

**RESOLUTION INTRODUCING PROPOSED  
LOCAL LAW NO. 3 OF 2017 AS AMENDED**

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

**WHEREAS**, the authority granted to Essex County under Article 6 of the County Law to impose a wireless communications surcharge has been repealed by the New York State Legislature effective December 1, 2017; and

**WHEREAS**, in place of the authority granted by Article 6 of the County Law, the State of New York has authorized all counties outside of New York City to impose a new state administered wireless surcharge pursuant to Tax Law §186-g which expands the existing wireless surcharge authority to include pre-paid wireless service; and

**WHEREAS**, because the prior County Law authority granted under Article 6 of the County Law is repealed as of December 1, 2017, Essex County must adopt a new local law imposing the surcharges authorized by Tax Law §186-g effective December 1, 2017, if it wants collections to continue without interruption and be able to collect for pre-paid wireless service; and

**WHEREAS**, this Board has previously passed “Resolution Introducing Proposed Local Law No. 3 of 2017,” which resolution was dated August 7, 2017, and, by virtue of changes to the local law and the resolution, it is necessary to introduce proposed Local Law No. 3 of 2017, as amended.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 3 of 2017, A LOCAL LAW OF THE COUNTY OF ESSEX REPEALING SECTION 2-100(b) OF THE ESSEX COUNTY E911 LAW AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF THE STATE OF NEW YORK AND IN ITS PLACE IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-G

**ESSEX COUNTY LOCAL LAW NO. 3 OF 2017**

**A LOCAL LAW OF THE COUNTY OF ESSEX REPEALING §2-100(b) OF THE ESSEX COUNTY E911 LAW AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF THE STATE OF NEW YORK AND IN ITS PLACE IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-G**

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

Section 1. Title.

This local law shall be known and may be cited as “A local law of the County of Essex repealing §2-100(b) of the Essex County E911 Law authorized by Article Six of the County Law of the State of New York and in its place imposing the wireless communications surcharges pursuant to the authority of Tax Law §186-g”.

Section 2. Repeal of prior local law.

§2-100(b) of Local Law No. 4 of 1995 (Essex County E911 Law), as amended by Local Law No. 3 of 2000, Local Law No. 2 of 2002, Local Law No. 6 of 2002, and Local Law No. 2 of 2005, previously authorized by this Board is hereby **REPEALED**.

Section 3. Imposition of new wireless communications surcharges pursuant to Tax Law §186-g.

§2-100(b) of Local Law No. 4 of 1995, as amended by Local Law No. 3 of 2000, Local Law No. 2 of 2002, Local Law No. 6 of 2002, and Local Law No. 2 of 2005 is now hereby **AMENDED** to add a new §2-100(b) to read as follows:

§2-100(b) Imposition of Wireless Communications Surcharge Pursuant to Tax Law §186-g

(1). Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Essex on:

- (i). Wireless communications service provided to a wireless communications customer with a place of primary use within County of Essex, at the rate of thirty cents (\$.30) per month on each wireless

communications device in service during any part of the month; and

(ii). the retail sale of prepaid wireless communications service sold within County of Essex, at the rate of thirty cents (\$.30) per retail sale, whether or not any tangible personal property is sold therewith.

(2). Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(3). Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent (3%) of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

(4). Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in subdivision (8) of Tax Law §186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

(5). Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law §186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

(6). Net collections. Net collections received by County of Essex from the surcharges imposed by this Local Law shall be expended only upon authorization of the Board of Supervisors of the County of Essex and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County of Essex, as provided in subdivision (9) of Tax Law §186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County of Essex shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 4. Effective date.

This Local Law shall take effect December 1, 2017.

**AND BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on September 5, 2017 at 9:30 a.m. of that day, to hear any and all persons concerning the same.

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

<b>AYES:</b>	<b>2886</b>	<b>votes</b>
<b>NOES:</b>	<b>0</b>	<b>votes</b>
<b>ABSENT:</b>	<b>35</b>	<b>votes (Miga)</b>

**RESOLUTION APPROVING THE 2017-2018 NORTH COUNTRY  
COMMUNITY COLLEGE OPERATING BUDGET IN THE AMOUNT  
OF \$14,518,251.00, AUTHORIZING THE APPROPRIATION OF  
\$1,240,000.00 IN THE 2018 ESSEX COUNTY BUDGET AS ESSEX  
COUNTY'S SPONSOR SHARE (\$1,190,000.00 OPERATING AND  
\$50,000.00 CAPITAL FUND ACCOUNT)**

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

**WHEREAS**, North Country Community College has filed its tentative operating and capital budgets for the 2017-2018 year with the Clerk of this Board; and

**WHEREAS**, the tentative operating budget is in the total amount of \$14,518,251.00, and seeks a sponsor contribution from Essex County in the amount of \$1,240,000.00; and

**WHEREAS**, the tentative budget is in the amount of \$1,190,000.00 operating and \$50,000.00 capital fund account; and

**WHEREAS**, on August 7, 2017, this Board of Supervisors, pursuant to due notice, conducted a public hearing on the tentative operating and capital budgets.

**BE IT RESOLVED** that the Essex County Board of Supervisors, after due consideration, hereby approves the 2017-2018 North Country Community College operating budget in the total amount of \$14,518,251.00, and authorizes the appropriation of \$1,190,000.00 in the 2018 Essex County Budget as Essex County's share of the sponsor-paid portion of such budget to be allocated therein; and

**BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors, after due consideration, hereby approves the 2017-2018 North Country Community College capital budget in the total amount of \$100,000.00 and authorizes the expenditure of \$50,000.00 from the 2018 Essex County Budget as Essex County's share of the sponsor-paid portion of such budget to be allocated therein.

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

**AYES: 2886 votes**  
**NOES: 0 votes**  
**ABSENT: 35 votes (Miga)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO  
AWARD BIDS AND ISSUE CONTRACTS FOR CONSTRUCTION  
WORK AT THE NUTRITION BUILDING (PROJECT NO. 15-6)**

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to award bids and issue contracts for the construction work at the Nutrition Building, Project #15-6, as follows:

1. L.H. LaPlante Company, Inc. in the amount of \$98,000.00, for plumbing, from budgeted funds (Account No. H67722-5285).
2. L.H. LaPlante Company, Inc. in the amount of \$195,000.00, for HVAC, from budgeted funds (Account No. H67722-5285).
3. Harold R. Clune, Inc. in the amount of \$157,000.00, for electrical, from budgeted funds (Account No. H67722-5285).
4. Adirondack Concrete LLC, in the amount of \$311,000.00, for site work and concrete, from budgeted funds (Account No. H67722-5285).

**BE IT FURTHER RESOLVED**, that the Chairman or County Manager are hereby authorized to execute contracts or purchase orders for the above referenced.

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

**AYES: 2886 votes**  
**NOES: 0 votes**  
**ABSENT: 35 votes (Miga)**