

Resolution No. 79-A

April 4, 2005
Regular Board Meeting

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

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

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

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

WHEREAS, in 1805 the Town of Essex was formed from the Town of Willsboro; and

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

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

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

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

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

This resolution was unanimously seconded and adopted .

Resolution No. 79-B

April 4, 2005
Regular Board Meeting

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

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

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

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

WHEREAS, in 1805 the Town of Lewis was formed from the Town of Willsboro; and

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

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

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

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

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

This resolution was unanimously seconded and adopted .

Resolution No. 80

April 4, 2005
Regular Board Meeting

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

The following resolution was offered by Supervisor Moses, 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 Human Services Committee:

(a) The Public Health Departmental Policy Book.

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

(a) The 2004 Essex County IDA Annual Report.

(b) The 2004 Cooperative Extension's Annual Report.

3. From the Public Safety Committee:

(a) The 2004 Annual Report of the Board of Elections.

4. From the Personnel/Administration Committee:

(a) The 2004 Annual Report to the New York State Civil Service Commission.

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

(a) The 2004 Annual Report of the Real Property Tax Service Department.

This resolution was duly seconded by Supervisor Dedrick and adopted.

Resolution No. 81

**April 4, 2005
Regular Board Meeting**

RESOLUTION AMENDING THE 2005 ESSEX COUNTY BUDGET

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

(a) For the Emergency Services Department, decrease revenues (3645 44963 - FA Homeland Security) and appropriations (36454 5487 - Miscellaneous) in the total amount of \$10,197.00 from homeland security 2005 carry-over funds.

2. From the Ways and Means Committee:

(a) For the Sheriff's Department, increase revenues (3110 44785LET - Law Enforcement Terrorism Prevention Program (LETPP) and appropriations as follows in the total amount of \$16,507.00 from the Law Enforcement Terrorism Prevention Program grant:

Account Number	Account Name	Amount
31103 5120LET	Overtime Wages	\$ 6,018.00
31104 5451LET	Training	321.00
31108 5820LET	Benefits	600.00
31102 5260LET	Equipment	8,818.00

31104 5487LET	Maintenance	750.00
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This resolution was duly seconded by Supervisor Morency, and adopted upon a roll-call vote as follows:

AYES: 2492 votes
NOES: 0 votes
ABSENT: 351 votes (Scozzafava)

Resolution No. 82

April 4, 2005
Regular Board Meeting

**RESOLUTION SUPPORTING AN APPLICATION BY THE IDA TO
THE US DEPARTMENT OF AGRICULTURE & RURAL
DEVELOPMENT FOR A RURAL BUSINESS ENTERPRISE GRANT**

The following resolution was offered by Supervisor Glebus, 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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby supports an application by the Essex County Industrial Development Agency to the US Department of Agriculture & Rural Development for a Rural Business Enterprise Grant in the amount of \$99,000.00.

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

Resolution No. 83

April 4, 2005
Regular Board Meeting

***RESOLUTION DECLARING A COMPACTOR AS
SURPLUS AND AUTHORIZING ITS DISPOSITION***

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby declares a Rex Compactor in the Department of Public Works, Solid Waste Division to be surplus and authorizes and directs it to be conveyed to the Franklin County Solid Waste Department in exchange for \$2,500.00 credit in trash disposal fees.

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

AYES: 2492 votes
NOES: 0 votes
ABSENT: 351 votes (Scozzafava)

Resolution No. 84

April 4, 2005
Regular Board Meeting

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD TO HAVE THE AUTHORITY TO ORDER ALL COUNTY FLAGS BE FLOWN AT HALF-STAFF UNTIL AFTER THE FUNERAL OF ANY LOCAL SERVICEMAN, OFFICIAL OR PUBLIC SERVANT WHO, IN THE OPINION OF THE CHAIRMAN, CONTRIBUTED TO THE COMMUNITY, ALL AS PROVIDED IN NEW YORK EXECUTIVE LAW §403, SUBDIVISION 21

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

Upon the recommendation of the DPW 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 delegates to the Chairman of the Board the authority to order all County flags be flown at half-staff until after the funeral of any Local Serviceman, Official or Public Servant who, in the opinion of the Chairman, contributed to the community, all as provided in New York Executive Law §403, Subdivision 21.

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

Resolution No. 85

April 4, 2005
Regular Board Meeting

RESOLUTION AUTHORIZING PREPARATION OF A PROPOSED LOCAL LAW FOR THE INSTALLMENT PAYMENT OF TOWN AND COUNTY REAL PROPERTY TAXES

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes preparation of a proposed local law for the installment payment of Town and County real property taxes to be submitted to the Finance Committee for consideration at its April meeting.

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

Resolution No. 86

April 4, 2005
Regular Board Meeting

**RESOLUTION AMENDING THE 2003-2004 OPERATING BUDGET
OF NORTH COUNTRY COMMUNITY COLLEGE**

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

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

WHEREAS, the payment of State operating aid is based on the lesser of budgeted or actual amounts; and

WHEREAS, the 2003-2004 Annual Financial Report for North Country Community College reflects an actual State aid entitlement increase of \$15,636.00 from \$2,463,944.00 in the originally approved budget to \$2,479,580.00.

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2003-2004 North Country Community College Operating Budget so as to increase the total amount of State operating aid by \$15,636.00, from \$2,463,944.00 to \$2,479,580.00, with no increase in the total operating costs or sponsor contributions; and

BE IT FURTHER RESOLVED that this budget amendment with resolutions from the Board of Trustees of North Country Community College and the Franklin County Legislature be forwarded to the State University Board of Trustees for approval and payment.

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

call vote as follows:

AYES: 2492 votes
NOES: 0 votes
ABSENT: 351 votes (Scozzafava)

Resolution No. 87

April 4, 2005
Regular Board Meeting

**RESOLUTION AMENDING RESOLUTION NO. 34 OF 2004 TO
PROVIDE FOR THE CANCELLATION OF INTEREST, PENALTIES
AND OTHER CHARGES ON THE PARCEL OF PROPERTY IN
THE TOWN OF MORIAH**

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

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

WHEREAS, this Board passed Resolution No. 34 on February 7, 2005 authorizing the disposition of a parcel of property in the Town of Moriah to the abutting property owners; and

WHEREAS, this Board now wishes to waive the interest, penalties and other charges against this parcel of property in the total amount of \$474.89.

BE IT RESOLVED that the Essex County Board of Supervisors hereby waives the interest and penalties on a parcel of real property in the Town of Moriah, assessed to Domar of Glens Falls, Inc., being tax map number 96.16-2-8.102, account number 655J110905 in the total amount of \$474.89, so that the parcel can be conveyed to the four abutting property owners.

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

AYES: 2492 votes
NOES: 0 votes
ABSENT: 351 votes (Scozzafava)

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

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and approves the following appointments and changes in county service, all to be performed in compliance with, as and if applicable, the Essex County Civil Service Rules and Regulations, and/or the current CSEA contract and/or the Essex County Personnel Policy Manual:

1. From the Personnel/Administration Committee:

- (a) Create and fill provisionally a position of Jail and Public Safety Buildings and Grounds Coordinator (Grade 8 M/C - \$21.78 hr.) in the Department of Public Works.

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

AYES:	2492	votes	
NOES:	0	votes	
ABSENT:	351	votes	(Scozzafava)

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN
THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFOR**

The following resolution was offered by Supervisor Morency, 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, a Project for the Bridge Reconstruction of Water Street Bridge over the Bouquet River, P.I.N. 1755.11 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Essex desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of Preliminary Engineering and Right of Way Incidentals.

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

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

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

RESOLVED, that the sum of \$214,000.00 (Two hundred fourteen thousand dollars) has already been appropriated from the County Road fund and made available to cover the cost of participation in the Preliminary Engineering and ROW Incidentals phase of the Project; and it is further

RESOLVED, that the additional sum of \$3,400.00 (Three Thousand Four Hundred dollars and 00/100) is hereby appropriated and made available to cover the additional cost of participation in the Right of Way Acquisition phase of the Project; and it is further

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

RESOLVED, that the Chairman of the Board of Supervisors or DPW Superintendent of the County of Essex be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Essex with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

AYES: **2492 votes**
NOES: **0 votes**
ABSENT: **351 votes (Scozzafava)**

Resolution No. 90

April 4, 2005
Regular Board Meeting

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

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes and directs the County Purchasing Agent to go to bid and/or purchase in accordance with the Essex County Purchasing Policy (Resolution No. 320-97) the following:

1. From the Ways and Means Committee:

(a) For the DPW Department, purchase a MB Sweeper model TK-H for JD624H loader from Arrowhead Equipment, Inc. at a cost not to exceed \$8,642.00 from budgeted funds.

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

AYES: **2492 votes**
NOES: **0 votes**
ABSENT: **351 votes (Scozzafava)**

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

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

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

WHEREAS, it is now very time consuming and expensive to transfer a building right from one non-contiguous property to another with the same classification; and

WHEREAS, this Board can see no benefit to this cumbersome process, only delay and increase expenses; and

WHEREAS, this Board believe this process could easily be simplified to allow direct transfer from one property to another as long as it has the same classification; and

WHEREAS, water and sewer projects in the Adirondack Park sponsored by a local or County Government is for the health, welfare and benefit of the citizens, guests and visitors to the Adirondack Park; and

WHEREAS, it is very difficult to plan, permit and finance these projects and securing a building right for these projects can be harder than securing the land; and

WHEREAS, there is a precedent in that water towers no longer consume a building right; and

WHEREAS, a benefit to the part of the Adirondack Park is a benefit to the entire Adirondack Park.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the Adirondack Park Agency to modify its rules and procedures so as to allow:

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

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

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

This resolution was unanimously seconded and adopted.

Resolution No. 92

April 4 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
JAMES MERO, JR.

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

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

WHEREAS, James Mero (Jim) had served in the Willsboro Fire Department for over 35 years; and

WHEREAS, Jim and his family have served and dedicated most of their adult lives to fire service, EMS duties and Fire Investigation; and

WHEREAS, Jim served over twenty years as a Fire Instructor having been a member of the NYS Fire Investigator Association and the NYS Fire Chiefs Association; and

WHEREAS, at the time of his passing Jim was serving as a Fire Commissioner in the Willsboro Fire Department, an Essex County Fire Investigator, and as Deputy Fire Coordinator; and

WHEREAS, Jim passed away while in the performance of his duties as Fire Investigator.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses its deepest sympathy and condolences to the family of Jim Mero; 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 Mero family.

This resolution was unanimously seconded and adopted.

Resolution No. 93

April 4, 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

LEO L. TAYLOR

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

WHEREAS, Leo L. Taylor, the former Crown Point Highway Superintendent passed away on March 16, 2005; and

WHEREAS, Leo L. Taylor was a World War II veteran serving in Guadal Canal; and

WHEREAS, Leo L. Taylor worked at International Paper Company, was a member of the American Legion Burnell Ross Post 1403, and retired as the Crown Point Highway Superintendent; and

WHEREAS, Leo L. Taylor was a loving husband of 53 years, father, grandfather, uncle and friend who will be sorely missed.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses its deepest sympathy and condolences to the family of Leo L. Taylor; 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 Taylor family.

This resolution was unanimously seconded and adopted.

Resolution No. 94

April 4, 2005
Regular Board Meeting

RESOLUTION CONGRATULATING

JEFFREY "JEFF" BEANEY

**FOR BEING SELECTED AS THE ECAC DIVISION III
HOCKEY COACH OF THE YEAR**

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

Upon the recommendation of the Finance/Tax Reduction/Mandate Relief Committee,

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

WHEREAS, Jeffrey Beaney, a native of Lake Placid, is the Coach of the University of Southern Maine's Hockey Team; and

WHEREAS, Coach Beaney and his University of Southern Maine hockey players posted a 15-9-2 record and reached the league's final four tournament; and

WHEREAS, Coach Beaney has been recognized for his efforts by being selected as the Division III Hockey Coach of the Year by the Eastern Collegiate Athletic Conference.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its heartiest congratulations to Jeffrey "Jeff" Beaney of Lake Placid for being selected as the ECAC Division III Hockey Coach of the Year.

This resolution was unanimously seconded and adopted.

Resolution No. 95

April 4, 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ANN R. GALARNEAU

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

WHEREAS, Ann R. Galarneau, the mother of the Town of Ticonderoga assessor David Galarneau, passed away on March 13, 2005; and

WHEREAS, Ann Galarneau was a loving mother, sister, grandmother, great grandmother, aunt and friend who will be sorely missed.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses its deepest sympathy and condolences to the family of Ann Galarneau; 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 Galarneau family.

This resolution was unanimously seconded and adopted.

Resolution No. 96

April 4, 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ROY J. BLAISE

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

WHEREAS, Roy J. Blaise, the father-in-law of Jerry Morrow, Supervisor of the Town of Chesterfield passed away on March 28, 2005; and

WHEREAS, Roy Blaise served in the US Army from January 5, 1945 to November 30, 1946 as a military policeman as well as serving with the 301st Military Police Company 34th Fighter Squadron on Okinawa; and

WHEREAS, Roy Blaise was a life member and junior Vice and Commander of the Keeseville Veterans of Foreign Wars Post 1505 and a former member of the Keeseville Knights of Columbus; and

WHEREAS, Roy Blaise was a loving husband, father, brother, grandfather, great-grandfather, uncle and friend who will be sorely missed.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby expresses its deepest sympathy and condolences to the family of Roy J. Blaise; 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 Blaise family.

This resolution was unanimously seconded and adopted.

Resolution No. 97

April 4, 2005
Regular Board Meeting

RESOLUTION AUTHORIZING A 2002 CONTRACT
AMENDMENT WITH THE MENTAL HEALTH ASSOCIATION

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of the Board to enter into and execute a 2002 contract amendment with Mental Health Association to increase the amount of their funding by \$23,187.00.

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

AYES: 2492 votes
NOES: 0 votes
ABSENT: 351 votes (Scozzafava)

Resolution No. 98

April 4, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING PAYMENT OF THE BUILDING
PERMIT FEE OF \$22,800.00 TO THE NEW YORK DEPARTMENT
OF STATE FOR THE NEW JAIL FACILITY**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes payment of the sum of \$22,800.00 to the New York Department of State for the building permit fee for the new Jail & Public Safety Facility, to be paid from the New Jail Capital Project (Project No. 98-3).

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

AYES: 2492 votes
NOES: 0 votes
ABSENT: 351 votes (Scozzafava)

Resolution No. 99

April 4, 2005
Regular Board Meeting

**RESOLUTION TO TAKE RESOLUTION NO. 47-B FROM THE
TABLE AND ADOPT THE EXEMPT
COMPENSATION TIME POLICY**

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

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

WHEREAS, Resolution No. 47-B of 2005, providing for the adoption of an Exempt Compensation Time Policy, was tabled at the March 5, 2005 regular meeting of this Board.

BE IT RESOLVED that the Essex County Board of Supervisors hereby takes Resolution No. 47-B from the table and 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 Moses, and adopted upon a roll-call vote as follows:

AYES: 1654 votes
NOES: 838 votes (*Both, Glebus, Kelly, Seney, Connell*)
ABSENT: 351 votes (*Scozzafava*)

Resolution No. 100

April 4, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$35,000,000
AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF
THE COUNTY OF ESSEX, STATE OF NEW YORK, PURSUANT
TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION
AND CONSTRUCTION OF A COUNTY JAIL & PUBLIC SAFETY FACILITY,
INCLUDING SPACE FOR THE NEW YORK STATE POLICE**

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 Board of Supervisors of the County of Essex located in the State of New York (the "County"), hereby determines that it is in the public interest of the County to authorize the financing of the costs of the acquisition and construction of a County jail and public safety facility, including space for the New York State Police, the acquisition of any equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ESSEX, STATE OF NEW YORK as follows:

Section 1. There is hereby authorized to be issued serial bonds of the County, in the aggregate principal amount of not to exceed \$35,000,000 pursuant to the Local Finance Law, in order to finance the costs of the acquisition and construction of a County jail and public safety facility, to include space to be occupied and rented by the New York State Police, including the acquisition of any equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

Section 2. The Board of Supervisors of the County has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$35,000,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Board of Supervisors of the County plans to finance the costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay for the Project, for which proceeds of any obligations are to be applied to reimburse the County, the Board of Supervisors of the County took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (the Project being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law) and that the period of probably usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of the thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, is hereby delegated to the County Treasurer, as chief fiscal officer of the County. The County Treasurer is hereby authorized to execute, by manual or facsimile signature, on behalf of the County, all serial bonds issued pursuant to this bond resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the County Clerk is hereby authorized to impress the seal (or have imprinted a facsimile thereto) of the County to

or on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the County Treasurer. In the absence of the County Treasurer, the Deputy County Treasurer is hereby authorized to exercise the powers delegated to the County Treasurer by this bond resolution.

Section 5. When this bond resolution takes effect, the Clerk of the Board of Supervisors shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Times of Ti, the Press Republican, the Adirondack Daily Enterprise, and the Post Star, newspapers having a general circulation in the County. The validity of such serial bonds authorized herein and of bond anticipation notes issued in anticipation of the issuance of such serial bonds may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the County is not authorized to expend money, or the provisions of law, which have been complied with at the date of the publication of this bond resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the County are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 7. The County intends to issue the obligations authorized by this bond resolution to finance the costs of the Project. The County covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the County, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of such serial bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution and the County may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the adoption of this bond resolution, the Board of Supervisors of the County applied for and received a permit from the Adirondack Park Agency (APA Project Permit 2004-252) and, by virtue of receipt of such permit, has complied with all relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). It is hereby determined that pursuant to 6 NYCRR §617.5 (c)(36) the Project is a “Type II action”, as that term is defined in 6 NYCRR §617.2 (a), is not subject to further review under the State Environmental Quality Review Act and will not have a significant effect on the environment. In the event that any of the environmental compliance proceedings require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Supervisors of the County covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized to be issued herein upon the advice of bond counsel.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, the County agrees, in accordance with, and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the County Clerk, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the County’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County Attorney and bond counsel or other qualified independent special counsel to the County and shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution shall take effect immediately upon its adoption by the Board of Supervisors of the County.

This resolution was duly seconded by Supervisors Jackson and Morrow, and adopted upon a *two-thirds* roll-call vote as follows:

AYES: **3436 votes**
NOES: **0 votes**
ABSENT: **480 votes (Scozzafava)**

Resolution No. 101

April 4, 2005
Regular Board Meeting

**RESOLUTION OF CONDOLENCE AND
SADNESS ON THE DEATH OF**

POPE JOHN PAUL II

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

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

WHEREAS, Pope John Paul II made significant and lasting contributions to the world promoting peace, understanding and respect among the peoples of the world.

WHEREAS, as a mark of respect for His Holiness Pope John Paul II, on April 2, 2005 President Bush issued a Proclamation ordering that the flag of the United States be flown at half staff until sunset on the day of interment at all public buildings and grounds, military posts, naval stations and vessels, and throughout the United States, its Territories and possessions, as well as at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its condolences and sadness on the death of Pope John Paul II.

This resolution was unanimously seconded and adopted.

