

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR  
VARIOUS DEPARTMENTS**

The following resolution was offered by Supervisor Canon, 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 the Office for the Aging Department, to increase revenues and appropriations by \$1,393.80 - insurance recovery, as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
6772-42680	Insurance Recoveries	\$1,393.80

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
67724-5441	Auto Supplies & Repair	\$1,393.80

2. For the Horace Nye Home, to increase revenues and appropriations by \$10,476.00 Medicaid received, as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
E602 4E302010	Medicare A	\$10,476.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
E6-2-4 5E01	Medicare A	\$10,1476.00

3. For the Horace Nye Home, to increase revenues and appropriations by \$3,685.00 - professional fees, as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
EF1E1033	Self Pay	\$3,685.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
E83504 5E445	Professional Fees	\$3,685.00

**From the Public Safety Committee:**

1. For the Sheriff's Department, to increase revenues and appropriations by \$243.58 - Disciplinary Hearing Surcharges as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
31504.415103	Inmate Disciplinary Hearings	\$243.85

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
31504.5487	Misc.	\$243.85

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

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

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

1. The 2011 Public Health Department Annual Report.

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

**RESOLUTION AUTHORIZING THE EMERGENCY SERVICES  
DEPARTMENT TO APPLY FOR AND ACCEPT A LOCAL  
EMERGENCY MANAGEMENT PERFORMANCE GRANT, IN THE  
AMOUNT OF \$18,617.00**

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 Emergency Services Department to apply for and accept a Local Emergency Management Performance Grant in the amount of \$18,617.00, to promote emergency management planning and education.

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION RELINQUISHING ANY CLAIM OR RIGHTS TO THE  
SALE OR SURPLUS OF THE C-E-F LIBRARY BOOKMOBILE**

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 relinquishes any claim or rights to the sale or surplus of the C-E-F Library Bookmobile, which was to be used as a shared communications van.

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION OF APPRECIATION AND COMMENDATION TO  
THE TICONDEROGA, CHILSON AND SCHROON LAKE  
VOLUNTEER FIRE DEPARTMENTS, TICONDEROGA EMS,  
TICONDEROGA POLICE DEPARTMENT AND MR. STEVE  
STUBING FOR THEIR LIFE SAVING RESCUE OF A MAN  
SUBMERGED IN HIS TRACTOR-TRAILER ON EAGLE LAKE**

The following resolution was offered by Supervisor Malaney, 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**, in the early morning hours of August 8, 2012, a fully loaded tractor-trailer overturned and was mostly submerged in Eagle Lake; trapping the driver inside; and

**WHEREAS**, the loud crash and blasting horn woke off-duty DEC Officer, Steve Stubing at his summer camp on Eagle Lake where he quickly set out in his boat to aide the driver; and

**WHEREAS**, upon reaching the truck it was evident that the truck doors were badly damaged and would not open, trapping the drive inside in approximately 15 feet of water; and

**WHEREAS**, Officer Stubing phoned for help and stayed with the man, trying to keep him calm; and

**WHEREAS**, Ticonderoga Police arrived on the scene, and were quickly joined by firefighters from Chilson Volunteer Fire Department and Ticonderoga and Schroon Lake Volunteer Fire Departments as mutual aid and Ticonderoga EMS; and

**WHEREAS**, as firefighters and emergency personnel began extrication, the truck shifted and had to be re-stabilized before further aide could continue; and

**WHEREAS**, because of the quick action of the officers, numerous fire fighters and emergency personnel, the driver's life was saved and spared from possible death with only minor injuries.

**BE IT RESOLVED**, that the Board of Supervisors hereby appreciates and commends the Ticonderoga, Chilson and Schroon Lake Volunteer Fire Departments, Ticonderoga EMS and Ticonderoga Police Department and Steve Stubing for their lifesaving rescue on Eagle Lake; and

**BE IT FURTHER RESOLVED**, that this Board extends their appreciation and recognition to all of the emergency personnel for their quick and decisive actions which prevented serious injury to the driver of the tractor-trailer.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE COMMUNITY RESOURCES  
DEPARTMENT TO APPLY FOR AND ACCEPT A SAFE ROUTES  
TO SCHOOL GRANT THROUGH THE NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION, NOT TO EXCEED  
\$650,000.00**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the Community Resources Department to apply for and accept a Safe Routes to School grant through the NYSDOT, not to exceed \$650,000.00; and

**BE IT FURTHER RESOLVED**, the Chairman and/or County Manager are hereby authorized to execute a contract for Safe Routes to School, upon the approval of the County Attorney.

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND  
FUNDING OF A STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE  
TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND  
THE LOCAL SHARE OF FEDERAL - AND STATE-AID ELIGIBLE  
AND INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS  
THEREFORE**

The following resolution was offered by Supervisor Scozzafava, 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 Federal Emergency Relief Project - Essex County Storm Damage CR7 - Lincoln Pond Road in the Town of Elizabethtown and CR12 - Wells Hill Road in the Town of Lewis - Highway Reconstruction P.I.N. 1759.51 (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**, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; 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 work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement; and it is

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

**RESOLVE**, that the Board hereby approved the Project; and it is hereby further

**RESOLVED** that the sum of \$295,753.00 (Two hundred ninety-five thousand and seven hundred fifty three and no cents) is hereby appropriated to cover the cost of



participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the non-federal share costs of the project exceed 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 Supervisor Canon, and duly adopted upon a roll-call vote as follows:

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION PROCLAIMING THE MONTH OF  
OCTOBER, 2012 AS BULLYING AWARENESS MONTH**

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

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

**WHEREAS**, we must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and

**WHEREAS**, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

**WHEREAS**, each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety; and

**WHEREAS**, it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

**WHEREAS**, providing a safe physical and emotion environment is a significant goal and a personal responsibility of each individual; and

**WHEREAS**, it is time to **“Stand UP for Character - DOWN to Bullying!”**.

**BE IT RESOLVED**, that the Essex County Board of Supervisors does hereby proclaims the month of October 2012 as Bullying Awareness Month in Essex County as a symbol of our commitment to the year-round struggle against bullying.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE PAYMENT OF \$268.87 TO SUE  
MONTGOMERY-COREY FOR MEALS AND MILEAGE EXPENSES  
INCURRED IN NURSING HOME VISITS IN THE MONTH OF MAY,  
2012**

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

Upon the recommendation 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 reimbursement of \$268.87 for meals and mileage expenses incurred in Nursing Home visits in the month of May 2012.

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
GILBERT E. MANLEY**

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

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

**WHEREAS**, Gilbert E. Manley, passed away on August 18, 2012; and

**WHEREAS**, Gilbert E. Manley was born on June 17, 1920, the son of Ernest and Edna (Kilburn) Manley; and

**WHEREAS**, Gilbert E. Manley served in the United States Army during World War II, and during his time in the service, was a member of the motorcade when President Franklin D. Roosevelt died; and

**WHEREAS**, Gilbert E. Manley worked at the Mt. Van Hoevenberg bobsled run, helping to build and maintain the bobsled run and to certify new drivers from 1946 to 1949; and

**WHEREAS**, Gilbert E. Manley enjoyed a 36 year career with the State of New York Conservation Department, retiring as a New York State Forest Ranger in 1982; and

**WHEREAS**, Gilbert E. Manley was a member of the Jay Fire Department for 32 years, serving as a chief for many of those years; and

**WHEREAS**, Gilbert E. Manley was a lifetime member of the American Legion Post 504 in AuSable Forks; and

**WHEREAS**, Gilbert E. Manley enjoyed many hobbies, including camping with his wife, Esther, spending time at his camps, snowmobiling, hunting, boating, and most of all, spending time with his family and friends; and

**WHEREAS**, Gilbert E. Manley is survived by his daughters Sandra Lessard and Terri Manley; and

**WHEREAS**, Gilbert E. Manley is survived by his grandchildren and their spouses, Michelle (Dubay) and Tom Hamilton, Tari and Boyd Hoekel, Rebecca Trumbull, and Stephanie and Mark Lacy; and great-grandsons, Matthew and Michael Hamilton, William and Christopher Hoekel, and Tyler Stevens; and

**WHEREAS**, Gilbert E. Manley was predeceased by his wife of 54 years, Esther, and his daughter, Harriet Dubay; and

**WHEREAS**, Gilbert E. Manley was a loving son, husband, father, grandfather, great-grandfather, 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 appreciation and condolences to the family of Gilbert E. Manley; 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 Manley family.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING ESSEX COUNTY TO ENTER INTO  
A TWO YEAR SUB-RECIPIENT AGREEMENT WITH THE ESSEX  
COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY**

The following resolution was offered by Supervisor Morrow, 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 its County Chairperson and/or County Manager to enter into a two year sub-recipient agreement with the Essex County Industrial Development Authority relative to the IDA's use of CDBG assets to implement an economic development loan program to assist businesses that will provide economic benefits to Essex County and its residents to disperse and manage the same.

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

**AYES: 2568 votes**  
**NOES: 162 votes (Hatch)**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
SETH ANTHONY KILBURN**

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

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

**WHEREAS**, Seth Anthony Kilburn, passed away on August 12, 2012; and

**WHEREAS**, Seth Anthony Kilburn was born on October 24, 1977, the son of David A. "Tony" and Celeste A. (Poirier) Kilburn; and

**WHEREAS**, Seth Anthony Kilburn was a loving father who enjoyed spending time with his two children, Sawyer and Harper; and

**WHEREAS**, Seth Anthony Kilburn graduated from Lake Placid Central School in 1996 and SUNY Potsdam in 2002; and

**WHEREAS**, Seth Anthony Kilburn was an avid athlete who played many sports, including soccer, baseball and hockey; and

**WHEREAS**, Seth Anthony Kilburn had a passion for teaching and working with disabled persons and troubled youth, having worked at both North Star Residential Services and Mountain Lake Academy; and

**WHEREAS**, Seth Anthony Kilburn is survived by his parents, David A. "Tony" and Celeste Kilburn; his children, Sawyer and Harper Kilburn; his sister, Emily Kilburn; his wife, Kori Kilburn; his mother and father-in-law, Dede and Terry Bailey; and his maternal grandfather, Donat Poirier; and

**WHEREAS**, Seth Anthony Kilburn is the beloved son of Celeste Kilburn, a longtime employee of Essex County Department of Social Services; and

**WHEREAS**, Seth Anthony Kilburn was predeceased by his maternal grandmonther, Elanor Poirier and his paternal grandparents, George and Louise Kilburn; and

**WHEREAS**, Seth Anthony Kilburn was a loving son, husband, father, 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 appreciation and condolences to the family of Seth Anthony Kilburn; 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 Kilburn family.

This resolution was unanimously seconded and adopted.

**RESOLUTION TO PAY CARL RUBINO 49.95 HOURS WHILE COUNTY  
ATTORNEY WAS ON MEDICAL LEAVE**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes payment of \$1,760.23 to Carl Rubino for 49.95 hours worked while the County Attorney was on medical leave, with such funds to come from County Attorney Account 14201-5130.

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

**AYES:           2730 votes**  
**NOES:            0 votes**  
**ABSENT:        191 votes (Montgomery-Corey, Morency)**

**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2012  
ENTITLED "LOCAL LAW NO. 3 OF THE YEAR 2012 - A LOCAL  
LAW CONTINUING THE IMPOSITION OF AN ADDITIONAL  
MORTGAGE TAX IN ESSEX COUNTY**

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

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

**WHEREAS**, by Resolution No. 239 duly adopted at a Regular Board Meeting held on the 6th day of August, 2012, this Board of Supervisors introduced Local Law No. 3 of 2012 entitled "Local Law No. 3 of the year 2012 - a Local Law continuing the imposition of an additional mortgage tax in Essex County", and scheduled a public hearing thereon on the 4th day of September, 2012, at 9:15 o'clock in the forenoon of that day, to hear any and all persons concerning the same; and

**WHEREAS**, such Local Law, in its final form, has been placed on the desks or tables of all members of the Board of Supervisors for a period of seven (7) or more days, exclusive of Sunday, before any action was taken thereon, and

**WHEREAS**, the aforesaid public hearing has been held by this Board, and due deliberation having been had regarding said proposed Local Law and the comments made with respect thereto at said public hearing.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts Local Law No. 3 of 2012 entitled "Local Law No. 3 of the year 2012 - a Local Law continuing the imposition of an additional mortgage tax in Essex County", such Local Law reading and providing as follows:

**ESSEX COUNTY LOCAL LAW NO. 3 of 2012**

A local law continuing the imposition of an additional mortgage tax in Essex County.

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

**SECTION 1.**

Upon the expiration of Local Law No. 4 of 2009, and pursuant to the provisions of Section 253-j of the Tax Law, for the period commencing December 1, 2012, and ending December 1, 2015, unless further extended by local law of the Board of Supervisors, there is hereby imposed in Essex County a tax of twenty-five cents (\$0.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency



may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such County and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$0.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00).

**SECTION 2.**

The taxes imposed under the authority of Section 253-j and this Local Law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty-three and paragraph (b) of subdivision one of section two hundred fifty-five of the Tax Law. Except as otherwise provided in Section 253-j of the Tax Law, all the provisions of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of Section 253-j of the Tax Law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in Section 253-j of the Tax Law except to the extent that any provision is either inconsistent with a provision of Section 253-j of the Tax Law or not relevant to the tax authorized by Section 253-j of the Tax Law. For purposes of Section 253-j of the Tax Law, any reference in the Tax Law to the tax or taxes imposed by the Tax Law shall be deemed to refer to a tax imposed pursuant to Section 253-j of the Tax Law, and any reference to the phrase "within this state" shall be read as "within Essex County", unless a different meaning is clearly required.

**SECTION 3.**

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of *Section 253-j of the Tax Law* is situated in this state but within and without Essex County, the amount of such tax due and payable to Essex County shall be determined in a manner similar to that prescribed in the first undesignated paragraph of section two hundred sixty of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within Essex County and without the state, the amount due and payable to Essex County shall be determined in the manner prescribed in the second undesignated paragraph of such section two hundred sixty which concerns property situated within and without the state. Where real property is situated within and without Essex County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

**SECTION 4.**

The tax imposed pursuant to the authority of *Section 253-j of the Tax Law* and this Local Law shall be in addition to the taxes imposed by section two hundred fifty-three of the Tax Law.

**SECTION 5.**

Notwithstanding any provision of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Essex during each month upon account of the tax imposed pursuant to the authority of *Section 253-j of the Tax Law*, after deducting the necessary expenses of his or her office as provided in section two hundred sixty-two of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section two hundred sixty of the Tax Law are first to be apportioned by the Commissioner, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of Essex County and, after the deduction by such Treasurer of the necessary expenses of his or her office

provided in section two hundred sixty-two of the Tax Law shall be deposited in the general fund of the County of Essex for expenditure on all expenses incurred by such County for County correctional and public safety facility projects. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of *Section 253-j of the Tax Law* or section two hundred sixty of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner of Taxation and Finance.

**SECTION 6.**

The tax imposed pursuant to this Local Law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the County in which the real property or any part thereof is situated, except where real property is situated within and without the County, the recording officer of the County in which the mortgage is first recorded shall collect the tax imposed by this local law, as required by the Tax Law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

**SECTION 7.**

This Local Law shall take effect only on the first day of a calendar month, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of this local law shall also be filed with the County Clerk of the County of Essex, the Secretary of State and the State Comptroller within five (5) days after the local law is duly enacted.

**SECTION 8.**

This Local Law shall take effect on December 1, 2012, and shall expire and be deemed repealed on December 1, 2015.

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION ADOPTING PROPOSED LOCAL LAW  
NO. 4 OF 2012 ENTITLED "A LOCAL  
LAW AMENDING SECTION 1 OF LOCAL LAW  
NO. 4 OF 2011 AND INSERTING THE REQUIREMENT  
THAT TAX BILL FLYERS SUMMARIZING FINANCIAL  
INFORMATION WITH REGARD TO STATE  
MANDATES BE INCLUDED AS AN ENCLOSURE  
WITH EACH COUNTY REAL PROPERTY TAX BILL "**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts proposed Local Law No.4 of 2012 entitled "Local Law Amending Section 1 of Local Law No. 4 of 2011 and Inserting the Requirement that Tax Bill Flyers Summarizing Financial Information with Regard to State Mandates Be Included as an Enclosure with Each County Real Property Tax Bill," reading and provided as follows:

**"LOCAL LAW NO. 4 OF 2012 AMENDING SECTION 1 OF LOCAL LAW  
NO. 4 OF 2011 AND INSERTING THE REQUIREMENT THAT TAX BILL  
FLYERS SUMMARIZING FINANCIAL INFORMATION WITH REGARD TO  
STATE MANDATES BE INCLUDED AS AN ENCLOSURE WITH EACH  
COUNTY REAL PROPERTY TAX BILL "**

Be it enacted, by the Board of Supervisors of the County of Essex, as follows:

**Section 1.**

Section 1 of Local Law No. 4 of 2011 entitled "A Local Law Authorizing Enclosure of Additional Information with Real Property Tax Bills" is hereby removed in its entirety such that each annual County Property tax bill will not have to identify New York State Medicaid Mandates in the body of the bill and the same is replaced with the following language:

Section 1.

The Budget Officer and Clerk of the Board of Supervisors are hereby directed to take any and all action necessary to cause a Tax Bill Flyer summarizing financial information

regarding State mandates to be included as an enclosure with each annual County Real Property tax bill. The Tax Bill Flyer shall include the following sections:

- a. Standard statement defining mandate.
- b. Narrative summary of key financial impacts of State mandates.
- c. A graphic illustrating mandated portions of the County budget.
- d. The information to be posted on the County website.

## **Section 2. Procedure**

Except as herein amended, all other provisions of Local Law No. 4 of 2011 shall remain in full legal force and effect.

## **Section 3. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.

***BE IT FURTHER RESOLVED*** that the Essex County Board of Supervisors held a public hearing on the foregoing proposed local law on September 4, 2012 at 9:30 a.m. of that day, to hear any and all persons concerning the same.

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**

**RESOLUTION OF CONGRATULATIONS AND RECOGNITION TO  
ALFRED H. ROUGEAU  
FOR 50 YEARS OF SERVICE TO THE AU SABLE FORKS  
VOLUNTEER FIRE DEPARTMENT**

The following resolution was offered by Supervisor Douglas, 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 wishes to extend its sincere congratulations to Alfred H. Rougeau for his 50 years of dedicated service to the Au Sable Forks Volunteer Fire Department and to the residents of Essex County; 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 Al Rougeau.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN  
COMMUNITY RESOURCES DEPARTMENT, TO INCREASE  
REVENUES AND APPROPRIATIONS BY \$755,204.00 - CDBG  
GRANT**

The following resolution was offered by Supervisor Ferebee, 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 amends the 2012 Essex County Budget as follows:

For the Community Resources Department, to increase revenues and appropriations by \$755,204.00 - CDBG grant, as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
6989 499713	CDBG Keene Fire Dept.	\$755,204.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
69894-54KEENE	Keene CDBG	\$755,204.00

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

**AYES: 2730 votes**  
**NOES: 0 votes**  
**ABSENT: 191 votes (Montgomery-Corey, Morency)**