

**Resolution No. 28**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION AMENDING THE 2002  
ESSEX COUNTY BUDGET**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends the 2002 Essex County Budget as follows:

**1. From the Finance/Tax Reduction/Mandate Relief Committee:**

(a) Increase revenues and appropriations in the amount of \$412,841 from a Farmland Protection Grant as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
8020 43089404	Farmland Protection S/A	\$ 316,496.00
8020 44989404	Farmland Protection F/A	96,345.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
8020 5404FP	Farmland Protection	\$ 412,841.00

(b) Increase revenues and appropriations in the amount of \$1,059.67 from a HUD Grant - IDA as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
6420 44997	HUD Block Grant	\$ 1,059.67

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
64204 5400HUD	HUD Grant - IDA	\$ 1,059.67

(c) Increase revenues and appropriations in the amount of \$187,662.00 from FEMA Public Assistance Grant as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
1230 44789	FEMA Public Assistance Grant	\$ 187,662.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
12304 5400GEN	Fed. Aid Ice Storm	\$ 187,662.00

(d) Increase revenues and appropriations in the total amount of \$220,823.00 from CDBG HUD Grants as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
6989 44997	HUD Grant	\$ 29,259.00
6989 449972	HUD Grant-Home Purchase	191,524.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
69894 5400 HP II	HUD Grant	\$ 29,259.00
69894 5400HP-G	Home Purchase-Gov't Office	191,524.00

(e) For the Publicity Department, increase revenues and appropriations in the amount of \$ 271,601.01 from increased revenues from 2002 Occupancy Tax as follows:

**REVENUES**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
64101 41113	Occupancy Tax	\$ 270,601.01
64101 411131	Occupancy Tax Int/Rev	819.89

**APPROPRIATIONS**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
64104 5429	Tourism	\$ 257,851.41
64104 5440	Misc. Fees & Services	13,569.49

(f) For the Public Health Nursing Service, increase revenues and appropriations in the total amount of \$ 42,411.00 from a state portion of the Healthy Living Partnership grant as follows:

**REVENUES**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
4010 4160195	Healthy Living Partnership	\$ 6,146.00
4010 43450	S/A Healthy Living	36,265.00

**APPROPRIATIONS**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40101 5110	Wages - Regular	\$ 3,307.00
40101 5130	Wages - Part-time	8,984.00
40104 5410	Office Supplies	900.00
40104 5420	Printing	675.00
40104 5423	Telephone	488.00
40104 5424	Postage	4,305.00
40104 5440HLP	Contracted Services	6,977.00
40104 5443	Travel Reimbursement	113.00

40104 5445HLP	Clinical Services	9,893.00
40104 5486	Educational Materials	1,425.00
40104 5497	Mileage	1,063.00
40108 5810	Retirement	197.00
40108 5820	Social Security	940.00
40108 5850	Health Insurance	3,144.00

(g) Increase revenues and appropriations in the amount of \$ 6,300.00 from Clinical Services Healthy Living Partnership Grant as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
4010 44450	F/A Clinical Services - HLP	\$ 6,300.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
40104 5445HLP	Clinical Services - HLP	\$ 6,300.00

(h) For the Youth Bureau, increase revenues and appropriations in the amount of \$ 32,600.00 from a Youth Empowerment Grant from 2002 as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
7310 4382085	Youth Empowerment	\$ 32,600.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
73104 5440TEAM	Youth Substance Abuse	\$ 32,600.00

**2. From the Ways and Means Committee:**

(a) For the Department of Public Works, increase revenues and appropriations

in the amount of \$ 99.11 from the Road Machinery fund as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
5130 4265520	Road Machinery	\$ 99.11

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
51304 5441	Auto Supplies and Repairs	\$ 99.11

(b) For the Department of Public Works, increase revenues and appropriations in the amount of \$183,171.74 from County Road -- County Snow assistance as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
5142 4265580	Salt Reimbursement to County	\$ 183,171.74

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
51424 5540SALT	County Road-County Snow	\$ 183,171.74

(c) For the Department of Public Works - Solid Waste Division (Dept. 8160), increase revenues and appropriations in the amount of \$1,186,044.00 from a stipulation and settlement of the closure contract as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
43091	S/A Envir Contract C301258	\$ 770,298.00
43089SOS	S/A Stip of Settlement	238,180.00

4240110	Interest on CD and Money Market	183.00
4240150	Interest on Bond Act CD	3,619.00
42376	Refuse/Garbage tip fees	139,119.00
423761	Equipment Reserve/Tipping	34,645.00

**APPROPRIATIONS**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
81604 5COVER	Construct Final Cover	\$ 18,784.00
81604 5CONSTRU	Construction & Site Work	932,307.00
81604 5HAULSW	Hauling Solid Waste	234,953.00

(d) Increase revenues and appropriations in the amount of \$17,658.92 from FEMA funds for Ice Storm Cleanup as follows:

**REVENUES**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
6785 44789	FEMA - Ice Storm	\$ 17,658.92

**APPROPRIATIONS**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
67854 5400DEB	Ice Storm Cleanup	\$ 17,658.92

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

**AYES:** 2030 votes  
**NOES:** 0 votes  
**ABSENT:** 813 votes (Morrow, French, O'Neill, Connell, Ashline)

**Resolution No. 29**

**March 3, 2003  
Regular Board Meeting**

**RESOLUTION AMENDING THE 2003  
ESSEX COUNTY BUDGET**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends the 2003 Essex County Budget as follows:

**1. From the Human Services Committee:**

(a) For the Social Services Department, increase revenues and appropriations in the amount of \$24,283 from a Non-Residential Domestic Violence Services Allocation as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
6010 44610	Fed. Aid - Admin.	\$ 24,283.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
60104 5454	Domestic Violence	\$ 24,283.00

(b) For the Public Health Department, increase revenues and appropriations in an amount up to \$70,000 from an Eat Well, Play Hard grant dealing with Childhood Obesity as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
4010 43451	S/A Obesity Grant	\$ 70,000.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
40401 5110	Wages	\$ 39,402.00
40104 5486	Educational Materials	3,000.00
40104 5410	Office Supplies	2,000.00
40104 5423	Telephone	513.00
40104 5420	Printing	3,000.00
40104 5424	Postage	500.00
40104 5443	Travel	3,641.00
40104 5250	Equipment	1,500.00
40104 5487	Misc Grant - Admin Costs	3,000.00
40104 5452	Food	600.00
40104 5452	Food Safety Supplies	100.00
40104 5810	Social Security	3,014.00
40108 5850	Health Insurance	9,730.00

**2. From the Department of Public Works Committee:**

(a) Amend Capital Project 1-2000 (Essex County Fairgrounds Renovations) by increasing appropriation and revenue accounts to include \$125,000 in grant funds for renovations to Floral Hall as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
H8750 437892	NYS Grant for Floral Hall	\$ 125,000.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
H87504 5216	Renovations & Repairs	\$ 100,000.00
H87504 5400PS	Professional Services	25,000.00

(b) Amend the Essex County Fairgrounds Budget (Dept. 8750) by increasing appropriation and revenue accounts to include \$35,000 in grant funds for the campus plan as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
437894	NYS Grant - Horse Barn	\$ 25,000.00
437893	NYS Grant - Campus Plan	10,000.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Description</u></b>	<b><u>Amount</u></b>
87504 5212	Repairs - Building	\$ 25,000.00
87504 5440	Misc. Fees & Services	10,000.00

(c) For the Essex County Agricultural Society, transfer the sum of \$18,000 from Account No. 87514 5487 - Ag Society to Account No. 87504 5412 - Agriculture and Livestock Repairs - Buildings.

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

**AYES:** 2030 votes  
**NOES:** 0 votes  
**ABSENT:** 813 votes (Morrow, French, O'Neill, Connell, Ashline)

**Resolution No. 30**

**March 3, 2003**  
**Regular Board Meeting**

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

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby accepts, adopts, and/or places on file the following:

**1. From the Department of Public Works Committee:**

- (a) The 2002 Annual Report of the Essex County Department of Public Works.

**2. From the Finance/Tax Reduction/Mandate Relief Committee:**

- (a) The Annual Accounting of Receipts and Disbursements of the Essex County Clerk.

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

**Resolution No. 31**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING CONTRACTS**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of the Board or the County Manager to enter into and execute the following contracts:

**1. From the Public Safety Committee:**

(a) Amend the contract with Mary Bell to do a Hazard Mitigation Plan to increase the amount from \$10,000 to \$15,000, to be paid from budgeted funds.

**2. From the Jail Committee:**

(a) Amend and renew the agreement with Crandall Associates so as to include not more than \$35,390.00 for conceptual design of the Jail on the Durand Property and for test borings on such property, to be paid from Capital Project #H3150 funds.

(b) Amend contract number MISC-03-0021 with Kevin Hall to map the bore testing on the Durand Property for the additional amount of \$1,800.00 from Capital Project #H3150 funds.

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

**AYES:**            **2030 votes**  
**NOES:**            **0 votes**  
**ABSENT:**        **813 votes**        **(Morrow, French, O'Neill, Connell, Ashline)**

**Resolution No. 32**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING APPLICATION FOR,  
AND ACCEPTANCE AND USE OF, GRANT FUNDS**

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

Upon the recommendation of the respective committees below, the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

*BE IT RESOLVED*, that the Essex County Board of Supervisors hereby authorizes application for and, to the extent specifically noted below, the acceptance and use of the following grants:

1. *From the Human Services Committee:*

(a) For the Public Health Department to apply for and accept grant funds in an amount of up to \$70,000 for an Eat Well, Play Hard grant dealing with Childhood Obesity.

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

**Resolution No. 33**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE SUBMISSION OF A COMMUNITY  
DEVELOPMENT BLOCK GRANT APPLICATION IN THE AMOUNT OF  
\$600,000 TO THE STATE OF NEW YORK IN APRIL, 2003**

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

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

**WHEREAS**, the County of Essex has identified affordable housing needs, assisting low/moderate income homeowners, and public facilities improvement as its most severe community development needs; and

**WHEREAS**, the only affordable means of financing programs designed to meet these needs is to secure funding from the State of New York Small Cities Community Development Block Grant Program.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes the submission of a Community Development Block Grant application, in the amount of \$600,000, to the State of New York in April, 2003, for County-wide Housing and Public Facilities Improvement; and

**BE IT FURTHER RESOLVED**, that the Essex County Board of Supervisors authorizes Chairperson Dale R. French to sign and submit an application to the State of New York for the community development program and to act in connection with the submission as may be required; and

**BE IT FURTHER RESOLVED**, that the Housing Assistance Program of Essex County, Inc. will perform administrative services to accomplish the program activities; and

**BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors has adopted the following: Citizen Participation Plan, Displacement Plan, Excessive Force Policy, Drug-free Workplace Program, New Horizons Fair Housing Strategy, Community Development Plan, and the Housing Rehabilitation Program Policy and Procedures, and they are on file; and

**BE IT FURTHER RESOLVED** that this Board has held public hearings on this grant application on February 19, 2003 and on February 24, 2003 at the Chambers of the Essex County Board of Supervisors in Elizabethtown, New York.

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

**Resolution No. 34**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY PURCHASING  
AGENT TO GO TO BID, ACCEPT AND/OR REJECT BIDS,  
AND/OR PURCHASE VARIOUS ITEMS**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes and directs the County Purchasing Agent to go to bid and/or purchase in accordance with the Essex County Purchasing Policy (Resolution No. 320-97) the following:

**1. From the Finance/Tax Reduction/Mandate Relief Committee:**

(a) For the Stop DWI Department, purchase four radars for the Sheriff's Department from 2002 encumbered funds in an amount not to exceed \$11,800.00.

**2. From the Ways and Means Committee:**

(a) For the Public Works Department, purchase a dust collection system for the recycling building at a cost not to exceed \$6,800 from 2002 encumbered funds.

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

**AYES:**            **2030 votes**  
**NOES:**            **0 votes**  
**ABSENT:**         **813 votes**        **(Morrow, French, O'Neill, Connell, Ashline)**

**Resolution No. 35**

**March 3, 2003**  
**Regular Board Meeting**

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

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

Upon the recommendation of the various committees indicated below, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Board of Supervisors of Essex County hereby makes and following appointments:

**1. From the Economic Development/Planning/Publicity Committee:**

- (a) To the Bed Tax Advisory Committee:  
Bert Yost of Wilmington to replace Rarilee Conway.

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

**Resolution No. 36**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING APPOINTMENTS AND  
CHANGES TO POSITIONS IN COUNTY SERVICE**

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

*Upon the recommendation of the various committees indicated below, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.*

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes and approves the following appointments and changes in county service, all to be performed in compliance with, as and if applicable, the Essex County Civil Service Rules and Regulations, and/or the current CSEA contract and/or the Essex County Personnel Policy Manual:

**1. From the Personnel/Administration Committee:**

- (a) *For the Department of Social Services, create and fill a part-time Caseworker Assistant position (Grade 8 - \$12.73 per hour).*

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

**AYES: 2030 votes**  
**NOES: 0 votes**  
**ABSENT: 813 votes (Morrow, French, O'Neill, Connell, Ashline)**

**Resolution No. 37**

**March 3, 2003**  
**Regular Board Meeting**

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

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

*Upon the recommendation and approval of the Ways and Means Committee, and the same appearing proper and necessary.*

**WHEREAS**, a Project for the Bridge Reconstruction of C.R. 12, Stowersville Road Bridge over Unknown Creek (Spruce Mill Brook), Essex County, P.I.N. 1755.01.021 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, the County of Essex desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby approves the Project; and

**BE IT FURTHER RESOLVED**, that this Board hereby authorizes the County Treasurer to pay in the first instance the 100% of the federal and non-federal share of the cost of Preliminary Engineering work for the Project or portions thereof; and

**BE IT FURTHER RESOLVED** that the sum of \$108,000.00 has already been appropriated and made available to cover the cost of participation in the above phase of the Project; and

**BE IT FURTHER RESOLVED** that in the event the full federal and non-federal share of the costs of the project exceed the amount appropriated above, this Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYS Department of Transportation thereof; and

**BE IT FURTHER RESOLVED** that the Chairman of this Board or DPW Superintendent be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of Essex County with NYSDOT in connection with the advancement or approval of the

*Project and providing for the administration of the Project and the municipality's first instance funding of the project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and*

***BE IT FURTHER RESOLVED*** that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

***BE IT FURTHER RESOLVED*** this Resolution shall take effect immediately.

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

<b><i>AYES:</i></b>	<b><i>2030 votes</i></b>	
<b><i>NOES:</i></b>	<b><i>0 votes</i></b>	
<b><i>ABSENT:</i></b>	<b><i>813 votes</i></b>	<b><i>(Morrow, French, O'Neill, Connell, Ashline)</i></b>

**Resolution No. 38**

**March 3, 2003**  
**Regular Board Meeting**

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

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

*Upon the recommendation and approval of the Ways and Means Committee, and the same appearing proper and necessary.*

**WHEREAS**, a Project for the Bridge Reconstruction of Water Street Bridge over Boquet River, Essex County, P.I.N. 1755.11.121 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, the County of Essex desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby approves the Project; and

**BE IT FURTHER RESOLVED**, that this Board hereby authorizes the County Treasurer to pay in the first instance the 100% of the federal and non-federal share of the cost of Preliminary Engineering work for the Project or portions thereof; and

**BE IT FURTHER RESOLVED** that the sum of \$194,000.00 has already been appropriated and made available to cover the cost of participation in the above phase of the Project; and

**BE IT FURTHER RESOLVED** that in the event the full federal and non-federal share of the costs of the project exceed the amount appropriated above, this Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYS Department of Transportation thereof; and

**BE IT FURTHER RESOLVED** that the Chairman of this Board or DPW Superintendent be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of Essex County with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first

*instance funding of the project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and*

**BE IT FURTHER RESOLVED** *that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and*

**BE IT FURTHER RESOLVED** *this Resolution shall take effect immediately.*

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

<b>AYES:</b>	<b>2030</b>	<b>votes</b>	
<b>NOES:</b>	<b>0</b>	<b>votes</b>	
<b>ABSENT:</b>	<b>813</b>	<b>votes</b>	<b>(Morrow, French, O'Neill, Connell, Ashline)</b>

Resolution No. 39

March 3, 2003  
Regular Board Meeting

**RESOLUTION AMENDING SECTION 5.07, PARAGRAPH F (2) OF  
THE ESSEX COUNTY POLICY MANUAL TO ESTABLISH THE IRS  
APPROVED RATE AS THE MAXIMUM MEAL EXPENSE AMOUNT**

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

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

**WHEREAS**, the meal expense amounts listed in Section 5.07, paragraph F (2) of the Policy Manual are not in compliance with the current IRS approved amounts, and this Board desires to have the same comply and be consistent therewith.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby amends subparagraph 2 of paragraph F of §5.07 of the Essex County Policy Manual so as to read and provide as follows, retroactive to January 1, 2003:

**“5.07 EXPENSES PROCEDURES**

- \* \* \* \* \*
- F. Meals and Lodging  
No reimbursement for meal or lodging expenses shall be allowed except in accordance with the following:
- \* \* \* \* \*
2. the amount of reimbursement sought and paid
    - (a) shall be the actual and necessary expense incurred,
    - (b) shall not exceed the IRS Maximum Federal Per Diem Rate allocated 20% to breakfast, 30% to lunch and 50% to dinner, and
    - (c) shall be reduced by the amount of any third party contribution or allowance; and”

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

**Resolution No. 40**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION REQUESTING THE STATE LEGISLATURE TO ENACT, AND GOVERNOR PATAKI SIGN INTO LAW, LEGISLATION ESTABLISHING A REASONABLE STATUTE OF LIMITATIONS FOR ENFORCEMENT ACTIONS BY THE ADIRONDACK PARK AGENCY**

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

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

**WHEREAS**, by Resolution No. 65 of 1996, the Essex County Board of Supervisors expressed its support for legislation imposing a statute of limitations upon actions of the Adirondack Park Agency (APA) to enforce the Adirondack Park Agency Act (the "APA Act") and its implementing regulations (the "regulations"); and

**WHEREAS**, there are statutes of limitations for the prosecution of crimes (Criminal Procedure Law Article 30), requiring that prosecutions for most criminal actions (other than for class A felonies such as murder in the first and second degrees, kidnapping in the first degree, arson in the first degree, certain hate crimes, etc.) be brought within specified time periods or else be barred; and

**WHEREAS**, there is a five (5) year statute of limitations for crimes constituting felonies (other than class A felonies), including but not limited to manslaughter, criminally negligent homicide, rape, sodomy, sexual abuse, burglary, arson, grand larceny, and a two(2) year statute of limitations for all misdemeanors; and

**WHEREAS**, the lack of a statute of limitations for APA enforcement actions elevates violations of the APA Act and/or regulations, no matter how insignificant or technical in nature, to the level of the most heinous crimes and more egregious than most prohibited criminal conduct; and

**WHEREAS**, there are various statutes of limitations for civil actions and proceedings, such as six (6) years for actions based on contract, mistake, fraud, and three(3) years for actions based on negligence, and two and a half (2½) years for medical malpractice, and ten (10) years for actions to recover possession of real property; and

**WHEREAS**, a six year statute of limitations has been held to apply to actions by the State to seek reimbursement for environmental clean-up costs for oil spills, and to actions challenging the substantive validity of municipal zoning laws; and

**WHEREAS**, a four (4) month statute of limitations has been held to apply to actions challenging a development project for failure to comply with the State Environmental Quality Review Act; and

**WHEREAS**, the lack of a statute of limitations for APA enforcement actions creates the unconscionable result of a subsequent owner of property being held legally and financially responsible for a violation of the APA Act and/or regulations committed by a prior owner at any time as far back as 1973, of which the subsequent owner has/had no knowledge; and

**WHEREAS**, the unlimited liability placed on property owners in the Adirondack Park adversely and unfairly affects the rights of such property owners and has a chilling effect upon property ownership, transfer and development; and

**WHEREAS**, it is the strong sense of this Board that property rights guaranteed by the United States and New York State Constitutions, as well as fundamental fairness, dictate that there be a statute of limitations for APA enforcement actions.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby implores and requests the State Legislature to enact, and Governor Pataki sign into law, legislation establishing a reasonable statute of limitations for enforcement actions by the Adirondack Park Agency; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor George E. Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O'C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; and Assembly Members Chris Ortloff and Teresa R. Sayward.

*This resolution was unanimously seconded and adopted.*

**Resolution No. 41**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION IN OPPOSITION TO THE PROPOSED  
BUDGET CUT FOR RSVP FUNDING**

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

*Upon the recommendation of the Finance/Tax Reduction/Mandate Relief Committee, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.*

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its opposition to the proposed budget cut for RSVP; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor George E. Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O'C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; and Assembly Members Chris Ortloff and Teresa R. Sayward.

*This resolution was duly seconded by Supervisors Dobie and Rushby, and adopted.*

**Resolution No. 42**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION SUPPORTING REAL PROPERTY  
TAX REFORM LEGISLATION – S.1123, S.1124,  
S.1125, S.1126, S.1127, S.1398 AND S.1415**

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

*Upon the recommendation of the Finance/Tax Reduction/Mandate Relief Committee, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.*

**WHEREAS**, Senate Bills S.1123, S.1124, S.1125, S.1126, S.1127, S.1398 and S.1415, have been introduced in the New York State Senate for the purpose of reforming the current real property tax system; and

**WHEREAS**, S.1123, S.1126, S.1127 and S.1398 would amend RPTL §420-a to properly place the burden of establishing entitlement to real property tax exemption on the not-for-profit corporation property owner, would ensure that exempt properties are used for exempt purposes, would impose stricter standards for exempt activities, and empower localities with discretion to determine which types of properties would be entitled to exemption; and

**WHEREAS**, S.1124 would make all lands owned by the State subject to taxation for all purposes; and

**WHEREAS**, S.1125 would redefine “non-residents of a district” under Education Law §3202 to include children who reside on tax-exempt real property in the district and subject such children to the payment of tuition; and

**WHEREAS**, S.1415 would provide for full state reimbursement to local taxing jurisdictions for any tax revenue losses resulting from RPTL §480 and §480a real property tax exemptions for forest lands; and

**WHEREAS**, it is the strong sense of this Board that these bills should be enacted and signed into law.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its strong support for enactment by the State Legislature of Real Property Tax Reform Legislation – S.1123, S.1124, S.1125, S.1126, S.1127, S.1398 and S.1415 – and that Governor Pataki sign such legislation into law; and

***BE IT FURTHER RESOLVED*** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor George E. Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O’C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; and Assembly Members Chris Ortloff and Teresa R. Sayward.

*This resolution was unanimously seconded and adopted.*

**Resolution No. 43**

**March 3, 2003**  
**Regular Board Meeting**

**RESOLUTION PROCLAIMING MARCH, 2003 AS  
"MENTAL RETARDATION AWARENESS MONTH"**

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

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

**WHEREAS**, for nearly five decades, NYSARC, Inc., formerly the New York State Association for Retarded Children, Inc. has been dedicated to helping New York's citizens with mental retardation live full and productive lives; and

**WHEREAS**, since its inception in 1949, NYSARC, Inc. through its 62 local chapters and 64,000 members, has become a symbol for what parents, family members and persons with disabilities can do for themselves and for our communities; and

**WHEREAS**, today, due to the tireless efforts of the association, more than 40,000 people who are mentally retarded or developmentally disabled living in New York State are leading lives filled with opportunity, dignity and hope; and

**WHEREAS**, this year, the Association's 17<sup>th</sup> Annual "Legacy of Love" public awareness campaign will build upon its past successes to enhance the public's awareness, understanding and acceptance of individuals with mental retardation and developmental disabilities; and

**WHEREAS**, as a result, the future for children and adults with mental retardation and developmental disabilities will increasingly brighten and continue to bring them the equality and fulfillment which are the dreams of every citizen of New York State; and

**WHEREAS**, Essex County ARC has delivered services to the mentally retarded and developmentally disabled for more than 28 years, beginning on November 4, 1974.

**BE IT RESOLVED**, that the Essex County Board of Supervisors does hereby proclaim the month of March, 2003 as "Mental Retardation Awareness Month" in Essex County.

This resolution was unanimously seconded and adopted.

**Resolution No. 44**

**March 3, 2003  
Regular Board Meeting**

**RESOLUTION APPROPRIATING \$61,230.00 FROM THE CONTINGENT ACCOUNT FOR TRANSFER TO THE 2003 ESSEX COUNTY BUDGET TO PAY FOR THE COSTS OF HIPAA COMPLIANCE, AND AMENDING THE BUDGET ACCORDINGLY**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby appropriates the sum of \$61,230.00 from the contingent account (Account No. 19904-5487) for transfer to the 2003 Essex County budget to pay for the costs of the contract with HIPAA complete; and

**BE IT FURTHER RESOLVED** that the 2003 Essex County Budget is hereby amended to include the following new appropriation account in Department 1910 - Unallocated, into which shall be transferred the sum appropriated by this resolution:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
19104 5434	HIPAA Compliance	\$ 61, 230.00

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

**AYES: 2030 votes**  
**NOES: 0 votes**  
**ABSENT: 813 votes (Morrow, French, O'Neill, Connell, Ashline)**

<b>BUDGET IMPACT STATEMENT:</b>	
Contingent Account Balance as of 2/06/03:	\$ 458,275.00
Reduction Impact of This Resolution:	\$ 61,230.00
<b>FY2003 Contingent Account Balance:</b>	<b>\$ 397,045.00</b>

**Resolution No. 45**

**March 5, 2003**  
**Regular Board Meeting**

**RESOLUTION OF APPRECIATION AND RECOGNITION  
TO RICHARD B. MEYER, ESSEX COUNTY ATTORNEY,  
FOR HIS YEARS OF DEDICATED SERVICE**

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

**WHEREAS**, on March 2, 1987, Richard B. Meyer was appointed to the position of Essex County Attorney, and

**WHEREAS**, Rick has begun his 17<sup>th</sup> year serving the needs of the Essex County Board of Supervisors and the People of Essex County, and

**WHEREAS**, Rick has served as an officer of this board with the finest and most desirable qualities sought in an attorney - fairness, common sense, keen intellect, thorough knowledge of the law and the ability to apply the law to the facts; and

**WHEREAS**, Rick's experience, hard work and exemplary job performance is recognized by the Board of Supervisors to be an essential asset to the County of Essex; and

**WHEREAS**, Rick has made a tremendous and enduring positive difference in the administration and functioning of County government for which the Board of Supervisors are extremely grateful and appreciative.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its Clerk of the Board and County Manager wishes to express their deepest appreciation and recognition to Richard B. Meyer on his 17 years as Essex County Attorney.

This resolution was unanimously seconded and adopted.

**Resolution No. 46**

**March 5, 2003**  
**Regular Board Meeting**

**RESOLUTION WISHING A SPEEDY RECOVERY TO  
DIANE MORROW FROM HER HEART SURGERY**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney, hereby express their wishes for a speedy recovery to Diane Morrow from her heart surgery.

This resolution was unanimously seconded and adopted.