

REGULAR BOARD MEETING

Monday, February 6, 2023 @ 10:00 a.m.

Shaun Gilliland, Chairman
James Monty, Vice-Chairman

Chairman Gilliland called this Regular Board to order at 10:00 a.m. with the following supervisors in attendance: Clayton Barber, Robin DeLoria, Stephanie DeZalia, Derek Doty, Shaun Gilliland, Charles Harrington, Roy Holzer, Ken Hughes, Noel Merrihew, Jim Monty, Tom Scozzafava, Matthew Stanley, Michael Tyler, Joe Pete Wilson, Davina Winemiller, Meg Wood and Mark Wright. Steve McNally was excused.

Department heads present were: Angie Allen, Linda Beers, James Dougan, Emily Evatt, Judy Garrison, Dan Manning, Mike Mascarenas, Mike Diskin, David Reynolds, Matt Watts and Heather Sheehan.

Also present: Chelsea Merrihew and Kellie King.

New media present: Alana Penny – Sun News

GILLILLAND: I call this regular meeting of the Board of Supervisors to order and you will join me in the salute to the flag please. Thank you. Good morning. We will start with the roll call please. Thank you. I just want to say good work to everybody. I know there were several power outages over the weekend and I had minus 24, I don't know what anybody else had. I know you were colder in North Elba and Wilmington. So, we came through without any casualties.

Just a couple quick updates I want to make the board aware of first one, is we got our solid waste in the Governor's budget so they didn't take that away which is a good thing. That's about the only good thing and then I also got a call, myself and Mr. Wright separately actually we are involved in notification not discussion, with DEC and the APA concerning the closure of a boat launch on Eagle Lake just near Paradox in the Town of Ticonderoga. This was essentially they said that the State land use master plan requires that you can't have backed in boat launches you know, put motorized craft into the water on lakes less than a 1000 acres and Eagle Lake is 400 acres so, the residents association there got extraordinary upset contacted Senator Stec. He called me and I said I didn't know anything about it. I was supposed to have a Friday, mid-day conference with them and it was simply a notification that that's what they are going to do. They said this is the fourth lake in the park they are doing it to. Essentially they are going to block off that boat launch and so you can't back anything down to it and require people to carry their boats into the water. I said how does this meet ADA requirements and they just, well, our lawyers say it does and then I asked them, is this simply an administrative thing or is there some sort of a biological reason we're doing this because the residents there have had houses there for a long, long time and have been using this lake. What's the urgency of it? And it was just something that the APA has decided to move ahead with it so if you've guys have got boat launches in lakes less than 1000 acres, you're going to be on the list. So, just something to ponder. I don't know if we want to go ahead and send the APA a resolution against it but that's just an announcement on that.

I note at this time, that our Treasurer has arrived so if Mr. Scozzafava wouldn't mind joining me up here along with the Treasurer. Mike Diskin is now the longest serving Treasurer in the history of Essex County that's why I wanted to have his grandfather come up here with him. *(laughter)*
Upon a motion to consider from the floor, and the same appearing proper and necessary.

*Whereas, on December 16, 1847, the New York State Legislature passed an Act that provided for the election of a county Treasurer for each County in New York State; and
Whereas, the original term of the office was for three years; and
Whereas, Essex County's first elected Treasurer was Safford E. Hale who took office in 1849; and
Whereas, Essex County has had 18 County Treasurers; and
Whereas, Michael G. Diskin was elected to the Office of Essex County Treasurer in 1995. Prior to his election, the longest serving County Treasurer was Albert Krakes, and attorney from Port Henry, who held the office for 27 years, having served from 1948 through 1974; and
Whereas, as of December 31, 2022, Michael G. Diskin has held this office for 28 years and, on January 1, 2023, Mr. Diskin began his 29th year and 8th term of office.
Be it Resolved, that the Essex County Board of Supervisors hereby recognizes Michael G. Diskin as the longest serving Treasurer in Essex County as he begins his 29th year as our Essex County Treasurer; and
Be it Further Resolved, that this Board hereby extend their heartfelt appreciation to Michael G. Diskin for his dedication and service to Essex County.*

DISKIN: Tom says I've got to say something. I don't know what to say. Everybody else in the County is smart enough not to run for this office. You know, I've always just done my job the way thought the way it was supposed to be done and apparently the people in the county are happy with me.

SCOZZAFAVA: Absolutely.

DISKIN: When Shaun read this, he said 1847 I looked at Tom and said, I haven't been here that long have I? *(laughter)* I didn't realize what you were saying.

SCOZZAFAVA: The way Mike stayed in office for so many years is nobody ever knew when he was up. You would go in and vote on Election Day, you'd see his name there. Even his family didn't know and he taught me that secret many, many years ago that's why I've been here so long. When you're up for re-election, keep your mouth shut, that's the end of it.

MONTY: That's a really hard thing for you to do Mr. Scozzafava.

SCOZZAFAVA: Yes, it is. Mike, has done a great job and Mike Connery and I; the Village of Ticonderoga had just dissolved and we ran into Mike at Stewarts I think in Port Henry, Ti – I was in Ti? But anyway, we convinced him to run for Treasurer and it was one of the best moves we ever made Mike you've done a great job. Thank you.

DISKIN: Tom asked me if I was the longest serving in New York State and I doubt that very much. I know at least Treasurers that are still serving that started one year before me, I'm not sure, there was several Treasurers before that in the past around the State that was here longer but if I stay long enough maybe I'll get that record.

SCOZZAFAVA: I also should mention, my first meeting here with Mike, was upstairs in those days, 1986, his dad, Adolf Diskin picked me up in Port Henry and brought me to my first meeting and we talked about weighted vote the whole time.

MONTY: And we still do.

DISKIN: Thank you. Thank you very much.

GILLILLAND: We will proceed to resolutions please.

RESOLUTION #19 – AUTHORIZING THE PURCHASING AGENT TO AWARD BIDS, ISSUE CONTRACTS/AGREEMENTS OR PURCHASE ORDERS.

This resolution was moved by Mr. Scozzafava, seconded by Mr. Merrihew and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

RESOLUTION #20 – AMENDING RESOLUTION NO. 235 OF SEPTEMBER 6, 2022, ENTITLED, “AUTHORIZING THE PURCHASING AGENT TO AWARD BIDS, ISSUE CONTRACTS/AGREEMENTS OR PURCHASE ORDERS”

This resolution was moved by Mr. Stanley, seconded by Mr. Holzer and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

RESOLUTION #21 – OF COMMENDATION TO SGT. ROBERT DEFELICE, CORRECTION OFFICERS; JOSH GENIER, WILLIAM ORR, AND COREY COLE AND MALLERY HANCE, RN FOR THEIR LIVESAVING ACTIONS OF DECEMBER 18, 2022.

This resolution was moved by Mr. Tyler, seconded unanimously and duly adopted.

RESOLUTION #22 – AUTHORIZING VARIOUS DEPARTMENTS TO APPLY FOR AND ACCEPT VARIOUS GRANTS.

This resolution was moved by Mr. Wright, seconded by Mr. Tyler and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

RESOLUTION #23 – OF CONGRATULATIONS TO BRANDON BOUTELLE, ESQ. FOR HIS MANY YEARS OF SERVICE TO ESSEX COUNTY AS PUBLIC DEFENDER.

This resolution was moved by Mr. DeLoria, seconded unanimously and duly adopted.

RESOLUTION #24 – OF CONDOLENCE TO THE FAMILY OF CAROLYN E. GOFF.

This resolution was moved by Mr. Monty, seconded unanimously and duly adopted.

RESOLUTION #25 – OF APPRECIATION TO LOIS SAYWARD UPON HER RETIREMENT FROM ESSEX COUNTY SOIL AND WATER CONSERVATION DISTRICT.

This resolution was moved by Mr. Tyler, seconded unanimously and duly adopted.

RESOLUTION #26 – AUTHORIZING BUDGET AMENDMENTS FOR VARIOUS DEPARTMENTS.

This resolution was moved by Mr. Scozzafava, seconded by Mr. Merrihew and adopted upon a roll-call vote as follows:

AYES: 2789 votes

NOES: 0 votes
ABSENT: 64 votes (McNally)

RESOLUTION #27 – AUTHORIZING THE ESSEX COUNTY PURCHASING AGENT TO GO TO BID FOR VARIOUS DEPARTMENTS.

This resolution was moved by Mr. Scozzafava, seconded by Mrs. DeZalia and duly adopted.

RESOLUTION #28 – ACCEPTING, ADOPTING AND PLACING ON FILE POLICIES, PLANS, PROCEDURES AND ANNUAL REPORTS.

This resolution was moved by Mr. Hughes, seconded by Mr. Wright and duly adopted.

RESOLUTION #29 – ESTABLISHING THE DATES AND LOCATIONS FOR THE 2023 HOUSEHOLD HAZARDOUS WASTE DAY EVENTS IN ESSEX COUNTY.

This resolution was moved by Mr. Doty, seconded by Mr. Monty and duly adopted.

GILLILLAND: Discussion?

HUGHES: Small point or order, I don't see locations on here.

MONTY: If you read the next to the last line it says locations to be determined Ken.

HUGHES: I apologize, thank you.

GILLILLAND: Further discussion? Being none, all in favor, opposed – carried.

RESOLUTION #30 – AUTHORIZING THE RE-CLASSIFICATION OF AN ATTORNEY POSITION IN THE DEPARTMENT OF SOCIAL SERVICES TO AN ASSISTANT ESSEX COUNTY ATTORNEY POSITION.

This resolution was moved by Mr. Harrington, seconded by Mr. Merrihew and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

RESOLUTION #31 – AUTHORIZING LICENSED SURVEYOR, ROBERT MARVIN, TO SURVEY A PARCEL OF PROPERTY TAKEN IN TAXSALE FORECLOSURE, LOCATED IN THE TOWN OF NORTH ELBA, IN THE AMOUNT OF \$3,500.00.

This resolution was moved by Mr. Doty, seconded by Mr. Merrihew and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

RESOLUTION #32 – CANCELING AND WAIVING INTEREST, PENALTIES AND OTHER CHARGES PURSUANT TO REAL PROPERTY TAX LAW, SECTION 1182, ON A PARCEL OWNED BY NADINE DENNIS.

This resolution was moved by Mr. Wright, seconded by Mr. Monty and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes

ABSENT: 64 votes (McNally)

RESOLUTION #33 – ACCEPTING AND PLACING ON FILE THE 2022 ANNUAL ACCOUNTING OF MONIES RECEIVED AND DISBURSED BY THE ESSEX COUNTY CLERK.

This resolution was moved by Mr. Barber, seconded by Mr. Scozzafava and duly adopted.

RESOLUTION #34 – AUTHORIZING THE PERSONNEL OFFICER TO CREATE THE POSITION OF MECHANIC INTERN IN THE DEPARTMENT OF PUBLIC WORKS – HIGHWAY.

This resolution was moved by Mr. Monty, seconded by Mr. Stanley and adopted upon a roll-call vote as follows:

AYES: 2789 votes

NOES: 0 votes

ABSENT: 64 votes (McNally)

RESOLUTION #35 – APPROVING THE TEVA NEW YORK STATEWIDE OPIOID SETTLEMENT AGREEMENT BETWEEN PARTICIPATING SUBDIVISIONS AND TEVA; THE EXECUTION OF A TEVA NEW YORK GLOBAL PAYMENT OPIOID SETTLEMENT SHARING AGREEMENT; NEW YORK SUBDIVISION SETTLEMENT PARTICIPATION FORM; TEVA NEW YORK PREMIUM PAYMENT OPIOID SETTLEMENT SHARING AGREEMENT; NEW YORK SETTLEMENT ELECTION AND RELEASE FORM; AND ALL OTHER NECESSARY PERTINENT DOCUMENTS REQUIRED TO SETTLE ESSEX COUNTY’S INTEREST IN THE CURRENT LITIGATION INVOLVING TEVA.

This resolution was moved by Mr. DeLoria, seconded by Mr. Merrihew and duly adopted.

RESOLUTION #36 – RECOGNIZING LONG-TERM EMPLOYEES OF ESSEX COUNTY.

This resolution was moved by Mr. Merrihew, seconded by Mr. Harrington and duly adopted.

GILLILLAND: So these would be Bill Whalen of Elizabethtown, Department of Public Works and for ten years of service, Anna Reynolds of Willsboro, Director of Community Resources. Our long term employees are the back bone of this Government so thank you very much for your service.

RESOLUTION #37 – APPOINTIING EMILY EVATT, ESQ. AS ESSEX COUNTY PUBLIC DEFENDER.

This resolution was moved by Mr. Merrihew, seconded by Mr. Scozzafava and adopted upon a roll-call vote as follows:

AYES: 2789 votes

NOES: 0 votes

ABSENT: 64 votes (McNally)

GILLILLAND: Can I have the new Public Defender please stand up so everybody can see, in case one of these guys needs one.

RESOLUTION #38 – OF CONDOLENCE TO THE FAMILY OF SUE MONTGOMERY-COREY.

This resolution was moved by Mrs. DeZalia, seconded unanimously and duly adopted.

RESOLUTION #39 – AUTHORIZING THE PAYMENT OF \$150.00 PER MONTH TO THE TOWN OF NORTH ELBA FOR THE OFFICE SPACE OF THE ESSEX COUNTY SUPREME COURT JUSTICE, AND THE AUTHORIZATION OF ENTERING INTO A LEASE FOR THESE PURPOSES FOR A PERIOD OF TWO YEARS.

This resolution was moved by Mr. Holzer, seconded by Mr. Tyler and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

GARRISON: Resolutions from the floor, recognizing Michael G. Diskin as the longest serving Treasurer in Essex County.

GILLILLAND: Twelve to allow it on the floor please?

GARRISON: Yes, we do.

GILLILLAND: Thank you.

RESOLUTION #40 - RECOGNIZING MICHAEL G. DISKIN AS THE LONGEST SERVING TREASURER IN ESSEX COUNTY.

This resolution was moved by Mr. Scozzafava, seconded unanimously and duly adopted.

GARRISON: A resolution authorizing to amend the 2023 Essex County budget in the Health Department to accept opioid settlement funds for Baby Steps to Bright Futures Program in the amount of \$30,000.00; and opioid settlement funds for ECHO Program in the amount of \$20,000.00.

GILLILLAND: Twelve to allow it on the floor please?

GARRISON: Yes, we do.

GILLILLAND: Thank you.

RESOLUTION #41 - AUTHORIZING TO AMEND THE 2023 ESSEX COUNTY BUDGET IN THE HEALTH DEPARTMENT TO ACCEPT OPIOID SETTLEMENT FUNDS FOR BABY STEPS TO BRIGHT FUTURES PROGRAM IN THE AMOUNT OF \$30,000.00; AND OPIOID SETTLEMENT FUNDS FOR ECHO PROGRAM IN THE AMOUNT OF \$20,000.00.

This resolution was moved by Mr. Stanley, seconded by Mr. Barber and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

GILLILLAND: Discussion?

MASCARENAS: Just for further explanation, I did ask Linda to come today if you should have questions about the program she's proposing here. These funds are coming from our opioid settlement funds. Mr. Manning has been involved heavily in that litigation and it's kind of an ongoing thing that keeps happening as the Government settles with some of these pharmaceutical companies. We currently have about \$150,000 in that account and Linda has proposed usage I think is really good and appropriate for those funds and we would still have about \$100,000, left over. What we're trying to do is be real cautious of not authorizing or allocating funds that we don't have yet. So, you're going to see that kind of roll out. We use these

funds to assist the Sheriff's Department with some of the enforcement efforts around this issue and now we're trying to get some of those funds infused into the Human Services program side. So, if you would like Linda to come we can absolutely have her come up and talk about those programs or if you feel –

SCOZZAFAVA: I would offer the courtesy of the floor to Linda. I would like to hear.

MASCARENAS: Okay.

BEERS: So we're really excited. This is a PILOT program, Universal Home visiting is something Newborn Universal Home visiting is something that we had not done. I don't believe any county in New York State has really done it successfully. The State of New Jersey is incorporating right now so what we usually do for when a baby is born in Essex County we traditionally, pre Covid we have a very robust maternal child health program but often still risk assessed meaning we evaluated people we know are high risk maybe a first time mom, maybe a difficult pregnancy, maybe drug use, maybe income, maybe education those things are what triggered us to really invite ourselves to ask a mom if she would like us to come in our home. And I really have to clarify, not a mom it's anybody. We have lots of babies being born. One out of every five babies in Essex County is being raised by a grandparent so this program would be for a grandparent, it would be for a dad, it would be for any caregiver and what we're hoping to do is to identify every baby being born in Essex County right in the hospital. We're working with UVM in Vermont because lots of our babies are born in Porter Hospital as well as University of Vermont in Burlington so we're working with those two hospitals. We have a very good system in New York State capturing that and we will be reaching out to every single mom in Essex County, sorry every new born baby whoever they are going home with and asking if we can come and support them in their home. This is considered light touch. It's only three visits from birth to probably the first three or four months but in that time, we can refer to services, we can assess and support parents and if anything else we can give them packets about what resources there are next year or the year after, right because a lot of people go, I didn't know that. I didn't know there was WIC or I didn't even know there was this. So, if we can plant the seeds in every new family or every new baby being born that's what we're going to do. We have a model in place. New York City has been doing this called, New Born Baby New York City over a million babies it is risk assessed but you can image the amount of births in New York City. We use their model. They've been meeting with us. It is based on its numbers and it is a based model and this is light touch. We do have services in Essex County, we have ACAP, we have DSS Prevention, and we have a thing called Healthy Families. ACAP has a program, Early Headstart and what those programs are needing are referrals and unless you can get in the home and really see what folks need it will really open up a pipeline of services and we are going to get out in front of it that's really our hope but I don't want to deter any parents that don't need us. We are offering this to, there's no income barrier so what is it that we can? We can help mom, right? It's not just always about baby. What does mom need? Postpartum depression has nothing to do with wealth or anything else and we find that a lot across the board so we are really going to make ourselves available through a small nitch of people at the health department. Everybody has been getting certified and it's really quite cumbersome in breastfeeding so our folks are going to be all trained and certified in that. They've been going to classes all through Covid knowing we are going to present this so we're excited to get Baby Steps Bright Future off and so much that this week, Thursday, New York State and the Division of Maternal Child Health has a call with us and they would like to see if would be a PILOT for the State in rural areas. More to come on that.

And then the second half on that is the long standing Essex County Heroin Opioid Coalition. Many people here, Dave Reynolds, Kristy Sprague and myself, Terri we were the founding fathers or

whatever of that coalition. It is one of the longest standing opioid coalitions in the State. We really came out early ahead of it before there was any funding. There is absolutely no funding to the health department but we kept that coalition going and this seed money will help. We are going to try to do an anti-stigma campaign and bring some things forward in the year ahead and we'll carry money over if we don't spend it. So, that's what the money is for.

SCOZZAFAVA: Thank you.

BEERS: Any questions?

MONTY: My question is actually for Mike. Is this \$30,000, in addition to the large check Letitia James brought to us back in the fall?

MASCARENAS: Well, yes and no. What we saw back, way back when it was, was it last fall or the fall before?

SCOZZAFAVA: It was just before the election.

MASCARENAS: Yes, sir. You're right about that so what we're seeing are continued settlements coming in Mr. Monty. So, the \$30,000 is an expenditure of funds we already have in place, in house. Currently, prior to this budget amendment, we have \$150,000 that had come in from New York State on these settlements that are happening. Mr. Manning can tell you that there's many more to come and that there's going to be money in future years. Me, personally, I don't like to spend money until I know I've got it. So, that's why we are trying to roll this out as it comes in and we do have some applications from other agencies but I felt like Linda's was worth bringing it at this point in time knowing what she's been trying to accomplish over the last couple of years and giving her the ability to do that.

MONTY: Absolutely. I'm just glad you didn't tell me you weren't sure the check the State gave us was good.

BEERS: The money is in the coffers.

MASCARENAS: It's here. It's already here.

MONTY: Thank you.

BEERS: Thanks for giving me the opportunity, appreciate it.

GILLILLAND: Thank you. Further discussion? Being none, roll call please. Further resolutions from the board?

HOLZER: Mr. Chairman, I would like to offer a resolution allowing the Purchasing Agent to go out to RFP/RFQ for the architectural services for construction of the agricultural and youth building at the Essex County Fairgrounds.

GILLILLAND: Twelve to allow it on the floor please?

GARRISON: Yes, we do.

GILLILLAND: Thank you.

RESOLUTION #42 – AUTHORIZING THE PURCHASING AGENT TO GO OUT TO RFP/RFQ FOR ARCHITECTURAL SERVICES FOR CONSTRUCTION OF THE AGRICULTURAL AND YOUTH BUILDING AT THE ESSEX COUNTY FAIRGROUNDS.

This resolution was moved by Mr. Holzer, seconded by Mr. Stanley and duly adopted.

GILLILLAND: Discussion? Being none, all in favor, opposed – carries.

MONTY: I'd like to offer a resolution opposing the closure of the boat launch in Paradox. Whether we send it to DEC, the Park Agency or both. I think it's just another ridiculous plan that those agencies have to force, my opinion is to force residents out of the county.

GILLILLAND: I concur with that Mr. Monty. Yes, Eagle Lake in the Town of Ticonderoga. Do I have twelve to allow that on the floor?

GARRISON: Yes, we do.

GILLILLAND: Thank you. Mr. Monty has made the motion, do I have a unanimous second? Thank you.

RESOLUTION #43 – OPPOSING THE DECISION BY THE ADIRONDACK PARK AGENCY (APA) AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGARDING THE CLOSURE OF THE NEW YORK STATE BOAT LAUNCH AT EAGLE LAKE IN THE TOWN OF TICONDEROGA, NEW YORK FOR TRAILERED BOATS.

This resolution was moved by Mr. Monty, seconded unanimously and duly adopted.

GILLILLAND: Would you mind assisting the Clerk in writing up that resolution, I'm sorry the County Attorney.

HOLZER: Could we also add on the Adirondack Association of Towns & Villages make sure they are aware of what we are doing here?

GILLILLAND: I'm taking that on Thursday. I have a resolution calling for the State of New York to continue to pass through Affordable Care Act Enhanced Federal Medicaid Assistance or FMAC money/funds. The Governor's budget proposes to cut that off. The financial impact to all counties in the State of New York is \$626 million dollars. The financial impact to Essex County is \$880,000.23, which is a 3% to 4% increase in our levy which allows the State to go ahead and bust the tax cap for us. So, this has got NYSAC up in arms, every county up in arms. We are actually in a better position than most counties Suffolk County, \$31 million, Albany County \$8 million, some of our close neighbors here Clinton County \$2.25 million, this is unfunded mandate of a grand scale so it is basically going back to the State and essentially using the format which I won't read the whole thing here that NYSAC has provided. Do I have twelve to allow it on the floor?

GARRISON: Yes, we do.

GILLILLAND: Thank you. I will make the motion. Do I have a second? Unanimous second, thank you very much.

RESOLUTION #44 – URGING THE STATE OF NEW YORK TO CONTINUE TO PASS-THRU FEDERAL AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE (eFMAP) FUNDS.

This resolution was moved by Mr. Gilliland, seconded unanimously and duly adopted.

GILLILLAND: Any further business to come before?

MASCARENAS: A resolution accepting settlement on our FEMA Division of Homeland Security Claim in the amount of \$63,185.53. Essentially this is accepting the claim that we had during the pandemic. When the pandemic came we had the opportunity to apply for FEMA for some of those unforeseen expenses that many municipalities across the country were experiencing. We submitted, at the time we really didn't have anything that spelt out in terms of guidelines we kind of submitted everything that we thought would be an eligible expense. Since then, FEMA has determined what is eligible, what is not eligible they are asking us to settle at the sixty-three thousand that I just spoke of. Anybody who has worked with FEMA, we can certainly deny that and say we want to appeal that process, it will be years that this will get drawn out over. I feel good about where we're settling on and feel like that money can be better utilized today than it can five, six, seven years from now. We still have some things outstanding from Hurricane Irene if that tells you how long some of these things can be drawn out so my recommendation to the board would be to accept the \$63,185.53, that they are offering us at this time.

GILLILLAND: Do I have twelve to allow that on the floor?

GARRISON: Yes, we do.

RESOLUTION #45 – ACCEPTING THE SETTLEMENT OFN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) CLAIM IN THE AMOUNT OF \$63,185.53.

This resolution was moved by Mr. Scozzafava, seconded by Mr. Monty and adopted upon a roll-call vote as follows:

AYES: 2789 votes
NOES: 0 votes
ABSENT: 64 votes (McNally)

WILSON: I just wanted to make other supervisors and the public aware about cell phone communication. The Town of Keene number 1, leases a site to Verizon and they're planning to reduce the amount they are paying us for rent and the effectiveness of that tower has gone down in the past three years so in spite of the town working on clearing trees, you know helping the internet capability so we're getting worse service, getting reimbursed less and I think the issue is you know small rural town they have no bargaining power and it is part of this, chipping away at services to our small towns. The Town of Keene by itself can't or have no power to bargain with them and say, well, I'm going to lock you out of this site if you try and break our deal and pay us this. You know, if we want cell service we take what we are spoon fed and I'm looking for strategies to deal with this but also I want to let other supervisors know that without a coordinated effort between all our towns and our residents and our State Reps we're, it is going to continue to erode the service we have let alone add service to areas that aren't covered. So you are aware.

MONTY: I think Mr. Stanley has a resolution he wants to present to us but I really think it's important for us because if they are going to do this in Keene guess what where else they are going to do it? They are going to do it in Lewis. They are going to do it in St. Armand. They are

going to do it in Chesterfield, in Wilmington, wherever they have a tower. They basically told them, we are reducing it or we are taking the service out. So, why isn't the Public Service Commission all over this? They need to be all over this and I think that's what Matt Stanley wants to address.

STANLEY: So I brought this problem up at our Broadband calls. I brought it up at the Adirondack Association of Towns & Villages. Cell phone is a huge issue in Essex County so I've been working with Mr. Hughes and Mr. Monty to sort of craft a resolution that we could pass at the Board of Supervisors. It's a little lengthy but I will still read the whole thing. So this is a resolution requesting the Public Service Commission to hold Verizon Wireless accountable for charging for a service they are not providing.

Whereas, cellular service has become a valuable and indispensable to the economy and welfare of a community, as passable roads, landline telephones and electricity; and

Whereas, the Adirondack Park is a 6-million-acre region in New York State known for its expansive forests, mountainous terrain and remoteness of population centers; and

Whereas, Verizon Wireless is a company that has made modest gains over the past two decades in improving cellular connectivity through the Adirondack Park; and

Whereas, Verizon Wireless continues to oversell service in the coverage area of Essex County as evidenced by modern and up-to-date cellular telephones showing full bar coverage with less than ideal download speeds achieved; and

Whereas, cellular calls are being dropped, text messages are rendered undeliverable, and cellular data/internet services are more often than not unavailable; and

Whereas, repeated attempts by Essex County Emergency Services and various town supervisors to contact Verizon Wireless representatives to describe the service problems has ended with comments stating the equipment is working as it should and no upgrades are planned in the service area; and

Whereas, many residents have switched from landlines to cellular service because it was originally more reliable and versatile, not to mention more cost-effective especially in emergency situations; and

Whereas, Verizon Wireless recognizes the prior stated problems by placing mobile cellular towers around this service area during the FISU World University Games in the month of January 2023 to improve reliable service coverage to the area; and

Be it Resolved, the Essex County Board of Supervisors hereby requests the Public Service Commission to hold Verizon Wireless accountable for the services they claim they can provide; but by the account of users in these areas, Verizon Wireless fails to deliver.

GILLILLAND: Do I have twelve to allow it on the floor please?

GARRISON: Yes, we do.

GILLILLAND: Thank you. Moved by Mr. Stanley, seconded by Ms. Wood.

RESOLUTION #46 – TO THE PUBLIC SERVICE COMMISSION TO HOLD VERIZON WIRELESS ACCOUNTABLE FOR CHARGING FOR SERVICES THEY ARE NOT PROVIDING. This resolution was moved by Mr. Stanley, seconded by Mrs. Wood and duly adopted.

GILLILLAND: Discussion?

SCOZZAFAVA: We have a Verizon site also in the Town of Moriah. It's actually located in the former Village of Port Henry at then the Mayor negotiated with Verizon with the help of Dan

Palmer, this like in 2006 or 2007, we've got a 30-year lease with them that's non-revocable there's no reversion clause and we also built in a 3% a year escalator. So, I don't know how long your lease is good for but I do want to give credit to Dan Palmer at the time, who told me that the changes with technology we want to make sure that we get this down so they are going to be there for a few years even if they decide to pull they are still going to pay you.

WILSON: We are in the same contract.

SCOZZAFAVA: How are they pulling that out?

WILSON: I'm going to see because yeah we have a 30-year term, so we'll see.

DOTY: I think previously I mentioned after our previous discussion on the FISU issues of upgrading cell service because of ten days of competition and then those mini towers being taken down, I called Barb Rice, Executive Director of APA and more or less suggested that this board would soon be looking into this issue. She's agreed to meet with me and I'm going to guess, meet with all of us as well. She said it's a very complicated issue, it isn't just a matter of permitting. She may have some information that could help us all so, I plan to initiate a meeting with her one on one at least to better understand where we're going as far as current laws or maybe where Verizon is going competitive market and what the overall coverage would be. I believe it is a complicated issue where we can't put our finger on any number one person that is liable. There are a couple different towers up our way and like Tom was mentioning, those contracts are set in stone for a number of years so I'm hoping JoePete can find a solution with any lesser payments but I just wanted you all to know I'm going to follow through with a meeting with Barb.

WOOD: I think you all should know that AT&T is doing the same thing. We have three cell towers at our water tower sites and AT&T started in the spring of 2022, trying to muscle in a renewal for November 1, 2025, drastically changing things and they use an outfit called, Black Dot and if you just google Black Dot other kinds of corporations will come in and tell you what to watch out for and everything they mentioned is in the letters that we've got. We have not come to an agreement. Our town attorney is looking at things but they want to drastically change things in the future and our Verizon, current Verizon contract was just re-negotiated two-years ago and already they are trying to cut everything in half. So, we are waiting for Team Mobile to come.

SCOZZAFAVA: We've had numerous opportunities to sell our lease and contract, numerous through the years have contacted us and wanted to give us a cash payout for it and I guess they use it as a retirement fund or whatever but as Mr. Monty I'm sure will tell you, him and I have discussed this; it's the same with Spectrum, the Public Service Commission in this State is absolutely worthless, okay? And that's the fact. There used to be a cable commission I can recall when cable television first started coming out that oversaw all cable, they weren't mixed in with the rest of the mix with the Public Service Commission and then mysteriously that went away. I'm not sure under whose watch? But you know, we have State Representatives, Senator Stec, Assemblyman Simpson they should be all over this. They need to be on top of this because we are losing more and more of our services within the Adirondacks and the only watchdog that we have hasn't been a watchdog for a number of years now is the Public Service Commission. I just don't understand how they can sit back and not do anything and allow these services to get stripped away from us.

GILLILLAND: Thank you.

WINEMILLER: Yes, I just wanted to mention that St. Armand has received that same letter where they are trying to drop the rate that they are paying us monthly and we did discuss it at our last board meeting and someone was there, a resident was there and mentioned that Star Link is a new thing out in Loon Lake and most of you know, Loon Lake is very isolated, very far away, no Internet and recently I guess this is Elon Musk's thing threw up thirteen satellites and now people in Loon Lake have all the Internet dropped in, television, everything that they can ever ask for and it's satellite so apparently there's this new technology and that's what's happening with the cell towers probably as well.

MONTY: Just briefly, Matt, do we have any Verizon dishes on towers the county owns?

WATTS: Yes.

MONTY: Have they contacted you about cutting the fees or Dan?

WATTS: Not that I'm aware of. I haven't seen anything yet.

MONTY: And the other thing that Matt eluded to, these broadband conference calls Stephanie has been on, several supervisors have been on them; Verizon is invited to these every week and at no time has Verizon ever shown up on these conference calls yet Charter Spectrum does, DANK does, SLICK does a lot of your smaller providers are there willing to listen to us and work with us. The only one that refuses to show up is Verizon and they are invited every week, to me, that says a lot.

GILLILLAND: Further discussion on this resolution? Mr. Stanley, could I ask that you add to the bottom that this resolution be passed to Senator Stec, Assemblyman Simpson, Assemblyman Jones and the Governor's office.

STANLEY: Absolutely will do.

GILLILLAND: Thank you. No further discussion, all in favor, opposed – carries. Thank you. Any more business to come before this board? Thank you very much. We are adjourned.

As there was no further discussion to come before this regular board meeting, it was adjourned at 10:45 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors