

**Resolution No. 144**

**July 6, 2004  
Regular Board Meeting**

**RESOLUTION AMENDING THE 2004 ESSEX COUNTY BUDGET**

The following resolution was offered by Supervisor Scozzafava, 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 Office for the Aging, increase revenues (4477280 - Title VII) and appropriations as follows in the total amount of \$2,512.00 for additional Title VII money:

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>
67721 5110	Wages	\$ 76.00
67728 5850	Health Insurance	36.00
67724 5497	Mileage	300.00
67724 5498	Volunteer Mileage	300.00
67724 5443	Travel Reimbursement	300.00
67724 5426	Books	200.00
67724 5451	Training	300.00
67724 5487	Miscellaneous	1,000.00

(b) For the Office for the Aging, reduce appropriations in the total amount of \$112.00 for LTCOP expenditures as follows:

**APPROPRIATIONS**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
67721 5110	Wages	\$ (76.00)
67728 5850	Health Insurance	(36.00)

(c) For the Office for the Aging, increase revenues (4477295-III E) and appropriations as follows in the total amount of \$21,954.00 for additional Title III E money:

**APPROPRIATIONS**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
67724 5400INV	Equipment	\$ 3,000.00
67724 54463E	Subcontractor	18,954.00

(d) For the Public Health Department, increase revenues (4010 44401666 - HIV Education) and appropriations (40104 5486 - Educational Materials) in a total amount of \$5,000 from Hudson Headwaters Health Care Network for HIV Prevention and Education.

**2. From the DPW Committee:**

(a) For the Department of Public Works, increase revenues (5110 42650 - Sale of Scrap Metal) and appropriations (51104 5458 - Bridge Materials) in the total amount of \$2,217.00 from the sale of scrap metal.

(b) For the Department of Public Works, increase revenues (1620 42655 - Minor Sales) and appropriations (16204 5412 - Repairs - Bldg.) in the total amount of \$50.00 from unclaimed funds.

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

(a) For the County Road Debt Service, increase revenues (9800 45031 - Transfer from other funds) and appropriations (98004 5509 - 5 year bridge rehabilitation) by \$97,002.50.

(b) In the General Fund, for the Community Development Block Grants, increase revenues and appropriations in the total amount of \$118,848.16 as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>		<b><u>Amount</u></b>
6989 449971	Home Purchase 382 HO100-03	\$	25,300.84
6989 449974	Home Purchase 382 HO170-02		17,896.08
6989 449975	IDA Micro Enterprise Grant		75,651.24

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>		<b><u>Amount</u></b>
69894 5400HP03	Home Purchase 382 HO100-03	\$	25,300.84
69894 5400HPG1	Home Purchase 382 HO170-02		17,896.08
69894 5400MICRO	IDA Micro Enterprise Grant		75,651.24

(c) For the Essex County Clerk's Office, increase revenues (1410 4125520) and appropriations (14604 5410 - RM Equipment) in the total amount of \$20,000.

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

**AYES: 2673 votes**  
**NOES: 0 votes**  
**ABSENT: 170 votes (French)**

**Resolution No. 145**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING CONTRACTS**

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

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

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

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

(a) For the Office for the Aging, contracts with ten Towns for reimbursement of van maintenance.

(b) For the Mental Health Department, a contract amendment with Families First so as to increase the contract amount by \$1,202.00 as a final reconciliation.

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

(a) For the New Jail and Public Safety Project, amend the contract with Crandell Associates to include additional engineering work consisting of a ground water mounding analysis as required by DEC, at a cost not to exceed \$6,820.00.

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

**AYES: 2673 votes**  
**NOES: 0 votes**  
**ABSENT: 170 votes (French)**

**Resolution No. 146**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION OPPOSING THE COST SHIFTING OF MENTAL  
HYGIENE STATE AID DOLLARS TO FUNDING BY MEDICAID**

The following resolution was offered by Supervisor Seney, 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 Mental Hygiene Agencies have shifted funding for mental hygiene programs from regular state aid to Medicaid; and

**WHEREAS**, the shifting of these costs can ultimately result in the reduction of funding for established mental hygiene programs, thereby compromising services to people experiencing severe and persistent mental illnesses, mental retardation, developmental disabilities and chemical dependency; and

**WHEREAS**, the reduction in state aid and the shifting of funding to federal programs from local mental health departments results in an increased burden on county taxpayers.

**BE IT RESOLVED** by the Essex County Board of Supervisors hereby opposes the cost shifting of mental hygiene costs from regular State aid to other funding streams, such as Medicaid, because of the unfair local share costs that result; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors hereby demands that any change in such Mental Hygiene funding formulas be prohibited or at least subject to the consent of the affected counties; 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; All Department Heads, all New York State Counties, NYS Association of Counties, Inter-County Legislative Committee of the Adirondacks, NYS Conference of Local Mental Hygiene Directors, NYS Office of Mental Health, NYS Office of Mental Retardation and Developmental Disabilities, NYS Office of Alcoholism and Substance Abuse Services, and to each and every other person, institution or agency who will further the purpose of this Resolution.

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

**Resolution No. 147**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**  
**JEANETTE I. KOECHEL**

The following resolution was offered by Supervisor Connell, 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**, Jeanette I. Koechel, the mother of Donna Thompson, Secretary to the County Manager, tragically passed away on June 14, 2004 at her home; and

**WHEREAS**, Jeanette I. Koechel was a driver for Office for the Aging for several years, was very active as a volunteer for Families First and Al-a-non, and served as a board member at Literacy Volunteers of America; and

**WHEREAS**, Jeanette I. Koechel enjoyed writing, gardening and traveling; and

**WHEREAS**, Jeanette I. Koechel was a loving wife, mother, grandmother, sister, aunt and friend.

**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 Jeanette I. Koechel; 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 Koechel family.

This resolution was unanimously seconded and adopted.

**Resolution No. 148**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION IN SUPPORT OF THE TOWN OF LONG LAKE  
BEING INCLUDED IN ESSEX COUNTY E911 SYSTEM**

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

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

**WHEREAS**, the Essex County Board of Supervisors has received a request from the Town of Long Lake to allow it to participate in the Essex County E911 dispatch system; and

**WHEREAS**, Hamilton County has indicated its support for the proposal.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its support for the Town of Long Lake being included in the Essex County E911 dispatch system, subject to the Towns compliance with Essex County addressing standards and such other legal requirements as the County Attorneys of Hamilton and Essex counties deem necessary.

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



**Resolution No. 149**

**July 6, 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 Glebus, 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 Public Safety Committee:**

(a) For the Probation Department, purchase a Kyocera photocopier at a cost not to exceed \$ 5,200.00, with the costs thereof to be paid from budgeted funds.

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

**AYES: 2673 votes**  
**NOES: 0 votes**  
**ABSENT: 170 votes (French)**

**Resolution No. 150**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION STRONGLY URGING GOVERNOR PATAKI AND THE STATE LEGISLATURE TO ENACT LEGISLATION AMENDING THE FREEDOM OF INFORMATION LAW AND ELECTION LAW RELATING TO THE INCLUSION AND RELEASE OF PERSONAL INFORMATION FROM VOTING ROLLS, AND UNTIL SUCH LEGISLATION IS ENACTED INTO LAW STAYING THE IMPLEMENTATION OF THAT PORTION OF THE HELP AMERICA VOTE ACT OF 2002 REQUIRING CREATION OF A STATEWIDE VOTER DATABASE**

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

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

**WHEREAS**, the Federal "Help America Vote Act of 2002" requires the creation of a statewide voter database containing not only the names and addresses of registered voters, but also personally identifiable information such as the voter's full date of birth, telephone number, and either his/her driver's license number or the last 4-digits of her/his social security number; and

**WHEREAS**, no protection is clearly afforded under the New York Freedom of Information Law (Public Officer's Law Article 6) from public dissemination, viewing and exploitation, and the New York State Board of Elections has taken the position that Counties must provide all such information when presented with a FOIL request; and

**WHEREAS**, the New York State Board of Elections is in the process of creating a "statewide" voter database which will include the aforesaid personally identifiable information, public access to which shall constitute unwarranted, unreasonable and unnecessary invasions of personal privacy for registered voters; and

**WHEREAS**, the New York State Board of Elections has advised that the recourse for any person desiring not to have their personally identifiable information released is to choose not to register to vote, a position which discourages voter registration and participation of the public in the election process in violation of the spirit and intent of the Help America Vote Act of 2002; and

**WHEREAS**, although legitimate reasons exist for a voter database registration record to include for name, address and year of birth, such as to allow candidates to find voters to seek their support or file a post-election challenge, but there is no justification for including the month and day of birth, driver's license number and/or last 4-digits of a voter's social security number; and

**WHEREAS**, it is the strong sense of this Board that personal privacy must be protected and preserved.

**BE IT RESOLVED**, that the Essex County Board of Supervisors does hereby urge, in the strongest possible terms, Governor Pataki and New York State Legislature to amend the current Freedom of Information Law and the New York State Election Law to provide that voter registration records and the statewide voter database shall not include a voter's day and month of birth, driver's license number and/or any portion of their social security number, or in the alternative specifically classify such information as personally identifiable information exempt from disclosure under FOIL or any other law because disclosure would constitute an unwarranted invasion of personal privacy; and

**BE IT FURTHER RESOLVED**, until such legislation is enacted and signed into law, this Board further urges that the all efforts on the part of the New York State Board of Elections to comply with that portion of the Help America Vote Act of 2002 requiring a statewide voter database be stayed unless said database does not include such personally identifiable information; and be it further

**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; NYS Board of Elections; Robert Freeman of the NYS Department of State Office of Open Government; United States Senator Charles Schumer; United States Senator Hillary Rodham Clinton; Congressman John M. McHugh, Congressman John E. Sweeney; and to each County Board or Legislature statewide.

This resolution was unanimously seconded and adopted.

**Resolution No. 151**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**  
**MABEL BARBARA NASON**

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

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

**WHEREAS**, Mabel Barbara Nason, the mother of former Nursing Home Administrator Barbara Feeley and of Beulah West, the Account Clerk/Typist in the Sheriff's Department, passed away on June 15, 2004; and

**WHEREAS**, Mabel Barbara Nason was very active resident of the Horace Nye Nursing Home for over four years and participated in every activity, and enjoyed visiting and playing games with her friends at the Home; and

**WHEREAS**, Mabel Barbara Nason considered the staff at the Horace Nye Home her extended family; and

**WHEREAS**, Mabel Barbara Nason was a loving mother, grandmother, sister, aunt and friend.

**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 Mabel Barbara Nason; 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 family of Mabel Barbara Nason.

This resolution was unanimously seconded and adopted.

**Resolution No. 152**

**July 6, 2004**  
**Regular Board Meeting**

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

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 Board of Supervisors of Essex County hereby makes the following appointments:

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

(a) Appoint Patty Bashaw to the Essex County Workforce Investment Board to fill the vacancy caused by the resignation of Nancy Cobb-Zoll.

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

**Resolution No. 153**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION SUPPORTING THE PURCHASE OF A  
BOOKMOBILE FOR THE CLINTON-ESSEX-FRANKLIN LIBRARY  
SYSTEM, WITH ESSEX COUNTY'S SHARE TO BE NOT MORE  
THAN \$64,395.25, CONTINGENT UPON APPROVAL BY CLINTON  
AND FRANKLIN COUNTIES AND THEIR COMMITMENT TO  
PAYMENT OF THEIR RESPECTIVE SHARES**

The following resolution was offered by Supervisor Seney, 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 supports the purchase of a bookmobile for the Clinton-Essex-Franklin Library System, with Essex County's share being \$64,395.25, contingent upon the approval by Clinton and Franklin Counties of such purchase and their commitment to payment of their respective shares; 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: the Clinton County Legislature, the Franklin County Legislature and the CEF Library System.

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

**AYES: 2563 votes**  
**NOES: 110 votes (Connell)**  
**ABSENT: 170 votes (French)**

**Resolution No. 154**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION SCHEDULING A PUBLIC HEARING  
ON THE PROPOSED 2004-2005 NORTH COUNTRY  
COMMUNITY COLLEGE BUDGET**

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

**WHEREAS**, North Country Community College has submitted its tentative 2004-2005 budget information to this Board and to the Franklin County Legislature indicating that the tentative operating budget contains a total expenditure of \$8,788,785, with each County sponsor's share being \$ 984,218.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby schedules a public hearing on the tentative 2004-2005 North Country Community College budget for July 19, 2004 at 9:30 o'clock a.m. at the Chambers of the Essex County Board of Supervisors in Elizabethtown, New York, with such public hearing to thereafter recess and reconvene at 7:00 p.m. on said date; and

**BE IT FURTHER RESOLVED** that all persons who wish to be heard on this subject will be given the opportunity to express their views at the public hearing; and

**BE IT FURTHER RESOLVED** that the College is hereby directed to immediately file with the Clerk of this Board: (1) its tentative operating budget detailing its operating revenues and appropriations by line item account number and description in compliance with the New York State Comptroller's Accounting & Reporting Manual for each class of operating revenue and expense contained in 8 NYCRR §602.4 as well as any other revenues or expenses; (2) its tentative capital budget, if any, detailing its capital revenues and appropriations by line item account number and description in compliance with the said Manual for each class of capital revenue and expense contained in 8 NYCRR §603.3 as well as any other revenues or expenses; and (3) the proposed 2004-2005 tuition and fee schedule pursuant to 8 NYCRR §602.10; and

**BE IT FURTHER RESOLVED** that copies of the tentative 2004-2005 College budget shall be made available to the public by the College business office in Saranac Lake and by the Clerk of this Board; and

**BE IT FURTHER RESOLVED** that written statements will be accepted by the Clerk of this Board until 4:00 o'clock p.m. on July 30, 2004.

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

**Resolution No. 155**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION URGING THE NEW YORK STATE DEPARTMENT OF  
MOTOR VEHICLES TO GRANT ESSEX COUNTY PERMISSION TO  
OPEN A SATELLITE DMV OFFICE IN NORTH ELBA**

The following resolution was offered by Supervisor Seney, 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 urges the New York State Department of Motor Vehicles to grant Essex County permission to open a satellite DMV office in North Elba; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send a certified copy of this resolution to the New York State Department of Motor Vehicles.

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



**Resolution No. 156**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION OPPOSING THE CHANGES TO DAY  
CAMP REGULATIONS PROPOSED BY THE NEW  
YORK STATE DEPARTMENT OF HEALTH**

The following resolution was offered by Supervisor Dedrick, 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 New York State Department of Health has proposed changes to day camp regulations, which include requiring the hiring of a full-time professional nurse, the hiring of a new staff position of activity leader; and

**WHEREAS**, the effect of these regulations will not be to increase or improve the health, safety and welfare of the campers, but will instead be to so drastically increase camp operating expenses to the point where camps will have to cease operation thereby preventing children from experiencing summer camp activities; and

**WHEREAS**, it is the sense of this Board that the proposed regulations have been developed due to problems at a small number of camps around the State rather than in response to a widespread problem, and without adequate knowledge of the real circumstances which exist in the vast majority of summer camps throughout the State and especially those operated by municipalities.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby expresses its strong opposition to the New York State Department of Health's proposed changes to day camp regulations; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send a certified copy of this resolution to the New York State Department of Health.

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

**Resolution No. 157**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION DECLARING JUNE 8, 2004 AS LAW ENFORCEMENT  
TORCH RUN FOR SPECIAL OLYMPICS DAY IN ESSEX COUNTY**

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.

**WHEREAS**, Special Olympics is an international program of year-round sports training and athletic competition for children and adults with special needs; and

**WHEREAS**, the good works of the Special Olympics has always been noted with distinction by the Essex County Board of Supervisors; and

**WHEREAS**, Law Enforcement Officers are carrying the Special Olympic Torch throughout the district; and

**WHEREAS**, the torch traveled through Elizabethtown, the County Seat, on Tuesday, June 8, 2004 at 8:00 A.M.

**BE IT RESOLVED**, that the Essex County Board of Supervisors supports Special Olympics and the Law Enforcement Torch Run, and is honored to have the torch stop and start here in Elizabethtown; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors declares June 8, 2004 Law Enforcement Torch Run for Special Olympics Day; and

**BE IT FURTHER RESOLVED**, that the Essex County Clerk, representing this Board of Supervisors presents this Resolution with our best wishes to Sergeant Todd St. Louis of the New York State Police.

This resolution was unanimously seconded and adopted.

**Resolution No. 158**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING  
WITH CSEA REGARDING HOURS OF WORK AND BEREAVEMENT  
LEAVE, AND AMENDING SECTION 8.06 OF THE ESSEX COUNTY  
POLICY MANUAL REGARDING BEREAVEMENT LEAVE**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes the County Manager to execute a memorandum of understanding with CSEA regarding Article 16 - hours of work and Article 8 - bereavement leave; and

**BE IT RESOLVED** that this Board hereby repeals §8.06 of the Essex County Policy Manual, and adopts in place thereof the following new §8.06 regarding bereavement leave benefits for managerial/confidential employees, department heads and elected officials:

**“8.06 BEREAVEMENT LEAVE**

- A. Employees will be permitted to use a maximum of three (3) calendar days (commencing the calendar day after the death unless notification of the death occurs prior to the start of the work day in which case the bereavement leave shall commence the day of the death) per death in the immediate family without loss of pay or deduction from any other accumulated credits.
- B. Should an employee be notified of a death in his/her immediate family during the work day, then said employee shall be permitted to take the remainder of the work day off without any charges to his/her leave credits nor shall that day count toward his/her three (3) bereavement days as spelled out above.
- C. Immediate family shall be defined as father, mother, sister, brother, son, daughter, mother-in-law, father-in-law, brother-in-law or sister-in-law of present marriage, spouse residing in employee's household, step-parents and step-children.
- D. Employees will be permitted to use a maximum of two (2) work days for a death of the employee's grandmother, grandfather,

grandchildren, aunt, uncle, niece, or nephew without loss of pay or deductions from other accumulated credits.

- E. In the event a burial takes place at a later time, due to seasonal conditions, then the employee will be allowed to utilize the day(s) necessary for the burial at that time. The Department Head may request verification by way of obituary notice or other such acceptable proof of burial date.”

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

**Resolution No. 159**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION TO SUPPORT HUDSON HEADWATERS HEALTH  
NETWORK'S FEDERAL EARMARK REQUEST FOR \$750,000 TO  
IMPROVE THE WARRENSBURG HEALTH CENTER**

The following resolution was offered by Supervisor Moses, 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**, many Essex County residents and visitors depend on Hudson Headwaters Health Network to provide primary health care; and

**WHEREAS** Hudson Headwaters is the only primary care option for many Essex County residents; and

**WHEREAS** the Warrensburg Health Center serves as the extended hours facility and specialty referral center for all of Essex County's southern towns; and

**WHEREAS**, an improved Warrensburg Health Center will ensure continued and expanded access to essential health care services for the people of southern Essex County; and

**WHEREAS**, the Warrensburg Health Center urgently needs to make the upgrades that would be funded by the Earmark request.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby supports Hudson Headwaters request for \$750,000 in FY05 Earmark funding and urges Congressman John E. Sweeney to do all that he can to secure this request; 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.

This resolution was duly seconded by Supervisors Kelly and Dobie, and adopted.

**Resolution No. 160**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING PAYMENT OF RETIREMENT  
COSTS OF A FORMER WIC EMPLOYEE FROM COUNTY FUNDS  
DURING THE PERIOD OF OCTOBER, 2004 THROUGH  
SEPTEMBER, 2005, CONTINGENT UPON THE COUNTY'S  
RECEIPT OF NOT LESS THAN \$21,692 IN ADDITIONAL WIC  
FUNDING DURING THE SAME PERIOD OF TIME**

The following resolution was offered by Supervisor Seney, 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**, the New York State Department of Health (NYSDOH) has informed Essex County that it will reduce Federal WIC funding to the County by \$15,708 to \$188,357 for the Federal Fiscal Year commencing October 1, 2004 through September 30, 2005; and

**WHEREAS**, NYSDOH has offered to provide Essex County with additional WIC funding from discretionary funds totaling \$21,692 provided that the County assumes \$13,222 in retirement costs (retirement incentive plus health insurance premiums) for a former WIC employee in the Public Health Department during said period; and

**WHEREAS**, this Board is cautiously inclined to accept the NYSDOH offer since it will allow more WIC funding to be received and used to benefit Essex County citizens.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes payment of retirement costs of a former WIC employee from County funds during the period of October, 2004 through September, 2005, contingent upon the County's receipt of not less than \$21,692 in additional WIC funding during the same period of time; and

**BE IT FURTHER RESOLVED** that provided that the County receives the additional \$21,692 in additional funding from NYSDOH, (1) the County Manager and Director of Public Health be and they hereby are directed to transfer funds from within the 2004 Public Health Budget to cover the portion of the retirement costs payable during the period of October 1 through December 31, 2004, and (2) the portion of the retirement costs payable during the period of January 1 through September 30, 2005 shall be included in the 2005 Public Health Budget.

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

**AYES:** 2042 votes  
**NOES:** 631 votes (*Kelly, Scozzafava, Connell, Morency*)  
**ABSENT:** 170 votes (*French*)

**Resolution No. 161**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION AMENDING RESOLUTION NO. 1 OF 2004  
REGARDING THE RULES AND REGULATIONS OF THE  
BOARD OF SUPERVISORS SO AS TO AUTHORIZE  
THE CHAIRMAN TO ISSUE PROCLAMATIONS**

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 Essex County Board of Supervisors amends Resolution No. 1 of 2004 regarding the Rules and Regulations of this Board, so as to authorize the Chairman to issue proclamations by adding a new section 11 to read and provide as follows:

**“§11. PROCLAMATIONS**

The Chairman of the Board shall have the power, and is hereby delegated the authority, to issue official proclamations on behalf of this Board and the County.”

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



**Resolution No. 162**

**July 6, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**  
**GEORGIANA M. FISHER**

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

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

**WHEREAS**, Georgianna M. Fisher, the mother of former Personnel Director Ruth McDonough, passed away on June 29, 2004; and

**WHEREAS**, Georgianna Fisher was a loving mother, grandmother and friend.

**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 Georgianna Fisher; 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 family of Georgianna Fisher.

This resolution was unanimously seconded and adopted.

**RESOLUTION INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby amends Resolution No. 207 of 1967 as follows:

1. Resolution No. 207, enacted by the Board of Supervisors of Essex County on December 4, 1967, imposing sales and compensating use taxes, is amended by adding a new section 4-A to read as follows:

*“4-A. Imposition of additional rate of sales and compensating use taxes.*

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning September 1, 2004, and ending November 30, 2005. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.”

2. Subdivision (1) of section 11 of Resolution No. 207, enacted by the Board of Supervisors of Essex County on December 4, 1967, imposing sales and compensating use taxes, is amended to read as follows:

“(1) (a) In respect to the use of property used by the purchaser in this county prior to March 1, 1968.

(b) With respect to the additional tax of three-quarters of one percent imposed for the period beginning September 1, 2004, and ending November 30, 2005, in respect to the use of property used by the purchaser in this county prior to September 1, 2004.”

3. This enactment shall take effect September 1, 2004.

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

**AYES:**            **1953 votes**  
**NOES:**           **481 votes (Seney)**  
**ABSENT:**       **409 votes (Dobie, Dedrick)**

**Resolution No. 164**

**July 19, 2004**  
**Special Board Meeting**

**RESOLUTION RENDERING A DECISION ON A COMPLAINT  
UNDER THE SEXUAL HARASSMENT POLICY**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby renders and adopts the decision (designated No. 1-SH-04) filed this date with the Clerk of the Board on a complaint dated May 13, 2004 under the Sexual Harassment Policy (Resolution No. 258 of 1994); and

**BE IT FURTHER RESOLVED** that due to the confidential nature of the matters alleged in the complaint, and in order to preserve and protect personal privacy, all documents and materials relating to the complaint, its investigation, and this Board's decision, are hereby determined to be confidential and non-disclosable to any and all persons other than the parties involved and certain County officials having responsibilities for investigation and decision; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby directed to furnish a certified copy of this resolution and the decision to the parties involved, the Personnel Officer, and the County Manager.

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

**AYES: 2711 votes**  
**NOES: 0 votes**  
**ABSENT: 22 votes (Dobie)**  
**ABSTAIN: 110 votes (Connell)**