

REGULAR BOARD MEETING
Monday, October 3, 2011

Randy Douglas, Chairman
Roby Politi-Vice-Chairman

Chairman Douglas called this Regular Board Meeting to order at 10:00 a.m. with a salute to the flag. Upon roll-call, the following Supervisors were found in attendance: David Blades, Sharon Boisen, George Canon, Daniel Connell, Bob Dobie, Randy Douglas, William Ferebee, Bethany Kosmider, Debra Malaney, Noel Merrihew, Sue Montgomery-Corey, Joyce Morency, Jerry Morrow, Roby Politi, Randy Preston and Tom Scozzafava. (Ed Hatch and Cathy Moses had been previously excused).

Department Heads present were: Mike Diskin, Monica Feeley, Don Jaquish, Tony LaVigne, Dan Manning, Dan Palmer, Deb Palmer and Linda Beers.

Also present were; John Huttlinger-Adirondack Film Society; Brent Vosburg; Margaret Bartley; Frank Walls; Mitchell Beers and the Beers family; and Attorney Patrick FitzGerald of Girvin & Ferlazzo.

News Media present were: Chris Morris-Adirondack Enterprise; Keith Lobdell-Denton Publications; and Lohr McKinstry-Press Republican.

DOUGLAS: Good morning. I will call this Regular Board Meeting to order. Please join me in the pledge to the flag please.

First we have a guest, Mr. Huttlinger from the Adirondack Film Society. I am sorry, roll-call please first. I am sorry. Thank you. Now you can come forward sir - sorry about that.

HUTTLINGER: I have a brief presentation and then a short video. I can talk first.

Good morning and thank you very much for having me. I am John Huttlinger from Lake Placid and I am the Chair of the Adirondack Film Society which is an organization in Lake Placid which has been fortunate enough to have funding from Essex County for its entire existence. I am here for two reasons, one, to in person thank you for the years of support that we have received from Essex County and two, to give you just a brief idea of what we have been doing and what we intend to continue to do.

Just a brief history - in 1999 we were formed based on an idea from Kathleen Carroll who is a Lake Placid native and a former film critic for the New York Daily News, Russell Banks the author who lives in Keene and Naj Wikoff who is also a Lake Placid native and local artist. In 1999 we formed the Film Society and started off with a series of silent films which many of you may have seen already. We have continued that tradition every year since 1999, every fall we do a silent film series at the Palace Theater in Lake Placid accompanied by the 1926 Robert Morton theater organ so it is all live accompaniment, it is a wonderful experience not only for the general public but we also try to get the schools involved as sort of an educational type initiative to show them how films were made in those days, in the early days of film.

We just finished our 11th Lake Placid Film Forum in June of 2000, we initiated the Lake Placid Film Forum which was a series of film presentations over a three to five day period in June

accompanied by workshops, seminars and discussion groups. The Film Forum in its early years was immediately recognized as being a very high quality type event within the film community. The film makers loved it because they could come to Lake Placid and collaborate with their colleagues whether they be actors, directors, writers or whatever without the sort of distractions of some of the larger film festivals and there are no distributors that come to this film festival so there is very little pressure to either buy films or whatever. It is more of an educational exercise and it is very - it is viewed very fondly by a lot of the film community.

In the last few years we have sort of changed our focus to local film making as some of you know. We screened Mineville this June which was made in Essex County and we also are encouraging local film makers who make short films to show their films at our events and that has become very popular. Every year we have probably 15-20 submissions from people in the North Country, we call it "North Country Shorts" and it has been a great addition to our programming. Four years ago we initiated a student film making competition which we invite teams from five different colleges and these teams are usually made up of five students each and they have an advisor and they are given 24-hours to make a film. They get the idea for the film that is given to them usually by Russell Banks on a Thursday about noon and they have 24 hours to write the story, write the script, film it, edit it and complete a 10-minute or less short film. This has been a great success in the last few years. Not only from the kids who think it is fantastic for a learning purpose but the general public, it is just fun to come and watch these films that these kids have made. A lot of these films are very professional in their nature and the other thing that the students like is the ability to come to Lake Placid for that weekend and they can actually inter-act with some of the other film makers who are here.

So that is basically what we are doing. Essex County as you all know has been our main benefactor. Every year that we have been in existence and offered programming, Essex County has been there for us and we greatly appreciate that. We would not be in business today without the generosity of Essex County.

Again, we have submitted another grant application for this year. We understand completely about the budget constraints that everybody is under and although we would love to have a grant that was consistent with prior years, we fully understand if any adjustments have to be made just to get you through the process. We are more than willing to accept any adjustments although that wouldn't be my first choice. But again, we do appreciate everything that you have done.

Going from here, we are going through a period of renewal. We have a board strategic planning conference that we are doing later this month and we have brought several new board members on board. We are going to try and expand our programming to a level of where it was in the early 2000's although not to the extent that it is not sustainable. We want to do something that we can come back and do regularly. We are implementing, our signature event has been the Lake Placid Film Forum but we are also implementing a program where we are going to try and do films every month. This coming Friday will be the first in our monthly series, it is a film called "Buck", it is going to play at the Palace on Friday night. We are actually bringing it in for a week so if Friday is not convenient for people it is going to be there for a week. A wonderful film, it is a documentary about the man who is the inspiration, you may have seen the "Horse Whisperer", well Buck Brannaman was the real life guy who was the inspiration for that figure in the Horse Whisperer and this is an excellent documentary about Buck Brannaman. We are also working with the Medicine Horse Farm in Morrisonville which specializes in equine therapy and this fits right in and the Medicine Horse people are coming to speak about that approach.

I think that is all I had to say. I don't know if I am available for questions but I am certainly happy. We have a ten minute video which I know we don't want to take up too much time but we would close with the video.

DOUGLAS: Does anybody have any questions? If not, thank you.

HUTTLINGER: Great.

- VIDEO -

HUTTLINGER: If there are film makers or others looking for a location we are listed in the NY Governor's Film Offices. People looking in this area call us. So thank you. I have a copy of the video for you guys.

DOUGLAS: Does anybody have any questions? I am sure you will be hearing from Mr. Scozzafava, he wants some royalty checks. Thank you so much.

With that, we will move to resolutions.

RESOLUTION #269 - AUTHORIZING BUDGET AMENDMENTS FOR VARIOUS DEPARTMENTS.
This was offered by Ms. Morency, seconded by Mr. Canon, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

RESOLUTION #270 - AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO ACCEPT YEAR THREE OF FIVE YEAR WIC GRANT IN THE AMOUNT OF \$335,239.00 AND AUTHORIZING EXECUTION OF THE CONTRACT WITH THE DEPARTMENT OF HEALTH.

This was offered by Mr. Morrow, seconded by Mr. Merrihew and Ms. Kosmider, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

RESOLUTION #271 - ACCEPTING, ADOPTING AND PLACING ON FILE POLICIES, PLANS, PROCEDURES AND ANNUAL REPORTS.

This was offered by Mr. Preston, seconded by Mr. Connell and Mr. Blades, and adopted.

RESOLUTION #272 - PROCLAIMING THE WEEK OF OCTOBER 2-8, 2011 AS SHERIFF'S WEEK IN NEW YORK STATE.

This was by Mr. Ferebee, unanimously seconded, and adopted.

RESOLUTION #273 - AUTHORIZING THE COMMUNITY RESOURCES DEPARTMENT TO ACCEPT A TRAFFIC SAFETY-LOCAL TRAFFIC SAFETY GRANT IN THE AMOUNT OF \$21,500.

This was offered by Mr. Connell, seconded by Ms. Boisen, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

MONTGOMERY-COREY: I know I asked this at Ways and Means, if we could just clarify in this resolution the time period of the grant, the purpose and where it is from - that would be helpful.

PALMER: We will get that for you.

MANNING: The purpose and the time period.

DOUGLAS: We can do that Sue.

MONTGOMERY-COREY: That would be great - thank you.

DOUGLAS: Further discussion? Roll-call vote please.

RESOLUTION #274 - AUTHORIZING PAYMENT OF SCALZO CONSTRUCTION OF AN ADDITIONAL \$2,808.00 FOR ADDITIONAL HOURS OF WORK ON THE JURY ROOM IN THE COURT HOUSE.

This was offered by Mr. Ferebee, seconded by Ms. Morency, and adopted as amended, upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

MORROW: I would like to move an amendment to change it from \$2,808 to \$2,818.00.

DOUGLAS: Is there a second to the amendment? Mr. Ferebee. Discussion? All in favor of the amendment? Opposed? Carried.

Now on the resolution as amended - further discussion? Roll-call vote.

RESOLUTION #275 - AUTHORIZING PURCHASING AGENT TO GO TO BID AND AWARD FOR ASBESTOS MITIGATION AT THE HORACE NYE HOME FOR THE SPRINKLER SYSTEM.

This was offered by Mr. Scozzafava, seconded by Ms. Boisen, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes

ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

MORROW: You had brought it up Mr. Chairman about the Correctional Facility being able to do this, are we going to check into this also?

DOUGLAS: We are still in that process. I did reach out to Tony the other day. Tony, have we heard anything on that?

LAVIGNE: We haven't had a reply yet but we did make contact.

MORROW: So we are still going to look at it?

DOUGLAS: We are still definitely looking at it.

MORROW: Thank you.

DOUGLAS: Further comments or questions? Roll-call vote.

TABLED:

RESOLUTION #276 - AUTHORIZING PAYMENT OF \$7,500.00 TO AES FOR ENGINEERING SPECIFICATIONS ON TRANSFORMER REPLACEMENT AT THE HORACE NYE HOME.

This was moved to table upon a request by Supervisor Scozzafava, seconded by Supervisor Preston and TABLED with Mr. Morrow opposed to the table.

DOUGLAS: Tony, can you come forward on this. Will someone give him the courtesy please? Moved by Mr. Ferebee, seconded by Mr. Merrihew. All in favor, opposed, carried.

Tony, I know you have been in contact with the Lake Placid Village Electric, can you just enlighten us on where we are at with this?

LAVIGNE: Actually we did get in touch with National Grid and we haven't actually gotten in touch with Peter Kroha from Lake Placid at this point, we wanted to hear back from National Grid and see what they said and then we were going to get a step by step thing and get in touch with Peter.

POLITI: Tony, I did speak with Peter and he said he would be happy to help you out although this is outside of his jurisdiction so he couldn't do the work.

LAVIGNE: Right and that is why I wanted to see what National Grid - I am sorry it is NYSEG here in Elizabethtown - I wanted to hear from them first and see what they could provide.

SCOZZAFAVA: I will move to table until we hear from them.

DOUGLAS: Tony, I will be glad after if you want to call NYSEG.

LAVIGNE: We have been in contact, just haven't had a reply yet.

DOUGLAS: Okay. A move to table by Mr. Scozzafava. Seconded by Mr. Preston. All in favor of the table? Opposed to the table-Mr. Morrow.

**RESOLUTION #277 - OF CONDOLENCE TO THE FAMILY OF PAUL R. PROVONCHA.
This was offered by Ms. Morency on behalf of Ms. Moses and Mr. Dobie, unanimously seconded, and adopted.**

DOBIE: Cathy would like her name on it. He was a resident of Schroon Lake.

MORENCY: Mr. Chairman, please remove my name and put Cathy's in there.

MANNING: She is not here.

DOUGLAS: Why don't we do this, suggested by Ms. Moses. Dan can word it.

SCOZZAFAVA: I am pretty sure there is a prior resolution on the books that authorizes the Chairman to do these anyway without going through this procedure. I know we always go through this procedure but I am pretty certain that you can write this and add -

DOUGLAS: I think I can but to add Cathy's name to it without her being here would be

MANNING: We will just say that Ms. Morency moved it upon the request of Ms. Moses.

DOUGLAS: Okay, thank you.

**RESOLUTION #278 - URGING GOVERNOR CUOMO AND THE UNITED STATES CONGRESS TO IMMEDIATELY DO INSPECTIONS OF THE RIVERS AND BROOKS IN ESSEX COUNTY THAT HAVE CHANGED COURSE DURING THE RECENT HURRICANE.
This was offered by Mr. Douglas and Mr. Ferebee, unanimously seconded, and adopted.**

DOUGLAS: Just as long as we are on that resolution, there has been a lot of call for politicians, state agency's, federal agency's, and local politicians and environmental groups to meet regarding future long term plans of the river. I know there is a lot of differences of opinion of where we should be at right now, but long term plans, I was hoping that Brian Houseal from Adirondack Council would be here today, he is traveling. We have been in contact. We met last Monday. I wanted to work in conjunction with Brian. On November 1st at 6:00 PM, I will host in the Town of Jay Community Center and do all the invites working with Brian so all the groups can come to one location and discuss long term planning of the AuSable River and the brooks and streams that lead to it. We will put that invitation out there. I know that there are other groups that are trying to get the Governor and federal agency's together - this is my plan working with Brian. We will stick with that and Mr. Ferebee and we will host it in the Community Center, I think it is the spot. FEMA will be gone by that time and we will have the most room to accommodate everybody. So it will be

November 1st at 6:00 PM and if that changes I will let you know but it is time for all the groups to come together and share suggestions. I just wanted everybody to know that.

FEREBEE: Just a comment on that mainly for the press. Mr. Douglas and I have both taken a lot of heat over what we have done in the brooks and streams and rivers within our towns. I had a very productive meeting on Friday with members of the DEC. At that meeting they agreed with what we have done; however, they would have liked to have seen us do the work differently. I found it odd that they waited three weeks to approach me in the Town of Keene about what we have been doing for three weeks. I think that we can work well with DEC and the other agency's.

I would like to see the negativity that is being printed concerning what we are doing converted to positive comments and come forth to the town elected officials to help us decide how we should correct what we have done and give us thoughts and ideas of where we are going to find the funding and the permitting to do that. We did what we needed to do at that time and these things can be corrected. So I would again like to see that negativity put to positive thoughts, that would be great.

DOUGLAS: Again, we have been working on public safety issues. There is a fine line. I think there is some comment ground, there is a fine line between public safety, immediate public safety and the needs of the environmental agency's. It is tough. I know there are experts to study the rivers and streams but there is also - how do I express that to families who had never been flooded before but were flooded two to three times since March - how do we express to them that we didn't need to take the immediate action? We don't want to see our towns divided. We don't want to see our county divided. We are willing to listen but we need to work together.

FEREBEE: Just to follow up - we have been in contact with AuSable River Association, Carol Treadwell. It is mid-October before they can come and research what we have done. I mean we couldn't wait until mid-October or mid-November to move forward with protecting our constituents along the AuSable River. We have taken a little bit of a hit on that, that we didn't consult these folks. We did try, we did reach out. As our Chairman said, we can not wait ten months or ten years for a study, we had to move forward.

DOUGLAS: Further comments or questions?

MERRIHEW: I just commend you both on the actions that you had to take and for you calling the meeting to try and get all associations together here on November 1st. I believe as our resolution points out, there is always time for the environmental groups to give us the input and possibly help in the implementations of changes they would like to see take place. To deal with the immediate public safety concern, I believe you all acted in a responsible manner. There is always time for them to come in with their money and help put it back to what they propose be best.

DOUGLAS: Thank you Noel. Long term plan is definitely needed and we need help. Our towns have one backhoe, one excavator that we share amongst the towns. We don't have the equipment or the manpower. I know the state and federal government finances are in tough times for them too but we need the resources. The Army Corp of Engineers have been here, they did a preliminary study. They are walking the river sites. They are giving recommendations. But, long term planning and their manpower is what is really needed. They can't expect us in our

municipalities - towns, counties, Clinton, Essex and Franklin County's to accomplish this task. Further comments or questions? Thank you.

RESOLUTION #279 - URGING GOVERNOR CUOMO TO APPROVE AND EXPEDITE THE PROCESS OF COMMUNITY DEVELOPMENT BLOCK GRANTS IN THE AMOUNT OF \$400,000.00 FOR FIVE ESSEX COUNTY TOWNS.

This was offered by Mr. Douglas, unanimously seconded, and adopted.

RESOLUTION #280 - URGING GOVERNOR CUOMO TO RELIEVE COUNTIES OF THE 12.5% LOCAL SHARE RELATIVE TO FEMA DISASTER ASSISTANCE PROGRAM FUNDING.

This was offered by Mr. Ferebee and Mr. Connell, unanimously seconded, and adopted.

MERRIHEW: A question on that when we get to the piggy-back on county contracts, would the towns be eligible for that if there was even a consideration down below the 12.5%?

DOUGLAS: Yes.

MERRIHEW: Thank you.

RESOLUTION #281 - AUTHORIZING A BLANKET RESOLUTION ALLOWING TOWNS, VILLAGES AND OTHER MUNICIPAL ENTITIES TO PIGGY-BACK ON COUNTY CONTRACTS.
This was offered by Mr. Merrihew, seconded by Mr. Dobie and Ms. Montgomery-Corey, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

RESOLUTION #282 - AUTHORIZING THE PURCHASING AGENT TO SOLICIT REQUESTS FOR PROPOSALS AND TO AWARD TO THE LOWEST RESPONSIBLE BIDDER THE CONTRACT RELATIVE TO THE COLLECTION OF PROPERTY TAXES BY CREDIT CARD.

This was offered by Mr. Morrow, seconded by Ms. Kosmider and Ms. Morency, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Discussion?

SCOZZAFAVA: Is this an RFP or a bid?

MORENCY: RFP, request for proposals.

SCOZZAFAVA: It says to award to the lowest responsible bidder.

PALMER: Even with an RFP you can still do that.

MANNING: You still get bids on an RFP or submission.

DOUGLAS: Further comments or questions?

CONNELL: A question related to this - Mr. Manning, are you preparing a model resolution for the towns that we can authorize the county to collect the full tax? If they come in to pay the back tax they have to come to the county to pay the present year tax first. Mr. Diskin suggested a process to do this but we need a model resolution or at least I do not know how to write that resolution.

MANNING: I can do that.

CONNELL: Thank you.

DOUGLAS: Thank you Dan. Further comments or questions? Roll-call vote.

RESOLUTION #283 - AUTHORIZING AMENDMENTS TO THE STANDARD POLICY MANUAL AS IT RELATES TO EMERGENCY DECLARED DISASTERS, FOR THE PURPOSES OF STATE AND FEDERAL REIMBURSEMENT PROCEDURES.

This was offered by Ms. Morency, seconded by Mr. Scozzafava, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: The section where it amends is **Section 5.08 (d) and (e)**.
Further comments or questions? Roll-call vote.

RESOLUTION #284 - AMENDING RESOLUTION NO. 172 OF JUNE 7, 2011 AMENDING THE CURRENT CONTRACT WITH SECURITY CONCEPTS, AUTHORIZING PAYMENT AND TO INCREASE CONTRACT AMOUNT OF \$25,000.00 TO \$29,491.65 FOR THE PURCHASE AND INSTALLATION OF A CALL LIGHT BELL SYSTEM AT THE HORACE NYE HOME.

This was offered by Ms. Boisen, seconded by Mr. Merrihew, and adopted, upon a roll-call vote as follows:

AYES: 2059 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)
ABSTAIN: 194 votes (Morrow)

DOUGLAS: Discussion?

MANNING: So this is just a change order Dan?

PALMER: Essentially it is a change order. This was an emergency contract that we had to do to get the call system lights back on within the Horace Nye Home. The original amount that we asked for was based upon an estimate of the contractor and he went over the original estimate.

DOUGLAS: Further comments or questions? Roll-call vote.

RESOLUTION #285 - AUTHORIZING THE APPOINTMENT OF LINDA BEERS AS DIRECTOR OF PUBLIC HEALTH, AT AN ANNUAL SALARY OF \$78,000.00.

This was offered by Mr. Blades, unanimously seconded, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Linda, at this time I would ask you to come forward with your family and friends and take your oath of office please.

PALMER: Please raise your right hand and repeat after me -

BEERS: I, Linda Beers, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of Public Health Director, according to the best of my ability.

DOUGLAS: At this time I would ask Mr. Blades to escort Ms. Beers around to introduce her to all the Board.

RESOLUTION #286 - AUTHORIZING PAYMENT OF \$13,513.00 TO ALCATEL LUCENT FOR MICROWAVE PATH STUDIES AT BELFRY MOUNTAIN, SUCH FUNDS TO COME FROM THE RADIO BOND PROJECT.

This was offered by Mr. Morrow, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

RESOLUTION #287 - AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO APPLY TO NEW YORK STATE FOR INCREASED REIMBURSEMENT OF THE NON-EMERGENCY MEDICAID TRANSPORTATION RATE FROM \$.25/MILE TO \$.825/MILE FOR VITAL MEDICAL TRANSPORTATION SERVICES PROVIDED BY THE OFFICE FOR THE AGING.

This was offered by Mr. Blades, seconded by Ms. Boisen, and adopted upon a roll-call vote as follows:

AYES: 2548 votes

NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

RESOLUTION #288 - OF CONDOLENCE TO THE FAMILY OF DONALD CLEON TITUS.
This was offered by Ms. Kosmider, unanimously seconded, and adopted.

RESOLUTION #289 - AUTHORIZING AND APPROVING A LEASE FOR OFFICE SE PACE FOR CORNELL COOPERATIVE EXTENSION.

This was offered by Mr. Blades, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

RESOLUTION #290 - OF APPRECIATION TO KATHY DAGGETT FOR ASSUMING THE TEMPORARY DUTIES OF ESSEX COUNTY PUBLIC HEALTH DIRECTOR.

This was offered by Mr. Blades, unanimously seconded, and adopted.

RESOLUTION #291 - OF APPRECIATION AND CONGRATULATIONS TO REUBEN C. MICK ON HIS 100TH BIRTHDAY.

This was offered by Mr. Dobie for Ms. Moses, unanimously seconded, and adopted.

RESOLUTION #292 - URGING THE STATE LEGISLATURE TO ENACT LEGISLATION ALLOWING ASSESSORS TO REDUCE PROPERTY VALUES ON PROPERTY SUBSTANTIALLY DAMAGED BY THE IRENE DISASTER.

This was offered by Mr. Scozzafava, seconded by Mr. Politi and Ms. Boisen, and adopted.

DOUGLAS: Under discussion?

FEREBEE: What are we going to do or what should be done, this is simply stating for the Irene disaster. How is that going to affect the folks in my town who have lost millions of dollars as a result of the landslide? Is it going to dedicate this to one specific area? Just a question. I mean what are we going to do about those folks in my town?

SCOZZAFAVA: I had a conversation with Senator Little on that regards and I believe what she is going to introduce into the Senate and I believe Teresa also in the Assembly, is a more generic resolution that anytime you had a catastrophic event or you lose your property or substantial losses to the value of your home such a fire for instance. You can have your house burn completely to the ground and be stuck paying the full taxable value for a year period. So it will probably address those concerns.

FEREBEE: I am not asking for an amendment, I just wanted to throw that out there.

DOUGLAS: What I would suggest Bill and I hear Dan in my ear here is maybe from the floor move another resolution about the mud slide victims?

FEREBEE: Like Tom said, it could be anyone. We know the cut off date is March 1st and there has to be a line in the sand somewhere to cut off, but this all seems to have worked together you know heavy rains and soil saturation from previous storms so it is a tough one to pin point. I guess we will leave it up to Betty and Teresa to see what they can decide or what they can push through. I just want that noted that we are concerned.

SCOZZAFAVA: There has been situations in my town and I am sure everybody elses community where you can lose your home to a fire on March 3rd and you are going to pay your full land tax, school tax, village tax and so on.

DOUGLAS: Bill, again Dan is recommending in my ear here that you should do a separate resolution just to cover it.

FEREBEE: Okay, we will do that at the end. We don't want to amend this one, we want to do it separate?

MANNING: Well it is up to you. If you are going along that train of through you want to make it broad across the board but I don't know how successful you will be saying look, anytime there is a catastrophic or a fire or anything to property that it will be relieved from the tax rolls. I mean that is how we make our money so the powers to be up in the Senate and Assembly may not want to go a blanket route. If you just limit it right now to these two situations you may have a better chance of getting that done.

FEREBEE: Okay.

MANNING: It is your call, I don't know.

FEREBEE: I understand what you are saying. One house was lost to one fire doesn't warrant but if it were a number of property's affected as in the land slide in Keene and then the disaster here - so under your suggestion then I will go with this one and then bring one from the floor after. Thank you.

MERRIHEW: Can I suggest that when he does that is the disaster relief numbers are the important numbers that they are going to use. This present one is 4020, the one that Bill was affected by and we all were at the same time was 1993. If you implement the DR 1993 specific.

DOUGLAS: That is an excellent point. I think that covers it right there Bill.

FEREBEE: That would do it.

DOUGLAS: What is it right now?

MERRIHEW: DR 4020.

DOUGLAS: And his is DR 1993 from April.

MANNING: What do those numbers mean?

MERRIHEW: The disaster relief designation that the county was declared and met that threshold for individuals.

DOUGLAS: That is a good point Noel. I think that covers it right there Bill in a nutshell.

FEREBEE: That is fine.

RESOLUTION #293 - OF CONGRATULATIONS TO LEONARD SNOW OF JAY ON THE OCCASION OF HIS 100TH BIRTHDAY.

This was offered by Mr. Douglas, unanimously seconded, and adopted.

RESOLUTION #294 - OF CONGRATULATIONS AND BEST WISHES TO NATHAN BROWN.

This was offered by Mr. Douglas, Mr. Politi and Ms. Morency, unanimously seconded, and adopted.

RESOLUTION #295 - OF CONDOLENCE TO THE FAMILY OF ROYCE BRADFORD REED.

This was offered by Mr. Ferebee, unanimously seconded, and adopted.

RESOLUTION #296 - NAMING ESSEX COUNTY THE SPONSORING MUNICIPALITY FOR A NEWLY SUBMITTED GRANT REQUEST TO THE LOCAL WATERFRONT REVITALIZATION PLAN ON BEHALF OF THE AUSABLE RIVER ASSOCIATION.

This was offered by Ms. Boisen, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Resolutions from the floor?

FEREBEE: I will bring back a resolution acknowledging the loss of property with regards to DR1993. Do we call that a storm?

DOUGLAS: Yes.

FEREBEE: Recognize that as in the same manner as DR 4020, storm Irene, from the loss of property.

DOUGLAS: Okay, we know what you are looking for. Do we have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second? Mr. Preston.

RESOLUTION #297 - URGING THE STATE LEGISLATURE TO ENACT LEGISLATION ALLOWING ASSESSORS TO REDUCE PROPERTY VALUES ON PROPERTY SUBSTANTIALLY DAMAGED DUE TO THE STORM REFERENCED AS DR 1993.

This was offered by Mr. Ferebee, seconded by Mr. Preston, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Further resolutions from the floor?

MERRIHEW: A resolution urging multi-year state takeover of local share of medicaid.

DOUGLAS: Do we have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second? Unanimous second.

RESOLUTION #298 - URGING MULTI-YEAR STATE TAKEOVER OF LOCAL SHARE OF MEDICAID.

This was offered by Mr. Merrihew, unanimously seconded, and adopted.

PALMER: Just a comment on that - Charli up in Real Property has been working on the Truth in Taxation thing and I will have that ready to come back for the Finance committee this month. Of our \$2.17 tax rate, \$1.00 of it is medicaid.

MERRIHEW: Further under discussion, I just wanted to take the opportunity to thank Steven Acquario, NYSAC, Mr. Douglas, their Board of Directors - everyone. It is important that the public understand how few states actually share, for the lack of a better term, share these costs with the county. As Mr. Palmer just pointed out, that is the extravagant costs that we have to deal with day to day without negotiation. A very important resolution to support.

CANON: And as of now I don't believe our Senator has decided to join the sponsorship of that bill and I think we should urge her to do so if we have that opportunity.

DOUGLAS: Further comments or questions? Further resolutions from the floor?

MORENCY: A resolution authorizing payment of \$970.72 to Frederick Buck for travel and expenses to provide expert witness testimony at hearing in Albany on O'Connell Electric vs. Essex County delay claim.

DOUGLAS: Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Seconded by Mr. Canon.

RESOLUTION #299 - AUTHORIZING PAYMENT OF \$970.72 TO FREDERICK BUCK FOR TRAVEL AND EXPENSES TO PROVIDE EXPERT WITNESS TESTIMONY AT HEARING IN ALBANY ON O'CONNELL ELECTRIC VS. ESSEX COUNTY DELAY CLAIMS.

This was offered by Ms. Morency, seconded by Mr. Canon, and adopted upon a roll-call vote as follows:

AYES: 2117 votes
NOES: 431 votes (Boisen, Scozzafava, Dobie)
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Discussion?

SCOZZAFAVA: That is like 9 trips to Albany at 50¢ a mile. They have been down that many times?

MANNING: No this is for, it should say also for payment to him as an expert on this matter. He had to testify at a hearing on this matter and what we paid him is basically his salary that he had when he left which is very inexpensive, it is like \$50/hour.

SCOZZAFAVA: I understand but - don't get me wrong, this is not personal against Fred Buck, I happen to like Fred Buck. But, he was an employee of this county who we were paying as this project was taking place.

MANNING: Right.

SCOZZAFAVA: So now we have to pay him to come back and testify that the job was done correctly?

MANNING: He is no longer an employee.

SCOZZAFAVA: I understand that but he was an employee when we were building the Jail and he was being paid by the taxpayers of this county.

MANNING: Right, but he is not an employee now.

SCOZZAFAVA: Well I am not going to support this because I think he has an obligation, he was an employee when that was being built.

MANNING: Well he was intricate to the settlement of the lawsuit. He is no longer an employee, he hasn't been an employee for a couple of years and I don't know of any -

SCOZZAFAVA: I understand that but we also paid him extra money when we were building that Jail to oversee that project.

MANNING: For which he did provide a service at that time. This is a different service.

SCOZZAFAVA: I am not going to debate it, I don't think it is right.

MANNING: I am just explaining what my position is.

MONTGOMERY-COREY: I don't necessarily object to paying someone for coming in when they are not on your payroll but I would like to know what the break down is of this total and what is the total again?

MANNING: \$970.00

MONTGOMERY-COREY: Okay. How much of that is travel cost and how much of that is hourly expenses?

MANNING: I can get you that.

MONTGOMERY-COREY: Okay, great.

MANNING: A voucher has been submitted.

MONTGOMERY-COREY: Thank you.

DOUGLAS: Further comments or questions? Roll-call vote.
Further resolutions from the floor?

MALANEY: A resolution authorizing an agreement between the New York State Office of Indigent Legal Services and the County of Essex.

DOUGLAS: Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second? Mr. Merrihew.

RESOLUTION #300 - AUTHORIZING AN AGREEMENT BETWEEN THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES AND THE COUNTY OF ESSEX.

This was offered by Ms. Malaney, seconded by Mr. Merrihew, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

PALMER: I want to give Brandon credit for this - when we hired the additional Assistant Public Defender in the office, Brandon found this grant and applied for it and this \$14,000 that we are receiving in grants is intended to offset some of the salary of this second Assistant Public

Defender.

DOUGLAS: Further comments or questions? Roll-call vote.
Further resolutions from the floor?

MERRIHEW: A resolution increasing taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges, pursuant to Article 29 of the Tax Law of the State of New York.

DOUGLAS: Do we have 12 to allow that on the floor?

PALMER: Yes, we do.

DOUGLAS: Do we have a second? Mr. Politi and Mr. Blades.

RESOLUTION #301 - INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

This was offered by Mr. Merrihew, seconded by Mr. Politi and Mr. Blades, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

MANNING: Just for your edification, this will allow us to continue to collect our sales tax - sales and occupancy tax.

CONNELL: That was my question - this is not the additional but the normal sales tax?

MANNING: This is the normal sales tax that sunsets on November 30th, 2011 - this will allow us to continue to collect it for another - sales and occupancy tax - for another, until 2013.

CONNELL: Thank you.

DOUGLAS: Further comments or questions? Roll-call vote.
Further resolutions from the floor?

SCOZZAFAVA: I will bring one up for discussion I guess. A resolution authorizing the purchase of a portable solar powered traffic signal system for the Department of Public Works Sprague Mill Brook, in the amount of \$49,069.95, with funds to come from the May flood disaster fund 11-5.

DOUGLAS: Moved by Mr. Scozzafava. Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second? Mr. Ferebee.

RESOLUTION #302 - AUTHORIZING THE PURCHASE OF A PORTABLE SOLAR POWERED TRAFFIC SIGNAL SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS SPRAGUE MILL BROOK, IN THE AMOUNT OF \$49,069.95, WITH FUNDS TO COME FROM THE MAY FLOOD DISASTER FUND 11-5.

This was offered by Mr. Scozzafava, seconded by Mr. Ferebee, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

SCOZZAFAVA: Can Tony come up? I offer the courtesy of the floor to Tony. I would have to assume that this is going to be used for other locations?

LAVIGNE: It will be after the installation and that installation will be two years.

SCOZZAFAVA: Two years to replace that bridge?

LAVIGNE: That is because it is being done under the federal aid system.

SCOZZAFAVA: Have we looked at the possibility of, I mean I know there is power out there because there are residents there, of installing or putting a 100 amp service in and putting in traffic signals?

LAVIGNE: We did explore that and it was too costly. That was our initial thought in that particular installation and after going through we found there was no savings and this one is re-usable.

SCOZZAFAVA: It is just that that is a big expenditure. There are no companies out there that rent these out or you can lease them through?

LAVIGNE: For a two year rental it would be more than this.

PALMER: The expectation is that FEMA will pay us for this so we will get the 87.5.

LAVIGNE: This is a FWA project, federal, so it is 100% reimbursable.

MANNING: Was this an emergency purchase Tony?

LAVIGNE: Yes, it is part of the temporary bridge installation and part of the emergency response which is called ER and FWA and therefore is 100% reimbursable and the bridge itself will be 95% reimbursable.

MANNING: But you had to purchase it as an emergency purchase?

LAVIGNE: Yes.

SCOZZAFAVA: Just one more question - are we going to be able to put tandems over that bridge for plowing purposes?

LAVIGNE: Yes.

SCOZZAFAVA: Okay, thank you.

POLITI: I assume this is in Moriah?

SCOZZAFAVA: Actually it is closer to North Hudson.

MONTGOMERY-COREY: I just have a question on this thing - where are we buying it from? We should probably note that.

LAVIGNE: We bid it out and I don't know the name of the company off the top of my head that was the low bidder.

MONTGOMERY-COREY: How many bids did we get out of curiosity?

LAVIGNE: I don't now off the top of my head but I know that we got at least two because we had to review the specs between the two bidders and they were fairly close.

MONTGOMERY-COREY: Okay. If you could get me that information I would appreciate it.

DOUGLAS: Further comments or questions? Roll-call vote.

Further resolutions from the floor? At this time I am going to ask Dan to give us a brief review of where we are at with the 2012 budget process. I know there are some questions out there. We have been a little behind just because of Hurricane Irene. It is not the normal procedures or process that we like to have take place but Dan is going to update us on where we are at, at this point.

PALMER: Most all the departments are in, there may be one or two small ones out and not back yet. Linda is calculating the total so that we can get a sense of where that is. Then Tom and I are going to meet this afternoon and start to set up the actual budget workshops.

The other thing that within, and I need to sit with Dan to get, I know last year there was some question about how we approach the budget under the local law, under the budget law. I want to look at that. I think technically the Board is suppose to form a committee of the board members and I put the tentative budget to them and then they make recommendations or changes or whatever to that. So I do want to look at that process and get that in place as well.

We do need to start the actual budget workshops and as soon as Tom is - Tom and I are going to meet this afternoon to talk about that.

DOUGLAS: Again on the contract agency's, try and get the information of their fund balances too, I think that is important so we know that.

PALMER: Yes.

DOUGLAS: Further comments or questions?

POLITI: You know I spoke to Dan this morning, Dan Palmer. I don't want this Coroner issue to go away and Dan Palmer made it clear to me that with regard to the elected Coroner's for a term of four years, we can't do anything until 15 months prior to another election, we can then start to move to eliminate those positions. But the problem is not going to go away. It is going to continue and we have no coverage in the Lake Placid/St. Armand area and it is a problem given the population. So I don't know what we have to do but it is not fair for one Coroner from Elizabethtown to be doing all the work and it is not fair to our constituents and the families of constituents to have to deal with the issues that face us in our area.

I know that we had talked about Dan Manning looking into that and I think that Dan talked about it having to be on a contract basis?

PALMER: I think if we are going to get coverage up in that northern end, there is no way for us to force those other elected officials to go and do their work unfortunately. I think the one that is doing it out of Franklin County for us, I don't believe he can be named a deputy because he is not a resident of this county, so it would have to be some kind of contractual arrangement that would have to be put in place. If you want to change from the elected officials or change the number of elected officials, like I said, you have to start it no less than 15 months prior to the next election so that gives you times to change.

DOUGLAS: Further comments or questions?

POLITI: So what does that mean?

PALMER: That means that if you want to start a local law that is going to - you can start it now.

POLITI: I am not worried about that, I am not going to wait for two or three years. That is crazy.

PALMER: I think our only alternative is to have a contract now with the one out of Franklin County that is covering us now. Unfortunately I don't see any way around not paying the elected officials. Once they are elected we have no alternative but to pay what has been assigned to them.

POLITI: If the Franklin County Coroner is coming to Bloomingdale and Lake Placid because none of our Coroner's are available which they are never available, that individual should be compensated for their time and that is all I am asking for.

PALMER: We do pay him. He sends bills down to us and we do pay him for those, we just don't have an official contract right now.

DOUGLAS: It is tough and I am going to have Dan talk about the legal situation with this. At one

time years ago we ran into a problem in the Town of Jay where we had a Board of Assessor's and one never showed up and I think you researched it at that time, we had to pay him.

MANNING: That is true. I really haven't looked into this Coroner issue but it is not a hard thing to look into, it is just that I haven't done it. But anybody who is elected you can't get rid of them short malfeasance. The Governor can. You can bring criminal charges or something of that nature, but other than that, they can stay and they get paid. I think you understand that, it is just how to fix the problem. I can take a quick look at this, I just haven't.

MORENCY: I agree with Roby. We need someone up on our end. Mr. Keough has said that he would be willing to do a contract or whatever document was needed to take care of us.

MANNING: If it can be done, we definitely need a contract. He shouldn't be doing work without it and without insurance.

MORENCY: Well he knows that and we know that. He was helping us out on a couple of emergency situations. You know the Coroner's, the sooner we can take care of this - you are talking about not just the salary but you are talking about medical insurance. This is something in our budget that is ridiculous when they are not doing their job and we need to somehow take care of it as soon as we can.

MANNING: Has anyone contacted these Coroner's who aren't doing their jobs and tell them - look, do your job?

SCOZZAFAVA: That was my question.

CANON: I don't know how you could force them. I mean we had a Town Justice that backed a moving van up to his house, it happened to be right next to mine, he went to Florida and we paid him for a year and one-half while he was in Florida.

MANNING: I agree that if they don't do it you have a problem but if we bring the issue to their attention and say look, get on the stick and start doing your job.

DOUGLAS: I will draft a letter right after this meeting to the Coroner's to start that process.

MALANEY: I don't have anything, I have one from my town.

MERRIHEW: From Roby's prospective I would suggest then if you are talking about the budget for 2012, implement the contractual consideration because you know you have to attend to that, it is a 15 years process to get rid of them, and then have the County Attorney draft language to implement the change in the local law given that time line so that after 15 months now we are to an appointed - whatever the decision is by this board - not a medical examiner but an appointed Coroner.

SCOZZAFAVA: Just to follow up, I think the problem is the geography because of you have a Coroner from Elizabethtown, you have one from Moriah and one from Ticonderoga. I have

discussed this with the Coroner from Ticonderoga and it is my understanding that they are not getting called when there is a death and that needs to be investigated. Who are they calling? Before we sit here and say the Coroner's are not out there doing their jobs, I think we need to make absolutely certain when there is an unattended death that the three of them are being called - if they can't get one do they go to the next Coroner?

I do think that we need to set up a meeting with the Coroner's if that is the case and have further discussions. Before we go throwing them under the bus here I think we need to find out for certain - are they being called?

DOUGLAS: I will draft a letter today and ask for a meeting with the three of them to discuss it.

SCOZZAFAVA: That is a bad term to use for a Coroner - throw them under the bus.

MONTGOMERY-COREY: I am good.

POLITI: It is better than saying they are bad actors.

CONNELL: This isn't a new issue. I have been here ten years and this issue has come up quite often over the ten years so one way or the other we absolutely have to address it.

DOUGLAS: I promise you I will. I will get you the answers.

MORENCY: I wanted to say that but I thought well gee don't we look stupid but I agree with you, this has been going on for a long time and so over the years, I don't know about the phone call situation that certainly should be looked at, but it has always been one person doing the work out of four. It is an on-going problem and we should have done something sooner.

DOUGLAS: I will work on it, I promise.

BLADES: Often times I know when I was in the State Police we would call the Coroner who was the most available and we knew that from history. I think this might be one of your problems right now is they are being called, or the E'town one is being called because he has always been available, we are not giving the other Coroner's that phone call. Maybe.

DOUGLAS: I will send them a letter and reach out to have a meeting and ask them to please devise a plan that works and we will share it with the Sheriff's Department, the State Police and everybody. We will have to work on this issue.

SCOZZAFAVA: Is this something that we can put on the ballot for the voters to go to one Coroner?

MANNING: I haven't read the law and as you know, referenda are creatures of statute so if the statute says it can be done -yes. If the statute is silent, it can't be done.

SCOZZAFAVA: Okay, thank you.

PALMER: I think it says subject to permissive referendum.

MANNING: Okay. I will look at it.

DOUGLAS: Further comments or questions on that issue?

Buy-outs – I talked to Mr. Palmer this morning as well as Mr. Manning and Mr. Politi. I don't want the rest of you to get confused about my plan in the Town of Jay on buy-outs. We went out with Assessor's or we are going out with Assessor's. We went out with Code Enforcement Officers to do reports on everybody's home that was affected. I probably have 45 to 50 people interested in a buy-out. I have come to learn that there are numerous other municipalities that have homes that are interested in this buy-out. What I would ask, I sent an email out to all of you on Saturday, but what I would ask is that within the next two to three weeks, if we could pick some sort of time frame that we can get this information to Dan. All we really need to know is whether they are interested and once they are interested we will probably end up sending Code Enforcement Officers to look at their home if somebody hasn't already done that from your town to assess their damages because the applicant has to be a municipality. If we are going to do this on a county-wide basis we need that information. So I would say three weeks from today, whatever that date is, I would ask you to get that information to Mr. Palmer and we will discuss it further.

At some point I will come back to this board and ask you if you want to be considered as the applicant? If each individual town is going to be the applicant or if we want to reach out to the State of New York to be the applicant?

Along with that I think we are going to need some expert help on this. This person has reached out to me and asked for a contract or anything but Dan is going to reach out to them and discuss this. Bill Johnston, our former Planner who was heavily involved in 1998 for the buy-out process. Bill has reached out to me and offered his assistance. At some point I am going to come back to you and ask you to bring Bill on, whatever negotiations Dan and Bill have for discussions about where we go from here. I think we need some expert help and somebody that has been through this process before.

FEREBEE: I need more information on the buy-out. I need to know is there a guarantee or are we just fishing or do we say do you wish to be bought out if the funds become available? That is all we are doing?

DOUGLAS: Right. All we are doing right now is asking you to gather the information. I did give you some stuff. There is lots of information on the FEMA website about buy-outs. The would say that the letter that I sent all of you that I sent all my residents that were affected or had the Code Enforcement Officers hand deliver them to them, I would use that language a little bit to express what the process is of the buy-out. Some people get confused that it is going to be a quick process. With this many homes involved it is going to be a lengthy process. This is not the immediate fix that everybody wants or needs at this point.

So I think it is the gathering of information but this is just starting the process Bill. I would try and use some of the language that I put in my letter. Use some of the information that I attached to that about the buy-out process. We need the information to Dan before we can go forward.

FEREBEE: I didn't read your letter but I am sure you will send it to me quickly. But, it is just the way we present it to our constituents that it is not a for sure thing, we are just trying to collect

information if you are interested in it?

DOUGLAS: I will get you a copy. I know you were busy during that time frame but I will get you a copy of the letter and the buy out information that you sent out and I think that Debbie has it here as a matter of fact because I sent it over here. I will get you that right after this meeting. It does state the process. The situation at hand and what it could do to the community and the benefits and pros and cons and that sort of thing. I will get you that.

FEREBEE: Thanks.

SCOZZAFAVA: The property's that have expressed an interest in my community are in the village so I went to the FEMA website and it is my understanding Dan, correct me if I am wrong, the village would have to be the lead agency and the town can't because it is an incorporated village.

PALMER: The county can. The last time it was done in Jay it was the county that was the lead agency so if the county takes that roll then it can do it for every town or village within the county and that is what we did the last time when Bill Johnston ran that one.

SCOZZAFAVA: So is that where we may be heading this time?

PALMER: I think it probably makes the most sense. Ultimately it does affect the county roll so it is an issue that is probably appropriate to the county level. It is more than just one community so putting it together under the county probably makes the most sense.

SCOZZAFAVA: Let me ask this question - let's say you have a property owner who is interested in the buy-out and the one next door is not interested but the one on the other side of him is interested. What happens in that type of situation?

DOUGLAS: That can take place. We have that in Jay. There is a home down in the Grove area that the home still stays.

SCOZZAFAVA: So does that knock the whole buy-out scenario out?

DOUGLAS: No.

SCOZZAFAVA: They don't have to be contiguous borders?

DOUGLAS: No. Unfortunately if you look all over the country where some of these buy-outs happen, you have homes where there is one home in a cul-de-sac that has 75 people in it and that does happen. It has a devastating impact if it is one whole area but those are things we are going to have to look at. I think the code enforcement reports are going to help because you have the max that FEMA will give you for individual assistance is \$30,200 right now. You have to look at the damage to the home from the Code Enforcement Officers. This is rule of thumb, my own personal opinion, but if it is over 50% to 60% and been flooded numerous times in the last year, I think you are putting good money from FEMA and then you are going to be chasing that good money because problems are still going to be happening. Do you know what I mean? It could be a waste

of money in certain locations where the process of having a buy-out might be better. Other areas, I think some of the criteria for the buy-out you have to be multiple times affected and I am not sure that everybody that has put in applications saying yes they would be interested, have been affected multiple times, and that is some of the criteria I believe.

Further comments or questions. So three weeks from today whatever that date is - do you have date on that Deb?

PALMER: 24th of October.

DOUGLAS: So by October 24th, whatever municipalities have individuals that are interested in being part of the application, whether it is town, county or state, and if you tell me on October 24th that you want me to reach out to the state to be the applicant. In 2006, under Governor Spitzer I believe they did play a role in some buy-out property's in about six counties.

Any other comments or questions regarding that. I see Don is in the audience - Don, do you want to add anything to this?

JAQUISH: No, I think you said it all.

DOUGLAS: Does anybody have anything further to bring before the board?

DOBIE: I would just like to know if Dan Manning is going to draft a local law letter for towns to circumvent the tax cap?

MANNING: Yes, it is in the pipeline and you can have it tomorrow probably.

DOUGLAS: For the override, is that what you are saying?

DOBIE: Yes.

PALMER: You know one of the things that was brought up at the NYSAC meeting was that even if you pass the local law to override but don't exceed the 2%. What that does for you is, right now if you make a mistake in your calculation and you don't do it properly and then what is going to happen is the Comptroller is going to come in afterwards and say to you that well now you have to take money out and reserve it for the mistake that you made. If you pass the local law that protects you from that mistake and it essentially allows that even if you happen to try and meet the cap but you honestly exceeded it for one reason or another, this local law would exclude you have having to do something with that later.

MORENCY: Is that over and above the five years that they could penalize us plus whatever mistake we made? I think the local law is important because of that.

PALMER: Actually if the Comptroller's decide that you have exceeded the amount that you were suppose to raise and you didn't pass the local law, they are going to make you immediately reserve money to pay that back at the next budget round.

DOUGLAS: Further comments or questions regarding the tax cap?

Okay, if not I will refer to County Attorney Manning for some Executive Session items that we need to go into.

MANNING: I would like a resolution to go into Executive Session on two matters. One is pending current litigation involving O'Connell Electric Company, Inc., against the County of Essex venued in the Supreme Court of Essex County. This is relative to settlement negotiations.

The second matter is a personnel matter. A matter relative to the employment history of a particular person, their promotion, their demotion, their discipline and that would be the second matter that we would go into Executive Session on.

DOUGLAS: Would someone like to move that? Moved by Mr. Merrihew. Is there a second? Mr. Ferebee. Under discussion?

SCOZZAFAVA: I don't have any problem with the O'Connell Electric but what is the employment history - I am not going to pull any punches, are we talking about the County Clerk?

MANNING: Yes.

SCOZZAFAVA: Well, he is an elected official and I don't think that we should be going in behind closed doors to

MANNING: It is not only the County Clerk but the entire office.

SCOZZAFAVA: Well I am opposed to that portion of it.

MANNING: Okay.

DOUGLAS: Anybody else in favor?

MORENCY: I just wanted to say - who is going to be attending this? Is this for the Supervisors and the County Attorney?

DOUGLAS: At this point, for the one portion the attorney that has been acting on our behalf, Mr. FitzGerald.

MANNING: I think your question was directed toward the second part. With respect to O'Connell Electric, our attorney Patrick FitzGerald will be in Executive Session with us. The employment Executive Session, he will not be in.

DOUGLAS: Is that what you are asking?

MORENCY: I am just asking if Supervisors and our County Attorney are going to be attending the one on the personnel issue?

DOUGLAS: Yes.

MORENCY: Alright, thank you.

SCOZZAFAVA: Is anyone being excluded?

DOUGLAS: I had a request from a colleague on this board to ask that two people be excluded, it is the Clerk of the Board and the County Manager. Now as I said in the email back to all of you on Friday, I will grant that request. My first question to you when we get into Executive Session will be - does the board want the two of them in this Executive Session and I will bring them in. I would grant that request to anybody that sits on this board. I don't know why. I don't know any of the reasons. I haven't spoken to anybody about this. I am just saying that is what I am going to respect at this point.

SCOZZAFAVA: Could we have, is it possible to have these as two separate resolutions for these Executive Sessions?

DOUGLAS: Yes, we can.

MANNING: Sure. Let's do the first one then. The first one will involve O'Connell Electric.

DOUGLAS: Who was the mover and seconder on that?

MANNING: Merrihew and Ferebee.

DOUGLAS: Will you withdraw that and start over? So let's go on the O'Connell one. Moved by Mr. Merrihew, seconded by Mr. Ferebee. Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

MANNING: Let's go in and do that one and then we can come back out and do the other one.

DOUGLAS: Okay. All in favor, any opposed? Motion carried. We will go into Executive Session now on that issue.

AT 11:30 AM, WE MOVED INTO EXECUTIVE SESSION IN REGARDS TO
PENDING LITIGATION WITH O'CONNELL ELECTRIC. WE MOVED BACK
INTO OPEN SESSION AT 12:03 P.M.

DOUGLAS: I promised Mr. Morrow that I would wait for him and I am going to do that. I took a little hit for waiting for you Mr. Morrow.

The time is 12:03 and I would ask someone to make a motion to come out of Executive Session? Moved by Ms. Malaney, seconded by Ms. Morency. Under discussion - all those in favor? Opposed? Motion carried.

MANNING: In Executive Session we discussed the O'Connell Electric lawsuit. No action was taken in Executive Session and therefore I need a resolution on the floor. It will be a resolution authorizing the settlement of the lawsuit entitled O'Connell Electric Company, Inc. versus the

County of Essex bearing Index Number 531-09, venued in the Essex County Supreme Court for the total sum of \$450,000; upon the receipt of a stipulation discontinuing the action, releases and other documents approved by the Essex County Attorney.

DOUGLAS: Moved by Mr. Politi. Do I have 12 to allow that on the floor?

PALMER: Yes, you do.

DOUGLAS: Is there a second? Ms. Montgomery-Corey and Mr. Morrow.

RESOLUTION #303 - AUTHORIZING SETTLEMENT OF THE LAWSUIT ENTITLED O'CONNELL ELECTRIC COMPANY, INC. VERSUS THE COUNTY OF ESSEX, BEARING INDEX #531-09, VENUED IN THE ESSEX COUNTY SUPREME COURT, FOR THE TOTAL SUM OF \$450,000.00; UPON RECEIPT OF A STIPULATION DISCONTINUING THE ACTION, RELEASES AND OTHER DOCUMENTS APPROVED BY THE ESSEX COUNTY ATTORNEY.

This was offered by Mr. Politi, seconded by Ms. Montgomery-Corey and Mr. Morrow, and adopted upon a roll-call vote as follows:

AYES: 2548 votes
NOES: 0 votes
ABSENT: 295 votes (Moses, Hatch)

DOUGLAS: Under discussion?

SCOZZAFAVA: Dan, should that resolution stipulate that this will be taken out of the building fund?

MANNING: Yes, we can amend that to state that it will come out of the Jail project.

SCOZZAFAVA: Do you need an amendment for that?

MANNING: I will just add it.

SCOZZAFAVA: Okay, thank you.

DOUGLAS: Further comments or questions? Roll-call vote please.

Now we need a motion to go into Executive Session regarding - verbiage Dan?

MANNING: The employment history of a particular person including motion to motion and discipline as it relates to the Essex County Clerk and possibly some of his employees.

DOUGLAS: Does someone want to make that motion?

MANNING: No one is going to move it? We are going into Executive Session regarding the employment history of a particular - this is verbiage that has to be stated - a particular person or persons which could include their promotion, their demotion, or discipline. It relates to the County Clerk's office. The County Clerk and/or some of his employees.

POLITI: Did you say employees?

MANNING: Yes.

POLITI: Okay, thank you.

PALMER: We need somebody to move that if you are going to go into Executive Session.

PRESTON: I have a question before - Dan, in your - Mr. Manning. In your opinion is it appropriate for this board to be in Executive Session in regards to an elected official and the investigation that is on-going?

MANNING: Yes. With an elected official - I would say yes even though you can not easily seek any type of - yes.

DOUGLAS: There was emails exchanged that asked particular questions regarding this from a colleague on the board. To be fair to all involved, I felt that an Executive Session - I reached out to Dan on Friday for a legal opinion and to be fair to all involved I felt it was best to discuss this in Executive Session. I am all for transparency, there is nothing to hide here. I think that what we are going to discuss needs to be discussed out in Executive Session.

SCOZZAFAVA: Are we calling for the Executive Session to discuss an employee or are we calling for the Executive Session to discuss the elected County Clerk?

MANNING: Both, that is why I phrased it that way.

SCOZZAFAVA: The employee I can understand. I have a real concern about going into an Executive Session to discuss an elected official who we statutorily have no say over with the exception of his budget and I just don't feel that that is appropriate.

MANNING: There are situations where we could seek sanctions against an elected official should we deem it necessary.

SCOZZAFAVA: Not to mention that this is an elected official - all I know about this entire matter is what I read in the Press Republican and what I read in the Valley News, not the Valley News of Essex County, another newspaper I believe it is in Oswego County. Where is it - Fulton County. Other than that, I don't see any criminal charges that have been filed. I don't see any

DOUGLAS: Tommy, I think that is why we need to go into Executive Session. I have a colleague on this board that asked for a specific, wanted to bring specific resolutions forward today. Before I felt that was appropriate I felt we needed to discuss it in Executive Session.

SCOZZAFAVA: Ethically does that - I mean can you go into an Executive Session to discuss the County Clerk or an elected official, any elected official, based on what was in the newspapers? I mean there is no - I am not faulting the papers but there is no criminal charges here, there is nothing really at this point.

MANNING: Well that is another reason to go into Executive Session if it might impede or have any affect on a criminal investigation and there may well be a criminal investigation, I don't know.

BLADES: Here is what I would recommend - we have an Ethics Board. I think this should go before the Ethics Board and I think they should render a decision.

DOUGLAS: It is going to the Ethics Board. Dan is meeting with them. The information has been sent.

MONTGOMERY-COREY: I think that the emails you are referring to are the ones that I sent you.

DOUGLAS: Absolutely and I asked your permission to share them with the board.

MONTGOMERY-COREY: Yeah. I gave them. What the appropriate mechanism is for the board having a discussion about this, I will leave to the board. I will say that having heard about the FOIL request I did go in and look at what was sent to the reporter through the FOIL request and based on that I have many concerns and I shared those with our Chair. We can go into Executive Session or we can say let the Ethics Board deal with it but I think there are things that definitely need to be considered.

BOISEN: Can you go into Executive Session to discuss a potential legal matter versus employee?

MANNING: Yes. It is not so much Executive Session but the board has a right to go into or have a conference with it's attorney which is not a matter for Executive Session but it is a constitutional right you have. So we could go into "executive session" for advise to be given by me.

MORENCY: Well this is all just wonderful. Everything that is being said here reflects on our Essex County Clerk, Joe Provoncha, who has given this county 20 years of service. There are no charges against him. There is no one in this room that serves as a District Attorney of Essex or Franklin County and we are all acting like we know there are charges because people are saying things. Everything that is being said in this room is affecting Joe Provoncha's re-election and it is like a vendetta. I am so upset with what is going on right here today. I don't know what else to say except that I consider it a vendetta against Joe Provoncha and his re-election and I think we should remember the 20 years of service he has given to the people of Essex County and wait until, if there is a charge and then deal with it.

SCOZZAFAVA: I maintain that if you are going to be discussing an elected official it shouldn't be done behind closed doors. We are all elected officials. I wouldn't want you going in the back there discussing something about me, I would rather have you bring it right here on the floor. It should be done on the floor.

DOUGLAS: It could possibly pertain to other employees and that is not appropriate.

SCOZZAFAVA: I don't have an issue with other employees but if we go into this Executive Session and we get into conversations about the County Clerk, that is a whole different

DOUGLAS: I understand. I honestly think, to be fair and I think Joyce made some great points, I think to be fair here we are doing more harm than good by being back there.

SCOZZAFAVA: Why are we excluding the Clerk of the Board and the County Manager from the Executive Session?

MANNING: You can exclude or not exclude anyone you want, it is up to the board.

SCOZZAFAVA: Don't you think that this just paints a darker cloud over this whole situation here by going into this back room, excluding specific employees from these Executive Sessions?

DOUGLAS: Tommy, I don't make the laws. I am just telling you what - I got legal advise, okay. That is what I did on Friday. I got a legal opinion from our County Attorney on how best to handle this situation.

SCOZZAFAVA: I am not criticizing you and I understand where you are coming from but I don't even know if this would meet the criteria for an Executive Session with the elected official being included in there and how do you exclude your Clerk of the Board who takes the minutes and your County Manager who were both involved, well not both, but at least the County Manager was involved in this entire - well not the entire but this situation also.

DOUGLAS: I will say what I said in the beginning, if we get into Executive Session and this board, the majority of this board feel that it is appropriate and wants the two, the Clerk of the Board and the County Manager to be in the session, I will be glad to bring them in.

MANNING: You can as a board exclude - I am not advocating who you exclude or who you don't exclude, but the law is you can say certain people can not be in your Executive Session and certain people can. If you determine that the Clerk can't come in then you have to appoint another person to take minutes if there is any thing, if anything takes place in there which generally no decisions are made in Executive Session. So you have the option of either allowing anyone in or allowing no one in.

SCOZZAFAVA: Well regardless if any decisions are made or not, you still have to have someone in there, a Clerk - correct?

DOUGLAS: I will ask Judy to come in if we get to that point. If we go there.

CANON: Good ole fashion election year politics. I went through it in Newcomb and now we are going to move it over to the county. Something that has happened to me, I can see it, on November 10th it will be all over. The same crap. Out and out.

MONTGOMERY-COREY: I was the one who made that request and for the record I want to be very clear why I made that request. The fact is I have a lot of respect for Dan and Deb. I have worked with Dan for a long time. But, this is a situation where I think there are two very divergent views about what did or didn't happen and I thought it was in the board's best interest to have a briefing from the attorney who is probably the most objective party in all of this and that was all of my

concern.

As far as I am concerned it is not electioneering or election year stuff and if it were George, five months ago when this story broke it would have been up and out. It isn't. So that is why I made that request and I don't think it was inappropriate to make that request and I still don't think it is inappropriate to make that request. If we want to bring other people in, bring Joe in, that is fine.

DOUGLAS: Comments or questions? At this point does anyone want to move to go into Executive Session? If not, we will leave it up to the Ethics Board at this point.

Does anybody have anything else to bring before this board? We stand adjourned.

AS THERE WAS NO FURTHER BUSINESS TO COME BEFORE THIS
REGULAR BOARD MEETING, WE ADJOURNED AT 12:17 P.M.

Respectfully submitted,

Deborah Palmer, Clerk
Board of Supervisors