

Resolution No. 204

**October 6, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING APPLICATION FOR,
AND ACCEPTANCE AND USE OF, GRANT FUNDS, AND
AMENDING THE 2003 ESSEX COUNTY BUDGET ACCORDINGLY**

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

Upon the recommendation of the various committees indicated 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 application for and, to the extent specifically noted below, the acceptance and use of the following grants, with the 2003 Essex County Budget to be amended accordingly as noted below:

1. From the Human Services Committee:

(a) For the Public Health Department, apply for and accept a \$1,000 grant from the Upper Hudson Prenatal Services Network for HIV counseling and testing, and the budget of said Department is hereby amended so as to increase revenues (4340185 - SA HIV grant) and appropriations (40104 5486 - Educational Materials) each by the sum of \$1,000.

2. From the Public Safety Committee:

(a) For the Emergency Services Department, to apply for and accept two grants for Homeland Security, one for \$10,609 and one for \$12,653 for use by the Hazardous Materials WMD Team, and the budget of said Department is hereby amended so as to increase revenues (3640 43960 - State Aid Emergency Disaster Assistance) and appropriations (36404 5487Home - Homeland Security) by the sum of \$10,609, and to increase revenues (3640 43961 - Hazardous Mitigation Grant) and appropriations (36404 5487HAZ - Hazardous Mitigation Team) by the sum of \$12,653.

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

A YES: 2657 votes
NOES: 0 votes
ABSENT: 186 votes (O'Neill)

Resolution No. 205

**October 6, 2003
Regular Board Meeting**

**RESOLUTION AMENDING THE 2003
ESSEX COUNTY BUDGET**

The following resolution was offered by Supervisor Morency, 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 amends the 2003 Essex County Budget as follows:

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

(a) For the Housing Assistance Program, increase revenues (6989 449973 – Home Purchase) and appropriations (68984 5400HPG – Home Purchase Government) in the amount of \$5,982.00 for a home purchase grant.

(b) For the Housing Assistance Program, increase revenues (6989 449974 – Home Purchase) and appropriations (68984 5400HPG1 – Home Purchase Government 1) in the amount of \$50,783.00 for a home purchase grant.

2. From the Regular Board Meeting:

(a) For the County Clerk's Office, increase revenues (4125520 - County Clerk Fees) and appropriations (14104 5440 - Miscellaneous Fees and Services) in the amount of \$100,000.00 from an increase in revenues.

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

AYES: 2657 votes
NOES: 0 votes
ABSENT: 186 votes (O'Neil)

Resolution No. 206

**October 6, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ESSEX COUNTY OFFICE OF
COMMUNITY DEVELOPMENT AND PLANNING TO APPLY FOR
SECTION 5311 ANNUAL FUNDING FOR PUBLIC TRANSPORTATION**

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

Upon the recommendation of the Economic Development/Planning/Publicity Committee, with the approval of the Ways & Means Committee of this Body, and the same appearing proper and necessary.

WHEREAS, Essex County is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for Essex County for the 2003-2004 fiscal years; and

WHEREAS, Essex County and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and payment of the Federal Share, identified as State Contract No. C003692; and

WHEREAS, Essex County is contracting with third party subcontractors for the Project described above.

BE IT RESOLVED that the Essex County Board of Supervisors hereby designates the Director of Community Development & Planning as the official authorized to act on behalf of the County to sign the application and progress and complete the above named project; and

BE IT FURTHER RESOLVED that the Chairman of this Board is authorized to sign any contracts or agreements between Essex County and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the County Attorney.

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

AYES: 2551 votes
NOES: 106 votes (Morency)
ABSENT: 186 votes (O'Neil)

Resolution No. 207

**October 6, 2003
Regular Board Meeting**

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

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

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

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

1. To the Essex County Citizen's Corps Council – Raymond Thatcher, Wanda Wade, Patty Bashaw, Linda Lazzari, Carmela Calvi, John O'Neill, Jeanie Roberts, Gene Oderick and Patsy McCaughin.
2. To the Essex County Hazardous Materials Emergency Response Team – Michael Alteri to replace Michael LaValley.

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

Resolution No. 208

October 6, 2003
Regular Board Meeting

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

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes 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. For the Personnel Office, fill a vacant position of Personnel Assistant at Grade 2 M/C (\$10.68/hour).

This resolution was duly seconded by Supervisor Dobie and Moses, and adopted.

Resolution No. 209

**October 6, 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 Jackson, 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 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 Human Services Committee:

(a) For the Public Health Department, to purchase a computer for the Home Care Nurses using budgeted Workforce Recruitment and Retention monies.

2. From the Ways & Means Committee:

(a) For the Emergency Services Department, to purchase equipment for which the records management grant monies for the fire departments may be used, including computers and software, at a cost not to exceed \$47,273.00 or the amount of available grant funds whichever is less.

(b) For the Fish Hatchery, purchase or pay for the barbeque event supplies.

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

AYES: 2657 votes
NOES: 0 votes
ABSENT: 186 votes (O'Neil)

Resolution No. 210

October 6, 2003
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE
FAMILY OF JOHN GRAVES**

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

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

WHEREAS, John Graves, the father of the Cornell Cooperative Extension Manager, Anita Deming, recently passed away; and

WHEREAS, John Graves resided in Waddy, Kentucky but spent a great deal of time in New Russia and was well known by its residents; and

WHEREAS, John Graves had a successful career with General Electric and enjoyed farming during his retirement.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of John Graves; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Graves family.

This resolution was unanimously seconded and adopted.

Resolution No. 210

October 6, 2003
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE
FAMILY OF JOHN GRAVES**

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

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

WHEREAS, John Graves, the father of the Cornell Cooperative Extension Manager, Anita Deming, recently passed away; and

WHEREAS, John Graves resided in Waddy, Kentucky but spent a great deal of time in New Russia and was well known by its residents; and

WHEREAS, John Graves had a successful career with General Electric and enjoyed farming during his retirement.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of John Graves; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the Graves family.

This resolution was unanimously seconded and adopted.

Resolution No. 211

October 6, 2003
Regular Board Meeting

**RESOLUTION APPROPRIATING \$6,000.00 FROM THE
CONTINGENT ACCOUNT FOR TRANSFER TO THE
2003 ESSEX COUNTY DISTRICT ATTORNEY'S BUDGET**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appropriates the sum of \$6,000.00 from the contingent account (Account No. 19904-5487) for transfer to the 2003 Essex County District Attorney's Budget to cover expenses for the 2003 fiscal year, and amends the budget accordingly, as follows:

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
11654 5427	Membership & Dues	\$ 250.00
11654 5440	Miscellaneous Fees	1,000.00
11654 5451	Training Schools	350.00
11654 5487	Miscellaneous Expenses	3,400.00
11654 5497	Mileage	1,000.00

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

AYES: 2657 votes
NOES: 0 votes
ABSENT: 186 votes (O'Neil)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 10/06/03:	\$ 262,284.00
Reduction Impact of This Resolution:	\$ 6,000.00
FY2003 Contingent Account Balance:	\$ 256,284.00

Resolution No. 212

**October 6, 2003
Regular Board Meeting**

RESOLUTION AUTHORIZING CONTRACTS

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

Upon the recommendation of the various committees indicated 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:

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

(a) For the Planning Department, a contract with Cindy Allen as Transportation Coordinator for the Public Transportation System.

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

AYES: 2551 votes
NOES: 106 votes (Morency)
ABSENT: 186 votes (O'Neil)

Resolution No. 213

**October 6, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY TREASURER TO
IMPOSE A \$25.00 REDEMPTION CERTIFICATE FEE FOR EACH
PARCEL OF REAL PROPERTY CONTAINED IN A LIST OF
DELINQUENT TAXES**

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

Upon the recommendation of the Finance/Tax Reduction/Mandate Relief Committee, 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 the County Treasurer to impose a \$25.00 redemption certificate fee for each parcel of real property contained in a List of Delinquent taxes, pursuant to RPTL §1102(1)(d).

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

AYES: 2657 votes
NOES: 0 votes
ABSENT: 186 votes (O'Neil)

DEFEATED
Resolution No. 214

October 6, 2003
Regular Board Meeting

**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. 6 OF 2003**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 6 of 2003, providing for the imposition of a special motor vehicle use fee, to read and provide as follows:

"ESSEX COUNTY LOCAL LAW NO. 6 OF 2003

A local law authorizing the imposition of a special motor vehicle use fee.

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

Section 1. Purpose

The purpose of this law is to impose a special motor vehicle use fee on vehicle registration, and to authorize the administration and collection of said fee by the New York State Commissioner of Motor Vehicles or his agents, all as authorized by New York State Tax Law §§1201(e), 1202(a) and 1202(c). It is hereby found and determined that imposition of such a fee on motor vehicles registered in Essex County would generate annual revenues to help balance the budget of the County and fund its operations.

Section 2. Definitions

For the purposes of this local law, the following terms shall have the meanings indicated:

(a) The term "passenger motor vehicle" shall mean a motor vehicle of a type commonly used for non-commercial purposes and which is subject to the registration fee provided for in Vehicle and Traffic Law §401, subdivision 6, paragraph a, as amended.

(b) The term "buses" shall have the same meaning as defined in Vehicle and

Traffic Law §104, as amended.

(c) The term "truck" shall have the same meaning as defined in Vehicle and Traffic Law §158, as amended.

(d) The term "commercial motor vehicle" shall mean a motor vehicle which is not a "passenger motor vehicle", and includes but is not limited to a truck or a bus.

Section 3. Imposition & Payment of Use Fee

1. A special motor vehicle use fee in the amount of two dollars and fifty cents (\$2.50) per annum is imposed on each passenger motor vehicle weighing thirty-five hundred pounds or less owned by a resident of Essex County.

2. A special motor vehicle use fee in the amount of five dollars (\$5.00) per annum is imposed on each truck, bus, and commercial vehicle used principally in connection with a business carried on within Essex County (except when owned and used in connection with the operation of a farm by the owner or tenant thereof), and upon each passenger motor vehicle weighing more than thirty-five hundred pounds owned by a resident of Essex County.

3. The fee shall be paid for all registrations and renewals of registrations for which the registration fee is established in Vehicle and Traffic Law §401, subdivision 6, paragraph a, and subdivision 7, but in no event shall any fee be due for a re-registration transaction.

4. The applicability of such fee shall be determined based upon the information on the application for registration, as well as any additional documentation required by the Commissioner of Motor Vehicles.

5. The receipt for payment of such fee, may be the registration certificate, whether or not it indicates the amount of the fee paid.

6. The payment of the use fee shall be a condition precedent to the registration or registration renewal of any vehicle subject to the fee imposed by this local law, and no application for vehicle registration or registration renewal shall be accepted for processing unless accompanied by payment of such fee and all other fees due in connection therewith.

Section 4. Exemptions

The fee imposed by this local law shall not be imposed upon (a) any vehicle exempt from registration or registration renewal fees pursuant to the Vehicle and Traffic Law, or (b) upon any vehicle owned by non-profit religious, charitable or educational organizations qualified for exemption with New York State Department of Taxation and Finance.

Section 5. Administration and Collection

1. Pursuant to Tax Law §1202(c), the Commissioner of the New York State Department of Motor Vehicles or his agents are hereby authorized to and shall administer and collect the motor vehicle use fee hereby imposed on behalf of Essex County.

2. The County Treasurer shall enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles governing the administration and collection of the fee imposed hereby, with such agreement to include the provisions required by Tax Law §1202(c) and such other matters as may be necessary and proper to effectuate this local law.

Section 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy as to which such order or judgment shall be rendered.

Section 7. Effective Date

This law shall take effect immediately upon filing in the office of the Secretary of State, the New York State Commissioner of Taxation and Finance, and the New York State Commissioner of Motor Vehicles."

AND BE IT FURTHER RESOLVED that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on October 20, 2003, at 9:30 o'clock in the forenoon of that day, to hear any and all persons concerning the same.

This resolution was duly seconded by Supervisors Merrihew and Moses, and **defeated** upon a roll-call vote as follows:

AYES: **833 votes** **(Merrihew, Both, Canon, Moses, Morency, Connell, Ashline, Ashworth)**
NOES: **1824 votes** **(Morrow, French, Jackson, Glebus, Kelly, Rushby, Seney, Dobie, Dedrick)**
ABSENT: **186 votes** **(O'Neil)**

Resolution No. 215

October 6, 2003
Regular Board Meeting

**RESOLUTION SETTLING THE LITIGATION WITH NEW YORK
STATE REGARDING THE FORMER TRI COUNTY FUELS
PROPERTY ACQUIRED BY THE COUNTY BY TAX SALE AND
APPROPRIATING THE SUM OF \$9,400.00 FROM THE
CONTINGENT ACCOUNT THEREFOR**

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

Upon the recommendation and 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 settlement of the litigation with New York State regarding the former Tri County Fuels property acquired by Essex County by tax sale for the total sum of \$47,000 to be paid in equal installments over a five year period; and

BE IT FURTHER RESOLVED that this Board hereby appropriates the sum of \$9,400.00 from the contingent account (Account No. 19904-5487) for transfer to the 2003 Essex County Attorney's Budget (14204 5476 – Uninsured Judgments and Claims) to pay the first installment.

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

AYES: 2657 votes
NOES: 0 votes
ABSENT: 186 votes (O'Neil)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 10/06/03:	\$ 256,284.00
Reduction Impact of This Resolution:	\$ 9,400.00
FY2003 Contingent Account Balance:	\$ 246,884.00

Resolution No. 216

October 6, 2003
Regular Board Meeting

**RESOLUTION RELIEVING THE CLERK OF THE BOARD'S
OFFICE FROM TAKING MINUTES OF THE BED TAX ADVISORY
COMMITTEE MEETINGS**

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

Upon the recommendation and 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 directs that the Clerk of the Board's Office is hereby relieved from taking minutes at the Bed Tax Advisory Committee meetings.*

This resolution was duly seconded by Supervisors Canon and Seney, and adopted.

Resolution No. 217

**October 6, 2003
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO
\$375,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS
OF ESSEX COUNTY, NEW YORK, TO FINANCE THE COSTS OF
THE CONSTRUCTION AND RECONSTRUCTION OF BUILDING
IMPROVEMENTS IN AND FOR THE COUNTY, PURSUANT TO
THE LOCAL FINANCE LAW**

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

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

WHEREAS, *the Board of Supervisors of Essex County (the "County"), a municipal corporation of the State of New York (the "State") desires to finance the costs of the construction and reconstruction of building improvements in and for the County, at a total maximum cost of up to \$375,000 and has determined and hereby determines that such construction and reconstruction is in the public interest of the County; and*

WHEREAS, *the Board of Supervisors of the County has not taken any action or adopted any local law which would require the effectiveness of this serial bond resolution be subjected to a permissive or mandatory referendum; and*

NOW, THEREFORE, BE IT RESOLVED *by the Board of Supervisors of Essex County, New York, as follows:*

Section 1. *There is hereby authorized to be issued serial bonds of the County in the aggregate principal amount of up to \$375,000 pursuant to the Local Finance Law, in order to finance the specific object or purpose hereinafter described.*

Section 2. *The specific object or purpose to be financed by the issuance of such serial bonds is the construction and reconstruction of building improvements in and for the County, together with applicable incidental and preliminary costs in connection therewith (the "Project").*

None of the amounts authorized in this section 2 have been included in a prior bond authorization in any prior bond resolutions adopted by the Board of Supervisors of the County for an object or purpose specifically described or referred to in such section.

Section 3. The Board of Supervisors of the County has ascertained and hereby states that (a) the estimated maximum cost of the Project is not more than \$375,000; (b) no money has heretofore been authorized to be applied to the payment of the cost of the Project; and (c) the Board of Supervisors of the County plans to finance the cost of the Project from funds raised by the issuance of obligations authorized herein.

Section 4. It is hereby determined that the specific object or purpose of the Project described in Section 2 of this Resolution is an object or purpose described in subdivision 12(a)(3) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such object or purpose is ten (10) years (such building being of Class "C" construction as that term is defined in Section 11.00 of the Local Finance Law). Obligations authorized in this Resolution shall mature in not more than ten (10) years computed from the earlier of (a) the date of issuance of the first bond anticipation notes authorized to be issued in anticipation of the issuance of such serial bonds, or (b) the date of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds is hereby delegated to the County Treasurer, as chief fiscal officer of the County. The County Treasurer is hereby authorized to execute by manual or facsimile signature on behalf of the County all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Clerk of the County is hereby authorized to affix the seal of the County (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such serial bonds and such bond anticipation notes. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the County Treasurer.

Section 6. When this Resolution takes effect, the Clerk of the Board of Supervisors shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the Press Republican and the Valley News, newspapers having general circulation in the County. The validity of such serial bonds and of bond anticipation notes issued in anticipation of the issuance of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such

obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The faith and credit of the County are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 8. Prior to the issuance of obligations authorized to be issued by this Resolution, the Board of Supervisors of the County shall comply with all, if any, relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal Laws and Regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the applicable environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this Resolution, the Board of Supervisors of the County will re-adopt, amend or modify this Resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Supervisors of the County that to the extent the environmental compliance proceedings may apply to the Project, the Project will not have a significant effect on the environment.

Section 9. The County intends to issue obligations authorized by this Resolution to finance the costs of the purpose described in Section 2 hereof. The County covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the County, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provision hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized or authorized to be issued herein may be applied to reimburse expenditures or commitments made for such purpose on or after a date which is not more than 60 days prior to the date of adoption of this Resolution.

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the "obligations"), the County agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the County Clerk, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County attorney and bond counsel or other qualified independent special counsel to the County. The County Treasurer acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. This Resolution shall take effect immediately upon its adoption.

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

AYES: 3137 votes
NOES: 533 votes (Dedrick)
ABSENT: 246 votes (O'Neil)

Resolution No. 218

October 6, 2003
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO THE
KEESEVILLE VOLUNTEER FIRE DEPARTMENT FOR 125
YEARS OF CONTINUOUS, DEDICATED AND EXEMPLARY
SERVICE TO THE PEOPLE OF THE KEESEVILLE AREA**

The following resolution was offered by Supervisor Morrow, 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 Keeseville Volunteer Fire Department has been serving the people of the Keeseville area since July 31, 1878, and is believed to be the oldest continuous all volunteer company in the State of New York and possibly the United States; and*

WHEREAS, *the Keeseville Volunteer Fire Department currently consists of 50 members who provide fire and emergency medical services to the residents of the Towns of Chesterfield and Ausable as well as the Village of Keeseville; and*

WHEREAS, *the Keeseville Volunteer Fire Department is celebrating 125 years of continuous, dedicated and exemplary service to the Keeseville Community; and*

WHEREAS, *this Board of Supervisors wishes to express its appreciation and congratulations to all past and current members of the Keeseville Volunteer Fire Department for their commitment to the residents and for 125 years of outstanding service to the community.*

BE IT RESOLVED *that the Essex County Board of Supervisors hereby congratulates the Keeseville Volunteer Fire Department for 125 Years of continuous, dedicated and exemplary service to the People of the Keeseville Area, and expresses its deep appreciation for the service and commitment of the Department's members to the Keeseville community.*

This resolution was unanimously seconded and adopted.

