuant to this local law~~ the public defender:

- (1 a) shall represent and counsel the eligible indigent person

- at each stage of the proceedings, and in criminal proceedings at each stage following arrest,
- (2 b) shall initiate such proceedings as in her/his judgment are necessary to protect the rights of such person, and
 - (3 c) may prosecute any appeal when in her/his judgment the facts and circumstances warrant such appeal.

~~(b) — In order to avoid claims of vicarious disqualification of all public defenders appointed pursuant to this local law based upon a conflict of interest on the part of one such officer, each officer appointed hereunder~~

- ~~(1) — shall maintain an office separate, both organizationally and physically, from that of any other officer appointed hereunder, and~~
- ~~(2) — shall not with respect to cases being handled by such officer~~
 - ~~(A) — share with any other officer appointed hereunder the confidences of an eligible indigent person or any information that could inhibit the presentation of a vigorous defense of such person at trial,~~
 - ~~(B) — allow any connection with a case by any other officer appointed hereunder,~~
 - ~~(C) — engage in any relevant discussions of the case with any other officer appointed hereunder,~~
 - ~~(D) — transfer or receive relevant documents or information to or from any other officer appointed hereunder, and/or~~
 - ~~(E) — allow access to such officer's case files by any other officer appointed hereunder.~~

§6. Conflict; Disqualification

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

provided in County Law §719 and payable as therein provided.

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

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

§7. Appointment & Qualifications

Each ~~The~~ office of public defender created by this local law shall be filled by appointment of the Essex County Board of Supervisors. ~~All~~ The persons so appointed shall be an attorney duly licensed to practice law in the State of New York, have such other educational training or professional experience as shall be deemed acceptable by the Board of Supervisors, and be a residents of Essex County.

§8. Compensation

The compensation to be paid to ~~each office of~~ the public defender ~~created by~~ appointed pursuant to this local law shall be fixed by the Board of Supervisors by resolution at the time of appointment.

§9. Term of Office

The term of office of ~~each~~ the public defender ~~created by this local law~~ shall be coincident with the term of office for which the members of the appointing Board of Supervisors are elected. In the event of a vacancy in ~~any~~ the office of public defender occurring prior to the expiration of such term, the term of office of any person appointed to fill such vacancy shall be for the unexpired term of the person holding such office immediately prior to such vacancy.

§10. Implementation; Pending Cases

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

§11. Separability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such adjudication shall have been rendered, and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

§12. Effective Date

This local law shall take effect on the 1st day of January, 2003.

§2. This local law shall take effect immediately upon filing with the Secretary of State.”

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 December 16, 2003, at 9:30 o'clock in the forenoon of that day, to hear any and all persons concerning the same.

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

Resolution No. 267

**December 1, 2003
Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
CHARLES ALEX TREADWAY**

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

WHEREAS, Charles Alex Treadway, the former Director of the Essex County Department of Weights and Measures, passed away on November 28, 2003; and

WHEREAS, beginning on March 11, 1980, Charles Treadway worked as the Essex County Director of Weights and Measures for over nine years; and

WHEREAS, Charles was an active member of the Chilson Volunteer Fire Department, the Chilson Methodist Church and the Chilson Community Cemetery; and

WHEREAS, Charles was a member of the New York National Guard for 20 years, retiring as Captain from his unit in Saranac Lake, New York; and

WHEREAS, Charles was a loving and devoted son, husband, father, brother, grandfather, uncle and friend who will be sorely missed.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Charles Alex Treadway; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Treadway family.

This resolution was unanimously seconded and adopted.

Resolution No. 268

**December 1, 2003
Regular Board Meeting**

**RESOLUTION AMENDING THE 2004 TENTATIVE ESSEX COUNTY
BUDGET TO INCREASE APPROPRIATIONS BY \$27,791.00 FOR
THE PUBLIC DEFENDER'S OFFICE TO CHANGE ONE PART-TIME
POSITION OF ASSISTANT PUBLIC DEFENDER TO FULL-TIME**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2004 Tentative Essex County Budget so as to change one part-time position of Assistant Public Defender to full-time and appropriate the additional sum of \$27,791.00 as follows:

Department No. 1170 - Public Defender

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
11701 5110	Regular Wages	\$ 91,347.00	\$ 141,347.00
11701 5130	Part-time Wages	60,000.00	30,000.00
11708 5810	Retirement	17,437.00	19,737.00
11708 5820	Social Security	11,579.00	13,155.00
11708 5850	Health Insurance	24,500.00	28,415.00

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

AYES: 2265 votes
NOES: 481 votes (Seney)
ABSENT: 97 votes (Glebus)

TENTATIVE BUDGET IMPACT - \$27,791 increase in appropriations

Resolution No. 269

**December 1, 2003
Regular Board Meeting**

**RESOLUTION AMENDING THE 2004 TENTATIVE ESSEX COUNTY
BUDGET TO INCREASE APPROPRIATIONS BY \$34,734.00 FOR
THE REAL PROPERTY TAX SERVICES OFFICE TO FUND ONE
FULL-TIME POSITION OF RPTS AIDE/DATA COLLECTOR**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2004 Tentative Essex County Budget so as to fund one full-time position of RPTS Aide/Data Collector and appropriate the additional sum of \$34,734.00 as follows:

Department No. 1355 - Real Property Tax Services

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
13551 5110	Regular Wages	\$ 322,098.00	\$ 347,443.00
13558 5810	Retirement	41,048.00	43,963.00
13558 5820	Social Security	27,799.00	29,738.00
13558 5850	Health Insurance	105,422.00	109,957.00

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

AYES: 2746 votes
NOES: 0 votes
ABSENT: 97 votes (Glebus)

TENTATIVE BUDGET IMPACT - \$34,734 increase in appropriations

DEFEATED

December 1, 2003

Resolution No. 270

Regular Board Meeting

RESOLUTION AMENDING THE 2004 TENTATIVE ESSEX COUNTY BUDGET TO INCREASE APPROPRIATIONS BY \$6,459.00 FOR THE COMMUNITY DEVELOPMENT/PLANNING OFFICE TO PROVIDE ADDITIONAL FUNDING FOR THE PART-TIME POSITION OF COUNTY PLANNER

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2004 Tentative Essex County Budget so as to provide additional funding for the part-time position of County Planner and appropriate the additional sum of \$6,459.00 as follows:

Department No. 8020 - Community Development and Planning

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
80201 5130	Part Time Wages	\$ 12,000.00	\$ 18,000.00
80208 5820	Social Security	14,092.00	14,551.00

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

AYES: 1035 votes

NOES: 1711 votes (Morrow, French, Rushby, Seney, Dobie, Morency, Dedrick)

ABSENT: 97 votes (Glebus)

DEFEATED
Resolution No. 271

December 1, 2003
Regular Board Meeting

**RESOLUTION AMENDING THE 2004 TENTATIVE ESSEX COUNTY
BUDGET TO INCREASE APPROPRIATIONS BY \$315.00 FOR THE
ESSEX COUNTY FISH & GAME LEAGUE**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2004 Tentative Essex County Budget so as to provide additional funding for the Essex County Fish & Game League and appropriate the additional sum of \$315.00 as follows:

Department No. 8790 - Fish & Game

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
87904 5487	Misc. Expenses	\$ 2,835.00	\$ 3,150.00

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

AYES: 879 votes
NOES: 1867 votes (French, Merrihew, Jackson, O'Neil, Both, Kelly, Seney, Dobie, Morency, Dedrick, Connell, Ashworth)
ABSENT: 97 votes (Glebus)

TENTATIVE BUDGET IMPACT - **\$315 increase in appropriations**

DEFEATED

December 1, 2003

RESOLUTION AMENDING THE 2004 TENTATIVE ESSEX COUNTY BUDGET TO INCREASE APPROPRIATIONS BY \$894.00 TO PROVIDE A FIVE PERCENT SALARY INCREASE FOR THE DIRECTOR OF COMMUNITY DEVELOPMENT & PLANNING

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2004 Tentative Essex County Budget so as to provide for a 5% salary increase for the Director of Community Development & Planning and appropriate the additional sum of \$894.00 as follows:

Department No. 8020 -- Community Development and Planning

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
80201 5110	Regular Wages	\$ 167,776.00	\$ 168,529.00
80208 5810	Retirement	33,615.00	33,698.00
80208 5820	Social Security	14,092.00	14,150.00

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

AYES: 1080 votes
NOES: 1666 votes (Morrow, French, Merrihew, Jackson, Rushby, Canon, Dobie, Moses, Morency, Dedrick, Ashworth)
ABSENT: 97 votes (Glebus)

TENTATIVE BUDGET IMPACT - \$ 894.00 increase in appropriations
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Regular Board Meeting

**RESOLUTION AMENDING THE 2004 TENTATIVE ESSEX COUNTY
BUDGET TO INCREASE APPROPRIATIONS BY \$37,525.00 FOR
THE HORACE NYE HOME**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2004 Tentative Essex County Budget by \$37,525.00 for the Horace Nye Home as follows:

Department E60191 - Horace Nye Home

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
E60191 5110	Regular Wages	\$ 229,560.00	\$ 250,866.00

Department E83508 - Horace Nye Home

<u>Account Number</u>	<u>Description</u>	<u>From</u>	<u>To</u>
E83508 5E19	Retirement	\$ 446,000.00	\$ 449,905.00
E83508 5E16	Social Security	295,200.00	295,591.00
E83508 5E18	Health Insurance	1,380,000.00	1,391,923.00

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

AYES: 2746 votes
NOES: 0 votes
ABSENT: 97 votes (Glebus)

TENTATIVE BUDGET IMPACT - \$37,525 increase in appropriations

Resolution No. 274

**December 1, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO
LAKE BEAR PARTNERS LLC**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the sale of the former Ti Oil property in the Town of Ticonderoga to Lake Bear Partners, LLC for the sum of \$60,000.00, and the Chairman of the Board and/or County Manager are hereby authorized and directed to execute any and all documents in connection therewith.

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

AYES:	2746 votes
NOES:	0 votes
ABSENT:	97 votes (Glebus)

Resolution No. 275

**December 1, 2003
Regular Board Meeting**

**RESOLUTION ADOPTING THE 2004 TENTATIVE ESSEX
COUNTY BUDGET, AS AMENDED, AS THE 2004 ESSEX
COUNTY BUDGET AND APPROPRIATING FUNDS
PURSUANT TO COUNTY LAW §356**

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

WHEREAS, the Essex County Board of Supervisors has met and considered the 2004 tentative budget and conducted a public hearing thereon on November 24, 2003, as required by County Law §359; and

WHEREAS, the Board has amended said tentative budget.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts the 2004 Tentative Essex County Budget, as heretofore amended, as the final 2004 Essex County Budget; and

BE IT FURTHER RESOLVED that the several amounts specified in such budget in the column entitled "Adopted" for the several objects set forth in said 2004 budget, totaling \$75,145,369.00, be appropriated for such objects effective January 1, 2004; and

BE IT FURTHER RESOLVED that the sum of \$3,929,103.00 is hereby appropriated from the General Fund Balance for the 2004 Essex County Budget hereby adopted; and

BE IT FURTHER RESOLVED that the sum of \$14,005,562.00 shall be raised by taxes levied upon the real property within the County for the 2004 Essex County Budget hereby adopted.

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

AYES: 2655 votes
NOES: 0 votes
ABSENT: 188 votes (Glebus, Ashworth)

Resolution No. 276

**December 1, 2003
Regular Board Meeting**

**RESOLUTION LEVYING 2004 COUNTY AND TOWN TAXES
AND ASSESSMENTS, APPROVING THE COMPLETED
TAX ROLLS, AND DIRECTING THE EXECUTION
AND DELIVERY OF THE TAX WARRANTS**

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

WHEREAS, there has been presented to this Board of Supervisors a duly certified copy of the annual budget for each of the eighteen towns of Essex County for the fiscal year commencing January 1, 2004; and

WHEREAS, the Essex County Board of Supervisors has duly adopted its annual budget for the fiscal year 2004 by Resolution No. 275, which budget provides for appropriation of funds in the total amount of \$75,145,369.00, and for a total tax levy of \$14,005,562.00.

BE IT RESOLVED that pursuant to Town Law §115, the amounts specified in the annual town budgets, as adopted by the respective Town Boards, to be raised by tax or assessment shall be levied, assessed, raised and collected against, from, and upon the real property of the respective towns liable therefor at the time and in the manner provided by law for the levy of county taxes; and

BE IT FURTHER RESOLVED that pursuant to County Law §360, the amounts specified in the 2004 County budget to be raised by tax, amounting to \$14,005,562.00 shall be levied, assessed, raised and collected against, from, and upon the real property of the County liable therefor at the time and in the manner provided by law; and

BE IT FURTHER RESOLVED that the Town and County taxes be extended against each parcel on said rolls, with such taxes as extended being hereby determined to be the taxes due on each such parcel as set forth thereon; and

BE IT FURTHER RESOLVED that there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Board, as provided by Real Property Tax Law §904, that such warrants should be in the respective amounts heretofore authorized to be levied upon said rolls, that under the seal of the Essex County Board of Supervisors the said rolls with said warrants are to be forthwith collected within and from the several tax districts of the County; and

BE IT FURTHER RESOLVED that such taxes and assessments, when collected, shall be paid to the Supervisor of the respective town and to the Essex County Treasurer

in the amounts as shown on the Contents of Collectors Warrants for distribution by them in the manner provided by law.

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

AYES:	2655 votes
NOES:	0 votes
ABSENT:	188 votes (Glebus, Ashworth)

Resolution No. 277

**December 1, 2003
Regular Board Meeting**

**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. 1 OF 2004**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 1 of 2004, fixing the 2004 salaries of County officers who are elected or who are appointed for a fixed term, as follows:

"ESSEX COUNTY LOCAL LAW NO. 1 OF 2004

A local law fixing the 2004 salaries of County officers who are elected or who are appointed for a fixed term.

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

§1. The annual salaries during fiscal year 2004 for the following County officers who are elected or who are appointed for a fixed term shall be as follows:

<u>Position</u>	<u>2004 Salary</u>
Real Property Tax Services Director	\$ 55,360.00
Superintendent of Public Works	69,952.00
Commissioner of Social Services	68,289.00
Sheriff	59,634.00
Public Health Director	65,319.00
County Treasurer	52,530.00
Coroners	3,140.00
Commissioner of Elections	14,160.00

§3. 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 December 16, 2003, at 9:15 o'clock in the forenoon of that day, to hear any and all persons concerning the same.

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

AYES:	2746 votes
NOES:	0 votes
ABSENT:	97 votes (Glebus)

Resolution No. 278

**December 1, 2003
Regular Board Meeting**

**RESOLUTION FIXING THE 2004 SALARIES FOR
ALL MANAGEMENT/CONFIDENTIAL AND
CERTAIN DEPARTMENT HEAD EMPLOYEES**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby fixes the 2004 salaries for all management/confidential and department head employees, except those whose salaries are or have been or will be set by law, local law or other resolution, as follows, with the numbers in parentheses referring to the departmental position number in the Personnel Office:

	<u>2004 SALARY</u>
<i>District Attorney's Office</i>	
Assistant District Attorney (5)	\$ 60,048.00
Assistant District Attorney (7)	47,170.00
Secretary to District Attorney	35,811.00
Assistant District Attorney (9)	52,430.00
Assistant District Attorney (10)	38,295.00
<i>County Manager's Office</i>	
Accountant I	58,730.00
Accountant I	41,658.00
Senior Legislative Aide	13.18 Hr
Senior Purchasing Clerk	16.49 Hr
Conf. Secretary to County Manager	15.69 Hr
<i>County Auditor</i>	
Deputy County Auditor	15.77 Hr
<i>Clerk of the Board's Office</i>	
Clerk of the Board of Supervisors	53,552.00
Deputy Clerk of the Board of Supervisors	17.52 Hr
Paralegal (Part-time)	16.02 Hr

Treasurer's Office

Treasurer	52,530.00
Deputy County Treasurer for Finance#1	40,010.00
Payroll Specialist	19.33 Hr.

Real Property Tax Service

Assistant Director of Real Property Tax Services	24.59 Hr
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County Clerk's Office

Deputy County Clerk	21.04 Hr
Deputy County Clerk	21.04 Hr

Motor Vehicle Office

Deputy County Clerk - Motor Vehicle	21.04 H
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County Attorney's Office

Secretary To County Attorney	40,466.00
Paralegal (part-time)	16.02 Hr
Assistant County Attorney for Social Services	58,810.00
Assistant County Attorney for Family Court	55,435.00

Public Defender

Public Defender	65,000.00
Confidential Secretary	14.37 Hr
Assistant Public Defender (full time)	50,000.00
Assistant Public Defender (part time)	30,000.00

Personnel/Civil Service

Personnel Technician	17.28 Hr
Deputy Personnel Officer	43,492.00
Personnel Clerk	13.98 Hr
Personnel Assistant	10.68 Hr

Board of Elections

Commissioner of Elections	14,160.00
Deputy Commissioner of Elections	14.37 Hr
Deputy Commissioner of Elections	14.37 Hr
Election Clerk	11.05 Hr
Election Clerk	11.05 Hr

Department of Public Works

Assistant Civil Engineer (4)	22.38 Hr
Assistant Civil Engineer (71)	17.07 Hr
Deputy Superintendent of Public Works	57,284.00

Printing

Printing Mach. Op.	17.38 Hr
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Information Systems

Sr. Comp. Prog. Analyst/Deputy	25.99 Hr
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Sheriff/Administration

Undersheriff	23.03 Hr
Chief Deputy Sheriff	21.49 Hr

Sheriff/Jail

Jail Physician	27,532.00
Jail Administrator	21.49 Hr

Probation

Probation Director	55,385.00
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Emergency Preparedness/Civil Defense

Emergency Preparedness/Fire Coordinator	59,634.00
Deputy Emergency Services Director	20.93 Hr

Public Health

Supervising Community Health Nurse (3)	24.43 Hr
Supervising Community Health Nurse (6)	23.19 Hr
Supervising Community Health Nurse (45)	25.56 Hr
Supervising Community Health Nurse (12)	23.19 Hr
Assistant Director of Patient Services	24.94 Hr
Administrative Officer	21.04 Hr

Mental Health/Administration

Administrative Officer	21.04 Hr
Assistant Director Community Services	31.19 Hr
Director of Community Mental Health Services	68,920.00
Supervising Psychiatric Social Worker (19)	26.32 Hr

Staff Psychiatrist	79.93 Hr
Clinical Psychologist	53.82 Hr
Medical Director	79.83 Hr
<i>Social Services/Administration</i>	
Director of Administrative Services	56,997.00
Administrative Officer	49,110.00
Director of Social Services	51,284.00
<i>Horace Nye Home</i>	
Nursing Home Administrator	64,584.00
Director of Nursing	21.49 Hr
Supervising Nurse (6)	19.68 Hr
Supervising Nurse (8)	19.68 Hr
Supervising Nurse (49)	19.68 Hr
Medical Director	69,458.00
Nursing Home Facility Comptroller	21.89 Hr
<i>Weights and Measures</i>	
Director of Weights and Measures	48,500.00
<i>Office of the Aging</i>	
Director of the Office of the Aging	40,298.00
<i>Planning</i>	
Director of Comm. Development & Planning	51,750.00
County Planner	36.60 Hr
Deputy County Planner	28.09 Hr
<i>Essex County Dept of Fisheries</i>	
Director of Fisheries	45,952.00
<i>Youth Bureau</i>	
Assistant Youth Bureau Director	20.93 Hr
Youth Bureau Director	6,000.00

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

AYES: **2746 votes**
NOES: **0 votes**
ABSENT: **97 votes (Glebus)**

Resolution No. 279

December 16, 2003
Special Board Meeting

RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2003

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

WHEREAS, by Resolution No. 266 duly adopted at a Regular Board Meeting held on December 6, 2003, this Board of Supervisors introduced proposed Local Law No. 7 of 2003, amending the Public Defender Local Law (Local Law No. 8 of 2002 as amended by Local Law No. 3 of 2003) so as to comply with the provisions of County Law Article 18-A, and scheduled a public hearing thereon on December 16, 2003, at 9:30 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. 7 of 2003 as Local Law No. 6 of 2003, due to the fact that proposed Local Law No. 6 of 2003 was not adopted, as follows:

“ESSEX COUNTY LOCAL LAW NO. 6 OF 2003

A local law amending the Public Defender Local Law (Local Law No. 8 of 2002 as amended by Local Law No. 3 of 2003) so as to comply with the provisions of County Law Article 18-A.

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

§1. Local Law No. 8 of 2002, as amended by Local Law No. 3 of 2003, is hereby amended to read and provide as follows, with the matter to be deleted being ~~stricken out~~ and the matter to be added being *underlined and italicized*:

§1. Purpose

It is the purpose of this local law to establish ~~two (2) wholly separate~~ *the* offices of public defender pursuant to County Law Article 18-A and ~~Municipal Home Rule Law §10, subdivision 1, subparagraph a(1), as of January 1, 2003,~~ in order to provide for the most economical and efficient use

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

§2. Office of Essex County Public Defender

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

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

- ~~(7)~~(5) preparing and submitting proposed budgets and amendments thereto for consideration by the County Manager and the Board of Supervisors, and administering the budgets as adopted and amended by said Board; and
- ~~(8)~~(6) authorizing the retention of professional or expert witness services in relevant fields to assist in the representation of eligible indigent persons by the Public Defender, any Assistant Public Defender, or counsel assigned by a court pursuant to §6 of this local law; and
- ~~(9)~~(7) supervising assigned clerical staff in his/her office; and
- ~~(10)~~(8) maintaining records, and preparing reports to the Board of Supervisors, of the activities of the Public Defender and the Assistant Public Defenders pursuant to County Law §720. ;
and
- ~~(11)~~ performing the duties required by §5 of this local law.

~~§3. **Office of Assistant Essex County Public Defender**~~

~~(a) — There is hereby established and created the part-time office of Assistant Essex County Public Defender:~~

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

- ~~(1) — having primary responsibility for representing those eligible indigent persons entitled to counsel as required by~~
 - ~~(A) — County Law §717 and who are charged with a crime other than a felony arising out of incidents occurring in the towns of Chesterfield, Essex, Jay, Keene, Lewis, North Elba, St. Armand, Wilmington and Willsboro; and~~
 - ~~(B) — Executive Law Article 12-B relative to parole revocation hearings and appeals; and~~
 - ~~(C) — sex offender registration matters as provided in Corrections Law Article 6-C; and~~
- ~~(2) — having secondary responsibility for representing eligible indigent persons for whom the office of Essex County Public Defender has primary responsibility whenever the person holding such office is disqualified or unable to provide such primary representation; and~~

- ~~(3) notifying the Public Defender and the appropriate court immediately upon becoming aware that a person for whom representation is being provided pursuant to this local law is financially able to obtain counsel or make partial payment for the services so that the Public Defender and/or the court may terminate the assignment of counsel or authorize payment, as the interests of justice may dictate; and~~
- ~~(4) performing the duties required by §5 of this local law; and~~
- ~~(5) determining whether a conflict of interest exists precluding such officer from providing counsel and representation to an eligible indigent person, and notifying the Public Defender of such conflict so that arrangements for substitute counsel can be made.~~

§3. Appointment of Assistant Attorneys & Other Staff

Subject to the approval and authorization of the Board of Supervisors or County Manager, and provided that there are sufficient funds appropriated in the budget therefor, the Public Defender may appoint such assistant attorneys, clerks, investigators, stenographers, confidential secretaries, and other employees as he/she may deem necessary. The compensation of such assistants and staff shall be within the amounts appropriated for such purposes.

§4. Assignment of Counsel in Family & Surrogate's Court Proceedings

Whenever it is provided by law that an indigent person is entitled to be assigned an attorney in connection with a matter in the family or surrogate's courts of Essex County, the courts shall make an assignment of counsel to said indigent person from a list of qualified attorneys from an approved plan of the Essex County Bar Association; except that the County shall neither appoint nor provide compensation for a plan administrator.

§5. General Duties of Representation

(a) In addition to the duties specified for each the office created by this local law, when representing an eligible indigent person ~~each officer appointed pursuant to this local law~~ the public defender.

(1 a) shall represent and counsel the eligible indigent person

- at each stage of the proceedings, and in criminal proceedings at each stage following arrest,
- (2 b) shall initiate such proceedings as in her/his judgment are necessary to protect the rights of such person, and
 - (3 c) may prosecute any appeal when in her/his judgment the facts and circumstances warrant such appeal.

~~(b) — In order to avoid claims of vicarious disqualification of all public defenders appointed pursuant to this local law based upon a conflict of interest on the part of one such officer, each officer appointed hereunder~~

- ~~(1) — shall maintain an office separate, both organizationally and physically, from that of any other officer appointed hereunder, and~~
- ~~(2) — shall not with respect to cases being handled by such officer~~
 - ~~(A) — share with any other officer appointed hereunder the confidences of an eligible indigent person or any information that could inhibit the presentation of a vigorous defense of such person at trial,~~
 - ~~(B) — allow any connection with a case by any other officer appointed hereunder,~~
 - ~~(C) — engage in any relevant discussions of the case with any other officer appointed hereunder,~~
 - ~~(D) — transfer or receive relevant documents or information to or from any other officer appointed hereunder, and/or~~
 - ~~(E) — allow access to such officer's case files by any other officer appointed hereunder.~~

§6. Conflict; Disqualification

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

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

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

§7. Appointment & Qualifications

Each ~~The~~ office of public defender created by this local law shall be filled by appointment of the Essex County Board of Supervisors. ~~All~~ The persons so appointed shall be an attorney duly licensed to practice law in the State of New York, have such other educational training or professional experience as shall be deemed acceptable by the Board of Supervisors, and be a residents of Essex County.

§8. Compensation

The compensation to be paid to ~~each office of~~ the public defender ~~created by~~ appointed pursuant to this local law shall be fixed by the Board of Supervisors by resolution at the time of appointment.

§9. Term of Office

The term of office of ~~each~~ the public defender ~~created by this local law~~ shall be coincident with the term of office for which the members of the appointing Board of Supervisors are elected. In the event of a vacancy in ~~any~~ the office of public defender occurring prior to the expiration of such term, the term of office of any person appointed to fill such vacancy shall be for the unexpired term of the person holding such office immediately prior to such vacancy.

§10. Implementation; Pending Cases

All cases pending at the time of the effective date of this local law shall be retained by the respective attorneys assigned where transfer to the

appropriate office of public defender would prejudice the rights of the indigent persons involved to a competent defense or effective assistance of counsel. The Public Defender shall, upon taking office, obtain information on pending cases in which counsel has been assigned pursuant to the plan of representation of the Essex County Bar Association, and make such arrangements as are necessary and appropriate to have such cases retained by such attorneys and/or transferred to ~~one of the offices~~ established pursuant to ~~§2 or §3~~ of this local law.

§11. Separability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such adjudication shall have been rendered, and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

§12. Effective Date

This local law shall take effect on the 1st day of January, 2004.

§2. This local law shall take effect immediately upon filing with the Secretary of State.”

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

AYES:	2640 votes	
NOES:	0 votes	
ABSENT:	203 votes	(Glebus, Morency)

Resolution No. 280

**December 16, 2003
Special Board Meeting**

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2004

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

WHEREAS, by Resolution No. 277 duly adopted at a Regular Board Meeting held on December 6, 2003, this Board of Supervisors introduced proposed Local Law No. 1 of 2004, fixing the 2004 salaries of County officers who are elected or who are appointed for a fixed term, and scheduled a public hearing thereon on December 16, 2003, at 9:15 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. 1 of 2004, as follows:

“ESSEX COUNTY LOCAL LAW NO. 1 OF 2004

A local law fixing the 2004 salaries of County officers who are elected or who are appointed for a fixed term.

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

§1. The annual salaries during fiscal year 2004 for the following County officers who are elected or who are appointed for a fixed term shall be as follows:

<u>Position</u>	<u>2004 Salary</u>
Real Property Tax Services Director	\$ 55,360.00
Superintendent of Public Works	69,952.00
Commissioner of Social Services	68,289.00
Sheriff	59,634.00
Public Health Director	65,319.00
County Treasurer	52,530.00
Coroners	3,140.00
Commissioner of Elections	14,160.00

§3. 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.”

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

AYES:	2640 votes	
NOES:	0 votes	
ABSENT:	203 votes	(Glebus, Morency)

Resolution No. 281

**December 16, 2003
Special Board Meeting**

**RESOLUTION AUTHORIZING COUNTY EMPLOYEES TO TRANSFER
ACCRUED SICK LEAVE BENEFITS TO MICHELLE GENIER OF THE
COUNTY CLERK'S OFFICE, CONTINGENT UPON EXECUTION BY CSEA
OF A WRITTEN AGREEMENT AUTHORIZING SUCH TRANSFER**

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes County employees to transfer, without any consideration being paid therefor, 70 hours (10 days) of accrued sick leave benefits to Michelle Genier, an employee of the County Clerk's Department, by and upon completing and executing appropriate forms as required by the Personnel Officer; and

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

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

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

AYES: 2640 votes
NOES: 0 votes
ABSENT: 203 votes (Glebus, Morency)

Resolution No. 282

December 16, 2003
Special Board Meeting

**RESOLUTION APPROVING THE ISSUANCE OF CERTAIN TAX-EXEMPT
SOLID WASTE DISPOSAL REVENUE BONDS BY THE ESSEX COUNTY
INDUSTRIAL DEVELOPMENT AGENCY TO FINANCE A PROJECT
FOR INTERNATIONAL PAPER COMPANY**

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

WHEREAS, pursuant to Article 18-A, Title 1 and Section 914-a of the General Municipal Law of the State of New York (herein collectively called the "Act"), the Board of Supervisors of Essex County, New York (the "Board of Supervisors") has heretofore appointed the Chairman and members of the Essex County Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue its revenue bonds (industrial pollution control facility revenue bonds) to finance the cost of acquisition, construction, installation and equipping of one or more "projects" (as defined in the Act), to acquire, construct, install and equip said projects or to cause said projects to be acquired, constructed, installed and equipped and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, International Paper Company, a New York corporation (the "Company"), has presented an application (the "Application") to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking: (i) to issue its tax-exempt solid waste disposal revenue bonds in the principal amount not to exceed \$5,500,000 (the "Bonds") in order to finance all or a portion of the costs of acquisition, construction, installation and equipping of the Project (as described herein); (ii) to acquire, construct, install and equip the Project, or to cause the Project to be acquired, constructed, installed and equipped; and (iii) to lease (with an obligation to purchase) or sell the Project to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the "Project" consists of the following: (A) the acquisition, construction, installation and equipping of certain industrial pollution control facilities, including solid waste disposal facilities, at the Company's Ticonderoga Mill, Essex County, New York; (B) the financing of a portion of the costs of the foregoing by the issuance of the Bonds; (C) the granting of certain other financial assistance with respect to the Project, which other financial assistance shall consist solely of the exemption from sales tax of purchases of

materials for and components of the Project; and (D) the lease (with obligation to purchase) or sale of the Project to the Company; and

WHEREAS, the Board of Supervisors has been advised by the Agency that the Agency proposes to issue, subsequent to the adoption of this resolution, its solid waste disposal revenue bonds from time to time in a principal amount sufficient to fund all or a portion of the cost of acquiring, constructing, installing and equipping the Project, together with incidental costs in connection therewith, which aggregate principal amount not to exceed \$5,500,000; and

WHEREAS, the Company has requested that the Bonds be issued as obligations the interest on which will be excluded from gross income for federal income tax purposes pursuant to Sections 103 and 142(a)(6) and other applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by the Board of Supervisors after the Agency has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, the Agency conducted said public hearing on August 20, 2002 following reasonable public notice and adopted a bond resolution authorizing the Bonds at a meeting of the Agency held on the same date; and

WHEREAS, the Agency proposes to issue the Bonds in the aggregate principal amount not to exceed \$5,500,000; and

WHEREAS, the Board of Supervisors has received notice from the Agency that it is the preliminary determination of the Agency that the Project will not have a "significant effect on the environment" within the meaning of Article 8 of the Environmental Conservation Law of the State of New York.

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

Section 1. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income pursuant to the applicable provisions of the Code, the Board of Supervisors, as the elected legislative body of Essex County, New York, hereby approves the issuance by the Agency of the Bonds, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Agency and shall never be a debt of the State of New York, Essex County, New York or any political subdivisions thereof (other than the Agency, but only to the extent of certain payments made by the Company), and neither the State of New York, Essex County, New York nor

any political subdivision thereof (other than the Agency, but only to the extent of certain payments made by the Company) shall be liable thereon.

Section 2. The Board of Supervisors reserves the right to approve the payment in lieu of taxes agreement with respect to real property taxes, if applicable, and hereby approves the abatement of t New York State sales and use tax so long as the Project is acquired by the Agency or under its jurisdiction or control or supervision.

Section 3. This resolution shall take effect immediately.

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

AYES:	2640 votes	
NOES:	0 votes	
ABSENT:	203 votes	(Glebus, Morency)

Resolution No. 283

**December 16, 2003
Special Board Meeting**

**RESOLUTION REQUESTING THAT THE STATE LEGISLATURE ENACT
AND GOVERNOR PATAKI SIGN INTO LAW SPECIAL LEGISLATION
APPROVING THE NAMING OF THE JUSTIN WRISLEY GARVEY BRIDGE
OVER INTERSTATE 87 IN THE TOWN OF LEWIS, ESSEX COUNTY**

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

WHEREAS, by Resolution No. 97 of 2003 this Board of Supervisors authorized the bridge in the Town of Lewis which crosses Interstate 87 and carries County Route 12 to be named as the Sgt. Justin Wrisley Garvey Memorial Bridge; and

WHEREAS, although County Route 12 is carried over said bridge, the bridge itself is owned by the State of New York.

BE IT RESOLVED that the Essex County Board of Supervisors hereby requesting that the State Legislature enact and Governor Pataki sign into law special legislation approving the naming of the bridge in the Town of Lewis that crosses County Rte. 12 over the Northway as the Sgt. Justin Wrisley Garvey Memorial Bridge; 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 Teresa R. Sayward and Chris Ortloff.

This resolution was unanimously seconded and adopted.

Resolution No. 284

**December 16, 2003
Special Board Meeting**

**RESOLUTION ADOPTING CHANGES TO THE ESSEX COUNTY
PUBLIC TRANSPORTATION SYSTEM, AND DIRECTING THE
DIRECTOR OF COMMUNITY DEVELOPMENT & PLANNING TO
LOOK INTO OTHER POSSIBLE IMPROVEMENTS TO THE
SYSTEM SO AS TO PROVIDE MORE COORDINATED AND
COMPREHENSIVE PUBLIC TRANSPORTATION SERVICES**

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

WHEREAS, a public hearing was held on December 10, 2003 regarding the Essex County Public Transportation System (CHAMP) including but not limited to consideration of the discontinuance one or more routes and the continued operation of other routes.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs that the CHAMP bus route between Keeseville and Saranac Lake be discontinued effective January 1, 2004, and that all other existing routes be continued; and

BE IT FURTHER RESOLVED that the Director of Community Development & Planning is hereby authorized and directed to look into other possible improvements to the system so as to provide more comprehensive and coordinated public transportation services.

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

AYES: 1829 votes
NOES: 811 votes (Both, Seney, Ashline, Ashworth)
ABSENT: 203 votes (Glebus, Morency)

Resolution No. 285

December 29, 2003
Last Day of the Annual

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

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

Upon the recommendation of the various committees indicated below, and the same appearing proper and necessary.

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

1. From the Human Services Committee:

(a) To the MRDD Subcommittee, Edna Coonrod for a term effective January 1, 2004 through December 31, 2006.

(b) To the Mental Health Subcommittee, Janice LaHart for a term effective January 1, 2004 through December 31, 2006.

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

(a) To the Soil and Water Conservation Board of Directors, David Holland for a term of January 1, 2004 through December 31, 2007.

3. From the Personnel & Administration Committee:

(a) To the Clinton-Essex-Franklin Library Board of Trustees, Virginia LaPointe for a five year term of January 1, 2004 through December 31, 2008.

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

Resolution No. 286

December 29, 2003
Last Day of the Annual

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

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

Upon the recommendation of various committees indicated below, 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 Human Services Committee:

(a) For the Horace Nye Home, abolish two positions of Laundry Worker and six positions of Cleaner, and create eight additional positions of Cleaners/Laundry Workers, and reassign the incumbent Cleaners and Laundry Workers to these positions, all to be effective January 1, 2004.

2. From the Personnel & Administration Committee:

(a) For the Mental Health Department, change the grade for the position of Supervising Psychiatric Social Worker from Grade 8 M/C to Grade 11 M/C (\$26.32/hour), and change the grade for the position of Psychiatric Social Worker from Grade 15 to Grade 17 (\$19.00/hour).

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

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

Resolution No. 287

December 29, 2003
Last Day of the Annual

**RESOLUTION AMENDING THE 2003
ESSEX COUNTY BUDGET**

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

Upon the recommendation of the various committees indicated below, 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 Social Services Department, increase revenues (6010 44610 -- Federal Aid - Administration) and appropriations (60105 553 -- SS Drug and Alcohol) in the amount of \$1,900.00 from additional federal grant monies in the TANF Program.

(b) For the Public Health Department, transfer the sum of \$15,000.00 from Account No. 40101 5110 – Salaries to Account No. 40102 5230 – Auto Equipment for the purchase of a vehicle.

2. From the Last Day of the Annual:

(a) For the Essex County Jail, increase revenues (3150 41525 -- Prisoner Charges) and appropriations (31504 5438 -- Inmate Housing) in the amount of \$23,400.00 to pay for inmate housing for the remainder of 2003.

(b) For the Essex County Jail, increase revenues (3150 42680 – Insurance Recovery) and appropriations (31504 5441 – Auto Repair) in the amount of \$17,249.00.

(c) For the Essex County Jail, increase revenues (3150 42681 – Disability Insurance Recovery) and appropriations (31501 5110 – Regular Wages) in the amount of \$4,284.00.

(d) For the Pharmacy Plan, increase revenues (1930 42801 – Interfund Revenues) and appropriations (19314 5487PH – Pharmacy Plan Expense) in the amount of \$1,187,255.00.

(e) For the District Attorney's Office, increase revenues (1165 43032 -- Violence Against Women) and appropriations as follows in the total amount of \$15,507.00 from an increase in Violence Against Women Grant:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
11651 5110SVAW	Regular Wages	\$ 11,000.00
11658 5810SVAW	Retirement	1,170.00
11658 5820SVAW	Social Security	837.00
11654 5440SVAW	Misc. Fees – SVAW	1,500.00
11654 5497SVAW	Mileage – SVAW	1,000.00

(f) For the Department of Public Works, increase revenues (5130 4265520 – Sale of Parts and Labor) and appropriations (51304 5464 – Equipment Repairs) in the amount of \$2,327.07 to purchase tires for Serkil.

(g) For the Sheriff's Department -- Jail, increase revenues (41090 -- Interest) and appropriations as follows in the total amount of \$98,801.00:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
31501 5111	Shift Differential	\$ 2,154.00
31501 5400INV	Inventory	3,342.00
31501 5110	Regular Wages	21,205.00
31504 5438	Inmate Housing	66,000.00
31504 5150	Longevity	6,100.00

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

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

Resolution No. 288

December 29, 2003
Last Day of the Annual

**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 Jackson, who moved its adoption.

Upon the recommendation of the various committees indicated below, 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 Human Services Committee:

(a) For the Public Health Department, purchase a vehicle at a cost not to exceed \$15,000 from 2003 budgeted funds.

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

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

Resolution No. 289

December 29, 2003
Last Day of the Annual

**RESOLUTION IN SUPPORT OF THE 2003 BOUNDARY REVISION
FOR THE MORIAH-PORT HENRY-ESSEX COUNTY EMPIRE
ZONE**

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

WHEREAS, the economy of Essex County is largely based upon tourism and forest products; and

WHEREAS, the 2003 Moriah–Port Henry–Essex County Empire Zone boundary revision will assist tourism-related and forest product businesses in creating much needed new jobs and will provide a boost to the economy; and

WHEREAS, all businesses in the 2003 boundary revision application are related to the Moriah–Port Henry–Essex County Empire Zone Business Development Policy and include businesses such as paper manufacturing, publishing, construction, banking, advertising, restaurant, lodging and other tourism-related businesses; and

WHEREAS, the delay in processing the 2003 boundary revision now has and will continue to have a negative impact on the largest business and employer in Essex County, the International Paper Company, as well as small and medium sized businesses throughout the County; and

WHEREAS, the creation of new jobs provides additional New York State income tax revenues as well as local property tax revenues.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its strong support of the 2003 boundary revision for the Moriah-Port Henry-Essex County Empire Zone and requests that the State of New York approve the same as soon as possible; 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 Teresa R. Sayward and Chris Ortloff.

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

Resolution No. 290

**December 29, 2003
Last Day of the Annual**

**RESOLUTION SUPPORTING THE SNOWMOBILE INDUSTRY
AND THE ESSEX COUNTY SNOWMOBILE ASSOCIATION**

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

Upon the recommendation of the Economic Development/Planning/Publicity Committee, and the same appearing proper and necessary.

WHEREAS, a major component of Essex County's tourism economy is snowmobiling; and

WHEREAS, Essex County has historically supported the snowmobiling industry in general as well as the Essex County Snowmobile Association by, among other things, serving as a sponsor for State grant funds, supporting applications for grant funds, assisting in development and maintenance of trails, and advocating for changes to the State Land Master Plan to include snowmobiling uses.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its continued support of the snowmobile industry in Essex County as well as for the Essex County Snowmobile Association.

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

Resolution No. 291

December 29, 2003
Last Day of the Annual

**RESOLUTION ENCOURAGING PLACEMENT OF A STATIC
DISPLAY OF THE SAILING FERRY WEATHERWAX AT
THE VISITORS CENTER AT THE CROWN POINT BRIDGE**

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

Upon the recommendation of the Economic Development/Planning/Publicity Committee, and the same appearing proper and necessary.

BE IT RESOLVED that the Essex County Board of Supervisors hereby encourages the placement of a static display of the sailing ferry Weatherwax at the Visitors' Center at the Crown Point bridge; 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 Teresa R. Sayward and Chris Ortloff.

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

Resolution No. 292

December 29, 2003
Last Day of the Annual

**RESOLUTION CONGRATULATING NORTH COUNTRY
COMMUNITY COLLEGE FOR RECEIVING THE
COMMUNITY RENAISSANCE AWARD**

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

Upon the recommendation of the Economic Development/Planning/Publicity Committee, and the same appearing proper and necessary.

BE IT RESOLVED that the Essex County Board of Supervisors hereby congratulates North Country Community College for receiving the Community Renaissance Award.

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

Resolution No. 293

December 29, 2003
Last Day of the Annual

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

MATTHEW H. DWYER

The following resolution was offered by Supervisors Seney and Both, who moved its adoption.

WHEREAS, *Matthew H. Dwyer, a well-respected attorney residing and practicing in Essex County, tragically passed away on December 9, 2003 after a courageous battle with cancer; and*

WHEREAS, *Matthew H. Dwyer graduated from the University of Notre Dame in 1967 where he was a founding member of the lacrosse club, served the player-coach during his junior and senior years, and received honorable mention in the Mid-West conference of Division I schools; and*

WHEREAS, *after leaving Notre Dame, Matt was a Peace Corps volunteer in Sierra Leone, West Africa where he was a chiefdom development agent and supervised a rice project, the building of concrete bridges to connect villages year-round, and assisted the British in village projects; and*

WHEREAS, *Matt served his country with honor and distinction as a member of the United States Army, performing the duties of personnel clerk in Long Binh, Vietnam; and*

WHEREAS, *Matt attended Cornell Law School and was President of his law school class, graduating in 1974, after which he served as the law clerk to the Essex County Supreme Court Justice Harold R. Soden until 1981; and*

WHEREAS, *Matt, along with current Essex County District Attorney Ronald J. Briggs formed the law firm of Briggs and Dwyer in Lake Placid, which is now known as Smith, Dwyer, and Bliss, P.C.; and*

WHEREAS, *Matt was well known for his representation of children in a five county area as a divorce practitioner and a law guardian; and*

WHEREAS, *Matt served as a volunteer in his community as a member of the Lake Placid Lions, his membership on the Board of North Country Legal Services, Inc., as an assistant starter for alpine events for the New York Ski Educational Foundation, as a member of the Board of the Placid Memorial Hospital, as a member of the Essex County Democratic Committee, and as a Commissioner for the Keene Fire District; and*

WHEREAS, *Matt is survived by his loving family, his wife Barbara, his daughters Elisabeth, Olivia and Anna, his son Peter, his sister, Johanna Todd Dwyer, his sister Margaret Dwyer and brother-in-law Willy Koppel, his brother-in-law Mark Sheldon, his brother-in-law and sister-in-law Stuart A. Sheldon and Debra Sheldon, plus many nephews, nieces, and cousins; and*

WHEREAS, *Matt will be remembered for his love of his family, his love of the law, and his love of the Adirondacks with its hiking, skiing, kayaking and open space, as well as for his positive outlook, compassion, generosity and humor.*

BE IT RESOLVED *that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Matthew H. Dwyer; and*

BE IT FURTHER RESOLVED, *that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Dwyer family.*

This resolution was unanimously seconded and adopted.

Resolution No. 294

December 29, 2003
Last Day of the Annual

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

FRANK ROSS SCOZZAFAVA

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

WHEREAS, Frank Ross Scozzafava, a former resident of the Town of Port Henry and brother of Supervisor-elect Thomas Scozzafava, tragically passed away at his home on December 6, 2003 with his family at his side; and

WHEREAS, Frank and his wife Meredith established and managed a design company, Cape Cod Interiors of Orleans from 1986 to present; and

WHEREAS, Frank was an avid enthusiast who enjoyed weight training and long bicycle rides and walks through the Cape Code National Seashore; and

WHEREAS, Frank was a loving husband, son, father, brother, uncle and friend who will be sorely missed.

BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Frank Ross Scozzafava; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Scozzafava family.

This resolution was unanimously seconded and adopted.

Resolution No. 295

December 29, 2003
Last Day of the Annual

**RESOLUTION DESIGNATING AN UNRESERVED FUND BALANCE
ACCOUNT FOR HEALTH INSURANCE 80/20 CALL-OUT FUNDING
IN THE AMOUNT OF \$165,000**

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

Upon the recommendation of the Personnel & Administration Committee, and the same appearing proper and necessary.

BE IT RESOLVED that the Essex County Board of Supervisors hereby designates \$165,000 in the unreserved fund balance account for health insurance 80/20 call-out funding.

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. 296

December 29, 2003
Last Day of the Annual

**RESOLUTION RE-APPOINTING DANIEL L. PALMER TO
THE POSITION OF ESSEX COUNTY PERSONNEL OFFICER**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby reappoints Daniel L. Palmer to the position of Essex County Personnel Officer for a period of six years, effective January 1, 2004 through December 31, 2009; and

BE IT FURTHER RESOLVED that the 2004 annual salary for said position shall be \$67,275.00.

This resolution was unanimously seconded and adopted.

Resolution No. 297

December 29, 2003
Last Day of the Annual

**RESOLUTION SCHEDULING THE 205th ORGANIZATIONAL
MEETING FOR JANUARY 5, 2004**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby schedules the 2004 Organizational Meeting for January 5, 2004 to commence at 10:00 a.m.

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

Resolution No. 298

December 29, 2003
Last Day of the Annual

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION
TO DALE R. FRENCH FOR HIS EXEMPLARY SERVICE TO
ESSEX COUNTY DURING HIS TENURE AS CHAIRMAN OF THE
BOARD OF SUPERVISORS IN 2002 AND 2003**

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

WHEREAS, *effective government depends upon those individuals who dedicate their time and talent to public service; and*

WHEREAS, *Dale R. French possesses the rare characteristics of leadership and commitment to the public good, and has demonstrated an extraordinary devotion of time and energy to the conduct of responsible government; and*

WHEREAS, *Dale R. French has ably served as Supervisor of the Town of Crown Point and as a member of the Essex County Board of Supervisors since 1996; and*

WHEREAS, *Dale R. French has made outstanding contributions to the People of Essex County through his untiring and selfless devotion to his duties as a member of the Essex County Board of Supervisors, and has contributed greatly to the betterment of Essex County and all of its residents through his years of public service; and*

WHEREAS, *Dale R. French has served with honor and distinction as the 2002 and 2003 Chairman of the Essex County Board of Supervisors; and*

WHEREAS, *Dale R. French has taken on the duties and responsibilities of Chairman with tremendous energy and interest, and has devoted himself to the pursuit of effective and efficient County government so as to serve the best interests of the People of Essex County; and*

WHEREAS, *Dale R. French not only executed the duties of Chairman of this Board in an exemplary and professional manner, but he also managed to serve his constituents and administer the day-to-day business of the Town of Crown Point.*

NOW, THEREFORE, BE IT RESOLVED, *that the Essex County Board of*

Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extends their sincere congratulations, appreciation and gratitude to Dale R. French for the outstanding and exceptional work he has done in his capacity as Supervisor and Chairman of the Essex County Board of Supervisors during 2002 and 2003, as well as their deepest thanks for his dedicated, steadfast and exemplary public service to the People of Essex County.

This resolution was unanimously seconded and adopted.

Resolution No. 299

December 29, 2003
Last Day of the Annual

RESOLUTION OF APPRECIATION TO

WALTER T. RUSHBY, JR.

**FOR OUTSTANDING SERVICE TO THE PEOPLE OF ESSEX COUNTY
AS A MEMBER OF THE BOARD OF SUPERVISORS**

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

WHEREAS, effective government depends upon those individuals who dedicate their time and talent to public service; and

WHEREAS, Walter T. Rushby, Jr. possesses the rare characteristics of leadership and commitment to the public good, and has demonstrated an extraordinary devotion of time and energy to the conduct of responsible government; and

WHEREAS, Walter T. Rushby, Jr. has contributed greatly to the betterment of Essex County and all of its residents through his years of public service as Supervisor of the Town of Moriah and as a member of the Essex County Board of Supervisors; and

WHEREAS, Walter T. Rushby, Jr. devoted himself to constantly improving the effectiveness and efficiency of County and Town government so as to promote the best interests of the People of Essex County and the Town of Moriah; and

WHEREAS, the remaining members of this Board wish to extend their appreciation to Walter T. Rushby, Jr. for all of his contributions and accomplishments while serving as Supervisor of the Town of Moriah and as a member of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney, hereby extend their deepest appreciation to Walter T. Rushby, Jr. for his outstanding, dedicated and exemplary public service to the People of Essex County during his tenure as Supervisor of the Town of Moriah and as a member of the Essex County Board of Supervisors; and

BE IT FURTHER RESOLVED that the members of this Board, the Clerk of the

Board, the County Manager and the County Attorney, extend their best wishes to Walter T. Rushby, Jr. in his future endeavors.

This resolution was unanimously seconded and adopted.

Resolution No. 300

December 29, 2003
Last Day of the Annual

RESOLUTION OF APPRECIATION TO

THOMAS A. O'NEILL

**FOR OUTSTANDING SERVICE TO THE PEOPLE OF ESSEX COUNTY
AS A MEMBER OF THE BOARD OF SUPERVISORS**

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

WHEREAS, effective government depends upon those individuals who dedicate their time and talent to public service; and

WHEREAS, Thomas A. O'Neill possesses the rare characteristics of leadership and commitment to the public good, and has demonstrated an extraordinary devotion of time and energy to the conduct of responsible government; and

WHEREAS, Thomas A. O'Neill has contributed greatly to the betterment of Essex County and all of its residents through his years of public service as Supervisor of the Town of Jay and as a member of the Essex County Board of Supervisors; and

WHEREAS, Thomas A. O'Neill devoted himself to constantly improving the effectiveness and efficiency of County and Town government so as to promote the best interests of the People of Essex County and the Town of Jay; and

WHEREAS, the remaining members of this Board wish to extend their appreciation to Thomas A. O'Neill for all of his contributions and accomplishments while serving as Supervisor of the Town of Jay and as a member of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney, hereby extend their deepest appreciation to Thomas A. O'Neill for his outstanding, dedicated and exemplary public service to the People of Essex County during his tenure as Supervisor of the Town of Jay and as a member of the Essex County Board of Supervisors; and

BE IT FURTHER RESOLVED that the members of this Board, the Clerk of the

Board, the County Manager and the County Attorney, extend their best wishes to Thomas A. O'Neill in his future endeavors.

This resolution was unanimously seconded and adopted.

Resolution No. 301

December 29, 2003
Last Day of the Annual

**RESOLUTION AUTHORIZING SETTLEMENT
OF THE CLAIM OF JAMES O'BRIEN**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes settlement of the claim of James O'Brien in an amount not to exceed \$300.00, upon receipt of the appropriate general release to Essex County and a statement of the property damages, with such claim to be paid from funds in the uninsured judgments and claims account in the County Attorney's 2003 budget.

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

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

Resolution No. 302

December 29, 2003
Last Day of the Annual

**RESOLUTION OF APPRECIATION TO THE ESSEX COUNTY ARC
AND NEW DIMENSIONS HEALTH CARE FOR THE DONATION
OF 35 DOSES OF FLU VACCINE TO THE PUBLIC HEALTH
DEPARTMENT**

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

WHEREAS, the Essex County Public Health Department has received 35 much needed doses of flu vaccine from the Essex County ARC and New Dimensions Health Care.

BE IT RESOLVED that the Essex County Board of Supervisors hereby extends its deep appreciation to the Essex County ARC and New Dimensions Health Care for the donation of 35 doses of flu vaccine to the Public Health Department.

This resolution was unanimously seconded and adopted.

Resolution No. 303

December 29, 2003
Last Day of the Annual

**RESOLUTION AUTHORIZING PRO RATA YEARS OF SERVICE
CREDIT TO NEW COUNTY EMPLOYEES WHO TRANSFER FROM A
POSITION OF EMPLOYMENT WITH ANOTHER GOVERNMENTAL
ENTITY THROUGH WHICH SERVICES WERE PROVIDED TO OR
ON BEHALF OF ESSEX COUNTY UNDER CONTRACT AND FOR
WHICH REIMBURSEMENT WAS MADE BY THE COUNTY**

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

Upon the recommendation of the Personnel Committee, and the same appearing proper and necessary.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the granting of years of service credit only to new County employees who transfer from a position of employment with another governmental entity under the following limited circumstances:

1. the employee, while in the service of such other governmental entity, must have directly provided services to or on behalf of Essex County, and
2. the employee shall have performed and provided such services under a properly authorized written contract between Essex County and their governmental employer, and
3. the County shall have either (a) reimbursed such other governmental entity for the proportion of the services provided by such employee or (b) received and retained revenue directly generated from the services provided by such employee, and
4. the amount of years of service credit shall be limited to the proportion of the employee's time expended for the direct benefit of Essex County while in the employment of such other governmental entity as determined by the Personnel Officer based upon time records, contract, proportion of generated revenue to employee's salary, or other documentation/method.

AND BE IT FURTHER RESOLVED that nothing herein shall be deemed to authorize or grant any County benefits – sick leave, vacation leave, personal leave, health insurance, retirement, etc. – to such employee(s) for their years of service with such other governmental entity; and

BE IT FURTHER RESOLVED that no such transferring employee shall be allowed to carry over any sick leave, vacation leave, personal leave, health insurance, or other similar benefits from their former government employer to Essex County, except that an employee's New York State retirement service credit shall not be affected by such transfer of employment.

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

AYES: **2843 votes**

NOES: **0 votes**

ABSENT: **0 votes**

Resolution No. 304

December 29, 2003
Last Day of the Annual

**RESOLUTION AUTHORIZING THE DESIGNATION OF
UNEXPENDED FUNDS IN THE 2003 COUNTY BUDGET FOR
EXPENDITURE IN 2004, AND ESTABLISHING RESERVES IN
2004 UNAPPROPRIATED FUND BALANCE THEREFOR**

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

WHEREAS, various claims arising in 2003, for which funds were appropriated in the 2003 budget but not yet expended, are not yet certain and will not be finally determined until 2004.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby designates the following unexpended funds in the 2003 budget for expenditure in 2004, and directs the Treasurer to establish reserves in 2004 unappropriated fund balance monies therefor:

Public Defender

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
11704 5410	Office Supplies	\$ 5,000.00

Real Property Tax Services

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
13554 5443	Travel Reimbursement	1,998.00
13554 5497	Mileage	332.00

Office of Community Development and Planning

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
80204 5440	Miscellaneous Fees	3,000.00

County Road Fund

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
51104 5483	Bridge Repairs	30,000.00

Information Systems

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
16802 5250	Technical Equipment	9,056.75

BE IT FURTHER RESOLVED that the County Manager be and he hereby is authorized and directed to approve expenditure of such funds for said purposes during the 2004 fiscal year.

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

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

Resolution No. 305

December 29, 2003
Last Day of the Annual

**RESOLUTION ADVOCATING THAT CAPITAL DISTRICT
REGIONAL OFF-TRACK BETTING CORPORATION BE
ALLOWED TO OPERATED VIDEO LOTTERY TERMINALS
(VLT'S) IN TELETHEATERS IN CAPITAL DISTRICT REGIONAL
OFF TRACK BETTING**

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

WHEREAS, New York State and its municipalities, including the County of Essex are facing financial and budget issues due to matters of the economy as well as other various reasons; and

WHEREAS, Capital District Regional Off-Track Betting Corporation is a public benefit corporation created by statute that deals in pari-mutuel wagering and disburses monies to each of its participating members; and

WHEREAS, Essex County is a participating member of Capital District Regional Off-Track Betting Corporation; and

WHEREAS, Capital District Regional Off-Track Betting Corporation is seeking to operate Video Lottery Terminals (VLT's) in Teletheaters within its participating counties; and

WHEREAS, the operation of Video Lottery Terminals by Capital District Off-Track Betting Corporation would help increase the amount of revenue to Capital District Regional Off-Track Betting Corporation, which in turn would increase the amount of monies generated for local governments, including Essex County; and

WHEREAS, Essex County uses the monies provided by its participation in Capital District Regional Off-Track Betting Corporation to help control the rising rate of property taxes; to specifically help fund such items such as (special education), the rising costs of Medicaid, retirement and health insurance, and to help fund other important County funded programs.

NOW, THEREFORE, BE IT RESOLVED, that Essex County supports Capital District Regional Off-Track Betting Corporation and its continued efforts to increase revenue for its participating member; and

BE IT FURTHER RESOLVED that Essex County supports the efforts of Capital District Regional Off-Track Betting Corporation to establish and operate Video Lottery

Terminals (VLT's) in Teletheaters within CDROTB.

BE IT FURTHER RESOLVED that Essex County will assist Capital District Regional Off-Track Betting Corporation in its efforts to secure the right to operate Video Lottery Terminals (VLT's) at Teletheaters and enhance its ability to increase revenue for its participating members.

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

Resolution No. 306

December 29, 2003
Last Day of the Annual

RESOLUTION APPORTIONING DOG TAX MONIES

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

BE IT RESOLVED that pursuant to Section 111 paragraph 3 of the Agriculture and Markets Law of New York State, the following apportionment of the total of \$2,529.34 is hereby authorized and the County Treasurer is hereby authorized and directed to pay said sums to the respective town supervisors prior to February 2, 2004;

<u>TOWN CONTRIBUTING</u>	<u>APPORTIONMENT OF SEVENTY-FIVE PERCENT OF SURPLUS</u>
Chesterfield	\$ 353.52
Crown Point	137.69
Elizabethtown	58.46
Essex	45.62
Jay	47.55
Keene	69.38
Lewis	39.83
Minerva	53.96
Moriah	175.59
Newcomb	22.67
North Elba	381.89
North Hudson	14.12
St. Armand	80.33
Schroon	97.02
Ticonderoga	413.85
Westport	283.84
Willsboro	118.90
Wilmington	135.12

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

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

Resolution No. 307

December 29, 2003
Last Day of the Annual

**RESOLUTION IN SUPPORT OF THE GRANT APPLICATION
OF THE ESSEX COUNTY HERITAGE ORGANIZATION FOR
\$400,000 IN HOMEBUYER'S ASSISTANCE FUNDS**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby supports the 2004 grant application of the Essex Community Heritage Organization for \$400,000 in Homebuyer's Assistance Funds to provide down-payment and closing cost assistance to persons seeking to purchase affordable housing in Essex County.

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

Resolution No. 308

December 29, 2003
Last Day of the Annual

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE
BOARD AND/OR THE COUNTY MANAGER TO MAKE
INTER-DEPARTMENTAL AND INTRA-DEPARTMENTAL
BUDGET TRANSFERS IN THE 2003 ESSEX COUNTY BUDGET**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of the Board and/or the County Manager to make inter-departmental and intra-departmental budget transfers within the 2003 Essex County Budget for the purpose of balancing the various accounts in said budget as of the close of business as of and on December 31, 2003; and

BE IT FURTHER RESOLVED that on or before January 31, 2004, the County Manager shall file with the Clerk of this Board a complete listing of all supplemental appropriations and transfers made pursuant to this resolution, which listing shall include but not be limited to specific account numbers and amounts.

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

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

Resolution No. 309

December 29, 2003
Last Day of the Annual

**RESOLUTION ESTABLISHING THE 2004 RATES FOR SKILLED
NURSING CARE AND HOME HEALTH AIDES WORKING FOR
THE PUBLIC HEALTH DEPARTMENT, AND AUTHORIZING
APPEALS AND/OR APPLICATIONS FOR ADDITIONAL
REIMBURSEMENT IN PRIOR YEARS**

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby establishes the following 2004 rates for Skilled Nursing Care and Home Health Aides working for the Public Health Department:

Skilled Nursing Care	\$ 140.00
Home Health Aide	45.00

AND BE IT FURTHER RESOLVED that the filing and pursuit of any and all appeals and applications for additional reimbursement which may be due Essex County for prior years' costs and expenses are hereby authorized and directed.

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

Resolution No. 310

December 29, 2003
Last Day of the Annual

**RESOLUTION AMENDING RESOLUTION NO. 278 OF 2003 FIXING
THE 2004 SALARIES FOR ALL MANAGEMENT/CONFIDENTIAL AND
CERTAIN DEPARTMENT HEAD EMPLOYEES**

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

WHEREAS, Resolution No. 278 of 2003 fixing the 2004 salaries for all management/confidential and certain Department Head employees is hereby amended to read and provide as follows:

“BE IT RESOLVED that the Essex County Board of Supervisors hereby fixes the 2004 salaries for all management/confidential and department head employees, except those whose salaries are or have been or will be set by law, local law or other resolution, as follows, with the numbers in parentheses referring to the departmental position number in the Personnel Office:

	<u>2004 SALARY</u>
District Attorney’s Office	
Assistant District Attorney (5)	\$ 60,048.00
Assistant District Attorney (7)	47,170.00
Secretary to District Attorney	38,811.00
Assistant District Attorney (9)	52,430.00
Assistant District Attorney (10)	38,295.00
County Manager’s Office	
Accountant I	58,730.00
Accountant I	41,658.00
Senior Legislative Aide	13.18 Hr
Senior Purchasing Clerk	16.49 Hr
Conf. Secretary to County Manager	15.69 Hr
County Auditor	
Deputy County Auditor	15.77 Hr
Clerk of the Board’s Office	
Clerk of the Board of Supervisors	53,552.00

<i>Deputy Clerk of the Board of Supervisors</i>	<i>17.52 Hr</i>
<i>Paralegal (Part-time)</i>	<i>16.02 Hr</i>
Treasurer's Office	
<i>Treasurer</i>	<i>52,530.00</i>
<i>Deputy County Treasurer for Finance#1</i>	<i>40,010.00</i>
<i>Payroll Specialist</i>	<i>19.33 Hr.</i>
Real Property Tax Service	
<i>Assistant Director of Real Property Tax Services</i>	<i>24.59 Hr</i>
County Clerk's Office	
<i>Deputy County Clerk</i>	<i>21.04 Hr</i>
<i>Deputy County Clerk</i>	<i>21.04 Hr</i>
Motor Vehicle Office	
<i>Deputy County Clerk - Motor Vehicle</i>	<i>21.04 H</i>
County Attorney's Office	
<i>Secretary To County Attorney</i>	<i>40,466.00</i>
<i>Paralegal (part-time)</i>	<i>16.02 Hr</i>
<i>Assistant County Attorney for Social Services</i>	<i>58,810.00</i>
<i>Assistant County Attorney for Family Court</i>	<i>55,435.00</i>
Public Defender	
<i>Public Defender</i>	<i>65,000.00</i>
<i>Confidential Secretary</i>	<i>14.37 Hr</i>
<i>Assistant Public Defender (full time)</i>	<i>50,000.00</i>
<i>Assistant Public Defender (part time)</i>	<i>30,000.00</i>
Personnel/Civil Service	
<i>Personnel Technician</i>	<i>17.28 Hr</i>
<i>Deputy Personnel Officer</i>	<i>43,492.00</i>
<i>Personnel Clerk</i>	<i>14.37 Hr</i>
<i>Personnel Assistant</i>	<i>11.05 Hr</i>
Board of Elections	
<i>Commissioner of Elections</i>	<i>14,160.00</i>
<i>Deputy Commissioner of Elections</i>	<i>14.37 Hr</i>
<i>Deputy Commissioner of Elections</i>	<i>14.37 Hr</i>
<i>Election Clerk</i>	<i>11.05 Hr</i>
<i>Election Clerk</i>	<i>11.05 Hr</i>
Department of Public Works	
<i>Assistant Civil Engineer (4)</i>	<i>22.38 Hr</i>
<i>Assistant Civil Engineer (71)</i>	<i>17.07 Hr</i>
<i>Deputy Superintendent of Public Works</i>	<i>57,284.00</i>

Printing	
<i>Printing Mach. Op.</i>	17.38 Hr
Information Systems	
<i>Sr. Comp. Prog. Analyst/Deputy</i>	25.99 Hr
Sheriff/Administration	
<i>Undersheriff</i>	23.03 Hr
<i>Chief Deputy Sheriff</i>	21.49 Hr
Sheriff/Jail	
<i>Jail Physician</i>	27,532.00
<i>Jail Administrator</i>	21.49 Hr
Probation	
<i>Probation Director</i>	55,385.00
Emergency Preparedness/Civil Defense	
<i>Emergency Preparedness/Fire Coordinator</i>	59,634.00
<i>Deputy Emergency Services Director</i>	20.93 Hr
Public Health	
<i>Supervising Community Health Nurse (3)</i>	24.43 Hr
<i>Supervising Community Health Nurse (6)</i>	23.19 Hr
<i>Supervising Community Health Nurse (45)</i>	26.55 Hr
<i>Supervising Community Health Nurse (12)</i>	23.19 Hr
<i>Assistant Director of Patient Services</i>	24.94 Hr
<i>Administrative Officer</i>	21.04 Hr
Mental Health/Administration	
<i>Administrative Officer</i>	21.04 Hr
<i>Assistant Director Community Services</i>	31.30 Hr
<i>Director of Community Mental Health Services</i>	68,920.00
<i>Supervising Psychiatric Social Worker (19)</i>	26.32 Hr
<i>Staff Psychiatrist</i>	79.93 Hr
<i>Clinical Psychologist</i>	53.82 Hr
<i>Medical Director</i>	79.83 Hr
Social Services/Administration	
<i>Director of Administrative Services</i>	56,997.00
<i>Administrative Officer</i>	49,110.00
<i>Director of Social Services</i>	51,284.00
Horace Nye Home	
<i>Nursing Home Administrator</i>	64,584.00
<i>Director of Nursing</i>	21.49 Hr
<i>Supervising Nurse (6)</i>	19.68 Hr
<i>Supervising Nurse (8)</i>	19.68 Hr

Supervising Nurse (49)	19.68 Hr
Medical Director	69,458.00
Nursing Home Facility Comptroller	21.89 Hr
Weights and Measures	
Director of Weights and Measures	48,500.00
Office of the Aging	
Director of the Office of the Aging	40,298.00
Planning	
Director of Comm. Development & Planning	51,750.00
County Planner	36.60 Hr
Deputy County Planner	28.20 Hr
Essex County Dept of Fisheries	
Director of Fisheries	45,952.00
Youth Bureau	
Assistant Youth Bureau Director	20.93 Hr
Youth Bureau Director	6,000.00"

AND BE IT FURTHER RESOLVED that the Personnel Officer shall examine all department head and management/confidential positions to determine their status under the Fair Labor Standards Act (FLSA) relative to entitlement to compensatory time and overtime compensation, and report to the Board upon completion thereof so that corrective action may be taken to conform with FLSA.

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

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

**RESOLUTION AUTHORIZING CONTRACTS
FOR INSURANCE COVERAGE IN 2004**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the County Manager to execute the following contracts for insurance coverage in 2004:

1. With New York Municipal Insurance Reciprocal (NYMIR) at a total cost of \$397,676.18 (subject to an additional, to be determined, capitalization fee for Mental Health Services insurance coverage) which includes a premium of \$337,330.18 plus a Capitalization Fee of \$60,346.00 and all motor vehicle and fire insurance fees, for
 - ▶ Package policy insurance coverage, including the following coverages and limits
 - ▶ Property coverage with limits of \$19,905,193
 - ▶ Boiler & Machinery coverage with limits of \$19,905,193
 - ▶ General Liability coverage with limits of \$1,000,000 per occurrence, \$3,000,000 aggregate and \$1,000,000 products aggregate
 - ▶ Auto Liability coverage of \$1,000,000 combined single limit for bodily injury and property damage
 - ▶ Inland Marine Liability coverage with limits of \$3,683,077)
 - ▶ Public Officials Liability coverage with limits of \$1,000,000 per claim and \$2,000,000 aggregate
 - ▶ Law Enforcement Liability coverage with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, and
 - ▶ General Liability coverage with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, and Professional Liability coverage with limits of \$1,000,000 per occurrence and \$3,000,000 aggregate, for the Horace Nye Home and the Public Health Nursing Services, and
 - ▶ General Liability coverage with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, and Professional Liability coverage with limits of \$1,000,000 per claim and \$3,000,000 aggregate, for Mental Health Services; and

2. *With Granite State Insurance for Excess Liability (including terrorism) insurance coverage, having limits of \$10,000,000, at a total premium cost of \$96,253.00; and*

3. *With Physicians Reciprocal Insurance for Physicians Professional Liability insurance coverage, having limits of \$1,300,000 per occurrence and \$3,900,000 aggregate, at a total premium cost of \$4,160.00; and*

4. *With Hartford Fire Insurance Company for Faithful Performance & Crime Bond coverage, having blanket limits of \$500,000 and forgery and money limits of \$50,000, for all County officials and employees, at a total premium cost of \$5,026.00;*

5. *With United National Insurance Company for General Liability tail insurance coverage for a period of one year to cover the transition for Mental Health Services from claims made coverage to per occurrence coverage, at a total premium cost of \$7,240.78.*

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

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

Resolution No. 312

December 29, 2003
Last Day of the Annual

**RESOLUTION AUTHORIZING REIMBURSEMENT TO
THE TOWN OF CHESTERFIELD FOR ELECTRICAL
IMPROVEMENTS TO ITS HIGHWAY GARAGE**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the reimbursement to the Town of Chesterfield in the amount of \$744.81 for electrical improvements to its Highway Garage, the same to be paid from the Uninsured Judgments and Claims account in the County Attorney's Office, provided that in the event that a County public transportation vehicle is housed there in the future the Town shall reimburse the County for this expense.

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

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