

**Resolution No. 1**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION ADOPTING RULES AND REGULATIONS  
OF PROCEEDINGS OF THE ESSEX COUNTY BOARD  
OF SUPERVISORS**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts the following rules and regulations for its proceedings:

**§1. ANNUAL ORGANIZATIONAL MEETING:**

- A. Not later than the last meeting in December of each year, held pursuant to paragraph B of §2 hereof, the Board shall fix by resolution the date, time, and place for the organizational meeting of the Board for the next succeeding year, with the date thereof to be held not later than January 8th of such year.
- B. Provided that a quorum is present on the date so fixed, the Clerk of the last Board shall call the meeting to order, call the roll, and preside over the swearing in of new members, if any, and then the selection of a temporary chairman.
- C. The temporary chairman shall preside over the nomination and election of a Chairman of the Board for an annual term to expire at midnight on December 31st of that year, with the election of such Chairman to be by majority vote of the total number of members of the Board.
- D. Upon election, the Chairman shall then preside over the meeting, including
  - (1) the nomination and election of a Vice-Chairman, with the election of such Vice-Chairman to be by majority vote of the total number of members of the Board; and
  - (2) if required, the appointment for a new term of a Clerk of the Board, a County Attorney, a County Auditor, and such other county officers and officials as may be necessary.
- E. The Board may transact any and all such other and further business as it

deems appropriate and over which it has jurisdiction.

**§2. REGULAR MEETINGS:**

- A. A regular meeting of the Board shall be held on the first Monday of each month, excluding the month of January, except that if the first Monday is a legal holiday then such regular meeting shall be held on the next succeeding business day.
- B. In the month of December, there shall be an additional meeting of the Board held not earlier than the 20th day of the month, at which the Board shall consider and act upon all resolutions approved by committee during the month of December, as well as any and all other resolutions necessary for the proper wind up of the affairs of the County for that fiscal year. The provisions contained in paragraphs U and V of §4 and in §7 hereof need not be complied with in order for any resolution to be considered and acted upon at such meeting.
- C. Regular Meetings of the Board shall commence at 10:00 a.m.
- D. Notwithstanding the provisions of paragraphs A, B and C above, the Board may by resolution schedule a regular meeting at such other day and/or time as in its discretion it shall determine.
- E. The place of all regular meetings shall be at the Essex County Government Center, Elizabethtown, New York; except that the place of any meeting may be changed by resolution adopted by the affirmative vote of at least 3/4ths of the total membership of the Board.
- F. The Board may transact any and all business as may properly come before it at such meetings.
- G. Business at a regular meeting shall be transacted in the following order:
  - (1) Call to Order
  - (2) Salute to Flag
  - (3) Roll Call
  - (4) Introduction and Welcome of Guests
  - (5) Resolutions
  - (6) Other pertinent business
  - (7) Announcements
  - (8) Adjournment

**§3. SPECIAL MEETINGS:**

- A. A special meeting shall be held at the call of the Clerk of the Board:
  - (1) upon direction of the Chairman; or
  - (2) in the absence of the Chairman, upon direction of the Vice-Chairman, provided that, upon convening, a majority of the members of the Board pass a resolution ratifying such call; or
  - (3) written request signed by a majority of the members of the Board, stating the reason therefor.
  
- B. Except as provided in paragraph C below, no special meeting shall be convened and conducted unless notice thereof in writing stating the date, time, place and purpose of such meeting is served personally, by facsimile machine, or by first class mail upon each member by the Clerk of the Board at least 48 hours prior to the date fixed for such meeting.
  
- C. Notwithstanding the provisions of paragraph B above, any member may waive the service of the notice for a special meeting by signing a written waiver thereof.
  
- D. No business may be transacted at a special meeting other than that specified in the notice of meeting.
  
- E. The place of all special meetings shall be at the Essex County Government Center, Elizabethtown, New York; except that the place of the meeting may be changed by resolution adopted by the affirmative vote of at least 3/4ths of the total membership of the Board.
  
- F. Business at a special meeting shall be transacted in the following order:
  - (1) Call to Order
  - (2) Salute to Flag
  - (3) Roll Call
  - (4) Reading of Purpose of Special Meeting
  - (5) Resolution Ratifying Call of Meeting (if necessary, where meeting called by Vice-Chairman)
  - (6) Introduction and welcome of guests
  - (7) Consideration, Discussion and Action Upon Resolution(s) and/or Local Law(s) related to purpose of Special Meeting
  - (8) Announcements
  - (9) Adjournment

**§4. REGULAR/SPECIAL MEETING RULES OF PROCEDURE:**

- A. The Chairman of the Board shall preside over all regular and special meetings of the Board, except that in the absence of the Chairman the Vice-Chairman shall preside. In the absence of both the Chairman and the

Vice-Chairman at any meeting of the Board of Supervisors, the members present and voting, by majority (non-weighted) vote of such members, shall select a member of the Board to serve as acting Chairman who shall have and exercise all the powers and duties of the Chairman at the meeting over which he/she is called to preside.

- B. The Chairman shall preserve order, and shall decide all questions of order subject to appeal to the Board.
- C. All questions relating to the priority of business shall be decided by the Board without debate.
- D. Any member desiring to speak or to present any subject matter, shall raise his/her hand and address the chair, and shall not further proceed until recognized by the Chairman and awarded the floor.
- E. No non-member of the Board may speak or present any subject matter for consideration without first having been granted the courtesy of the floor upon motion adopted by the Board; except that the Clerk of the Board, the County Manager, and the County Attorney may speak on any matter before the Board or present any subject matter for consideration upon being recognized by the Chairman and awarded the floor.
- F. No debate shall be in order until the pending question shall be stated by the Chairman or read by the Clerk.
- G. Unless otherwise authorized and permitted by the Chairman, no member shall speak more than once on any question until every member choosing to speak shall have spoken.
- H. Upon any call to order by the Chairman, each member shall take his/her seat and remain there until the pending question or point raised is determined by vote of the Board.
- I. At the request of any member, each member present shall vote upon the pending question unless he/she be excused from voting by the Board or has a direct interest in the results thereof.
- J. A roll call vote on any resolution shall be had upon:
  - (1) the request of any member;
  - (2) the direction of the Chairman;
  - (3) when otherwise required by law; and
  - (4) on all resolutions which appropriate or require the expenditure of funds.
- K. All questions shall be decided by a majority vote of the total weighted voting

power of the Board, unless otherwise required by law or these rules and regulations.

- L. The Chairman of the Board shall have the right to vote in all cases without relinquishing the chair.
- M. A motion to adjourn or to table shall always be in order, and shall be decided without debate.
- N. A motion to reconsider a matter already decided or determined by the Board during its current session may only be made by a member who voted on the prevailing side when such matter was previously decided or determined, but the same may be seconded and voted upon by any member, and adopted upon majority vote. For the purposes of a motion to reconsider, a member who was absent from the meeting where the matter was previously decided or determined shall be considered to have voted "no" on such matter.
- O. No business shall be transacted by the Board, except to recess or adjourn, while any committee is in session at work.
- P. If requested by any member, the report of any committee, or the items of any bill included in such report, shall be read by the Clerk of the Board.
- Q. Except as otherwise provided in the rules and regulations of this Board, Roberts Rules of Order shall govern and apply to all situations.
- R. The County Attorney is hereby designated to be the parliamentarian.
- S. A motion once made and seconded may be withdrawn at any time prior to the taking of a vote thereon.
- T. None of the rules and regulations herein may be suspended during any meeting of the Board except by the unanimous vote of the members present and voting at such meeting, and any suspension so authorized shall expire automatically upon adjournment of such meeting.
- U. At a regular meeting of the Board, no resolution shall be presented to, considered by, or acted upon by, the Board unless the same has first been approved by the Ways and Means Committee in accordance with the provisions contained in §7 hereof entitled "RESOLUTIONS - PROCEDURE"; except that the Board may consider and act upon a resolution that has not been so approved only after a motion to introduce a resolution from the floor has been duly made and seconded, and passed by the affirmative vote of 2/3rds of the total number of members of the Board.
- V. All resolutions approved by the Ways and Means Committee for action by the

Board at a regular meeting shall be in writing, and the Clerk shall furnish copies thereof to each supervisor by mailing the same by first class mail on or before the Wednesday immediately prior to a regular meeting or the third day prior to any adjourned meeting.

- W. All resolutions to be acted upon at a special meeting shall relate solely to the business to be transacted at such meeting as specified in the notice of such meeting, and shall be on the desks of the members prior to such meeting being called to order. The Board may consider and act upon a resolution that has not been so placed upon the desks of the members provided that the substance of the proposed resolution relates to the business specified in the notice of meeting and a motion to introduce such resolution from the floor has been duly made and seconded, and passed by the affirmative vote of 2/3rds of the total number of members of the Board.
- X. Any supervisor may request that a resolution presented at a regular or special meeting be laid over until the next meeting of the Board, be it regular, special or adjourned, and if approved by a majority of the total weighted voting power of the Board such resolution shall not be voted upon at the meeting when presented except where a statute prescribes a date on or before which the Board is required to adopt such a resolution.
- Y. No political caucus shall be called or permitted to be held during any regular or special meeting of the Board of Supervisors, including any recess period thereof.

**§5. STANDING AND SPECIAL COMMITTEES:**

- A. There shall be 8 standing committees of the Board as follows, with the Ways & Means Committee to consist of all members of the Board and all other committees to consist of not more than 9 members:
  - (1) Ways & Means..... 18
  - (2) Human Services..... 9
  - (3) Public Safety..... 9
  - (4) Department of Public Works..... 9
  - (5) Finance, Tax Reduction & Mandate Relief.... 9
  - (6) Economic Development/Planning/Publicity... 9
  - (7) Personnel & Administration..... 9
  - (8) Legislative Committee..... 9
- B. The Board may create special committees from time to time by resolution, specifying the powers, duties, and term of existence of such committee as well as the number of its members.
- C. Members of all standing committees shall be appointed by the Chairman of the Board from the members of the Board, with such appointments to be

made not later than 7 days following the organizational meeting in January of each year.

- D. Members of all special committees shall be appointed by the Chairman of the Board from the members of the Board not later than 7 days following the adoption of the resolution creating such committee.
- E. Vacancies on all standing and special committees shall be filled by the Chairman of the Board from the members of the Board.
- F. The Chairman of the Board shall be an ex-officio member of each standing and special committee, but shall not be entitled to vote unless:
  - (1) he/she is also a regular member of such committee; or
  - (2) there are insufficient members of the committee present to make a quorum and his/her presence will constitute a quorum, and in such event he/she shall be entitled to vote on all matters before such committee meeting to the same extent as though he/she were a regular member of such committee.
- G. Notwithstanding any of the foregoing, the Chairman may appoint persons not members of the Board:
  - (1) as members of intergovernmental and advisory committees, and the persons so appointed shall have the right to vote on matters before such committees whenever the rules thereof so provide; and
  - (2) as non-voting members of any standing or special committee.
- H. All standing and special committees are authorized to accept the advice and counsel of county officers/ employees and citizens not members of the Board.
- I. The first member appointed to each committee shall be and act as Chairman of such committee, and the second member appointed to each committee shall serve as the Vice Chairman of such committees to act in the absence of said Chairman. Notwithstanding the foregoing, the Chairman of the Board may designate two members to act as Co-Chairman of a committee in lieu of appointing one to act as Chairman and the other to act as Vice-Chairman.
- J. The meetings of each committee shall be held at the call of the Clerk of the Board upon:
  - (1) direction of the Chairman of such committee; or
  - (2) written request signed by a majority of the members of such committee clearly stating the day, hour, place and purpose of such meeting, and provided that a copy of such request shall have been served in person, by facsimile machine, or by first class mail, to the Chairman of such committee and the Chairman of the Board at least

- three (3) days prior to the day of the requested committee meeting.
- K. Notwithstanding the provisions of paragraph J above, the meeting of the Ways and Means Committee shall be held at 10:00 am on the last Monday of each month, or on such other day and/or time as the Chairman of said committee and the Chairman of the Board shall jointly determine; except that there shall be no meeting of the Ways and Means Committee in the month of December unless otherwise scheduled in accordance with paragraph J above.

**§6. COMMITTEE MEETING RULES OF PROCEDURE:**

- A. No request for a resolution of the Board shall be presented to, considered by, or acted upon by, any committee other than those submitted in accordance - with the provisions contained in §7 hereof entitled "RESOLUTIONS - PROCEDURE".
- B. Except as provided in §5, paragraph F, only members of a committee shall be entitled to vote on matters coming before such committee, but any non-member shall be entitled to speak and enter into debate at such committee meeting.
- C. A quorum of the Ways & Means Committee shall consist of 10 members, and a quorum of any other committee shall be 5 members.
- D. All motions acted upon by any committee shall be decided by a majority vote of the total membership of such committee, with each member having one vote.
- E. Each member of the Board, whether or not appointed to serve on a committee, shall be paid from county funds their actual and necessary expenses incurred in attending the meetings of such committee.
- F. The Chairman of the committee shall preside over all meetings of such committee, except that in the absence of the committee Chairman the committee Vice-Chairman shall preside. In the absence of both the committee Chairman and the committee Vice-Chairman at any committee meeting, the members present and voting, by majority vote, shall select one of its members to serve as acting Chairman who shall have and exercise all the powers and duties of the committee Chairman at the meeting over which he/she is called to preside.
- G. The Chairman of the committee shall preserve order, and shall decide all questions of order subject to appeal to the committee.
- H. The Chairman of the committee shall have the right to vote in all cases without relinquishing the chair.



- I. Any committee member, or non-member supervisor, desiring to speak or present any subject matter at a committee meeting shall raise his/her hand, address the chair, and shall not further proceed until recognized by the committee Chairman and awarded the floor.
- J. Persons who are not members of a committee, other than non-member supervisors, may speak or present any subject matter for consideration only upon first being recognized by the committee Chairman and awarded the floor.
- K. A motion to adjourn or to table shall always be in order, and shall be decided without debate.
- L. A motion to reconsider a matter already decided or determined by a committee during its current session may only be made by a member who voted on the prevailing side when such matter was previously decided or determined by such committee, but the same may be seconded and voted upon by any member, and adopted upon majority vote. For the purposes of a motion to reconsider, a member who was absent from the meeting where the matter was previously decided or determined shall be considered to have voted "no" on such matter.
- M. A motion once made and seconded may be withdrawn at any time prior to the taking of a vote thereon.
- N. All reports of committees shall be in writing and filed with the Clerk of the Board, together with all papers and materials relating thereto.
- O. Except as otherwise provided in the rules and regulations of this Board, Roberts Rules of Order shall govern and apply to all situations.
- P. No political caucus shall be called or permitted to be held during any committee meeting, including any recess period thereof."

**§7. RESOLUTIONS - PROCEDURE:**

- A. All requests for resolutions shall be in writing and on a form prescribed and provided by the Clerk of the Board; and every such request shall contain a statement of the budget impact which would result from the adoption thereof, including the total expenditure of funds and the budget account number(s) from which such funds will be withdrawn.
- B. Except as provided in paragraph C below, each request for resolution shall be filed with the Clerk of the Board not later than 5 business days prior to the meeting of the committee(s) having jurisdiction to consider and act on such

request. Requests received by the Clerk of the Board less than 5 business days prior to the meeting of the committee(s) having jurisdiction to consider and act thereon shall be placed on the agenda for the next month's meeting of such committee(s).

- C. Notwithstanding the provisions of paragraph B above, any member of the Board of Supervisors may file a request with the Clerk by 9:30 am of the day on which a meeting of the Ways and Means Committee is scheduled where [1] such request could not have been timely made to the appropriate committee(s), and [2] action on such request by the Board is necessary at its next regular meeting.
- D. The Clerk of the Board shall furnish a copy of each request to each member of the committee which will consider the same at least 3 business days prior to the committee meeting by mailing such copies by first class mail or by delivery in person.
- E. The Clerk of the Board shall attach copies of each request form to the agenda for the committee meeting at which such request is to be considered.
- F. Each resolution request approved by a committee shall be forwarded by the Clerk of the Board to the Ways and Means Committee, or to any other committee having prior jurisdiction thereof, for consideration and action.
- G. All resolutions approved by a committee other than the Ways and Means Committee, and all requests for resolution filed with the Clerk as provided in paragraph C above, and which are proposed to be presented for consideration and action at the next regular Board meeting shall be presented to the Ways and Means Committee for action.
- H. All resolution requests approved by the Ways and Means Committee shall be presented at the next regular Board meeting for action.

**§8. BILLS AND CLAIMS:**

All bills and claims to be audited shall be filed with the County Auditor according to the schedule determined by that office. No bill or claim for which an encumbrance is required to be furnished to the County Treasurer shall be audited or allowed unless an encumbrance shall be filed with the County Auditor.

**§9. ADOPTION OF COUNTY BUDGET:**

A. The public hearing on the tentative budget shall be held on the last Monday of November, commencing at 9:30 a.m., or at such other time or on such other date as the Board shall set by resolution.

B. At any regular or special meeting of the Board held, following the public hearing on the tentative budget, for the purposes of considering the tentative county budget, revising the tentative budget, and/or adopting and implementing the county budget for the next fiscal year, the provisions contained in paragraphs U and V of §4 and in §7 hereof need not be complied with in order for any resolution to be considered and acted upon at such meeting.

**§10. PUBLIC HEARINGS**

A. The Chairman of the Board shall have the power, and is hereby delegated the authority, to schedule public hearings for matters under consideration or to be considered by the Board or by any standing or special committee thereof.

B. The Chairman of the Board, the Chairman of the standing or special committee having jurisdiction thereof, or the Chairman's designee, shall preside over public hearings.

C. No quorum shall be required in order to convene or conduct a public hearing.

**§11. PROCLAMATIONS**

The Chairman of the Board shall have the power, and is hereby delegated the authority, to issue official proclamations on behalf of this Board and the County.

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

**AYES:           2843 votes**  
**NOES:           0 votes**  
**ABSENT:         0 votes**

**Resolution No. 2**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION AUTHORIZING NEGOTIATION OF THE SCOPE  
OF THE PHASE III STUDY WITH THE NEW YORK STATE  
OFFICE OF HISTORIC PRESERVATION, AND SUSPENSION  
OF THE APA APPLICATION FOR THE NEW JAIL**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes negotiation of the scope of the Phase III study with the New York State Office of Historic Preservation (SHPO); and

**BE IT FURTHER RESOLVED** that pending resolution of the SHPO and other issues relating to the water and sewer services for the new jail site, the Board hereby authorizes and directs that the APA application for the new jail be suspended.

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

**Resolution No. 3**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION DESIGNATING OFFICIAL  
NEWSPAPERS FOR 2005**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby designates the Times of Ti, the Plattsburgh Press Republican, the Adirondack Daily Enterprise and the Glens Falls Post Star as the official newspapers of Essex County pursuant to Section 214 of the County Law for the publication of all local laws, notices, and other matters required by law to be published; and

**BE IT FURTHER RESOLVED**, and said newspapers are also hereby designated as the newspapers in which concurrent resolutions of this Board, election notices and the official canvass are to be published; and

**BE IT FURTHER RESOLVED** that news releases from various county departments, as occur from time-to-time, shall be sent to these newspapers in a sincere effort to keep all of the residents of the County fully informed on the activities of Essex County Government.

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

STATE OF NEW YORK, COUNTY OF ESSEX )ss:

I, **DEBORAH L. PALMER**, Clerk of the Essex County Board of Supervisors, do hereby certify that I have compared the foregoing copy with the original resolution filed in this office on the 5<sup>th</sup> day of January, 2005, and that it is a correct and true copy thereof.

*IN TESTIMONY THEREOF*, I have hereunto set my hand and affixed my official seal this 5<sup>th</sup> day of January, 2005.



**Resolution No. 4**

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**Deborah L. Palmer**  
Clerk of the Essex County Board of Supervisors

**January 5, 2005**

**Organizational Meeting**

**RESOLUTION ADOPTING AN INVESTMENT POLICY AND  
DESIGNATING DEPOSITORIES FOR COUNTY FUNDS**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts the following investment policy, effective January 1, 2005:

**§1. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on behalf of Essex County or on behalf of any other entity or individual.

**§2. OBJECTIVES**

The primary objectives of Essex County's investment activities are, in priority order:

- (a) to conform with all applicable federal, state and other legal requirements (legal);
- (b) to adequately safeguard principal (safety);
- (c) to provide sufficient liquidity to meet all operating requirements (liquidity);  
and
- (d) to obtain a reasonable rate of return (yield).

**§3. DEFINITIONS**

For the purposes of this policy, the following terms shall have the definitions and meanings ascribed to them in §10 of the General Municipal Law:

- 1. Bank
- 2. Eligible Letter of Credit
- 3. Eligible Securities
- 4. Eligible Surety Bond
- 5. Local Government
- 6. Public Deposits
- 7. Public Funds
- 8. Trust Company

#### **§4. DELEGATION OF AUTHORITY**

The responsibility for administration of the investment program is delegated to the Essex County Treasurer, who shall establish written procedures for the operation of the investment program consistent with the provisions of this resolution. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information, and shall regulate the activities of subordinate employees.

#### **§5. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in Essex County Government to govern effectively. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

#### **§6. DIVERSIFICATION**

It is the policy of Essex County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

#### **§7. INTERNAL CONTROLS**

All funds received by any officer or employee of Essex County shall be handled and managed in compliance with the County's cash management policy.

The Essex County Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

## **8. DESIGNATION OF DEPOSITARIES**

The banks and trust companies authorized for the deposit of monies up to the maximum amounts set forth below are:

	<u>Name of Depository</u>	<u>Maximum Deposit Amount</u>
1.	The National Bank and Trust Company Lake Placid, N.Y.	\$ 15,000,000.00
2.	Champlain National Bank Westport, NY, & Elizabethtown, NY	\$ 15,000,000.00
3.	Charter One Ausable Forks, NY, Lake Placid, NY, Newcomb, NY, & Albany, NY	\$ 15,000,000.00
4.	Glens Falls National Bank and Trust Co. Schroon Lake, NY, Ticonderoga, NY, & Port Henry, NY	\$ 15,000,000.00
5.	Evergreen Bank Keeseville, NY	\$ 15,000,000.00
6.	Chase Manhattan Bank Albany, NY	\$ 15,000,000.00
7.	Adirondack Bank Lake Placid, NY 12946	\$ 15,000,000.00
8.	Tupper Lake National Bank Saranac Lake, NY 12983	\$ 15,000,000.00

## **§9. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law §10, all deposits of Essex County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of (a) eligible securities, (b) eligible surety bonds, and/or (c) eligible letters of credit, with an aggregate "market value" as provided by General Municipal Law §10 equal to the aggregate amount of deposits.



## **§10. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable Essex County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of Essex County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to Essex County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, Essex County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide Essex County a perfected interest in the securities.

## **§11. PERMITTED INVESTMENTS**

As authorized by General Municipal Law §11, the Essex County Board of Supervisors authorizes the County Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (a) special time deposit accounts;
- (b) certificates of deposit;
- (c) obligations of the United States of America;
- (d) obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- (e) obligations of the State of New York;
- (f) obligations issued pursuant to Local Finance Law §24.00 or 25.00 (with the approval of the State Comptroller) by any municipality, school district or district corporation other than Essex County;
- (g) obligations of public authorities, public housing authorities, urban renewal

- agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments;
- (h) certificates of participation (COPs) issued pursuant to General Municipal Law §109-b;
  - (i) obligations of Essex County, but only with any monies in a reserve fund established pursuant to General Municipal Law §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of Essex County within such times as the proceeds will be needed to meet expenditures or purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of Essex County within two (2) years of the date of purchase.

## **§12. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

Essex County shall maintain a list of financial institutions and dealers approved for investment purposes and shall establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which Essex County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Chairman of the Board of Supervisors or the County Treasurer. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Essex County Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

## **§13. PURCHASE OF INVESTMENTS**

The Essex County Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Essex County Board of Supervisors.

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Essex County Board of Supervisors.

All purchased obligations, unless registered or inscribed in the name of Essex County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to Essex County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10.

The custodial agreement shall provide that securities held by a bank or trust company, as agent of and custodian for, Essex County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide Essex County a perfected interest in the securities.

#### **§14. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

1. All repurchase agreements must be entered into subject to a Master Repurchase Agreement;
2. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers;
3. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America;
4. No substitution of securities will be allowed;
5. The custodian shall be a party other than the trading partner.

#### **§15. ELECTRONIC AND WIRE TRANSFER OF FUNDS**

The Essex County Treasurer and his/her Deputy Treasurers are authorized to transfer County funds to and/or from any of the designated depositories set forth in §8 of

this policy, as well as to/from any State or Federal Agency or Department, by electronic or wire transfer whenever the best interests of Essex County shall be promoted thereby; and the Chairperson and Clerk of this Board be and they hereby are authorized to certify to any such depository, agency and department that the Treasurer and/or Deputy Treasurers are so empowered.

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

**Resolution No. 5**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION ORDERING THE CONFINEMENT  
OF DOGS TO PROTECT THE DEER HERD**

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

**WHEREAS**, it has been determined by this Board of Supervisors, and substantiated by the New York State Department of Environmental Conservation, that the deer population in Essex County is suffering from severe depredation due to dogs attacking, chasing or worrying deer; and

**WHEREAS**, it is the duty of this Board of Supervisors to protect the natural resources of this County from unnecessary depredation, a duty that this Board has conscientiously accepted over the years.

**BE IT RESOLVED** pursuant to Section 122 of the Agriculture and Markets Law, that this Essex County Board of Supervisors hereby orders, that all dogs in the County shall be securely confined during the period of time beginning with the required publication of this notice and ending on May 1, 2005; and

**BE IT FURTHER RESOLVED**, that, pursuant to such law, if any dog shall kill or cripple any deer, the owner of such dog shall be subject to a civil penalty in the amount of \$100 for the first deer killed or crippled and \$150 for each additional deer so killed or crippled, to be recovered in an action brought by the Commissioner of Environmental Conservation.

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

**Resolution No. 6**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION AUTHORIZING COMPENSATION FOR THE  
SUPERVISORS OF ESSEX COUNTY**

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

**BE IT RESOLVED** that, pursuant to County Law §200, the Supervisors of Essex County shall each be paid an annual salary of \$14,984.96 for services rendered to the County as members of the Board of Supervisors; and

**BE IT FURTHER RESOLVED** that the Chairman shall receive and be paid the additional sum of \$5,200.00 as compensation for services as Chairman of the Board, with the annual salary of such office thus being \$20,184.96; and

**BE IT FURTHER RESOLVED** that the Budget Liaison Officer shall receive and be paid the additional sum of \$2,500.00 as compensation for services as Budget Liaison Officer, with the annual salary of such office thus being \$17,484.96; and

**BE IT FURTHER RESOLVED** that such salaries are to be paid by the Essex County Treasurer in the same manner as other County salaries.

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

**AYES:            2843 votes**  
**NOES:            0 votes**  
**ABSENT:         0 votes**

**Resolution No. 7**

**January 5, 2005  
Organizational Meeting**

**RESOLUTION PURSUANT TO REAL PROPERTY TAX LAW §554  
AND §556 DELEGATING TO THE ESSEX COUNTY AUDITOR  
THE AUTHORITY TO APPROVE CORRECTIONS TO THE TAX  
ROLLS OF NOT MORE THAN \$2,500.00, AND THE PAYMENT OF  
REFUNDS DUE AS A RESULT OF SUCH CORRECTIONS**

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

**BE IT RESOLVED** that pursuant to Real Property Tax Law §554, subdivision 9, and §556, subdivision 8, the Essex County Board of Supervisors hereby delegates to the Essex County Auditor the authority to approve and authorize corrections to the tax rolls of not more than \$2,500.00, and to authorize payment of refunds due as a result of such corrections; and

**BE IT FURTHER RESOLVED** that in the event that the Essex County Auditor shall deny in whole or in part the correction of the tax rolls, the Auditor shall transmit to the Board of Supervisors for its review and disposition the written report of the investigation and recommendation of the County Director of Real Property Tax Services, together with both copies of the application and the reasons that the County Auditor denied the correction; and

**BE IT FURTHER RESOLVED** that where the recommendation of the County Director of Real Property Tax Services is to deny the application, or the correction requested is in an amount in excess of \$2,500.00, the County Director of Real Property Tax Services shall transmit the written report of the investigation and recommendation, together with both copies of the application, to this Board for its review and disposition; and

**BE IT FURTHER RESOLVED** that on or before the 15<sup>th</sup> day of each month, the Essex County Auditor shall submit a report to the Board of Supervisors of the corrections processed by the Auditor during the preceding month, and such report shall indicate the name of each recipient, the location of the property, and the amount of the correction approved.

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

**AYES:           2843 votes**  
**NOES:           0 votes**  
**ABSENT:        0 votes**

**Resolution No. 8**

**January 5, 2005  
Organizational Meeting**

**RESOLUTION AUTHORIZING THE PURCHASE OF A POST HOLE DRIVER FOR THE DEPARTMENT OF PUBLIC WORKS, APPROPRIATING THE SUM OF \$6,335.00 FROM THE 2005 UNAPPROPRIATED AND UNEXPENDED FUND BALANCE THEREFOR, AND AMENDING THE 2005 BUDGET ACCORDINGLY**

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes and directs the County Purchasing Agent to purchase a post hole driver for the Department of Public Works in accordance with the Essex County Purchasing Policy; and

**BE IT FURTHER RESOLVED** that the sum of \$6,335.00 is hereby appropriated from the 2005 unappropriated and unexpended fund balance (Account No. 3909), and said funds are hereby transferred to the 2005 Department of Public Works Budget (Account No. 5130 25240), to pay the costs for such purchase, and the 2005 Essex County Budget is hereby amended accordingly.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**



**Resolution No. 9**

**January 5, 2005  
Organizational Meeting**

**RESOLUTION OF CONGRATULATIONS TO SAMANTHA RETROSI  
ON BEING NAMED TO THE 2004-05 SENIOR TEAM  
OF THE UNITED STATES LUGE ASSOCIATION**

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

**WHEREAS**, Samantha Retrosi has been chosen to be on the senior team for the 2004-05 United States Luge Association; and

**WHEREAS**, to achieve such a distinguished position, a youth must possess a high degree of skill and ability, must exhibit a diligent work ethic, as well as a noble spirit committed to the honor and pride of Olympic glory; and

**WHEREAS**, Samantha has exceeded all expectations and boundaries in her dedication to this aspiration.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby expresses its recognition and congratulations to Samantha Retrosi on being named to the 2004-05 Senior Team for the United States Luge Association.

This resolution was unanimously seconded and adopted.

**Resolution No. 10**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION OF CONGRATULATIONS TO CHRIS MAZDZER  
ON BEING NAMED TO THE 2004-05 JUNIOR TEAM  
OF THE UNITED STATES LUGE ASSOCIATION**

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

**WHEREAS**, Chris Mazdzer has been chosen to be on the junior team for the 2004-05 United States Luge Association; and

**WHEREAS**, to achieve such a distinguished position, a youth must possess a high degree of skill and ability, must exhibit a diligent work ethic, as well as a noble spirit committed to the honor and pride of Olympic glory; and

**WHEREAS**, Chris has exceeded all expectations and boundaries in his dedication to this aspiration.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby expresses its recognition and congratulations to Chris Mazdzer on being named to the 2004-05 Junior Team for the United States Luge Association.

This resolution was unanimously seconded and adopted.

**Resolution No. 11**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**  
**PHYLLIS RAYMOND KARCHER**

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

**WHEREAS**, Phyllis Raymond Karcher, the mother-in-law of Essex County Deputy Treasurer Carolyn Karcher, passed away on January 3, 2005, at the Saratoga General Hospital; and

**WHEREAS**, Phyllis Raymond Karcher was born in Brooklyn and enjoyed working and living in the New York City area until her marriage to Hubert Karcher in 1950; and

**WHEREAS**, following her marriage she and her family lived in the Long Island area until Hubert's retirement when the family moved to their summer home in Westport, New York, where she maintained beautiful plants and gardens; and

**WHEREAS**, Phyllis Raymond Karcher was a voracious reader who shared the knowledge that she gained from reading books, and she also enjoyed traveling with her husband and touring the United States; and

**WHEREAS**, Phyllis Raymond Karcher is survived by her three children, John of Huntington, Long Island, and his wife Gloria, Robert of Westport and his wife Carolyn, and Phyllis of Ballston Spa; as well as by six grandchildren (John, Samantha and Francyne Karcher and Dawn Giardono of Long Island and Lisa Whalen and Meredith King of Westport) and five great-grandchildren.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its deepest sympathy and condolences to the family of Phyllis Raymond Karcher; 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 Karcher family.

This resolution was unanimously seconded and adopted.

**Resolution No. 12**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION AMENDING RESOLUTION NO. 333 OF 2004  
REGARDING INSURANCE COVERAGE IN 2005 SO AS TO INCREASE  
CERTAIN DEDUCTIBLES AND REDUCE PREMIUM COSTS**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby amends Resolution No. 333 of 2004 regarding contracts for insurance coverage in 2005 by increasing the deductibles on the public officials and police professional policies of insurance from \$5,000 to \$10,000 in order to reduce the premium costs by \$5,363.00.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**

**Resolution No. 13**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION REQUESTING HOME RULE LEGISLATION TO  
MAKE PERMANENT THE SALES TAX INCREASE  
AUTHORIZED BY CHAPTER 139 OF THE LAWS OF 2004**

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

**WHEREAS**, by Chapter 139 of the Laws of 2004, Essex County was authorized to impose an additional sales and compensating use tax of three-quarters of one percent for the period beginning September 1, 2004, and ending November 30, 2005; and

**WHEREAS**, the skyrocketing costs of Medicaid and other State mandated programs and services will not disappear on November 30, 2005, and in fact such costs are now continuing to increase and it is expected that the same will continue to increase thereafter; and

**WHEREAS**, the County is now proceeding to construct a new jail facility mandated by the State of New York at a cost to Essex County taxpayers of more than \$30 million, and for which there will be significant additional costs amounting to hundreds of thousands of dollars annually for maintenance and staffing of that facility.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby requests that the State Legislature enact, and that the Governor sign into law, home rule legislation amending the tax law in relation to making permanent the authorization for Essex County to impose an additional rate of sales and compensating use taxes of three quarters of one percent; 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 duly seconded by Supervisor Scozzafava, and unanimously adopted.

**TABLED**  
**Resolution No. 14**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION APPROPRIATING THE SUM OF \$50,000.00 FROM THE 2005 UNAPPROPRIATED AND UNRESERVED FUND BALANCE FOR TRANSFER TO THE 2005 ESSEX COUNTY BUDGET TO PAY THE COSTS FOR A MOTOR VEHICLE OFFICE TO BE ESTABLISHED IN THE TOWN OF NORTH ELBA, AND AMENDING THE 2005 BUDGET ACCORDINGLY**

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby appropriates the sum of \$50,000.00 from the 2005 unappropriated and unreserved fund balance (Account No. 3909) to pay for the costs to establish a motor vehicle office in the Town of North Elba; and

**BE IT FURTHER RESOLVED** that the sum so appropriated be transferred to the transfers the same to the 2005 County Clerk's Motor Vehicle Budget (Dept. 1411) as follows, with the 2005 Essex County Budget being amended accordingly:

<b><u>APPROPRIATIONS</u></b>				
<u>Account #</u>	<u>Account Name</u>	<u>New Amount</u>	<u>Adopted Account Balance</u>	<u>New Account Balance</u>
14111 5110	Regular Wages	\$ 22,402	\$163,113.00	\$185,515.00
14112 5220	Equipment	\$14,950	0	\$ 14,950.00
14114 5400INV	Inventory	\$ 10,351	\$ 1,427	\$11,778.00
14114 5410	Office Supplies	\$ 6,212	\$ 2,000.00	\$ 8,212.00
14114 5411	Rent	\$ 2,200	\$ 2,400.00	\$ 4,600.00
14114 5420	Printing	\$ 200	\$ 350.00	\$ 550.00
14114 5423	Telephone	\$ 300	\$2,000.00	\$ 2,300.00
14114 5426	Books & Periodicals	\$ 194	\$ 625.00	\$ 819.00
14114 5475	General Insurance	\$ 200	\$ 2,340.00	\$ 2,540.00
14114 5497	Mileage	\$ 150	\$ 150.00	\$ 300.00
14118 5810	Retirement	\$ 1,792	\$ 17,603.00	\$ 19,395.00

14118 5820	Social Security	\$ 1,714	\$ 13,019.00	\$ 14,733.00
14118 5830	Workers' Compensation	\$ 60	\$ 360.00	\$ 420.00
14118 5840	Disability Insurance	\$ 64	\$ 382.00	\$ 446.00
14118 5850	Health Insurance	\$ 9,422	\$ 26,929.00	\$ 36,351.00
14114 5851	Prescription Drugs	\$ 1,700	\$ 11,493.00	\$ 13,193.00

**REVENUES**

<u>Account #</u>	<u>Account Name</u>	<u>New Amount</u>	Adopted Account Balance	New Account Balance
41255019	CC Motor Vehicle Fee	\$ 20,000	\$200,000.00	\$220,000.00

This resolution was duly seconded by Supervisor Morrow, and **tabled**.

**Resolution No. 15**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**LOUIS P. MECONI**

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

**WHEREAS**, Louis P. Meconi, 89, a life-long resident of AuSable Forks, passed away on Sunday, Jan. 2, 2005; and

**WHEREAS**, Louis P. Meconi was a distinguished and respected attorney who practiced law in Clinton and Essex counties; and

**WHEREAS**, Louis P. Meconi was active in the Ausable Forks community, including but not limited to

- being a lifetime member of Holy Name Church, and singing in the Holy Name Choir for many years
- being a lifetime member of the Plattsburgh Elks Lodge 621
- being a lifetime member of the Knights of Columbus, receiving his Fourth Degree from the Bishop Wadhams Assembly and serving as Grand Knight in AuSable Forks for three years
- serving as town attorney for both the Town of Jay and the Town of Black Brook, as well as attorney for the AuSable Forks Central School District
- playing an instrumental role in obtaining the land for the softball field, and donating the funds to build the announcer's booth in memory of his wife, Betty
- being a member and past president of the U.S. Olympic Bobsled Committee and serving for many years as chief timer at the bobrun at Mt. VanHoevenberg in Lake Placid; and

**WHEREAS**, Louis P. Meconi served as chairman of the Democratic Party in the Town of Jay, and sought election to the office of town supervisor; and

**WHEREAS**, Louis P. Meconi made significant and lasting contributions to the People of the Town of Jay and of Clinton and Essex counties.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby expresses its deepest sympathy and condolences to the family of Louis P. Meconi; 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 Meconi family.

This resolution was unanimously seconded and adopted.

**Resolution No. 16**

**January 5, 2005**  
**Organizational Meeting**

**RESOLUTION REQUESTING AND AUTHORIZING AN EMERGENCY  
AID CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION FOR THE CONTROL OF SNOW AND ICE ON OLD  
MILITARY ROAD IN THE TOWN OF NORTH ELBA, ESSEX COUNTY**

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

**WHEREAS**, Essex County contracts with the Town of North Elba for snow and ice control services on County roads within that town; and

**WHEREAS**, the County adopted its 2005 budget on December 15, 2004, based upon the understanding that the Town of North Elba would continue to contract with the County to perform snow and ice control services on all County roads within said town; and

**WHEREAS**, on or about December 21, 2004, the Town of North Elba Highway Superintendent notified the County that he would not perform snow and ice control services on the Old Military Road in the Town of North Elba effective January 1, 2005; and

**WHEREAS**, the adopted 2005 Essex County Budget does not contain any appropriations to pay for the equipment, facilities and/or personnel necessary to perform snow and ice control services on said road; and

**WHEREAS**, Essex County does not have available, and is unable to secure and provide the necessary equipment, facilities and personnel to perform the immediate work of control of snow and ice in the Town of North Elba because the Essex County Budget for fiscal year 2005 was adopted prior to the County being notified that the Town of North Elba would no longer maintain said road; and

**WHEREAS**, an emergency aid contract with the New York State Department of Transportation pursuant to Highway Law §55 is the only available means by which the County can provide the necessary snow and ice control services on said road and promote, protect and preserve the public welfare.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby determines that by reason of the unfortunate and untimely actions of the Town of North Elba Highway Superintendent an emergency situation exists adversely affecting the public safety relative to snow and ice control on Old Military Road in the Town of North Elba as the County does not have the necessary equipment, facilities and/or personnel available, nor can it secure

the same, to perform snow and ice control on said road; and

**BE IT FURTHER RESOLVED** that this Board hereby requests and authorizes an emergency aid contract with the New York State Department of Transportation for the control of snow and ice on the Old Military Road in the Town of North Elba, Essex County, New York; and

**BE IT FURTHER RESOLVED** that this Board hereby authorizes and directs that reimbursement shall be made by the County to the said Department of Transportation for the actual costs of labor and of maintenance and operation and for the depreciation of the necessary equipment and facilities of the State, with the funds to pay for such reimbursement to come from the funds appropriated to pay the Town of North Elba to perform snow and ice control services on said road, and/or from such other funds in the 2005 County budget as may be available to pay the same, and/or from supplemental appropriations to be made by this Board pursuant to County Law; and

**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 New York State Commissioner of Transportation.

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

<b>AYES:</b>	<b>2843 votes</b>
<b>NOES:</b>	<b>0 votes</b>
<b>ABSENT:</b>	<b>0 votes</b>

**Resolution No. 17**

**January 24, 2005  
Special Board Meeting**

**RESOLUTION AMENDING PARAGRAPH 3(A) OF RESOLUTION  
NO. 256 OF 2004 REGARDING THE COST OF THE CONTRACT WITH  
HARTGEN ARCHEOLOGICAL ASSOCIATES, INC. BY INCREASING  
THE CONTRACT AMOUNT TO \$48,000, AND AUTHORIZING  
INSTALLATION OF A FENCE AROUND THE PHASE III SITE**

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

**WHEREAS**, by Resolution No. 256 of 2004, a contract in the amount of not more than \$30,783.00 with Hartgen Archeological Associates, Inc. was authorized for a Phase III survey/study of the new jail site as required by the New York State Office of Parks, Recreation and Historic Preservation; and

**WHEREAS**, the County has now been advised that the requirements for the survey/study have been modified such that the work to be performed has increased along with the cost for such work.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby amends paragraph 3(A) of Resolution No. 256 of 2004 to read and provide as follows in order to change the not to exceed amount of the contract from \$30,783.00 to \$48,000:

“(a) A contract with Hartgen Archeological Associates, Inc. for the Phase III survey/study of the new jail site required by the New York State Office of Parks, Recreation and Historic Preservation, at a cost not to exceed \$48,000, to be paid from capital project funds.”

**AND BE IT FURTHER RESOLVED**, that the County shall install a fence around the Phase III site prior to commencement of work by Hartgen as required by the State.

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

**AYES: 2306 votes**  
**NOES: 537 votes (Douglas, Scozzafava)**  
**ABSENT: 0 votes**

**Resolution No. 18**

**January 24, 2005  
Special Board Meeting**

**RESOLUTION AUTHORIZING CLOUGH HARBOR TO PERFORM THE  
ADDITIONAL GROUNDWATER STUDIES AND ANALYSIS AT THE JAIL  
SITE REQUIRED BY THE NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION AT A COST NOT TO EXCEED \$20,000**

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

**WHEREAS**, the initial analysis of the groundwater at the new jail site resulted in findings of higher than expected levels of certain metals and other substances; and

**WHEREAS**, the New York State Department of Environmental Conservation has determined that additional studies and analyses of the groundwater conditions at the site are needed in order to attempt to determine the source(s) of the elevated levels of such metals and other substances.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes and directs Clough Harbor to perform the additional groundwater studies and analysis at the Jail Site required by the New York State Department of Environmental Conservation at a cost not to exceed \$20,000, to be paid from capital project funds.

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

**AYES: 2843 votes**  
**NOES: 0 votes**  
**ABSENT: 0 votes**