

**Resolution No. 201**

**August 1, 2005**  
**Regular Board Meeting**

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

The following resolution was offered by Supervisor Jackson, 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 following:

**1. From the Human Services Committee:**

(a) For the Office for the Aging, accept a \$50,000.00 grant for long term care insurance education and outreach.

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

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

**Resolution No. 202**

**August 1, 2005**  
**Regular Board Meeting**

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

The following resolution was offered by Supervisor Seney, 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) To the Essex County Community Services Board, Lorraine Duvall for a term

of 08/01/05 through 12/31/08, and Karen White for a term of 08/01/05 through 12/31/05.

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

**Resolution No. 203**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION AMENDING THE 2005 ESSEX COUNTY BUDGET**

The following resolution was offered by Supervisor Ashworth, 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 Office for the Aging, increase revenues (4377262 - LTCICO State Aid) and appropriations as follows in the total amount of \$50,000.00 from a Long Term Care Insurance Education and Outreach grant:

<b><u>Account No.</u></b>	<b><u>Account Description</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
67721 5110	Full Time Wages	\$ 256,883.00	\$ 260,070.00
67721 5130	Part Time Wages	4,806.00	6,408.00
67728 5810	Retirement	28,564.00	29,076.00
67728 5820	FICA	20,453.00	20,819.00
67728 5840	NYS Disability	604.00	621.00
67722 5220	Office Equipment	5,488.00	10,977.00
67722 5230	Auto Equipment	45,028.00	56,055.00
67724 5400INV	Inventory	30,699.00	33,999.00
67724 5400LIC	Licenses	6,603.00	8,103.00
67724 5410	Office Supplies	9,500.00	11,500.00
67724 5415	Electric	2,500.00	3,000.00
67724 5418	Fuel/Oil	2,500.00	3,500.00
67724 5420	Printing	1,800.00	2,800.00
67724 5423	Telephone	4,612.00	5,612.00
67724 5424	Postage	2,800.00	3,800.00
67724 5441	Auto Supplies/Repair	3,500.00	4,000.00

67724 5422	Equipment Repair	4,500.00	5,000.00
67724 5436	Advertising Fees	2,750.00	5,250.00
67724 5451	Training/Conventions	3,500.00	5,000.00
67724 5481	Miscellaneous Other	13,000.00	23,000.00
67724 5442	Auto Gas/Oil	2,500.00	3,000.00
67724 5443	Travel Reimbursement	1,800.00	2,800.00

(b) For the Department of Social Services, increase revenues (6010 44609 - Fed. Aid Admin.) and appropriations (6109487 5487 - Family Assistance) in the amount of \$25,000 from a TANF grant.

**2. From the DPW Committee:**

(a) For the Public Works Department, create Capital Project #05-01 for Flood Repairs and increase revenues (H5111 45710 BAN) and appropriations (H5111 5440 - Miscellaneous Flood Repairs) in the amount of \$1,500,000.00.

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

(a) For the County Clerk's Office, increase revenues (4125520 - County Clerk Fees) and appropriations (14102 5220 - Office Equipment) in the amount of \$20,000 from additional revenues.

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

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

**Resolution No. 204**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING PAYMENT OF RETIREMENT COSTS OF A  
FORMER WIC EMPLOYEE FROM COUNTY FUNDS**

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 & 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 payment of retirement costs of a former WIC employee from County funds during the period of October, 2005 through and including September, 2006 contingent upon the County's receipt of not less than \$21,692.00 in additional WIC funding during the same period of time.

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

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
JAMES A. FARRAR**

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

**WHEREAS**, James Alfred Farrar passed away on June 23, 2005; and

**WHEREAS**, James Farrar was a partner in Adirondack Forestry, Inc. which is now owned by Fountain Forestry; and

**WHEREAS**, James Farrar, through Fountain Forestry worked under a contract as the Forester for Essex County; and

**WHEREAS**, James Farrar was a loving husband, father, grandfather, uncle, nephew, cousin, neighbor and friend to all, who will be missed but never forgotten.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby express and extend their deepest sympathy and condolences to the family of James Alfred Farrar; and

**BE IT FURTHER RESOLVED**, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the family of James Farrar.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING A ONE DAY LIQUOR LICENSE PERMIT FOR  
THE ADIRONDACK HARVEST DINNER/DANCE  
TO BE HELD AT THE ESSEX COUNTY FAIRGROUNDS**

The following resolution was offered by Supervisor Both, 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 authorizes a one day liquor license permit for the Adirondack Harvest dinner/dance to be held at the Essex County Fairgrounds.

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

**Resolution No. 207**

**August 1, 2005  
Regular Board Meeting**

**RESOLUTION DESIGNATING THE LAKE PLACID/ESSEX COUNTY VISITORS  
BUREAU AS THE ESSEX COUNTY TOURISM PROMOTION AGENCY AND  
CAROL JOANETTE AS THE PROJECT DIRECTOR FOR THE 2005-2006 I LOVE  
NEW YORK MATCHING FUNDS PROGRAM**

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

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

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby designates the Lake Placid/Essex County Visitors Bureau as the Essex County Tourism Promotion Agency and designates Carol Joannette as the Project Director for the 2005-2006 I Love New York Matching Funds Program.

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

**Resolution No. 208**

**August 1, 2005  
Regular Board Meeting**

**RESOLUTION AUTHORIZING CONTRACTS**

The following resolution was offered by Supervisor Moses, 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 Personnel & Administration Committee:**

(a) For the Personnel Department, a contract with PeopleSystems to administer unemployment claims for Essex County at a cost of \$1,700/year, to be paid from 2005 budgeted funds.

(b) For the Information Systems Department, a renewal and upgrade with Novell at a cost of \$14,257.00 from 2005 budgeted funds.

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

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

**RESOLUTION AMENDING PARAGRAPH C OF SECTION 5.08 OF THE PERSONNEL POLICY MANUAL SO AS TO CLARIFY THAT THE COUNTY MANAGER MAY APPROVE OVERNIGHT OUT-OF-STATE TRAVEL BY COUNTY OFFICIALS AND EMPLOYEES OTHER THAN MEMBERS OF THE BOARD OF SUPERVISORS TO THE SAME EXTENT AS OTHER TRAVEL, AND TO REMOVE THE REQUIREMENT  
OF PRIOR APPROVAL BY THE BOARD OF SUPERVISORS**

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

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

***BE IT RESOLVED*** that the Essex County Board of Supervisors hereby amends paragraph C of Section 5.08 of the Policy Manual to read and provide as follows, with the matter to be added being *italicized* and the matter to be deleted being ~~stricken~~:

"C. Prior Approval of Overnight / Attendance Expense

1. ~~No out-of-state, overnight travel shall be allowed or permitted by any County official or employee, and no County funds shall be used or expended therefor, unless such travel and the expense(s) thereof have first been approved and authorized by resolution of the Board of Supervisors duly adopted in advance of such travel.~~
- 2: It is required that all ~~other~~ over-night attendance on County business as well as the attendance of any County officer and/or employee at any conference, convention or school conducted for the betterment of Essex County must be previously approved by:
  - (1 a) the County Manager or the Chairman of the Board of Supervisors for all County employees and Department Heads, as well as elected County officers (other than members of the Board of Supervisors), the County Attorney and Clerk of the Board, or
  - (2 b) the Chairman of the Board or two out of three members of the Audit Committee, for members of the Board of Supervisors and the County Manager.
  - (3) the Chairman of the Board of Supervisors, for the County Manager."

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

**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 Merrihew, 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 bid and/or purchase the following all in accordance with the Essex County Purchasing Policy (Resolution No. 320-97):

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

(a) For the County Clerk's Office, purchase scanning equipment in the amount of \$20,000 from 2005 budgeted funds.

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

(a) For the Department of Public Works, Highway Division, to purchase a new 14' side dump body at a cost not to exceed \$16,395.00 from Capital Project 05-01 Miscellaneous Flood Repair, H51112 5240 Equipment.

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

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

**Resolution No. 211**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION APPROPRIATING THE SUM OF \$29,611.00 FROM THE 2005 UNAPPROPRIATED AND UNRESERVED FUND BALANCE FOR TRANSFER TO THE 2005 ESSEX COUNTY BUDGET TO PAY A SETTLEMENT IN A BANKRUPTCY CASE, AND AMENDING THE 2005 BUDGET ACCORDINGLY**

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

Upon the recommendation of the Finance 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 hereby appropriates the sum of \$29,611.00 from the 2005 unappropriated and unreserved fund balance (Account No. 3909) to pay a settlement in a bankruptcy case; and

**BE IT FURTHER RESOLVED** that the sum so appropriated be transferred to the 2005 Essex County Treasurer's Department Budget (Dept. 1325) as follows, with the 2005 Essex County Budget being amended accordingly:

<b><u>APPROPRIATIONS</u></b>		<b>Adopted</b>	<b>New Account</b>
<b><u>Account #</u></b>	<b><u>Account Name</u></b>	<b><u>Account</u></b>	<b><u>Balance</u></b>
		<b>Balance</b>	

19104 5476	Uninsured Judgments and Claims	\$ 29,611.00	0.00	\$ 29,611.00
------------	-----------------------------------	--------------	------	--------------

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

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

**Resolution No. 212**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION ACCEPTING SEALED BIDS ON ESSEX COUNTY PROPERTIES,  
PARCELS #1, #2, #3, #5, #7, #14 AND #15, AND AUTHORIZING THE SALE OF  
PARCEL #9**

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.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby accepts sealed bids on Essex County Properties, parcels #1, #2, #3, #5, #7, #14 and #15 as submitted to the Finance/Tax Reduction/Mandate Relief Committee on July 18, 2005 by the Essex County Treasurer; and

**BE IT FURTHER RESOLVED** that this Board hereby authorizes the sale of parcel #9 to Ollie Burgess in the Town of St. Armand for \$100.00; and

**BE IT FURTHER RESOLVED** that the Chairman of this Board is hereby authorized to execute the necessary paperwork upon payment of all outstanding taxes, interest and penalties thereon.

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

**Resolution No. 213**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION REQUESTING FEDERAL AND STATE LEGISLATION LIMITING THE  
EXERCISE OF THE POWER OF EMINENT DOMAIN SOLELY TO INSTANCES  
WHERE THE PROPERTY IS CLEARLY NEEDED AND REQUIRED FOR A TRULY  
PUBLIC PURPOSE AND USE SO AS TO PROTECT AND PRESERVE THE  
PRIVATE PROPERTY RIGHTS OF ALL UNITED STATES CITIZENS AND TO  
RECTIFY THE RECENT DECISION OF THE UNITED STATES SUPREME COURT**

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

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

**WHEREAS**, the Fifth Amendment of the United States Constitution specifically guarantees that government will not take private property for public use "without just compensation" (the "takings clause"),



and the application of this guarantee is extended to every State and local government under the Fourteenth Amendment; and

**WHEREAS**, there is no provision in the United States Constitution or in the New York State Constitution which allows any government to take private property for private use and/or development; and

**WHEREAS**, the citizens of the United States, as well as the United States Supreme Court, have historically understood and interpreted the takings clause as limiting the right of government to acquire private property through the exercise of the power of eminent domain only when such is necessary and required for the public use;

**WHEREAS**, the recent decision of the United States Supreme Court in Kelo v. City of New London not only expands and extends the public use requirement in the takings clause of the Fifth Amendment, but renders such requirement meaningless to the extent that government is deemed to have the power to acquire private property through the power of eminent domain for PRIVATE use and development; and

**WHEREAS**, it is the sense of this Board of Supervisors, and indeed the People of Essex County, that (a) no government should have the power or right to take private property from any citizen for any use which is not clearly a public use, whether or not just compensation can be paid, and (b) all levels of government have a Constitutional duty as well as a moral obligation to preserve and defend the private property rights of individuals and to only exercise the power of eminent domain for the public good and for a public use; and

**WHEREAS**, it is incumbent upon all members of Congress and upon all New York State Legislators to rectify and correct the dangerous and unprecedented expansion of government power over private property by immediately enacting legislation on both the Federal and State levels to restrict and limit the exercise of the power of eminent domain by any government only where there is a clear showing that the property is needed and required for a truly public use and to also prohibit the exercise of such power where any portion of the property will or may be put to private use or result in private gain.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby expresses in the strongest possible terms its opposition to and disagreement with the recent decision of the United States Supreme Court in the case of Kelo v. City of New London regarding the exercise of the power of eminent domain; and

**BE IT FURTHER RESOLVED** that this Board hereby urges and implores all members of Congress and all members of the New York State Legislators to rectify and correct the dangerous and unprecedented expansion of government power over private property by immediately enacting legislation on both the Federal and State levels to restrict and limit the exercise of the power of eminent domain by any government only to situations where there is a clear showing that the property is needed and required for a truly public use and to also prohibit the exercise of the power of eminent domain where any portion of the property will or may be put to private use or result in private gain; 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. 214**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
WORKERS' COMPENSATION SELF-INSURANCE PLAN TO RENEW  
CONTRACTS WITH PERMA FOR WORKERS' COMPENSATION  
AND EMPLOYERS' LIABILITY INSURANCE FOR 2006**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the Administrator of the County Workers' Compensation Self-Insurance Plan to renew the contracts with PERMA for workers' compensation and employers' liability coverage for third-party administration and for GASBY 10 actuarial/accounting services for the Self-Insurance Plan for the Year 2006, at a cost of \$546,048, which includes a \$7,000 volunteer policy, to be paid from 2006 Plan revenues.

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

**AYES: 2362 votes**  
**NOES: 481 votes (Seney)**  
**ABSENT: 0 votes**

**Resolution No. 215**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF**

**ANTHONY M. GLEBUS**

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

**WHEREAS**, Anthony M. Glebus, the father of Town of Lewis Supervisor Anthony J. Glebus passed away on July 20, 2005; and

**WHEREAS**, Anthony M. Glebus was a retired employee of Republic Steel Corporation in Mineville, New York with 38 years of service; and

**WHEREAS**, Anthony M. Glebus worked in the Civilian Conservation Corporation planting trees all over the North Country in earlier years; and

**WHEREAS**, Anthony M. Glebus was a loving husband of 61 years, father, brother, grandfather, great-grandfather, uncle, neighbor and friend to all, who will be missed but never forgotten.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby express and extend their deepest sympathy and condolences to the family of Anthony M. Glebus; and

**BE IT FURTHER RESOLVED**, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the family of Anthony M. Glebus.

This resolution was unanimously seconded and adopted.

**Resolution No. 216**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION IN OPPOSITION TO THE ADIRONDACK PARK AGENCY'S  
PROPOSAL TO LIMIT SEASONAL CAMPSITE OCCUPANCY IN THE  
ADIRONDACK PARK**

The following resolution was offered by Supervisor Dedrick, 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 Adirondack Park Agency has proposed new regulations which would limit seasonal campsite occupancy in the Adirondack Park by prohibiting occupancy of camp trailers and travel trailers for periods of more than 90 days per year; by prohibiting year round water supplies and sewage disposal systems for those trailers; and by prohibiting those trailers from remaining on a campsite for more than 120 days per year; and

**WHEREAS**, many campground owners rent campsites and camper trailers for five to six months a year or more; and

**WHEREAS**, many camper and travel trailer owners rent sites in campgrounds on a yearly basis, and many campground owners rely on their long term campers for stable income which allows them to stay in business; and

**WHEREAS**, the proposed regulations would prohibit traditional seasonal camping in the Adirondacks; would hurt Adirondack businesses including campgrounds, food stores, restaurants, fuel suppliers, gasoline stations, tourist attractions, laundromats and the fragile economy of the Adirondacks in general.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby expresses its opposition to said limitation on seasonal campsite occupancy in the Adirondack Park; 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; and the Adirondack Park Agency.

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

**Resolution No. 217**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION OF CONGRATULATIONS TO SHAWN EDWARD FREDERICKS OF  
LAKE PLACID FOR OBTAINING THE EAGLE SCOUT AWARD**

The following resolution was offered by Supervisor Seney, 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**, Shawn Edward Fredericks is a resident of the Town of North Elba; and

**WHEREAS**, Shawn is entitled to receive Scouting's highest honor, the rank of Eagle Scout; and

**WHEREAS**, to earn the rank of Eagle Scout you must earn a total of at least 21 badges, 12 of which are Eagle Merit Badges, you must spend 6 months as a youth leader in your troop demonstrating leadership and do service projects that would benefit your community, school or church; and

**WHEREAS**, being an Eagle Scout requires the scout to master scouting skills, outdoor knowledge, render leadership services, practice citizenship & ethical behavior of the highest order; and

**WHEREAS**, Shawn Edward Fredericks has more than fulfilled all of the necessary requirements to receive scouting's highest honor, Eagle Scout.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby extend their heartiest congratulations to Shawn Edward Fredericks on a job well-done and for all of his accomplishments as a Boy Scout and for receiving the Eagle Scout Award; 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 Shawn Edward Fredericks.

This resolution was unanimously seconded and adopted.

**Resolution No. 218**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
CLIFFORD E. LAROSE**

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

**WHEREAS**, Clifford E. LaRose passed away on July 24, 2005; and

**WHEREAS**, Clifford E. LaRose was a longtime employee of the Town of Keene;  
and

**WHEREAS**, Clifford E. LaRose was a loving husband, father, brother, grandfather, uncle, neighbor and friend to all, who will be missed but never forgotten.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby express and extend their deepest sympathy and condolences to the family of Clifford E. LaRose;  
and

**BE IT FURTHER RESOLVED**, that this resolution be spread upon the minutes of this Board of Supervisors, with a suitably embossed copy thereof to be forwarded to the family of Clifford E. LaRose.

This resolution was unanimously seconded and adopted.

**Resolution No. 219**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2005 (PROPOSED LOCAL LAW NO. 3) IMPLEMENTING A WIRELESS SURCHARGE**

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

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

**WHEREAS**, by Chapter 115 of the Laws of 2005 a new section 308-s was added to the County Law so that Essex County is authorized and empowered to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents per month on wireless communications service in the County, subject to certain provisions in said Chapter; and

**WHEREAS** Proposed Local Law No. 3 of 2005 was introduced by Resolution No. 200 of 2005 providing for the implementation of such a surcharge, and a public hearing on said proposed local law was held on August 1, 2005 at 9:30 a.m.; and

**WHEREAS**, Resolution No. 116 of 2005 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, was defeated and therefore the adoption of proposed Local Law No. 3 of 2005 will render the same to be adopted Local Law No. 2 of 2005.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts Local Law No. 2 of 2005 (proposed Local Law No. 3 of 2005) as follows:

**"ESSEX COUNTY LOCAL LAW NO. 2 OF 2005**

*A local law amending the Essex County E911 Law to include provisions imposing a wireless surcharge and providing for collection and remittance of surcharges.*

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

§1. §2-100 of Local Law No. 4 of 1995 as amended by Local Law No. 3 of 2000, Local Law No. 2 of 2002, and Local Law No. 6 of 2002, the same being known as the "Essex County E911 Law" is hereby amended to read and provide as follows, with the matter to be added being underlined and italicized:

**§2-100. Establishment, Collection & Remittance of Surcharge**

*(a) Pursuant to the provisions of County Law §303, effective August 1, 1995, there is hereby imposed a surcharge of \$.35 per access line per month on the customers of every service supplier within Essex County, except to the extent that the same may be limited or exempted by County Law §304. Collection and remittance of the surcharge imposed hereby shall be governed by County Law §305, as the same may be amended from time to time.*

*(b) Pursuant to the provisions of Chapter 115 of 2005 of the Laws of the State of New York (County Law §308-s), effective October 1, 2005, there is hereby imposed a surcharge of \$.30 per month on each wireless communications device and shall be*

reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County except to the extent that the same may be limited or exempted by Article 6 of the County Law. For the purposes of this section, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be: (a) the residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier. Collection and remittance of the surcharge imposed hereby shall be governed by subdivision 3 of Chapter 115 of the Laws of 2005 (County Law §308-s).

§2. This local law shall take effect immediately upon filing with the Secretary of State."

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

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

**Resolution No. 220**

**August 1, 2005**  
**Regular Board Meeting**

**RESOLUTION TO PRESERVE THE PRESENT RAILROAD LINE FROM NORTH RIVER TO NEWCOMB**

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

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

**WHEREAS**, The National Lead Company and or its successors in interest have applied for an APA permit to remove the existing rails on the railroad right of way that goes from North River to Newcomb; and

**WHEREAS**, the preservation of the infrastructure in this transportation corridor could be a commercial asset for the Newcomb-North River area and the Central Adirondacks; and

**WHEREAS**, the Park Agency, Department of Environmental Conservation, Open Space Institute, the track owners and environmental groups seem to have divergent views on the continued existence of the railroad line; and

**WHEREAS**, these policy positions seem to ignore the economic potential this asset would have on the region; and

**WHEREAS**, the owners of the titanium mine have retained that portion of the property leaving open the possibility the mine could reopen in the future; and

**WHEREAS**, the rail line could be used for a scenic travel corridor and would give the public access to the Adirondack wilderness with minimal pollution; and

**WHEREAS**, a shuttle service could be established to give more people access to the Adirondack Visitors Interpretive Center at Newcomb; and

**WHEREAS**, keeping the rails in place would give handicapped persons access to a wilderness experience that is now impossible for them to enjoy; and

**WHEREAS**, the State of New York seems to have no problem in finding funds to purchase private land for what is deemed a public purpose; and

**WHEREAS**, the cooperation of all interested parties is necessary to keep the railroad corridor intact for possible future use.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby urges the Adirondack Park Agency, the Adirondack Park Local Government Review Board, Department of Environmental Conservation, the Open Space Institute and environmental groups to cooperate and agree on a plan to keep the rail line intact realizing its economic potential; and

**BE IT FURTHER RESOLVED**, that adequate funds be secured through budget appropriations, grants and environmental programs, to acquire, maintain and develop the rail line; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to Governor George E. Pataki, Congressman John Sweeney, Assembly Majority Stuart Buchanan, Department of Environmental Conservation Regions 5&6, the Twelve Counties of the Adirondacks, Adirondack Park Agency, Senator Elizabeth Little, Assemblywoman Teresa Sayward, Association of Towns and Villages, DEC Commissioner Denise Sheehan, Assemblyman Marc Butler, Congressman John Sweeney and Senator Joseph Bruno.

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