

**RESOLUTION REQUESTING THE STATE LEGISLATURE TO
CREATE A 2% TAX CAP IMPACT STATEMENT THAT IS USED
TO REVIEW BUDGET DISCUSSIONS THAT IMPACT THE
REVENUES THAT ARE DISTRIBUTED TO MUNICIPALITIES**

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

Upon the recommendation of the Legislative 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 requests the New York Legislature to create a 2% tax cap impact statement that is used to review budget discussions that impact the revenues that are distributed to municipalities; and

BE IT FURTHER RESOLVED, that the Clerk of the Board be, and hereby is, authorized and directed to forward copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Senator Elizabeth O'C. Little; Assembly Speaker Sheldon Silver, Assemblywoman Teresa Sayward, and Assemblywoman Janet Duprey.

This resolution was duly seconded by Supervisors Montgomery-Corey and Canon, and adopted.

**RESOLUTION IN SUPPORT OF SENATE BILL 5629-B AND
ASSEMBLY BILL 6575 ALLOWING NEW YORK STATE
COUNTIES TO SET THEIR OWN LOCAL STATE SALES TAX
RATE UP TO A TOTAL RATE OF 4% WITHOUT HAVING TO
REQUEST STATE LEGISLATIVE ACTIONS**

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

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

WHEREAS, there is currently pending in the New York State Senate, Senate Bill S-5629-B and in the New York State Assembly, Assembly Bill A-6575 which would end the practice of requiring state approval through Home Rule and renewal for local sales tax rate changes, up or down that do not exceed 4%; and

WHEREAS, these bills will allow county officials to manage their sales tax rate in a way that is most efficient for local taxpayers and will reduce waste and redundancy in the state and local legislative process; and

WHEREAS, the New York State Association of Counties strongly supports this legislation as it provides mandate relief and enhanced fiscal management tools for local government obviating the need for renewals of existing local sales tax rate legislation every two years under the current State Legislative Model.

BE IT RESOLVED, that the Essex County Board of Supervisors strongly supports the enactment into law of Senate Bill S-5629-B and Assembly Bill A-6575 which would permit New York State Counties the authority to control their local sales tax rates up to 4% without having to seek State Legislative Action through Home Rule, the most efficient way for New York Counties to manage their local sales tax rates and reduce waste and redundancy in the state and local Legislative process; and

BE IT FURTHER RESOLVED, that the Clerk of the Board be, and hereby is, authorized and directed to forward copies of this resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Senator Elizabeth O'C. Little; Assembly Speaker Sheldon Silver, Assemblywoman Teresa Sayward, and Assemblywoman Janet Duprey.

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

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
VARIOUS DEPARTMENTS**

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

Upon the recommendation and approval of the various Committees, 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 2012 Essex County Budget as follows:

From the Human Services Committee:

1. For Department of Social Services, to increase revenues and appropriations by \$40,000.00 - Child Care Fraud Prevention and Detection Incentive Program, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6010 43610	State Aid - Admin	\$40,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
60104 5434	Consulting Fees	\$40,000.00

From the Public Safety Committee:

1. For the Sheriff's Department, to increase revenues and appropriations by \$57,250.00 - Grant from Homeland Security, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
3110 44964	Homeland Security	\$57,250.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
31102 5230	Auto Equipment	\$41,220.00

31101 5120	Overtime	<u>\$16,030.00</u>
		\$57,250.00

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract for the purchase of mobile data computer equipment for Sheriff vehicles from Data 911, from grant funds.

2. For the Sheriff's Department, to increase revenues and appropriations by \$54,145.00 - Homeland Security Grant, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
3110 44964	Homeland Security	\$54,145.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
31102 5200HOME	Homeland Security Equipment	\$54,145.00

BE IF FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract for the purchase, from state contract, of the following Homeland Security Equipment: 1 - vehicle, 2 - ATVs, a trailer and fingerprinting scanner, all from grant funds.

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

AYES: 2229 votes
NOES: 614 votes (Connell, Hatch, Scozzafava)
ABSENT: 0 votes

**RESOLUTION AUTHORIZING THE PURCHASE OF DELL
SERVER AND SOFTWARE IN BOARD OF ELECTIONS, FROM
STATE CONTRACT, AT A COST NOT TO EXCEED \$5,800.00,
FROM BUDGETED FUNDS**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the purchase of a Dell Server and Software in Board of Elections, from state contract, at a cost not to exceed \$5,800.00, from budgeted funds; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute contract for the same, upon the approval of the County Attorney.

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

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

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

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

Upon the recommendation and approval of the various Committees, 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:

From the Public Safety Committee:

1. The 2011 Annual Report of the Essex County Sheriff's Office.

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

**RESOLUTION AUTHORIZING PURCHASING AGENT TO SOLICIT
REQUEST FOR PROPOSAL FOR APPRAISAL SERVICES FOR
THE NEXT STEP OF FEMA ACQUISITION PROCESS**

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

Upon the recommendation of the Economic Development 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 County Purchasing Agent to solicit quotes for appraisal services for the next step of FEMA acquisition process; and

BE IT FURTHER RESOLVED, that the Chairman and/or County Manager are hereby authorized to execute a contract for appraisal services, upon the approval of the County Attorney.

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

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

**RESOLUTION AUTHORIZING THE PURCHASE OF NETTING
POLES AT THE FISH HATCHERY, AT A COST NOT TO EXCEED
\$10,000, WITH SUCH FUNDS TO COME FROM UNEXPENDED
FUND BALANCE**

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

Upon the recommendation of the Economic Development 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 Chairman and/or County Manager to execute a contract for the purchase of netting poles at the Fish Hatchery, at a cost not to exceed \$10,000.00, with such funds to come from unexpended fund balance, upon the approval of the County Attorney.

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

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

**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 THEREFORE**

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

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

WHEREAS, a Project for the Reconstruction of Old Military Road (CR35, Essex County, P.I.N. 1754.96 (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 non-federal share of the costs of Preliminary Engineering and Right of Way and Acquisition.

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

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

RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County of Essex to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Right of Way Incidentals and Acquisition work for the Project or portions thereof; and it is further

RESOLVED that the sum of \$1,487,845.00 (One million four hundred eighty seven thousand eight hundred forty five and no cents) (\$885,885.00 for Preliminary Engineering and \$257,270.00 for Right of Way); and \$344,600.00 for Construction) has already been appropriated from the County Road Fund and H52154 5445OMR and made available to cover the cost of participation in the Preliminary Engineering, Right of Way Incidentals and Construction Phases of the Project; and it is further

RESOLVED that the additional sum of \$8,785,755 (Eight million seven hundred eighty five thousand seven hundred fifty five dollars and no cents) is hereby appropriated from **H52264 5487** and made available to cover the cost of participation in the Right of Way phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Essex County Board of Supervisors 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 project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore 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, that this Resolution take effect immediately.

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

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

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT
ALLOWING THE USE OF COUNTY ROADWAYS FOR TEAM
PLACID PLANET, INC. TO CONDUCT THE WHITEFACE-
WILMINGTON BICYCLE ROAD RACE ON SPRINGFIELD ROAD
AND BONNIEVIEW DRIVE IN THE TOWN OF WILMINGTON,
SUCH RACE TO BE HELD ON JUNE 9, 2012**

The following resolution was offered by Supervisor Preston, 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 A Use of County Roadway permit to be issued to Team Placid Planet, Inc. to conduct the Whiteface-Wilmington Bicycle Road Race on Springfield Road and Bonnieview Drive in the Town of Wilmington, with such race to be held on June 9, 2012; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Superintendent of Public Works and County Chairman and/or County Manager to execute Permit authorizing the use of County Roads for the abovestated event, subject to the terms and conditions approved by the County Attorney.

This resolution was duly seconded by Supervisors Politi and Ferebee, and adopted.

**RESOLUTION AUTHORIZING THE RENEWAL OF THE SALT
CONTRACT WITH NORTH AMERICAN SALT COMPANY,
PIGGYBACKING ON CLINTON COUNTY'S CONTRACT, AT A
COST OF \$69.50/TON FOR REGULAR SALT AND \$87.50/TON
FOR TREATED SALT**

The following resolution was offered by Supervisor Ferebee, 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 Chairman and/or County Manager to execute a renewal of the Salt Contract with North American Salt Company, piggybacking on Clinton County's Contract, at a cost of \$69.50/ton for regular salt and \$87.50/ton for treated salt, upon the approval of the County Attorney.

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

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

RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO DESIGN AND REPAIR FOUR PILLARS IN FRONT OF COUNTY COMPLEX, AT AN ESTIMATED COST OF \$47,347.50, FOR REPAIR AND ENGINEERING COSTS, SUCH FUNDS TO COME FROM CONTINGENCY ACCOUNT

The following resolution was offered by Supervisor Moore, 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 Department of Public Works to design and repair four pillars in front of Board of Supervisors Chambers at an estimated cost of \$47,347.50 for repair and engineering, with such funds to come from Contingency Account (19904-5487) to DPW Account 16202-5212.

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

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

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 4/2/12:</i>	\$185,300.00
<i>Reduction Impact of this resolution:</i>	\$ 47,347.50
<i>FY2012 Contingent Account Balance:</i>	\$ 137,952.50

RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT

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

Upon the recommendation of the Personnel Committee, and approval of the Ways and Means Committee of this Body, 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, 2012.

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	12,696.96	Town	74,986.59
Village (Keeseville)	890.84	Village (Lake Placid)	27,948.19
Crown Point	6,597.03	Village (Saranac Lake)	2,996.70
Elizabethtown	3,094.27	North Hudson	1,004.52
Essex	3,838.92	St. Armand	
Jay	21,407.87	Town	13,153.66
Keene	7,900.29	Village (Saranac Lake)	1,051.32
Lewis	6,169.34	Schroon	28,876.04
Minerva	4,421.15	Ticonderoga	31,284.92
Moriah		Westport	11,100.38
Town	11,358.30	Willsboro	14,635.13
Village (Port Henry)	2,201.44	Wilmington	13,201.44
Newcomb	8,529.78	TOTAL:	\$309,345.08

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

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
JUNE M. TAYLOR**

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, June M. Taylor of Stickney Bridge Road in Jay, New York passed away unexpectedly on May 20, 2012, surrounded by her loved ones; and

WHEREAS, June M. Taylor was born on June 17, 1929, in Ellenburg, New York, the daughter of Gilbert and Evelyn Ashe Spoor; and

WHEREAS, June M. Taylor served with the utmost professionalism and accuracy as the Town of Jay Tax Collector for the past 32 years; and

WHEREAS, June M. Taylor was married to the love of her life, Donald W. Taylor; and

WHEREAS, June M. Taylor enjoyed reading, traveling, nature, cooking and baking but got the most enjoyment from being surrounded by her family; and

WHEREAS, June M. Taylor was a loving daughter, wife, mother, grandmother, great-grandmother, sister, aunt and friend who will be sorely missed but 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 condolences to the family of the June M. Taylor; 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 Taylor family.

This resolution was unanimously seconded and adopted.

**RESOLUTION ALLOCATING \$35,720.80 FROM THE
CREATING HEALTHY PLACES GRANT FUNDS FOR
PROJECTS TO BE UNDERTAKEN DURING THE SUMMER IN
VARIOUS TOWNS**

The following resolution was offered by Supervisor Blades, 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, Essex County has received a five year grant for Creating Healthy Places, however the funds are being delayed by New York State for approximately two months through a temporary glitch; and

WHEREAS, in order to get the Summer Projects started, Public Health Department is requesting the allocation of \$35,720.80 from the Creating Healthy Places grant prior to Essex County receiving the funds from New York State.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the allocation of \$35,720.80 from the Creating Health Places Grant for projects to be undertaken during the Summer in various Towns prior to the receipt of such funds from New York State.

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

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

**RESOLUTION OF APPRECIATION TO
JANICE ALLEN
FOR HER MANY YEARS OF SERVICE ON THE ESSEX
COUNTY LAW LIBRARY BOARD**

The following resolution was offered by Supervisor Hatch, 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, Janice Allen from the Town of Willsboro has served for many years on the Essex County Law Library Committee; and

WHEREAS, it was recently learned that Janice Allen is retiring from the Essex County Law Library Committee.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby extends their deep and abiding appreciation to Janice Allen for her outstanding, unselfish and dedicated service to Essex County; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their most heartfelt congratulations to Janice Allen upon her retirement and wishes her continued success and best wishes in her future endeavors.

This resolution was duly unanimously seconded and adopted.

**RESOLUTION TO CANCEL PENALTIES, INTEREST AND OTHER
CHARGES IN THE AMOUNT OF \$150.00 ON A PARCEL OF
PROPERTY IN THE TOWN OF SCHROON - EMERY WHITNEY
VFW POST 362**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the cancellation of penalties, interest and other charges in the amount of \$150.00 on a parcel of property in the Town of Schroon - Emery Whitney VFW Post 362, Tax Map No. 156.16-1-8.000.

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

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

**RESOLUTION AUTHORIZING PUBLIC HEALTH DEPARTMENT
TO ENTER INTO A CONTRACT WITH THE TOWN OF MINERVA
TO PURCHASE GASOLINE FROM THE TOWN FOR A COUNTY
VEHICLE**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract with the Town of Minerva to purchase gasoline from the town for a Public Health Department vehicle, with the approval of such contract by the County Attorney.

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

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

**RESOLUTION AUTHORIZING ESSEX COUNTY TO ACT AS
THE SPONSORING MUNICIPALITY ON BEHALF OF THE
AUSABLE RIVER ASSOCIATION FOR GRANT APPLICATION
TO THE NEW YORK STATE DEPARTMENT OF STATE LOCAL
WATERFRONT REVITALIZATION PROGRAM**

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

WHEREAS, Essex County has been requested to act as the sponsoring municipality on behalf of the AuSable River Association for a grant application entitled, "Implementing the AuSable Watershed Management Plan: Creating River Ecosystems, Infrastructure and Communities that Protect Water Quality, Support Tourism and are Resilient to Climate Change" to the New York State Department of State Local Waterfront Revitalization Program; and

WHEREAS, the AuSable River Association will provide the matching funds and the Essex County Community Resources Office will assist in the grant management and planning.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes Essex County to act as the sponsoring municipality on behalf of the AuSable River Association for grant application to the New York State Department of State Local Waterfront Revitalization Program; and

BE IT FURTHER RESOLVED, the Essex County Board of Supervisors hereby authorizes its County Manager and/or County Chairperson to execute an agreement with the AuSable River Association relative to consulting and administrative services with respect to the herein above referenced grant; and

BE IT FURTHER RESOLVED, all such contracts shall be reviewed by the County Attorney.

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

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

**RESOLUTION AUTHORIZING ESSEX COUNTY AS
SPONSORING MUNICIPALITY FOR THE NYSERDA
CLEANER, GREENER COMMUNITIES REGIONAL
SUSTAINABILITY PLANNING PROGRAM GRANT AND TO
ENTER INTO AN AGREEMENT WITH NYSERDA, ECOLOGY
AND ENVIRONMENT, INC., AND ADIRONDACK NORTH
COUNTRY ASSOCIATION WITH RESPECT TO CONSULTING
SERVICES INCIDENT TO THE CLEANER, GREENER
COMMUNITIES REGIONAL SUSTAINABILITY PLANNING
PROGRAM**

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

WHEREAS, the New York State Energy Research Development Authority (NYSERDA) has provided a grant to the Northern Region consortium consisting of Essex, Clinton, Franklin, Hamilton, Jefferson, Lewis and St. Lawrence Counties for the Cleaner, Greener Communities Regional Sustainability Planning Program in the amount of \$1,000,000; and

WHEREAS, Essex County has agreed to oversee the administration of these funds and the implementation of the grant requirements; and

WHEREAS, in order to comply with the terms and conditions of the herein above referenced grant, it will be necessary for Essex County to enter into an Agreement with Ecology and Environment, Inc. in an amount up to \$665,000.00 and an Agreement with Adirondack North Country Association in an amount not to exceed \$230,491.00.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Manager and/or County Chairperson to enter into a contract with NYSERDA relative to the Cleaner, Greener Communities Regional Sustainability Planning Program in an amount not to exceed \$1,000,000.00; and

BE IT FURTHER RESOLVED, the Essex County Board of Supervisors hereby authorizes Essex County to enter into an agreement with Ecology and Environment, Inc. in an amount not to exceed \$665,000.00 for consulting services relative to compliance with the herein above referenced grant; and

BE IT FURTHER RESOLVED, the Essex County Board of Supervisors hereby authorizes its County Manager and/or County Chairperson to enter into an agreement with Adirondack North Country Association in an amount not to exceed \$230,491.00 relative to consulting and administrative services with respect to the herein above referenced grant; and

BE IT FURTHER RESOLVED, the Essex County Board of Supervisors hereby authorizes its County Manager and/or Chairperson to enter into agreements with the various Counties of the consortium incident to administration, information gathering, and other services in an amount not to exceed \$8,000.00 per County to be paid from grant funds; and

BE IT FURTHER RESOLVED, all such contracts shall be reviewed by the County Attorney.

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

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

**RESOLUTION AUTHORIZING THE BOARD OF ELECTIONS
TO PURCHASE A CARGO TRAILER WITH A FLIP-DOWN
REAR DOOR, AT A COST NOT TO EXCEED \$3,500.00, OF
WHICH 95% WILL BE PAID FROM HAVA FUNDS AND THE
REMAINING 5% FROM BUDGETED FUNDS, SUBJECT TO
THE ESSEX COUNTY PROCUREMENT RULES**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the purchase of a cargo trailer with a flip-down rear door, at a cost not to exceed \$3,500.00, of which 95% will be paid from HAVA funds and the remaining 5% from budgeted funds from Board of Elections, subject to the Essex County Procurement Rules.

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

AYES: 1860 votes
NOES: 983 votes (Douglas, Ferebee, Blades, Scozzafava, Connell, Hatch)
ABSENT: 0 votes

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT
ALLOWING THE USE OF COUNTY ROADWAYS FOR THE RIVER
ROAD IN THE TOWN OF NORTH ELBA, FOR A 10K FOOT RACE
ON JUNE 30, 2012, FUNDRAISER FOR ST. JUDE'S CHILDREN'S
RESEARCH HOSPITAL**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes A Use of County Roadway permit to be issued to St. Jude's Children's Research Hospital to conduct a 10k footrace on River Road, in the Town of North Elba, with such race to be held on June 30, 2012; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Superintendent of Public Works and County Chairman and/or County Manager to execute Permit authorizing the use of County Roads for the abovestated event, subject to the terms and conditions approved by the County Attorney.

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

**RESOLUTION SUPPORTING A CONSTITUTIONAL
AMENDMENT AUTHORIZING A LAND EXCHANGE BETWEEN
THE STATE OF NEW YORK AND NYCO MINERALS, INC.**

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

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

WHEREAS, NYCO Minerals, Inc. is the world's foremost producer and supplier of wollastonite (calcium metasilicate), which is a rare, white mineral having commercial applications as a reinforcement or additive in ceramics, paints, plastics, friction products and various building products; and

WHEREAS, NYCO mines wollastonite on a 260 acre tract in the Town of Lewis, Essex County, with processing facilities in Willsboro, Essex County, and the Lewis mine produces 60,000 tons of wollastonite annually, totaling more than 8% of the annual worldwide production; and

WHEREAS, NYCO has 95 full time employees and has an annual payroll of \$4.6 million, has 63 vendors within a 100 mile radius, spends \$2.3 million locally per year, and pays \$260,000 in local taxes; and

WHEREAS, the closure of the Lewis mine would have devastating effects on the local economy, causing the loss of ninety-five full time jobs and significant tax revenue in one of the more economically depressed areas of the State; and

WHEREAS, NYCO's main competition comes from China, India, Finland and elsewhere in the United States and, to remain competitive, NYCO must mine as efficiently as possible and ensure customers of long-term reserves; and

WHEREAS, recovery from the Lewis mine is now low and NYCO is approaching the end of pit life; and

WHEREAS, mining costs have tripled over the past ten years because of interburden layers of other minerals have become more prevalent and increasing amounts of overburden must be removed to access the wollastonite; and

WHEREAS, a vein of wollastonite extends from the Lewis mine under an adjacent lot (Lot 8) of Forest Preserve land, and this vein appears to be relatively close to the surface with relatively small amounts of interburden; and

WHEREAS, the expected life of the current mine is three years; and

WHEREAS, it is estimated that mining the ore in Lot 8 could extend the mine life by between thirteen and fifteen years; and

WHEREAS, because Lot 8 is in the Forest Preserve, the State cannot allow NYCO to mine on the property unless an authorizing constitutional amendment is first adopted; and

WHEREAS, a constitutional amendment has been drafted which would allow the State and NYCO to take part in a land exchange which would allow NYCO to mine Lot 8;

NOW, THEREFORE, BE IT RESOLVED, and the Essex County Board of Supervisors hereby supports the passage of this constitutional amendment; and

BE IT FURTHER RESOLVED, that the Board of Supervisors urges the legislature to immediately start the constitutional amendment process by passing a concurrent resolution this session to put the constitutional amendment on the ballot; and

BE IT FURTHER RESOLVED, that the Board of Supervisors urges the legislature to give second passage to the concurrent resolution in 2013 so that the constitutional amendment can be put on the ballot for voter approval at the 2013 general election; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Andrew Cuomo, Senator Elizabeth O'C. Little, Assemblywoman Teresa Sayward and Assemblywoman Janet Duprey.

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

RESOLUTION AUTHORIZING THE CHAIRMAN AND/OR COUNTY MANAGER TO ENTER INTO A CONTRACT OF SALE FOR THE SALE OF THE HORACE NYE NURSING HOME FACILITY, REAL PROPERTY, PERSONAL PROPERTY AND ALL OTHER ASSOCIATED ASSETS TO THE CENTERS FOR SPECIALTY CARE/KENNY ROZENBERG IN THE AMOUNT OF \$4,050,000.00 SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN THE PUBLIC NOTICE OF SALE

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

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

WHEREAS, the Horace Nye Nursing Home has, during the past decade, continually been unable to meet its expenses and to viably sustain itself such that it has been losing approximately \$2,000,000.00 a year; and

WHEREAS, because of the current fiscal climate which exists within the County, State, and United States, as well as the continued burden of unfunded mandates coupled with New York State's mandated 2% tax cap, Essex County can no longer sustain and afford an annual \$2,000,000.00 shortfall; and

WHEREAS, because of these economic pressures and constraints, the County of Essex finds itself in the unfortunate and difficult position that it must evaluate whether to keep the nursing home and sustain continued debt, or sell the home and relieve the County of this debt; and

WHEREAS, during the past year and a half, the County has been evaluating all of its options relative to the Horace Nye Nursing Home and, in fact, has instituted certain measures at the Home in an attempt to generate more revenue and tighten fiscal control, however these measures have not provided large enough savings; and

WHEREAS, pursuant to Resolution No. 331 of November 7, 2011, the Essex County Board of Supervisors authorized its Chairman to execute a Real Estate Brokerage Agreement with Marcus and Millichap for the sale of the Horace Nye Nursing Home, its personal property and assets; and

WHEREAS, Essex County did thereafter enter into a Listing Agreement with Marcus and Millichap for the public sale of the Horace Nye Nursing Home, its personal property and assets pursuant to County Law Section 215(5)(6) for sale by public advertisement to the highest responsible bidder; and

WHEREAS, incident thereto, Marcus and Millichap evaluated the value of the physical and personal property as well as the income and expenses of the Home; and

WHEREAS, pursuant to County Law Section 215(5)(6) a Public Notice of Sale for the purchase of the Horace Nye Nursing Home, its personal property and assets, seeking public sealed bids under recited terms and condition, was duly published in the official newspapers of Essex County and was distributed to various potential purchasers; and

WHEREAS, in response to the public solicitation of bids, three bids were received, to wit: Centers for Specialty Care - \$4,000,000.00; Elliot Management Group - \$4,000,000.00; and Gerald Wood - \$4,000,000.00; and

WHEREAS, the County solicited a second round of public bidding which resulted in two final bids submitted to wit: Centers for Specialty Care - \$4,050,000.00 and Elliot Management Group - \$4,100,000.00; and

WHEREAS, each of these final public bids were examined and it was determined by the Essex County Purchasing Agent and the Essex County Manager that the Centers for Specialty Care was the highest responsible bidder meeting the specifications of the Notice of Sale, as the Elliot Management Group's submission, although \$50,000.00 more, required the conversion of the Nursing Home to an Assisted Living Facility which was not in the specifications; and

WHEREAS, subsequent to the final bid submissions, the Subcommittee of the Horace Nye Task Force visited numerous nursing home facilities owned by Centers for Specialty Care, the Elliot Management Group and Gerald Wood, and on May 29, 2012, provided their findings to the Essex County Board of Supervisors and unanimously found that the Centers for Specialty Care facilities physical, operation, community, and reputation were good, responsible and acceptable; and

WHEREAS, thereafter, Marcus and Millichap and the Essex County Purchasing Office and Essex County Manager's Office reviewed financial reports for the Centers for Specialty Care and made a determination that they saw no evidence that they would not be able to properly and soundly run the Horace Nye Nursing Home if purchased.

BE IT RESOLVED, that pursuant to County Law Section 215(5), the Essex County Board of Supervisors has determined that because of the present economic climate existing within Essex County, the State of New York and the United States of America, the continued strain of unfunded mandates, the 2% property tax cap, and the loss of approximately \$2,000,000.00 annually, in order to preserve and benefit the corporate property of Essex County entrusted to the Board, the County of Essex cannot continue to sustain these losses without suffering severe economic repercussions and, in this regard, has determined that further maintenance of the County Nursing Home is no longer in the best interest of the County and that the Horace Nye Nursing Home is not necessary for viable public use; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the sale of the Horace Nye Nursing Home, its real property, physical facilities, personal property and other assets pursuant to County Law Section 215(5)(6) to the highest responsible bidder, Centers for Specialty Care, for the sum of \$4,050,000.00 pursuant to the terms and conditions contained in the Notice of Sale and any and all further conditions determined by the County Attorney, and further authorizes the Chairman of the Essex County Board of Supervisors and/or the Essex County Manager to execute any and all contracts of sale, deeds, bills of sale, asset transfer paperwork and any and all other paperwork necessary to effectuate the complete sale of the Horace Nye Nursing Home, its real property, physical facilities, personal property and other assets to the Centers for Specialty Care.

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

AYES: 2683 votes
NOES: 1233 votes (Morrow, Boisen, Scozzafava, Moore, Marnell, Hatch)
ABSENT: 0 votes

**RESOLUTION OF CONGRATULATIONS TO
CAPTAIN THOMAS W. MURPHY, II
FROM THE TOWN OF CHESTERFIELD, UPON BEING
AWARDED A SCHOLARSHIP FROM COLUMBIA SOUTHERN
UNIVERSITY TO COMPLETE HIS MASTERS DEGREE**

The following resolution was offered by Supervisors Morrow and Douglas, who moved its adoption.

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

WHEREAS, Captain Thomas W. Murphy, II, of Chesterfield a twelve year veteran of the Essex County Sheriff's Department and current Assistant Jail Administrator has been awarded the 2012 National Sheriffs' Association Educational Foundation Scholarship to Columbia Southern University for the Master's Degree Program.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby wishes to congratulate Capt. Thomas W. Murphy, II, of the Town of Chesterfield, upon receiving the 2012 National Sheriffs' Association Educational Foundation Scholarship to Columbia Southern University for the Master's Degree Program; and

BE IT FURTHER RESOLVED, this scholarship is a nationwide award and is only awarded to one officer nationwide each year.

This resolution was unanimously seconded and adopted.

RESOLUTION AUTHORIZING A CHANGE ORDER TO A.P. REALE AND SONS, INC. CONTRACT IN THE AMOUNT OF \$30,921.00, FOR UNANTICIPATED BLASTING OF LEDGE ON MASON ROAD BRIDGE OVER SPRUCE MILL BROOK BRIDGE REPLACEMENT, TOWN OF LEWIS, FEMA PROJECT, CONTRACT DPW-12-0065

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

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

WHEREAS, Essex County entered into a contract with A.P. Reale and Sons, Inc., having contract number DPW-12-0065, for the bridge replacement on Mason Road Bridge over Spruce Mill Brook, Town of Lewis, FEMA project; and

WHEREAS, due to unanticipated blasting of ledge, a change order in the amount of \$30,921.00, to contract DPW-12-0065 for A.P. Reale and Sons, Inc. for the replacement of Mason Road bridge over Spruce Mill Brook, which is a FEMA project in the Town of Lewis.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Manager and/or County Chairperson to execute a change order with respect to the contract with A.P. Reale and Sons, Inc., having contract number DPW-12-0065, in the amount of \$30,921.00, which funds for the payment thereof to come from the FEMA project.

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

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

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
DENNIS MARTIN RYAN**

The following resolution was offered by Supervisors Preston and Politi, who moved its adoption.

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

WHEREAS, Dennis M. Ryan, of Clifton Park, New York passed away unexpectedly on May 21, 2012; and

WHEREAS, Dennis M. Ryan was born on March 7, 1954, in Saranac Lake, New York, the son of Joseph and Harriet Ryan; and

WHEREAS, Dennis M. Ryan attended St. Joseph's Academy and Norwich University where he was captain of the Color Guard and graduated with a B.A. in History, Government and Pre-Law Studies and pursued a cooperative opportunity between Norwich and Vermont College that allowed him to earn his A.S. in Criminal Justice; and

WHEREAS, Dennis M. Ryan developed a fascination for the world of radio at an early age and earned his 3 Class Operators License from the Federal Communications Commission (FCC) and continued his quest for radio greatness where he became known as a "turn-around expert" in the business and in 1991, earned the prestigious National Association of Broadcasters "Best of the Best" Award, given to only one broadcaster in the nation on an annual basis; and

WHEREAS, Dennis M. Ryan served as the Vice President and Group Manager at the Sabre Communications Group, covering five stations in the Elmira, New York area and later as the President and General Manager of WIRD and WLPW-FM in Lake Placid and later as the Vice President of NASCAR Marketing at CiCCi-Welliver Racing/NASCAR and most recently as a financial adviser at NPA Financial Services in Clifton Park, a Senior Professional in Human Resources and a member of the Society for Human Resource Management; and

WHEREAS, during the 1980 Olympics in Lake Placid, Ryan was a commentator, as well as the creator and producer of the Olympic Radio Network, and later served as the Lake Placid delegate to the Winter Olympics in Sarajevo in 1984 and Calgary in 1988; and also served as chairman of the board for the Lake Placid and Essex County Visitors Bureau; Ryan was also the founder and chairman for the J. Bernard Fell Olympic Torch Restoration Committee, displaying his commitment to maintaining the "Miracle" of Lake Placid with the re-lighting of the 1980 Olympic torch at the opening of the 2010 Winter

Olympics; and in 2010, he earned the prestigious title of Lake Placid's "Volunteer of the Year"; and

WHEREAS, Dennis M. Ryan was a Federal Aviation Administration (FAA) Licensed Pilot with an Instrument Rating and High Performance Aircraft Endorsement, an honorary member of the Horsehead's Village Fire Department and the Lake Placid Volunteer Fire Department; and

WHEREAS, Dennis M. Ryan is survived by his wife of 18 years, Barbara Ryan; his brother, Joseph Ryan; five sisters-in-law; five brothers-in-law; 12 nieces and 6 nephews; and

WHEREAS, Dennis M. Ryan was a loving son, husband, brother, uncle and friend who will be sorely missed but 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 condolences to the family of the Dennis M. Ryan; 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 Ryan family.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
HERMAN K. VAN HOLTEN**

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

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

WHEREAS, Herman K. Van Holten, of Jay, New York passed away on May 19, 2012; and

WHEREAS, Herman K. Van Holten was born in Germany on March 9, 1940, the son of John and Bertha Van Holten; and

WHEREAS, Herman K. Van Holten immigrated to New Jersey with his parents in 1952; and

WHEREAS, Herman K. Van Holten helping with the family luncheonette and candy store began his interest in chocolate making and apprenticed in Jersey City until he founded Van Holten Chocolates in Harrison, New Jersey; and

WHEREAS, Herman K. Van Holten moved to the Adirondacks in 1976 and started the Candy Man in Jay in 1977. His last business was Lake Shore Candy and Flowers in Plattsburgh and, for the past 14 years, he spent the month of November making chocolates to sell at the UMW Christmas Bazaar at the Whiteface Methodist Church where the profits were used for missions. When not creating chocolates, he could be found gardening flowers and vegetables; and

WHEREAS, Herman K. Van Holten is survived by his wife, Mildred, and had just celebrated their Golden Anniversary on May 6th; his son Peter; four special cousins and families in Germany; and

WHEREAS, Herman K. Van Holten was a loving son, husband, father, cousin and friend who will be sorely missed but 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 condolences to the family of the Herman K. Van Holten; 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 Van Holten family.

This resolution was unanimously seconded and adopted.