

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
VARIOUS DEPARTMENTS**

The following resolution was offered by Supervisor DeLoria, 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 2019 Essex County Budget as follows:

From Human Services Committee:

1. From the Social Services Department, to increase revenues and appropriations in the amount of \$25,000.00, Stop Domestic Violence funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6109 44609	Federal Aid - FA	\$25,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6109487 5487	Family Assistance	\$25,000.00

2. From the Health Department, to increase revenues and appropriations in the amount of \$145.89, Adirondack Foundation carryover funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
408242705	Adk Foundation	\$145.89

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
40824 5487	Misc	\$145.89

3. From Office for the Aging, to increase revenues and appropriations in the amount of \$14,278.00, unexpended DSRIP funds from AHI, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772 43489DSR	State Aid - AHI/DSRIP	\$14,278.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724 54DSRIP	DSRIP	\$14,278.00

4. From Office for the Aging, to increase revenues and appropriations in the amount of \$40,872.00, DSRIP funds from AHI, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772 43489DSR	State Aid - AHI/DSRIP	\$40,872.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724 54DSRIP	DSRIP	\$40,872.00

From Economic Development Committee:

1. From Community Resources Department, to increase revenues and appropriations in the amount of \$1,587,653.58, NYSERDA Cleaner/Greener carryover funds from 2016 to 2017, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
H8023 43989409	Cleaner Greener	\$1,587,653.58

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
H80234 54Green2	Cleaner Greener	\$1,587,653.58

2. From Community Resources Department, to increase revenues and appropriations in the amount of \$1,502,819.78, NYSERDA Cleaner/Greener carryover funds from 2017 to 2018, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
H8023 43989409	Cleaner Greener	\$1,502,819.78

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
H80234 54Green2	Cleaner Greener	\$1,502,819.78

3. From Community Resources Department, to increase revenues and appropriations in the amount of \$804,508.00, NYSERDA Cleaner/Greener carryover funds from 2018 to 2019, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
H8023 43989409	Cleaner Greener	\$804,508.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
H80234 54Green2	Cleaner Greener	\$804,508.00

From Finance Committee:

1. From Community Resources Department, to increase revenues and appropriations in the amount of \$6,048,144.00, carryover 2018 Community Rising funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6989 4499716	Federal Aid GOSR	\$6,048,144.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
69894 54DR	Community Rising - Disaster Recovery	\$6,048,144.00

From Ways and Means Committee:

1. From DPW, to increase revenues and appropriations in the amount of \$20,475.86**, insurance recovery, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
8160 42680	Insurance Recoveries	\$20,475.86

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
81604 5441	Other supplies and repairs	\$20,475.86

Amended to include additional \$962.08 received from insurance company

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION OF APPRECIATION AND CONGRATULATIONS
TO
JOSEPH GIORDANO
TOWN OF TICONDEROGA SUPERVISOR
UPON RECEIVING THE NEW YORK STATE PUBLIC HEALTH
ASSOCIATION LEGISLATOR OF THE YEAR AWARD**

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, the New York State Public Health Association (NYSPHA) chose Joseph Giordano, Supervisor of the Town of Ticonderoga as recipient of the New York State Public Health Association Legislator of the Year Award; and

WHEREAS, Essex County nominated Joseph Giordano for this award for his partnership in mitigating the opioid crisis in Ticonderoga and Essex County, crucial in passing the Tobacco 21 legislation and facilitated walk-in HIV and HCV testing, to name a few of his accomplishments.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby recognizes and congratulates Joseph Giordano upon receiving the New York State Public Health Association Legislator of the Year Award; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby directs its Clerk of the Board to forward a suitably embossed copy of this Resolution to Joseph Giordano.

This resolution was unanimously seconded and duly adopted.

**RESOLUTION PROCLAIMING THE MONTH OF MAY, 2019
AS MENTAL HEALTH MONTH**

The following resolution was offered 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, Mental Health is critical for the well-being and vitality of our families, businesses and communities; and

WHEREAS, mental illness will strike one in five Americans in a given year regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, May as Mental Health Month will raise the awareness of the needs of people with such disorders, and the understanding of mental illness for all people.

BE IT RESOLVED, that the Essex County Board of Supervisors does hereby proclaim the month of May as "Mental Health Month in Essex County" to increase awareness of the need for appropriate and accessible services for all people with mental illnesses.

This resolution was unanimously seconded and adopted.

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

The following resolution was offered by Supervisor Merrihew, 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. Appointment of the following Board Members and Subcommittee Members approved by the Essex County Community Services Board:

Community Services Board -

Father Craig Hacker for the term of January 1, 2018 to December 31, 2021.

Alcoholism/Substance Abuse Subcommittee -

Charlie Lustig for the term January 1, 2018 to December 31, 2021.

Mary Bell for the term January 1, 2018 to December 31, 2021.

Mental Health Subcommittee -

Geoff Neu for the term January 1, 2017 to December 31, 2020

Kari Lautenschuetz for the term January 1, 2019 to December 31, 2022

Judy Feigenbaum for the term January 1, 2018 to December 31, 2021

Father Craig Hacker for the term January 1, 2018 to December 31, 2021

From DPW Committee:

1. Appointing Bernard Leerkes to the Essex County Soil and Water Conservation District Board of Directors, to fill the unexpired term of Karl teRiele.

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

**RESOLUTION OF CONGRATULATIONS TO
DANIEL SWEATT
UPON HIS RETIREMENT FROM WILLSBORO FIRE AND
EMERGENCY MEDICAL SERVICE**

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, Daniel Sweatt, a resident of the Town of Willsboro, will retire from the Willsboro Fire and Emergency Medical Service with 32 years of service; and

WHEREAS, Daniel Sweatt has exhibited the highest degree of skill and competence in performing his duties and has conscientiously and with the highest degree of professionalism and integrity served the residents of Willsboro and Essex County; and

WHEREAS, this Board of Supervisors commends all fire and emergency personnel for their selfless acts of bravery and their dedication to all; and

WHEREAS, Daniel Sweatt has tirelessly, selflessly, conscientiously and with the degree of professionalism performed his duties as a volunteer fireman and emergency medical service member for 32 years, during which time he covered thousands of fire calls; and

WHEREAS, Daniel Sweatt has set an example for all by his selfless, professional, civil and community dedication performing his duties for the good of the residents of the Town of Willsboro and Essex County.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby extends their heartfelt thanks and appreciation to Daniel Sweatt for his 32 years of dedicated, conscientious and exemplary public service to the people of the Town of Willsboro and Essex County, and wish him good health and success upon his retirement and in his future endeavors.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby directs its Clerk of the Board to forward a suitably embossed copy of this Resolution to Daniel Sweatt.

This resolution was unanimously seconded and adopted.

Resolution No. 144

June 3, 2019
Regular Board Meeting

**RESOLUTION AUTHORIZING TO CHANGE THE HOURS IN THE
OFFICE OF THE ESSEX COUNTY BOARD OF ELECTIONS TO
BE OPEN
FROM 8:00 A.M. TO 4:00 P.M.
FROM MAY 15TH - SEPTEMBER 15, 2019**

The following resolution was offered by Supervisor Depo, 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 changes the hours in the Essex County Board of Elections to be open from 8:00 a.m. to 4:00 p.m. from May 15, 2019 through September 15, 2019, with the exception that the office will be open from 8:00 a.m. to 5:00 p.m. - May 21-28, 2019 for the filing of Independent petitions.

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

**RESOLUTION AUTHORIZING CONTRACT
AMENDMENTS/CHANGE ORDERS IN VARIOUS
DEPARTMENTS**

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

Upon the recommendation of the various 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 or change order to the following contracts:

From the Public Safety Committee:

1. Contract amendment to the lease agreement with Omnipoint Communications at Terry Mountain to increase the rent to \$3,525.81 per month.
2. Contract amendment to The Murray Law Firm bearing Contract No. MISC-10-0006, to increase contract amount up to \$25,000.00, for the Monkton Tower Project, with such funds to come from the Radio Project.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the above referenced change orders; 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 Jackson, and duly adopted upon a roll-call vote as follows:

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD BIDS, ISSUE CONTRACTS OR PURCHASE ORDERS**

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 authorizes the Purchasing Agent to award bids and issue contracts or purchase orders for the following:

From Public Safety Committee:

1. Purchase twenty (20) AED devices in an amount not to exceed \$60,000.00, with funds to come from the Countywide EMS Consolidation grant.

From the Economic Development Committee:

1. New York State Industries for the Disabled (NYSID) for scanning services in the Community Resources Department, in an amount not to exceed \$7,980.00, from budgeted funds.

From Ways and Means Committee:

1. Coban Technologies, Inc. - contract for new command center, installation, remote set-up and remote web training to replace and upgrade software due to end of life on current subscription, in the Sheriff's Department, in the amount of \$2,335.00, from budgeted funds.
2. H-GACBuy - An Interlocal Contract for a Cooperative Purchasing Program, which Essex County can purchase goods and services through this regional governmental purchasing program.
3. Burke Excavation Demolition Inc. d/b/a JEDA Environmental, in the amount of \$8,940.00, for asbestos abatement and disposal from the Essex County Agricultural Center Building located at the Fairgrounds in Westport, with funds to come from grant 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 Morrow, and adopted, upon a roll-call vote as follows:

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION AUTHORIZING THE HIRING OF FIVE (5)
PARAMEDICS/AEMT CRITICAL CARES AND THREE (3) EMTs IN
THE EMERGENCY SERVICES DEPARTMENT,
WITH FUNDS TO COME FROM THE COUNTYWIDE EMS
CONSOLIDATION GRANT**

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 Emergency Services Department to hire five (5) paramedics/AEMT Critical Care at the rate of \$24.13 per hour prior to 2009; \$21.72 per hour after 2009; and to hire three (3) EMTs at the rate of \$21.14 per hour prior to 2009; \$19.03 per hour after 2009, with funds to come from the Countywide EMS Consolidation grant.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO BID
AND AWARD CONTRACTS**

The following resolution was offered by Supervisor Depo, 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 authorizes the Purchasing Agent to bid and award and issue contracts for the following:

From DPW Committee:

1. To bid and award the Gulf Brook Phase 2 Project in the Town of Keene, with award contract contingent upon receiving the GOSR authorization to award, with funds to come from GOSR grant funds.
2. To bid and award the Emergency Shelter Upgrades at the Town of Jay Community Center, in the Town of Jay, with award contract contingent upon receiving the GOSR authorization to award, with funds to come from GOSR grant funds.

From the Finance Committee:

1. To bid and award for an automated suction-feed paper folder in the Real Property Office, in an amount not to exceed \$8,000.00, from budgeted funds.

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

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

Resolution No. 149

June 3, 2019
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ESSEX COUNTY
ATTORNEY'S 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 Personnel 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 County Attorney's Office 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 Morrow, and adopted.

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
REVEREND MONSIGNOR PETER R. RIANI

The following resolution was offered by Supervisor Jackson, 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.

WHEREAS, Reverend Monsignor Peter R. Riani passed away on May 16, 2019, at St. Joseph's Home in Ogdensburg, New York; and

WHEREAS, Peter R. Riani was born in Keeseville, New York on August 16, 1929, the son of Peter J. and Mary (Robarge) Riani and brother to Richard G. Riani, Nancy McClellan and Susan Turner; and

WHEREAS, Peter R. Riani attended Union College from 1946 to 1947 before beginning seminary studies at Wadhams Hall in Ogdensburg, graduating in 1951, he attended St. Mary's Seminary and University in Baltimore graduating in 1955; and

WHEREAS, Father Riani was ordained on May 21, 1955 at St. Mary's Cathedral in Ogdensburg and spent five years as Assistant Pastor at St. Rita's Church in Deferiet, St. Paul's Church in Black River and St. Bernard's Church in Saranac Lake; and

WHEREAS, in 1958, he began spending his summers attending the University of Ottawa where he received a Masters of Psychology and Education in 1963, spent a year at Pontifical Athenaeum Angelicum, earning a Doctorate in Theology in 1960; and

WHEREAS, he returned to Wadhams Hall as an instructor, a career that spanned five decades, culminating as President-Rector of the seminary for 12 years and lecturing at other institutions such as Mater Dei College and St. Lawrence University; and

WHEREAS, in 1976, he was appointed Prelate of Honor of His Holiness, and humbly avoided the title of Monsignor, he preferred to be called Fr. Peter or Fr. Riani; and

WHEREAS, in 1993, he returned closer to his hometown to serve as pastor at St. Augustine's Church in Peru until 1999, and to St. Elizabeth's Church in Elizabethtown and St. Philip Neri Church in Westport from 2000 until his retirement in 2012; during this time, he was Dean of the Essex Deanery and held numerous diocesan posts such as Associate

Editor of the North Country Catholic and Director of Seminarians and also served on many committees; and

WHEREAS, during his time in Essex County, he served as Chaplain for the Essex County Jail, Essex County Horace Nye Nursing Home and the Elizabethtown Community Hospital; and

WHEREAS, many will remember Fr. Riani for his many world travels, love of sailing, his annual summer rental of Rock View Camp on Lake Champlain, a book always in his hand, discussion on his lips and spent 75 years of his life skiing down mountains before Parkinson's Disease robbed him of that joy; and

WHEREAS, Rev. Msgr. Peter Riani is predeceased by his parents, brother, Richard G. Riani; sisters, Nancy McClellan and Susan Turner, brother-in-law, David McClellan and nephew, Christopher J. Riani; and

WHEREAS, Rev. Msgr. Peter Riani is survived by his sister-in-law, Joan Riani, brother-in-law William Turner and several nieces and nephews.

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 Reverend Monsignor Peter R. Riani; 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 Riani family.

This resolution was unanimously seconded and adopted.

Resolution No. 151

June 3, 2019
Regular Board Meeting

**RESOLUTION AUTHORIZING TO CHANGE THE HOURS IN
THE OFFICES OF THE ESSEX COUNTY CLERK AND THE
DEPARTMENT OF MOTOR VEHICLES TO BE OPEN
FROM 8:00 A.M. TO 4:00 P.M.
FOR THE MONTHS OF JUNE, JULY AND AUGUST, 2019**

The following resolution was offered by Supervisor Winemiller, 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 changes the hours in the County Clerk's Office and the Department of Motor Vehicles to be open from 8:00 a.m. to 4:00 p.m. for the months of June, July and August 2019.

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

**RESOLUTION OPPOSING THE PROVISIONS OF NEW YORK
STATE SENATE BILL S.4676 AND ASSEMBLY BILL A.4863
ALLOWING COUNTIES TO PASS A LOCAL LAW TO
ELIMINATE THE RELEVY PENALTY OF FIVE PERCENT (5%)
AND TO ALLOW TAXPAYERS TO PAY THE OLDEST YEAR
FIRST RATHER THAN THE NEWEST YEAR, HOWEVER,
SUPPORTING THESE BILLS FOR THE COUNTY TO ENACT A
LOCAL LAW TO REDUCE THE RATE OF INTEREST FOR
DELINQUENT TAXES**

The following resolution was offered by Supervisor DeLoria, 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 opposes the provisions of New York State Senate Bill S.4676 and Assembly Bill A.4863 allowing counties to pass a local law to eliminate the relevy penalty of five percent (5%) and to allow taxpayers to pay the oldest year first rather than the newest year, however, in support of these Bills for the County to enact a local law to reduce the rate of interest for delinquent taxes; and

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

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

**RESOLUTION RATIFYING THE PROPOSED CONTRACT
BETWEEN NORTH COUNTRY COMMUNITY COLLEGE AND
THE BOARD OF TRUSTEES OF NORTH COUNTRY
COMMUNITY COLLEGE**

The following resolution was offered by Supervisor Harrington, 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.

WHEREAS, North Country Community College has reached an accord with the Board of Trustees of North Country Community College and the North Country Community College Association of Professionals (NCCCAP) on a proposed contract, effective September 1, 2019 and continuing in effect through August 31, 2021; and

WHEREAS, as a sponsoring County of North Country Community College, Essex County is required to ratify proposed contracts before they can be implemented.

BE IT RESOLVED that the Essex County Board of Supervisors hereby ratifies the proposed contract between North Country Community College and the NCCCAP in accordance with the terms negotiated by the college with NCCCAP for the term September 1, 2019 through August 31, 2021.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO ENTER INTO A RETAINER AGREEMENT WITH THE LAW FIRM OF NAPOLI SHKOLNIK, PLLC TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING COMMENCEMENT OF LITIGATION ON BEHALF OF THE COUNTY OF ESSEX AGAINST TELECOMMUNICATIONS COMPANIES REGARDING 911 SURCHARGES AND TO REPRESENT THE COUNTY IN ANY LITIGATION RELATED THERETO

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

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

WHEREAS, pursuant to NYS law, telecommunications companies are required to collect a 911 surcharge from their customers and to remit such funds collected to the appropriate county; and

WHEREAS, it has been reported that some counties may not have received the amount due from the telecommunications companies either due to their failure to collect the surcharge and/or their failure to remit such 911 surcharges to the counties; and

WHEREAS, Napoli Shkolnik, PLLC represents several municipalities across New York State and other states regarding collection and remittance of 911 surcharges by various telecommunicatins companies and said law firm has presented a retainer agreement regarding investigations into the 911 collections and determination of the feasibility of litigation regarding said 911 surcharges; and **NOW, THEREFORE**,

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes to retain Napoli Shkolnik, PLLC to investigate and determine the feasibility of bringing litigation against telecommunication companies for failure to collect or remit 911 surcharges to the County and to represent the County in any litigation related thereto; and

BE IT FURTHER RESOLVED, that said retainer shall be on a contingency fee basis, with all costs to be paid by Napoli Shkolnik unless recovery is made on the County's behalf and said contingency fee to be no greater than 25% of the amount recovered; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to negotiate and execute a contingency fee agreement with Napoli Shkolnik, PLLC, subject to the approval of the County Attorney and said agreement to contain such other terms and conditions as are in the best interest of the County of Essex.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT
ALLOWING USE OF COUNTY ROADWAYS FOR THE
FOUNDATION OF CVPH - ANNUAL MAYOR'S CUP
MOUNTAIN TO LAKE BIKE RIDE TO BE HELD ON SUNDAY,
JULY 7, 2019, UPON APPROVAL OF THE COUNTY
ATTORNEY AND WITH THE PROVISION OF INSURANCE**

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

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

WHEREAS, during the annual Mayor's Cup, The Foundation of CVPH - Mountain to Lake Bike Ride (50 miles) will take place within Essex County on Sunday, July 7, 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 bike ride.

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 issue and execute a Permit authorizing the use of County Roads for the Foundation of CVPH - Annual Mayor's Cup Mountain to Lake Bike Ride to be held on Sunday, July 7, 2019, subject to the terms and conditions approved by the County Attorney and with the provision of insurance.

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

**RESOLUTION AUTHORIZING THE PAYMENT OF \$1,500.00
TOGETHER WITH INTEREST AND PENALTIES TO THE
COMMISSIONER OF TAXATION AND FINANCE OF THE
STATE OF NEW YORK RELATIVE TO A TAX WARRANT
ENCUMBERING TOWN OF NORTH ELBA BEARING TAX MAP
NO. 33.18-1-3.220 IN THE NAME OF BROOKE BROWN**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes a payment in the amount of \$1,500.00 together with interest and penalties to the NYS Department of Taxation relative to a tax warrant encumbering Town of North Elba bearing Tax Map No. 33.18-1-3.220 in the name of Brooke Brown.

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

AYES: 1765 votes (Morrow, Harrington, Merrihew, Jackson, Depo, Monty, DeLoria, Politi, Winemiller, Gilliland, Preston)
NOES: 355 votes (Scozzafava)
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION AUTHORIZING THE COUNTY MANAGER OR
COUNTY CHAIRMAN TO EXECUTE A DEED AND ALL
ACCOMPANYING PAPERWORK CONVEYING PROPERTY
BEARING TOWN OF NORTH ELBA TAX MAP NO. 33.18-1-
3.220 TO THE OWNERS OF CONDOMINIUM UNITS IN
“LAKESIDE RESIDENCES I” OR OTHER APPROPRIATE
GRANTEES LOCATED AT 331 WHITEFACE INN LANE IN THE
TOWN OF NORTH ELBA**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to execute a deed and all accompanying paperwork conveying property bearing Town of North Elba Tax Map No. 33.18-1-3.220 to the owners of condominium units in “Lakeside Residences I” or other appropriate grantees located at 331 Whiteface Inn Lane in the Town of North Elba.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
NO. 3 OF 2019 (INTRODUCED AS PROPOSED LOCAL LAW NO.
4 OF 2019) ENTITLED "A LOCAL LAW PROVIDING FOR
MUNICIPAL OPIOID COST RECOVERY AND
PUBLIC NUISANCE LEGISLATION"**

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.

WHEREAS, by Resolution No. 136 duly adopted on May 6, 2019, the County of Essex introduced Local Law No. 4 for 2019, entitled "A local law providing for municipal opioid cost recovery and public nuisance legislation"; and

WHEREAS, that a Public Hearing was duly held on the 3rd day of June, 2019 at 9:30 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. 3 of 2019 (introduced as proposed Local Law No. 4 of 2019) entitled, "A Local Law providing for municipal opioid cost recovery and public nuisance legislation" reading and providing as follows:

"ESSEX COUNTY LOCAL LAW NO. 3 of 2019"

A local law providing for municipal opioid cost recovery and public nuisance legislation.

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

SECTION I. PURPOSE AND INTENT

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Essex County (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of Essex County. This crisis has devastated families,

wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by Essex County.

The purpose and intent of this legislation is to allow Essex County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, Essex County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, Essex County establishes this cost recovery procedure and declares the opioid epidemic and its effects on Essex County a public nuisance.

SECTION II. DEFINITIONS

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from Essex County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in Essex County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

SECTION III. PUBLIC NUISANCE

The County hereby finds and declares the following:

1. That addiction to and abuse of opioids is one of the greatest challenges facing Essex County;
2. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in Essex County over the past several years which practice continues today;
3. There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
4. The selling, distributing, and prescribing of large amounts of opioid pain pills in Essex County has created a public health and safety hazard

affecting the residents of the County, resulting in devastation to Essex County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;

5. That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of Essex County, and said nuisance remains unabated;
6. That, in addition to all other powers and duties now conferred by law upon Essex County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
7. That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
8. That it is the duty of Essex County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

SECTION IV. GOVERNMENTAL FUNCTION COST FUNCTION

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, Essex County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

SECTION V. EFFECT OF CRIMINAL OR CIVIL PROCEEDINGS ON GOVERNMENTAL FUNCTION COST RECOVERY

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

SECTION VI. RETROACTIVE APPLICATION

This legislation applies retroactively.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

Resolution No. 159

June 3, 2019
Regular Board Meeting

**RESOLUTION EXTENDING THE APPOINTMENT OF
ANNE MCDONALD
TO THE NORTH COUNTRY COMMUNITY COLLEGE
BOARD OF TRUSTEES**

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 extends the appointment of Anne McDonald to the North Country Community College Board of Trustees for the extended term July 1, 2019 through December 31, 2019.

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

**RESOLUTION URGING GOVERNOR CUOMO AND THE NEW
YORK STATE LEGISLATURE TO OPPOSE ENACTMENT OF
SENATE BILL S.2837 and ASSEMBLY BILL A.2750, KNOWN AS
THE FARMWORKERS FAIR LABOR PRACTICES ACT**

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.

WHEREAS, the Farmworkers Fair Labor Practices Act (S.2837 and A.2750) which would make drastic changes to the farming industry that will lead to much higher labor costs for family farms, and

WHEREAS, according to the U.S. Department of Agriculture, 98% of New York State farms are family-owned small businesses that are the backbone of our communities, and providers of fresh, local dairy, meats, fruits, and vegetables, and

WHEREAS, Essex County farmers are a critical component of our county and region's economy, producing critical food items which are sold locally and regionally across the northeast, and creating farming jobs for many, and

WHEREAS, farming is a highly regulated and competitive industry which operates twenty-four hours a day, every day of the year, and

WHEREAS, family farming in Essex County continues to suffer as a result of declines in market pricing and the ever-increasing costs, including labor, and

WHEREAS, while our family farms are local, they must face and compete with global agricultural markets and prices which cannot be passed on to consumers, and

WHEREAS, enactment of the proposed Farmworkers Fair Labor Practices Act will have the effect of driving Essex County farm families out of business as a result of these increased costs, and

WHEREAS, according to *Farm Credit East*, the cost of overtime, combined with the rising minimum wage would raise labor costs on New York farms by nearly \$300 Million, thereby reducing net farm income by 23.4%, and placing New York farmers at an even greater competitive disadvantage with farmers in neighboring states that already have much lower labor costs, and

WHEREAS, New York State farmers pay competitive wages, workers compensation costs and unemployment insurance, some even provide housing and transportation, and comply with laws that govern the workplace, and

WHEREAS, imposing collective bargaining, overtime, and mandatory time off, and other changes would dramatically increase labor costs and cause difficulties in scheduling work that is dictated by weather, maintenance of crops, and animal care which could hurt the health of animals and jeopardize a seasonal crop, and

WHEREAS, dairy farmers in New York have no ability to pass on additional costs of production to dairy processors because those prices are set by Federal Milk Marketing Orders which cross state lines where those farmers have much lower labor costs, and

WHEREAS, the passage of the Farmworkers Fair Labor Practices Act will likely have a devastating effect on the remaining farms in Essex County, and

WHEREAS, the Essex County Board of Supervisors hereby opposes the Farmworkers Fair Labor Practices Act that is being considered by the New York State Legislature because of the irreversible, negative impact it will have on our family farmers.

BE IT RESOLVED, that the Essex County Board of Supervisors opposes enactment of Senate Bill S.2837 and Assembly Bill A.2750, known as the Farmworkers Fair Labor Practices Act, which would grant collective bargaining rights, workers' compensation and unemployment benefits to farm workers, and

BE IT FURTHER RESOLVED, that the Clerk of the Board is hereby authorized and directed to send a certified copy of this resolution to Governor Cuomo, the Majority and Minority Leaders of the New York State Legislature, Senator Elizabeth O'C. Little, Assemblyman Dan Stec, New York State Association of Counties, and all others deemed necessary and proper.

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

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO BID AND AWARD A CONTRACT FOR ELEVATOR REPAIR OR REPLACEMENT IN THE AMOUNT UP TO \$85,000.00, AS WELL AS FOR A STAIRLIFT IN THE AMOUNT OF UP TO \$10,000.00, WITH FUNDS TO COME FROM THE CONTINGENCY ACCOUNT, AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE ANY AND ALL CONTRACTS RELATIVE THERETO

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 Purchasing Agent to bid and award a contract for elevator repair or replacement in the amount up to \$85,000.00, as well as for a stairlift in the amount of up to \$10,000.00, with funds to come from Contingency Account #19904-5487 to Account #16202-5212 - \$85,000.00; Account #16202-5260 - \$10,000.00; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to execute any and all contracts relative thereto.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 4/1/19:</i>	<i>\$190,000.00</i>
<i>Reduction Impact of this resolution:</i>	<i>\$ 95,000.00</i>
<i>FY2019 Contingent Account Balance:</i>	<i>\$ 95,000.00</i>

**RESOLUTION AUTHORIZING THE PAYMENT OF UP TO
\$10,200.00 AND ANY ADDITIONAL PENALTIES AND INTEREST
TO THE NEW YORK STATE DEPARTMENT OF MOTOR
VEHICLES RELATIVE TO VIOLATIONS OF ARTICLE 19-A OF
THE NEW YORK STATE VEHICLE AND TRAFFIC LAW AND
PART 6 OF THE COMMISSIONER'S REGULATIONS**

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 payment of up to \$10,200.00 and any additional penalties and interest to the New York State Department of Motor Vehicles relative to violations of Article 19-A of the New York State Vehicle and Traffic Law and Part 6 of the Commissioner's Regulations from Transportation Department Account No. 56314 54FINE.

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

AYES: 2120 votes
NOES: 0 votes
ABSENT: 801 votes (Wilson, McNally, DeZalia, Marnell, Giordano, Tyler)