

Resolution No. 16

February 5, 2007
Regular Board Meeting

**RESOLUTION REQUESTING THAT THE NEW YORK STATE
LEGISLATURE AMEND CURRENT LAW TO ALLOW THE
ESSEX COUNTY BOARD OF SUPERVISORS THE
AUTHORITY TO CHOOSE THE NEW VOTING MACHINES IF
THE ELECTION COMMISSIONERS CANNOT AGREE AND
FURTHER REQUESTING OF THE STATE OF NEW YORK
THAT THEY PROVIDE ESSEX COUNTY WITH ANY AND ALL
FUNDING NECESSARY FOR THE PURCHASE OF THESE
MACHINES NECESSARY FOR ESSEX COUNTY TO COMPLY
WITH HAVA AND THE NEW
NEW YORK STATE LEGISLATION**

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

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

WHEREAS, the County has been made aware that in the event each of the Essex County Election Commissioners cannot agree upon voting machines to be used in Essex County pursuant to the HAVA laws, that the State of New York will choose the machines; and

WHEREAS, in the event that the two Election Commissioners cannot agree on the purchase of a particular make and model of machine, the Essex County Board of Supervisors wants to be able to make the final decision; and

WHEREAS, it has come to the attention of the Essex County Board of Supervisors that because of inaction on the part of New York State in its non-compliance with federal HAVA legislation, New York State risks the loss of approximately \$50 million in federal funding and, in the event New York loses its federal funding, Essex County requests that the State make up the difference in this loss.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests

a change in the current New York State legislation which would allow Essex County and all other Counties the option to choose what voting machines it will purchase in the event that its Election Commissioners cannot agree; and

BE IT FURTHER RESOLVED, that Essex County requests that the State provide the County with all necessary funding and reimbursement incident to the County's compliance with the HAVA laws and the State's inaction and non-compliance with these laws; 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 Eliot Spitzer; Senate Majority Leader Joseph R. Bruno; Senator Elizabeth O'C. Little; Assembly Speaker Sheldon Silver; Assemblywomen Teresa R. Sayward and Janet Duprey.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 17

February 5, 2007
Regular Board Meeting

**RESOLUTION TO ACCEPT AND PLACE ON FILE THE 2006
WEIGHTS AND MEASURES
ANNUAL REPORT**

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

Upon the recommendation of the Public Safety Committee of this body, 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 and places on file the 2006 Weights and Measures Annual Report.

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

RESOLUTION AUTHORIZING THE REPLACEMENT OF THE OTIS BRIDGE IN THE TOWN OF ELIZABETHTOWN WITH A NEW 40 TON BRIDGE AT THE SITE OF THE EXISTING BRIDGE THE COST OF WHICH TO BE PAID FROM BUDGETED FUNDS THE REVENUES OF WHICH ARE FROM THE SALE OF BONDS PURSUANT TO RESOLUTION NO. 96 OF 2006

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the replacement of the Otis Bridge in the Town of Elizabethtown with a new 40 ton bridge at the site of the existing bridge; and

BE IT FURTHER RESOLVED, that the cost of the same shall be paid from budgeted funds the revenues of which are from the sale of bonds pursuant to Resolution No. 96 of 2006 at a cost not to exceed \$450,000.00.

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

AYES: 2,351 votes
NOES: 492 votes (Ashworth, Connell, Glebus, Morrow)
ABSENT: 0 votes

RESOLUTION OF CONGRATULATIONS TO FREDERICK H. BUCK, DPW SUPERINTENDENT, ON HIS APPOINTMENT AS PRESIDENT OF THE NEW YORK STATE COUNTY HIGHWAY SUPERINTENDENT'S ASSOCIATION

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

adoption.

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby congratulates Frederick H. Buck on his appointment as President of the New York State County Highway Superintendent's Association.

This resolution was unanimously seconded and duly adopted.

Resolution No. 20

February 5, 2007
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ESSEX COUNTY PLANNING DEPARTMENT
TO ADMINISTER THE GRANT FUNDS AND BE THE PASS THROUGH AGENCY
FOR THE IMPROVEMENTS TO THE
LAKE CHAMPLAIN VISITORS CENTER IN CROWN POINT**

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, the Lake Placid/Essex County Visitors Bureau and the Essex County Planning Department have previously submitted grant applications for funding in the amount of \$188,000 to rehabilitate the Visitor's Center in Crown Point; and

WHEREAS, this funding was matched with NYS DEC monies and Visitor's Center monies, however additional funding is needed in order to entirely renovate the facility; and

WHEREAS, an additional grant request was submitted by the Essex County Planning Department through the Canal Greenways Program in the additional amount of \$225,000; and

WHEREAS, it would be prudent to authorize the Essex County Planning Department to administer both of these grants and develop agreements with the New York State Department of Environmental Conservation and New York State Department of Transportation to administer the grants and act as the pass-through for the County.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Planning Department to administer the grant funds with respect to the hereinabove referenced by-laws grant from the United States Department of Transportation, New York State Department of Environmental Conservation and Canal Greenways Program and to be the pass-through agency for each grant in order to provide for the improvements to the Lake Champlain Visitor's Center in Crown Point; and

BE IT FURTHER RESOLVED, that the Essex County Planning Board shall work with the Essex County Attorney to facilitate their involvement and for the preparation of any agreements necessary with the New York State Department of Environmental Conservation and the New York State Department of Transportation.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 21

February 5, 2007
Regular Board Meeting

**RESOLUTION REQUESTING MEMBER ITEM ASSISTANCE FOR THE
LAKE CHAMPLAIN VISITORS CENTER IN CROWN POINT**

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, the County has received grants for the rehabilitation of the Visitor's Center located in Crown Point, New York; and

WHEREAS, in addition to grant monies which the County has already received, the additional estimated expenses are in the amount of \$100,000.00.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests member item assistance for funding for the Lake Champlain Visitor's Center located in Crown Point, New York in the amount of \$100,000.00.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 22

February 5, 2007
Regular Board Meeting

**RESOLUTION SUPPORTING THE EFFORTS OF THE CHAMPLAIN VALLEY
HERITAGE NETWORK ACTIVITIES PLANNED FOR CELEBRATION CHAMPLAIN**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors wholeheartedly supports the efforts of the Champlain Valley Heritage Network and their activities planned for Celebration Champlain.

This resolution was unanimously seconded and duly adopted.

Resolution No. 23

February 5, 2007
Regular Board Meeting

**RESOLUTION EXTENDING THE CONTRACT FOR THE DEPARTMENT OF
AGRICULTURE AND MARKETS FOR A CONSERVATION EASEMENT IN THE
TOWN OF CHESTERFIELD FOR UP TO SIX MONTHS**

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

adoption.

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

WHEREAS, the Essex County Farmland Protection Board submitted a request for grant funding in order to undertake specific agricultural conservation easements with respect to the Ford Farm, so called, located in the Town of Chesterfield, now owned by Gerald Morrow; and

WHEREAS, the County has entered into a contract with the New York State Department of Agriculture and Markets relative to the purchase of an agricultural/conservation easement with respect to property, commonly known as the Ford Farm, owned by Gerald Morrow which bears Contract Number C800534 and is in the amount of \$158,084.00; and

WHEREAS, said contract has expired as of December 31, 2006; and

WHEREAS, the Essex County Board of Supervisors is desirous of extending the existing contract as hereinabove referenced for up to an additional six (6) months.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the extension of Contract No. C800534 with the New York State Department of Agriculture and Markets in the amount of \$158,084.00 relative to the Essex County Agriculture and Farmland implementation grant and the funding for the purchase of the Ford Farm from Gerald Morrow for up to an additional six (6) months and hereby authorizes its County Attorney to inform the New York State Department of Agriculture and Markets of said agreement to extend.

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

AYES:	2,649	votes	
NOES:	0	votes	
ABSENT:	0	votes	
ABSTAIN:	194	votes	(Morrow)

Resolution No. 24

February 5, 2007
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
RONNIE DEPO**

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

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

WHEREAS, Ronnie Depo passed away on January 13, 2007; and

WHEREAS, Ronnie Depo was born on December 14, 1952 to Arthur and Almeida (Lincoln) Depo; and

WHEREAS, Ronnie Depo was a life-long resident of AuSable Forks, New York, and worked as Head Technician and Safety Manager for Charter Cable Company for well over 33 years; and

WHEREAS, Ronnie Depo was an active and long-time member of the AuSable Forks Fire Department, having served as Trustee for many years; and

WHEREAS, Ronnie Depo was also a member of the Sons of the American Legion Post 504, AuSable Forks, New York and a past member of the Knights of Columbus; and

WHEREAS, Ronnie Depo was an accomplished carpenter and craftsman and was always willing to lend a hand to his friends and neighbors; and

WHEREAS, Ronnie Depo was a loving husband, father, grandfather, brother, uncle and friend and will be sorely missed by his family and friends.

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 Ronnie Depo; 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 Depo family.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ANNA EVELYN CUNNINGHAM BURLEIGH**

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

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

WHEREAS, Anna Evelyn Cunningham Burleigh passed away on January 14, 2007 at the age of 100; and

WHEREAS, Anna Evelyn Cunningham Burleigh attended Grammar School in Ticonderoga and attended Sherman Park Seminary in Port Henry having graduated as the Valedictorian in 1924; and

WHEREAS, Anna Evelyn Cunningham Burleigh worked in her father's pharmacy and was also employed as the Ticonderoga School Board of Education clerk, Village of Ticonderoga Treasurer, International Paper Company receptionist and Fort Ticonderoga Museum attendant; and

WHEREAS, among her many affiliations and honors were the St. Mary's Catholic Church, Catholic Daughters of America, Essex County March of Dimes Foundation, Moses Ludington Hospital Ladies Auxiliary Guild, Girl Scout Committee, American Legion Ladies Auxiliary, New Horizons, Ticonderoga Historical Society, Ticonderoga Festival Guild, Friends of the Black Watch Memorial Library, Ticonderoga Heritage Museum, BPW Woman of the Year and Ticonderoga High School Honorary graduate; and

WHEREAS, Anna Evelyn Cunningham Burleigh had a special commitment to the Essex County ARC, now known as Mountain Lakes Services, of which she was a founding board member and honorary board member; and

WHEREAS, in October 2005, Anna Evelyn Cunningham Burleigh was honored by the naming of the Evelyn C. Burleigh Day Habilitation Center for her consistent and tireless advocacy of community inclusion of citizens with special needs; and

WHEREAS, on the occasion of her 100th birthday, Anna Evelyn Cunningham Burleigh was recognized for her life accomplishments by the Town of Ticonderoga and New York Legislature for having enriched the lives of those around her through her joys and sincere love for others and for her quiescent charm and wisdom; and

WHEREAS, Anna Evelyn Cunningham Burleigh was a loving wife, mother,

grandmother, great grandmother, and great-great grandmother and friend and will be sorely missed by her family and all who knew her.

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 Anna Evelyn Cunningham Burleigh; 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 Burleigh family.

This resolution was unanimously seconded and adopted.

Resolution No. 26

February 5, 2007
Regular Board Meeting

**RESOLUTION TO ACCEPT AND PLACE ON FILE THE AUDIT REPORT BY THE
NEW YORK STATE COMPTROLLER'S OFFICE ON THE COUNTY CLERKS AND
COUNTY TREASURERS COURT AND TRUST ACCOUNTS**

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

Upon the recommendation of the Finance 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 accepts and places on file the Audit Report by the New York State Comptroller's Office on the County Clerks and County Treasurers Court and Trust Accounts.

This resolution was seconded by Supervisors Glebus and Seney, and duly adopted.

Resolution No. 27

February 5, 2007
Regular Board Meeting

RESOLUTION MANDATING THAT EFFECTIVE MARCH 1, 2007, EXPENSES

**SUBMITTED BY COUNTY EMPLOYEES FOR EXPENSES INCURRED OR PAID
OVER 45 DAYS FROM THE DATE OF THE EXPENSE, WILL NOT BE PAID**

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

Upon the recommendation of the Finance 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 mandates that effective March 1, 2007, expenses submitted by County employees for expenses incurred or paid over 45 days from the date of the expense, will not be paid.

This resolution was seconded by Supervisors Scozzafava and McSweeney, and duly adopted.

Resolution No. 28

***February 5, 2007
Regular Board Meeting***

**RESOLUTION APPROVING AN AGREEMENT BETWEEN ESSEX COUNTY AND
SHERMAN V. ALLEN, INC. D/B/A MAC'S MARKET, PROVIDING FOR A PAYMENT
IN LIEU OF TAXES (PILOT)**

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

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

WHEREAS, the Essex County Industrial Development Agency (the "Agency") was created by Chapter 563 of the Laws of 1973 of the State of New York, as amended, pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "Act"); and

WHEREAS, the Agency has agreed to acquire from Sherman V. Allen, Inc., a Vermont corporation authorized to do business in the State of New York, d/b/a as Mac's Market (the "Company"), its successors and assigns, property located at 4308 Main Street in the Village of Port Henry, Town of Moriah, Essex County, New York; and

WHEREAS, pursuant to Section 874(l) of the Act and Section 421(A) of the Real

Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements owned by it other than special ad valorem levies, special assessments and service charges against real property located in Essex County which are or may be imposed for special improvements or special district improvements; and

WHEREAS, the County of Essex (the "County") deems it appropriate to enter into an agreement making provision for payments in lieu of taxes by the Company to the Agency for the benefit of each of the respective taxing jurisdictions within which the property is located; and

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes a ten year PILOT agreement with the Agency, Sherman V. Allen, Inc. D/B/A Mac's Market, the Town of Moriah, Moriah Central School, Village of Port Henry, and any other relevant coterminous taxing jurisdictions based upon an assessed value of \$850,000, and a sliding scale exemption starting 50% in year one and ending with 5% in year ten; provided, the terms and conditions therein shall comply in all material respects with the Agency's "uniform tax exemption policy" adopted on January 7, 1996 in accordance with Section 874(4)(a) of the Act;

BE IT FURTHER RESOLVED, that the Chairman of the Essex County Board of Supervisors be and is hereby authorized and directed to execute on behalf of the County said agreement with such terms and conditions as provided herein, together with any changes, additions, insertions and deletions as are consistent therewith and the Act.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 29

February 5, 2007
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
TERRANCE ARTHUR LYNN**

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

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

WHEREAS, Terrance Arthur Lynn passed away on January 13, 2007; and

WHEREAS, Terrance Arthur Lynn was born on April 26, 1949 in Glens Falls; and

WHEREAS, Terrance Arthur Lynn was the son of Arthur and Pauline Villeneuve Lynn; and

WHEREAS, Terrance Arthur Lynn served with distinction in the United States Army with the 82nd Airborne Division, and as a combat medic with the Long Range Recon Patrol in the Republic of Vietnam; and

WHEREAS, Terrance Arthur Lynn received numerous decorations while serving his country, including two Bronze Stars, Purple Heart, the Air Medal, two army commendation medals, the Vietnamese Cross of Gallantry, the Parachute Badge and a Combat Medic Badge; and

WHEREAS, Terrance Arthur Lynn was a lifelong resident of Minerva and was a self-employed finish carpenter; and

WHEREAS, Terrance Arthur Lynn enjoyed hunting, fishing, cooking and gardening; and

WHEREAS, Terrance Arthur Lynn was a member of the Vietnam Veterans and the VFW; and

WHEREAS, Terrance Arthur Lynn was a beloved son, brother, uncle, nephew and friend who will be sorely missed but will never be forgotten; and

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 Terrance Arthur Lynn; 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 Lynn family.

This resolution was unanimously seconded and adopted.

RESOLUTION APPROVING AN AGREEMENT BETWEEN ESSEX COUNTY AND OLD ADIRONDACK IN WILLSBORO, NEW YORK PROVIDING FOR A PAYMENT IN LIEU OF TAXES (PILOT), SUBJECT TO THE APPROVAL OF THE COUNTY ATTORNEY

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

Upon 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 a PILOT agreement with Old Adirondack, Inc., the Town of Willsboro, Willsboro Central School and the Essex County Industrial Development Agency for a ten year period commencing on January 1, 2003 and ending on January 1, 2013. The sliding scale of exemption as set forth in the proposed agreement whereby it will be a 40% exemption in the year 2007, and ending in a 5% exemption for the year 2012, together with other terms as recommended by the Essex County Attorney.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 31

February 5, 2007
Regular Board Meeting

RESOLUTION AUTHORIZING THE ESSEX COUNTY TREASURER TO CANCEL THE RELEVY PENALTIES OF \$503.06 OF PROPERTY IN THE TOWN OF CHESTERFIELD

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

Upon 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, pursuant to Real

Property Tax Law Section 1182, hereby authorizes the Essex County Treasurer to cancel the relevy penalties on the herein below listed property and to refund such amount to the property owner:

- Thomas Semeraro - Tax Map #4.2-1-1.114/Account #575Z006002 - \$503.06

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

AYES: 2,843 votes

NOES: 0 votes

ABSENT: 0 votes

Resolution No. 32

***February 5, 2007
Regular Board Meeting***

RESOLUTION OPPOSING VARIOUS BILLS PROPOSED IN THE NEW YORK STATE LEGISLATURE IN THE PAST THAT SIGNIFICANTLY IMPACT THE COUNTY AS A PUBLIC EMPLOYER

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby opposes the passage of the following bills which have been proposed or which may be re-introduced as the same significantly impact the County of Essex as a Public Employer: S7387, S7303, S6961, S6854, S5376B, S4295, S3741A, S3177, S1696B.

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 Spitzer; Senate Majority Leader Bruno; Senator Elizabeth O’C. Little, Assembly Speaker Silver, Assembly Members Sayward and Duprey.

This resolution was seconded by Supervisors Connell and Jackson, and duly adopted.

RESOLUTION CREATING AND FILLING A POSITION OF MOTOR VEHICLE OPERATOR IN THE DEPARTMENT OF SOCIAL SERVICES AT GRADE 5, \$12.46 PER HOUR

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the creation and the filling of a position of Motor Vehicle Operator in the Department of Social Services at Grade 5, \$12.46 per hour.

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

AYES: **votes**
NOES: **votes**
ABSENT: **votes**

RESOLUTION RESCINDING THE LEASE WITH MICHAEL PRATT FOR THE STORAGE BUILDING IN NEW RUSSIA

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

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

WHEREAS, the County of Essex entered into a lease agreement dated the first day of August, 2002 with Michael Pratt for the lease of a 2,000 square foot, wood frame building for a period of five years commencing on August 1, 2002 at the yearly rental of \$4,000.00 per year; and

WHEREAS, Michael Pratt has since sold this property and it is now necessary to rescind the hereinabove referenced lease rendering it null and void.

BE IT RESOLVED that the Essex County Board of Supervisors hereby agrees to enter into a rescission agreement rescinding the existing lease entered into between Michael Pratt and the County of Essex dated August 1, 2002 in the principal amount of \$4,000.00 per year and authorizes the County Attorney to prepare the necessary rescission agreement sufficient to render the existing lease null and void and no further legal force in effect.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 35

February 5, 2007
Regular Board Meeting

RESOLUTION ENTERING INTO A LEASE WITH GEORGE BRIGGS FOR A STORAGE BUILDING IN NEW RUSSIA AT A COST OF \$4,000.00 PER YEAR FOR A TERM OF FIVE YEARS

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

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

WHEREAS, the County of Essex has been renting a certain 2,000 square foot wood storage building from Michael Pratt, which building is located in New Russia; and

WHEREAS, Michael Pratt has since sold this property to George Briggs necessitating a new lease with the new owner.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes its Chairman or the County Manager to enter into a lease with George Briggs for the lease of a 2,000 square foot wood frame building for a term of five (5) years commencing on September 1, 2006 and expiring on August 31, 2011 for the rent to be paid yearly in the amount of \$4,000.00 per year.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 36

February 5, 2007
Regular Board Meeting

**RESOLUTION REQUESTING AN INCREASE IN CHIPS AND MARICHISELLI
FUNDING FOR LOCAL ROAD AND BRIDGE SYSTEMS**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby requests from the New York State Department of Transportation and all other appropriate state and federal entities an increase in CHIPS and Marichiselli funding in order to improve local roads and bridge systems which are currently in a state of disrepair.

BE IT FURTHER RESOLVED, the Clerk of this Board is hereby authorized and directed to immediately send by certified copies of this Resolution to Governor Spitzer; Senate Majority Leader Bruno; Senator Little, Assembly Speaker Silver and Assemblywoman Sayward.

This resolution was unanimously seconded and duly adopted.

Resolution No. 37

February 5, 2007
Regular Board Meeting

RESOLUTION REQUESTING OF THE FEDERAL GOVERNMENT \$1 MILLION FOR

IMPROVEMENT TO ENSIGN POND ROAD

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

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

WHEREAS, previously the County of Essex was promised that it would receive approximately \$1 million for the improvement of Ensign Pond Road which is federal highway; and

WHEREAS, the County of Essex has not received these federal monies.

BE IT RESOLVED that the Essex County Board of Supervisors hereby again requests that the promised \$1 million be provided the County for the improvement of Ensign Pond Road and that re-application be made pursuant to the federal program in this regard.

BE IT FURTHER RESOLVED, the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this Resolution to Congressman McHugh and Congressman Guillibrand Senators Schumer and Clinton.

This resolution was unanimously seconded and duly adopted.

Resolution No. 38

February 5, 2007
Regular Board Meeting

RESOLUTION REQUESTING AN AMENDMENT OF SECTION 511(1) OF THE REAL PROPERTY TAX LAW

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

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

WHEREAS, because of the change in the interpretation and application of Section 511(1) of the Real Property Tax Law of the State of New York by the New York State Office of Real Property Services, it is necessary to amend Section 511(1) of the Real Property Tax Law with respect to the time of mailing assessment disclosure notices.

BE IT RESOLVED that the Essex County Board of Supervisors hereby requests that the New York State Legislature amend Section 511(1) of the New York State Real Property Tax Law deleting the phrase “not later than 60 days” from that paragraph and making said amendment applicable to the 2007 assessment roles.

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 Spitzer; Senate Majority Leader Bruno; Senator Elizabeth O’C. Little, Assembly Speaker Silver, Assembly Members Sayward and Duprey.

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

Resolution No. 39

February 5, 2007
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
CORA L. LASHWAY**

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

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

WHEREAS, Cora Lashway, a long-time resident of Elizabethtown, New York, passed away on January 7, 2007; she was 104 years old; and

WHEREAS, Cora was a member of the American Legion Auxiliary in Elizabethtown for 75 years, a Gold Star mother and awarded the life membership pin in 1998; and

WHEREAS, Cora and her husband were proprietors of the Bouquet Diner in Elizabethtown for 12 years until the diner was sold and then she began working for Rev. William H. Coffey as the rectory housekeeper of St. Elizabeth’s Parish in Elizabethtown until she retired at the age of 96; and

WHEREAS, Cora was a beloved mother, grandmother, great-grandmother, great-great grandmother, aunt and mother-in-law.

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 condolence to the family of Cora L. Lashway; 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 Lashway family.

This resolution was unanimously seconded and adopted.

Resolution No. 40

February 5, 2007
Regular Board Meeting

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

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

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

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

1. The appointment of David Reuther to the Clinton-Essex-Franklin Library System Board of Trustees, with such term to end December 31, 2009.

This resolution was unanimously seconded and adopted.

Resolution No. 41

February 5, 2007
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
EPHRAIM ALFRED LANGNER**

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

adoption.

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

WHEREAS, Ephraim Alfred Langner a resident of Brooklyn, New York passed away as a result of an automobile accident on Interstate 87 on January 25, 2007; and

WHEREAS, Mr. Langner died from exposure to freezing temperatures after his car went off the Northway in North Hudson after having tried for 24 hours to contact help on his cell phone; and

WHEREAS, Mr. Langner was a retired Emergency Medical Technician.

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 Ephraim Alfred Langner; 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 Langner family.

This resolution was unanimously seconded and adopted.

Resolution No. 42

February 5, 2007
Regular Board Meeting

**RESOLUTION IN SUPPORT OF SENATOR LITTLE'S PROPOSAL FOR
PERMITTING 100 FOOT AND 75 FOOT HIGH CELL TOWERS IN THE
ADIRONDACK PARK**

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

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

WHEREAS, the Essex County Board of Supervisors recognizes that the untimely death of Ephraim A. Langner may not have occurred had there been cell phone coverage along the Northway near North Hudson on January 25, 2007; and

WHEREAS, Senator Elizabeth O’C. Little has introduced a bill in the New York State Senate that would permit 100 foot and 75 foot high cell towers next to the most remote parts of Interstate 87; and

WHEREAS, the Adirondack Park Agency has, to date only allowed 38 foot high towers along the Northway which are not conducive or cost effective for use by cellular providers.

BE IT RESOLVED that the Essex County Board of Supervisors wholeheartedly and vigorously supports Senator Little’s bill permitting 100 and 75 foot high cell towers next to the most remote parts of Interstate 87 in order to provide much needed cell phone coverage for the public, police and fire departments and ambulance and EMT services,

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 Eliot Spitzer; Senate Majority Leader Joseph R. Bruno; Senator Elizabeth O’C. Little; Assembly Speaker Sheldon Silver; Assemblywomen Teresa R. Sayward and Janet Duprey and the Director of the Adirondack Park Agency.

This resolution was unanimously seconded and adopted.

Resolution No. 43

February 5, 2007
Regular Board Meeting

RESOLUTION SUPPORTING THE RESTORATION OF STATE AID TO PROBATION TO A FULL 50% OVER THE NEXT THREE YEARS AS WELL AS REQUIRING THAT ANY NEW PUBLIC SAFETY MANDATES BE FULLY FUNDED BY THE STATE

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

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

WHEREAS, New York State Executive Law 246, which outlines state reimbursement for probation services, states “2. State aid shall be granted to the city of New York and the respective counties outside the city of New York only to the extent of reimbursing fifty per centum of the approved expenditures incurred by the county or city in maintaining and improving local probation services.”; and

WHEREAS, over the past two decades, local reimbursement for probation services

has decreased from 46.5% to lower than 20%; and

WHEREAS, also during this period of time, the state has increased unfunded mandates on Probation, such as: interim supervision, DNA collections, Sex Offender registration, ignition interlock, and community service for DWI; and

WHEREAS, counties have been forced to assume a greater proportion of probation costs resulting in layoffs, reduction in services and/or increasing property taxes; and

WHEREAS, counties firmly believe that effective probation services historically have proven to reduce reliance on incarceration and placements, as evidenced by the 63,000 felons and the 43,000 juveniles currently receiving services, thereby providing a substantial savings to the state.

BE IT RESOLVED that the Essex County Board of Supervisors adjoins with the New York Association of Counties and the New York State Council of Probation Administrators in supporting the restoration of state aid to probation to a full 50% over the next three years and requiring that any new public safety mandates be fully funded by the state.

This resolution was seconded by Supervisor Moses and duly adopted.

Resolution No. 44

February 5, 2007
Regular Board Meeting

RESOLUTION REQUESTING LEGISLATION REGARDING THE HOUSING OF NEW YORK STATE PAROLE VIOLATORS

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

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

WHEREAS, County jails are required to confine individuals who are alleged to have violated terms of their parole release from New York State prisons until such time as the individuals are found to have violated parole and are returned to State prison; and

WHEREAS, during such confinement in County jails, County taxpayers must pay the cost for housing, supervision, food, clothing, medical and mental health care and transportation for such alleged parole violators; and

WHEREAS, the State reimburses the County \$40.00 per day, which is far below the actual County cost, but only for parolees who have violated a term or condition of parole which does not involve a new criminal charge.

BE IT RESOLVED that the Essex County Board of Supervisors request that the New York State Legislature adopt legislation providing for the following:

1. In instances where County jails are housing New York State parole violators who have committed a new offenses, that the State of New York reimburse Counties for the full cost of housing such parole violators for all County jail time credited against the State prison sentence.

2. In instances where there are no new criminal changes filed against the parolee, that the parole violator be housed in a New York State facility at all times and not in a County jail.

3. In all instances, that the State pay all medical costs for the parole violator, in addition to the actual housing costs.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Senator Little, Assemblywoman Sayward and Assemblywoman Duprey and New York Association of Counties.

This resolution was seconded by Supervisor Moses and duly adopted.

Resolution No. 45

February 5, 2007
Regular Board Meeting

**RESOLUTION ADDRESSING PUBLIC HEALTH ISSUES OF LEGISLATIVE
CONCERN FOR 2007**

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

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

WHEREAS, Kathryn S. Abernethy, Essex County Public Health Director has asked that certain issues be placed upon the 2007 Legislative Agenda.

BE IT RESOLVED that the Essex County Board of Supervisors hereby places the following issues for review and consideration for the 2007 Legislative Agenda:

1. Need to increase funding for Public Health at all levels of Government (Federal, State and Local) to address infrastructure and increasing mandates with no additional funding.

2. Pre-school Program (ages 3-5) should be under local school districts since New York State Education Department has jurisdiction for the program. The County has no jurisdiction by has all the fiscal responsibilities. (NYSAC proposed this many years ago and it was defeated).

3. Support for legislation at the State level for Public Health Mutual Aide; similar to the existing emergency services (fire/ambulance) mutual aide.

4. Stop decreasing funding for Public Health Preparedness at the Federal level for States and localities with increasing mandated "deliverables". Increase in these funds are needed to address the ever-growing required "deliverables".

This resolution was seconded by Supervisor Moses and duly adopted.

Resolution No. 46

February 5, 2007
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
KYLE K. SAYWARD**

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

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

WHEREAS, Kyle Sayward passed away on January 28, 2007; and

WHEREAS, Kyle Sayward was born on August 24, 1969 to Kenneth and Teresa

Sayward in Cambridge, New York; and

WHEREAS, Kyle Sayward is the father of Cooper Sayward and the brother of Glenn Sayward, Yvonne Pierce and Wendy Schwencke; and

WHEREAS, Kyle Sayward was a member of St. Phillip's Church, a 1986 graduate of Willsboro Central School and a loyal member of the HOG Motorcycle Club, rarely missing a rally; and

WHEREAS, Kyle Sayward was a unique and free spirit and will be missed his family and many friends; and

WHEREAS, Kyle Sayward was the beloved son of Assemblywoman Teresa Sayward; and

WHEREAS, Kyle Sayward was a beloved son, father, uncle, brother and friend who will be sorely missed by never forgotten.

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 condolence to the family of Kyle K. Sayward; 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 Sayward family.

This resolution was unanimously seconded and adopted.

Resolution No. 47

February 5, 2007
Regular Board Meeting

**RESOLUTION IN SUPPORT OF THE ESSEX COUNTY UNDERAGE DRINKING
PREVENTION TASK FORCE**

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, underage drinking has become a problem of major proportions

throughout our Country and the County of Essex; and

WHEREAS, underage drinking often results in automobile accidents, violence, serious health problems, alcohol dependency and unplanned pregnancies causing our youth and their families and friends hardship, anguish and grief; and

WHEREAS, The Essex County Underage Drinking Prevention Task Force headed by Honorable Julie A. Garcia, Essex County District Attorney and Captain John H. Tibbetts, Jr. of the New York State Police has been established in order to address the issue of underage drinking in our County and to develop and create community education and solutions to this problem.

BE IT RESOLVED that the Essex County Board of Supervisors hereby wholeheartedly supports the efforts of the Essex County Underage Drinking Prevention Task Force and applauds the efforts of District Attorney Garcia, Captain Tibbetts, the members of the Task Force and all other participants; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby acknowledges the program presented by the Task Force to be held at the Moriah Central School on Saturday, February 10, 2007 at 10:00 a.m. addressing community initiatives to prevent underage drinking and urges all County officials and members of the public to attend and participate.

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

Resolution No. 48

February 5, 2007
Regular Board Meeting

**AUTHORIZATION TO ENTER INTO THIRD PARTY LEASE AGREEMENTS WITH
OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, TOWN OF KEENE AND
VILLAGE OF LAKE PLACID FOR PUBLIC TRANSPORTATION AND PUBLIC
TRANSPORTATION VEHICLES**

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

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

WHEREAS, Section 5311 of Title 49, United States Code, provides federal financial assistance for public transportation in rural and small urban areas by way of a formula grant program to be administered by the states; and

WHEREAS, Section 119-r of the General Municipal Law of the State of New York authorizes a municipality of the State of New York to enter into a transactional relationship with a private bus system for the performance of certain transportation operations; and

WHEREAS, Essex County has entered into contractual relationships with the Olympic Regional Development Authority, Town of Keene and Village of Lake Placid incident to the lease of buses, trolleys and other equipment pursuant to these programs.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes its Chairman or County Manager to execute lease agreements, third party lease and service agreements and transportation agreements with Olympic Regional Development Authority, Town of Keene and Village of Lake Placid for all existing and new vehicles and equipment to be leased.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 49

February 5, 2007
Regular Board Meeting

**RESOLUTION CONTINUING THE DEFENSE OF A CLAIM BROUGHT AGAINST
ESSEX COUNTY BY DEBRA A. WHITSON FOR BACK VACATION TIME**

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

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

WHEREAS, on March 21, 2006, Debra A. Whitson filed a Notice of Claim against Essex County seeking reimbursement for 225.75 hours of unused vacation leave; and

WHEREAS, a request by the County's Attorney has been made as to whether the County wishes to propose any settlement of this matter.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes

the continued defense of a current claim brought by Debra A. Whitson for back vacation time and hereby instructs counsel to rigorously defend the same.

This resolution was unanimously seconded and adopted.

Resolution No. 50

February 16, 2007
Special Board Meeting

**RESOLUTION AUTHORIZING A
CONTRACT WITH THE ELIZABETHTOWN
COMMUNITY HOSPITAL FOR MEDICAL SERVICES
FOR THE ESSEX COUNTY JAIL**

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

WHEREAS, it has been determined that it would be in the County's best interest to contract with the Elizabethtown Community Hospital for the provision of medical services at the new county jail.

BE RESOLVED that the Essex County Board of Supervisors hereby authorizes its Chairman or County Manager to enter into a three year contract with the Elizabethtown Community Hospital for the provision of medical services to the new county jail for not more than \$36,500 for year one with a 3 percent escalator for each contract year thereafter together with such additional terms and conditions as are recommend by the County Attorney; and

BE IT FURTHER RESOLVED that this Board has determined that the provision of medical services to the new jail is a professional service and falls within the established professional services exception to the competitive bidding requirements of General Municipal Law §103.

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

AYES:	1,433 votes	
NOES:	0 votes	
ABSENT:	1,304 votes	(Ashline, Seney, Canon, Scozzafava, Ferebee, Morrow)
ABSTAIN:	106 votes	(Merrihew)

