

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

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

1. Re-appointments to the following Committees:

Community Services Board

George King for the term January 1, 2016 through December 31, 2020

Mental Health Committee

George King for the term January 1, 2019 through December 31, 2022

Development Disabilities Committee

George King for the term January 1, 2019 through December 31, 2022

Marty Nephew for the term January 1, 2019 through December 31, 2022

Scott Sayward for the term January 1, 2019 through December 31, 2022

Alcohol and Substance Committee

Doug Turbeek for the term January 1, 2019 through December 31, 2022

Robin Gay for the term January 1, 2019 through December 31, 2022

2. Appointment of Paul Elazoury, M.D. to the Community Services Board as Director of Community Services Designee Physician.
3. Re-appointment of Ann Merkel and Lynn Edmonds to the Essex County Office for the Aging Advisory Council for a three year term beginning January 1, 2019 through December 31, 2021.
4. Appointment of Colleen Bessett to the Essex County Office for the Aging Advisory Council for a three year term beginning January 1, 2019 through December 31, 2021.

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

**RESOLUTION AUTHORIZING THE ESSEX COUNTY HEALTH
DEPARTMENT TO APPLY FOR AND ACCEPT VARIOUS
GRANTS FROM ADIRONDACK HEALTH INSTITUTE**

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 apply for and accept the following grants and further authorizes to amend the 2019 Essex County Budget, as follows:

1. CCHL CHAMP funds from Adirondack Health Institute through DSRIP funds in the amount of \$1,250.00, and further authorizes a budget amendment to increase revenues and appropriations in the amount of \$1,250.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP Funds	\$1,250.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP Funds	\$1,250.00

2. P4P DY3 funds from Adirondack Health Institute through DSRIP funds in the amount of \$59,035.00, and further authorizes a budget amendment to increase revenues and appropriations in the amount of \$59,035.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP Funds	\$59,035.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP Funds	\$59,035.00

3. P4P DY3 PMT-1 funds from Adirondack Health Institute through DSRIP funds in the amount of \$5,000.69, and further authorizes a budget amendment to increase revenues and appropriations in the amount of \$5,000.69, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP Funds	\$5,000.69

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP Funds	\$5,000.69

4. Adirondack Rural Health Network (ARHN) Program from Adirondack Health Institute for outreach and education in the amount of \$3,000.00, and further authorizes a budget amendment to increase revenues and appropriations in the amount of \$3,000.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4197 42705AHI	AHI	\$3,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41974 54ARHI	ARHN	\$3,000.00

5. WF Training 11-12 from Adirondack Health Institute through DSRIP funds in the amount of \$3,889.00, and further authorizes a budget amendment to increase revenues and appropriations in the amount of \$3,889.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP Funds	\$3,889.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP Funds	\$3,889.00

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

DR. JOSHUA S. SCHWARTZBERG

The following resolution was offered by Supervisor Jackson, 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, Dr. Joshua S. Schwartzberg of Essex, New York passed away at his home on January 10, 2019; and

WHEREAS, Dr. Joshua S. Schwartzberg was born in Munich, Germany on March 21, 1946; and

WHEREAS, in 1951, his family immigrated to the United States where they settled in the Bronx, in 1953 moved to Norma, New Jersey before moving to Philadelphia; and

WHEREAS, Josh excelled in school and in ninth grade was invited to attend Central High School, a magnet school in Philadelphia, attended Temple University and Philadelphia College of Osteopathic Medicine; and

WHEREAS, after medical school, he moved to the Adirondacks and took his first job as a doctor in a small clinic in Old Forge and, after the birth of his eldest son, moved to Saranac Lake and joined Dr. F. Trudeau and other physicians at Medical Associates. “Doc Josh” later had practices in Lake Placid, Willsboro and Burlington, Vermont; and

WHEREAS, Doc Josh was an avid fisherman, loved to ski, fly, fish and spend time with his grandchildren; and

WHEREAS, Josh is survived by his wife of 15 years, Beth Schiller, three sons, Jesse and his wife, Kim, Ezra and his wife, Audrey and Eli and his wife, Emily; and seven grandchildren; and

WHEREAS, Josh is also survived by his sisters, Marion and Sima and his brothers, Leo and Nate; and

WHEREAS, Dr. Schwartzberg was a loving husband, son, father, grandfather, brother, doctor 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 Dr. Joshua S. Schwartzberg; 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 Schwartzberg family.

This resolution was unanimously seconded and adopted.

RESOLUTION APPROVING THE ISSUANCE BY THE ESSEX COUNTY CAPITAL RESOURCE CORPORATION OF CERTAIN TAX-EXEMPT QUALIFIED 501(c)(3) REVENUE BONDS TO FINANCE A PROJECT FOR NORTH COUNTRY SCHOOL, IN THE TOWN OF NORTH ELBA, COUNTY OF ESSEX, NEW YORK

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, pursuant to Section 1411 of the New York-Not-for-Profit Corporation Law (the "Act"), the Board of Supervisors of County of Essex, New York (the "Board of Supervisors") has heretofore appointed the Chairperson and members of the Essex County Capital Resource Corporation, a local development corporation and a local authority (the "Corporation"), acting on behalf of the County of Essex, New York (the "County") and has duly caused to be filed in the office of the Secretary of the State of New York the certificate of incorporation of the Corporation; and

WHEREAS, to accomplish its stated purposes, the Corporation is authorized and empowered under the Act to issue its qualified 501(c)(3) revenue bonds to finance the costs of the acquisition, construction, equipping and installation of one or more projects or to cause said projects to be acquired, constructed, equipped and installed, and to issue bonds or other evidence of indebtedness to finance said projects; and

WHEREAS, North Country School, a duly organized and validly existing New York education corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), which is exempt from Federal income taxation pursuant to Section 501(a) of the Code, having an office at 4382 Cascade Road, Lake Placid, New York 12946 (the "Institution"), has presented an application to the Corporation, a copy which is on file at the office of the Corporation, requesting that the Corporation consider undertaking: (i) to issue its tax-exempt 501(c)(3) revenue bonds in one or more issues or series in the principal amount not to exceed \$9,000,000 (the "Bonds") in order to finance the Project (as defined in the next paragraph); and (ii) to cause the Project to be acquired, constructed, equipped and installed; and

WHEREAS, the Project consists of the following: (A) the financing and refinancing of a project consisting of the construction of an approximate 10,000 square foot performing arts center, renovation of Hansen House, renovation of a waste treatment plant, renovation of a teaching/learning kitchen, renovation of Hike House and renovation of Round Lake Cottage (the "Facilities"), (ii) the acquisition and installation in the Facilities of various machinery, equipment, and furnishings, including fixtures (the "Equipment"), and (iii) the

refinancing of outstanding indebtedness of the Institution, all of the Facilities of which are to be located at 4382 Cascade Road, Lake Placid, New York 12946 (collectively, the "Project"), and the costs of issuance of the Bonds and certain related costs and expenses of the Project; and

WHEREAS, the Board of Supervisors has been advised by the Corporation that the Corporation proposes to issue, subsequent to the adoption of this resolution, its tax-exempt qualified 501(c)(3) revenue bonds, from time to time, in principal amounts sufficient to fund all or a portion of the costs of (i) the acquisition, constructing, equipping and installation of the Project, together with incidental costs in connection therewith and (ii) the payment of certain costs of issuance to finance the Project; and

WHEREAS, the Bonds will constitute "qualified 501(c)(3) bonds" pursuant to Section 145 of the Code. Accordingly, the Corporation has prepared and published a notice of public hearing in compliance with Section 147(f) of the Code; and

WHEREAS, the Corporation conducted said public hearing on December 21, 2018 and, upon the receipt of terms of financing from the underwriter or purchaser of the Bonds, will adopt a bond resolution authorizing the Bonds; and

WHEREAS, the Board of Supervisors has received notice from the Corporation that it is the preliminary determination of the Corporation that the Project will not have a "significant impact on the environment" within the meaning of Article 8 of the Environmental Conservation Law of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Essex, New York as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income pursuant to the applicable provisions of the Code, the Board of Supervisors, as the elected legislative body of Essex County, New York, for purposes of Section 147(f) of the Code, hereby approves the issuance by the Corporation of the Bonds, provided that the Bonds, and the premium, if any, and interest thereon, shall be special obligations of the Corporation and shall never be a debt of the State of New York, the County of Essex nor any political subdivisions thereof or public entity (other than the Corporation), and neither the State of New York, the County of Essex nor any political subdivisions thereof nor any public entity (other than the Corporation) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

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

AYES:	2725 votes
NOES:	0 votes
ABSENT:	196 votes (Morrow)

**RESOLUTION AUTHORIZING THE COMMUNITY RESOURCES
DEPARTMENT TO APPLY FOR AND ACCEPT A NEW YORK
STATE DEPARTMENT OF STATE LOCAL GOVERNMENT
EFFICIENCY GRANT**

The following resolution was offered by Supervisor Marnell, 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 Essex County Community Resources Department to apply for and accept a NYS DOS Local Government Efficiency grant in the amount of \$199,854.00, for Real Property, IT and DPW Departments for GIS software and hardware training; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby amends the 2019 Essex County Budget to increase revenues and appropriations in the amount of \$199,854.00, for NYS DOS Local Government Efficiency grant, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
8021 43989423	DOS LGE	\$199,854.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
80214 54EFFIC	Efficiency	\$199,854.00

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO
LAKE PLACID MARATHON/INSPIRATION SPORTS, LLC FOR
THE USE OF COUNTY ROADWAYS FOR THE 2019 LAKE
PLACID MARATHON AND HALF MARATHON UPON THE
APPROVAL
OF THE COUNTY ATTORNEY**

The following resolution was offered by Supervisor Politi, 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, the 2019 Lake Placid Marathon and Half Marathon will take place within Essex County on June 9, 2019; 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 2019 Lake Placid Marathon and Half Marathon on June 9, 2019, subject to the terms and conditions approved by the County Attorney.

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

**RESOLUTION AUTHORIZING CONTRACT AMENDMENTS TO
THE DEPARTMENT OF PUBLIC WORKS CONTRACTS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes an amendment to the following DPW contracts:

1. Atlantic Testing Laboratories bearing Contract No. DPW-19-0025, for installation of groundwater monitoring wells, as required by NYS DEC, at three locations, in an amount not to exceed \$9,170.00, from budgeted funds; and
2. Schoder Rivers Associates bearing Contract No. DPW-19-0027, for professional engineering services including bidding and construction phase services for the Trout Brook Road over Trout Brook Bridge Replacement Project in the Town of Minerva, in an amount not to exceed \$19,100.00, from bridge bond funds.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the above referenced contract amendments; and

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

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

**RESOLUTION AUTHORIZING THE ESSEX COUNTY
PURCHASING AGENT TO GO TO BID FOR VARIOUS
PROJECTS IN THE DEPARTMENT OF PUBLIC WORKS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to go to bid for the following DPW projects:

- Cornell Cooperative Extension Building at Fairgrounds - asbestos abatement and removal
- Interbrook Road over Johns Brook Bridge Replacement Project, Keene
- Peaseley Road over Putnam Creek Bridge Replacement Project, Crown Point
- Lobdell Lane over the Boquet River Bridge Replacement Project, Elizabethtown
- Morehouse Bridge over the Boquet River Bridge Demolition Project, Willsboro

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

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO
IRONMAN LAKE PLACID FOR THE USE OF COUNTY
ROADWAYS FOR THE 2019 IRONMAN TRIATHLON RACE ON
JULY 28, 2019, AND FOR THE 2019 IRONMAN 70.3 TRIATHLON
RACE ON SEPTEMBER 8, 2019.**

The following resolution was offered by Supervisor Politi, 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.

WHEREAS, the 2019 Ironman Triathlon Race will take place within Essex County on July 28, 2019; and

WHEREAS, the 2019 Ironman 70.3 Triathlon will take place within Essex County on September 8, 2019; and

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

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 2019 Ironman Triathlon on July 28, 2019, and for the 2019 Ironman 70.3 Triathlon on September 8, 2019, to Ironman Lake Placid, subject to the terms and conditions approved by the County Attorney.

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

Resolution No. 23

February 4, 2019
Regular Board Meeting

**RESOLUTION AUTHORIZING REAL PROPERTY TAX SERVICES
OFFICE TO ADOPT A HEALTHY FOOD, BEVERAGE AND
WELLNESS POLICY**

The following resolution was offered by Supervisor Monty, 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 the Real Property Tax Services Office to receive a new hydration system and to adopt a Healthy Food, Beverage and Wellness Policy to provide for a healthy work environment, from grant funds through Clinton County Public Health.

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

**Resolution No. 24
CR 43 Shore Airport Road Campsite Road
Ticonderoga Project 17-2
P.I.N. 1760.63**

**February 4, 2019
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND
FUNDING IN THE FIRST INSTANCE 100% OF THE
FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE**

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

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

WHEREAS, a Project, CR 43 - Shore Airport Road Improvements, in the Town of Ticonderoga: P.I.N. 1760.63 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Essex desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction/CI for the Project or portions thereof.

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

RESOLVE, that the Essex County Board of Supervisors hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County of Essex to pay in the first instance 100% of the federal and non-federal share of the construction/CI work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,976,301.00 (One million nine hundred seventy six thousand, three hundred and one dollars) is hereby appropriated from H56294 5484 and made available 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 will take effect immediately.

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD
AND/OR COUNTY MANAGER TO MAKE INTER-DEPARTMENTAL
AND INTRA-DEPARTMENTAL BUDGET TRANSFERS IN THE 2018
ESSEX COUNTY BUDGET**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of the Board and/or the County Manager to make inter-departmental and intra-departmental budget transfers within the 2018 Essex County Budget for the purpose of balancing the various accounts in said budget as of the close of business as of and on December 31, 2018; and

BE IT FURTHER RESOLVED that on or before January 31, 2019, the County Manager shall file with the Clerk of this Board a complete listing of all supplemental appropriations and transfers made pursuant to this resolution, which listing shall include but not be limited to specific account numbers and amounts.

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

Resolution No. 26

February 4, 2019
Regular Board Meeting

**RESOLUTION AUTHORIZING THE APPOINTMENT OF TWO
MEMBERS TO THE ESSEX COUNTY ETHICS BOARD**

The following resolution was offered by Supervisor Jackson, 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 appointment of the following members to the Essex County Ethics Board:

Peter Jacques, Willsboro for a five year term beginning February 4, 2019 and expiring December 31, 2024.

Michael J. McGlynn, Lake Placid for a five year term beginning February 4, 2019 and expiring December 31, 2024.

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

**RESOLUTION AUTHORIZING THE PAYMENT OF \$5,979.78
TO BROOKE BROWN IN EXCHANGE FOR HER
CONVEYANCE TO THE COUNTY OF ESSEX OF PROPERTY
BEARING TOWN OF NORTH ELBA
TAX MAP NO. 33.18-1-3.220,**

The following resolution was offered by Supervisor Merrihew, 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 payment of \$5,979.78 to Brooke Brown in exchange for her conveyance to the County of Essex of property described in a deed recorded in the Essex County Clerk's Office on the 26th day of December, 2017 at Book 1899, Page 56 being previously assessed for the year 2015 to Lakeside Residence Association bearing Tax Map No. 33.18-1-3.220; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute any and all documents necessary to effectuate the delivery of the monies and the receipt of all deed work by the County.

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

**RESOLUTION AUTHORIZING THE RE- APPOINTMENT OF
MICHAEL TYLER, TOWN OF WESTPORT, TO THE LAKE
CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the re-appointment of Michael Tyler, Town of Westport, to the Lake Champlain-Lake George Regional Planning Board, for the term January 1, 2019 through December 31, 2021.

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 3
OF 2019 A LOCAL LAW PROVIDING FOR ADDITIONAL AND
RELATED DUTIES OF THE OFFICE OF ESSEX COUNTY
CORONER PURSUANT TO AUTHORITY GRANTED IN COUNTY
LAW SECTION 671(2)**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 3 of 2019 entitled “A Local Law providing for additional and related duties of the Office of Essex County Coroner pursuant to authority granted in County Law Section 671(2)” reading and providing as follows:

“ESSEX COUNTY LOCAL LAW NO. 3 of 2019

A local law providing for additional and related duties of the Office of Essex County Coroner pursuant to authority granted in County Law Section 671(2).

BE IT ENACTED by the Board of Supervisors of the County of Essex, State of New York as follows:

SECTION I. TITLE

This Local Law shall be known and cited as “Local Law Providing for Additional and Related Duties of the Office of Essex County Coroner Pursuant to Authority Granted in County Law Section 671(2).”

SECTION II. ENACTMENT

This Local Law is adopted pursuant to the authority granted the County of Essex by Section 10 of the Municipal Home Rule Law of the State of New York and Section 671(2) of the County Law of the State of New York.

SECTION III. PURPOSE

The purpose of this Local Law is to supplement Article 17-a of the New York State County Law entitled “Coroner, Coroner’s Physician and Medical Examiner” pursuant to authority

granted the County under Section 671(2) of the New York State County Law in order to provide prompt, professional, respectful and compassionate investigation and care of the deceased. By adoption of this Local Law, the County of Essex declares its intent to regulate, control and provide for additional related duties of coroners. This includes, but is not limited to, investigation at the scene, removal and transportation of the deceased, training, records, central dispatch, response time and investigation of deaths not prescribed by Article 17-a.

This law is intended to address issues which are presently of concern to Essex County and it is not intended to be a comprehensive regulation of coroners within Essex County as they are governed by New York State County Law Article 17-a.

SECTION IV. DUTIES AND RESPONSIBILITIES

All coroners shall comply with Article 17-a of the County Law and any and all other applicable State rules, regulations and laws as they relate to the position of coroner in New York State and the terms and conditions of this Local Law.

SECTION V. SALARIES

Elected coroners serving Essex County shall be paid the annual salary of \$4,529.38 for the year 2019. Salary may be increased or decreased, pursuant to law, by the Essex County Board of Supervisors.

SECTION VI. STIPENDS

In addition to the salaries as stated above, coroners shall be paid the following additional stipends provided they have properly complied with this Local Law and all laws, rules and regulations related thereto. Failure to comply will result in non-payment of stipends.

- a. Stipend for individually handled call - \$100.00 per call
- b. Stipend for removal of a body only in the event that a licensed funeral home is not available for the removal - \$150.00 (See Section VI)
- c. There shall be no stipend for body bags as body bags will be obtained from the County
- d. Mileage for transportation of a body in the event that no local funeral home is available - current IRS rate for unloaded mile which at present is \$0.545 per mile.

SECTION VII. TRANSPORTATION

It is recognized that Essex County coroners do not have the proper vehicles and equipment to safely and properly transport a body. The transportation of a body from the scene to a funeral home, morgue or elsewhere shall be done and authorized by a licensed funeral homes contracting with Essex County only and not the coroner. No body shall be

transported in a coroners private vehicle. Transportation from a hospital, morgue or medical facility back to the funeral home or elsewhere shall be done by licensed funeral homes contracting with Essex County and shall not be a charge to the County, but be charged by the funeral home to the decedent's estate.

The fee to be paid by the County of Essex to the funeral home for transportation shall be \$150.00 in addition to the current IRS mileage rate for unloaded mile which at the present is \$0.545 per mile.

The purpose of this section is to provide for the transportation of the deceased by licensed funeral homes who have the necessary equipment, expertise and insurance coverage. It is recognized that in rare circumstances, the coroner may have to transport a body. In the event that the Essex County Emergency Services dispatch has failed to obtain the services of a licensed funeral home for transport, it may dispatch the coroner to transport the body provided that the coroner complies with all applicable laws, rules and regulations incident thereto. In these instances, the coroner shall be paid the same fee as a licensed funeral home. (Section VI(b))

No coroner shall transport bodies or authorize autopsies unnecessarily at the County's expense when there is no apparent need. The justification for the transportation of bodies for autopsy purposes and the authorization of autopsies shall be memorialized in writing and filed with the Essex County Auditor and Clerk of the Board.

SECTION VIII. RESPONDING TO CALLS AND APPEARANCE AT SCENE

Pursuant to County Law Section 674, when a coroner is informed of the occurrence of a death within his or her jurisdiction, he/she shall physically go at once to the place where the body is and take charge of it. The coroner shall not rely on information given over the phone or by third parties, but will competently perform the investigation pursuant to Article 17-a of the County Law and this Local Law.

Under no circumstances shall a coroner investigate a death and perform his or her duties over the telephone, physical presence is required.

SECTION IX. CONFLICT OF INTEREST

No coroner shall recommend a funeral home for transportation, however the coroner may consult with the decedent's family or next of kin as to what funeral home they desire and that funeral home will be called for transport. If none is chosen, a licensed funeral home contracting with Essex County closest to the decedent's residence shall first be called by dispatch and, if unable to respond, the next closest available funeral home will be called.

Coroners shall not solicit, offer or request from any law enforcement, emergency services organization, ambulance organization, fire department or district, physician, hospital, morgue, funeral home or other interested party that they be called to particular death or on

a regular basis. Any such action will be considered a conflict of interest and shall be subject to Essex County's Ethics Law (Local Law No. 6 for 2010).

No local, state or federal law enforcement agencies, funeral homes, emergency service providers, ambulance services, fire departments or districts or other involved parties will request or solicit a particular coroner regularly or on occasion but shall call the Essex County Emergency Services dispatch center and request a coroner, allowing the center to dispatch the closest available coroner.

SECTION X. DISPATCH OF CORONERS

All Essex County coroners shall be dispatched by the Essex County Emergency Services dispatch center located in Lewis, New York who shall choose the coroner per call. All local, state and federal law enforcement agencies, funeral homes, emergency services responders, ambulance services, fire departments and districts and other involved parties, when they are involved in a death which requires a coroner, shall immediately contact the Essex County Emergency Services dispatch center who will dispatch a coroner. It shall be Essex County Emergency Services dispatch center sole province to dispatch a coroner. Under no circumstances will anyone circumvent the dispatch center and directly call a coroner, except in cases of an emergency and upon full written documentation provided therefore.

Essex County/Essex County Emergency Services dispatch center shall create a written log of all coroners called and specifics as approved by the County of Essex.

Under no circumstances shall Essex County Emergency Services dispatch center contact or dispatch a coroner who is not within the County or within the State of New York at the time, as prompt response time is vital.

Essex County Emergency Services dispatch shall dispatch the first available coroner closest to the scene and preference shall be given to coroners and funeral homes (for transportation) who have the least amount of response time. In the event that the closest coroner/funeral home is not available, dispatch shall proceed to the next available coroner or funeral home.

SECTION XI. DOCUMENTATION AND FILING OF CASES

Each coroner shall complete a chronological listing of all cases investigated listing the date, name, cause of death, manner of death, township and other relevant information as required by Essex County pursuant to resolution. The report shall be filed semi-annually. Each case shall be assigned a case number. All coroners shall use the official forms approved by the Essex County Board of Supervisors pursuant to resolution.

On or before March 1st in each year, each coroner shall make an annual report for the immediately preceding year covering the work of his/her office. He/she shall make such

other reports at such times as may be required by the Board of Supervisors or any other applicable law. Copies of all reports shall be filed with the Clerk of the Board.

SECTION XII. RESOLUTION NO. 29 OF FEBRUARY 4, 2008

This Local Law shall supercede and render null and void Resolution No. 29 of February 4, 2008, and as such, the resolution is rescinded and of no legal force and affect.

SECTION XIII. TRAINING

All coroners shall comply with State training as mandated by County Law Section 679 and by rule, regulation or law. The County of Essex shall pay the costs of any and all such training. In addition thereto, all coroners shall receive training and pass all necessary tests as mandated by the Essex County Board of Supervisors including but not limited to, blood-borne pathogen training, mass fatality/casualty training, synthetic opioid training, chain of custody training and any other continuing education training required by the County of Essex.

SECTION XIV. NOTICE OF UNAVAILABILITY

Any coroner who knows that he/she will become unavailable as a result of illness, vacation, work or any other reason whatsoever for more than one (1) day shall notify the Essex County Emergency Services dispatch center and the next closest coroner shall be assigned coverage for the absent coroner's area of responsibility. Notification shall be made via email and telephone.

In the event that a coroner is not able to physically be present and respond to a case in his/her area, the next geographically closest coroner shall be contacted to respond.

SECTION XV. REGULATIONS

The County of Essex reserves the right to adopt regulations in furtherance of this Local Law and to carry out its provisions and purposes by resolution.

SECTION XVI. 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 XVII. EXISTING LAW AND REGULATIONS

All coroners shall fully comply with Article 17-a of the County Law of the State of New York and all present and future laws, rules and regulations regarding the office of coroner and the conduct of the position of coroner.

SECTION XVIII. DUTY TO REPORT

All coroners shall report any violations by coroners, law enforcement agencies, funeral homes, emergency service providers, ambulance services, fire departments and districts and other involved parties of this Local Law or of County Law Article 17-a or any other rules or regulations incident to the position of coroner to the Essex County Board of Supervisors immediately.

SECTION XIX. PENALTIES FOR VIOLATIONS

Any coroner, person, association, firm, company or corporation which violates any provision of this section or assists in the violation of any provision of this section shall be guilty of a violation punishable:

1. By a fine or penalty of not less than \$200 and not exceeding \$1,000 or by imprisonment for a period not to exceed fifteen (15) days, or both, for a conviction of a first offense.
2. By a fine or penalty of not less than \$500 and not exceeding \$2,000 or by imprisonment for a period not to exceed fifteen (15) days, or both, for a conviction of a second offense committed within a period of five (5) years.
3. In the case of the coroner, removal from office pursuant to New York State Public Officers Law, County Law and General Municipal Law.

SECTION XX. EFFECTIVE DATE

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

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 the 25th day of February, 2019, at 9:00 a.m. in the forenoon of that day, to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors publish a Notice of such Hearing in the designated County newspapers at least five (5) days prior to said Hearing.

This resolution was duly seconded by Supervisor Harrington, and adopted upon a

roll-call vote as follows:

AYES:	2725	votes
NOES:	0	votes
ABSENT:	196	votes (Morrow)

Resolution No. 30

February 4, 2019
Regular Board Meeting

**RESOLUTION OPPOSING THE CUT OF AID TO MUNICIPALITIES
IN ESSEX COUNTY EFFECTIVE IN THE YEAR 2020 MADE BY
GOVERNOR ANDREW CUOMO**

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, Governor Cuomo has cut Municipal Funding for the year 2020 to Municipalities in Essex County.

BE IT RESOLVED that the Essex County Board of Supervisors hereby opposes the cut to the Aid to Municipalities for the year 2020 and hereby requests that the Governor of the State of New York, the New York State Assembly and New York State Senate restore the scheduled aid to municipal funding for the year 2020 to the municipalities in Essex County; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to: Governor Andrew Cuomo, Senator Elizabeth O'C. Little and Assemblyman Dan Stec.

This resolution was unanimously seconded and adopted.

Resolution No. 31

February 4, 2019
Regular Board Meeting

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO
INSTALL AND MAKE ACCESSIBLE HANDICAP PORT-O-
POTTIES AT SPLIT ROCK FALLS ON BOQUET RIVER, IN THE
TOWN OF ELIZABETHTOWN**

The following resolution was offered by Supervisor Merrihew, 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 supports the New York State Department of Environmental Conservation to install and make accessible handicap Port-O-Potties at Split Rock Falls on Boquet River, in the Town of Elizabethtown.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
R. DENNIS ALLEN**

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

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

WHEREAS, R. Dennis Allen of Lake Placid, New York passed away unexpectedly on February 1, 2019; and

WHEREAS, R. Dennis Allen was born in Lake Placid, New York on August 26, 1954, the son of Robert and Gloria (Fox) Allen; and

WHEREAS, R. Dennis Allen began his sports and event administrative career in 1978, when he was hired as an Assistant for ice sports at the 1980 Olympic Winter Games; later appointed Venue Manager of the Sheffield Speed Skating Oval for the Olympic Games; after the Olympics, hired as Director of Operations of the Olympic Center by the Town of North Elba and went on to become Director of Events for ORDA and promoted to General Manager of the Olympic Center; and

WHEREAS, R. Dennis Allen was involved in countless national and international figure skating, ice hockey and speed skating events, as well as a consultant and field of play supervisor, overseeing preparations for both speed skating and figure skating; and

WHEREAS, R. Dennis Allen was a prominent figure in the Lake Placid ice hockey program serving as a coach for the U6 hockey program for Lake Placid Youth Athletic Association, an ECAC referee and linesman and has been part of the National Ice Hockey Officials Association; and

WHEREAS, R. Dennis Allen was the beloved cousin of Roby Politi, member of the Essex County Board of Supervisors and Supervisor of the Town of North Elba; and

WHEREAS, R. Dennis Allen was a loving husband, son, 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 R. Dennis Allen; 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 Allen family.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE CHAIRMAN OR COUNTY
MANAGER TO EXECUTE A CONTRACT EXTENSION TO
CONTRACT NUMBER CR-18-0009 AND CR-18-0009A WITH
SCHODER RIVERS ASSOCIATES CONSULTING ENGINEERS,
TO EXTEND THE TERM OF THE CONTRACT THROUGH
DECEMBER 31, 2019**

The following resolution was offered by Supervisor Marnell, 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 a contract amendment to Contract Number CR-18-0009 and CR-18-0009A, with Schoder Rivers Associates Consulting Engineers, to extend the term of the contract through December 31, 2019; and

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

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

AYES: 2725 votes
NOES: 0 votes
ABSENT: 196 votes (Morrow)

**RESOLUTION AUTHORIZING THE CHAIRMAN OR COUNTY
MANAGER TO EXECUTE A CONTRACT AMENDMENT
EXTENDING CONTRACT PH-18-0115 BETWEEN ESSEX
COUNTY AND DURRIN, INC., FOR PRESCHOOL
TRANSPORTATION, TO AUGUST 31, 2019, AND AMENDING
THE PER STUDENT RATE FEES**

The following resolution was offered by Supervisor Marnell, 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 a contract amendment to extend Contract Number PH-18-0115 with Durrin, Inc., for Preschool Transportation, to August 31, 2019; and

BE IT FURTHER RESOLVED, that the per student rate fees shall be amended as follows:

Per Student Rate without Aide	- \$ 79.00
Per Student Rate with Aide	- \$169.00

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

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

AYES:	2725	votes
NOES:	0	votes
ABSENT:	196	votes (Morrow)

Resolution No. 35
DEFEATED

February 4, 2019
Regular Board Meeting

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE
STATE OF NEW YORK OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION, NEW YORK STATE DEPARTMENT
OF TRANSPORTATION AND ESSEX COUNTY FOR EMPIRE
STATE TRAIL WORK**

The following resolution was offered by Supervisor McNally, 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 an agreement for the construction, ownership and maintenance of the Empire State Trail (Trail) work with the Office of Parks, Recreation and Historic Preservation (OPRHP), New York State Department of Transportation (NYSDOT) and Essex County; and

BE IT FURTHER RESOLVED, the Trail route would include utilizing local roads for walking and bicycling; and

BE IT FURTHER RESOLVED, the State and Municipality would identify the respective responsibilities of each with regard to ownership, repair and maintenance of the Trail work.

This resolution was seconded by Supervisor DeLoria, and **DEFEATED** upon a roll-call vote as follows:

AYES: 0 votes
NOES: 2725 votes
ABSENT: 196 votes (Morrow)