

**Resolution No. 184**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION AMENDING THE 2004 ESSEX COUNTY BUDGET**

The following resolution was offered by Supervisor \_\_\_\_\_, 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 Public Safety Committee:**

(a) For the Emergency Services Department, increase revenues (42691 - Insurance Recovery) and appropriations (36404 5441 - Auto Supplies and Repair) in the total amount of \$578.00 from an insurance recovery.

(b) For the Sheriff's Department, increase revenues (3110 44785LET - Law Enforcement Terrorism Prevention Program LETPP) and appropriations as follows in the total amount of \$20,000.00 from grant funds:

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
31101 5120 LET	Overtime Wages LETPP Grant	\$ 9,209.00
31104 5451 LET	Training - LETPP Grant	321.00
31108 5820 LET	Benefits - LETPP Grant	902.00
31102 5260 LET	Equipment - LETPP Grant	8,818.00
31104 5487 LET	Maintenance - LETPP Grant	750.00

**2. From the DPW Committee:**

(a) For the Department of Public Works - Highway Division, increase revenues (5110 42650 - Sale of Scrap Metal) and appropriations (51104 5458 - Bridge Materials) in the total amount of \$856.00.

**3. From the Regular Board Meeting:**

(a) For the Planning Department, increase revenues (5630 43089121 - State Aid Champ) and appropriations as follows in the total amount of \$42,000 from State Aid:

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
56304 5487KEEN	Payments to Keene	\$ 3,200.00
56304 5487LPV	Payments to LPV	9,500.00
56304 5487ORDA	Payments to ORDA	29,300.00

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

**AYES: 2410 votes**  
**NOES: 0 votes**  
**ABSENT: 433 votes (Morrow, Glebus, Moses)**

**Resolution No. 185**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION APPROPRIATING FUNDS FROM THE CONTINGENT  
ACCOUNT FOR TRANSFER TO THE 2004 ESSEX COUNTY BUDGET**

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

Upon the recommendation of the 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 appropriates the following sums from the contingent account (Account No. 19904-5487) for transfer to the 2004 Essex County Budget:

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

(a) The sum of \$11,875 to the Public Works Department - Buildings and Grounds Budget (16202 5285 - Building Construction) for construction of a handicapped ramp at the courthouse.

(b) The sum of \$7,515 to the Horace Nye Home Budget (E83502) for correction of deficiencies at the Horace Nye Home.

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

**AYES: 2410 votes**  
**NOES: 0 votes**  
**ABSENT: 433 votes (Morrow, Glebus, Moses)**

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<b>BUDGET IMPACT STATEMENT:</b>	
<i>Contingent Account Balance as of 9/07/04:</i>	\$ 403,837.00
<i>Reduction Impact of this resolution:</i>	19,390.00
<i>FY2004 Contingent Account Balance:</i>	\$ 384,447.00

**Resolution No. 185-A**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION APPROPRIATING FUNDS FROM THE CONTINGENT  
ACCOUNT FOR TRANSFER TO THE 2004 ESSEX COUNTY BUDGET**

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

Upon the recommendation of the 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 appropriates the following sums from the contingent account (Account No. 19904-5487) for transfer to the 2004 Essex County Budget:

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

(a) The sum of \$35,000.00 to the 2004 Essex County Assigned Counsel Budget (11714 5403DI) to cover expenses.

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

**AYES: 1929 votes**  
**NOES: 481 votes (Seney)**  
**ABSENT: 433 votes (Morrow, Glebus, Moses)**

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<b>BUDGET IMPACT STATEMENT:</b>	
Contingent Account Balance as of 9/07/04:	\$ 384,447.00
Reduction Impact of this resolution:	35,000.00
FY2004 Contingent Account Balance:	\$ 349,447.00

**Resolution No. 186**

**September 7, 2004**  
**Regular Board Meeting**

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

The following resolution was offered by Supervisor French, 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 Economic Development/Planning/Publicity Committee:**

- (a) The Strategic Plan for Essex County.

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

- (a) The proposed 2005 Stop DWI Plan.

This resolution was duly seconded by Supervisors Ashworth and Both, and adopted.

**Resolution No. 187**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION DESIGNATING THE LAKE PLACID/ESSEX  
COUNTY VISITORS BUREAU AS THE ESSEX COUNTY  
TOURISM PROMOTION AGENCY AND CAROL JOANETTE AS  
THE PROJECT DIRECTOR FOR THE 2004-2005 I LOVE NEW  
YORK MATCHING FUNDS PROGRAM**

The following resolution was offered by Supervisor Kelly, 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.

**WHEREAS**, Essex County is recognized as a main tourism designation; and

**WHEREAS**, there is a need for tourism promotion in Essex County.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby designates the Lake Placid/Essex County Visitors Bureau as the Essex County Tourism Promotion Agency and designates Carol Joannette as the Project Director for the 2004-2005 I Love New York Matching Funds Program.

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

**Resolution No. 188**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION DESIGNATING SEPTEMBER 12-18, 2004 AS  
AGRICULTURAL HERITAGE FESTIVAL WEEK IN ESSEX COUNTY**

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.

**WHEREAS**, Essex County's valley farmlands, together with its foothills, high peaks, and historic hamlets, are part of an extraordinary landscape created by Nature and man; and

**WHEREAS**, in recent decades the fate of the valley farmlands was in doubt as traditional forms of agriculture declined, and fields were abandoned and grew houses instead of crops; and

**WHEREAS**, through the initiative of Cornell Cooperative Extension Essex County, the Essex County Board of Supervisors, and many partners, farmers, other citizens and organizations concerned about the economy of the county and protection of its natural resources, the program Adirondack Harvest has been developed; and

**WHEREAS**, Adirondack Harvest seeks to keep farms in farming and farmers farming by encouraging new products, reintroducing county residents to locally grown food and making local products a special experience of tourism, creating exciting venues through farmers markets and visits to farms, helping to connect interested farmers with farming opportunities, and to experiment with new crops, marketing ideas, and other ways to bring vitality back to farming.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby designates September 12-18, 2004 as Agricultural Heritage Festival Week in Essex County, a time to celebrate the hard work, successes, spirit of optimism, and initiation of efforts to maintain, restore, and expand agriculture in its role in the county's economy, culture, and stewardship, of the landscape.

This resolution was unanimously seconded and adopted.

**Resolution No. 189**

**September 7, 2004  
Regular Board Meeting**

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

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 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 DPW Committee:**

(a) For the Public Works Department, bid and award the replacement of the Northwoods Club Bridge Project in the Town of Minerva.

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

(a) A contract with S&R Construction, Inc. to include additional work for construction and installation of a handicapped ramp and railing for access to the Government Center complex at a cost not to exceed \$11,875.00.

(b) A contract with Atlantic Detroit Diesel - Allison to provide all necessary parts and labor to upgrade the generators at the Horace Nye Home at a cost not to exceed \$7,515.00.

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

**AYES: 2410 votes**  
**NOES: 0 votes**  
**ABSENT: 433 votes (Morrow, Glebus, Moses)**



**Resolution No. 190**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**MARGUERITE J. ASHLINE**

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**, Marguerite J. Ashline of Willsboro, Essex County, New York passed away on August 3, 2004; and

**WHEREAS**, Marguerite J. Ashline was a devoted wife, mother, grandmother, great grandmother and great great grandmother; and

**WHEREAS**, Marguerite J. Ashline was a valued member of the Willsboro community and a faithful member of St. Philip of Jesus Church, the Catholic Daughters, and the Altar Rosary Society; and

**WHEREAS**, Marguerite J. Ashline, with her husband Charles, was the founder of Ashline Fruit Co. that was a major employer in Essex County for many years; and

**WHEREAS**, Marguerite J. Ashline is the mother of Willsboro Supervisor Robert A. Ashline.

**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 Marguerite J. Ashline; 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 family of Marguerite J. Ashline.

This resolution was unanimously seconded and adopted.

**Resolution No. 191**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**ANTHONY CIOPPA**

The following resolution was offered by Supervisor Ashline, 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**, Anthony Cioppa of Willsboro, Essex County, New York passed away on August 2, 2004; and

**WHEREAS**, Anthony Cioppa served his country with honor, valor, and distinction in World War II as a member of the Marines in China, Okinawa, and Kwajalein; and

**WHEREAS**, Anthony Cioppa was a well respected, long remembered teacher for 35 years, including 30 of those years at the Willsboro Central School; and

**WHEREAS**, Anthony Cioppa was a devoted husband, father, and grandfather.

**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 Anthony Cioppa; 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 family of Anthony Cioppa.

This resolution was unanimously seconded and adopted.

**Resolution No. 192**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE DISPOSITION OF  
PROPERTIES ACQUIRED BY ESSEX COUNTY IN THE 1998-2001  
TAX SALE PROCEEDING**

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 authorizes the disposition of the following parcels of real property acquired in the 1998-2001 Tax Sale proceeding upon the terms and conditions that the purchasers (a) be solely responsible for paying all recording fees and expenses, (b) take title subject to all liens and encumbrances of record and in effect as of the effective date of the County's tax lien(s) which were foreclosed upon, (c) pay a 11.5% buyer's premium, and (d) pay any interest on the sale amount which accrues thereon up to the date of closing and recording of the deed, provided that the same is all complete by 09/30/04, all as follows:

<u>Town</u>	<u>Parcel</u>	<u>Schedule</u>	<u>Account #</u>	<u>Tax Map #</u>	<u>Former Owner</u>	<u>Resell to</u>	<u>Amount</u>
Jay	117	B	615J174091	27.1-2-35.000	Charles Cornick	Francis/Carolyn Kane	1,010.76
Jay	118	B	615J192004	27.1-2-13.210	Charles Cornick	Francis/Carolyn Kane	4,323.31
Jay	174	B	615J195023	17.2-1-6.200	Paul L. Smith, Sr.	George E. Trinka and Phyllis A. Smith-Trinka	8,454.55
Minerva	298	C	645J199001	154.2-1-37.000	Unknown Owner	Paul B./Mary W. Daunheimer	1,371.61
Moriah	358	C	655J110513	86.83-4-7.000	Jeffrey P. Mauran	Brandy Patnode	6,622.65
Moriah	260	D	655J110106	86.81-1-8.000	Paul LaPier	Richard LaPier, Jr.	5,086.48
North Hudson	411	D	685J181002	112.4-2-9.003	Bernardino L. Delloso	Providence Billings and Victoria Thompson	7,450.77
Ticonderoga	490	B	715J198014	139.4-1-57.000	Anne McCaughin (Estate)	Elizabeth McCaughin	60.12

**BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors hereby authorizes the disposition of the following parcel of real property acquired in the 1998-2001 Tax Sale proceeding upon the terms and conditions that the purchasers (a) be solely responsible for paying all recording fees and expenses, (b) take title subject to all liens and encumbrances of record and in effect as of the effective date of the County's tax lien(s) which were foreclosed upon, (c) pay a 11.5% buyer's premium , and (d) pay any interest on the sale amount which accrues thereon up to the date of closing and recording of the deed, provided that the same is all complete by 10/15/04, as follows: Town of Jay, Parcel #116 - Schedule B, Account # 615J179006, Tax Map #27.1-2-34.036, Former Owner - Cornick & Cornick, Inc., Resell to - Francis and Carolyn Kane, Sale Amount: \$8,857.73; and

**BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors hereby authorizes the disposition of the following parcels of real property acquired in the 1998-2001 Tax Sale proceeding for consideration of \$1.00 each upon the terms and conditions that the purchasers (a) be solely responsible for paying all recording fees and expenses, and (b) pay any interest on the sale amount which accrues thereon up to the date of closing and recording of the deed, provided that the same is all complete by 09/30/04, all as follows:

<u>Town</u>	<u>Parcel</u>	<u>Schedule</u>	<u>Account #</u>	<u>Tax Map #</u>	<u>Former Owner</u>	<u>Convey to</u>
Essex	150	C	605J178525	40.73-3-32.100	Unknown Owner	Town of Essex
Jay	218	C	615J107711	7.84-1-16.000	Leo Allen Young	Town of Jay
Jay	230	A	6179979042	7.4-1-3.211	Logway Land Corporation	Town of Jay
Wilmington	591	B	745J104312	26.6-7-30.000	John T. Wilkins	Town of Wilmington
Wilmington	881	C	745J104311	26.6-7-29.000	John T. Wilkins	Town of Wilmington

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

**AYES:**            **2410 votes**  
**NOES:**            **0 votes**  
**ABSENT:**        **433 votes (Morrow, Glebus, Moses)**

**Resolution No. 193**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION ELECTING TEMPORARY EXEMPTIONS FROM  
SALES AND COMPENSATING USE TAXES FOR RECEIPTS  
FROM RETAIL SALES OF, AND CONSIDERATION GIVEN OR  
CONTRACTED TO BE GIVEN FOR, CERTAIN CLOTHING AND  
FOOTWEAR**

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 amends section 6 of Resolution No. 207 of 1967 as follows:

SECTION 1. Section six of Resolution No. 207 of 1967, as amended, by amending section 6, subdivision (g) to read and provide as follows:

“(g) Receipts from sales of and consideration given or contracted to be given for, for purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph (30) of subdivision (a) of section 1115 of the New York State Tax Law during the period commencing January 31, 2005 and ending February 6, 2005, shall be exempt from sales and compensating use taxes imposed in this jurisdiction.”

**BE IT FURTHER RESOLVED** that this resolution shall take effect January 31, 2005, and shall apply in accordance with the applicable transitional provisions of Article 29 of the New York State Tax Law; provided that this resolution and subdivision (g) of section 6 of Resolution No. 207 of 1967, as added by section one of this resolution, shall expire February 6, 2005, and be deemed repealed.

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

**AYES: 2371 votes**  
**NOES: 39 votes (Canon)**  
**ABSENT: 433 votes (Morrow, Glebus, Moses)**

**Resolution No. 194**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION TO  
MICHAEL DISKIN ON COMPLETING PHASE ONE IN PUBLIC  
ADMINISTRATION FROM THE UNIVERSITY OF MISSOURI AT THE  
NATIONAL ASSOCIATION OF COUNTY TREASURER'S MEETING**

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 expresses its appreciation to Michael Diskin on completing Phase One in Public Administration from the University of Missouri at the National Association of County Treasurer's Meeting.

This resolution was unanimously seconded and adopted.

**Resolution No. 195**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION OF APPRECIATION TO**  
**JOSEPH A. PROVONCHA**

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

**WHEREAS**, Joseph A. Provoncha has unselfishly dedicated his time, attention and extraordinary talent in the service of the People of Essex County and the State of New York as Essex County Clerk since January, 1992; and

**WHEREAS**, Joseph A. Provoncha is a devoted public servant responsible for the performance some of the most important duties, and for operation of some of the most vital departments, of Essex County government including but not limited to:

- ★ Essex County Clerk
- ★ Custodian of the official seal of Essex County, and of the official oaths and bonds of Essex County officials and employees
- ★ Clerk of the New York State Supreme Court and the Essex County Court
- ★ Director of the Essex County Youth Bureau
- ★ Essex County Records Management Officer
- ★ Essex County Stop DWI Coordinator
- ★ Essex County Traffic Safety Director
- ★ Supervisor of the Essex County Mail and Supply facilities, and
- ★ Agent for the New York State Department of Motor Vehicles, the New York State Department of Taxation and Finance, the New York State Office of Real Property Services, the New York State Office of Court Administration, the New York State Secretary of State, and the New York State Board of Elections; and

**WHEREAS**, this Board of Supervisors wishes to extend its deep and abiding appreciation to Joseph A. Provoncha for his outstanding and irreplaceable public service to the People of Essex County and the State of New York.

**BE IT RESOLVED** that the Essex County Board of Supervisors, its Clerk of the Board, County Attorney and County Manager hereby extend their most heartfelt appreciation to Joseph A. Provoncha for his exemplary, outstanding and devoted service to the People of Essex County.

This resolution was unanimously seconded and adopted.



**Resolution No. 196**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**ROGER M. PRATT**

The following resolution was offered by Supervisor Scozzafava, 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**, Roger M. Pratt of Port Henry, New York, the father of Roger T. Pratt, the Essex County Public Works Buildings and Grounds Supervisor, passed away on August 11, 2004; and

**WHEREAS**, Roger M. Pratt served his country with honor, valor and distinction, serving in the United States Navy in World War II; and

**WHEREAS**, Roger M. Pratt, together with his wife Alice owned and operated Bertrand Cleaners until their retirement; and

**WHEREAS**, Roger M. Pratt was a loving father, grandfather, great grandfather, brother, uncle and friend, who will be sorely missed but never forgotten.

**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 Roger M. Pratt; 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 family of Roger M. Pratt.

This resolution was unanimously seconded and adopted.

**Resolution No. 197**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
WORKERS' COMPENSATION SELF-INSURANCE PLAN TO RENEW  
CONTRACTS WITH PERMA FOR WORKERS' COMPENSATION  
AND EMPLOYERS' LIABILITY INSURANCE FOR 2005**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the Administrator of the County Workers' Compensation Self-Insurance Plan to renew the contracts with PERMA for workers' compensation and employers' liability coverage for third-party administration and for GASBY 10 actuarial/accounting services for the Self-Insurance Plan for the Year 2005, at a cost of \$481,294.00, to be paid from 2005 Plan revenues.

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

**AYES: 2410 votes**  
**NOES: 0 votes**  
**ABSENT: 433 votes (Morrow, Glebus, Moses)**

**Resolution No. 198**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**JOHN F. "JACK" CONNELL**

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

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

**WHEREAS**, John F. "Jack" Connell of Keeseville, New York, the father of Westport Town Supervisor Daniel Connell, passed away on August 12, 2004; and

**WHEREAS**, Jack Connell was the Town of Ausable Highway Superintendent for 35 years, owned and operated a dairy farm, owned, trained and raised top standard bred racehorses and coached girls softball, which won many league championships; and

**WHEREAS**, Jack Connell currently served as councilman for the Town of Ausable, was a lifetime member of the Keeseville Elks Lodge, a member of the Keeseville Knights of Columbus, and the Clinton County Fair Director for many years; and

**WHEREAS**, Jack Connell was a loving father, grandfather, great grandfather, brother, uncle and friend, who will be sorely missed but never forgotten.

**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 F. "Jack" Connell; 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 Connell family.

This resolution was unanimously seconded and adopted.

**Resolution No. 199**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE PROBATION DEPARTMENT  
TO ASSIST THE PUBLIC DEFENDER'S OFFICE IN  
INVESTIGATING ELIGIBILITY OF PERSONS SEEKING  
REPRESENTATION BY THAT OFFICE**

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 authorizes the Probation Department to assist the Public Defender's Office in investigating eligibility of persons seeking representation by that office.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF APPRECIATION TO THE  
RETIRED & SENIOR VOLUNTEER PROGRAM OF ESSEX COUNTY**

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

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

**WHEREAS**, the Retired & Senior Volunteer Program (RSVP) of Essex County will celebrate its thirtieth anniversary on September 22, 2004; and

**WHEREAS**, RSVP engages men and women age 55 and older in meaningful volunteer service that strengthens the well being of both self and community, to serve as volunteers in connection with community projects, programs and services in each and every one of the eighteen towns in Essex County; and

**WHEREAS**, RSVP's vision is to serve as a bridge between those who need and those who give and since RSVP's inception in July of 1974 these volunteers have given over 1,347,829 hours of service with an average of 425 enrolled volunteers; and

**WHEREAS**, RSVP has had and continues to have a strong commitment to improving the quality of life for citizens of all ages within Essex County; and

**WHEREAS**, RSVP and its many dedicated volunteers have made a significant and positive difference to the People of Essex County, serving as tutors, docents, transporters, office aides, reading buddies, osteo exercise leaders, medical transportation drivers, HOSPICE and Literacy volunteers, nutrition and home delivered meals volunteers, mentors and much, much more.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby wishes to express its deep appreciation to the Retired & Senior Volunteer Program of Essex County on its thirtieth anniversary and to its many past and present volunteer members, for their substantial contribution to the quality of life for the People of Essex County.

This resolution was unanimously seconded and adopted.

**Resolution No. 201**

**September 7, 2004  
Regular Board Meeting**

**RESOLUTION AMENDING RESOLUTION NO. 176 OF 2004 APPROVING THE 2004-2005 NORTH COUNTRY COMMUNITY COLLEGE OPERATING BUDGET AND AUTHORIZING AN APPROPRIATION THEREFOR IN THE 2005 ESSEX COUNTY BUDGET, SO AS TO REDUCE THE APPROVED SPONSOR CONTRIBUTION TO \$960,784.00 IN ORDER TO EQUAL THE AMOUNT APPROVED BY THE FRANKLIN COUNTY LEGISLATURE**

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.

**WHEREAS**, by Resolution No. 176 adopted August 2, 2004, this Board approved the 2004-2005 tentative operating budget filed with the Clerk of this Board as the adopted operating budget for North Country Community College containing a total expenditure of \$8,788,785.00, with Essex County's sponsor share being \$984,218.00, all contingent upon similar action by the Franklin County Board of Legislators; and

**WHEREAS**, the Franklin County Board of Legislators did not take any action on the said tentative budget on or before August 20, 2004, thereby rendering said tentative budget as the adopted operating budget for 2004-2005 by operation of law pursuant to Education Law §6304, subdivision 5-a, and the provisions of County Law thereby made applicable to such adoption, particularly County Law §361; and

**WHEREAS**, the State University of New York (SUNY) advised the College that it would not approve the operating budget so adopted by operation of law and/or provide the State funding required by the College to operate unless and until the two sponsoring counties adopted similar resolutions approving an operating budget, despite there being no provision in Education Law §6304, governing the financing of community colleges, conditioning SUNY funding upon the adoption of resolutions by co-sponsors once the tentative budget is deemed adopted by operation of law pursuant to subdivision 5-a of that statute; and

**WHEREAS**, the position taken by SUNY has created a financial emergency for the college as it cannot meet its operating expenses without SUNY funding; and

**WHEREAS**, the Franklin County Board of Legislators, on September 2, 2004,

adopted its Resolution No. 203 approving an operating budget for 2004-2005 containing a 2.5% increase and appropriating its sponsor share of \$960,784.00.

**BE IT RESOLVED** that the Essex County Board of Supervisors, after due consideration and in order to allow North Country Community College to continue to operate, hereby amends Resolution No. 176 approving the 2004-2005 North Country Community College operating budget so as to conform to the approval by co-sponsor Franklin County and authorizes the appropriation of \$960,784.00 in the 2005 Essex County budget as Essex County's share of the sponsor-paid portion of such budget to be allocated therein.

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

**AYES: 2410 votes**

**NOES: 0 votes**

**ABSENT: 433 votes (Morrow, Glebus, Moses)**

**Resolution No. 202**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION URGING THE RESTORATION  
OF TRAFFIC FINE REVENUE**

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.

**WHEREAS**, Vehicle and Traffic Law, §1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law; and

**WHEREAS**, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury; and

**WHEREAS**, this change in the fine and penalties distribution formula will result in a loss to local taxpayers of more than \$20 million in fine monies – monies which have historically been used to fund justice court operations and which will have to be replaced by higher real property taxes; and

**WHEREAS**, the eighteen towns in Essex County will each likely lose thousands of dollars in anticipated fine revenues; and

**WHEREAS**, this State Budget provision with its immediate effective date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005, and constitutes another shifting of a tax burden from the State to the towns.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby urges in the strongest possible terms the restoration of the original fine distribution formula in order to provide towns with necessary revenues to fund justice court operations; and

**BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors urges the passage of legislation introduced by Senator Bonacic (S.7757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments; 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. 203**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION DIRECTING THAT THE NEW COUNTY JAIL AND  
PUBLIC SAFETY FACILITY BE DESIGNED WITH EXPOSED  
RATHER THAN ENCLOSED ROOFTOP HVAC COMPONENTS**

The following resolution was offered by Supervisor French, 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 determines that the new County Jail & Public Safety facility shall be designed with exposed rooftop HVAC equipment rather than with such equipment being located in "penthouse" enclosures.

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

**AYES:**            **2330 votes**  
**NOES:**           **80 votes (Jackson, Dobie)**  
**ABSENT:**        **433 votes (Morrow, Glebus, Moses)**

**Resolution No. 204**

**September 7, 2004**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**FRIEND A. CROSS**

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

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

**WHEREAS**, Friend A. Cross of Willsboro, New York, passed away on September 5, 2004; and

**WHEREAS**, Friend Cross was a member of the Reber Fire Department, the Farm Bureau, the Reber Grange, the United States Trotting Association, and a past member of the Willsboro School Board, among other things; and

**WHEREAS**, Friend Cross served in a military police unit of the United States Army from 1942 to 1945, and entered the European front at Normandy Beach on D-Day; and

**WHEREAS**, Friend Cross was a loving husband, father, grandfather, great grandfather, uncle and friend, who will be sorely missed but never forgotten.

**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 Friend A. Cross; 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 Cross family.

This resolution was unanimously seconded and adopted.