

Resolution No. 90

May 3, 2004
Regular Board Meeting

**RESOLUTION PROCLAIMING THE MONTH OF APRIL, 2004
AS CHILD ABUSE PREVENTION MONTH**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby proclaims the month of April, 2004 as Child Abuse Prevention Month in Essex County.

This resolution was unanimously seconded and adopted.

**RESOLUTION AMENDING THE 2004 ESSEX COUNTY BUDGET AND
APPROPRIATING FUNDS FROM THE CONTINGENT ACCOUNT**

The following resolution was offered by Supervisor Morrow, 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 2004 Essex County Budget as follows:

1. From the Human Services Committee:

(a) For the Department of Social Services, increase revenues (6010 44610 - Fed. Aid - Administration) and appropriations (60104 5434 - SS Cont. Cons. Fees Act. & Fin.), in the amount of \$54,736.00 from a Federal grant for transportation.

2. From the DPW Committee:

(a) For the Department of Public Works, increase revenues (3310 4265540 - Sale of Sign Material) and appropriations (33104 5431TCM - Traffic Control) in the amount of \$4,059.20 from the sale of scrap metal signs.

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

(a) For the Department of Public Works - Buildings and Grounds Division, increase revenues (43389023 - State Aid Unified Court System) and appropriations (16202 5285 - Building Construction) in the amount of \$3,750.00, and appropriating the sum of \$11,250.00 from the contingent account (Account No. 19904-5487) for transfer to the 2004 Essex County Department of Public Works - Buildings and Grounds Division budget (Account No. 16202 5285 - Building Construction) to be used to reinforce the New Court House for the installation of a high density storage system for Family Court.

(b) For the Youth Bureau, transfer the total sum of \$5,750.00 from the Reserve Fund Account (3519) to the following accounts:

<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
73234 5451	Training Schools/Conventions	\$ 3,250.00
73232 5220	Office Equipment	2,500.00

(b) For the Youth Bureau, increase revenues (7310 4382085 - Youth Empowerment Grant) and appropriations (73104 5487TEAM - Youth Empowerment Grant), in the amount of \$35,645.00 from an increase in State funding.

4. From the Ways and Means Committee:

(a) For the Department of Public Works, appropriating the sum of \$6,500.00 from the contingent account (Account No. 19904-5487) for transfer to the 2004 Essex County Department of Public Works - Solid Waste Division budget (Account No. 81604 5412 - Repairs Building) to cover the costs of metal siding for the transfer station in Lewis.

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

AYES: 2530 votes
NOES: 0 votes
ABSENT: 313 votes (Both, Glebus, Canon, Ashworth)

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 5/03/04:</i>	\$ 441,200.00
<i>Reduction Impact of 3(a):</i>	11,250.00
<i>Reduction Impact of 4(a):</i>	\$ 6,500.00
<i>FY2004 Contingent Account Balance:</i>	\$ 423,450.00

Resolution No. 92

**May 3, 2004
Regular Board Meeting**

**RESOLUTION PROCLAIMING THE MONTH OF MAY,
2004 AS OLDER AMERICANS MONTH AND THE WEEK
OF MAY 9-15, 2004 AS HOMES FOR THE AGING WEEK**

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

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

WHEREAS, May is “Older Americans Month” in the United States of America and New York State; and

WHEREAS, the “Older Americans” of Essex County have in the past and continue today to contribute in many ways to the quality of life in this County; and

WHEREAS, our County is fortunate to have among its residents individuals who are 60 years of age or over living and working in our County; and

WHEREAS, each of these citizens has made a significant contribution to Essex County as it has grown to become one of the fastest growing Counties in New York State; and

WHEREAS, because of the efforts of the “Older Americans” of Essex County, and in recognition thereof, it is incumbent on us to pause and express our appreciation for all that they have done and continue to do throughout this area.

BE IT RESOLVED, that the Essex County Board of Supervisors does hereby proclaim the month of May as “Older Americans Month in Essex County” and the week of May 9-15, 2004 as “Homes for the Aging Week”; and

BE IT FURTHER RESOLVED that this Board of Supervisors, its Clerk of the Board, County Manager and County Attorney, do hereby pay tribute to Essex County's Older Americans for their contribution to the residents of Essex County.

This resolution was unanimously seconded and adopted.

Resolution No. 94

May 3, 2004
Regular Board Meeting

**RESOLUTION AMENDING RESOLUTION NO. 37 OF 1989 SO AS
TO INCREASE THE MAXIMUM AMOUNTS CONTRIBUTED BY
ESSEX COUNTY TOWARDS THE COSTS OF BURIALS FOR
INDIGENT DECEASED RESIDENTS**

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

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

WHEREAS, New York State Law requires counties to be financially responsible for the burial of indigent residents, and authorizes counties to establish reasonable allowances therefor, and Essex County has not modified its maximum allowances since adoption of Resolution No. 37 of 1989, and the allowances then set are presently insufficient in amount.

BE IT RESOLVED that the Essex County Board of Supervisors hereby establishes the following maximum amounts to be contributed by Essex County towards the costs of burials for indigent deceased residents, and amends Resolution No. 37 of 1989 accordingly:

Burial (including wholesale cost of standard or economy vault):

1. Children under 6 months and stillborn - \$500 plus grave opening
2. Children 6 months to less than 5 years of age - \$1,000 plus grave opening
3. 5 years of age to adult - \$2,250 plus grave opening

Grave Opening: Actual cost

Cremation: Actual cost

Mileage: \$.50 per mile for travel outside a 30 mile radius of the funeral home

Combination of Funeral and Cremation: Actual cost.

Oversize Casket: Where special circumstances require an oversized casket, an additional allowance of up to \$200 provided the same is pre-approved.

Burial Plot and Winter Storage Fee: At cost, if required.

Copies of vault bills and checks shall accompany all requests for payment.

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

AYES: 2530 votes

NOES: 0 votes

ABSENT: 313 votes (*Both, Glebus, Canon, Ashworth*)

Resolution No. 95

May 3, 2004
Regular Board Meeting

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

The following resolution was offered by Supervisor French, 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 Public Safety Committee:

(a) Create and fill on a promotional basis, a position of Veteran's Administrative Assistant in the Veteran's Office, with the salary increase to come from budgeted funds.

(b) Create and fill provisionally, a position of Hazardous Materials/WMD Response Team Coordinator in the Emergency Services Department, with the understanding that when the grant is gone, the position shall be abolished.

2. From the Personnel/Administration Committee:

(a) Create and fill a Network Technician Position in the Information Systems Department.

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

AYES: 2530 votes
NOES: 0 votes
ABSENT: 313 votes (Both, Glebus, Canon, Ashworth)

Resolution No. 96

**May 3, 2004
Regular Board Meeting**

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

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes application for and, to the extent specifically noted below, the acceptance and use of the following grants, with the 2004 Essex County Budget to be amended accordingly as noted below:

1. From the Public Safety Committee:

(a) For the Emergency Services Department, apply for and accept a Local Emergency Planning Grant, for up to \$2,000.00.

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

AYES: 2530 votes
NOES: 0 votes
ABSENT: 313 votes (Both, Glebus, Canon, Ashworth)

Resolution No. 97

May 3, 2004
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$300,000
AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF ESSEX
COUNTY, NEW YORK, TO FINANCE THE COSTS OF CONSTRUCTION
AND RECONSTRUCTION OF IMPROVEMENTS TO COUNTY ROADS,
PURSUANT TO THE LOCAL FINANCE LAW**

The following resolution was offered by Supervisor Morency, 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.

WHEREAS, the Board of Supervisors of Essex County (the "County"), a municipal corporation of the State of New York (the "State") desires to finance the costs of the construction and reconstruction of improvements to County roads, at a total maximum cost of up to \$300,000 and has determined and hereby determines that such construction and reconstruction is in the public interest of the County; and

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

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

Section 1. There is hereby authorized to be issued serial bonds of the County in the aggregate principal amount of up to \$300,000 pursuant to the Local Finance Law, in order to finance the costs of the construction and reconstruction of the specific object or purpose or class of object or purpose hereinafter described.

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

Section 3. The Board of Supervisors of the County has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$300,000; (b) no money has heretofore been authorized to be applied to the payment of the cost of the Project; (c) the Board of Supervisors of the County plans to finance the costs of the Project from the proceeds of the serial bonds or bond anticipation notes authorized herein; and (d)

the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. It is hereby determined that the Project described in Section 2 hereof is a specific object or purpose or class of object or purpose described in subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of issuance of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds, or (b) the date of the first issue of such serial bonds.

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

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

Section 7. When this bond resolution takes effect, the Clerk of the Board of Supervisors shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the Times of Ti, the Press Republican, the Adirondack Daily Enterprise and the Post Star, newspapers having general circulation in the County. The validity of such serial bonds and of bond anticipation notes issued in anticipation of the issuance of such serial bonds authorized herein may be contested only if such obligations are authorized for a specific object or purpose or class of object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with as of the date of the publication of this bond resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the

Constitution of the State of New York.

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

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

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this bond resolution (the “obligations”), the County agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange

Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the County Clerk, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County Attorney and bond counsel or other qualified independent special counsel to the County. The County Treasurer acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 11. This bond resolution shall take effect immediately upon its adoption by the Board of Supervisors of the County.

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

AYES: **3504 votes**
NOES: **0 votes**
ABSENT: **412 votes (Both, Glebus, Canon, Ashworth)**

Resolution No. 98

May 3, 2004
Regular Board Meeting

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

The following resolution was offered by Supervisor Seney, 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>
10 th Mountain Division Highway - County Route 21	Town of North Elba	River Road - County Route 21
Averyville Road - County Route 23	Town of North Elba	Averyville Lane - County Route 23
Bear Cub Road - County Route 26	Town of North Elba	Bear Cub Lane - County Route 26
Whiteface Inn Road - County Route 31	Town of North Elba	Whiteface Inn Lane - County Route 31
Springfield Road - County Route 12	Towns of Jay and Wilmington	Springfield Road - County Route 83
Hazelton Road - County Route 12	Towns of Jay and Wilmington	Hazelton Road - County Route 83

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

Resolution No. 99

May 3, 2004
Regular Board Meeting

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR

The following resolution was offered by Supervisor Douglas, 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.

WHEREAS, a Project for the Bridge Replacement of CR 22, Jay Trumbulls Corners Road over the East Branch Ausable River, P.I.N. 1751.59 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Essex desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of Right of Way Incidental, Right of Way Acquisition and Construction work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

NOW, THEREFORE, the Essex County Board of Supervisors, duly convened does hereby

RESOLVE, that the Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Board hereby authorizes the County of Essex to pay in the first instance the full non-federal share of the cost of Right of Way Incidental, Right of Way Acquisition and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,253,532.33 (One Million Two Hundred Fifty Three thousand five hundred thirty two dollars and thirty three cents) is hereby appropriated from the County Road fund and made available to cover the cost of participation in the State Administered Construction Inspection phases of the Project; and it is further

RESOLVED, that the sum of \$653,333.33 (Six Hundred Fifty Three Thousand Three Hundred Thirty Three dollars and thirty three cents) is hereby appropriated from the County Road fund and made available to cover the cost of participation in the Locally Administered Construction Inspection phases of the Project; and it is further

RESOLVED, that in the event the non-federal share of the costs of the project exceeds the amount appropriated above, the County Board of Supervisors of Essex County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Chairman of the Board of Supervisors or DPW Superintendent of the County of Essex be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Essex with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

AYES:	2530 votes	
NOES:	0 votes	
ABSENT:	313 votes	(Both, Glebus, Canon, Ashworth)

Resolution No. 100

May 3, 2004
Regular Board Meeting

RESOLUTION AUTHORIZING CONTRACTS

The following resolution was offered by Supervisor Morrow, 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 Chairman of the Board or the County Manager to enter into and execute the following contracts:

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

(a) For the Department of Public Works, a contract with BBL Construction Services, LLC to reinforce the courthouse building for the Unified Court System to install a High Density storage system at a cost not to exceed \$15,000 from budgeted funds.

2. From the Ways and Means Committee:

(a) For the Department of Public Works - Solid Waste Division, a contract with S&R Construction to provide and install metal siding on the transfer station in Lewis, at a cost not to exceed \$31,450.00 from budgeted funds.

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

AYES: 2530 votes
NOES: 0 votes
ABSENT: 313 votes (Both, Glebus, Canon, Ashworth)

Resolution No. 101

May 3, 2004
Regular Board Meeting

RESOLUTION OF APPRECIATION TO CONGRESSMAN JOHN M. McHUGH AND CONGRESSMAN JOHN E. SWEENEY FOR THEIR INVALUABLE ASSISTANCE IN SECURING FUNDING FOR THE RECONSTRUCTION OF THE NORTH HUDSON/MORIAH ROAD

The following resolution was offered by Supervisor Dobie, 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.

WHEREAS, the North Hudson/Moriah Road is in dire need of reconstruction; and

WHEREAS, Essex County requested the assistance of Congressman John M. McHugh and Congressman John E. Sweeney in securing funding to help pay the costs of such reconstruction; and

WHEREAS, this Board has been informed that One Million Dollars has been allocated for the reconstruction of the North Hudson/Moriah Road in Essex County.

BE IT RESOLVED that the Essex County Board of Supervisors, hereby expresses deep appreciation to Congressman John M. McHugh and to Congressman John E. Sweeney for their invaluable efforts in securing \$1 million in funding for the reconstruction of the North Hudson/Moriah Road.

This resolution was unanimously seconded and adopted.

Resolution No. 102

May 3, 2004
Regular Board Meeting

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

The following resolution was offered by Supervisor Dedrick, 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 DPW Committee:

(a) For the Department of Public Works, purchase an electric forklift truck off state contract, in an amount not to exceed \$20,137.00, with the funds to be appropriated from the capital reserve fund.

2. From the Personnel/Administration Committee:

(a) For the Information Systems Department, purchase a Gateway Defender and associated licenses at a cost of \$8,000.00 from budgeted funds.

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

AYES: 2530 votes
NOES: 0 votes
ABSENT: 313 votes (Both, Glebus, Canon, Ashworth)

Resolution No. 103

May 3, 2004
Regular Board Meeting

**RESOLUTION OF APPRECIATION AND CONGRATULATIONS
TO THURMAN "SONNY" LAMB**

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

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

WHEREAS, Thurman "Sonny" Lamb has been employed by the Essex County Planning Department for over twenty-four years; and

WHEREAS, Sonny Lamb has decided to retire; and

WHEREAS, this Board wishes to extend its congratulations to Sonny Lamb on his retirement and to express its deep appreciation for his service to Essex County.

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and its County Attorney hereby extend their heartiest congratulations and deepest thanks to Thurman "Sonny" Lamb for his outstanding, dedicated and exemplary public service to the People of Essex County.

This resolution was unanimously seconded and adopted.

Resolution No. 104

May 3, 2004
Regular Board Meeting

**RESOLUTION DESIGNATING LAKES TO LOCKS PASSAGE TO
REPRESENT ESSEX COUNTY IN DEALINGS WITH THE NEW
YORK QUADRI CENTENNIAL COMMISSION AND LAKE
CHAMPLAIN BASIN PROGRAM**

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

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

WHEREAS, Essex, Clinton, Washington, Warren and Saratoga counties, represented by grassroots Local Advisory Committees (LACs), have been preparing plans to develop the heritage tourism potential of the New York State designated Lake Champlain and Champlain Canal Byways; and

WHEREAS, these efforts have included the development of a working relationship with communities in the Richelieu Valley of Quebec which have a shared interest in this undertaking; and

WHEREAS, the two aforesaid byways have merged into one byway renamed with New York State approval the Lakes to Locks Passage Byway, which has incorporated as a not-for-profit corporation in order to create an entity to carry out heritage tourism development programs and projects; and

WHEREAS, Federal Highway agency byway funding, New York State funding through Governor Pataki's 1999 Lake Champlain-Lake George initiative, and local contributions have supported these efforts; and

WHEREAS, Celebration Champlain is a program which was developed during the byway planning process as strategy to link community revitalization to the development of events to celebrate the upcoming 400th anniversary of Samuel de Champlain's arrival in the area of North America served by the Lakes to Locks Passage Byway.

NOW THEREFORE BE IT RESOLVED, that the Essex County Board of Supervisors recognizes that an organization (Lakes to Locks Passage) developed through a grassroots process has come into existence with the purpose and ability to plan and carry out projects and programs to develop the heritage tourism potential of the Champlain Valley, the Champlain Canal and, with partners in Quebec, the Richelieu Valley; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors

designates Lakes to Locks Passage as the local organization to represent Essex County in dealings with the New York State Quadricentennial Commission and with the Lake Champlain Basin Program in matters concerning the Quadricentennial and the development of heritage tourism related to the Champlain Valley.

This resolution was unanimously seconded and adopted.

Resolution No. 105

May 3, 2004
Regular Board Meeting

**RESOLUTION URGING THE STATE LEGISLATURE TO AMEND
ENVIRONMENTAL CONSERVATION LAW §33-0911**

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

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

WHEREAS, state agencies, municipal corporations, public authorities, schools and colleges are tax exempt as they serve the needs of the people of New York State; and

WHEREAS, personnel working for state agencies, municipal corporations, public authorities, schools and colleges that are supervising applicators, teaching pesticide safety, making pesticide recommendations, and applying pesticides are classified as commercial applicators; and

WHEREAS, state agencies, municipal corporations, public authorities, schools and colleges are exempt from pesticide business registration fees (Environmental Conservation Law 2002); and

WHEREAS, state agencies, municipal corporations, public authorities, schools and colleges were exempt from pesticide applicator certification fees under NYCRR 325 until 1986 when the law was reinterpreted; and

WHEREAS, commercial pesticide applicator re-certification fees have increased from \$15 every 3 years to \$75 for the first category and \$25 for each additional category every year; and

WHEREAS, personnel at educational institutions must maintain commercial pesticide applicator certification for each category in which they teach, conduct research or apply pesticides; and

WHEREAS, municipalities and schools need personnel with commercial pesticide applicator certification for pest management in public places, for park weed management, for BTI application, for roadside vegetation management, and for other important public benefits.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the State Legislature to amend Environmental Conservation Law §33-0911, paragraph 2, so as to exempt personnel of any exempt agency from any fee for certification; 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 Connell, and adopted.

Resolution No. 106

May 3, 2004
Regular Board Meeting

RESOLUTION OF APPRECIATION TO AMY IVY

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

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

WHEREAS, Amy Ivy, who has worked for Cornell Cooperative Extension in Essex County has decided to leave their employ to pursue other endeavors.

WHEREAS, this Board wishes to extend its congratulations to Amy Ivy on her new position as Executive Director of the Clinton County Cooperative Extension and to express its deep appreciation for her service to Essex County.

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and its County Attorney hereby extend their heartiest congratulations and deepest thanks to Amy Ivy for her outstanding, dedicated and exemplary public service to the People of Essex County.

This resolution was unanimously seconded and adopted.

Resolution No. 107

**May 3, 2004
Regular Board Meeting**

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

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

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

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

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

- (a) The 2003 Annual Report from Cooperative Extension.

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

(a) The 2003 Annual Accounting of Receipts and Disbursements of the Essex County Clerk.

- (b) The USDA Food Program Audit.

3. From the Personnel/Administration Committee:

- (a) The 2003 Workers' Compensation/Self-Insurance Annual Report.

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

**RESOLUTION OPPOSING THE CREATION OF A NEW
"ADIRONDACK COUNTY"**

The following resolution was offered by Supervisor Scozzafava, 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.

WHEREAS, counties and towns are involuntary subdivisions of the State of New York created primarily for convenience and for more expeditious State administration (Curtis v. Eide, 244 N.Y.S.2d 330; Town Law, § 2); and

WHEREAS, counties are mere political subdivisions and agents of the State, created by the Legislature and possessing no power except that delegated by the Legislature (Cayuga County v. McHugh, 4 N.Y.2d 609, 176 N.Y.S.2d 643, 152 N.E.2d 73); and

WHEREAS, the members of the Town of North Elba Town Board issued a press release proposing the creation of a new county, consisting of certain towns in the counties of Essex and Franklin, to be known as "Adirondack County"; and

WHEREAS, the reported reasons for the creation of a new county are (1) to "unite the Saranac Lake, Tupper Lake and Lake Placid region under one government with their common interests, especially tourism", (2) because a new county "makes economical and geographic sense", and (3) to allow the Village of Lake Placid and the Town of North Elba to "hold onto" sales tax revenues collected within those municipalities; and

WHEREAS, no reasons have been stated to the effect that

- (a) the administration of State governmental functions and/or programs will be expedited, improved or made more efficient by the creation of a new county,
- (b) the economic and geographical factors which exist between and among the municipalities comprising a new county
 - (1) are significantly different from those which such municipalities now or in the future may have with the remaining municipalities of Essex and/or Franklin counties, or
 - (2) will continue to exist and become more distinct for such a period of time that the creation of a new county is the only reasonable means by which the present and future residents of such municipalities can or will be fairly represented, or
- (c) the retention of sales tax revenues by the municipalities within a new county will reduce the cost of government to the residents and taxpayers thereof; and

WHEREAS, creation of a new county will require the residents and taxpayers within its boundaries to fund the costs of new governmental facilities, including but not limited to a jail, courthouse and office buildings, as well as to fund governmental programs and services such as Medicaid and other social services, public health, mental health, law enforcement and prosecution, probation, county clerk and motor vehicle, county treasurer and audit/finance, emergency services, economic development, elections, real property tax, youth and aging services, etc., plus pay for hundreds of new employees; and

WHEREAS, the residents and taxpayers of a new county may also remain obligated to contribute to the repayment of existing debt incurred by the counties of Franklin and Essex for their benefit; and

WHEREAS, the creation of a new county will not guarantee or insure that sales tax revenues are shared among the towns and villages within a new county as the decision to allow such sharing will rest with the new county's legislative body; and

WHEREAS, if sales tax revenues are shared among the towns and villages of a new county the costs of the new county's governmental operations will have to be paid from higher real property taxes upon the residents and taxpayers; and

WHEREAS, the present and future financial problems affecting county, town and village governments will not be alleviated or solved by creating new or additional layers of government, but instead can only be so affected by the consolidation of services and by the elimination of unnecessary and redundant layers of government such as by the dissolution of villages; and

WHEREAS, the residents and taxpayers of Saranac Lake, Tupper Lake and Lake Placid would be better served by good faith efforts to consolidate services between the towns and villages, and/or to dissolve villages so that the costs of village services are spread out over much larger tax bases significant portions of which consist of State Forest Preserve land upon which the State pays taxes; and

WHEREAS, the creation of a new county will not improve, expedite or make more efficient the administration of State governmental functions and/or programs.

BE IT RESOLVED that the Essex County Board of Supervisors hereby strongly opposes the creation of a new "Adirondack County" consisting of certain towns in the counties of Essex and Franklin; 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 upon a roll-call vote as follows:

AYES:	1863 votes
NOES:	481 votes (Seney)
ABSENT:	313 votes (Both, Glebus, Canon, Ashworth)
ABSTAIN:	186 votes (Douglas)

Resolution No. 109

May 3, 2004
Regular Board Meeting

**RESOLUTION SUPPORTING THE CONTINUATION OF THE
LOCAL GOVERNMENT RECORDS MANAGEMENT
IMPROVEMENT FUND**

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.

WHEREAS, the Local Government Records Management Improvement Fund has proven to be an effective and efficient program which has acted to dramatically enhance the condition of local government document storage and retrieval all across New York State; and

WHEREAS, the counties of New York State have benefitted greatly from the grants, educational programs, and practical advice which are all integral to this program; and

WHEREAS, the Fund has now proven itself to be of permanent value, and should be continued indefinitely without further legislation.

BE IT RESOLVED that the Essex County Board of Supervisors hereby endorse the continued operation of the Records Management Program and its renewal without further time limit by the State of New York; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor George E. Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O'C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; Assembly Members Teresa R. Sayward and Chris Ortloff; the Local Government Records Advisory Council; and the State Education Department.

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

Resolution No. 110

May 3, 2004
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

M. LEO FRIEDMAN

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

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

WHEREAS, M. Leo Friedman passed away on April 15, 2004; and

WHEREAS, M. Leo Friedman grew up in Schroon Lake, graduated from the Schroon Lake Central School and after law school practiced law in Schroon Lake as well as running a real estate business until 1982; and

WHEREAS, M. Leo Friedman served as the Clerk of the Essex County Family Court for over 13 years; and

WHEREAS, M. Leo Friedman served as a Town Councilman on the Town Board of the Town of Schroon for 32 years and as a Town Justice for 24 years; and

WHEREAS, M. Leo Friedman founded and was President of the Essex County Magistrate's Association, served on the Town Republican Committee for over 45 years, was a member of the Essex County Bar Association and served as President of that organization, and was involved with many other organizations; and

WHEREAS, M. Leo Friedman was a loving husband, father, grandfather, brother and friend; and

WHEREAS, M. Leo Friedman made a significant and lasting contribution to the People of the Town of Schroon and Essex County, 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 M. Leo Friedman; 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 Friedman family.

This resolution was unanimously seconded and adopted.

Resolution No. 111

May 3, 2004
Regular Board Meeting

**RESOLUTION AUTHORIZING J.P. BURNHAM & ASSOCIATES
TO ADMINISTER THE COBRA PROGRAM FOR ESSEX
COUNTY**

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

Upon the recommendation of the Personnel/Administration 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 J.P. Burnham & Associates to administer the COBRA program for Essex County at no cost.

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

Resolution No. 112

May 3, 2004
Regular Board Meeting

**RESOLUTION RECONSIDERING AND RE-ADOPTING
RESOLUTION NO. 79 OF 2004 OPPOSING S.6056/A.9556 TO
THE EXTENT THAT THE SAME PROVIDE FOR REALLOCATION
OF FINE REVENUES TO THE STATE OF NEW YORK**

The following resolution was offered by Supervisor Morrow, 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.

WHEREAS, by Resolution No. 79 duly adopted on April 5, 2004, this Board of Supervisors opposed S.6056 and A.9556 to the extent that the same provide for the reallocation of fine revenues to the State of New York and/or reduce the amount of fine revenues retained by localities; and

WHEREAS, at the April 26, 2004 meeting of the Ways and Means Committee of this Body the same resolution was adopted, and pursuant to the rules of this Board such resolution is required to be taken up and considered at this meeting of the Board.

BE IT RESOLVED that the Essex County Board of Supervisors hereby reconsiders and re-adopts Resolution No. 79 of 2004 opposing S.6056 and A.9556 to the extent that the same provide for the reallocation of fine revenues to the State of New York and/or reduce the amount of fine revenues retained by localities; 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. 113

May 3, 2004
Regular Board Meeting

**RESOLUTION AUTHORIZING CANCELLATION OF INTEREST
AND PENALTIES LEVIED AGAINST A PARCEL OF PROPERTY
IN ESSEX COUNTY**

The following resolution was offered by Supervisor Morrow, 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 cancels the interest, penalties and other charges, allowable according to NYS Real Property Tax Law Section 1182, in the amount of \$750.14 charged against the parcel assessed to James Hamilton in 1998 and currently assessed to Paul Dennett in the Town of Chesterfield and designated as tax map number 4.38-1-4.000/1 and account number 571A102204, provided the base amount is paid on or before May 31, 2004, after which date this resolution will be void.

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

AYES: 2530 votes
NOES: 0 votes
ABSENT: 313 votes (Both Glebus, Canon, Ashworth)

Resolution No. 114

May 3, 2004
Regular Board Meeting

**RESOLUTION URGING THE LAKE CHAMPLAIN TRANSPORTATION
COMPANY TO CONTINUE YEAR ROUND FERRY SERVICE BETWEEN
ESSEX, NEW YORK AND CHARLOTTE, VERMONT**

The following resolution was offered by Supervisor Ashline, 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.

WHEREAS, for many years the Lake Champlain Transportation Company has been providing a much needed and appreciated "year round" transportation service to the citizens of Northeastern New York, and more specifically to the citizens of Essex County, New York, between Essex, New York and Charlotte, Vermont; and

WHEREAS, this Board has been informed that the Lake Champlain Transportation Company intends to discontinue service between Essex, New York and Charlotte, Vermont during the winter months; and

WHEREAS, "year round" ferry service between Essex, New York and Charlotte, Vermont is a critical service to Essex County residents who depend upon said ferry service to access the metropolitan area of Burlington Vermont for employment, medical care and treatment, and other purposes; and

WHEREAS, it is the sense of this Board of Supervisors that "year round" ferry service between Essex, New York and Charlotte, Vermont is an essential and necessary service which should be continued.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges, in the strongest possible terms, the Lake Champlain Transportation Company to continue "year round" ferry service between Essex, New York and Charlotte, Vermont; and

BE IT FURTHER RESOLVED that this Board calls upon public officials from the State of New York and the State of Vermont to join with Essex County in seeing to it that uninterrupted ferry service continue between Essex, New York and Charlotte, Vermont; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer, Hillary Rodham Clinton, Patrick Leahy

and James Jeffords; United States Representatives John E. Sweeney, John M. McHugh and Bernard Sanders; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Thomas A. Daschle; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi; and

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

This resolution was unanimously seconded and adopted.

Resolution No. 115

May 3, 2004
Regular Board Meeting

**RESOLUTION OF RECOGNITION AND APPRECIATION TO THE
STUDENTS OF THE WESTPORT CENTRAL SCHOOL
GOVERNMENT CLASS**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby recognizes the students of the Westport Central School Government Class and their advisors Mrs. Pecard and Mr. Rattnew, and expresses its appreciation to them for their attendance at the April 26, 2004 Ways and Means Committee and their interest in learning more about government.

This resolution was unanimously seconded and adopted.

Resolution No. 116

May 3, 2004
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

ARTHUR D. DEVLIN

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

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

WHEREAS, Arthur D. Devlin, a lifelong resident of Lake Placid, passed away on April 22, 2004, at the age of 81; and

WHEREAS, Art graduated from Lake Placid High School, where he lettered in skiing for three years, before attending Syracuse University in 1941-1942; and

WHEREAS, Art served his country in World War II by enlisting as a cadet in the United States Army Air Force in 1943, training as a bombardier and flying in 50 missions in the European Theatre; and

WHEREAS, Art achieved the rank of Captain and received three Distinguished Flying Cross medals, five Air medals, three Purple Heart medals and two Presidential Unit citations, before his discharge in 1946; and

WHEREAS, Art also represented his nation, state and hometown by competing in three Winter Olympic Games as a ski jumper – in St. Moritz, Switzerland, in 1948, in Oslo, Norway, in 1952 and Cortina, Italy, in 1956 – as well as earning a berth for the 1940 Winter Olympics which were cancelled due to World War II, and choosing not to jump in the 1960 Winter Olympic Games despite being a member of the United States Team in order to allow other jumpers to attend; and

WHEREAS, Art was the most successful and accomplished United States ski jumper ever, amassing a record never equaled including: United States Ski Jumping Champion in 1939, 1940 and 1941; United States Eastern Downhill Champion in 1941; National Ski Jumping Champion in 1942, 1946, 1949 and 1950; North American Ski Jumping Champion in 1949, 1950 and 1954; a four-time Canadian National Champion; a member of the World International Ski Federation team which competed in Lake Placid in 1950, where he placed fourth and the World International Ski Federation team in 1954 in Falun, Sweden; set the North American Distance Record in Steamboat Springs, Colorado, in 1950 with a jump of 307 feet; being the first American to set a ski flying record at an event in Oberstdorf, Germany, in 1952 with a jump of 436 feet; induction into the Ski Jumping Hall of Fame in

1963, the 1932 and 1980 Lake Placid Winter Sports Museum Hall of Fame, and Ski Hall of Fame; and

WHEREAS, beginning in 1960, Art was a television commentator broadcasting World Ski Jumping Championships and Winter Olympic Games, and starting in 1962 he worked for ABC-TV Wide World of Sports for 21 years; and

WHEREAS, Art was instrumental in bringing the Winter Olympics back to Lake Placid in 1980, serving as Vice President of the Lake Placid Olympic Organizing Committee for the 1980 Olympic Winter Games, the Olympic Bid Committee, and as a member of the executive, public relations, marketing and television committees for the Organizing Committee; and

WHEREAS, Art was an active member and contributor to the Lake Placid community, serving as a member of the Site Committee and Citizens Advisory Board for the Lake Placid Central School District, the Lake Placid Chamber of Commerce Board of Directors, the Bank of Lake Placid Board of Directors, as well as serving on the boards of the New York State Commission on Sports and the New York State Commission on Sports and the Olympic Games; and

WHEREAS, Art was the owner of Art Devlin's Olympic Motor Inn, one of two original motels in Lake Placid which recently celebrated its 50th Anniversary; and

WHEREAS, Art is survived by his loving wife, Dorothee, his beloved daughters Jackie and Alexis, his beloved son Art, and his beloved granddaughter Milan Norling, and was predeceased by his first wife, Helen; and

WHEREAS, despite Art's international and national notoriety and successes, he always remained true to his roots in Lake Placid, living his life with humility, grace, energy, humor and a passionate love of life; and

WHEREAS, Art Devlin made a significant and lasting contribution to the People of Essex County, the State of New York and the United States; and

WHEREAS, this Board of Supervisors as well as the residents of Essex County mourn the passing of Art Devlin.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses its deep and abiding sorrow at the passing of Arthur D. Devlin, and extends its condolences to his family; 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 Devlin family.

This resolution was unanimously seconded and adopted.

Resolution No. 117

May 3, 2004
Regular Board Meeting

RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT

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

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

WHEREAS, this board is in receipt of the semiannual Mortgage Tax Report, showing amounts to be credited to each tax district of the county of the money collected during the preceding six months ending March 31, 2004.

BE IT RESOLVED, that pursuant to Section 261 of the Tax Law, this Board issue Tax Warrants for the payment to the respective tax districts of the amount so credited as appropriated by the Clerk of the Board, and authorize and direct the County Treasurer to make payment of said amounts to the respective districts, in accordance with the report, as follows:

<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>	<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>
Chesterfield		North Elba	
Town	19,519.49	Town	197,883.26
Village (Keeseville)	1,912.05	Village (Lake Placid)	82,660.74
Crown Point	12,506.07	Village (Saranac Lake)	10,000.96
Elizabethtown	14,546.15	North Hudson	2,392.52
Essex	16,446.38	St. Armand	
Jay	34,735.62	Town	12,471.29
Keene	21,040.81	Village (Saranac Lake)	902.13
Lewis	12,637.81	Schroon	43,458.62
Minerva	10,844.45	Ticonderoga	54,211.43
Moriah		Westport	20,168.64
Town	24,619.55	Willsboro	20,047.89
Village (Port Henry)	3,956.34	Wilmington	19,196.04
Newcomb	4,442.90	TOTAL:	\$640,601.14

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

Resolution No. 118

May 3, 2004
Regular Board Meeting

**RESOLUTION APPOINTING HAROLD HANCE TO THE ESSEX
COUNTY WORKFORCE DEVELOPMENT BOARD**

The following resolution was offered by Supervisor Kelly, 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 appoints Harold Hance of Jay, New York to the Essex County Workforce Development Board.

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

Resolution No. 119

**May 3, 2004
Regular Board Meeting**

**RESOLUTION PROCLAIMING THE MONTH OF MAY, 2004
AS MENTAL HEALTH MONTH AND THE WEEK OF
MAY 2-8, 2004 AS CHILDREN'S MENTAL HEALTH WEEK**

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

WHEREAS, Mental Health is critical for the well being and vitality of our families, businesses and communities; and

WHEREAS, mental illness will strike one in five Americans in a given year regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, children throughout the United States have been diagnosed with emotional and behavioral disorders; and

WHEREAS, with early detection and appropriate treatment chances are excellent that most children with emotional disorders can lead productive lives as adults; and

WHEREAS, Children's Mental Health Week and May as Mental Health Month will raise the awareness of the needs of children with such disorders, and the understanding of mental illness for all people.

BE IT RESOLVED, that the Essex County Board of Supervisors does hereby proclaim the month of May as "Mental Health Month in Essex County" and May 2-8, 2004 as "Children's Mental Health Week in Essex County" to increase awareness of the need for appropriate and accessible services for all people with mental illnesses.

This resolution was unanimously seconded and adopted.

Resolution No. 120

May 3, 2004
Regular Board Meeting

**RESOLUTION URGING THE RESTORATION OF RURAL
DEVELOPMENT MONIES FOR WATER PROJECTS**

The following resolution was offered by Supervisor Douglas, 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 urges the Federal government and the State of New York to restore Rural Development monies to finance municipal water projects; and

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

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

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

Resolution No. 121

**May 10, 2004
Special Board Meeting**

**RESOLUTION AMENDING RESOLUTION NO. 91, PARAGRAPH 4(A)
INCREASING THE AMOUNT TO BE APPROPRIATED FROM THE
CONTINGENT ACCOUNT FROM \$6,500 TO \$18,080**

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends paragraph 4(a) of Resolution No. 91 of 2004 to read and provide as follows:

4. From the Ways and Means Committee:

(a) For the Department of Public Works, appropriating the sum of \$18,080.00 from the contingent account (Account No. 19904-5487) for transfer to the 2004 Essex County Department of Public Works - Solid Waste Division budget (Account No. 81604 5412 - Repairs Building) to cover the costs of metal siding for the transfer station in Lewis.”

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

AYES: 2364 votes
NOES: 0 votes
ABSENT: 479 votes (Douglas, Both, Glebus, Connell)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 5/10/04:	\$ 423,450.00
Reduction Impact of this resolution (\$18,080 - \$6,500):	11,580.00
FY2004 Contingent Account Balance:	\$ 411,870.00