

**RESOLUTION SUSPENDING CERTAIN RULES AND REGULATIONS
OF PROCEEDINGS OF THE ESSEX COUNTY BOARD OF
SUPERVISORS AS STATED IN RESOLUTION NO. 1 OF
2020 DATED JANUARY 6, 2020**

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.

WHEREAS, as a result of the Coronavirus pandemic, it is necessary for all proceedings of the Essex County Board of Supervisors to be conducted remotely; and

WHEREAS, as a result, it is necessary to suspend during the pendency of the pandemic the rules and regulations of the Essex County Board of Supervisors.

BE IT RESOLVED that the Essex County Board of Supervisors hereby suspends any of the rules and regulations of its proceedings that are impossible to comply with by virtue of remote meetings, including, but not limited to the following:

- Section 2(e) of Resolution No. 1 – 2020 relative to the physical place of meeting.
- Section 4(u) of Resolution No. 1 – 2020 which prescribes that only resolutions approved by Ways and Means can be presented and that any resolutions from the floor must be passed by a two-thirds (12 members) vote of the Board.
- Section 4(v) of Resolution No. 1 – 2020 requiring all resolutions to be in writing and forwarded by Wednesday prior to meeting.
- Section 6(a) of Resolution No.1 – 2020 which requires resolutions to be considered by committee before presentation to the Board.
- Section 7(a) and (b) of Resolution No. 1 – 2020 which require resolutions to be in writing and submitted five (5) days prior to committee meeting.

BE IT FURTHER RESOLVED that during this pandemic, this Board may suspend committee meetings, public hearings and regular board meetings should it be necessary and will conduct all committee meetings, public hearings and special and regular meetings remotely by video conferencing or teleconference pursuant to law and any existing Executive Order of the Governor.

BE IT FURTHER RESOLVED that any interpretation of this resolution shall be made by the County Attorney after consulting with the County Chairman and the County Manager.

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

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

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR
COUNTY MANAGER TO EXECUTE A MEMORANDUM OF
UNDERSTANDING BETWEEN ESSEX COUNTY MENTAL
HEALTH DEPARTMENT AND PROVIDERS TO FORM
BUILDING RESILIENCE IN ESSEX COUNTY FAMILIES
COALITION (BRIEF)**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Chairman or County Manager to execute a Memorandum of Understanding with Mental Health Department and providers to form Building Resilience in Essex County Families Coalition (BRIEF).

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

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

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

The following resolution was offered by Supervisor Winemiller, 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 Richard Whitney as member of Alcoholism Substance Abuse Committee for the term January 1, 2020 through December 31, 2023.
2. Appointment of Jane Martin to the Developmental Disabilities SubCommittee for the term January 1, 2020 through December 31, 2020.

From the Floor:

1. Appointment of Bernard Leerkes, as Essex County Farm Bureau Delegate of the Essex County Soil and Water Conservation District Board of Directors.

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

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
VARIOUS DEPARTMENTS**

The following resolution was offered by Supervisor Monty, 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 2020 Essex County Budget as follows:

From Human Services Committee:

1. From Health Department, to increase revenues and appropriations in the amount of \$49,513.83, from DSRIP funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP	\$49,513.83

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP	\$49,513.83

2. From Health Department, to increase revenues and appropriations in the amount of \$1,000.00, from unspent 2019 donated funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
40824 42705	Donated funds	\$1,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
40824 5487	Misc.	\$1,000.00

3. From Health Department, to accept donation from Jingle Bell Run in the amount of \$300.00, and increase revenues and appropriations in the amount of \$300.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
40824 42705	Adk Health Funds	\$300.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
40824 5487	Misc.	\$300.00

4. From Health Department, to increase revenues and appropriations in the amount of \$474,921.63, from 2019 carryover funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP	\$474,921.63

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP	\$474,921.63

5. From Health Department, to increase revenues and appropriations in the amount of \$42,855.21, from 2019 carryover Atkinson Estate funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4190 42705	Atkinson Estate	\$42,855.21

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41904 54ATK	Atkinson Estate	\$42,855.21

6. From Health Department, to increase revenues and appropriations in the amount of \$44.95, from 2019 carryover Adirondack Foundation Generous Acts, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4190 4160169	Adk Foundation Generous Acts	\$44.95

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41904 5487	Misc.	\$44.95

7. From Health Department, to increase revenues and appropriations in the amount of \$2,864.79, from 2019 from Medical Reserve Corp. funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
444891MRC	Medical Reserve Corp.	\$2,864.79

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41964 5487	Misc.	\$2,864.79

8. From Health Department, to increase revenues and appropriations in the amount of \$65,469.99, from 2019 carryover Well Fed grant funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4197 43450FED	Well Fed	\$65,469.99

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41974 54FED	Well Fed	\$65,469.99

9. From Office for the Aging, to increase revenues and appropriations in the amount of \$155,271.21, unexpended DSRIP funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772 43489DSR	State Aid DSRIP	\$155,271.21

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724 54DSRIP	DSRIP	\$155,271.21

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

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

**RESOLUTION ADOPTING AND APPROVING THE POLICIES
AND PROCEDURES FOR THE CERTIFIED HOME HEALTH
AGENCY (CHHA) APPROVED BY THE PUBLIC HEALTH
ADVISORY COUNCIL (PHAC) AND THE MEDICAL DIRECTOR
REVIEWED MARCH 3, 2020**

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.

WHEREAS, listed below are the policies and procedures and quarterly reports which were submitted and approved by the Professional Advisory/Public Health Advisory Committee on March 3, 2020:

Certified Home Health Unit (CHHA) and Agency Wide Policies and Procedures Review

Medical Director review of the Certified Home Health Unit (CHHA) policies and/or procedures on March 3, 2020, by PHAC.

NC&CHHA	Agency Mission
R&CHHA	Agency Evaluation by the PAC - added updated members list only
R&CHHA	Delegation of Authority - added updated organizational chart only
NC&CHHA	Electronic Faxing
R&CHHA	Advanced Beneficiary Notice - ABN
NC&CHHA	Records and Reports
NC&CHHA	Home Health Change in Care Notice - HHCCN
NC&CHHA	Annual Policy and Procedure Review
NC&CHHA	Non-Secure Communications
NC&CHHA	Patient Client Complaint
R&CHHA	Patient Services/Accepting Referrals
NC&CHHA	On-Call Coverage
NC&CHHA	County Car Use
NC&CHHA	Issued Equipment out of work for more than 3 days

R=Revised; N=New; D=Deleted; NC=No Change; A=Agency Wide; CHHA=Certified Home

Medical Director Quality Assurance Review

Medical Director reviewed the D & TC Public Health Essential Services and related records/reports for the 3rd Quarter 2019 on March 3, 2020, at Public Health Advisory Committee.

Preventive Services (D & TC) Policies and Procedures:

1. R Clinical Services Scheduling and Billing Policy and Procedure
2. R Vaccine Management Policy and Procedure
3. NC Emergency Medical Management of Anaphylactic Reactions in Children, Teens and Adults Policy and Procedure
4. R Standing Order for Administering Vaccines, Immune Globulin, Tuberculin Skin Tests and Anaphylactic Agents, Including Narcan
5. NC SO for Administering Dtap to Children Younger than Age 7 Years
6. R SO for Administering Hepatitis A Vaccine to Adults
7. NC SO for Administering Hepatitis A Vaccine to Children and Teens
8. NC SO for Administering Hepatitis A Virus IGG
9. NC SO for Administering Hepatitis B Vaccine to Children and Teens
10. NC SO for Administering Hepatitis B Vaccine to Adults
11. NC SO for Administering Haemophilis Influenza Type B to Children and Teens
12. NC SO for Administering Human Papillomavirus Vaccine to Adults
13. NC SO for Administering Human Papillomavirus Vaccine to Children and Teens
14. NC SO for Administering Influenza Vaccine to Children and Teens
15. NC-AW SO for Administering Influenza Vaccine to Adults
16. NC SO for Administering IPV to Children and Teens
17. NC SO for Administering Measles, Mumps and Rubella Vaccine to Adults
18. NC SO for Administering Measles, Mumps and Rubella Vaccine to Children and Teens
19. NC SO for Administering Meningococcal Vaccine to Children and Teens
20. NC SO for Administering Meningococcal Vaccine to Adults
21. NC SO for Administering Nalozone to Clients/Family Members
22. NC SO for Administering Pneumococcal Conjugate (PCV) to Children
23. NC-AW SO for Administering Pneumococcal Vaccine to Adults
24. NC SO for Administering Rotavirus Vaccine to Infants
25. NC SO for Administering Td/Tdap to Children Ages 7 Years and Older
26. NC SO for Administering Td/Tdap to Adults
27. NC SO for Administering Tuberculosis Skin Testing
28. NC SO for Administering Varicella Vaccine to Children and Teens
29. NC SO for Administering Varicella (Chicken Pox) to Adults
30. NC SO for Administering Zoster Vaccine to Adults
31. NC Agency Vision, Mission and Values
32. AW Delegation of Authority Policy and Procedure
33. R Child Health Policy and Procedure
34. R Family Health Policy and Procedure
35. R Maternal Infant Reproductive Health (Combined with NAS)

36. R-AW Tuberculosis Management Policy and Procedure
37. R-AW Mandatory Employment Requirements Policy and Procedure
38. R-AW Isolation and Quarantine Policy and Procedure
39. NC-AW Learning Opportunities for Students Policy and Procedure
40. R Zika Action Plan
41. R Inventory Policy and Procedure
42. R Leadership and Governance Policy and Procedure

AW=Agency Wide; R=Revised; N=New; NC=No Change

BE IT RESOLVED, that the Essex County Board of Supervisors hereby accepts, adopts, approves, or places on file the herein above referenced Public Health Medical Director Policy/Procedure Review by the PHAC of the Certified Home Health Unit (CHHA) Policy and Procedures by the PAC on March 3, 2020.

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

Resolution No. 73

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ESSEX COUNTY OFFICE
FOR THE AGING TO PROVIDE SERVICES TO PRIVATE PAY
INDIVIDUALS EFFECTIVE
APRIL 11, 2020**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Office for the Aging to provide services to private pay individuals effective April 11, 2020.

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

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

Resolution No. 74
WITHDRAWN

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING THE CONSTRUCTION OF A
FIRE TRAINING FACILITY ON THE FORMER LEWIS
COMPACT STATION SITE, IN THE TOWN OF LEWIS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the construction of a fire training facility at the former Lewis Compact .

This resolution was seconded by Supervisor Giordano, and ***withdrawn***.

Resolution No. 75

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD BIDS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Purchasing Agent to award the following bids:

1. Progressive Motor Sports in the amount of \$39,233.00, for the purchase of a Polaris Ranger XP1000 with Winter prep package tracks for Emergency Services.

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

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

Resolution No. 76

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING ESSEX COUNTY PROBATION
DEPARTMENT BE ADDED TO THE ESSEX COUNTY POLICY
MANUAL SECTION 13.02(f)**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Probation Department be added to the Essex County Policy Manual at Section 13.02(f).

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

Resolution No. 77

April 6, 2020
Regular Board Meeting

**RESOLUTION ACCEPTING, ADOPTING AND PLACING ON FILE
POLICIES, PLANS, PROCEDURES AND ANNUAL REPORTS**

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 accepts, adopts and/or places on file the following:

1. The 2020 Real Property Tax Services Annual Report.

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

Resolution No. 78

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
ACCEPT A BID PROPOSAL FROM BYRAM FOR MEDICAL
SUPPLIES AND FURTHER AUTHORIZING COUNTY CHAIRMAN
OR COUNTY MANAGER TO EXECUTE CONTRACT FOR THE
SAME**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to accept a bid from Byram for medical supplies; and

BE IT FURTHER RESOLVED, the Chairman or County Manager are hereby authorized to execute a contract for the same.

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

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

Resolution No. 79

**April 6, 2020
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR
COUNTY MANAGER TO EXECUTE A CONTRACT WITH GLOBAL
TEL LINK CORPORATION FOR INMATE TELEPHONE, VIDEO
VISITATION AND TABLET SERVICES, AT NO COST TO ESSEX
COUNTY**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a contract with Global Tel Link Corporation for inmate telephone, video visitation and tablet services, at no cost to Essex County; and

BE IT FURTHER RESOLVED, the Chairman or County Manager are hereby authorized to execute a contract for the same.

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

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

**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 2 OF 2020,
ENTITLED, "ESSEX COUNTY ROOM OCCUPANCY TAX LAW"
CONTINUING THE IMPOSITION OF A
HOTEL/MOTEL OCCUPANCY TAX AND INCREASING THE TAX TO
FIVE PERCENT (5%) OF THE PER DIEM RENTAL RATE FOR EACH
ROOM OR ROOMS IN A HOTEL OR MOTEL LOCATED WITHIN ESSEX
COUNTY**

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

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

WHEREAS, by Resolution No. 32 duly adopted on February 3, 2020, the County of Essex introduced Local Law No. 2 for 2020, entitled "Essex County Room Occupancy Tax Law" continuing the imposition of a hotel/motel occupancy tax increasing the tax to five percent (5%) of the per diem rental rate for each room or rooms in a hotel or motel located within Essex County; and

WHEREAS, that a Public Hearing was duly held on the 2nd day of March, 2020, 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. 2 of 2020, continuing the imposition of a hotel/motel occupancy tax and increasing the tax to five percent (5%) of the per diem rental rate for each room or rooms in a hotel or motel located within Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999, and Chapter 700 of the Laws of 2019, as follows:

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

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 2 OF 2020"

A local law continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999 and increasing the tax rate to five percent (5%) as authorized by Chapter 700 of the Laws of 2019.

ESSEX COUNTY ROOM OCCUPANCY TAX LAW

Section

1. Title & Statement of Intent
2. Definitions
3. Imposition of Tax
4. Transitional Provisions
5. Exempt Organizations
6. Territorial Limitations
7. Registration
8. Administration and Collection
9. Records to be kept
10. Returns
11. Payment of Tax
12. Bonds & Security for Payment of Tax
13. Determination of Tax
14. Refunds
15. Disposition of Revenues
16. Reserves
17. Remedies Exclusive
18. Proceedings to Recover Tax
19. General Powers of Treasurer
20. Administration of Oaths & Compelling
Testimony
21. Reference to Tax
22. Penalties, Interest & Violations
23. Judicial Review
24. Returns to be Secret
25. Notices and Limitations of Time
26. Limitation of Effect of Local Law
27. Separability
28. Effective Date

Section 1. Title & Statement of Intent.

This local law shall be known as the “Essex County Room Occupancy Tax Law”. The intent of this local law shall be to promote tourism and conventions in Essex County.

Section 2. Definitions.

When used in this local law, the following terms shall mean:

- (a) *County* - Essex County, New York.
- (b) *Effective Date* - the date set forth in Section 28 of this local law.
- (c) *Hotel or Motel* - Any facility or structure, or any portion of any facility or

structure which is occupied or designated for transient occupancy which provides lodging on an overnight basis for dwelling, lodging or sleeping purposes, commonly known as, hotels, motels, rooming houses, bed and breakfast, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, vacation rentals, motor courts, boarding houses, lake cottages, personal residences or similar type of accommodations by whatever name designated.

The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging such as a motorhome, camper or tent.

The term vacation rental or condominium shall mean and include those units rented or leased directly by the owner or through an owner's agent or a real estate agent or rental management agency or other similar agent.

- (d) *Occupancy* - The use of possession, or the right to the use or possession, of any room in a hotel or motel.
- (e) *Occupant/Guest* - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.
- (f) *Operator* - Any person operating a hotel or motel in Essex County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel. Where the operator performs his/her duties through a managing agent or real estate broker or any type or character other than employee, the managing agent/real estate broker shall also be deemed an operator for purposes of this local law and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this local law by either the principal or managing agent/real estate broker shall be considered to be compliance by both.
- (g) *Permanent Resident* - Any person occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days.
- (h) *Person* - An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited or limited liability partnership, estate, receiver, trustee, assignee, referee, operator, as hereinabove defined, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.
- (i) *Rent* - The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise.

- (j) *Return* - Any return filed or required to be filed as herein provided.
- (k) *Room* - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.
- (l) *Tax Imposition Date* - the date set forth in Section 3 of this local law.
- (m) *Treasurer* - The Essex County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.

Section 3. *Imposition of Tax.*

Effective June 1, 2020, there shall be and hereby is, imposed and there shall be paid a tax of five percent (5%) of the per diem rental rate for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel. Prior to June 1, 2020, the tax shall remain at three percent (3%).

Section 4. *Transitional Provisions.*

The tax imposed by this local law shall be paid upon any occupancy on and after the date set forth in Section 3 hereof although such occupancy is pursuant to a prior contract, lease, or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the date set forth in Section 3 hereof.

Section 5. *Exempt organizations.*

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

- (a) The State of New York, or any public corporation (including a created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or other political subdivision of the state;
- (b) The United States of America, insofar as it is immune from taxation; and
- (c) Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 6. Territorial limitations.

The tax imposed by this local law shall apply only within the territorial limits of Essex County.

Section 7. Registration.

(a) Within twenty (20) days after the effective date of this local law, or in the case of an operator commencing business after such effective date within three (3) days after such commencement or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

(b) The Treasurer shall within five (5) days after receipt of a registration application issue without charge to the operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof, for each additional hotel or motel of such operators.

(c) Each certificate shall state the hotel or motel to which it is applicable.

(d) Each certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and person seeking occupancy.

(e) Certificates shall not be assignable or transferable, and shall be surrendered immediately to the Treasurer upon the cessation of business at, or upon the sale or conveyance of, the hotel or motel named in such certificate(s).

Section 8. Administration and collection.

(a) The tax imposed by this local law shall be administered and collected by the Treasurer, or such other employees of the County as the Treasurer may designate, by such means and in such manner as are other taxes which are now collected and administered or as is otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax.

(c) The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the

Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(d) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by order that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after the tax imposition date, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date; and where rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the tax imposition date.

(f) Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by order provide for credit and/or refund of the amount of such tax upon application therefor as provided in section fourteen of this local law.

(g) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant.

(h) Where an occupant claims exemption(s) from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption

- (1) a copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to section five of this local law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that
 - (i) the occupant is a duly authorized agent, representative or employee of the exempt organization,
 - (ii) the occupant's occupancy is paid or to be paid by such exempt organization, and
 - (iii) the occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or
- (2) a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

Section 9. Records to be kept.

(a) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.

(b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer’s duly authorized agent or employee, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 10. Returns.

(a) After the date set forth in Section 3 of this local law, and except as provided in subdivision (b) of this section, every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State sales and use taxes are filed or to be filed.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may by order

- (1) require returns to be made and filed for shorter periods than those prescribed pursuant to subdivision (a) of this section, on such dates as the Treasurer may specify in such rule or order, where the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, or
- (2) permit or require returns to be made by other periods and upon such other dates as the Treasurer may specify by rule or order so as to carry out the purposes of this local law.

(c) All returns shall be filed with the Treasurer within twenty (20) days from the expiration of the period covered thereby.

(d) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this local law.

(e) The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(f) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face or otherwise, the Treasurer shall take the necessary steps to enforce the filing of a properly completed and sufficient return or of a corrected return.

Section 11. Payment of Tax.

(a) Any tax imposed by this local law shall be paid by the occupant to the operator of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the County, and such operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of tax to the County.

(b) The owner of the hotel or motel room or the person entitled to be paid the rent or charge for the hotel or motel room shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge. In any action or proceeding brought by an owner or a person entitled to be paid the rent or charge for the purpose of collecting the rent or charge, or the tax imposed by this local law, the Treasurer shall be joined as a party.

(c) At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this local law.

(d) All taxes and other moneys required to be paid under and pursuant to this local law shall be due from the operator and paid to the Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon.

Section 12. Bonds & Security For Payment of Tax.

(a) Where the Treasurer, in the exercise of the Treasurer's discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may by rule or order require any operator required to collect the tax imposed by this local law to file with the Treasurer a bond to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(b) Any bond so required by the Treasurer shall be issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix.

(c) In the event the Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within such five (5) days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the

operator within five (5) days after the giving of notices thereof.

(e) In lieu of a bond the Treasurer, in the Treasurer's sole discretion, may accept or require

- (1) securities approved by the Treasurer in such amount as the Treasurer may prescribe, with such securities to be kept in the custody of the Treasurer, and/or
- (2) cash in such amount as the Treasurer may prescribe, with such cash to be deposited and kept in the custody of the Treasurer.

(f) The Treasurer shall have the right at any time without notice of the operator apply all or any portion of the bond(s), securities and/or cash to the payment of any tax and/or interest or penalties due, and for such purpose the Treasurer may exercise all rights under the bond(s) and/or may sell the securities at public or private sale without notice to the depositors thereof.

Section 13. Determination of tax.

(a) Upon the filing of a return, the Treasurer shall determine the amount of tax due under and pursuant to this local law.

(b) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient as to the amount of tax due, the amount of tax due under and pursuant to this local law shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.

(c) Notice of a determination under subdivision (b) of this section shall be furnished in writing to the person liable for the collection and/or payment of the tax.

(d) Any determination by the Treasurer under subdivision (b) of this section shall finally and irrevocably fix the tax, unless

- (1) within thirty (30) days after the issuance of the notice of such determination the person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or
- (2) the Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.

(e) Within fifteen (15) days after the conclusion of a hearing conducted pursuant to subdivision (d) (1) of this section, the Treasurer shall give written notice of the Treasurer's determination to the person against whom the tax is assessed.

(f) Except in the case of a wilfully false or fraudulent return with intent to evade

the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that

- (1) where no return has been filed as provided by this local law the tax may be assessed at any time; and/or
- (2) where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period or any extension(s) thereof.

Section 14. Refunds.

(a) In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided that written application for such refund shall be made to the Treasurer within one year from the payment thereof.

(b) An application for refund or credit may be made only by the occupant, operator, or other person who has actually paid the tax.

(c) An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.

(d) No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one year of the payment by the tax.

(e) The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefor, and the Treasurer shall give notice of such determination to the applicant.

(f) No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which refund is sought.

(g) The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund determined to be due, allow credit therefor on and against payments due from the applicant.

Section 15. Disposition of Revenues.

(a) All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited and deposited into a special

tourism development and promotion fund, thereafter to be allocated for publicizing the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law; provided, however, that the County

- (1) shall retain five per cent (5%) of the gross revenues to cover the County's costs for administration and collection; and
- (2) endeavor to expend the revenues in such fund in a manner reasonably intended to publicize the areas within the County commensurate with the amount of revenues generated from such areas.

(b) The County shall contract with the Lake Placid-Essex County Visitors Bureau for the expenditure of the net revenues in such fund pursuant to subdivision fourteen of section two hundred twenty-four of the County Law; provided, however, that the County may terminate such contract and/or enter into other contracts in the event that the Lake Placid-Essex County Visitors Bureau

- (1) dissolves, or
- (2) in the determination of the Board of Supervisors, after public hearing, ceases to adequately perform such contract.

(c) The Board of Supervisors shall by resolution appoint an advisory committee, some of the members of which shall be operators of facilities paying such tax. The advisory committee shall provide advice and recommendations as to the County's strategic tourism marketing plan(s) for publicizing the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law and this local law.

Section 16. Reserves.

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the civil practice law and rules to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 17. Remedies exclusive.

The remedies provided by sections thirteen and fourteen of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the civil practice law and rules pursuant to section twenty-three of this local law.

Section 18. Proceedings to recover tax.

(a) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the county attorney shall, upon the request of the County Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Essex County in any court of the state of New York or of any other state or of the United States.

(b) Notwithstanding any other provision of this section, if the Treasurer in his discretion believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(c) As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Essex County Sheriff or to the sheriff of any other county commanding him/her to levy upon and sell the real and personal property of the operator, occupant, or other person, including but not limited to any partner, corporate officer/director/shareholder, or member, liable for the tax, which may be found within his/her county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty days after the receipt of such warrant.

(d) The sheriff receiving a warrant issued under this section shall, within five (5) days after receipt of the warrant, file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed.

(e) Upon filing a copy of the warrant as provided in paragraph (d) of this section,

(1) the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued, provided that such lien shall not apply to personal property unless another copy of such warrant is filed in the New York Department of State.

(2) the sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner; and

(3) the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefor.

(f) If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due

thereunder as provided in this section.

(g) Whenever an operator or other person shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or of such operator's business assets, otherwise than in the ordinary course of business, the following provisions shall apply:

- (1) the purchaser, transferee or assignee shall at least twenty (20) days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof and whether or not the operator has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing;
- (2) for failure to comply with the provisions of this paragraph, including but not limited to subdivision (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law;
- (3) whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by subdivision (1) of this paragraph, or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor, and shall withhold any such sums of money, property or choses in action, or other consideration, to the extent of the amount of the County's claim;
- (4) within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the County;

- (5) whenever the Treasurer shall fail to give the notice required by subdivision (4) of this paragraph, within fifteen (15) days from receipt of notice of the sale, transfer and assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;
- (6) upon receipt of the Treasurer's notice issued pursuant to subdivision (4) above stating the total amount of the County's claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of subdivision (3) of this paragraph, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.

(h) Whenever the liability of any operator or other person, including that of any purchaser, transferee or assignee, covered by this section has been wholly paid or satisfied or no longer exists, except where the liability is discharged by an order or decree in bankruptcy, the Treasurer shall

- (1) mail to such operator or other person a notice, addressed to the last known address of such operator or other person, setting forth
 - (i) the amount of the tax liability paid or satisfied,
 - (ii) that such liability has been wholly paid or satisfied or no longer exists, and
 - (iii) a statement to the effect that consumer reporting agencies must delete from a credit file any reference to the particular tax lien or claim within thirty (30) days of receipt from such operator or other person of a copy of such notice.

Section 19. General powers of the Treasurer.

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

- (a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;
- (b) To extend for cause shown the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit or waive penalties but not interest; and

to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the tax commission of the state of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;

(d) To delegate his functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the county to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, lease's or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

Section 20. Administration of Oaths and Compelling Testimony.

(a) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(b) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(c) A justice of the supreme court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

Section 21. Reference to tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the work "tax" will suffice.

Section 22. Penalties, Interest & Violations.

(a) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to

- (1) a penalty of five per centum (5%) of the amount of tax due; plus
- (2) interest at the rate of one per centum (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may, if satisfied that the delay was excusable, cancel and remit all or part of such penalty, but may not cancel or remit any portion of the interest.

(c) All penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law.

(d) Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(e) Officers and/or members of an owner or operator which is a corporation, limited liability company, limited liability partnership, or partnership shall be personally liable for the tax collected or required to be collected and paid by such corporation under this local law, and shall also be personally liable for the penalties and interest herein imposed.

(f) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not

more than one year, or both such fine and imprisonment:

- (1) failing to file a return required by this local law,
- (2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is wilfully false,
- (3) wilfully failing to file a bond required to be filed pursuant to this local law,
- (4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require,
- (5) failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law,
- (6) assigning or transferring such a certificate of authority,
- (7) wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator,
- (8) wilfully failing or refusing to collect any tax imposed by this local law from the occupant,
- (9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law, or
- (10) failing to keep or maintain the records required by this local law.

(g) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

Section 23. Judicial Review.

Any final determination of the amount of any tax payable pursuant to this local law, as well as any final determination on an application for refund or credit under section 14 of this local law, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law-and rules shall not be instituted unless:

(a) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(b) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to any tax imposed pursuant to this section shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 24. Returns to be secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law,

- (1) it shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of an operator contained in any return required under this local law; and
- (2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

(b) Notwithstanding the provisions of paragraph (a) of this section, nothing herein shall be construed to prohibit

- (1) the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law, or
- (2) the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or
- (3) the inspection by the county attorney or other legal representatives of the county, or by the district attorney of any county, of the return(s) of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(c) Returns shall be preserved by the Treasurer for not less than three (3) years or for such longer period of time as the Treasurer determines.

(d) Any violation of paragraph (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county such officer or employee shall be dismissed from office or service with the county.

Section 25. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this local law, or in any application made by such person, or if no return has been filed or application made then to such address as may be obtainable.

(b) The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed.

(c) Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(d) The provisions of the civil practice law and rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law.

Section 26. Limitation of Effect of Local Law.

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Board of Supervisors; except that nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this or any other local law adopted and enacted pursuant to the provisions of Part T of §1 of Chapter 406 of the Laws of 1999 and Chapter

700 of the Laws of 2019.

Section 27. Separability.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 28. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State of New York State.”

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

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

Resolution No. 81
WITHDRAWN

April 6, 2020
Regular Board Meeting

Blue Ridge Road Pavement Project

**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 Scozzafava, who moved its adoption.

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

This Resolution was duly seconded by Supervisor DeLoria, and ***withdrawn***.

Resolution No. 82
WITHDRAWN

April 6, 2020
Regular Board Meeting

Blue Ridge Road Pavement Project

**RESOLUTION AUTHORIZING TO AMEND THE 2020 ESSEX
COUNTY BUDGET IN THE DEPARTMENT OF PUBLIC
WORKS FOR THE BLUE RIDGE ROAD PAVEMENT
PRESERVATION PROJECT #15-1, INCREASING REVENUES
AND EXPENDITURES, AS FOLLOWS:**

**REVENUE ACCOUNT - H5437 44089 - FEDERAL AID -
\$1,399,520.00 AND ACCOUNT H5437 43501 - STATE AID -
\$262,410.00, AND EXPENDITURE ACCOUNT H54374 5487 -
MISCELLANEOUS EXPENSE - \$1,749,400.00**

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

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

This Resolution was duly seconded by Supervisor Monty, and ***withdrawn***.

Resolution No. 83
WITHDRAWN

April 6, 2020
Regular Board Meeting

Blue Ridge Road Pavement Project

RESOLUTION AUTHORIZING A CHANGE ORDER TO LUCK BROTHERS, INC., IN THE AMOUNT OF \$1,594,400.00, FOR GENERAL CONSTRUCTION OF THE BLUE RIDGE ROAD PAVEMENT PRESERVATION PROJECT, WITH FUNDS TO COME FROM BUDGETED FUNDS, AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID CHANGE ORDER

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.

This Resolution was duly seconded by Supervisor Tyler, and ***withdrawn***.

Resolution No. 84
WITHDRAWN

April 6, 2020
Regular Board Meeting

Blue Ridge Road Pavement Project

**RESOLUTION AUTHORIZING A CHANGE ORDER TO
GREENMAN PEDERSON INC., IN THE AMOUNT OF
\$155,000.00, FOR PROFESSIONAL ENGINEERING
SERVICES TO INCLUDE CONSTRUCTION PHASE
ADMINISTRATION AND CONSTRUCTION INSPECTION FOR
THE BLUE RIDGE ROAD PAVEMENT PRESERVATION
PROJECT, WITH FUNDS TO COME FROM BUDGETED
FUNDS, AND FURTHER AUTHORIZING THE COUNTY
CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID
CHANGE ORDER**

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.

This Resolution was duly seconded by Supervisor Subra, and ***withdrawn***.

Resolution No. 85

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD PURCHASE ORDER TO US ROBERT H. FINKE & SONS,
INC., IN THE AMOUNT OF \$15,829.28, FROM BUDGETED FUNDS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Purchasing Agent to award the following purchase order:

US Robert H. Finke & Sons, Inc., in the amount of \$15,829.28, for parts and labor for Vogele Paver 2000-3l repairs, with funds to come from budgeted funds.

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to executed said purchase order.

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

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD PURCHASE ORDER TO US RADAR, INC., IN THE
AMOUNT OF \$27,530.00, FROM BUDGETED FUNDS**

The following resolution was offered by Supervisor Subra, 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 Essex County Purchasing Agent to award the following purchase order:

US Radar, Inc., in the amount of \$27,530.00, for a Q4300 Ground Penetrating Radar unit including battery, battery charger, controls and GIS/GPS mapping software and license, with funds to come from budgeted funds.

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to executed said purchase order.

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

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

Resolution No. 87

April 6, 2020
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO BID
THE TRACY ROAD OVER ASH CRAFT BROOK BRIDGE
REPLACEMENT PROJECT,
IN THE TOWN OF NORTH HUDSON**

The following resolution was offered by Supervisor DeZalia, 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 Essex County Purchasing Agent to bid the Tracy Road over Ash Craft Brook Bridge Replacement Project in the Town of North Hudson.

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

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

**RESOLUTION AUTHORIZING A CONTRACT AMENDMENT WITH
JFP ENTERPRISES IN AN AMOUNT NOT TO EXCEED
\$17,742.00, FOR GENERAL CONSTRUCTION SERVICES, FROM
BUDGETED FUNDS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes an amendment or change order to the following contract:

- Contract amendment with JFP Enterprises, bearing Contract No. DPW-20-0018, for general construction services to include installation of 100 lf of galvanized chainlink fence, fence posts and (2) 10'x4' double swing gates at the Essex County Main Transfer Station in the Town of Lewis, in an amount not to exceed \$17,742.00, from budgeted funds.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the above referenced contract amendment; 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 duly seconded by Supervisor DeZalia, and adopted upon a roll-call vote, as follows:

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

**RESOLUTION AUTHORIZING A CONTRACT WITH A.D.
THORNTON MECHANICAL, LLC TO SUPPLY AND INSTALL AIR
DISINFECTION UNITS IN VARIOUS LOCATIONS IN COUNTY
BUILDINGS**

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 a contract with A.D. Thornton Mechanical, LLC to supply and install air disinfection units in the duct work in the following locations to control the flow of air between rooms:

•	Mental Health Building.	\$2,467.31
•	DPW Highway.	\$2,014.74
•	Purchasing/County Manager/Personnel/Veterans.	\$2,521.61
•	Courthouse.	\$14,710.57
•	Public Safety Building.	\$16,339.04
	Total Cost.	\$38,053.27

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the above referenced contract; 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 duly seconded by Supervisor Rand, and adopted upon a roll-call vote, as follows:

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

**RESOLUTION AUTHORIZING THE HEALTH DEPARTMENT
TO ACCEPT A GRANT FROM ADIRONDACK TRUST IN THE
AMOUNT OF \$2,000.00, AND TO AMEND THE ESSEX
COUNTY 2020 BUDGET FOR THE SAME**

The following resolution was offered by Supervisor Winemiller, 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 Essex County Health Department to accept a grant in the amount of \$2,000.00, from Adirondack Trust; and

BE IT FURTHER RESOLVED, that the Essex County 2020 Budget is hereby amended to increase revenues and appropriations in the amount of \$2,000.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4082 42705	Gifts & Donations	\$2,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 5487	Misc.	\$2,000.00

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

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

**RESOLUTION OF THE ESSEX COUNTY, NEW YORK BOARD OF SUPERVISORS
ADDRESSING COMMUNITY TRANSMISSION, PREVENTION, CONTROL AND
SPREAD OF THE CORONAVIRUS DISEASE, AUTHORIZING THE PUBLIC
RELEASE OF THE NAMES OF EACH TOWN WITH THE NUMBER OF PERSONS
INFECTED WITH THE CORONAVIRUS OR PRESUMED CASE**

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, on January 31, 2020 Alex M. Azar II, United States Secretary of Health and Human Services, pursuant to the authority vested in him, under section 319 of the Public Health Service Act, determined that a public health emergency existed and for the entire United States to aid the nation's healthcare community in responding to the 2019 novel coronavirus; and

WHEREAS, on March 7, 2020 Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested by the Constitution and the Laws of the State of New York, and pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster was impending in New York State, for which the affected local governments would be unable to respond adequately, declared a State disaster emergency for the entire State of New York, effective until September 7, 2020; and

WHEREAS, on March 10, 2020 Shaun Gilliland, Chairman of the Essex County Board of Supervisors, under the authority of New York Executive Law Article 2-B and Section 24 thereof, by reason of a disaster, catastrophe or similar public emergency within the territorial limits of ESSEX COUNTY which imperils public safety, health and welfare, namely the existence and spread of the coronavirus disease, declared a LOCAL STATE OF EMERGENCY; and

WHEREAS, on March 13, 2020 Donald J. Trump, President of the United States, by the authority vested by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), proclaim that the COVID-19 outbreak in the United States constituted a national emergency, beginning March 1, 2020; and

WHEREAS, Essex County is a political subdivision of a State of New York, governed by a Board of Supervisors, each one serving in one of the eighteen towns, acting as one legislative body and being charged with administering public health authority, and responsible for public health, safety and the future wellbeing of Essex County; and

WHEREAS, the Essex County Board of Supervisors having witnessed the spreading of the coronavirus disease, crossing the globe without prejudice or respect for political boundaries, expanding the oceans to reach pandemic proportions in the United States, spreading throughout every State, and crossing over the State borders and the boundaries of individual counties and into very communities this elected Board serves and protects; and

WHEREAS, the Essex County Board of Supervisors recognizes the remoteness, sparse population, bond of unity and depth of community spirit which thrives in each of its eighteen towns, and considers the common strengths our communities possess, and the value served to the residents in each town, by providing information related to the number of positive coronavirus cases, and the Health Insurance Portability and Accountability Act (HIPAA), under 45 CFR 164.512(b)(1)(a); permits a covered entity to disclose Personal Health Information to a Public Health Authority authorized by law to collect or receive such information for the purpose of preventing or controlling disease; and

WHEREAS, the Essex County Board of Supervisors, having the responsibility for ensuring public health and safety, retain moral, social and ethical obligations as public officials, recognizes a legitimate need to disclose geographic information pertaining to the outbreak of the coronavirus disease, while protecting patient health information and ensuring identity protection provided under HIPAA, as a necessary means to carry out its public health purpose and mission; and

WHEREAS, the coronavirus pandemic continues to infect and cause death to many who have acquired the disease, the threat of continued spread into our Adirondack communities where the virus can remain undetected for many days is very real, yet when the virus is confirmed in our communities, the reported numbers released to the public show only a total number of cases in the county; and

WHEREAS, every person living, residing, staying either seasonal, year round, or as temporary transients within the eighteen towns of Essex County share constitutionally protected rights, privileges and entitlements, and have the right as citizens, who have empowered this Board to represent them, with a right to be informed of the true number of positive cases of the coronavirus disease, in each of their respective communities; and

WHEREAS, the Essex County Board of Supervisors are responsible to ensure any person staying within the jurisdiction of our Public Health Department are informed of the risks associated with the coronavirus disease, it must also ensure its people take personal social distancing seriously, exercising a conscious awareness of the threat the coronavirus disease brings to our communities.

NOW, THEREFORE, BE IT RESOLVED, the Essex County Board of Supervisor in an effort to help prevent and lessen the serious imminent threat to the health and safety of

the residents of Essex County from the spread of the coronavirus, and to help limit the exposure to any person residing in or persons entering any one of the eighteen Towns in Essex County, the Essex County Board of Supervisors does hereby direct the Director of the Essex County Department of Health, upon confirmation of positive cases and presumed cases of the coronavirus in Essex County, to disclose by written report the number of positive cases and presumed cases requiring isolation in each town, and to name each town by name, and

BE IT FURTHER RESOLVED, each such written report shall be provided to the Essex County Chairman of the Board of Supervisors or his designee, who will in turn cause notification to be made to the entire Board of Supervisors and the public, providing information from the report to the Board reflecting current number of positive cases and presumed cases, being confirmed in each town; and

BE IT FURTHER RESOLVED, written reports, when updated shall exhibit the total number of positive cases and presumed cases of the coronavirus for each town, the effective date of the count and the total shall be representative of the current total of infected/isolated persons for the entire County, which shall also be disclosed each time the report is updated.

This resolution shall take effect immediately.

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

AYES: 2534 votes
NOES: 387 votes (Giordano)
ABSENT: 0 votes

**RESOLUTION AMENDING LOCAL LAW NO. 4 OF 2019 ENTITLED “
A LOCAL LAW PROVIDING FOR ADDITIONAL AND RELATED
DUTIES OF THE OFFICE OF ESSEX COUNTY CORONER” AND/OR
ITS EXISTING RULES AND REGULATIONS ESTABLISHING PRIORITY
ZONES OF OPERATION FOR EACH CORONER SUBJECT HOWEVER
TO THE OVERRIDING PRINCIPLE OF THE CLOSEST CAR CONCEPT**

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, this Board has enacted Local Law 4 of 2019 entitled a Local Law Providing for Additional and Related Duties of the Office of Essex County Coroner and Rules and Regulations dated December 31, 2019 as amended establishing certain duties and obligations of elected Coroners and licensed funeral homes who contract to transport the deceased; and

WHEREAS, this Board has been made aware that dispatch of our Coroners has sometimes been problematic and difficult when trying to determine which Coroner is closest to a Coroner’s call using the closest car concept; and

WHEREAS, in order to avoid confusion and delay in dispatching our Coroners to calls, this Board is desirous of amending the existing Coroner’s local law and/or its existing rules and regulations to establish priority zones of operation for each Coroner while at the same time adhering to the closet car concept.

BE IT RESOLVED that Local Law 4 of 2019 and/or its rules and regulations are hereby amended to include the following priority zones of operation, subject however to the overriding principle of the closest car concept:

- | | |
|-----------|--|
| Whitelaw | St. Armand, North Elba, Wilmington |
| Heald | Jay, Chesterfield, Elizabethtown, Keene, Lewis, Willsboro, Westport, Essex, Schroon Lake |
| Valentine | Moriah, Crown Point, Ticonderoga, North Hudson, Minerva, Newcomb |

Marvin Floater

BE IT FURTHER RESOLVED the County Attorney is directed to amend the local law and/or the rules and regulations to reflect these priority zones of operation, subject however to the overriding closest car principle and to insert any additional terms and conditions relative to Coroner dispatch and these zones as he deems necessary with the caveat that these zones do not trump the closest car concept.

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

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

**RESOLUTION REQUESTING GOVERNOR ANDREW CUOMO TO
IMMEDIATELY BEGIN TESTING ALL CORRECTIONAL OFFICERS,
CIVILIAN STAFF AND INMATES AT ALL NEW YORK STATE
DEPARTMENT OF CORRECTIONS FACILITIES**

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

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

WHEREAS, New York State Department of Corrections and Community Supervisor has 52 correctional facilities across New York State and several correctional facilities in the North Country Region including Adirondack, Bare Hill, Clinton, Franklin, Upstate, Moriah Shock, Governor, Watertown, Ogdensburg and Five Points; and

WHEREAS, there are approximately 23,000 Correctional Officers, approximately 8,300 civilian staff working in the New York State DOCCS facilities and approximately 54,700 inmates confined in NYS DOCCS facilities; and

WHEREAS, the COVID-19 virus spread can only be abated by testing individuals for COVID-19, strict social distancing and quarantine of infected individuals; and

WHEREAS, NYS DOCCS facilities are enclosed systems and the spread of disease can be rampant in such conditions, affecting correctional officers and civilian staff who may then bring COVID-19 home to their families and spread further in the communities in which they live; and

WHEREAS, the COVID-19 virus epidemic is causing an increased amount of stress and stability of the inmate population, and may cause inmates to lash out against other inmates, correctional officers and civilian staff of NYS DOCCS, and further, may increase the acts of violence and rioting among the incarcerated population putting correction officers and civilian staff at greater risk.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby formally requests that Governor Andrew Cuomo immediately authorize testing of all Correction Officers, civilian staff members and inmates of all New York State Department of Corrections and Community Supervisor and County facilities to abate the spread of COVID-19; and

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

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

**RESOLUTION IMPLORING THE GOVERNOR OF THE STATE OF
NEW YORK TO RESCIND HIS EXECUTIVE ORDER WHICH
DIRECTS THE STATE OF NEW YORK TO SEIZE AND
REDISTRIBUTE ALL VENTILATORS AND PERSONAL
PROTECTIVE EQUIPMENT (PPE) FROM PRIVATE INSTITUTIONS
AND HOSPITALS IN UPSTATE NEW YORK, ESSEX COUNTY
AND OTHER RURAL COUNTIES THROUGHOUT THE STATE**

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

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

WHEREAS, Governor Andrew M. Cuomo has indicated he will sign a new Executive Order mandating that the State of New York seize all ventilators, medical equipment and personal protective equipment (PPEs) from private institutions and hospitals from all over the state, including Essex County, for redistribution and use in the New York City metropolitan area; and

WHEREAS, Essex County is an extremely rural county, sparsely populated with only 38,000 residents and covers a vast geographic area which severely hampers the ability of service providers and medical facilities/providers to quickly respond to medical emergencies; distances are too great and communication capabilities are limited; and

WHEREAS, Essex County has extremely limited medical facilities with few hospitals and a small pool of doctors, nurses and other healthcare providers who are already taxed and overextended in providing everyday care, and will be severely overburdened once the Coronavirus fully arrives; and

WHEREAS, Essex County has an extremely limited and meager supply of ventilators, medical equipment and PPEs which will be gravely inadequate and insufficient to provide for the protection and care of our medical providers, law enforcement, first responders and its general populous when the pandemic reaches its apex here. Additionally, because testing kits are sparse, Essex County has no idea how many of its residents are infected with the disease and how many ventilators it will actually need; and

WHEREAS, it is imperative that Essex County retain its already meager stock of ventilators, PPEs and medical equipment in order to protect the lives of its residents; and

WHEREAS, if our ventilators, PPEs and medical equipment and personnel are redistributed to other areas in New York State, Essex County will be left with nothing with which to care for the lives of its residents and when these assets are immediately needed, there will be nothing and, as time is always of the essence in emergency situations, seeking equipment to fill the void will be too little, and too late for many.

WHEREAS, this Board recognizes the dire conditions that exist in the New York City metropolitan area, however our healthcare system needs to retain these meager assets and for them to be redistributed would result in a medical disaster.

BE IT RESOLVED, that the Essex County Board of Supervisors vehemently and with the strongest conviction and force, implores Governor Andrew M. Cuomo to rescind that part of his Executive Order mandating the redistribution of ventilators, PPEs and other medical equipment from our private institutions and hospitals to the New York City metropolitan area, as to do so will leave the residents of Essex County with absolutely no protection against the virus and will most definitely result in unavoidable and unnecessary casualty; and

BE IT FURTHER RESOLVED that this Board asks instead that Governor Cuomo demand from the Federal Government ventilators and PPEs and that all New York counties join in his request; and

BE IT FURTHER RESOLVED that while this Board recognizes the severe and dire situation in the southern part of the state and appreciates the Governor's tireless and valiant efforts in dealing with this unprecedented state of emergency, Essex County cannot stand idle and watch its assets be stripped and taken to other areas of the state; and

BE IT FURTHER RESOLVED that while we are all New Yorkers, Essex County simply does not have the resources to spare and cannot put its populous in jeopardy; and

BE IT FURTHER RESOLVED that Essex County is strongly requesting that all other rural counties in similar situations and all other counties throughout the state join with us in solidarity to seek to prevent this redistribution; and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this Resolution to: Governor Andrew M. Cuomo, Senator Elizabeth O'C. Little, Assemblyman Daniel Stec, Senate Majority Leader, Senate Minority Leader, and the Board of Supervisors/Legislature of Clinton County, Franklin County, Warren County, Washington County, St. Lawrence County, and Hamilton County; and

BE IT FURTHER RESOLVED, that this Board desires that this resolution **not** be delivered until such time as the Chairman of the Essex County Board of Supervisors, in his discretion, determines that the resolution should be distributed and presented to those individuals in the immediate preceding paragraph and any other entities he feels fit.

This resolution was duly seconded by Supervisor Rand, and adopted, **as amended**.

RESOLUTION AUTHORIZING THE CANCELLATION, PURSUANT TO NYS RPTL 1182, OF THE 1% INTEREST PENALTY ASSESSED AGAINST DELINQUENT ESSEX COUNTY REAL PROPERTY TAXES FOR THE PERIOD MAY AND JUNE 2020 FOR ALL DELINQUENT TAXES, FOR ALL PRIOR YEARS AND 2020, WHICH CANCELLATION SHALL EXPIRE ON JUNE 30, 2020, AND AUTHORIZING THE COUNTY TREASURER AND COUNTY CHAIRMAN TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS TWO MONTH INTEREST CANCELLATION

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 cancellation, pursuant to NYS RPTL 1182, of the 1% interest penalty assessed against delinquent Essex County real property taxes for the period May and June 2020 for all delinquent taxes, for all prior years and 2020, which cancellation shall expire on June 30, 2020, and additionally authorizes the County Treasurer and County Chairman to do all things necessary to effectuate this two month interest cancellation.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Hughes)

**RESOLUTION OF APPRECIATION TO
CARL RUBINO, ESQ.
UPON HIS RETIREMENT AS
ASSISTANT ESSEX COUNTY ATTORNEY**

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

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

WHEREAS, Carl Rubino, Esq. was appointed Assistant Essex County Attorney in 2006 and has continued to serve in that capacity until his retirement on March 31, 2020; and

WHEREAS, in his capacity as Assistant County Attorney, Carl was primarily involved with the handling of juvenile delinquency and PINS matters while also performing all other duties of the County Attorney; and

WHEREAS, as the attorney in charge of JD and PINS, Carl recognized the delicate balance which exists between insuring youth are properly held to account while considering the circumstances involved in fairly and reasonably seeking resolution of his cases; and

WHEREAS, Carl Rubino, Esq. has tirelessly, conscientiously and with the highest degree of professionalism, represented Essex County as attorney and counselor and has provided invaluable knowledge, instruction and representation to the citizens of Essex County and, in particular, the Essex County Probation Department; and

WHEREAS, Carl is regarded by his peers as an attorney of utmost competency, integrity and character whose disposition in all matters is always professional, respectful and fair; and

WHEREAS, prior to his work as a County Attorney with Essex County, Carl Rubino was engaged in the private practice of law for many years in Westport and Elizabethtown, New York; and

WHEREAS, Carl is a respected friend and well-liked by his peers, judges and co-workers in both Essex and Clinton County Courts where he has appeared and his presence will be missed.

BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their thanks and appreciation to Carl Rubino, Esq. for his outstanding, dedicated and exemplary public service and wish him good health and good luck in all his future endeavors.

This resolution was unanimously seconded and adopted.

**RESOLUTION ISSUING ISOLATION AND QUARANTINE MANDATES
FOR LAB CONFIRMED POSITIVE , PRESUMED POSITIVE AND/OR
INDIVIDUALS EXPOSED TO COVID-19 AS LOCAL
EMERGENCY ORDER 2**

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, on April 6, 2020, Shaun Gilliland, Essex County Chairman of the Essex County Board of Supervisors issued Executive Order 2 of 2020, pursuant to Section 24 of the Executive Law of the State of New York, that the public safety was sufficiently imperiled such that a Proclamation of Emergency was declared within the territorial limits of Essex County; and

WHEREAS, on February 1, 2020, pursuant to 10 NYCRR Section 2.1(a), Dr. Howard A. Zucker, as Commissioner of Health of the State of New York, designated 2019-Novel Coronavirus (2019 NCoV) as a communicable disease under the State Sanitary Code; and

WHEREAS, on February 6, 2020, the New York State Public Health and Health Planning Council ratified the designation of 2019-Novel Coronavirus (2019-nCoV) as a communicable disease under the New York State Sanitary Code through the adoption of emergency regulations amending 10 NYCRR Section 2.1; and

WHEREAS, 10 NYCRR 2.29 provides that whenever a case of a highly communicable disease (as defined in 10 NYCRR Section 2.1) comes to the attention of the local health officer of a county, such local health officer shall isolate such patients as in his judgment he deems necessary; and

WHEREAS, as of March 8, 2020, and in accordance with the federal Center for Disease Control's (CDC) "Interim US Guidance for Risk Assessment and Public Health Management of Persons with Potential 2019 Novel Coronavirus (2019-nCoV)," the New York State Department of Health has issued directives requiring all persons who have tested positive or are presumed positive for COVID-19 to be isolated; and

WHEREAS, New York State Department of Health has issued a directive prescribing

that persons who have been in close contact (6 feet) of someone who has tested positive must be quarantined as they may be menace to others; and

WHEREAS, the number of confirmed COVID-19 cases within Essex County has been increasing, with travel related cases and contact cases reported and expected to continue, making it imperative for local government and local law enforcement to have all available measures to safely enact and enforce quarantine and isolation orders.

NOW, THEREFORE, BE IT RESOLVED, that Shaun Gilliland, Chairman of the Essex County Board of Supervisors, by virtue of the authority vested in me by State and Local Law, hereby provide as follows:

1. ORDER that, all persons who are lab confirmed positive or are presumed positive with COVID-19 by a New York State Licensed Medical Health Care Provider or the Essex County Health Department, be isolated and travel directly to, if not already located there, and remain isolated at their primary residence, or at any facility designated by the Essex County Health Department until Essex County Health Department confirms that such person(s) no longer require isolation pursuant to New York State's minimum criteria for discontinuance; and it is further

2. ORDERED that, all persons who have been in close contact to an individual who meets the criteria in Paragraph 1, as determined by a New York State Licensed Medical Health Care Provider or the Essex County Health Department, be quarantined and travel directly to, if not already located there, and remain quarantined at their primary residence for fourteen (14) days from the date of last exposure, as determined by the Essex County Health Department.

IN ADDITION, any guidance issued by the Essex County Health Department related to prevention and infection control of COVID-19 shall be effective immediately and shall supersede any prior conflicting guidance issued by the Essex County Health Department.

This Order is necessary to provide for social distancing to safeguard the public health and welfare, and necessary to assist in controlling the disaster effort. This Order is intended to comply with all laws and regulations, state and federal, and shall be read and interpreted in such manner.

As the law requires, this Order shall remain in effect for five (5) days unless sooner rescinded or modified by the Chairman of the Essex County Board of Supervisors but may be extended for additional periods not to exceed five (5) days each during the pendency of this local state of emergency.

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