

**RESOLUTION OPPOSING PROPOSED REDUCTIONS IN
THE
PRESIDENT'S BUDGET TO THE HOME ENERGY
ASSISTANCE
PROGRAM, AND REQUESTING CONGRESS TO CONTINUE
SUCH FUNDING AT EXISTING OR HIGHER LEVELS**

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

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

WHEREAS, the budget submitted by President Bush to Congress for Fiscal Year 2005-06 contains significant reductions in the Home Energy Assistance Program (HEAP); and

WHEREAS, HEAP provides financial assistance to low income households to help pay their high home energy costs; and

WHEREAS, a large number of low income residents in Essex County are senior citizens whose incomes, amounting on average to \$500-\$700 per month, consist of their social security benefits; and

WHEREAS, during the current winter season, Essex County has processed 875 applications for HEAP assistance, 771 of which are from senior citizens; and

WHEREAS, continuation of HEAP funding is absolutely essential for Essex County low income residents who struggle financially to pay the ever-increasing cost of home energy, plus food, clothing, medicine, rent, real estate taxes and other necessities.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses, in the strongest possible terms, its opposition to the proposed reductions in Home Energy Assistance Program funding contained in the budget submitted by President Bush to Congress for Fiscal Year 2005-06; and

BE IT FURTHER RESOLVED that this Board requests Congress to continue Home Energy Assistance Program funding at existing or higher levels in Fiscal Year 2005-06; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George

W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi; 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. 40

March 7, 2005
Regular Board Meeting

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

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

Upon the recommendation of the various committees, 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 makes the following appointments:

1. From the Human Services Committee:

(a) Karen Hegnauer to the Mental Health subcommittee for a term of 3/1/05 through 12/31/08.

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

(a) Karl Teriele to the Essex County Soil and Water Conservation District for 2005-2007.

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

Resolution No. 41

March 7, 2005
Regular Board Meeting

**RESOLUTION OF APPRECIATION TO KEELA ROGERS FOR
HER YEARS AS CHAIR OF THE ESSEX COUNTY COMMUNITY
SERVICES BOARD**

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

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

WHEREAS, Keela Rogers has served as Chairperson of the Essex County Community Services Board since February, 1999; and

WHEREAS, Keela Rogers' leadership and advocacy created opportunities for services for the residents of Essex County; and

WHEREAS, Keela Rogers' work as a volunteer serves as a model for generations to follow; and

WHEREAS, Keela Rogers has consistently demonstrated dedication, commitment, and sincerity in her role as Chairperson.

BE IT RESOLVED that the Essex County Board of Supervisors hereby extend their deep appreciation to Keela Rogers for her outstanding, unselfish and exemplary service as Chairperson of the Essex County Community Services Board.

This resolution was unanimously seconded and adopted.

Resolution No. 42

**March 7, 2005
Regular Board Meeting**

**RESOLUTION URGING THE STATE OF NEW YORK TO SHARE
FINGERPRINT INFORMATION AMONG STATE AND COUNTY
AGENCIES**

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

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

WHEREAS, by Chapter 575 of the Laws of 2004, the State of New York has imposed certain fingerprinting requirements upon State and County agencies to be

implemented in connection with the hiring of new employees performing functions having regular and substantial unsupervised or unrestricted physical contact with clients; and

WHEREAS, the various affected state agencies are each implementing their own procedures and requirements to comply with the legislation; and

WHEREAS, there is no sharing of information among the affected agencies, and duplication of effort and expense will be rampant unless the affected agencies can share fingerprint information with each other under a uniform system for complying with the law.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the State of New York to provide and allow for the sharing of fingerprint information among State and County agencies who are complying with the fingerprint requirements of Chapter 575 of the Laws of 2004, and such other laws as require said agencies to obtain fingerprints of employees and/or prospective employees; 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. 43

March 7, 2005
Regular Board Meeting

RESOLUTION AMENDING THE 2005 ESSEX COUNTY BUDGET

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

Upon the recommendation of the various committees indicated below, with the approval of the Ways 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 2005 Essex County Budget as follows:

1. From the Human Services Committee:

(a) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid) and appropriations (6070400 5400CCEI - Child Care Enhanced Implementation) in the total amount of \$65,000.00 from a grant for a 2 year document imaging project with Technology Solutions.

(b) For the Department of Social Services, increase revenues (6010 42772 - IGT) and appropriations (6102487 5487 - MMIS) in the total amount of \$243,612.00 from state-managed Intergovernmental Transfer results in 10% increase to county for retroactive nursing home rate adjustment.

(c) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid - Serv. Recipient) and appropriations as follows in the total amount of \$27,731.00 from Federal TANF funds to be used for foster care prevention by providing community supervision, counseling and family support for eligible children:

Account Number	Account Name	Amount
6070400 5400YES	YES	\$ 17,731.00
6070400 5400FAMR	Family Reunification	9,000.00
6070400 5400DATE	Dr/AI TANF Enhanced	1,000.00

(d) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid - Serv. for Rec.) and appropriations (6070400 5400 - Homemaker Services) in the total amount of \$34,082.00 from federal TANF funds used to prevent residential placements by providing 1:1 community, school, and work supervision for 16-17 yr. olds adjudicated as PINS or JD's through the Youth Advocate Program, Inc.

(e) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid - Administration) and appropriations (6070400 5400HCST - CST IV) in the total amount of \$22,355.00 from a federal allocation to assist eligible residents with one-time work-related transportation needs through One Work Source (ACAP).

(f) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid - Administration) and appropriations (6070400 5400DV4 - SS Contractual Domestic Violence 4) in the total amount of \$25,000.00 from TANF funds to provide services to victims of domestic violence through Behavioral Health Services North, Inc.

(g) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid - Serv. Recipient) and appropriations (6070400 5400WRAP - Wrap Around) in the total amount of \$6,613.00 from federal TANF funds to purchase commodities and services for eligible families of children receiving foster care prevention services.

(h) For the Department of Social Services, increase revenues (6010 44611 - Federal Aid - FS) and appropriations (60105 5Coop-FS - Coop Ext. FS) in the total amount of \$41,613.00 from pass through federal grant funds to provide nutrition training to food stamp recipients through Cornell Cooperative Extension.

(i) For the Department of Social Services, increase revenues (6010 44670 - Federal Aid - Serv. Recipient) and appropriations as follows in the total amount of \$31,208.00 from federal TANF funds for post-employment support and mandated Drug and

Alcohol Assessments through ACAP and St. Joseph's Rehabilitation Center:

<i>Account Number</i>	<i>Account Name</i>	<i>Amount</i>
6070400 5400POST	Post Employment	\$ 28,169.00
6070400 5400DATE	Dr/AI TANF Enhanced	3,039.00

(j) For the Public Health Department transfer the total sum of \$1,933.00 from Account No. 40104 5443 - Travel to Account No. 40104 5427 -- Membership and Dues to pay for the 2005 membership with the New York State Association of Health Care Providers.

2. From the Public Safety Committee:

(a) For the Emergency Services Department, increase revenues (44389060 – Fed. Reimb.) and appropriations (36404 5487 – LEPC) in the total amount of \$1,058.00 in grant funds received but not expended in 2004.

(b) For the District Attorney's Office, increase revenues and appropriations as follows:

REVENUES

<u>Account #</u>	<u>Account Name</u>	<u>From</u>	<u>To</u>
1165 43032	Violence Against Women 2001	\$ 0.00	\$ 1,946.00
1165 43033	Aid to Prosecution Grant	0	\$ 2,630.00
1165 42626	Forfeiture – Crime Proceeds	0	\$ 11,815.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>From</u>	<u>To</u>
11654 54105VAW	Office Supplies	\$ 7,000.00	\$ 8,946.00
11654 5410APG	Office Supplies APG	0	\$ 2,630.00
11652 5230	Auto Equipment	0	\$ 11,815.00

3. From the DPW Committee:

(a) For the Department of Public Works, increase revenues (5142 4265580 - Salt Reimbursement) and appropriations (51424 5440SALT - Town Salt - Highway) in the total amount of \$194,635.17 from salt reimbursement.

This resolution was duly seconded by Supervisor Merrihew, and adopted upon a roll-

call vote as follows:

AYES: 2361 votes
NOES: 0 votes
ABSENT: 482 votes (*French, Kelly, Moses, Morency*)

DEFEATED
Resolution No. 44-A

March 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING THE CREATION AND FILLING OF A
POSITION OF DIRECTOR OF ORGANIZATIONAL AND STAFF
DEVELOPMENT IN THE DEPARTMENT OF SOCIAL SERVICES**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and approves the creation and filling of one position of Director of Organizational & Staff Development (Grade 7 M/C - \$20.01/hr) in the Department of Social Services, and to eliminate a position of Staff Development Coordinator upon the incumbent receiving a permanent appointment to the new position being created, all to be performed in compliance with, as and if applicable, the Essex County Civil Service Rules and Regulations, and/or the current CSEA contract and/or the Essex County Personnel Policy Manual.

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

AYES: 1001 votes
NOES: 1360 votes (*Morrow, Merrihew, Douglas, Glebus, Scozzafava, Canon, Dedrick*)
ABSENT: 482 votes (*French, Kelly, Moses, Morency*)

Resolution No. 44-B

March 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING EMPLOYEES IN THE
INFORMATION SYSTEMS DEPARTMENT TO WORK A 40
HOUR WEEK AT A 35 HOUR WEEK RATE**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and approves employees in the Information Systems Department to work a 40 hour week at a 35 hour week rate as authorized by Article 13, Section I, of the collective bargaining agreement with CSEA.

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

AYES: **2361 votes**
NOES: **0 votes**
ABSENT: **482 votes** *(French, Kelly, Moses, Morency)*

Resolution No. 45

March 7, 2005
Regular Board Meeting

**RESOLUTION OPPOSING THE DECISION OF ESSEX COUNTY ARC
TO CONTRACT WITH KINNEY DRUGS FOR MAINTENANCE
PRESCRIPTION DRUG SERVICES FOR ITS CLIENTS AND URGING
THAT LOCAL ESSEX COUNTY PHARMACIES BE GIVEN THE
OPPORTUNITY TO PROVIDE SUCH SERVICES**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby opposes the decision of Essex County ARC to contract with Kinney Drugs for maintenance prescription drug services for its clients, and urging that local Essex County pharmacies be given the opportunity to provide such services.

This resolution was unanimously seconded and adopted.

**RESOLUTION URGING NEW YORK STATE TO EXEMPT FROM
FURTHER FUNDING CUTS, AND TO INCREASE FUNDING FOR,
PUBLIC NURSING HOMES TO KEEP THEM OPEN & OPERATING**

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

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

WHEREAS, the health care system across the State of New York is in need of real reform; and

WHEREAS, county nursing homes are the service providers of last resort to the citizens in our communities who do not have the ability to pay; and

WHEREAS, county nursing homes have suffered significant revenue losses over the last several years, and the Federal government has recently eliminated funding to nursing homes, further exacerbating the declining revenue base; and

WHEREAS, counties across the state have had to increase their financial support to these public facilities of last resort at the same time they are wrestling with budget deficits; and

WHEREAS, the Assembly and Senate and Governor will be re-authorizing the Health Care Reform Act this year and will deal with public hospitals and nursing homes.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the New York State Legislature and the Governor to exempt from further funding cuts, and to actually increase funding for, public nursing homes when re-authorizing the Health Care Reform Act as additional funding is absolutely necessary and essential to keep these public facilities open, operating, and serving those most in need; 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 ACCEPTING, ADOPTING AND PLACING ON FILE
POLICIES, PLANS, PROCEDURES AND ANNUAL REPORTS**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby accepts and places on file the following:

1. From the Public Safety Committee:

- (a) The 2004 Weights and Measures Annual Report.
- (b) The Safety Manual Guidelines.

2. From the Department of Public Works Committee:

- (a) The 2004 DPW Annual Report.

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

- (a) The 2003 County Clerk's Office Annual Report.
- (b) The 2004 Annual Accounting of Monies Received and Disbursed in the Essex County Clerk's Office.

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

TABLED
Resolution No. 47-B

March 7, 2005
Regular Board Meeting

***RESOLUTION ADOPTING THE EXEMPT
COMPENSATION TIME POLICY***

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts the exempt compensation time policy as submitted by the Personnel Officer to the Committee on February 16, 2005.

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

AYES: 1632 votes
NOES: 729 votes (Douglas, Scozzafava, Canon, Ashline)
ABSENT: 482 votes (French, Kelly, Moses, Morency)

Resolution No. 48

March 7, 2005
Regular Board Meeting

**RESOLUTION SUPPORTING DESIGNATION OF EMPIRE ZONE
LAND IN ESSEX COUNTY CONSISTENT WITH THE ESSEX
COUNTY EMPIRE ZONE DEVELOPMENT PLAN**

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

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

WHEREAS, the entire County of Essex was allotted Empire Zone designation, and it has been the consensus of the Empire Zone Administrative Board and this Board of Supervisors that there should be a focus on supporting tourism-based businesses, attracting targeted businesses, and retaining existing businesses.

BE IT RESOLVED that the Essex County Board of Supervisors hereby supports designation of Empire Zone land in Essex County consistent with the Essex County Empire Zone Development Plan, and respectfully urges the New York State Empire State Development Agency to favorably review such development plan and designate eligible lands for empire zone benefits; and

BE IT FURTHER RESOLVED that this Board hereby respectfully requests New York State Empire State Development to provide adequate administrative funding among the existing 72 Empire Zones throughout New York State as such funding is essential to the Zones' compliance with all reporting and other administrative requirements.

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copy of this resolution to the New York State Empire State Development Agency.

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

Resolution No. 49

March 7, 2005

**RESOLUTION URGING THE GOVERNOR AND STATE
LEGISLATURE TO RESTORE FUNDING FOR THE I LOVE NEW
YORK MATCHING FUNDS PROGRAM TO \$5.8 MILLION**

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

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

WHEREAS, the Governor's proposed budget for Fiscal Year 2005-06 contains \$4.8 million in appropriations for the I Love New York Matching Fund Program, which is \$1.0 million less than was appropriated in Fiscal Year 2003-04; and

WHEREAS, the costs of advertising and promotion have risen significantly over the past two years; and

WHEREAS, tourism is the major economic engine in Essex County and the Adirondack Park, as well as in many other regions of New York State; and

WHEREAS, the investment of funds to promote tourism generates a significantly greater return in sales tax revenues, jobs, and other economic benefits.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges Governor Pataki and the State Legislature to restore funding for the I Love New York Matching Funds Program to at least \$5.8 million, the amount appropriated in the State's 2003-04 budget; 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; Senators Mary Lou Rath, Raymond A. Meier and Jim Wright; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; Assembly Members Teresa R. Sayward, Chris Ortloff, Joseph D. Morelle, Dede Scozzafava, Darrel J. Aubertine and Marc W. Butler; and the Lake Placid / Essex county Visitors Bureau.

This resolution was unanimously seconded and adopted.

RESOLUTION AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE AMOUNT OF \$600,000 TO THE STATE OF NEW YORK IN APRIL, 2005

The following resolution was offered by Supervisor Morrow, 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, the County of Essex has identified affordable housing needs, assisting low/moderate income homeowners, and economic development as its most severe community development needs; and

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the submission of a Community Development Block Grant application, in the amount of \$600,000, to the State of New York in April, 2005, for County-wide Housing and Economic Development; and

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

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

BE IT FURTHER RESOLVED that this Board will hold public hearings on this grant application on March 14, 2005 and on March 29, 2005 at 5:00 p.m. at the Chambers of the Essex County Board of Supervisors in Elizabethtown, New York.

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

Resolution No. 51

March 7, 2005
Regular Board Meeting

RESOLUTION IN SUPPORT OF THE TOWNS IN ST. LAWRENCE COUNTY AFFECTED BY THE PROPOSED ACQUISITION BY THE STATE OF NEW YORK OF LAND FROM INTERNATIONAL PAPER COMPANY

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

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

WHEREAS, the State of New York has proposed acquiring substantial portions of real property owned by International Paper Company and located in the Towns of Colton, Hopkinton, Parishville and Piercefield in St. Lawrence County; and

WHEREAS, the Towns of Colton, Hopkinton, Parishville and Piercefield have all passed resolution exercising their local veto authority; and

WHEREAS, it is the strong sense of this Board of Supervisors that any continued efforts by the State of New York to acquire said lands in St. Lawrence County from the International Paper Company violates the home rule rights of said Towns and will result in adverse financial and other impacts upon said Towns and the residents and taxpayers thereof.

BE IT RESOLVED that the Essex County Board of Supervisors hereby supports the Towns of Colton, Hopkinton, Parishville and Piercefield located in St. Lawrence County in their efforts to prevent and prohibit the State of New York from acquiring certain lands from the International Paper Company located in said Towns; and

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

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

Resolution No. 52

March 7, 2005
Regular Board Meeting

**RESOLUTION IN SUPPORT OF AMENDING ARTICLE 48C OF
THE VEHICLE AND TRAFFIC LAW REGARDING ATV USE OF
PUBLIC HIGHWAYS TO ACCESS TRAILS**

The following resolution was offered by Supervisor Merrihew, 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, the use of all terrain vehicles (ATVs) is increasing at a dramatic rate within Essex County and many other Counties throughout New York State; and

WHEREAS, §2405 contained an Article 48-C of the New York Vehicle and Traffic Law limits the ability of municipalities to designate and post public highway as open for travel by ATVs only when “it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway”.

BE IT RESOLVED that the Essex County Board of Supervisors hereby supports amendment to Article 48-C of the New York Vehicle and Traffic Law so as to allow municipalities to designate their respective public highways, and/or portions thereof, as open for travel by ATVs in order to gain access to areas or trails adjacent to such highways, and deleting the requirement that such use only be allowed when “it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway”; and

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

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

Resolution No. 53

March 7, 2005
Regular Board Meeting

**RESOLUTION URGING THE UNITED STATES ARMY CORPS OF
ENGINEERS TO ISSUE A PERMIT ON THE JAY BRIDGE WITHOUT DELAY**

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

WHEREAS, for the past twenty years the New York State Department of Transportation (DOT) and Essex County have looked at every available and potential site for a new bridge to replace the covered bridge in the Town of Jay; and

WHEREAS, after an unusually exhaustive search for such sites, and thorough reviews and analyses of the suitability thereof, the current site for the project has been determined to be the one best suited for the new bridge; and

WHEREAS, DOT has secured all necessary permits from State agencies having jurisdiction, including the Adirondack Park Agency (APA), and contracts for the construction

of the new bridge have been awarded following competitive bidding; and

WHEREAS, the construction contractor has already commenced work on the project; and

WHEREAS, the costs to construct the new bridge will be paid from Federal, State and County funds; and

WHEREAS, the United States Army Corps of Engineers has now questioned whether other sites should be looked at and is holding up the issuance of a permit to construct the bridge; and

WHEREAS, the delay caused by the Corps of Engineers will unnecessarily delay the construction of the project and cause significant increased costs to the Federal, State and County taxpayers in excess of \$1 million.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the Army Corps of Engineers to issue a permit on the Jay Bridge without delay; 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 United States Army Corps of Engineers; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi; 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. 54

March 7, 2005
Regular Board Meeting

**RESOLUTION OPPOSING THE REQUIREMENT PROPOSED BY
THE NEW YORK STATE DEPARTMENT OF HEALTH THAT ALL
DAY CAMPS BE STAFFED WITH REGISTERED NURSES**

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

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

WHEREAS, the New York State Department of Health has proposed changes to day camp regulations, which include requiring the hiring of a full-time professional nurse and the hiring of a new staff position of activity leader; and

WHEREAS, the effect of these regulations will not be to increase or improve the health, safety and welfare of the campers, but will instead be to so drastically increase camp operating expenses to the point where camps will have to cease operation thereby preventing children from experiencing summer camp activities; and

WHEREAS, it is the sense of this Board that the proposed regulations have been developed due to problems at a small number of camps around the State rather than in response to a widespread problem, and without adequate knowledge of the real circumstances which exist in the vast majority of summer camps throughout the State and especially those operated by municipalities.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses, in the strongest possible terms, its opposition to the New York State Department of Health's proposed changes to day camp regulations requiring full-time registered nurses on staff; and

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

This resolution was unanimously seconded and adopted.

Resolution No. 55

March 7, 2005
Regular Board Meeting

**RESOLUTION CANCELLING INTEREST, PENALTIES AND/OR OTHER
CHARGES PURSUANT TO REAL PROPERTY TAX LAW SECTION
1182, AND AUTHORIZING THE DISPOSITION OF THREE PARCELS
OF REAL PROPERTY ACQUIRED BY TAX FORECLOSURE**

The following resolution was offered by Supervisor Dedrick, 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.

WHEREAS, the Essex County Treasurer has recommended that certain interest, penalties and other charges be cancelled pursuant to Real Property Tax Law §1182 relative to certain parcels of real property in the Towns of Ticonderoga and Lewis, and that the parcels in the Town of Ticonderoga acquired by tax foreclosure proceedings be sold to certain relatives of the former owners thereof.

BE IT FURTHER RESOLVED that the Essex County Board of Supervisors hereby authorizes the sale and conveyance by quitclaim deed of the following parcels of real property acquired in the 1998-2001 Tax Sale proceeding as indicated below, upon the terms and conditions that the purchasers (a) pay as the purchase price unpaid taxes, minus interest, penalties and other charges which are hereby being canceled, and (b) be solely responsible for paying all recording fees and expenses in connection with such sale and conveyance:

<u>Tax Map # / Account #</u>	<u>Sell / Convey To</u>
139.1-1-43.200 / 715J185002	Joan Parrott
150.59-13-6200 / 715J198002	John Streeter
150.59-13-6.300 / 715J198003	Leona Simpson

AND BE IT RESOLVED that the Essex County Board of Supervisors, pursuant to Real Property Tax Law §1182, hereby cancels all interest, penalties and other charges imposed upon the 2003 tax bill for the parcel of real property owned by James Welch & Tanya Bashaw, Tax Map # 47.1-1-10.120 and Account # 635Z002006, so that only the base amount of the taxes owed for such bills shall be due and payable to the Treasurer.

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

AYES: **2361 votes**
NOES: **0 votes**
ABSENT: **482 votes** **(French, Kelly, Moses, Morency)**

Resolution No. 56

March 7, 2005
Regular Board Meeting

**RESOLUTION URGING THE NEW YORK CONGRESSIONAL DELEGATION
TO ISSUE STATEMENTS OF SUPPORT FOR THE TEST BURN OF
DISCARDED TIRES BY THE INTERNATIONAL PAPER COMPANY**

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

Upon the recommendation of the Public Works Committee, with the approval of the

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

WHEREAS, the International Paper Company is examining the potential use of discarded tires as a source of fuel to operate its manufacturing facility in Ticonderoga; and

WHEREAS, the disposal of discarded tires has been a significant environmental problem for many years; and

WHEREAS, the use of discarded tires as a fuel source is an environmentally friendly concept and process which involves tires being cleaned, shredded and chipped, the removal of approximately 95% of the metal components, and the burning of the residue as a processed fuel; and

WHEREAS, the use of this tire-derived fuel is taking place in other areas of the country – 34 other states and at least 6 other International Paper facilities – and EPA tests have indicated that emission parameters from tire-derived fuel are the same or less than those from fuel oil; and

WHEREAS, International Paper is only seeking to conduct a limited test of the use of tire-derived fuel at its Ticonderoga facility, and has been working with the New York State Department of Environmental Conservation and the State of Vermont to insure that the limited test will not result in any significant adverse environmental impact.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the New York Congressional Delegation to issue statements of support for the test burn of discarded tires by the International Paper Company; 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: United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney, John M. McHugh, Gary L. Ackerman, Timothy H. Bishop, Sherwood L. Boehlert, Joseph Crowley, Eliot L. Engel, Vito J. Fossella, Brian J. Higgins, Maurice D. Hinchey, Steve J. Israel, Sue W. Kelly, Peter T. King, Nita M. Lowey, Carolyn B. Maloney, Carolyn McCarthy, Michael R. McNulty, Gregory W. Meeks, Jerrold Nadler, Major R. Owens, John R. Kuhl, Jr., Charles B. Rangel, Thomas M. Reynolds, Jose E. Serrano, Louise McIntosh Slaughter, Edolphus Towns, Nydia M. Velazquez, James T. Walsh and Anthony D. Weiner; 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 APPROPRIATING FUNDS FROM THE CONTINGENT ACCOUNT FOR TRANSFER TO THE 2005 ESSEX COUNTY BUDGET, AND AMENDING THE BUDGET ACCORDINGLY

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appropriates the sum of \$1,500.00 from the contingent account (Account No. 19904-5487) for transfer to the 2005 Essex County Municipal Association Dues Budget (Account No. 19204 5487 – Miscellaneous Expense) to be used to pay the County’s membership dues to the Greater Adirondack Resource Conservation and Development council, and the 2005 Budget is hereby amended accordingly.

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

AYES: 2361 votes
NOES: 0 votes
ABSENT: 482 votes (French, Kelly, Moses, Morency)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 03/07/05:	\$ 450,000.00
Reduction Impact of this resolution:	1,500.00
FY2005 Contingent Account Balance:	\$ 448,500.00

RESOLUTION OPPOSING S.322 - THE CHAMPLAIN VALLEY

**NATIONAL HERITAGE PARTNERSHIP ACT OF 2005 –
INTRODUCED IN THE UNITED STATES SENATE UNLESS
PROVISIONS FOR 100% FEDERAL FINANCING AND FOR
LOCAL INVOLVEMENT & CONTROL ARE INCLUDED**

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

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

WHEREAS, S.322 has been introduced in the United State Senate seeking to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York; and

WHEREAS, similar legislation has previously been introduced in the Senate and amended to include provisions ensuring that local municipalities and communities will have significant involvement and control such that they are equal players in the implementation of said legislation; and

WHEREAS, S.322 not only fails to include the provisions for local involvement and control which were added to the previous proposed legislation but cuts Federal funding from 100% to 50% with a local 50% match; and

WHEREAS, this Board of Supervisors is stunned by the sponsorship of S.322 by Senators Shumer and Clinton, Essex County's own representatives in the United States Senate, when that proposed legislation fails to protect the vital interests of the local New York State communities, municipalities and residents; and

WHEREAS, the introduced bill fails to address the critical concerns of New York municipalities, communities and residents located within the Champlain Valley that the Partnership program provide for significant local control and involvement as well as not become another unfunded mandate.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses, in the strongest possible terms, its opposition to S.322 as introduced in the United States Senate; and

BE IT FURTHER RESOLVED that this Board strongly urges the New York Congressional delegation to oppose S.322 in its present form and to work towards development of legislation which addresses the concerns addressed in this resolution, including at a minimum of the following:

- require that the Management Plan
 - address needs and priorities identified by local municipalities and communities,

- weave existing regional and local initiatives together with new resources into a broader fabric of regional heritage programs,
- provide enhanced coordination among local communities without adding another layer of governance and regulation,
- allow local communities to develop cohesive themes that unify the region;
- prohibit the Management Entity from promulgating, adopting or implementing land use regulation, land acquisition, land restrictions, and boundary lines;
- foster cooperation not only with Canada and its provinces but also with Native Americans/First Nations;
- require that the composition of the Management Entity be made up from representatives of local county, city and town governments, with any State and/or Federal agency members serving in an advisory capacity only; and
- provide for 100% Federal funding, with not less than \$1,000,000 per year for 10 years, with not less than 50% of the funds to be allocated to New York State, and with not less than 50% of the funding to be used to support local and regional heritage projects

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi; 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. 59

March 7, 2005
Regular Board Meeting

RESOLUTION URGING CONGRESS AND PRESIDENT BUSH TO PERMANENTLY REINSTATE THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES, AND TO ENACT LEGISLATION PROHIBITING A STATE FROM IMPOSING UPON A MUNICIPAL SUBDIVISION THEREOF ANY PORTION OF THE NON-FEDERAL SHARE OF PUBLIC ASSISTANCE PROGRAM COSTS INCLUDING BUT NOT LIMITED TO MEDICAID

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

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

WHEREAS, Federal funding for the following public assistance programs is apportioned to the States based upon the Federal Medical Assistance Percentages (FMAP):

- State medical and medical insurance expenditures for Medicaid,
- Temporary Assistance for Needy Families (TANF),
- Child Support Enforcement collections,
- Child Care Mandatory and Matching Funds for the Child Care and Development Fund,
- Foster Care Title IV-E Maintenance payments,
- Adoption Assistance payments, and
- State Children's Health Insurance Programs (SCHIP); and

WHEREAS, these public assistance programs are vital components to our Nation's efforts to protect the health, safety and welfare of our most vulnerable citizens, and adequate Federal funding is necessary for these programs to be effectively implemented by the States; and

WHEREAS, Title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003 established a revised FMAP which increased the percentages for the last two quarters of Fiscal Year 2003 and the first three quarters of Fiscal Year 2004; and

WHEREAS, the increased FMAP percentages were scheduled to expire in June, 2004, were temporarily extended by Congress, but need to be extended permanently in order to insure that adequate Federal funding is furnished for these programs; and

WHEREAS, most other States assume the full non-Federal share of these public assistance programs, including Medicaid, without burdening municipal subdivisions thereof (such as counties, cities or other local governments) with any portion of the program costs; and

WHEREAS, the State of New York requires counties and cities to contribute one-half of the State's share of the costs of health care services paid by Medicaid, or 25% of the total costs, as well as significant portions of the non-Federal share of other public assistance programs; and

WHEREAS, counties, cities and other local governments have virtually no legal authority to manage, control or reduce local public assistance program costs, including Medicaid costs, and the State of New York unfairly shifts 50% of New York State's share of Medicaid costs from the statewide tax base to the each county or city real property tax

base; and

WHEREAS, the vast majority of States assume full financial responsibility for the non-Federal share of these public assistance programs, including but not limited to Medicaid, so that the burden of paying the costs of these important, Federal and State mandated programs is distributed over the widest possible tax base; and

WHEREAS, the unrestrained growth of public assistance program costs, and especially Medicaid costs, is siphoning away the limited resources available to counties, cities and other local governments to fund their local operations and programs, and places unnecessary and inequitable pressures on their real property taxpayers; and

WHEREAS, it is the sense of this Board of Supervisors that the State of New York should assume full financial responsibility for the non-Federal share of public assistance program costs, including but not limited to Medicaid program costs; and

WHEREAS, despite urgent pleas from county and city governments throughout New York State, past and present Legislatures and Governors have failed to act in limiting or reducing the financial burden of the Medicaid and other public assistance programs in New York State, and its corresponding drain on municipal budgets; and

WHEREAS, it is the strong sense of this Board that the United States Congress and President Bush should not only permanently reinstate the FMAP increases but also enact Federal legislation requiring all States to assume and be financially responsible for 100% of the non-Federal share of these public assistance program costs and be prohibited from imposing any portion of the program costs upon a State's municipal subdivisions.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby urges, in the strongest possible terms, that the United States Congress enact, and President Bush sign into law, Federal legislation

- requiring all States to assume 100% of the non-Federal share of the costs for Federal and/or State mandated public assistance programs, including but not limited to the Medicaid program, and prohibit all States from imposing upon municipal subdivisions thereof any portion of the non-Federal share of the costs of these programs, and
- permanently reinstating the FMAP increases provided for in Title IV of the Jobs and Growth Tax Relief Reconciliation Act of 2003, as temporarily extended; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J.

Hastert; House Minority Leader Nancy Pelosi; and the New York State Association of Counties.

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

Resolution No. 60

March 7, 2005
Regular Board Meeting

**RESOLUTION URGING CONGRESS AND PRESIDENT BUSH
TO REINSTATE FUNDING FOR AMTRAK**

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

Upon the recommendation of the Legislative Committee, and the same appearing proper and necessary.

WHEREAS, the proposed budget submitted by President Bush to Congress for Fiscal Year 2005-06 provides no funding for Amtrak; and

WHEREAS, the current Amtrak budget totals \$1.4 billion, of which \$1.2 billion is from Federal funding to support its operations and capital programs across the Nation; and

WHEREAS, the President's proposed budget will essentially force Amtrak into bankruptcy as there is no plan or proposal for Amtrak to continue operations without the vital Federal funding; and

WHEREAS, it is the sense of this Board of Supervisors that the proposed cessation of all Federal funding for Amtrak will cause irreparable harm to the Nation's public transportation system, with a devastating ripple effect upon the economy, and that therefore Congress and the President should reconsider any immediate cessation of funding for Amtrak in favor of a gradual phase-out of funding over several fiscal years.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges Congress and President Bush to reinstate funding for Amtrak in the budget for Fiscal year 2005-06; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi.

This resolution was duly seconded by Supervisors Dedrick and Connell, and

adopted.

Resolution No. 61

March 7, 2005
Regular Board Meeting

**RESOLUTION URGING REINSTATEMENT OF FUNDING
FOR MUNICIPAL WATER AND SEWER PROJECTS
THROUGH THE RURAL DEVELOPMENT PROGRAM OF
THE UNITED STATES DEPARTMENT OF AGRICULTURE**

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

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

WHEREAS, the budget submitted by President Bush to Congress for Fiscal Year 2005-06 contains significant reductions in funding for municipal water and sewer projects under the Rural Development program of the United States Department of Agriculture (USDA); and

WHEREAS, USDA Rural Development funding for municipal water and sewer projects consists of loans and grants to municipalities for the purpose of keeping the financial burden on local taxpayers for water and sewer improvements as low as possible; and

WHEREAS, the amount of funding available for grants to municipalities in New York State has been reduced over the past three years, from \$27 million in Fiscal Year 2003-04, to \$12.7 million in Fiscal Year 2004-05, and \$9.1 million in the President's proposed budget for Fiscal Year 2005-06; and

WHEREAS, the amount available in the President's proposed budget for grants will only fund 18 projects in New York State as the average grant amount is \$500,000; and

WHEREAS, municipal water and sewer improvement projects generally cost millions of dollars; and

WHEREAS, currently the interest rate charged by USDA on the loan portion of the Rural Development Program is approximately 4½ %, which is higher than the rate at which municipalities can issue their local finance obligations; and

WHEREAS, many towns in Essex County are facing massive water and sewer improvement projects, the costs of which will likely price many of our fixed-income residents, most of whom are senior citizens, out of their homes.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby urges, in the strongest possible terms, that grant funding for municipal water and sewer projects in New York State through the USDA Rural Development Program be reinstated to the 2003-04 level and that the loan program be modified to provide interest-free loans; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi; 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. 62

March 7, 2005
Regular Board 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 Merrihew, 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 Supervisors Both and Morrow, and adopted.

Resolution No. 63

March 7, 2005
Regular Board Meeting

**RESOLUTION OF SUPPORT FOR THE CIRCUIT
BREAKER TAX CREDIT PROGRAM**

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

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

WHEREAS, the citizens of New York State are faced with ever increasing property taxes; and

WHEREAS, many of our citizens, retired people as well as younger families, are having difficulty acquiring and retaining homes; and

WHEREAS, there already exists a vehicle that might help these people become and remain homeowners in Essex County.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its support for and urges the New York State Legislature to modify the existing Circuit Breaker Tax Credit Program, that would, if updated, provide relief to many of our retired and working class citizens; 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 REQUESTING THE STATE LEGISLATURE ADOPT
HOME RULE LEGISLATION AUTHORIZING ESSEX COUNTY TO
IMPOSE A 30 CENT SURCHARGE ON CELLULAR TELEPHONES
AND A \$1.00 SURCHARGE ON LAND LINE TELEPHONES**

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

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

WHEREAS, the Essex County Board of Supervisors desires to maintain and improve the capabilities of E-911 services; and

WHEREAS, the current E-911 telephone surcharges, paid for by all system users covers a limited portion of actual system operational expenses, and all other costs related to the system must be raised through property taxes; and

WHEREAS, the State of New York has expanded the types of expenses to which such surcharge may be applied; and

WHEREAS, the State Legislature has adopted special legislation for the counties of Clinton, Cortland, Nassau, Herkimer, Tompkins, Cayuga, Livingston, Ulster, Dutchess, Schuyler, Yates Putnam Cattaraugus, Seneca, Wayne, Ontario, Rensselaer, Montgomery, Westchester, Tioga, Broome, Fulton, Allegany, Steuben, Chautauqua, and Washington County Law §§308-a - 308-p), to establish and impose a wireless E911 surcharge; and

WHEREAS, no such legislation has been adopted for Essex County; and

WHEREAS, similar legislation for Essex County would allow Essex County to significantly improve wireless E911 coverage and response; and

BE IT RESOLVED that the Essex County Board of Supervisors hereby requests the State Legislature to introduce and adopt home rule legislation authorizing Essex County to impose a 30 cent surcharge on cellular telephones; and

BE IT FURTHER RESOLVED that this Board also requests the New York State Legislature authorize an increase in the Essex County E-911 surcharge on land lines to \$1.00 per month, together with the authorization to use such funds for all capital and operational expenses of the Essex County E-911 system; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and

directed to immediately send certified copies of this resolution to: Governor George E. Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O’C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; and Assembly Members Chris Ortloff and Teresa R. Sayward.

This resolution was unanimously seconded and adopted.

Resolution No. 65

March 7, 2005
Regular Board Meeting

**RESOLUTION SUPPORTING REAL PROPERTY
TAX REFORM LEGISLATION**

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

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

WHEREAS, proposed legislation has been introduced in the New York State Senate in prior legislative sessions for the purpose of reforming the current real property tax system in the following respects:

- amend RPTL §420-a to properly place the burden of establishing entitlement to real property tax exemption on the not-for-profit corporation property owner, ensure that exempt properties are used for exempt purposes, impose stricter standards for exempt activities, and empower localities with discretion to determine which types of properties would be entitled to exemption;
- make all lands owned by the State subject to taxation for all purposes; and
- provide for full state reimbursement to local taxing jurisdictions for any tax revenue losses resulting from RPTL §480 and §480a real property tax exemptions for forest lands; and

WHEREAS, it is the strong sense of this Board that State legislation to accomplish these purposes should be enacted and signed into law.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses its strong support for enactment by the State Legislature of Real Property Tax Reform Legislation and for Governor Pataki to sign such legislation into law; and

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

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

**RESOLUTION SUPPORTING THE ALLOCATION AND EXPENDITURE
OF ENVIRONMENTAL PROTECTION FUND MONIES FOR
WASTEWATER TREATMENT FACILITIES IN THE ADIRONDACKS**

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

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

WHEREAS, the Environmental Protection Fund was created in 1993 and has been used in the Adirondacks for land acquisition, conservation easements, landfill closures, municipal recycling programs and other environmental programs; and

WHEREAS, there is an urgent and widespread need in many Adirondack communities, especially those located on lakes and/or rivers, to construct new wastewater treatment facilities and/or upgrade existing ones to meet current standards; and

WHEREAS, the residents and taxpayers of these Adirondack communities do not have the financial ability to pay the additional tax burden that will be imposed upon them if the costs of these wastewater treatment projects are paid for out of local finance obligations and/or user fees; and

WHEREAS, it is the strong sense of this Board of Supervisors that Environmental Protection Fund monies are more appropriately expended for the construction and upgrading of municipal wastewater treatment facilities within the Adirondacks than by the expenditure of such funds to purchase lands and conservation easements.

BE IT RESOLVED that the Essex County Board of Supervisors hereby supports the the allocation and expenditure of Environmental Protection Fund monies for Wastewater Treatment Facilities in the Adirondacks; 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.

Regular Board Meeting

RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO REACH AGREEMENT ON A MEDICAID CAP FOR COUNTIES AND CITIES AND TO PROVIDE FOR A PHASED-IN STATE TAKEOVER OF ALL MEDICAID COSTS, ALL WITHOUT USING LOCAL SALES TAX REVENUES

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

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

WHEREAS, the vast majority of States assume 100% financial responsibility for the non-Federal share of the Medicaid program, so that the burden of paying for the medically needy is distributed over the widest possible tax base; and

WHEREAS, since the enactment of the Medicaid program, counties in New York State have been required to contribute a 25 percent matching share with the exception of certain long-term care and mental health services; and

WHEREAS, county taxpayers are currently funding a \$7 billion Medicaid local share that is growing at double digit rate, making Medicaid the largest and most volatile single expense in county budgets; and

WHEREAS, the unrestrained growth of local Medicaid costs are siphoning away the limited resources available to fund county budgets, and county taxpayers cannot afford any additional increases in their real property taxes; and

WHEREAS, the Governor, as well as members of the Senate and Assembly, have made various proposals purporting to reduce the financial impact of the Medicaid program on counties and cities; and

WHEREAS, it is the sense of this Board of Supervisors that a cap on local Medicaid costs will stabilize local property taxes and lessen the burden the Medicaid program places on local real property taxpayers, and that the State should also provide for a phased-in takeover of the non-Federal share of the Medicaid program, all without using local sales tax revenues.

BE IT RESOLVED that the Essex County Board of Supervisors hereby calls upon the Governor and State Legislature to reach agreement on a Medicaid cap for counties and cities at the 2003 levels and enact a phased-in takeover of 100% of the non-Federal share of the Medicaid program, all without using local sales tax revenues; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor George E.

Pataki; Senate Majority Leader Joseph L. Bruno; Senator Elizabeth O’C. Little; Senate Minority Leader David A. Paterson; Assembly Speaker Sheldon Silver; Assembly Minority Leader Charles H. Nesbitt; and Assembly Members Teresa R. Sayward and Chris Ortloff.

This resolution was unanimously seconded and adopted.

Resolution No. 68

March 7, 2005
Regular Board Meeting

**RESOLUTION REQUESTING STATEWIDE LEGISLATION
AUTHORIZING COUNTIES AND CITIES TO IMPOSE PROBATION FEES**

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

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

WHEREAS, current New York State law does not permit a county to impose probation fees for cases other than those arising out of a conviction of a crime under Article 31 of the Vehicle and Traffic Law and those under Family Court Act §653 in which the Essex County Probation Department has been ordered to conduct an investigation.

BE IT RESOLVED that the Essex County Board of Supervisors hereby requests the New York State Legislature to enact statewide legislation authorizing counties and cities to impose fees for administrative, pre-sentence investigation, electronic monitoring, drug testing and victim impact panel session services performed by a county or city probation department, and providing for collection of such fees under Section 420.10 of the Criminal Procedure Law; and

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

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

Resolution No. 69

March 7, 2005
Regular Board Meeting

**RESOLUTION IN SUPPORT OF THE ENACTMENT BY THE NEW
YORK STATE LEGISLATURE, AND THE SIGNING INTO LAW BY
GOVERNOR PATAKI, OF S.1544/A.4354 TO CURE THE UNFAIR**

TREATMENT OF MUNICIPALITIES UNDER CPLR 4545

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

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

WHEREAS, Section 4545 of the Civil Practice Law and Rules presently treats municipalities unfairly by precluding reduction of awards against a municipality for future lost earnings by the amount of benefits which the injured party will receive from other sources such as workers' compensation, social security and insurance, but allows such reductions when the awards are made against private party litigants; and

WHEREAS, S.1544/A.4354 has been introduced in the New York State Legislature to cure the present unequal treatment of municipalities, which penalizes taxpayers, and prevent double recovery for the same damages; and

WHEREAS, almost 900 municipalities and other public entities throughout the State support the passage of this legislation.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its strong support for the enactment of S.1544/A.4354 by the New York State Legislature, and for Governor Pataki to sign such legislation into law; and

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

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

Resolution No. 70

March 7, 2005
Regular Board Meeting

**RESOLUTION URGING REINSTATEMENT OF FUNDING
FOR DRAINAGE IMPROVEMENTS AND PAVING FOR
TWO FEDERAL AID HIGHWAYS IN ESSEX COUNTY**

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

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

WHEREAS, County Route 4, known as the Ensign Pond Road, is on the Federal Aid System and serves as a connector road between Interstate 87 and the Champlain Bridge to Vermont for a distance of 12.5 miles; and

WHEREAS, County Route 12, known as the Stowersville Road, is on the Federal Aid System and is 4.75 miles in length; and

WHEREAS, both highways are in dire need of substantial drainage improvements and paving, and it is estimated that the costs to perform these improvements will be \$1.2 million for County Route 4 and \$475,000 for County Route 12.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges Congress and President Bush to reinstate Federal funding in the amount of \$1.5 million for drainage improvements and paving on County Routes 4 and 12; and

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President George W. Bush; United States Senators Charles E. Schumer and Hillary Rodham Clinton; United States Representatives John E. Sweeney and John M. McHugh; Senate Majority Leader Bill Frist, M.D.; Senate Minority Leader Harry Reid; Speaker of the House Dennis J. Hastert; and House Minority Leader Nancy Pelosi.

This resolution was duly seconded by Supervisors Morrow and Scozzafava, and adopted.

Resolution No. 71

March 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING AN INTERMUNICIPAL
AGREEMENT WITH THE TOWN OF LEWIS FOR EXTENSION OF
THE LEWIS WATER DISTRICT TO THE NEW JAIL FACILITY SITE**

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

Upon the recommendation and 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 an intermunicipal agreement with the Town of Lewis for extension of the Lewis Water District to the new Jail Facility site on the terms set forth in the draft filed with the Clerk of the Board on or about February 14, 2005.

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

AYES: 2361 votes
NOES: 0 votes
ABSENT: 482 votes (French, Kelly, Moses, Morency)

Resolution No. 72

March 7, 2005
Regular Board Meeting

**RESOLUTION CONGRATULATING MEGHAN TUBBS, A SENIOR AT
TICONDEROGA CENTRAL SCHOOL ON SCORING 1000 POINTS ON THE
VARSITY GIRLS BASKETBALL TEAM DURING HER VARSITY CAREER**

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

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

WHEREAS, Meghan Tubbs, a senior at Ticonderoga Central School District scored her 1000th point in her varsity career for the Girls Basketball Team.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates Meghan Tubbs of the Ticonderoga Central School Girls Basketball Team on scoring her 1000th point in her varsity career.

This resolution was unanimously seconded and adopted.

Resolution No. 73

March 7, 2004
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO THE TICONDEROGA CENTRAL
SCHOOL BOYS VARSITY BASKETBALL TEAM ON WINNING THE CVAC
DIVISION II, SECTIONAL CLASS C CHAMPIONSHIP AND ADVANCING TO
THE STATE CLASS C REGIONAL SEMIFINALS**

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Ticonderoga Central School Boys Basketball Team won the 2004-2005 CVAC Division II and Sectional Class C Championships; and

WHEREAS, the Ticonderoga Central School Boys Basketball Team advanced to the State Boys Class C Regional Semifinals; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates the Ticonderoga Central School Sentinels Boys Varsity Basketball Team, their coach Dan Dorsett and his assistants and staff, for their outstanding accomplishments, including but not limiting to earning the title of 2004-05 CVAC Division II and Sectional Class C Championships, and advancing to the State Boys Class C Regional Semifinals.

This resolution was unanimously seconded and adopted.

Resolution No. 74

March 7, 2004
Regular Board Meeting

**RESOLUTION CONGRATULATING THE MORIAH CENTRAL
SCHOOL BOYS VARSITY BASKETBALL TEAM ON WINNING
THE CLASS D SECTION 7 CHAMPIONSHIP, AND ADVANCING
TO THE CLASS D REGIONAL CHAMPIONSHIP**

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Moriah Central School Boys Basketball Team won the 2004-2005 Class D Section 7 Championship, and advanced to the Class D Regional Championship.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates the Moriah Central School Boys Varsity Basketball Team, their coach and assistants and staff, for their outstanding accomplishments, including but not limiting to earning the title of 2004-05 Class D Section 7 Championship and advancing to the Class D Regional Championship.

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

Resolution No. 75

March 7, 2005
Regular Board Meeting

**RESOLUTION CONGRATULATING KRYSTA CUTTING, A SENIOR AT
ELIZABETHTOWN-LEWIS CENTRAL SCHOOL, ON SCORING 1193
POINTS AND GETTING 1113 REBOUNDS DURING HER EXCEPTIONAL
CAREER ON THE VARSITY GIRLS BASKETBALL TEAM**

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.

WHEREAS, Krysta Cutting, a senior at the Elizabethtown-Lewis Central School District, scored 1193 points and pulled down 1113 rebounds during her varsity career for the Girls Basketball Team; and

WHEREAS, Krysta Cutting also had 135 assists, 366 blocks and 254 steals during here career, as well as shot 78% from the free throw line; and

WHEREAS, Krysta Cutting has been selected to the MVAC All-star First Team; and

WHEREAS, Krysta Cutting is an exceptional member of her school, being a member of the National Honor Society, serving as Class President, and participating in other sports such as softball, golf and soccer.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates Krysta Cutting of the Elizabethtown-Lewis Central School Girls Basketball Team on scoring 1193 points and getting 1113 rebounds during her exceptional varsity career.

This resolution was unanimously seconded and adopted.

Resolution No. 76

March 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING EXTENSION OF THE SUBLEASE
AGREEMENT WITH NIAGARA MOHAWK FOR USE OF THE
BELFRY MOUNTAIN TOWER PROVIDED THAT ALL
PAYMENTS FOR PREVIOUS YEARS ARE PAID**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of this Board to execute an agreement extending the sublease agreement with Niagara Mohawk through September 30, 2006 with an option for 2 additional five year terms, and a ninety-day notice of termination, provided that all payments for previous years are paid in full at the time of execution.

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

AYES: 2361 votes
NOES: 0 votes
ABSENT: 482 votes (French, Kelly, Moses, Morency)

Resolution No. 77

March 7, 2005
Regular Board Meeting

**RESOLUTION URGING NEW YORK STATE TO USE WIRELESS
SURCHARGE FUNDS SOLELY FOR E911 PURPOSES**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the State of New York to use wireless surcharge revenues solely for E911 purposes; 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 Morrow, and adopted.

Resolution No. 78

March 7, 2005
Regular Board Meeting

**RESOLUTION CONGRATULATING THE ELIZABETHTOWN-
LEWIS CENTRAL SCHOOL CHEERLEADING TEAM FOR
WINNING THE 2005 MVAC CHEERLEADING
CHAMPIONSHIP**

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

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

WHEREAS, the Elizabethtown-Lewis Central School Varsity Cheerleading Team went to compete along with six other high school squads at the 2005 Mountain & Valley Athletic Conference Championships on March 5-6, 2005; and

WHEREAS, the Elizabethtown-Lewis Central School Cheerleading Team earned the highest team score for the third year in a row.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates the Elizabethtown-Lewis Central School Varsity Cheerleading Team and their coach Brittany Fleming for their outstanding accomplishments, including but not limiting to their winning the 2005 MVAC Cheerleading Championships.

This resolution was unanimously seconded and adopted.