

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
VARIOUS DEPARTMENTS**

The following resolution was offered by Supervisor Scozzafava, 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 amends the 2015 Essex County Budget as follows:

From the Ways and Means Committee:

1. From the Community Resources Department to increase revenues and appropriations in the amount of \$217,950.00, Ausable River Association grant, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
8021 43910AUS	Ausable River Association	\$217,950.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
80214 54AUS	Ausable River Association	\$217,950.00

2. From the Community Resources Department to increase revenues and appropriations in the amount of \$38,195.50, snowmobile funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
7180 43889	Snowmobile	\$38,195.50

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
71804 5487SNOW	Snowmobile	\$38,195.50

3. From the Office for the Aging, to increase revenues and appropriations in the amount of \$55,927.75, Balancing Incentive Program (BIP), as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772-4477301	Federal Aid - BIP Aging	\$55,927.75

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67721.5110	Wages	\$13,950.00
67728.5810	Retirement	2,232.00
67728.5820	Social Security	1,068.00
67722.5220	Konica Bizhub Copier/Printer	7,977.75
67724.5443	Travel Reimbursement	1,500.00
67724.5451	Training, Conventions & Schools	500.00
67724.5446BIP	BIP Mental Health Association	<u>28,700.00</u>
		\$55,927.75

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

AYES: 2921 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 Grinnell, who moved its adoption.

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

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

1. The 2014 Weights and Measures Annual Report.
2. The 2014 Personnel Annual Report to the New York State Civil Service Commission.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO
LAKE PLACID MARATHON/INSPIRATION SPORTS, LLC FOR
THE USE OF COUNTY ROADWAYS FOR THE 2015 LAKE
PLACID MARATHON**

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

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

WHEREAS, the 2015 Lake Placid Marathon will take place within Essex County on June 14, 2015; and

WHEREAS, the organizers of the event have requested the use of certain County roadways for the event, which roadways will either be closed or partially closed for all or a portion of the race.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Superintendent of Public Works and County Chairman and/or County Manager to execute a Permit authorizing the use of County Roads 73 and 86 for the 2015 Lake Placid Marathon on June 14, 2015, subject to the terms and conditions approved by the County Attorney.

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD CONTRACT TO GREEN MOUNTAIN COMMUNICATIONS
INC., IN THE AMOUNT OF \$8,080.00, FOR THE TERRY
MOUNTAIN RADIO TOWER INVENTORY AND INSPECTION,
FROM BUDGETED FUNDS**

The following resolution was offered by Supervisor Merrihew, 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 County Purchasing Agent to award contract to Green Mountain Communications Inc. for Terry Mountain radio tower inventory and inspection, in the amount of \$8,080.00, from budgeted funds; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute said contract, upon the approval of the County Attorney.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 67

March 2, 2015
Regular Board Meeting

**RESOLUTION AUTHORIZING A PAYMENT TO CVS CAREMARK IN THE AMOUNT
OF \$9,524.86, FOR REIMBURSEMENT OF BENEFITS PAID**

The following resolution was offered by Supervisor Canon, 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 a payment in the amount of \$9,524.86 to CVS Caremark for reimbursement of benefits paid, from budgeted funds.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

**RESOLUTION AUTHORIZING FOR THE SUBMISSION OF COMMUNITY
DEVELOPMENT BLOCK GRANT APPLICATION (CDBG)
- HOME BUYER ASSISTANCE PROGRAM**

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

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

WHEREAS, Essex County has identified housing and assisting low/moderate income homebuyers, as its most severe community development need; and

WHEREAS, the proposed program area is hereby defined as having many low/moderate income families, and many substandard houses for sale, substandard being defined as:

- a structure or dwelling unit which has one or more major structural defect, but can still be repaired for a reasonable amount

WHEREAS, the only affordable means of financing a program designed to meet these needs is to secure funding from the New York State Office of Community Renewal Community Development Block Grant Program; and

WHEREAS, due to the sparsely populated character of the proposed program area with homes scattered over a large geographical area, a non-target methodology is to be employed to assist only low and moderate income persons.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Chairman to execute and submit an application to the New York State Office of Community Renewal for a community development program for housing rehabilitation and to act in connection with the submission of the application and to provide such additional information as may be required; and

BE IT FURTHER RESOLVED, that the Housing Assistance Program of Essex County, Inc. will perform administrative services as a sub-recipient for the County of Essex; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors has adopted the following: Citizen Participation Plan, Residential Anti-Displacement and Relocation Assistance Plan, Excessive Force Policy, Lead Based Paint Plan, and the Housing Rehabilitation Program Policy and Procedures and that they are on file at the offices of Housing Assistance Program of Essex County (HAPEC).

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

**RESOLUTION AUTHORIZING FOR THE SUBMISSION OF COMMUNITY
DEVELOPMENT BLOCK GRANT APPLICATION (CDBG)
FOR A COUNTY-WIDE SEPTIC SYSTEM REPLACEMENT PROGRAM**

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

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

WHEREAS, Essex County has identified the repair and replacement of substandard septic systems as a critical community development need that will improve Essex County's housing stock and water quality; and

WHEREAS, the proposed county-wide program area is hereby defined as having many substandard on-site septic systems; and

WHEREAS, the only affordable means of financing a program designed to meet these needs is to secure funding from the New York State Office of Community Renewal Community Development Block Grant Program; and

WHEREAS, due to the sparsely populated character of Essex County with homes scattered over a large geographic area, a non-target methodology is to be employed to assist only low and moderate income persons.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Chairman to execute and submit an application to the New York State Office of Community Renewal for a community development program for septic system repair and replacement, and to act in connection with the submission of the application and to provide such additional information as may be required; and

BE IT FURTHER RESOLVED, that the Housing Assistance Program of Essex County, Inc. will perform administrative services as a sub-recipient for the County of Essex.

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

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
JAMES B. SHERMAN**

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

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

WHEREAS, James B. Sherman passed away on February 19, 2015; and

WHEREAS, James B. Sherman was born on April 28, 1940, the son of Fayette and Susan (Frazier) Sherman; and

WHEREAS, James B. Sherman spent 21 years as a Building Trades Instructor at CV-Tec; and

WHEREAS, James B. Sherman was Town Justice for the Town of Moriah for over ten years having served from February 11, 1987 through December 31, 1991 and, again from January 1, 1998 through December 31, 2002; and

WHEREAS, James B. Sherman's biggest joy in life was working, spending time with his family, hunting and collecting antique fishing lures; and

WHEREAS, James B. Sherman is survived by his loving wife, Carol (Banker) Sherman; his children; daughter Shelley and her husband, Jim Goralczyk; son Jimmer and his wife, Brenda Sherman; son Joe Sherman; daughter Shawna and her husband, Don Barber; step-son, Jim and his wife, Lisa Banker; and step-son, Dean Banker; several grandchildren and great-grandchildren; and

WHEREAS, James B. Sherman is also survived his brother, Richard and his wife, Eleanor Sherman; his sister, Faylene and her husband, Gary Rancour and his sister, Carol Petro; his brother, Donald and his wife, Donna Sherman; several nieces and nephews; special friends, George and Julie Clark and Ronnie and Delores Stone; and

WHEREAS, James B. Sherman was a loving son, husband, father, step-father, grandfather, great grandfather, brother, uncle and friend who will be sorely missed but never forgotten.

BE IT RESOLVED, that the Essex County Board of Supervisors, Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of James B. Sherman; 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 Sherman family.

This resolution was unanimously seconded and adopted.

**RESOLUTION REQUESTING FEMA OR STATE
REIMBURSEMENT TO HELP RELIEVE ESSEX COUNTY OF
FINANCIAL STRESS FROM DAMAGES CAUSED BY THE
LONG STRETCH OF BELOW FREEZING TEMPERATURES**

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

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

WHEREAS, due to the long stretches of below freezing temperatures, Essex County has had several communities that have suffered water main breaks; and

WHEREAS, the winter budgets are stretched thin and there are not enough funds in reserve to take care of the damages caused by sub-zero temperatures.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests that the Governor release some special appropriations to be made available for reimbursement of damages suffered in Essex County.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
GORDON R. "DUKE" DECKER**

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

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

WHEREAS, Gordon R. Decker of Westport, New York passed away on January 14, 2015; and

WHEREAS, Gordon R. "Duke" Decker was born in Elizabethtown, New York on May 23, 1947, the son of Ray A. and Elizabeth (Mauran) Decker, Sr.; and

WHEREAS, Gordon R. "Duke" Decker attended Westport Central High School, Adirondack Community College and SUNY Plattsburgh; and

WHEREAS, Gordon R. "Duke" Decker was drafted into the U.S. Army in 1968, and honorably served his Country through January 1970, serving one tour in Vietnam and having earned the rank of Sargent; was awarded the Bronze Star for meritorious service in connection with military operations against hostile forces in Vietnam while assigned as a member of Headquarters Battery of the 26th Artillery's 8th Battalion; and

WHEREAS, Gordon R. "Duke" Decker retired in July, 2013, as CFO of Chazy Westport Communications and its subsidiary, Westelcom, having worked 42-1/2 years for the company; and

WHEREAS, Gordon R. "Duke" Decker served on several boards and committees over the years which included Project Leader for 4-H Programs, two short terms on the Westport School Board, one term as President of the Board; a committee member to study the dissolution of Westport Village, served 22 years as Fire District Treasurer, member of the Westport Chamber Board, along with being its Treasurer, member of Financial Advisory Board for Depot Theatre, an active member of NYS Telecom Association Accounting & Finance Committee and also served on the Committee to study the building needs for the Westport DPW and Fire District; and

WHEREAS, Gordon R. "Duke" Decker enjoyed hiking, fishing, hunting and John Grisham novels; and

WHEREAS, Gordon R. "Duke" Decker is survived by his loving wife of 45 years, Nancy Decker; his children, Christine Decker Marquis and her husband, James Marquis and his son, Andrew Decker and his wife, Karen; two grandchildren, Gabriella and Holden

Decker; and one step-grandchild, Caitlin Marquis; one brother, Ray A. Decker, Jr. and his wife, Crete; three sisters, Roberta and Eric Manges, Darlene Decker and Juanita and Dan Johnson; and many loved nieces and nephews; and

WHEREAS, Gordon R. "Duke" Decker was a loving son, husband, father, grandfather, brother, uncle and friend who will be sorely missed but never forgotten.

BE IT RESOLVED, that the Essex County Board of Supervisors, Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Gordon R. "Duke" Decker; 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 Decker family.

This resolution was unanimously seconded and adopted.

RESOLUTION REQUESTING THAT THE STATE OF NEW YORK INCREASE FUNDING TO THE TOWN OF NORTH ELBA/LAKE PLACE AND THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY (ORDA) FOR BADLY NEEDED REPAIRS, UPDATES AND MODERNIZATION TO NEW YORK STATE'S OLYMPIC VENUES

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

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

WHEREAS, the State of New York is a recognized world leader in finance, commerce, education, international relations, transportation, entertainment and sports; and

WHEREAS, among the jewels in the crown of the Empire State is the Adirondack Region and the Olympic sports facilities located in the Town of North Elba/Lake Placid managed by the Olympic Regional Development Authority (ORDA) which include Whiteface Mountain, the Bobsled, Luge and Biathlon courses at Mount Van Hoevenberg, the Olympic Center which houses the 1980 Olympic Hockey Rink, the Outdoor Skating Oval, the Olympic Jumping Complex and the Olympic Training Center; and

WHEREAS, New York State and Lake Placid hold a unique and special place in world sports history having twice hosted the Olympic Winter Games in 1932 and 1980. Lake Placid's Olympic, international and national winter sports pedigree is well recognized as one of the few exclusive Olympic class resort communities which have maintained their sports facilities and are capable of hosting a wide range of international/national competitions, congresses and conventions; and

WHEREAS, in order to maintain New York's place in the world of international sports, a new infusion of investment and financing is vital to ensure that the State once again has the finest winter sports and competitive facilities in the nation which in turn will create jobs and economic growth throughout the North Country, as well as cultivate and develop athletes, coaches, business persons and entrepreneurs who will insure the vitality of the Adirondack Region; and

WHEREAS, the Adirondack Region has little industry and large scale commercial business necessitating that the region's economy be supported mostly by tourism; and

WHEREAS, an infusion of money and resources into the Olympic Sports Facilities and the Olympic Regional Development Authority will ensure that the Adirondack Region will continue to thrive and in turn, will provide the State of New York with a Winter and

Summer wonderland for use by its residents and tourists alike; and

WHEREAS, the current Olympic venues, many of which were built for the 1980 games are now 35 years old and no longer meet current standards for year round training, competition and visitor amenities resulting in a loss of coaches, athletes, events, media attention and spectators; and

WHEREAS, New York was host to two Winter Olympics, multiple world championships, World Cups, and National Championships in all Winter sports and, with new revitalization and effort, both on the state and local level, it can be there again. New Yorker's use the natural and recreational resources, world class hospitality and sports authority which enhance the Adirondack Region as a destination of choice; and

WHEREAS, to regain its past prominence, it is crucial that the state commit to a program of major sustained capital investment in its Olympic sports venues; and

WHEREAS, the repair and revitalization of these sports venues will create numerous permanent jobs within the Adirondack Region and will support those businesses and jobs already in place. Without significant infusion of capital to these sports venues, a serious loss and depletion will occur with respect to the local economy as it will no longer be the destination of choice for Winter recreational events or international and national spectator events.

BE IT RESOLVED, the Essex County Board of Supervisors hereby requests that the State of New York increase funding to the Town of North Elba/Lake Placid and the Olympic Regional Development Authority (ORDA) for badly needed repairs, updates and modernization to New York State's Olympic Venues and further commit to a multi-year capital plan to ensure ongoing repairs and modernization; and

BE IT FURTHER RESOLVED, the County of Essex, the Town of North Elba, Village of Lake Placid and the entire Adirondack Region are poised and set to work with the State of New York as hard and as long as possible to bring back the Olympic Games to Lake Placid, as well as, international, national and regional winter competitions, the Empire State Games and World Childrens' Games; and

BE IT FURTHER RESOLVED, an investment in these sports venues will return ten fold in benefits to the economy of the Adirondack Region and its residents, as well as, the State of New York; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to: Governor Andrew Cuomo, Senate Majority Leader, Dean Skelos, Assembly Majority Leader, Joseph D. Morelle, Senator Elizabeth O'C. Little, Assemblywoman Janet Duprey, Assemblyman Daniel Stec, Ted Blazer, CEO, Olympic Regional Development Authority and Pat Barrett, Chairman, Olympic Regional Development Authority.

This resolution was unanimously seconded and duly adopted.

**RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND TO
FINANCE A "TYPE" OF CAPITAL EQUIPMENT FOR THE
TRANSPORTATION DEPARTMENT FROM SURPLUS FUNDS
OBTAINED FROM THE SALE OF TROLLEYS**

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

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

WHEREAS, the Transportation Department has realized the sum of \$37,100.00 from the sale of surplus trolleys and now desires to place the same in a Capital Reserve Fund for the purposes of the purchase of future trolleys, buses or other vehicles.

BE IT RESOLVED, pursuant to section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Transportation Department Trolley/Bus Purchase Capital Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of the purchase of trolleys, buses or other vehicles for future use by the Transportation Department. The type of equipment to be financed from the Reserve Fund is the purchase and acquisition of trolleys, buses or other vehicles; and

BE IT FURTHER RESOLVED, the County Treasurer is hereby directed to deposit the sum of \$37,100.00 from surplus funds obtained from the sale of surplus trolleys into this Reserve Fund in a separate bank account to be known as Transportation Department Trolley/Bus Purchase Capital Reserve Fund and in the manner provided by section 10 of the General Municipal Law; and

BE IT FURTHER RESOLVED, the County Treasurer may invest the moneys in the Reserve Fund in the manner provided by section 11 of the General Municipal Law, and consistent with the investment policy of Essex County. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Capital Fund. The chief fiscal officer shall account for the Reserve Fund in a manner, which maintains the separate identity of the cash and investments of the Reserve Fund; and

BE IT FURTHER RESOLVED, except as otherwise provided by section 6-c of the GML, expenditures from this Capital Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of the governing board and without such additional actions or proceedings as may be required by section 6-c or 6-g of the GML, including a permissive referendum if required by subdivision 4 of section 6-c or 6-g.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
NO. 2 OF 2015 ENTITLED 'ALLOWING FOR
COMMON, SAFE ITEMS TO BE EXCLUDED FROM
THE "FIREWORKS" AND "DANGEROUS
FIREWORKS" DEFINITIONS CONTAINED IN
CHAPTER 477 OF LAWS OF THE STATE OF NEW
YORK FOR 2014'**

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

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

BE IT RESOLVED, that a Public Hearing was duly held on the 2nd day of March, 2015 at 9:30 a.m. to hear any and all persons concerning the adoption of said local law; and

BE IT FURTHER RESOLVED that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 2 of 2015 entitled "A Local Law of the County of Essex, State of New York, allowing for common, safe items to be excluded from the "fireworks" and "dangerous fireworks" definition contained in Chapter 477 of Laws of the State of New York for 2014, and further providing for the manufacture, sale and use of "sparkler devices" within the County of Essex, as permitted by Chapter 477 of Laws of the State of New York for 2014, pursuant to New York State Penal Law Section 405," reading and provided as follows:

"ESSEX COUNTY LOCAL LAW NO. 2 OF 2015"

A local law of the County of Essex, State of New York, allowing for common, safe items to be excluded from the "fireworks" and "dangerous fireworks" definition contained in Chapter 477 of Laws of the State of New York for 2014 and further providing for the manufacture, sale and use of "sparkler devices" within the County of Essex, as permitted by Chapter 477 of Laws of the State of New York for 2014.

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

Section 1. Purpose.

On November 21, 2014, Governor Cuomo signed into law Chapter 477 of Laws of the State of New York for 2014 (S.7888/A10141) amending New York State Penal Law, New York State Executive Law and New York State General Business Law placing further

restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little or no danger to the public. This law allows for certain fireworks to be sold and used in municipalities that enact local laws authorizing such sale and use. The purpose of this local law is to allow for the manufacture, sale and use of “sparkler devices” as herein described within the County of Essex and to exclude “sparkler devices” from the “fireworks” and “dangerous fireworks” definition contained in Chapter 477 of Laws of the State of New York for 2014 pursuant to authority granted by New York State Penal Law Section 405..

Section 2. Definitions.

1. “Sparkling devices” which are ground-based or hand-held .
2. “Cylindrical fountain” - cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.
3. “Cone fountain” - cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
4. “Wooden sparkler/dipped stick” - these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
5. Novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(A) Party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(B) Snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

Section 3. Permitted manufacture, sale and use of “sparkler devices”.

Pursuant to authority granted at Penal Law Section 405, “sparkler devices” as herein defined shall be excluded from the definition of “fireworks” and “dangerous fireworks” as defined in Chapter 477 of Laws of the State of New York for 2014, and the manufacture, sale and use of “sparkler devices” as herein defined shall be lawful and permitted within Essex County.

Section 4. Restrictions.

This local law allows for the sale and use of “sparkler devices” subject to the following restrictions:

1. Sales will only be permitted on or between June 1st through July 5th and December 26th through January 2nd of each calendar year.
2. All distributors, manufacturers and retailers must be licensed through the New York State Department of State to sell “sparkler devices” and shall register with the State Office of Fire Prevention and Control, as well as comply with any and all other laws which apply.
3. Only those 18 years of age or older may purchase said products.
4. The sale and use of “sparkler devices” shall comply with the National Fire Protection Association (NFPA) safety standards established in NFPA 1124.

Section 5. Authority.

This local law has been enacted pursuant to the provisions of Chapter 477 of Laws of the State of New York for 2014.

Section 6. Effect of this local law.

Except as stated or modified by this local law, all terms and conditions of Chapter 477 of Laws of the State of New York for 2014, shall apply and remain in full legal force and effect.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined

in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, form or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 8. Effective Date.

This local law shall take effect immediately upon the filing with the Secretary of State.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

**RESOLUTION AUTHORIZING THE PURCHASE OF AN
OVERSIZED SOLAR POWER RADAR SPEED SIGN TO BE
PLACED BY THE FERRY IN PORT KENT IN THE TOWN OF
CHESTERFIELD, FOR AN AMOUNT UP TO \$6,890.00, FROM
CREATING HEALTHY PLACES FUNDS**

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 the purchase of an oversized solar power radar speed sign to be placed by the ferry in Port Kent in the Town of Chesterfield, for an amount up to \$6,890.00, from Creating Health Places Account #41994.5452.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

RESOLUTION ADOPTING A HOME RULE REQUEST FOR ENACTION AND ADOPTION BY THE NEW YORK STATE ASSEMBLY OF ASSEMBLY BILL A5315 AND ENACTION AND ADOPTION BY THE NEW YORK STATE SENATE OF SENATE BILL S3522 EXTENDING THE AUTHORIZATION GRANTED ESSEX COUNTY BY THE STATE OF NEW YORK TO ADOPT AND AMEND LOCAL LAWS IMPOSING A TAX OF TWENTY FIVE CENTS (\$.25) FOR EACH ONE HUNDRED DOLLARS (\$100.00) ON EACH REMAINING MAJOR FRACTION THEREOF ON PRINCIPAL DEBT INCURRED BY A MORTGAGE ON REAL PROPERTY SITUATE WITHIN THE COUNTY UNTIL DECEMBER 1, 2018

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

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

WHEREAS, Assembly Bill A5315 and Senate Bill S-3522 have been introduced in the NYS Assembly and NYS Senate respectively each entitled “An Act to Amend Chapter 327 of the Laws of 2006, Amending the Tax Law Relating to Authorizing the County of Essex To Impose an Additional Mortgage Recording Tax, in Relation to Extending the Expiration and Repeal of Such Provisions”; and

WHEREAS, the purpose of this legislation is to authorize Essex County to continue to impose a tax of twenty-five cents (\$.25) per each one hundred dollars (\$100.00) on each remaining major fraction thereof on principal debt incurred by a mortgage on real property situate within the County until December 1, 2018; and

WHEREAS, Essex County needs to adopt a Home Rule Request for such necessary legislation to be considered and enacted.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby adopts a Home Rule Request requesting enactment of Assembly Bill A5315 and Senate Bill No. S-3522 authorizing the County of Essex to impose an additional mortgage recording tax and to extend its authority to impose a tax until December 1, 2018; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby declares that a necessity exists for the enactment of such legislation as the County cannot continue to impose the additional mortgage recording tax after November 30, 2015 unless the State authorizing legislation is adopted and because the revenue received from this mortgage tax is vital and necessary to fund the everyday operations of the County of Essex and to offset the ever increasing budget constraints faced by the County; and

BE IT FURTHER RESOLVED, that the Clerk of this Board be and is hereby authorized and directed to immediately execute all necessary Home Rule Request documents and immediately forward the same to Senator Elizabeth O’C. Little and Assemblyman Daniel Stec.

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

AYES: 4039 votes
NOES: 0 votes
ABSENT: 0 votes

RESOLUTION ADOPTING A HOME RULE REQUEST FOR ENACTION AND ADOPTION BY THE NEW YORK STATE ASSEMBLY OF ASSEMBLY BILL A5314 AND ENACTION AND ADOPTION BY THE NEW YORK STATE SENATE OF SENATE BILL S3997 TO EXTEND THE AUTHORIZATION GRANTED ESSEX COUNTY PURSUANT TO NYS TAX LAW SECTION 1210(i)(36) TO IMPOSE AN ADDITIONAL ONE PERCENT (1%) OF SALES AND COMPENSATING USE TAXES FOR THE PERIOD BEGINNING DECEMBER 1, 2015 AND ENDING NOVEMBER 30, 2017

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

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

WHEREAS, Assembly Bill A5314 and Senate Bill S-3997 have been introduced in the NYS Assembly and NYS Senate respectively each entitled “An Act to Amend the Tax Law, in Relation to Extending the Authorization Granted to the County of Essex to Impose an Additional One Percent of Sales and Compensating Use Taxes”; and

WHEREAS, the purpose of this legislation is to continue to authorize Essex County to impose an additional one percent rate of sales and compensating use taxes for the period beginning December 1, 2015, and ending November 30, 2017; and

WHEREAS, Essex County needs to adopt a Home Rule Request for such necessary legislation to be considered and enacted.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby adopts a Home Rule Request requesting enactment of Assembly Bill A5314 and Senate Bill No. S-3997 authorizing Essex County to continue to impose an additional one percent (1%) rate of sales and compensating use taxes for the period beginning December 1, 2015, and ending November 30, 2017; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby declares that a necessity exists for the enactment of such legislation as the County cannot continue to impose the additional one percent (1%) of sales and compensating use taxes after November 30, 2015, unless the State authorizing legislation is adopted and, because the collected 1% approximates \$1,750,000.00 yearly, which equates to 25% of the overall yearly budget revenues for the County. Without these monies, the County of Essex will not be able to continue to offset taxes for its residents and businesses and will not be capable of properly, efficiently and solvently providing for its residents; and

BE IT FURTHER RESOLVED, these monies are vital and necessary for the County to use to offset its yearly budget deficits and to keep real property taxes at an acceptable level; and

BE IT FURTHER RESOLVED, that the Clerk of this Board be and is hereby authorized and directed to immediately execute all necessary Home Rule Request documents and immediately forward the same to Senator Elizabeth O'C. Little and Assemblyman Daniel Stec.

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

AYES:	4039	votes
NOES:	0	votes
ABSENT:	0	votes

**RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO
NOTIFY THE SURETY UNDER THE SURETY BOND ISSUED ON
BEHALF OF INTEGRATED RIGGING AND CONSTRUCTION (IRC)
RELATIVE TO THE CONTRACTOR'S FAILURE TO PERFORM
CERTAIN CONTRACTUAL DUTIES WITH RESPECT TO THE
LITTLE WHITEFACE MOUNTAIN EMERGENCY SERVICES/SKI
BUILDING**

The following resolution was offered by Supervisor Grinnell, 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 the County Attorney to notify the surety under the surety bond issued on behalf of Integrated Rigging and Construction (IRC) relative to the contractor's failure to perform certain contractual duties with respect to the Little Whiteface Mountain Emergency Services/Ski Building.

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

**RESOLUTION OF CONGRATULATIONS TO
JULIA JACOBS PODRES
UPON CELEBRATING HER 103RD BIRTHDAY**

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

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

WHEREAS, Julia Jacobs Podres of Witherbee, New York was born on February 29, 1912 and celebrated her 103rd birthday; and

WHEREAS, Julia Jacobs Podres is a resident of Witherbee, New York where she was a homemaker most of her life, married to Steven Podres and raised their two children Steven and Stephanie; and

WHEREAS, Julie Jacobs Podres is an independent woman and still lives in her own home, by herself, who still shovels the snow; and

WHEREAS, Julia Jacobs Podres is the aunt of the late Johnny Podres, starting pitcher for the Brooklyn Dodgers and MVP of the 1955 World Series.

BE IT RESOLVED, that the County of Essex hereby extends its deep appreciation and sincere congratulations and best wishes upon the occasion of her 103rd birthday; 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 Julia Jacobs Podres.

This resolution was unanimously seconded and adopted.