

Resolution No. 59

April 5, 2004
Regular Board Meeting

**RESOLUTION AMENDING THE 2004
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 2004 Essex County Budget as follows:

1. From the Human Services Committee:

(a) For the Department of Social Services, increase revenues (6010 44610 - Fed. Aid - Admin) and appropriations (60104 54T&DBG – SS TANF & DOL Block Grant), in the amount of \$12,543.00 from a TANF Grant.

(b) For the Department of Social Services, increase revenues (6010 44670 - Fed. Aid Service for Rec) and appropriations (6070400 5400 - Homemaker Day Care) in the amount of \$30,000.00 from a Demonstrated Effective Programs Grant.

(c) For the Public Health Department, increase revenues (4050 4440176 - Dental 93.994) and appropriations (40504 5440 - Miscellaneous Fees) in the amount of \$9,275 from a grant for the Dental Program.

2. From the Public Safety Committee:

(a) For the Emergency Services Department, increase revenues (3640 44961HMP - Hazard Mitigation Grant 97.039) and appropriations (36404 5487HMP - Hazardous Mitigation Grant) in the amount of \$1,662 from a Hazard Mitigation Grant.

(b) For the Emergency Services Department, increase revenues (4438959 - Fed. Aid FEMA) and appropriations (5487LEPC - Misc. Expense LEPC) in the amount of \$1,500 from a Local Emergency Planning Commission Grant.

(c) For the Emergency Services Department, increase revenues (3640 44963 - Fed. Aid Homeland Security) and appropriations (36404 5487HOME - Homeland Security Grant) in the amount of \$23,253 from a Homeland Security Emergency Exercise Program Grant.

3. From the DPW Committee:

(a) For the Department of Public Works, increase revenues (5130 42680 - Insurance Recoveries) and appropriations (51304 5441 - Auto Supplies and Repair) in the amount of \$4,612.86 from an insurance recovery.

4. From the Ways and Means Committee:

(a) For the Sheriff's Department, increase revenues (3110 42680 - Insurance Recoveries) and appropriations (31102 5230 - Auto Equipment) in the amount of \$16,092 from an insurance recovery.

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

AYES: 2779 votes
NOES: 0 votes
ABSENT: 64 votes (Kelly)

**RESOLUTION AUTHORIZING THE COUNTY PURCHASING
AGENT TO GO TO BID, ACCEPT AND/OR REJECT BIDS,
PURCHASE VARIOUS ITEMS AND APPROPRIATING FUNDS
FROM THE CONTINGENT ACCOUNT THEREFOR**

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 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 Horace Nye Nursing Home, request proposals to perform an Operational Study and Medicaid Rate Review.

(b) For the Horace Nye Home, request proposals to study long range options of the Essex County Operated Nursing Facility.

2. From the Public Safety Committee:

(a) For the Sheriff's Department, purchase a new vehicle from state contract from funds within the 2004 budget.

3. From the DPW Committee:

(a) For the Department of Public Works, purchase one (1) tandem axle truck with snow plow and combination dump body/spreader and one new tandem axle tractor at a cost not to exceed \$245,000.

4. From the Regular Board Meeting:

(a) For the Sheriff's Department, purchase a new vehicle from state contract using \$16,000 in budgeted funds, and appropriating the sum of \$8,800.00 from the

contingent account (Account No. 19904-5487) for transfer to the 2004 Essex County Sheriff's Department budget (Account No. 31102 5230 - Auto Equipment) for the same, with the total cost not to exceed \$24,800.00

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

AYES: **2779 votes**
NOES: **0 votes**
ABSENT: **64 votes (Kelly)**

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 4/05/04:</i>	\$ 450,000.00
<i>Reduction Impact :</i>	\$ 8,800.00
<i>FY2004 Contingent Account Balance:</i>	\$ 441,200.00

Resolution No. 61

April 5, 2004
Regular Board Meeting

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

The following resolution was offered by Supervisor Glebus, 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 Public Safety Committee:

- (a) The 2003 Annual Report of the Essex County Board of Elections.
- (b) The 2003 Annual Report of Emergency Services.

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

- (a) The 2003 Annual Report of the Historical Society.

3. From the Personnel/Administration Committee:

- (a) The 2003 Annual Report of the New York State Civil Service Commission.

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

Resolution No. 62

**April 5, 2004
Regular Board Meeting**

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

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 2004 Essex County Budget to be amended accordingly as noted below:

1. From the Public Safety Committee:

(a) For the Emergency Services Department, apply for and accept a Homeland Security Grant in the amount of \$65,000.

(b) For the Sheriff's Department, apply for and accept a Homeland Security Grant in the amount of \$20,000.

(c) For the Sheriff's Department, apply for and accept a Byrne Grant in the amount of \$25,000.

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

AYES: 2779 votes
NOES: 0 votes
ABSENT: 64 votes (Kelly)

Resolution No. 63

**April 5, 2004
Regular Board Meeting**

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

The following resolution was offered by Supervisor Douglas, 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 Board of Supervisors of Essex County hereby makes the following appointments:

1. From the Public Safety Committee:

(a) Pursuant to County Law §225-a, the persons listed below shall be appointed to membership of the Essex County Fire Advisory Board for the year 2004 provided that they are residents of Essex County:

<u>Town</u>	<u>Member</u>
Crown Point	Scott Ingleston
Elizabethtown	Jack Hanby
Essex	David Lansing
Essex	Marshall Crowningshield
Jay	Glenn Williams
Jay	John Devlin
Keene	Jody A. Whitney
Keene Valley	Tom Quinn
Lewis	Peter Heald
Moriah	Ralph Jaquish
Moriah	Paul Tromblee

Moriah	Jack Waldron
Newcomb	Mark Yandon
North Elba	Jeff Jacques
North Hudson	James Colaneri
St. Armand	Tim Woodruff
Schroon	Larry Shiell
Ticonderoga	Carl R. Perry
Westport	Jim Westover, Jr.
Willsboro	Bobby Provost
Wilmington	Randy Preston

2. From the Ways and Means Committee:

(a) Appoint Harold Hance to the Moriah-Port Henry-Essex County Empire Zone Board to fill the vacancy left by the resignation of Calvin Nephew until the end of the term on June 30, 2004.

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

Resolution No. 64

April 5, 2004
Regular Board Meeting

**RESOLUTION SUPPORTING THE TRI-FOLD
DISPATCH SYSTEM FOR ESSEX COUNTY**

The following resolution was offered by Supervisor Jackson, 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 supports the tri-fold dispatching system for Essex County.

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

Resolution No. 65

April 5, 2004
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

RODERICK P. CAREY

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

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

WHEREAS, Roderick P. Carey passed away on February 27, 2004; and

WHEREAS, Rod Carey served as Chairman of the Town of Jay Planning Board, as an assessor for the Town of Jay and was a school bus driver for several years; and

WHEREAS, Rod Carey was a loving husband for over 56 years, father, grandfather, brother and friend and will be sorely missed.

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 Roderick P. Carey; 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 Carey family.

This resolution was unanimously seconded and adopted.

Resolution No. 66

April 5, 2004
Regular Board Meeting

**RESOLUTION URGING THE NEW YORK STATE LEGISLATURE
TO INCREASE AND RESTORE FULL FUNDING TO THE
CONSOLIDATED HIGHWAY IMPROVEMENT PROGRAM**

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

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

WHEREAS, the proposed 2004-05 Executive Budget proposal again eliminates the \$35 million dollars for County and New York City CHIPS; and

WHEREAS, local governments are responsible for approximately 93,500 miles of road or 85% of the states 110,000 miles or roadways and are also responsible for 50% of the states 18,000 bridges; and

WHEREAS, Essex County needs to go on record urging the state legislature to restore this important funding and to index these funds as part of the states multi-year capital plan as this funding is not only important for the safety of the traveling public but also will produce jobs and economic development; and

WHEREAS, it will also enable local governments to budget and properly plan to address deficiencies in the local transportation system.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the New York State Legislature to increase and restore full funding to the Consolidated Highway Improvement Program; 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 Teresa R. Sayward and Chris Ortloff.

This resolution was unanimously seconded and adopted.

Resolution No. 67

April 5, 2004
Regular Board Meeting

**RESOLUTION URGING THE NEW YORK STATE
LEGISLATURE TO INCREASE CRITICAL
MARCHISELLI HIGHWAY AND BRIDGE FUNDING**

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

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

WHEREAS, Marchiselli highway and bridge funding has not increased in the past five years and the Executive Budget submission to the legislature holds the funding at the same \$40 million dollar level; and

WHEREAS, by not increasing this program Marchiselli funding is not keeping pace with the federal transportation program resulting in delays of state matching funds or eligible portions of projects not receiving state matching funds, and federally funded projects such as highway, bridge and road rehabilitation or HBRR projects are 80% federally funded, 15% State Marchiselli funded and 5% local share.

WHEREAS, Essex County needs to urge the State Legislature to increase this critical funding in order to keep pace with the locally sponsored projects listed on the current statewide transportation improvement program or STIP.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the New York State Legislature to increase in critical Marchiselli highway and bridge funding; 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 Teresa R. Sayward and Chris Ortloff.

This resolution was unanimously seconded and adopted.

Resolution No. 68

April 5, 2004
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO
\$245,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS
OF THE COUNTY OF ESSEX, NEW YORK, TO FINANCE THE
COSTS OF THE ACQUISITION OF MAINTENANCE EQUIPMENT
IN AND FOR ESSEX COUNTY, PURSUANT TO THE LOCAL
FINANCE LAW**

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

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

WHEREAS, the Board of Supervisors of the County of Essex (the "County"), a municipal corporation of the State of New York (the "State"), desires to finance the costs of the acquisition of maintenance equipment in and for the County, at a total maximum cost of up to \$245,000 and has determined and hereby determines that the acquisition of such equipment 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 to be subjected to a permissive or mandatory referendum.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Essex, 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 \$245,000 pursuant to the Local Finance Law, in order to finance the costs of the acquisition of 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 acquisition of maintenance equipment in and for the County, together with applicable incidental and preliminary costs in connection therewith (the "Project").

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 \$245,000; (b) no money has heretofore been authorized to be applied to the payment of the cost of the Project; (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; and (d) the maturity of the obligations authorized herein shall be in excess of five (5) years.

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 28 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 fifteen (15) years. Obligations authorized in this resolution shall mature in not more than fifteen (15) 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 Times of Ti, the Press Republican, the Adirondack Daily Enterprise, and the Post Star, 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 bond resolution, the Board of Supervisors of the County will re-adopt, amend or modify this bond 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 bond resolution to finance the cost 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 bond 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 Merrihew, and adopted upon a *two-thirds* roll-call vote as follows:

AYES:	3831 votes
NOES:	0 votes
ABSENT:	85 votes (Kelly)

Resolution No. 69

April 5, 2004
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 Dobie, who moved its adoption.

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

WHEREAS, a Project for the Bridge Replacement of CR 8 over the Bouquet River, P.I.N. 1753.33 (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 federal and non-federal share of the costs of Construction.

NOW, THEREFORE, the Essex County Board of Supervisors, duly convened does hereby

RESOLVE, that the Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Board hereby authorizes the County of Essex to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$36,000.00 (Thirty Six thousand dollars) has already been appropriated from the County Road fund and made available to cover the cost of participation in the State Administered Preliminary Engineering and ROW Incidentals phase of the Project; and it is further

RESOLVED, that the sum of \$164,249.98 (One Hundred Sixty Four thousand Two Hundred Forty Nine dollars and 98/100) has already been appropriated from 51104 5400BC and made available to cover the cost of participation in the Locally Administered Preliminary Engineering and ROW Incidentals phase of the Project; and it is further

RESOLVED, that the sum of \$1,037,000.00 (One Hundred Thirty Seven Thousand Dollars) has already been appropriated from 51104 5400BC and made available to cover the cost of participation in the Locally Administered Construction phase of the Project; and it is further

RESOLVED, that an additional sum of \$8,000.00 (Eight Thousand Dollars) is hereby appropriated and made available to cover the additional cost of participation in the above Construction phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County Board of Supervisors of Essex County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Chairman of the Board of Supervisors or DPW Superintendent of the County of Essex be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Essex with the New York State Department of Transportation 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 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 it is 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 it is further

RESOLVED, this Resolution shall take effect immediately.

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

AYES: **2779 votes**
NOES: **0 votes**
ABSENT: **64 votes (Kelly)**

**RESOLUTION OPPOSING THE ENVIRONMENTAL RESTORATION
AND INVASIVE SPECIES PROVISIONS IN THE SAFE,
ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION
EQUITY ACT OF 2004 (S.1072, HR.2088)**

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

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

WHEREAS, the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2004 (S.1072, HR.2088) (the "Act") contains provisions regarding environmental restoration of areas impacted by federally funded transportation projects including requirements for removing non-native plant species and restoration of native plant species; and

WHEREAS, the Act does not sufficiently define non-native species or allow for the use of beneficial non-native species; and

WHEREAS, the potential costs resulting from enactment of these provisions are substantial and significant, and may constitute an unfunded mandate upon localities.

BE IT RESOLVED that the Essex County Board of Supervisors hereby opposes the provisions in S.1072 and HR.2088 regarding environmental restoration, control of invasive plant species and establishment of native species in connection with federally funded transportation projects, including but not limited to those undertaken by counties; and

BE IT FURTHER RESOLVED that this Board of Supervisors respectfully requests that proposed Section 166 of said Act be deleted and stricken in its entirety from any adopted legislation; 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: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Thomas A. Daschle; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi.

This resolution was duly seconded by Supervisor Connell, and adopted with Supervisor Ashworth being opposed.

Resolution No. 71

April 5, 2004
Regular Board Meeting

**RESOLUTION IN OPPOSITION TO ASSEMBLY BILL A4080 AND
SENATE BILL S0887 SEEKING AMENDMENT OF THE PUBLIC
HEALTH LAW IN RELATION TO THE REGULATION OF
RESIDENTIAL SEPTIC SYSTEMS**

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

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

WHEREAS, New York State Assembly Bill A4080 and New York State Senate Bill S0887 are not pending in the State Legislature, and if enacted would have a devastating effect on the development and economy of most rural areas of New York State; and

WHEREAS, passage of said bills would essentially amount to a land grab by the State of New York effecting a taking of millions of acres of land state wide without compensating landowners, as the plan language of such laws restricts the construction of residential septic systems on any site where:

- ▶ there is not at least five feet of useable soil above impermeable deposits, bedrock or clay and five feet above high seasonal groundwater;
- ▶ within 200 feet of any stream, river, lake or wetland;
- ▶ on sites with a slope that exceeds fifteen (15%) percent; and
- ▶ raised systems elevated above the natural soil are prohibited.

NOW, THEREFORE, BE IT RESOLVED that the Essex County Board of Supervisors does hereby staunchly oppose passage of Assembly Bill A4080 and Senate Bill S0887 in their entirety, or in any form, the passage of which would be devastating to the economy of Essex County and all of rural New York State; 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; Assembly Members Teresa R. Sayward and Chris Ortloff; and to each County Legislature within New York State.

This resolution was unanimously seconded and adopted.

Resolution No. 72

April 5, 2004
Regular Board Meeting

**RESOLUTION URGING THE ADIRONDACK PARK AGENCY TO
MODIFY ITS RULES AND PROCEDURES**

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

Upon the recommendation of the DPW 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 urges the Adirondack Park Agency to modify its rules and procedures so as to allow:

- ▶ direct transfer of building rights between properties with the same classification; and
- ▶ projects to be permitted and built without consuming any building rights for any structures used for pumping, treating, water storage or similar related uses.

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send a certified copy of this resolution to the Adirondack Park Agency.

This resolution was unanimously seconded and adopted.

Resolution No. 73

April 5, 2004
Regular Board Meeting

**RESOLUTION SUPPORTING NATIONAL AGRICULTURAL WEEK
ON MARCH 14-20, 2004**

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

Upon the recommendation of the Economic Development/Planning/Publicity 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 supports National Agricultural Week on March 14-20, 2004.

This resolution was unanimously seconded and adopted.

Resolution No. 74

April 5, 2004
Regular Board Meeting

**RESOLUTION EXTENDING THE REDEMPTION PERIOD ON
PROPERTY OWNED BY PERSONS IN ACTIVE MILITARY SERVICE
FOR A PERIOD OF 90 DAYS FOLLOWING THE END OF SUCH
PERSONS DEPLOYMENT**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby extends the redemption period on property foreclosure owned by persons in active military service for a period of 90 days following the end of such persons deployment.

This resolution was unanimously seconded and adopted.

Resolution No. 75

**April 5, 2004
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE DESIGNATION OF
UNEXPENDED FUNDS IN THE 2003 COUNTY BUDGET FOR
EXPENDITURE IN 2004, AND ESTABLISHING RESERVES IN
2004 UNAPPROPRIATED FUND BALANCE THEREFOR**

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

WHEREAS, various claims arising in 2003, for which funds were appropriated in the 2003 budget but not yet expended, are not yet certain and will not be finally determined until 2004.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby designates the following unexpended funds in the 2003 budget for expenditure in 2004, and directs the Treasurer to establish reserves in 2004 unappropriated fund balance monies therefor:

County Manager

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
12304 5434	Consulting Fees	\$ 15,000.00

Information Systems

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
16802 5250	Technical Equipment	\$ 10,062.00

BE IT FURTHER RESOLVED that the County Manager be and he hereby is authorized and directed to approve expenditure of such funds for said purposes during the 2004 fiscal year.

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

AYES: 2779 votes
NOES: 0 votes
ABSENT: 64 votes (Kelly)

Resolution No. 76

**April 5, 2004
Regular Board Meeting**

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

RICHARD G. RYAN

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.

WHEREAS, Richard G. Ryan passed away on March 13, 2004; and

WHEREAS, Richard G. Ryan served as Mayor of the Village of Chateaugay from 1991 to 1994, Chateaugay Town Supervisor for two years and Franklin County Legislator from 1998 to 2004; and

WHEREAS, Richard G. Ryan was a loving husband of 34 years, father, grandfather, brother and friend and will be sorely missed.

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 Richard G. Ryan; 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 Ryan family.

This resolution was unanimously seconded and adopted.

Resolution No. 77

April 5, 2004
Regular Board Meeting

RESOLUTION AUTHORIZING CONTRACTS

The following resolution was offered by Supervisor Moses, 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 Chairman of the Board or the County Manager to enter into and execute the following contracts:

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

(a) For the Mental Health Department, a 2002 contract amendment with St. Joseph's Rehabilitation Center to increase the amount of their funding by \$44,519.00.

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

AYES: 2779 votes
NOES: 0 votes
ABSENT: 64 votes (Kelly)

Resolution No. 78

**April 5, 2004
Regular Board Meeting**

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

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 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) Create, advertise and provisionally fill a position of Essex County Safety Officer.

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

AYES: 2779 votes
NOES: 0 votes
ABSENT: 64 votes (Kelly)

Resolution No. 79

April 5, 2004
Regular Board Meeting

**RESOLUTION OPPOSING S.6056/A.9556 TO THE EXTENT THAT
THE SAME PROVIDE FOR REALLOCATION OF FINE REVENUES
TO THE STATE OF NEW YORK**

The following resolution was offered by Supervisor Merrihew, 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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby opposes S.6056 and A.9556 to the extent that the same provide for the reallocation of fine revenues to the State of New York and/or reduce the amount of fine revenues retained by localities; 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 Teresa R. Sayward and Chris Ortloff.

This resolution was unanimously seconded and adopted.

Resolution No. 80

April 5, 2004
Regular Board Meeting

**RESOLUTION CONGRATULATING THE TOWN OF SCHROON ON
ITS BICENTENNIAL**

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

WHEREAS, a county is comprised of cities, towns and villages; and

WHEREAS, the County of Essex is proud of its eighteen towns and the cooperation of all municipal governments in attempting to improve the quality of life of its residents; and

WHEREAS, in 1804 the Town of Schroon was formed from the Town of Crown Point; and

WHEREAS, the Town of Schroon rich in history, economic stability and a dedication to its residents; and

WHEREAS, the Town of Schroon has always played an integral role in the government of Essex County; and

WHEREAS, the Town of Schroon has chosen Essex County to commence the celebration of its Bicentennial.

BE IT RESOLVED, that this Essex County Board of Supervisors hereby congratulates the Town of Schroon on its Bicentennial; and

BE IT FURTHER RESOLVED, that this Board stands in respect for The Town of Schroon and its good people and wishes them AD MULTOS ANNOS.

This resolution was unanimously seconded and adopted .

Resolution No. 81

April 5, 2004
Regular Board Meeting

**RESOLUTION CONGRATULATING THE TOWN OF
TICONDEROGA ON ITS BICENTENNIAL**

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

WHEREAS, a county is comprised of cities, towns and villages; and

WHEREAS, the County of Essex is proud of its eighteen towns and the cooperation of all municipal governments in attempting to improve the quality of life of its residents; and

WHEREAS, in 1804 the Town of Ticonderoga was formed from the Town of Crown Point; and

WHEREAS, the Town of Ticonderoga rich in history, economic stability and a dedication to its residents; and

WHEREAS, the Town of Ticonderoga has always played an integral role in the government of Essex County; and

WHEREAS, the Town of Ticonderoga has chosen Essex County to commence the celebration of its Bicentennial.

BE IT RESOLVED, that this Essex County Board of Supervisors hereby congratulates the Town of Ticonderoga on its Bicentennial; and

BE IT FURTHER RESOLVED, that this Board stands in respect for The Town of Ticonderoga and its good people and wishes them AD MULTOS ANNOS.

This resolution was unanimously seconded and adopted .

Resolution No. 82

April 5, 2004
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO THE TICONDEROGA
CENTRAL SCHOOL BOYS VARSITY BASKETBALL TEAM ON
BEING SECTION 7 CLASS C CHAMPIONS**

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Ticonderoga Central School Boys Basketball Team won the 2003-2004 Section 7 Class C Championship.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Ticonderoga Central School Sentinels Boys Varsity Basketball Team, their coach Dane Smith and his assistants and staff, for their outstanding accomplishments, including but not limiting to earning the title of 2003-04 Section 7 Class C Championship.

This resolution was unanimously seconded and adopted.

Resolution No. 83

April 5, 2004
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO THE TICONDEROGA
CENTRAL SCHOOL DISTRICT GIRLS VARSITY BASKETBALL
TEAM ON BEING CVAC DIVISION II CO-CHAMPIONS**

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Ticonderoga Central School Girls Varsity Basketball Team were the 2003-2004 CVAC Division II Co-Champions.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Ticonderoga Central School Sentinels Girls Varsity Basketball Team, their coach Rick Smith and their assistants and staff, for their outstanding accomplishments, including but not limiting to their earning the title of CVAC Division II Co-Champions.

This resolution was unanimously seconded and adopted.

Resolution No. 84

April 5, 2004
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO THE TICONDEROGA
CENTRAL SCHOOL DISTRICT INDOOR TRACK TEAM FOR
WINNING THE SECTION 7 INDOOR TRACK CHAMPIONSHIP**

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Ticonderoga Central School Indoor Track Team won the 2003-2004 Section 7 Indoor Track Championship.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Ticonderoga Central School Indoor Track Team, their coach Walter Thorne and their assistants and staff, for their outstanding accomplishments, including but not limiting to their earning the title of Section 7 Indoor Track Champions.

This resolution was unanimously seconded and adopted.

Resolution No. 85

April 5, 2004
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO PATRICK DUNN OF
TICONDEROGA FOR OBTAINING THE EAGLE SCOUT AWARD**

The following resolution was offered by Supervisor Dedrick, 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, Patrick Dunn is a resident of the Town of Ticonderoga; and

WHEREAS, Patrick is entitled to receive Scouting's highest honor, the rank of Eagle Scout; and

WHEREAS, the Eagle Scout recipient must prove his love for God, his dedication to Country and concern for his fellow human beings.

BE IT RESOLVED that the Essex County Board of Supervisors, its Clerk of the Board, County Attorney and County Manager hereby extend their heartiest congratulations to Patrick Dunn on a job well-done and for all of his accomplishments as a Boy Scout and for receiving the Eagle Scout Award; 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 Patrick Dunn.

This resolution was unanimously seconded and adopted.

Resolution No. 86

April 5, 2004
Regular Board Meeting

**RESOLUTION CONGRATULATING EDWARD SENEY ON BEING
NAMED ECAC EAST HOCKEY COACH OF THE YEAR**

The following resolution was offered by Supervisor Dedrick, 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, Edward Seney, the son of North Elba Supervisor Shirley Seney, is the Coach for the Saint Anselm Hockey Team; and

WHEREAS, Seney has taken a team that finished 9-13-4 a year ago and piloted it to the top of the Saint Anselm record books; and

WHEREAS, Seney's Hawks finished third in the ECAC East, trailing only defending NCAA Division III National Champion Norwich and New England College; and

WHEREAS, Ed Seney has been named the ECAC East Coach of the Year.

BE IT RESOLVED that the Essex County Board of Supervisors hereby extends its congratulations to Edward Seney on being awarded ECAC East Coach of the Year.

This resolution was unanimously seconded and adopted.

Resolution No. 87

April 5, 2004
Regular Board Meeting

**RESOLUTION ADOPTING A HOME RULE REQUEST FOR SENATE
BILL NO. 5722A AND ASSEMBLY BILL NO. 9628A**

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

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

WHEREAS, by Resolution No. 199 of 2003, the Essex County Board of Supervisors requested that the State Legislature introduce home rule legislation allowing Essex County the option of increasing its local sales tax by three quarters of one percent as a means of avoiding overwhelming property tax increases caused by millions of dollars of actual and expected increases in the County's share of the Medicaid program and the New York State Retirement System, rising costs of other social services programs, and increased costs for health, liability and casualty insurance premiums; and

WHEREAS, by Resolution No. 203 of 2003, the Board of Supervisors requested that Senate Bill No. S. 5722, entitled "AN ACT to amend the tax law, in relation to authorizing the county of Essex to impose an additional rate of sales and compensating use taxes", be enacted; and

WHEREAS, Senate Bill No. 5722A and Assembly Bill No. 9628A have been introduced in their respective houses and the County needs to adopt a Home Rule Request for such necessary legislation to be considered and enacted.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts a Home Rule Request requesting enactment of Senate Bill No. 5722A and Assembly Bill No. 9628A; and

BE IT FURTHER RESOLVED that the Clerk of this Board be and she hereby is authorized and directed to immediately execute all required Home Rule Request documents and to immediately forward the same to Senator Elizabeth O'C. Little and Assembly Member Teresa R. Sayward.

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

AYES: 3831 votes
NOES: 0 votes
ABSENT: 85 votes (Kelly)

Resolution No. 88

April 5, 2004
Regular Board Meeting

**RESOLUTION AUTHORIZING REPAIRS TO THE SCALES
AND COMPACTORS AT THE TOWN OF NORTH ELBA
TRANSFER STATION**

The following resolution was offered by Supervisor Seney, 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 authorizes repairs to the scales and compactors at the Town of North Elba transfer station, at a total cost not to exceed \$11,720.00 to be paid from budgeted funds (Account No.: 81604 5413 – Maintenance, building and properties), and the Purchasing Agent is hereby authorized to procure contracts for such work to be performed.

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

AYES: 2779 votes
NOES: 0 votes
ABSENT: 64 votes (Kelly)

Resolution No. 89

**April 5, 2004
Regular Board Meeting**

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

GLENN F. FLORA, JR.

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

WHEREAS, Glenn F. Flora, Jr. tragically passed away on March 9, 2004 leaving two small children, a loving family and many friends and colleagues; and

WHEREAS, Glenn, as well as several members of his family, have proudly served as members of the Willsboro-Reber Fire Department, and a member of the St. Philip's Church in Willsboro; and

WHEREAS, Glenn F. Flora, Jr. was a loving father, son, grandson, companion and friend and will be sorely missed.

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 Glenn F. Flora, Jr.; 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 Flora family.

This resolution was unanimously seconded and adopted.