

RESOLUTION AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO INSTITUTE A STATE AND FEDERAL POLICY AND PROCEDURE WHICH MANDATES ALL CURRENT AND FUTURE EMPLOYEES IN THE CHILD SUPPORT UNIT BE SUBJECT TO AN FBI BACKGROUND CHECK AND FINGERPRINTING AS A JOB REQUIREMENT

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

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

WHEREAS, New York State and Federal regulations require a policy and procedure be instituted mandating all current employees that are employed by the Department of Social Services - Child Support Unit that have access to federal tax information have FBI background checks and be fingerprinted and any and all future candidates for employment will be required to do the same; and

WHEREAS, the cost for such background checks and fingerprints for current employees will be paid by Essex County Department of Social Services and all future employees will be required to pay for their own.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Department of Social Services to institute a policy and procedure that all current and future employees of the Child Support Unit have FBI background checks and fingerprints completed as part of their employment requirement.

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 THE ESSEX COUNTY HEALTH
DEPARTMENT TO APPLY FOR A GRANT FROM ADIRONDACK
HEALTH INSTITUTE INNOVATION GRANT,
IN THE AMOUNT OF \$250,000.00**

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

Upon the recommendation of the Human Services 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 Essex County Health Department to apply for a grant from Adirondack Health Institute innovation grant or “well fed” collaborative, in the amount of \$250,000.00.

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

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

RESOLUTION AUTHORIZING THE ESSEX COUNTY HEALTH DEPARTMENT TO ACCEPT YEAR FOUR A FIVE YEAR WIC GRANT, IN THE AMOUNT OF \$368,900.00, AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME

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

Upon the recommendation of the Human Services 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 Essex County Health Department to accept year four of a five year WIC grant from the NYS Department of Health, in the amount of \$368,900.00; and

BE IT FURTHER RESOLVED, that this Board further authorizes the Chairman and/or County Manager to execute the same.

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

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

Resolution No. 271

September 4, 2018
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ESSEX COUNTY OFFICE FOR
THE AGING TO HOLD PUBLIC HEARINGS IN THE MONTH OF
OCTOBER 2018, ON THE PROPOSED 2019-2020 STATE FISCAL
YEAR ANNUAL UPDATE**

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

Upon the recommendation of the Human Services 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 Essex County Office for the Aging to hold public hearings in the month of October 2018, on the proposed 2019-2020 State Fiscal Year annual update.

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

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
VARIOUS DEPARTMENTS**

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

Upon the recommendation 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 2018 Essex County Budget as follows:

From Human Services Committee:

1. From the Office for the Aging Department, to increase revenues and appropriations in the amount of \$5,871.65, receipt of DSRIP funding from Adirondack Health Institute, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772 43489DSR	State Aid AHI/DSRIP	\$5,871.65

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724 54DSRIP	DSRIP	\$5,871.65

From Economic Development Committee:

1. From the Community Resources Department, to increase revenues and appropriations in the amount of \$8,494,555.12, carryover 2017 Community Rising Funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6989 4499716	Community Rising	\$8,494,555.12

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
69894 54DR	Community Rising	\$8,494,555.12

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

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

**RESOLUTION AUTHORIZING THE EMERGENCY SERVICES
DEPARTMENT TO APPLY FOR AND ACCEPT THE 2018 NEW
YORK STATE INTEROPERABLE COMMUNICATIONS FORMULA
GRANT (SICG) IN THE AMOUNT OF \$799,637.00**

The following resolution was offered by Supervisor Jackson, 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 the 2018 NYS Interoperable Communications Grant (SICG) in the amount of \$799,637.00; and

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, and adopted, upon a roll-call vote as follows:

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

**RESOLUTION AUTHORIZING A SALES TAX EXEMPTION
DURING CONSTRUCTION PHASE OF THE NORTHWOODS INN
PROJECT IN THE TOWN OF NORTH ELBA**

The following resolution was offered by Supervisor Politi, 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.

WHEREAS, the Northwoods Inn is a new project in the Town of North Elba to transform and renovate Northwoods to a Marriott brand property which is a \$24 million project; and

WHEREAS, the new project is looking for a straightlease back incentive for the project and are requesting sales tax exemption during construction of the project.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes sales tax exemption for the Northwoods Inn Project, in the Town of North Elba, during the construction phase of the project, a \$24 million project which the Northwoods Inn will be transformed and renovated into a Marriott brand property.

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

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

RESOLUTION AUTHORIZING THE COMMUNITY RESOURCES DEPARTMENT TO APPLY FOR AND ACCEPT THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SMART GROWTH GRANT IN THE AMOUNT OF \$75,000.00, FOR THE BATHROOM PROJECT AT THE FISH HATCHERY, AND AUTHORIZING A BUDGET AMENDMENT FOR THE SAME

The following resolution was offered by Supervisor Depo, 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 Community Resources Department to apply for and accept the New York State DEC Smart Growth grant in the amount of \$75,000.00, for the bathroom project at the Fish Hatchery; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby amends the 2018 Essex County Budget as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43989422	Smart Growth	\$75,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
87202 52BATH	Bathroom Reno	\$75,000.00

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

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

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

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

From the Economic Development Committee:

1. Designating the Regional Office of Sustainable Tourism (ROOST) and Mary Jane Lawrence (replacing Jasen Lawrence) as the Project Manager for the 2018 - I Love New York Matching Funds Program.

From the Personnel Committee:

1. Appointing the following members to the Lake Champlain-Lake George Regional Planning Board:

Ronald Jackson, Supervisor, Town of Essex term expires December 31, 2020
Michael Tyler, Supervisor, Town of Westport term expires
December 31, 2018.
Charles Harrington, Supervisor, Town of Crown Point term expires
December 31, 2019.
and 3 Ex-Officio Members, as follows:
Chairman of the Board of Supervisors
DPW Superintendent
Treasurer

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD BIDS, ISSUE CONTRACTS OR PURCHASE ORDERS IN
THE DEPARTMENT OF PUBLIC WORKS, AND AUTHORIZING
BUDGET AMENDMENTS AND TRANSFERS, AND FURTHER
AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO
EXECUTE THE SAME UPON THE APPROVAL OF THE COUNTY
ATTORNEY**

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

Upon the recommendation of the Department of Public Works 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 Purchasing Agent to award bids and issue contracts or purchase orders for the following:

1. A.D. Thornton Mechanical, Inc., for air conditioning upgrades at the Mental Health Building, in the amount of \$12,150.00, from budgeted funds.
2. Reaction Distributing, for the purchase of two (2) solid waste compactors, in the amount of \$87,844.00, with funds to come from Fund Balance.
3. Sands Chrysler Jeep Dodge Ram, for the purchase of a 2019 half ton, 4x4 pickup truck, in the amount of \$31,437.00, with funds to come from equipment bond.
4. L.H. LaPlant Company, Inc., for the replacement of the DPW boiler breeching and stack, in the amount of \$38,000.00, from budgeted funds.
5. R.R. Charlebois, for a new, unused 2019 Western Star 4700 tandem dump truck complete with a Henderson munibody box and dual auger sander, in the amount of \$223,118.00, from DPW equipment bond.
6. NRC Environmental, for oil tank decommissioning, in the amount of \$5,940.00, from budgeted funds.

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

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

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

**RESOLUTION AUTHORIZING THE ESSEX COUNTY YOUTH
ADVOCATE PROGRAM TO PLACE A PART-TIME INDIVIDUAL AT
THE ESSEX COUNTY FISH HATCHERY TO ASSIST STAFF WITH
DAILY OPERATIONS UPON PROGRAM REVIEW UPON
APPROVAL BY THE DPW SUPERINTENDENT AND COUNTY
ATTORNEY**

The following resolution was offered by Supervisor Monty, 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.

WHEREAS, Essex County Youth Advocacy Program has requested that an individual, through a court order, be placed at the Essex County Fish Hatchery to work part-time to assist staff with daily operations, with funds to come from the Department of Social Services.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Youth Advocate Program to place an individual to work part-time (through a court order) at the Essex County Fish Hatchery to assist the staff with the daily operations upon the approval of a program review by the DPW Superintendent and County Attorney, with funds to come from the Department of Social Services - YAP.

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

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

**RESOLUTION OF APPRECIATION AND CONGRATULATIONS TO
DAVE RECKAHN
ESSEX COUNTY SOIL AND WATER
CONSERVATION DISTRICT MANAGER
UPON HIS RETIREMENT**

The following resolution was offered by Supervisor Morrow, 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.

WHEREAS, Dave Reckahn began working as the Essex County Soil and Water Conservation District Manager on March 10, 2008; and

WHEREAS, it has come to this Board's attention that Dave Reckahn has decided to retire after 10 years of dedicated service to Essex County; and

WHEREAS, during his tenure at the Essex County Soil and Water District, Dave Reckahn has exhibited the highest degrees of professionalism, competency, integrity and attention to detail and has always treated the public and residents of Essex County and its employees with grace and respect.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney extend their appreciation and heartfelt thanks to Dave Reckahn for his dedicated, conscientious and exemplary public service to the people of Essex County and wish him continued health and success upon his retirement and the best of luck in all his future endeavors; 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 Dave Reckahn.

This resolution was unanimously seconded and duly adopted.

**RESOLUTION ADOPTING THE BY-LAWS OF THE
LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD**

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

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

WHEREAS, the Lake Champlain-Lake George Regional Planning Board has updated their By-Laws and, in accordance with an agreement among the counties of Warren, Washington, Essex, Clinton and Hamilton, must be approved and adopted by the five County governing Boards.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby adopts the By-Laws of the Lake Champlain-Lake George Regional Planning Board in accordance with the Counties of Warren, Washington, Clinton and Hamilton.

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

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

**RESOLUTION AUTHORIZING REAL PROPERTY TAX SERVICES
TO AMEND THE REAL PROPERTY TAX SERVICE FEE
SCHEDULE, INCREASING THE AMOUNT OF CERTAIN
SERVICES FROM THE CURRENT FEE**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes RPTS to amend the RPTS service fee and increasing the amounts of certain services, as follows:

Full-size tax maps from \$5.00 to \$7.00
Full-size customer maps from \$3.00 to \$5.00
Reduced scale tax maps and surveys from \$2.50 to \$3.00
Copies of 8-1/2 x 14 tax maps from \$1.50 to \$2.00
Copies of tax maps on cd increase from \$1.50 to \$2.00
Blank tax bills from \$.07 each to \$.10
Data Mailers from \$.55 to \$.60 per parcel
Full Disclosure (Impact) Notices from \$.55 to \$.60 per parcel
I&E Questionnaires from \$.55 to \$.60 per parcel
Blank Property Record Cards from \$.05 to \$.25 each
S&H special orders/sales reports from \$2.50 to \$3.00 each mailing
All other fees will remain the same

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

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

**RESOLUTION OPPOSING THE ADVERSE ABANDONMENT OF
THE 30-MILE SECTION OF RAILROAD, COMMONLY KNOWN AS
THE SANFORD LAKE BRANCH OR THE TAHAWUS LINE,
BETWEEN NORTH CREEK AND THE FORMER TAHAWUS MINE,
IN THE TOWN OF NEWCOMB, NEW YORK**

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

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

WHEREAS, on August 13, 2018 the New York State Department of Environmental Conservation filed a Notice of Intent to Abandon Services of the Sanford Lake Branch, STB Docket No. AB 1261 before the Surface Transportation Board; and

WHEREAS, the New York State Department of Environmental Conservation application is seeking adverse abandonment of the authority of the Saratoga and North Creek Railway, LLC to operate over the Sanford Lake Branch; and

WHEREAS, a proposal from Omnitrax, a Denver Colorado based company, submitted to the Warren County Board of Supervisor includes their intent to purchase the assets of the rail line from North Creek to the Tahawus mine for continued operation; and

WHEREAS, for the last decade Paul Mitchell of Mitchell Stone Products of Tupper Lake, N.Y. has been removing the stone known as tailings from the old mine under contract with NL Industries; and

WHEREAS, Paul Mitchell owner of Mountain Endeavors LLC, has purchased the former NL Industries titanium and iron mine site in the hamlet of Tahawus where an estimated 100 million tons of recyclable material aggregate remains; and

WHEREAS, the use of the Sanford Lake Branch to transport the material aggregate can result in the potential to create significant economic benefit for Essex County, the Town of Newcomb community and our region; and

WHEREAS, both the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Transportation (NYSDOT) urged the Surface Transportation Board to approve Saratoga & North Creek Railway LLC (SNCR)'s Notice of Exemption for operation of the Tahawus Line, FD Docket #35559 - ID#232069, on March 15, 2012; and

WHEREAS, both the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Transportation (NYSDOT) in its joint letter agreed that the environmental, economic, recreational and safety issues associated with the rail operations from an environmental perspective could result in a dramatic reduction of truck traffic in this sensitive area of the Adirondack Park, thereby reducing harmful emissions, lowering the region's carbon footprint and greatly diminishing dust and noise, while unsightly piles of aggregate are removed; and

WHEREAS, both the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Transportation (NYSDOT) also stated in their joint letter of support that “the resumption of the rail line will also add to the year-round employment base of the region, improve the safety and environmental costs of aggregate removal, ensure that this product is recycled, and reduce expensive road maintenance costs; and

WHEREAS, the Surface Transportation Board has abandonment authority and jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, the Essex County Board of Supervisors hereby urges the Surface Transportation Board to deny the application of the New York State Department of Environmental Conservation request for adverse abandonment of the authority of the Saratoga and North Creek Railway, LLC to operate over the Sanford Lake Branch; and it is further

BE IT FURTHER RESOLVED, the Essex County Board of Supervisors urges the Federal Surface Transportation Board to exercise its jurisdiction over the Sanford Lake Branch leading from Tahawus to North Creek, support the future use of the Sanford Lake Branch by a viable rail operator to remove the material aggregate from the Mountain Endeavors LLC at Tahawus and reject the adverse abandonment request of this line; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Gov. Andrew Cuomo, Senator Elizabeth O’C. Little, Assemblyman Dan Stec, Commissioner of the New York State Department of Transportation and the Commissioner of the New York State Department of Environmental Conservation and Warren County Board of Supervisors.

This resolution was seconded by Supervisor Scozzafava, and **tabled**.

**RESOLUTION AUTHORIZING AN INCREASE IN HOURS FOR
THE DEPARTMENT OF MOTOR VEHICLE SUPERVISORS FROM
35 HOURS PER WEEK TO 40 HOURS PER WEEK BEGINNING
SEPTEMBER 4, 2018,
FROM BUDGETED FUNDS**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the increase of hours for the DMV Supervisors from 35 hours per week to 40 hours per week, beginning with the passage of this resolution, from budgeted funds (Account #14111 5110).

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

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

**RESOLUTION ADOPTING PROPOSED
LOCAL LAW NO. 4 OF 2018 ENTITLED “A LOCAL LAW
TO RAISE THE LEGAL AGE OF SALE OF TOBACCO
PRODUCTS IN ESSEX COUNTY TO 21 YEARS OF AGE”**

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

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

WHEREAS, pursuant to Resolution No. 242 of August 6, 2018, this Board introduced proposed Local Law No. 4 of 2018 entitled “A local law to raise the legal age of sale of tobacco products in Essex County to 21 years of age”; and

WHEREAS, that a Public Hearing was duly held on the 6th day of August, 2018, at 11:00 a.m. to hear any and all persons concerning the adoption of said local law.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 4 of 2018 entitled “A Local Law to Raise the Legal Age for Sale of Tobacco Products in Essex County to 21 Years of Age” reading and provided as follows:

"ESSEX COUNTY LOCAL LAW NO. 4 OF 2018"

A local law to raise the legal age of sale of tobacco products in Essex County to 21 years of age.

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 “Essex County Local Law No. 4 of 2018 - A Local Law to Raise the Legal Age of Sale of Tobacco Products in Essex County to 21 Years of Age”.

Section 2. Enactment.

This local law is adopted pursuant to the authority granted the County of Essex pursuant to Section 10 of the Municipal Home Rule Law of the State of New York.

Section 3. Legislative Findings, Purpose and Intent.

The sale in Essex County of tobacco and related products to individuals under twenty-one years of age is prohibited in order to:

- a) further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law §1399-ii;
- b) respond to the fact that smoking is the single most preventable cause of death and disease in the United States and New York State, costing the lives of more than 26,000 New Yorkers annually;
- c) respond to findings made by the Institute of Medicine, which prepared a report at the request of the U.S. Food and Drug Administration entitled "Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, concluding and suggesting that:
 - i. adolescent brains are uniquely vulnerable to the effects of nicotine;
 - ii. a younger age of initiation is strongly associated with greater nicotine dependence and is also associated with greater intensity and persistence of smoking beyond adolescence and into adulthood;
 - iii. almost one in five high school seniors is a current cigarette smoker;
 - iv. underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty years old;
 - v. raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students;
 - vi. delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population; and
- d) address the fact that, when adjusted for age, 19.1 percent of adults in Essex County smoke;
- e) address the fact that 290 Essex County residents died prematurely (before 75) from 2012 to 2014 due to smoking-related conditions (heart disease, cancer and chronic lower respiratory disease);
- f) respond to data from the New York State Youth Tobacco Survey that states the percent of youth who have ever tried and currently use e-cigarettes doubled from 2014 to 2016;

- g) prevent exposure of youth, who are particularly susceptible to addiction, to the chemically addictive effects of tobacco and related products, in an effort to improve public wellness;
- h) reduce health care expenditures including a portion of the \$6.9 million in the annual local share of Medicaid costs for Essex County.

Section 4. Definitions.

- (a) "Prohibited Products" means:
 - i. cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic nicotine delivery systems (ENDS), liquid nicotine, snuff, rolling papers, and smoking paraphernalia, as those terms are defined in New York State Public Health Law Article 13-F and, when not so defined, as commonly understood to be defined; and
 - ii. ENDS (Electronic Nicotine Delivery Systems) are products that use a liquid "e-liquid" that may contain nicotine, as well as varying compositions of flavorings, propylene glycol, vegetable glycerin, and other ingredients. The liquid is heated into an aerosol that the user inhales. ENDS may be manufactured to look like conventional cigarettes, cigars, or pipes. Some resemble pens or other everyday items. Larger devices, such as tank systems or mods, bear little or no resemblance to cigarettes. Vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (e-cigarettes or ecigs), and e-pipes are some of the many terms used to describe electronic nicotine delivery systems (ENDS).
 - iii. all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.
- (b) "Enforcement Officer" means the Local Health Officer or designee or any other individual appointed and authorized by the Essex County Board of Supervisors pursuant to resolution.
- (c) "Local Health Officer" means the Essex County Health Department Director or designee.
- (d) "Hearing Officer" means any person designated and authorized by the Local Health Officer, designee or the Essex County Board of Supervisors to conduct adjudicatory hearings pursuant to this local law to determine violations of this local law and appropriate penalties.
- (e) "Vendor" means any person operating a place of business wherein Prohibited Products are described above are sold or offered for sale. " means Essex County Health Department staff assigned by the Director to fulfill this policy.

Section 5. Prohibition and Violations.

- a) The sale of Prohibited Products to those under the age of twenty-one is prohibited in Essex County to the same extent that sale of such products to those under eighteen years of age is prohibited by New York State Public Health Law Article 13-F, as the same may be amended from time to time.
- b) The identification requirements contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this law by reference, except that the age to be proven by such identification shall be twenty-one.
- c) Prohibited Products may not be sold in vending machines located in the County.
- d) No person operating a place of business wherein Prohibited Products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any Prohibited Product in any manner, unless such Product is stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to tobacco businesses as defined in subdivision eight of §1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons twenty-one years of age or older.

Section 6. Posting of Signs.

- a) Vendors of Prohibited Products will be provided one sign from the Essex County Health Department to post in a conspicuous place imprinted with the statement SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC NICOTINE DELIVERY SYSTEMS (including electronic cigarettes, vaporizers), ROLLING PAPERS OR SMOKING PARAPHERNALIA, TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW IN ESSEX COUNTY.”
- b) Such sign shall be printed on a white card in red letters at least one-half inch in height. Signs shall be protected from tampering, damage, removal, or concealment. All signage will be sent to the New York State Department of Health Saranac Lake District Office for approval before being posted.
- c) In the event additional sign language is required due to changes to New York State Public Health Law Article 13-F, vendors will be provided an updated sign and will post such sign in a conspicuous place with the additional language, including, but not limited to, reference to additional products which may become prohibited for sale to minors.

- d) In the event that a complaint is received by the Local Health Officer stating a vendor has failed to post required sign, one additional sign will be provided to the vendor without penalty. If a second complaint is received regarding failure to post required sign within 10 or more days of receiving the additional sign, such action constitutes a violation of this Local Law.

Section 7. Enforcement.

- a) The Local Health Officer or designee is charged with ensuring compliance and prosecution of this local law. The Local Health Officer or its designee may conduct periodic inspections in order to ensure compliance with this local law.
- b) Any person who desires to register a complaint under this Local Law may do so through the Essex County Health Department or Local Health Officer or designee.
- c) In the event a violation of this Law also constitutes a violation of New York State Public Health Law by selling tobacco or related products to a person(s) under 18 years of age, the Local Health Officer or designee will forward the complaint to the New York State Department of Health Saranac Lake District Office for investigation.
- d) For a violation of this Local Law which does not constitute a violation of New York State Public Health Law:
 - i. the Enforcement Officer or designee may issue and serve upon the person complained against a written hearing notice, together with the complaint made against him or her. The Complaint shall specify the provision(s) of this Local Law of which such person is alleged to be in violation, accompanied by a statement of the manner in which that person is alleged to have violated it, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the a Hearing Officer designated by the Local Health Officer, at a specified location, date, and time, not fewer than fifteen (15) days after the date of service of the notice and complaint;
 - ii. notwithstanding the above, the Local Health Officer or its designee may, in its discretion, offer a proposed stipulation to the person complained against, in which case the person complained against will have the option of executing the proposed stipulation within any time frame specified, or proceed with a formal hearing;
 - iii. when the Hearing Officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the Hearing Officer pursuant to Section 8 of this Local Law. Nothing herein shall be construed as prohibiting the

Local Health Officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law;

- iv. if the Hearing Officer determines that a violation of this Local Law did occur, that decision, along with the Hearing Officer's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing and a copy shall be provided to the accused violator. Likewise, if the Hearing Officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- v. the decision of the Hearing Officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules; and
- vi. the Local Health Officer, subsequent to any appeal having been finally determined, may bring an action in a court of proper jurisdiction to recover the civil penalty assessed in accordance with Section 6 of this Local Law.

Section 8. Violations and Penalties.

- a) Any person who violates any provision of this Local Law shall be subject to the imposition of a civil penalty in an amount not less than \$300.00 but not to exceed \$1,000 for a first violation; and a minimum of \$500.00, but not to exceed \$1,500.00 for each subsequent violation.
- b) All fine monies collected from a violation of this Local Law will be deposited into a designated Essex County Health Department account to be used towards tobacco education and prevention efforts.
- c) The Local Health Officer, reserves the right to publish violations in the local newspaper(s).

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged 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, section, or part of this law, or in its specific application.

Section 10. Reverse Preemption.

The Local Law shall be null and void on the day that Statewide or Federal legislation goes into effect incorporating either the same or substantially similar provisions as contained in this Local Law, or in the event that a pertinent State or Federal Agency promulgates regulations that preempt the provisions of this Law.

Section 11. Rules and Regulations.

The Local Health Officer and/or the Essex County Health Department may issue and amend rules, regulations, standards, guidelines or conditions to implement and enforce this local law.

Section 12. Effective Date.

This Local Law shall be effective immediately upon filing with the Office of Secretary of State.

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

- AYES: 1755 votes (Morrow, Harrington, Jackson, Wilson, Monty, Politi, Marnell, Giordano, Preston)**
- NOES: 1166 votes (Merrihew, Depo, McNally, Scozzafava, DeLoria, Moore, Montroy, Tyler, Gilliland)**
- ABSENT: 0 votes**

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY
MANAGER TO EXECUTE A NON-DISCLOSURE STATEMENT WITH
CHARTER COMMUNICATIONS/SPECTRUM AND ANY ALL OTHER
DOCUMENTS NECESSARY TO DETERMINE AND OBTAIN THE NAMES
AND LOCATIONS OF ALL PERSONS IN ESSEX COUNTY SERVICED
BY CHARTER COMMUNICATIONS/SPECTRUM IN ORDER TO INSURE
THAT ALL RESIDENTS OF ESSEX COUNTY ARE SERVICED BY
BROADBAND**

The following resolution was offered by Supervisor Monty, 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 Chairman or County Manager to execute a Non-Disclosure Statement with Charter Communications/Spectrum and any and all other documents necessary to determine and obtain the names and locations of all persons in Essex County serviced by Charter Communications/Spectrum in order to insure that all residents of Essex County are serviced by Broadband.

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

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

Resolution No. 286

September 4, 2018
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO TOWN OF LEWIS
SUPERVISOR JAMES MONTY
UPON HIS WINNING THE MILKING CONTEST AT THE 2018
ESSEX COUNTY FAIR**

The following resolution was offered by Supervisor Tyler, 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 extends their congratulations to the Town of Lewis Supervisor, James W. Monty, on winning the milking contest at the 2018 Essex County Fair.

This resolution was unanimously seconded and adopted.