

Resolution No. 101-a

**May 2, 2005
Regular Board Meeting**

**RESOLUTION AUTHORIZING THE PURCHASE OF A NEW AIR TRUCK
FOR EMERGENCY SERVICES, AND APPROPRIATING THE SUM OF
\$12,415.00 FROM THE CONTINGENT ACCOUNT THEREFOR**

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 the Purchasing Agent to purchase a new air truck for the Emergency Services Department, in compliance with the County Purchasing Policy; and

BE IT FURTHER RESOLVED that the sum of \$12,415.00 is hereby appropriated from the contingent account (Account No. 19904-5487) for transfer to the 2005 Emergency Services Budget (Account No. 34102 5230 – Auto Equipment) to be applied along with budgeted funds towards the purchase of said truck.

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

AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)

BUDGET IMPACT STATEMENT

Contingent Account Balance as of 05/02/05: \$ 448,500.00
Reduction Impact of this resolution: \$ 12,415.00
FY2005 Contingent Account Balance: \$ 436,085.00

Resolution No. 102

May 2, 2005
Regular Board Meeting

RESOLUTION AUTHORIZING CONTRACTS

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

Upon the recommendation of the respective 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 authorizes and directs the appropriate County official to enter into and execute the following:

1. From the Human Services Committee:

(a) An affiliation agreement with SUNY Plattsburgh for internships with Essex County departments.

2. From the Public Safety Committee:

(a) A contract with the Town of Long Lake and/or with Hamilton County, as may be appropriate, to number and address the Town of Long Lake fire district for Enhanced 911 at a cost not to exceed \$7,700.

3. From the Regular Board Meeting:

(a) For the Department of Public Works, a contract with the New England Interstate Water Pollution Control Commission (NEIWPCC) for pre-cast sediment traps under which the County will furnish a minimum of \$1,928 in non-federal matching funds or in-kind/volunteer services and NEIWPCC will furnish \$5,785 to the County.

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

AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)

Resolution No. 103

May 2, 2005
Regular Board Meeting

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

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

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

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

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

(a) The 2004 Essex County Historical Society Annual Report.

2. From the Personnel/Administration Committee:

(a) The 2004 Annual Report for the Workers' Compensation Self-Insurance Plan.

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

Resolution No. 104

**May 2, 2005
Regular Board Meeting**

RESOLUTION AMENDING THE 2005 ESSEX COUNTY BUDGET

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends the 2005 Essex County Budget as follows:

1. From the Human Services Committee:

(a) For the Mental Health Department, increase revenues (4320 4162070 - Mental Health Fees) and appropriations as follows in the total amount of \$1,868.00 from funds from Adirondack Rural Health Network:

Account Number	Account Name	Amount
43204 5451	Training	\$ 675.00
43204 5497	Mileage	493.00
43204 5443	Travel	700.00

(b) For the Department of Social Services, increase revenues (6010 44641135 - Fed. Aid - HEAP Admin.) and appropriations as follows in the total amount of \$14,802.00 from a HEAP allocation increase:

Account Number	Account Name	Amount
60101 5130	Salaries and Wages	\$ 12,481.00
60108 5810	Retirement	1,335.00
60108 5820	Social Security	955.00
60108 5840	Disability	31.00

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

AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)

Resolution No. 105

May 2, 2005
Regular Board Meeting

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

The following resolution was offered by Supervisor Jackson, 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) Meredith Johnston to the Mental Health Committee for a term of 5/1/05 through 12/31/08.

2. From the Regular Board Meeting:

(a) To the Essex County Workforce Development Board, Justin Hooper, Jill LaPine, and Mark Priester as business/private sector representatives.

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

Resolution No. 106

May 2, 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 Dobie, who moved its adoption.

Upon the recommendation of the committee(s) indicated below, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes and directs the County Purchasing Agent to go to explore the possible purchase of an

industrial size washer for the Horace Nye Home in accordance with the Essex County Purchasing Policy (Resolution No. 320-97), and prior to awarding any bid or contract report to the Board on the cost of purchasing said item so that the Board may determine whether the item will be purchased.

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

AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)

Resolution No. 107

May 2, 2005
Regular Board Meeting

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

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Emergency Services Department to apply for and accept:

1. From the Human Services Committee:

(a) a \$3,000.00 mini grant for the Public Health Department from Hudson Headwaters Health Network for HIV Education and Outreach.

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

AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)

RESOLUTION OF APPRECIATION TO

LINDA LAZZARI

**FOR EXEMPLARY AND DISTINGUISHED SERVICE
TO THE PEOPLE OF ESSEX COUNTY**

The following resolution was offered by Supervisor Ashline, 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, Linda Lazzari has served the People of Essex County with distinction, excellence, dedication and integrity for more than 20 years; and

WHEREAS, Linda Lazzari started as a County employee in March of 1985 as a Community Health Nurse in the Public Health Department, and was thereafter promoted to and performed the duties of Supervising Community Health Nurse, Deputy Director of Public Health, and then to the position of as the Public Health Director/Director of Patient Services, Administrator of the Certified Home Health Agency and the Early Intervention Official at the Essex County Public Health Nursing Service, since October 30, 1998; and

WHEREAS, in December of 1999 Linda Lazzari assumed the dual roles of Public Health Director and Director of the Office for the Aging until May 6, 2000; and

WHEREAS, Linda Lazzari's unparalleled experience, hard work and exemplary job performance has been and is recognized by the Board of Supervisors; and

WHEREAS, Linda Lazzari has commendably, competently and ably served as the Director of the Public Health Nursing Service since 1998, exhibiting remarkable leadership as well as dedication and commitment to the People of Essex County; and

WHEREAS, Linda Lazzari has made a significant and enduring positive

difference in the administration and functioning of County government for which the People of Essex County and this Board of Supervisors are extremely grateful and appreciative; and

WHEREAS, Linda Lazzari has decided to retire from Essex County Government service.

BE IT RESOLVED that the Essex County Board of Supervisors hereby extend its deep appreciation to Linda Lazzari for her many illustrious years of committed, dedicated, and exemplary service to the People of Essex County, as well as express their most sincere best wishes for a long and enjoyable retirement and for her future endeavors; and

BE IT FURTHER RESOLVED that the Clerk of this Board be and she hereby is authorized and directed to spread this resolution upon the minutes of this Board and to furnish a suitably embossed replica of this resolution to Linda Lazzari.

This resolution was unanimously seconded and adopted.

Resolution No. 109

*May 2, 2005
Regular Board Meeting*

**RESOLUTION AUTHORIZING RC UNICEL TO AMEND THEIR
APA APPLICATION TO ADD AN ANTENNA AND EQUIPMENT TO
THE BELFRY MOUNTAIN TOWER**

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

Upon the recommendation of the Public Safety Committee 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 RC Unicel to amend their APA application to add an antenna and equipment to the Belfry Mountain Tower.

This resolution was duly seconded by Supervisor Dobie, and adopted with Supervisor Morrow being opposed.

Resolution No. 110

**May 2, 2005
Regular Board Meeting**

**RESOLUTION AUTHORIZING IMPLEMENTATION OF THE WEEKEND
WORK PROGRAM PROPOSAL AS SUBMITTED BY THE PROBATION
DIRECTOR AT A SIX MONTHS COST OF \$10,587.00**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the implementation of the Weekend Work Program proposal as submitted by the Probation Director to the Public Safety Committee at its April 11, 2005 meeting, at a six months cost of \$10,587.00.

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

**AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)**

Resolution No. 111

**May 2, 2005
Regular Board Meeting**

**RESOLUTION REPEALING THE AUGUST 8, 1974 RESOLUTION OF THE
ESSEX COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD RESTRICTING
THE HOURS OF SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES
CONSUMPTION**

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

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

WHEREAS, on August 8, 1974 the Essex County Alcoholic Beverage Control Board adopted a resolution restricting the hours of sale of alcoholic beverages for on-premises consumption; and

WHEREAS, the Essex County Alcoholic Beverage Control Board has been abolished for many years; and

WHEREAS, this Board of Supervisors is of the sense that local restrictions in addition to current State requirements are unnecessary and in some respects a duplication of State requirements.

BE IT RESOLVED that the Essex County Board of Supervisors hereby repeals in its entirety the resolution adopted by the Essex County Alcoholic Beverage Control Board on August 8, 1974, and requests that the New York State Liquor Authority approve the termination of the restrictions on hours

of sale of alcoholic beverages set forth in the 1974 resolution; and

BE IT FURTHER RESOLVED that the Clerk of this Board of Supervisors shall immediately forward a certified copy of this resolution to the New York State Liquor Authority.

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

Resolution No. 112

***May 2, 2005
Regular Board Meeting***

**RESOLUTION SUPPORTING PROPOSED SENATE BILL S.2848 REGARDING
THE DESIGNATION OF COMMERCIAL PROPERTY IN THE ADIRONDACK
PARK AS AN EMPIRE ZONE**

The following resolution was offered by Supervisor Dedrick, 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 expresses its support of Senate Bill S.2848 regarding an act to amend the General Municipal Law, in relation to designating commercial property in the Adirondack Park as an Empire Zone; 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. 113

***May 2, 2005
Regular Board Meeting***

**RESOLUTION AUTHORIZING THE HOUSING ASSISTANCE PROGRAM OF ESSEX
COUNTY TO INVESTIGATE AMENDING THE HOME BUYER PROGRAM POLICY TO
ALLOW VETERANS AND SERVICEMEN TO BE GRANTED PRIORITY STATUS**

The following resolution was offered by Supervisor Douglas, 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 authorizes the Housing Assistance Program of Essex County to investigate amending the Home Buyer Program Policy to allow veterans and servicemen to be granted priority status.

This resolution was duly seconded by Supervisors Kelly and Glebus, and adopted.

Resolution No. 114

May 2, 2005
Regular Board Meeting

**RESOLUTION CHANGING CERTAIN COUNTY ROAD NAMES
AND ROUTE NUMBERS TO COMPLY WITH E-911**

The following resolution was offered by Supervisor Jackson, 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 authorizes and directs that the names and route numbers for the following county roads be changed to comply with E-911 as indicated below:

1. From the DPW Committee:

Current Road Name/Number	Location	New Road Name/Number
Lake Shore Road between NYS Route 22 and School St - County Route 80	Town of Essex	Main Street - County Route 80

2. From the Ways and Means Committee:

Current Road Name/Number	Location	New Road Name/Number
Mountain View Drive - from intersection of Sunset Dr. (Co. Rte. 68) to intersection of NYS Route 22 - County Route 14	Town of Willsboro	Mountain View Drive - County Route 88
Mountain View Drive - between Cold Brook Road (Co. Rte. 57) and Sunset Dr.(Co. Rte. 68) - County Route 14	Town of Willsboro	Sunset Drive - County Route 68

Current Road Name/Number	Location	New Road Name/Number
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**Cold Brook Road (Co. Rte. 57)
and Deerhead-Reber Rd
- County Route 14**

Town of Willsboro

**Cold Brook Road -
County Route 57**

**Deerhead-Reber Road
- County Route 14**

Town of Willsboro

**Deerhead-Reber Road
County Route 14**

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

Resolution No. 115

**May 5, 2005
Organizational Meeting**

**RESOLUTION AMENDING RESOLUTION NO. 4 OF 2005 ADOPTING
AN INVESTMENT POLICY AND DESIGNATING DEPOSITORIES FOR
COUNTY FUNDS**

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

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

BE IT RESOLVED that this Board of Supervisors wishes to amend Section 8 of Resolution No. 4 of 2005 to read and provide as follows:

"8. DESIGNATION OF DEPOSITARIES

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

	<u>Name of Depository</u>	<u>Maximum Deposit Amount</u>
1.	The National Bank and Trust Company Lake Placid, N.Y.	\$ 40,000,000.00
2.	Champlain National Bank Westport, NY, & Elizabethtown, NY	\$ 40,000,000.00
3.	Charter One Ausable Forks, NY, Lake Placid, NY, Newcomb, NY, & Albany, NY	\$ 40,000,000.00
4.	Glens Falls National Bank and Trust Co.	\$ 40,000,000.00

**Schroon Lake, NY, Ticonderoga, NY,
& Port Henry, NY**

- | | | |
|----|--|-------------------------|
| 5. | Evergreen Bank
Keeseville, NY | \$ 40,000,000.00 |
| 6. | Chase Manhattan Bank
Albany, NY | \$ 40,000,000.00 |
| 7. | Adirondack Bank
Lake Placid, NY 12946 | \$ 40,000,000.00 |
| 8. | Tupper Lake National Bank
Saranac Lake, NY 12983" | \$ 40,000,000.00 |

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

**DEFEATED
Resolution No. 116**

***May 2, 2005
Regular Board Meeting***

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2005
PROVIDING FOR ESSEX COUNTY TO BECOME THE TAX COLLECTION
AGENCY FOR THE PURPOSE OF COLLECTING REAL PROPERTY TAXES
IN INSTALLMENTS PURSUANT TO REAL PROPERTY TAX LAW §972**

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

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

***WHEREAS, the Board of Supervisors desires to provide to owners of certain
residential properties the opportunity to pay real property taxes in installments, and
to allow each Town to determine whether such opportunity shall be made available
in such Town; and***

***WHEREAS, there are two methods for installment payments of real property
taxes under the Real Property Tax Law (§928-a or §972), but only §972 allows each
Town to decide whether to offer installment payments in such Town; and***

WHEREAS, the Board recognizes that the adoption of an installment payment system under Real Property Tax Law §972 will result in:

- (A) additional costs to all County taxpayers for**
- (1) the printing by a third party (not the County) of all real property tax bills for residential property in the Towns which opt into the installment payment system (there will also be costs to the Towns opting in),**
 - (2) the salaries and benefits for additional personnel in the County Treasurer's Office to handle the installment payment system,**
 - (3) the funds necessary to pay the Towns which opt in, on February 10th of each year rather than in April of each year, the balance of the taxes due (excluding the County portion) on each eligible parcel which the owner thereof elects to pay in installments,**
 - (4) the funds necessary to pay any school district which opts in, on October 10th of each year rather than in April of the following year, the balance of the school taxes due on each eligible parcel which the owner thereof elects to pay in installments,**
 - (5) the interest expense which the County is required to pay should it make temporary advances from unappropriated and unreserved fund balance moneys to pay the towns and/or schools or to cover the County's cash flow requirements, and**
- (B) loss and/or impairment of revenue due to the need to use County funds to pay the Towns and any school district which opt into the system, as well as from the inability to invest such funds at rates higher than the 1% interest rate collected on the installment payments.**

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 2 of 2005, providing for Essex County to become the tax collection agency for the purpose of collecting real property taxes in installments pursuant to Real Property Tax Law §972, as follows:

"ESSEX COUNTY LOCAL LAW NO. 2 OF 2005

A local law providing for Essex County to become the tax collection agency for the purpose of collecting real property taxes in installments pursuant to Real Property Tax Law §972.

BE IT ENACTED by the Board of Supervisors of Essex County as follows:

§ 1. Definitions

- (a) "County" shall mean Essex County, New York.**
- (b) "Eligible property" shall mean one or more of the following types of property located within the County, provided that the taxes therefor are not paid**

through a real property tax escrow account:

- (1) property which has been assessed as a one, two or three family residence; or*
 - (2) property which is exempt from taxation pursuant RPTL §467; or*
 - (3) property which is exempt from taxation pursuant to RPTL §459, or which is owned and occupied by a person or persons who qualify as physically disabled pursuant to that statute; or*
 - (4) property which is owned by, and used as, the principal residence of, a person who receives supplemental security income.*
- (c) "Interest" shall mean the rate determined pursuant to RPTL §924-a amortized over all scheduled payments.*
- (d) "Taxes" shall mean:*
- (1) a charge imposed upon real property by or on behalf of the County, and/or by a town, village or school district located wholly or partially within the County, for municipal or school district purposes; and/or*
 - (2) a special assessment, as defined in RPTL §102, levied by the Board of Supervisors at the time and in the manner provided by law for the levy of County and town taxes; and/or*
 - (3) a special ad valorem levy, as defined in RPTL §102.*

§ 2. County To Be Collection Agency

(a) Commencing on January 1, 2006 and thereafter until this local law is repealed, the County shall become the tax collection agency for the purpose of collecting taxes in installments as prescribed by Title 4-A and by sections 1336 through 1342 of the Real Property Tax Law.

§ 3. Town Option; School District Option

(a) Pursuant to RPTL §973, the town board of any town in the County may elect to have paid in installments the amount of taxes for county, town and special district purposes constituting in the aggregate more than \$50 levied by the Board of Supervisors upon any parcel of real property in said town. Such election shall be made by resolution duly adopted by the town board at a meeting thereof held prior to the first day of October in any year, and upon the adoption of any such resolution a certified copy thereof shall be filed by the town clerk with the Clerk of the Board of Supervisors on or before the first day of October of such year.

(b) Pursuant to RPTL §1336, the school authorities of any school district wholly or partially in the County may elect to have paid in installments the amount of taxes for school district purposes constituting in the aggregate more than \$50 levied by such authorities upon any parcel of real property in both said district and the County. Such election shall be made by resolution duly adopted by the school

authorities at a meeting thereof held prior to the annual meeting of the school district, and upon the adoption of any such resolution a certified copy thereof shall be filed by the clerk of the school district with the Clerk of the Board of Supervisors on or before the first day of August following such annual district meeting.

§ 4. Installment Payment of Taxes

(a) Taxes on eligible properties may be paid in four equal (or as nearly equal as possible) installments according to the following payment schedule:

- (1) the first payment shall be due without interest not later than January 31; and*
- (2) the second payment shall be due with interest not later than the last day of February; and*
- (3) the third payment shall be due with interest not later than the last day of March; and*
- (4) the final payment shall be due with interest not later than the last day of April.*

(b) If an installment is not paid on or before the date it is due, additional interest shall be added as provided by RPTL §975 or §1340, as applicable, and such additional interest shall belong to the County.

§ 5. Payment By County Treasurer to Towns and/or School Districts

(a) On or before the first day of February following the levy of taxes the collecting officer of a town, and on or before the first day of October following the levy of taxes the collecting officer of a school district, which has adopted a resolution pursuant to §3 above shall make and deliver to the County Treasurer a list of the names of the owners of real property who have elected to pay such taxes in installments pursuant to this local law, together with an account, subscribed and affirmed by him as true under the penalties of perjury, of the balance of all taxes listed on the tax roll which such owners have elected to pay in installments and which remain unpaid at such time. Such return shall be in the form prescribed by the County Treasurer.

(b) The County Treasurer shall, if satisfied that such account is correct, credit him with the amount of such unpaid taxes and the warrant with respect to such taxes as were included in such return shall be deemed expired.

(c) Within ten days after a town or school district collecting officer shall have made his return of unpaid installments of taxes as provided in this section, the County Treasurer shall pay over to the supervisor of such town or to the officer charged by law with the custody of the school district moneys, as the case may be, an amount equal to the amount of taxes which an owner of real property has elected to pay in installments pursuant to this local law less the amount of the first installment.

(d) *Payments pursuant to this section may be made from moneys not otherwise appropriated or committed, from moneys appropriated for a contingent fund, or pursuant to the local finance law.*

§ 6. Effective Date

This local law shall take effect as of January 1, 2006.”

AND BE IT FURTHER RESOLVED that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on May 18, 2005, at 10:30 o'clock in the forenoon of that day during the meeting of the Finance, Tax Reduction & Mandate Relief Committee, to hear any and all persons concerning the same.

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

AYES:	802 votes	
NOES:	1955 votes	<i>(Morrow, Merrihew, Jackson, Douglas, Glebus, Scozzafava, Seney, Dobie, Morency, Connell, Ashline, Ashworth)</i>
ABSENT:	86 votes	<i>(Both)</i>

Resolution No. 117

May 2, 2005
Regular Board Meeting

**RESOLUTION AMENDING RESOLUTION NO. 135 OF 1996
PROVIDING FOR INSTALLMENT PAYMENTS OF REAL
PROPERTY TAXES PURSUANT TO REAL PROPERTY TAX LAW
§928-a SO AS TO ALLOW FOUR EQUAL INSTALLMENT
PAYMENTS RATHER THAN TWO INSTALLMENTS**

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.

WHEREAS, the Board of Supervisors desires to provide to owners of certain residential properties the opportunity to pay real property taxes in installments, and to allow each Town to determine whether such opportunity shall be made available in such Town; and

WHEREAS, there are two methods for installment payments of real property taxes under the Real Property Tax Law (§928-a or §972), but only §972 allows each Town to decide whether to offer installment payments in such Town; and

WHEREAS, the Board recognizes that the adoption of an installment payment system under Real Property Tax Law §972 will result in:

- (A) additional costs to all County taxpayers for**
 - (1) the printing by a third party (not the County) of all real property tax bills for residential property in the Towns which opt into the installment payment system (there will also be costs to the Towns opting in),**
 - (2) the salaries and benefits for additional personnel in the County Treasurer's Office to handle the installment payment system,**
 - (3) the funds necessary to pay the Towns which opt in, on February 10th of each year rather than in April of each year, the balance of the taxes due (excluding the County portion) on each eligible parcel which the owner thereof elects to pay in installments,**
 - (4) the funds necessary to pay any school district which opts in, on October 10th of each year rather than in April of the following year, the balance of the school taxes due on each eligible parcel which the owner thereof elects to pay in installments,**
 - (5) the interest expense which the County is required to pay should it make temporary advances from unappropriated and unreserved fund balance moneys to pay the towns and/or schools or to cover the County's cash flow requirements, and**
- (B) loss and/or impairment of revenue due to the need to use County funds to pay the Towns and any school district which opt into the system, as well as from the inability to invest such funds at rates higher than the 1% interest rate collected on the installment payments; and**

WHEREAS, it is the sense of this Board that the additional costs to all County taxpayers which will result from the adoption of an installment payment system under RPTL §972 can be avoided by the adoption of an installment payment system under RPTL §928-a, and that the avoidance of such additional costs outweighs the desire for each Town to have the option of whether to allow installment payments; and

WHEREAS, school districts have the right under RPTL §1326 to establish an installment payment system which does not obligate the County to reimburse a district for the balance of the school district taxes due after the first installment payment has been made; and

WHEREAS, by Resolution No. 135 of 1996 the Board of Supervisors adopted an installment payment system under RPTL §928-a providing for two equal installment payments, one to be made prior to February 1 and the second to be paid

on or before the first of April; and

WHEREAS, it is the sense of this Board that Resolution No. 135 of 1996 should be amended to provide for four equal installment payments.

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends Resolution No. 135 of 1996 so as to provide that pursuant to Real Property Tax Law §928-a, every tax in excess of twenty dollars hereafter levied by this Board may be paid in four equal installments as follows:

- (1) the first installment shall be paid not later than the last day of January; and*
- (2) provided that the first installment has been timely paid, the second installment shall be paid not later than the last day of February together with interest at the rate determined pursuant to Real Property Tax Law §924-a; and*
- (3) provided that the first and second installments have each been timely paid, the third installment shall be paid not later than the last day of March together with interest at the rate determined pursuant to Real Property Tax Law §924-a; and*
- (4) provided that the first, second and third installment have each been timely paid, the fourth and final installment shall be paid not later than the last day of April together with interest at the rate determined pursuant to Real Property Tax Law §924-a.*

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

AYES: 1516 votes
NOES: 1241 votes (French, Canon, Seney, Dobie, Moses, Detrick)
ABSENT: 86 votes (Both)

Resolution No. 118

May 2, 2005
Regular Board Meeting

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

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.

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:

(a) Advertise and fill the position of Director of Public Health in the Public Health Department.

(b) Advertise and fill the position of Director of Patient Services in the Public Health Department.

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

***AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)***

Resolution No. 119

***May 2, 2005
Regular Board Meeting***

***RESOLUTION AUTHORIZING THE ACQUISITION OF REAL
PROPERTY FOR THE WATER STREET BRIDGE PROJECT
AT A COST NOT TO EXCEED \$4,325.00***

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the acquisition of real property, including any and all appurtenant easements and rights-of-way, from the following persons at the appraised values for the Water Street Bridge Project at a total cost not to exceed \$4,325.00:

<u>Property Owner</u>	<u>Amount</u>
<i>George Shepard, Jr. and Judith L. Shepard</i>	<i>\$ 1,400.00</i>

Mark J. Carpenter and Brenda E. Carpenter	1,250.00
Michael O. Morris, Judith L. Shepard, Priscilla A. Chestnut and Candace E. Kohen	675.00
Henry W. Kurtenbach and Sylvia L. Kurtenbach	1,000.00

BE IT FURTHER RESOLVED that the Chairman of the Board is hereby authorized to enter into and execute any and all necessary documents relating to this purchase.

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

AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)

Resolution No. 120

May 2, 2005
Regular Board Meeting

**RESOLUTION CONCEPTUALLY SUPPORTING THE BARTON
MINES WIND MILL PROJECT**

The following resolution was offered by Supervisor Kelly, 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 expresses its conceptual support for the Barton Mines Wind Mill Project.

This resolution was unanimously seconded and adopted.

Resolution No. 121

May 2, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING 2004-05 SECTION 5311
CAPITAL ASSISTANCE GRANT AGREEMENTS**

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

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

WHEREAS, Essex County has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as a mass transportation capital project consisting of the purchase of four type VI mid-size buses, two trolley buses, one thirty foot bus, radio and computer equipment, and shelters (the "Project"); and

WHEREAS, Essex County and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State Shares for the project.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Chairman of this Board to sign:

- 1) Any and all agreements between Essex County and the State of New York for the above-named Project;**
- 2) Any and all Agreements between Essex County and any third-party subcontractors necessary to complete the Project, if appropriate; and**
- 3) Any Municipality/Vendor Contracts for the purchase and/or installation of vehicles and/or equipment.**

AND BE IT FURTHER RESOLVED that the Board of Supervisors certifies through this Resolution that the estimated local share of at least 10% of the total project cost, as described in the Federal Section 5311 Project Application, is committed to this Project.

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

**AYES: 2757 votes
NOES: 0 votes
ABSENT: 86 votes (Both)**

Resolution No. 122

May 2, 2005
Regular Board Meeting

**RESOLUTION OPPOSING THE DEVELOPMENT AND
IMPLEMENTATION OF A PLAN TO REQUIRE UNITED STATES,
CANADIAN AND MEXICAN CITIZENS TO PRESENT A PASSPORT OR
OTHER SECURE DOCUMENT WHEN ENTERING THE UNITED STATES**

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, the United States Federal Government has indicated that effective 2008 all citizens and individuals entering the United States of America will be required to have a passport for entry into the United States; and

WHEREAS, currently the passport expense is \$97 for an adult for a 10 year period with a \$67 renewal and children up to the age of 15 is \$52 for 5 years; and

WHEREAS, many northern New York residents own property in Canada, have family members, relatives or friends and as such the local travel between northern New York and Canada is frequent; and

WHEREAS, the local tourism between Canada and the United States, as well as between Mexico and the United States, should be encouraged for economic growth and trade; and

WHEREAS, the proposed passport requirement would limit the ability of United States citizens to travel back and forth between our neighboring countries of Canada and Mexico, and would restrict travel and trade causing financial detriment to communities throughout the United States; and

WHEREAS , the open borders between Canada and the United States, including six miles within Native American reservation areas, as well as hundreds of miles of common border with Mexico are the areas of concern where terrorists can enter the United States without furnishing any passports.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its opposition to the development and implementation of a plan to require

citizens of the United States, Canada and Mexico to present a passport or other secure document when entering the United States based upon the foregoing reasons; 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; 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 Jackson, and adopted.

Resolution No. 123

**May 2, 2005
Regular Board Meeting**

**RESOLUTION AMENDING SECTION 18.02 OF THE PERSONNEL
POLICY MANUAL SO AS TO INCLUDE THE COUNTY MANAGER
IN THE LIST OF DEPARTMENT HEADS TO WHOM CERTAIN
PROVISIONS OF THE MANUAL APPLY**

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

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

WHEREAS, the Essex County Personnel Policy Manual contains provisions regarding the leave time benefits for all non-union employees and officials but does not include the County Manager within the definition of "Department Head".

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends section 18.02 of the Personnel Policy Manual to include the County Manager in the list of Department Heads to whom certain provisions of the Manual apply, with said office being added at paragraph S of that section and the current paragraph S being re-lettered as paragraph T; and

BE IT FURTHER RESOLVED that the County Manager shall sit down with the Personnel Officer to furnish information which may reasonably establish accrued and unused sick leave benefits to date, and the Personnel Officer shall furnish a report thereon so that this Board may determine the accrued and unused sick leave benefits to which the County Manager is entitled under the Policy Manual.

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

***AYES: 1972 votes
NOES: 785 votes (Morrow, Seney, Connell)
ABSENT: 86 votes (Both)***

Resolution No. 124

***May 2, 2005
Regular Board Meeting***

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

RONALD J. BOLA

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, Ronald J. Bola (Ronnie), a long time resident of AuSable Forks, New York, passed away on April 23, 2005; and

WHEREAS, Ronnie was an active member of the AuSable Forks Fire Department for 50 years, an election custodian in the Town of Jay for over 20 years, a lifelong member of the Holy Name Church, and a charter member of the AuSable Forks Lions Club; and

WHEREAS, Ronnie also served in the United States Marine Corps during World War II in the Pacific Theater; and

WHEREAS, Ronald J. Bola was a loving husband of 58 years, a loving 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 Ronald J. Bola; 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 Bola family.

This resolution was unanimously seconded and adopted.

Resolution No. 125

*May 2, 2005
Regular Board Meeting*

**RESOLUTION CONGRATULATING FRANCES PARADIS OF THE TOWN
OF MINERVA ON BEING NAMED A WOMAN OF DISTINCTION BY THE
ADIRONDACK CHAPTER OF THE GIRL SCOUTS OF AMERICA**

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

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

WHEREAS, Frances Paradis of the Town of Minerva was named a Woman of Distinction by the Adirondack Chapter of the Girl Scouts of America; and

WHEREAS, Frances Paradis served as a board member for the Essex County Mental Health Association and helped establish an innovative play-therapy program for young children; and

WHEREAS, Fran Paradis is a member of the Essex County Historical Society and a trustee and past president of the Minerva Historical Society; and

WHEREAS, Fran Paradis' community contributions were acknowledged in 1986 when she received the Dr. Michael Justice Award as Outstanding Rescue Squad Member, in 1993 when she received the fire department's Auxiliary Member of the Year Award, and in 2000 when she and her husband John shared the Minerva Citizen of the Year Award; and

WHEREAS, Fran Paradis' accomplishments are an inspiration to all Essex County residents.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates Frances Paradis of the Town of Minerva on being named a Woman of Distinction by the Adirondack Chapter of the Girl Scouts of America.

This resolution was unanimously seconded and adopted.

