

Resolution No. 294

**November 7, 2005
Regular Board Meeting**

RESOLUTION AMENDING THE 2005 ESSEX COUNTY BUDGET

The following resolution was offered by Supervisor Jackson, 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 amends the 2005 Essex County Budget as follows:

1. From the DPW Committee:

(a) For the Department of Public Works - Highway Division, transfer \$240,000 from state bridge account (51104 5400) into Route 22 Bridge Accounts as follows:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
H52114.544RT22	Route 22 Bridge	\$ 120,000.00
H52114.5483RT22	Route 22 Bridge	120,000.00

(b) For the Department of Public Works - Safety Division, establish accounts as follows and increase revenues and appropriations by \$44,000 from an Occupational Safety and Health Training and Education Program grant:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
39894 5440	Miscellaneous Fees	\$ 44,000.00
3989 43489	OSHTTE Program	44,000.00

2. From the Human Services Committee:

(a) For the Office for the Aging, increase revenues (6722 4477280 - Fed. Aide Title VII) and appropriations (67724 5400LIC - Licenses) in the amount of \$3,000.00 from Title VII funds.

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

(a) For the County Clerk's Office, increase revenues as follows and appropriations (14104 5440) in the total amount of \$39,100.00 from an increase in recordings:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
1410 4125520	County Clerk Fees	\$ 30,000.00
A3909	Fund Balance	9,100.00

4. From the Ways and Means Committee:

(a) For the Horace Nye Home, increase revenues (E7420 4E 50311 - Contributions Medical Director Salary) and appropriations (E74201 5110 - Regular Wages) in the total amount of \$2,000.00 for the hiring of Dr. Moisan for the Department of Social Services for review of employee related medicals.

5. From the Regular Board Meeting:

(a) Transfer the sum \$13,302.00 from the Unallocated Disability Insurance Account (Account No. 19108 5840) to the following departmental budget accounts due to an increase in rates:

<u>Account Number</u>	<u>Increase Appropriation</u>	<u>Account Number</u>	<u>Increase Appropriation</u>
73108 5840	373.00	16808 5840	163.00
60108 5840	1,489.00	40108 5840	1,392.00
65108 5840	15.00	40828 5840	204.00
66108 5840	38.00	43208 5840	739.00
67728 5840	377.00	80208 5840	119.00
10408 5840	13.00	87208 5840	114.00
11658 5840	581.00	87508 5840	95.00
11708 5840	41.00	56308 5840	38.00
12308 5840	169.00	31108 5840	251.00
13208 5840	96.00	31408 5840	366.00
13558 5840	484.00	31418 5840	38.00
14108 5840	183.00	31508 5840	1,560.00
14118 5840	226.00	36408 5840	88.00
14208 5840	183.00	39008 5840	178.00
14308 5840	151.00	99008 5840	1,291.00
14508 5840	222.00	51308 5840	357.00
16208 5840	66.00	E83508 5E17	1,230.00
16608 5840	38.00	H31508 5840	296.00
16708 5840	38.00		

(b) For the County Clerk’s Office, increase revenues (3315 42615 - Stop DWI Fines) and appropriations (33154 5487 - Miscellaneous) in the total amount of \$44,917.00 for additional fine revenues.

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

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

Resolution No. 295

**November 7, 2005
Regular Board Meeting**

RESOLUTION APPROPRIATING FUNDS FROM THE CONTINGENT ACCOUNT FOR TRANSFER TO THE 2005 ESSEX COUNTY BUDGET

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appropriates the following sums from the contingent account (Account No. 19904-5487) for transfer to the 2005 Essex County Budget:

1. From the DPW Committee:

(a) The sum of \$5,000.00 to the Essex County Department of Public Works bridge account (51104 5400MHB - Mill Hill Bridge), for a joint study with Clinton County on the Mill Hill bridge in the Town of Chesterfield.

2. From the Ways and Means Committee:

(a) The sum of \$8,000 to the Office for the Aging Budget (67724 54463B - IIIB Medical Transport) to cover the cost of volunteer medical transportation through the end of 2005 and to increase their mileage rate to the applicable IRS approved rate.

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

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

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 11/07/05:	\$ 289,204.00
Reduction Impact of this resolution:	13,000.00
FY2005 Contingent Account Balance:	\$ 276,204.00

Resolution No. 296

**November 7, 2005
Regular Board Meeting**

RESOLUTION APPROPRIATING THE SUM OF \$112,541.00 FROM THE 2005 UNAPPROPRIATED UNRESERVED FUND BALANCE FOR TRANSFER TO THE 2005 ESSEX COUNTY BUDGET TO COVER NCCC OPERATING COSTS AND CAPITAL COST CHARGEBACKS, AND AMENDING THE 2005 BUDGET ACCORDINGLY

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.

BE IT RESOLVED that this Board hereby appropriates the sum of \$112,541.00 from the 2005 unappropriated unreserved fund balance (Account No. 3909) to cover NCCC Operating Expenses and Capital Costs Chargebacks; and

BE IT FURTHER RESOLVED that the sum so appropriated be transferred to the 2005 Essex County Budget as follows, with the 2005 Essex County Budget being amended accordingly:

<u>APPROPRIATIONS</u>				
<u>Account #</u>	<u>Account Name</u>	<u>New Amount</u>	<u>Adopted Account Balance</u>	<u>New Account Balance</u>
24904 5478	Operating Costs	75,433.00	350,000.00	425,433.00
24904 5479	Comm. College Cap.	37,108.00	50,000.00	87,108.00

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. 297

November 7, 2005
Regular Board Meeting

RESOLUTION AUTHORIZING CONTRACTS

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

Upon the recommendation and approval of the following committees, 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 the following:

1. From the Personnel/Administration Committee:

(a) For the Public Health Department, advertise and contract with a Dental Hygienist to provide dental health education, screening and sealants through the Preventive Dentistry grant, effective October 1, 2005 through July 31, 2006.

2. From the Ways and Means Committee:

(a) For the Planning Department, a lease agreement with the City of Watertown for a bus for back-up in the amount of \$1.00.

(b) For the DPW-Highway Division, renew the agreement with DOT for winter maintenance of the Old Military Road in North Elba.

3. From the Regular Board Meeting:

(a) Award a contract for the lease of managed services fiber-optic line(s) with two meg internet access connecting the new Jail and Public Safety Facility with the Government Center to Charter Communications, the lowest responsible proposer/bidder.

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

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

Resolution No. 298

November 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING THE FILLING
OF VACANT POSITIONS**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and approves the filling of the following vacant positions, subject to compliance with the applicable provisions of the Essex County Civil Service Rules and Regulations and the Personnel Policy Manual, the same to be paid from budgeted funds:

1. For the Office for the Aging, a position of Coordinator of Services for the Aging.
2. For the Horace Nye Home, four CNA positions (two regularly scheduled, two full-time) and a full-time Dietary Attendant Position.
3. For the Public Health Department, a Supervising Community Health Nurse position and to fill subsequent vacancies caused by promotion.
4. For the Sheriff's Department, two vacancies of Deputy Sheriff.
5. For the Horace Nye Home, three vacant per-diem Nurse positions.

BE IT FURTHER RESOLVED that the Horace Nye Home to conduct a CNA training class.

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 No. 299

November 7, 2005
Regular Board Meeting

RESOLUTION IMPLEMENTING A SPENDING REVIEW OF ALL EQUIPMENT PURCHASES THROUGH THE BALANCE OF 2005

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby implements a spending review of all purchases over \$3,000.00 through the balance of 2005.

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. 300

**November 7, 2005
Regular Board Meeting**

RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT AND ISSUING WARRANTS PURSUANT TO TAX LAW §261 FOR PAYMENT OF THE NET REVENUES TO THE TOWNS & VILLAGES

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

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

WHEREAS, this Board is in receipt of the semi-annual Mortgage Tax Report jointly prepared by the County Treasurer and County Clerk, and showing the amounts to be credited to each tax district out of the County of the monies collected during the preceding six months ending September 30, 2005.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby issues Tax Warrants, pursuant to Tax Law §261, for the payment to the respective tax districts of the amounts so credited, and does further authorize and direct the County Treasurer to make payment of said amounts to the respective districts in accordance with the report as follows:

<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>	<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>
Chesterfield		North Elba	
Town	18,936.89	Town	181,049.81
Village (Keeseville)	1,713.98	Village (Lake Placid)	73,726.10
Crown Point	16,747.61	Village (Saranac Lake)	8,083.97
Elizabethtown	20,769.54	North Hudson	42,702.34
Essex	6,387.42	St. Armand	
Jay	48,000.50	Town	16,347.51
Keene	18,818.16	Village (Saranac Lake)	1,327.13
Lewis	14,102.08	Schroon	40,579.97
Minerva	25,821.40	Ticonderoga	53,816.89
Moriah		Westport	20,502.23
Town	23,578.91	Willsboro	13,651.72
Village (Port Henry)	3,821.85	Wilmington	25,959.81
Newcomb	65,104.66	TOTAL:	<u>741,550.48</u>

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

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

Resolution No. 301

November 7, 2005
Regular Board Meeting

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

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

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 two 30 foot buses and related equipment (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 French, and adopted upon a roll-call vote as follows:

AYES: 2737 votes
NOES: 106 votes (Morency)
ABSENT: 0 votes

Resolution No. 302

November 7, 2005
Regular Board Meeting

RESOLUTION APPROVING THE DSS FOSTER PARENT RECOGNITION

PICNIC TO INCLUDE THE ATTENDANCE OF COUNTY EMPLOYEES WITH SUCH COST TO COME FROM BUDGETED FUNDS

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby approves the DSS foster parent recognition picnic to include the attendance of County employees with the cost of such to come from budgeted funds.

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

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

Resolution No. 303

November 7, 2005
Regular Board Meeting

RESOLUTION REQUESTING THE STATE LEGISLATURE TO AMEND CRIMINAL PROCEDURE LAW SECTION 182.20 TO INCLUDE ESSEX COUNTY AS ONE OF THE COUNTIES IN WHICH ELECTRONIC APPEARANCES IN CRIMINAL ACTIONS ARE PERMITTED

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

WHEREAS, New York Criminal Procedure Law Section 182.20 authorizes courts in certain counties – Albany, Bronx, Broome, Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus, Clinton, Montgomery, Rensselaer, Warren, Westchester and Franklin – to dispense with the personal appearance of a defendant in a criminal action, except for an appearance at a hearing or trial, and allow the defendant to appear by “electronic appearance” consisting of an independent audio-visual system; and

WHEREAS, the new Essex County Jail now under construction will have facilities for electronic appearances; and

WHEREAS, due to the distances between the County Jail and the 22 town and village courts throughout the County, personal appearances by defendants in criminal actions requires a significant number of Sheriff’s deputies and vehicles, results in significant overtime and mileage expenses, and costs Essex County taxpayers thousands of dollars annually.

BE IT RESOLVED that the Essex County Board of Supervisors hereby request the State Legislature amend Criminal Procedure Law Section 182.20 to include Essex County as one of the counties in which electronic appearances in criminal actions are permitted; and

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

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

Resolution No. 304

November 7, 2005
Regular Board Meeting

**RESOLUTION INCREASING THE PNEUMONIA VACCINATION CHARGE FROM
\$20.00 TO \$26.00 EFFECTIVE OCTOBER 24, 2005**

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 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 Public Health Department to increase the fee for the pneumonia vaccine from \$20.00 to \$26.00 effective October 24, 2005.

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

Resolution No. 305

November 7, 2005
Regular Board Meeting

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 6 OF
2005 REPEALING SECTION 2 OF LOCAL LAW NO. 1 OF 2001
REGARDING THE SALARY FOR THE OFFICE OF COUNTY
ATTORNEY AND SCHEDULING A PUBLIC HEARING THEREON**

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

WHEREAS, §2 of Local Law No. 1 of 2001 established the annual salary for the full time position of County Attorney, after a minimum of thirteen years of service with the County; and

WHEREAS, it appears that the current County Attorney, who has served in office since March 3, 1987, will no longer hold that office effective January 1, 2006, and the Board of Supervisors has the legal authority to set the salary for a new County Attorney at the time of appointment.

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 6 of 2005, the same to read and provide as follows:

"ESSEX COUNTY LOCAL LAW NO. 6 OF 2005

A local law repealing §2 of Local Law No. 1 of 2001 establishing the annual salary for the full time position of County Attorney, after a minimum of thirteen years of service with the County, to be equal to that of the full time District Attorney pursuant to Judiciary Law §183-a.

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

§1. §2 of Local Law No. 1 of 2001, establishing the annual salary for the full time office of County Attorney, after a minimum of thirteen years of service with the County, to be equal to that of the full time District Attorney pursuant to Judiciary Law §183-a, is hereby repealed.

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

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 November 14, 2005, at 9:15 o'clock in the forenoon of that day, to hear any and all persons concerning the same.

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

Resolution No. 306

November 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING AND DIRECTING THE ESSEX COUNTY TREASURER
TO MAKE STATE LAND SCHOOL TAX PAYMENTS TO TOWNS WITHIN 30 DAYS OF
RECEIPT BY ESSEX COUNTY**

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

WHEREAS, the New York Real Property Tax Law provides for payment by New York State of taxes on State lands to county treasurers, but makes no mention of when county treasurers are to pay over such taxes to other taxing jurisdictions such as schools.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Essex County Treasurer to pay over to the school districts within Essex County their respective shares of State land school taxes paid to such Treasurer within 30 days of receipt thereof.

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

Resolution No. 307

November 7, 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 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. The re-appointment of Dr. Barbara Stowe to the Clinton-Essex-Franklin Library System Board of Trustees, with such term to end 12/31/10.

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

Resolution No. 308

November 7, 2005

Regular Board Meeting

**RESOLUTION SUPPORTING A TWO-WEEK TEST BURN OF TIRE-DERIVED FUEL BY
INTERNATIONAL PAPER COMPANY AT
ITS TICONDEROGA, NEW YORK FACILITY**

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 Essex County Board of Supervisors has continuously supported the efforts of International Paper Company to conduct a limited test burn of tire-derived fuel at its Ticonderoga facility in order to evaluate the use of tires as a source of fuel for operation of such facility, adopting resolutions in support in 2003 (No. 236), 2004 (No. 324) and 2005 (No. 56); and

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

WHEREAS, the use of discarded tires as a fuel source is an environmentally friendly process which is taking place in 34 other states and at least 6 other International Paper facilities, with EPA tests having indicated that emission parameters from tire-derived fuel are the same or less than those from fuel oil; and

WHEREAS, this Board of Supervisors continues to support the test burn.

BE IT RESOLVED that the Essex County Board of Supervisors hereby expresses its full support for a two-week test burn of tire-derived fuel by the International Paper Company at its Ticonderoga facility; 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. 309

November 7, 2005
Regular Board Meeting

**RESOLUTION URGING THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION TO CORRECT RECURRING FLOODING PROBLEMS ON
NEW YORK STATE ROUTES 9N AND 22 IN THE TOWN OF MORIAH SOUTH
OF THE VILLAGE OF PORT HENRY**

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

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

WHEREAS, recurring flooding of State highway designated as New York State Routes 9N and 22 in the Town of Moriah south of the Village of Port Henry creates a substantial danger to the safety of the traveling public.

BE IT RESOLVED that the Essex County Board of Supervisors hereby urges the New York State Department of Transportation to rectify and repair the areas of New York State Route 9N and 22 in the Town of Moriah, south of the Village of Port Henry, which flood on a recurring basis; 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 to the Commissioner of the New York State Department of Transportation.

This resolution was unanimously seconded and adopted.

Resolution No. 310

November 7, 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

CHARLES PATRICK CONNERY

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

WHEREAS, Charles Patrick Connery, the brother of former Ticonderoga Supervisor Michael J. Connery, passed away on October 8, 2005; and

WHEREAS, Charles Patrick Connery was a loving 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 Charles Patrick Connery; 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 Charles Patrick Connery.

This resolution was unanimously seconded and adopted.

Resolution No. 311

November 7, 2005
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO
THE FAMILY OF JOHN AND MARY ELACQUA**

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

WHEREAS, John Elacqua and Mary Elacqua of Albany, the uncle and aunt of Anthony Elacqua of Serkil, LLC, were tragically and brutally slain by as-yet unknown criminals; and

WHEREAS, John Elacqua and Mary Elacqua were kind, decent, honorable, law-abiding people beloved by family and friends who will cherish their lives and memories of them; and

BE IT RESOLVED, that the members of the Essex County Board of Supervisors hereby express and extend their deepest and most profound sympathies and condolences to the family of John Elacqua and Mary Elacqua; 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 Elacqua Family.

This resolution was unanimously seconded and adopted.

Resolution No. 312

November 7, 2005
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ANASTASIA H. FADDEN**

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

WHEREAS, Anastasia H. Fadden, the mother of Deputy County Treasurer Carolyn Karcher, passed away on October 8, 2005; and

WHEREAS, Anastasia Fadden was a loving wife of 71 years, mother, grandmother, great grandmother, sister, 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 Anastasia H. Fadden; 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 Anastasia H. Fadden.

This resolution was unanimously seconded and adopted.

Resolution No. 313

November 7, 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ALICE ELIZABETH OSIER

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

WHEREAS, Alice Elizabeth (Moore) Osier, the mother of Real Property Tax Services employee Keith Osier, passed away on October 5, 2005; and

WHEREAS, Alice Osier was a loving mother, grandmother, 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 Alice Osier; 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 Alice Elizabeth (Moore) Osier.

This resolution was unanimously seconded and adopted.

Resolution No. 314

November 7, 2005
Regular Board Meeting

**RESOLUTION CONGRATULATING THE 2005 TICONDEROGA CENTRAL
SCHOOL BOYS CROSS-COUNTRY TEAM FOR WINNING THE
CHAMPLAIN VALLEY ATHLETIC CROSS-COUNTRY CHAMPIONSHIP
AND THE SECTION VII CLASS D CHAMPIONSHIP**

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

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

WHEREAS, the 2005 Ticonderoga Central School Boys Cross-Country Team won the CVAC Championship and the Section VII Class D Championship; and

WHEREAS, this Board wishes to recognize the accomplishments of this team and congratulate them on their efforts.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates the Ticonderoga Central School Boys Cross-Country Team and Coach Brian Keilly for their outstanding accomplishments, including but not limiting to their winning the 2005 Champlain Valley Athletic Championship and the Section VII Class D Championship.

This resolution was unanimously seconded and adopted.

Resolution No. 315

November 7, 2005
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
MARY LOUISE LABOUNTY DONALDSON

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

WHEREAS, Mary Louise LaBounty Donaldson, the mother of Clifford R. Donaldson, Jr., passed away on November 5, 2005; and

WHEREAS, Mrs. Donaldson was a loving mother, grandmother, sister, neighbor and friend to all, who will be missed but never forgotten.

BE IT RESOLVED that the members of Essex County Board of Supervisors hereby express and extend their deepest sympathy and condolences to the family of Mary Louise LaBounty Donaldson; 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 Mary Louise LaBounty Donaldson.

This resolution was unanimously seconded and adopted.

Resolution No. 316

November 7, 2005

Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

AILEEN HARRIET MITCHELL

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

WHEREAS, *Aileen Harriet Mitchell, the mother of Real Property Tax Services employee Wendy Aubin, passed away on November 1, 2005; and*

WHEREAS, *Aileen Mitchell was a loving mother, grandmother, great grandmother, sister, aunt, 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 Aileen Mitchell; 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 Aileen Harriet Mitchell.*

This resolution was unanimously seconded and adopted.

Resolution No. 317

November 7, 2005
Regular Board Meeting

**RESOLUTION CONGRATULATING THE 2005 TICONDEROGA CENTRAL
SCHOOL BOYS VARSITY FOOTBALL TEAM FOR WINNING THE
CHAMPLAIN VALLEY ATHLETIC CONFERENCE CHAMPIONSHIP**

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

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

WHEREAS, *the 2005 Ticonderoga Central School Boys Varsity Football Team won the CVAC Championship; and*

WHEREAS, *this Board wishes to recognize the accomplishments of this team and congratulate them on their efforts.*

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates the Ticonderoga Central School Boys Varsity Football Team and their Coach for their outstanding accomplishments, including but not limiting to their winning the 2005 Champlain Valley Athletic Conference Championship.

This resolution was unanimously seconded and adopted.

Resolution No. 318

November 7, 2005
Regular Board Meeting

**RESOLUTION CONGRATULATING THE 2005 AUSABLE VALLEY
CENTRAL SCHOOL BOYS VARSITY FOOTBALL TEAM FOR WINNING
THE CLASS C CHAMPIONSHIP**

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 2005 Ausable Valley Central School Boys Varsity Football Team won the Class C Championship; and

WHEREAS, this Board wishes to recognize the accomplishments of this team and congratulate them on their efforts.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates the Ausable Valley Central School Boys Varsity Football Team and their Coach for their outstanding accomplishments, including but not limiting to their winning the 2005 Class C Championship.

This resolution was unanimously seconded and adopted.

Resolution No. 319

November 7, 2005
Regular Board Meeting

**RESOLUTION AUTHORIZING THE COUNTY PURCHASING AGENT TO
PURCHASE A PHOTOCOPIER FOR THE OFFICE FOR THE AGING**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes and directs the County Purchasing Agent to purchase a photocopier for the Office for the Aging, at a cost not to exceed \$8,000.00 from budgeted funds, in accordance with the Essex County Purchasing Policy (Resolution No. 320-97).

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. 320

November 7, 2005
Regular Board Meeting

**RESOLUTION AMENDING SECTION 3 (A) OF THE ESSEX COUNTY HIPAA
POLICY TO DESIGNATE THE PERSONNEL OFFICER TO ACT AS THE
PRIVACY OFFICER IN THE CASE OF VACANCY IN THE OFFICE OF COUNTY
ATTORNEY**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends Section 3(A) of the Essex County Health Insurance Portability and Accountability Act Policy to read as follows, with the matter to be added being underlined and italicized:

“§3. Privacy Officer

(A) *The County Attorney is hereby designated as the Privacy Officer to serve as the designated official responsible for the County’s HIPAA privacy compliance program and oversee the development, implementation, maintenance, and compliance with HIPAA regulations as they pertain to privacy. In the event of a vacancy in the office of County Attorney, the Personnel Officer shall act as the Privacy Officer until the vacancy is filled.”*

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

Resolution No. 321

November 7, 2005
Regular Board Meeting

**RESOLUTION CHANGING THE TIME OF THE NOVEMBER WAYS AND MEANS
COMMITTEE MEETING AND SCHEDULING THE PUBLIC HEARING ON THE
TENTATIVE 2006 ESSEX COUNTY BUDGET**

The following resolution was offered by Supervisor Morency, 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 changes the time of the November Ways and Means Committee Meeting from 10:00 a.m. to 6:00 p.m. on November 28, 2005; and

BE IT FURTHER RESOLVED that this Board hereby schedules the Public Hearing on the Tentative 2006 Essex County Budget to immediately follow the Ways and Means Committee Meeting on November 28, 2005 at 7:00 p.m.

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

Resolution No. 322

**November 21, 2005
Special Board Meeting**

**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2005 (PROPOSED LOCAL
LAW NO. 4) CONTINUING THE IMPOSITION OF A HOTEL AND MOTEL
OCCUPANCY TAX**

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

WHEREAS Proposed Local Law No. 4 of 2005 was introduced by Resolution No. 292 of 2005 continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999, and continued by Local Law No. 7 of 2002, and a public hearing on said proposed local law was held on November 14, 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 was adopted as Local Law No. 2 of 2005 and proposed Local Law No. 4 of 2005 was adopted as Local Law No. 3 of 2005.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts Local Law No. 3 of 2005 (proposed Local Law No. 4 of 2005) as follows:

"ESSEX COUNTY LOCAL LAW NO. 3 OF 2005

A local law continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999.

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

ESSEX COUNTY ROOM OCCUPANCY TAX LAW

Section

1. Title & Statement of Intent
2. Definitions
3. Imposition of Tax
4. Transitional Provisions
5. Exempt Organizations
6. Territorial Limitations
7. Registration
8. Administration and Collection
9. Records to be kept
10. Returns
11. Payment of Tax
12. Bonds & Security for Payment of Tax

13. *Determination of Tax*
14. *Refunds*
15. *Disposition of Revenues*
16. *Reserves*
17. *Remedies Exclusive*
18. *Proceedings to Recover Tax*
19. *General Powers of Treasurer*
20. *Administration of Oaths & Compelling Testimony*
21. *Reference to Tax*
22. *Penalties, Interest & Violations*
23. *Judicial Review*
24. *Returns to be Secret*
25. *Notices and Limitations of Time*
26. *Limitation of Effect of Local Law*
27. *Separability*
28. *Effective Date*

Section 1. Title & Statement of Intent.

This local law shall be known as the "Essex County Room Occupancy Tax Law". The intent of this local law shall be to promote tourism and conventions in Essex County.

Section 2. Definitions.

When used in this local law, the following terms shall mean:

- (a) *County - Essex County, New York.*
- (b) *Effective Date - the date set forth in Section 28 of this local law.*
- (c) *Hotel or Motel - Any facility providing lodging on an overnight basis and s h a l l include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.*
- (d) *Occupancy - The use of possession, or the right to the use or possession, of any room in a hotel or motel.*
- (e) *Occupant - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.*

- (f) **Operator -** Any person operating a hotel or motel in Essex County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.
- (g) **Permanent Resident -** Any person occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days.
- (h) **Person -** An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited or limited liability partnership, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.
- (i) **Rent -** The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise.
- (j) **Return -** Any return filed or required to be filed as herein provided.
- (k) **Room -** Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.
- (l) **Tax Imposition Date -** the date set forth in Section 3 of this local law.
- (m) **Treasurer -** The Essex County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.

Section 3. Imposition of Tax.

Upon expiration of Local Law No. 7 of 2002 there shall continue to be, and hereby is, imposed and there shall be paid a tax of three percent (3%) of the per diem rental rate for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 4. Transitional Provisions.

The tax imposed by this local law shall be paid upon any occupancy on and after the date set forth in Section 3 hereof although such occupancy is pursuant to a prior contract, lease, or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the date set forth in Section 3 hereof.

Section 5. Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

(a) *The State of New York, or any public corporation (including a created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or other political subdivision of the state;*

(b) *The United States of America, insofar as it is immune from taxation; and*

(c) *Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.*

Section 6. Territorial limitations.

The tax imposed by this local law shall apply only within the territorial limits of Essex County.

Section 7. Registration.

(a) *Within twenty (20) days after the effective date of this local law, or in the case of an operator commencing business after such effective date within three (3) days after such commencement or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.*

(b) *The Treasurer shall within five (5) days after receipt of a registration application issue without charge to the operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof, for each additional hotel or motel of such operators.*

(c) *Each certificate shall state the hotel or motel to which it is applicable.*

(d) *Each certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and person seeking occupancy.*

(e) *Certificates shall not be assignable or transferable, and shall be surrendered immediately to the Treasurer upon the cessation of business at, or upon the sale or conveyance of, the hotel or motel named in such certificate(s).*

Section 8. Administration and collection.

(a) *The tax imposed by this local law shall be administered and collected by the Treasurer, or such other employees of the County as the Treasurer may designate, by such means and in such manner as are other taxes which are now collected and administered or as is otherwise provided by this local law.*

(b) *The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax.*

(c) *The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in*

respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(d) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by order that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after the tax imposition date, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date; and where rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the tax imposition date.

(f) Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by order provide for credit and/or refund of the amount of such tax upon application therefor as provided in section fourteen of this local law.

(g) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant.

(h) Where an occupant claims exemption(s) from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption

- (1) a copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to section five of this local law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that
 - (i) the occupant is a duly authorized agent, representative or employee of the exempt organization,
 - (ii) the occupant's occupancy is paid or to be paid by such exempt organization, and
 - (iii) the occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or
- (2) a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

Section 9. Records to be kept.

(a) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.

(b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period

of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 10. Returns.

(a) After the date set forth in Section 3 of this local law, and except as provided in subdivision (b) of this section, every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State sales and use taxes are filed or to be filed.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may by order

(1) require returns to be made and filed for shorter periods than those prescribed pursuant to subdivision (a) of this section, on such dates as the Treasurer may specify in such rule or order, where the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, or

(2) permit or require returns to be made by other periods and upon such other dates as the Treasurer may specify by rule or order so as to carry out the purposes of this local law.

(c) All returns shall be filed with the Treasurer within twenty (20) days from the expiration of the period covered thereby.

(d) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this local law.

(e) The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(f) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face or otherwise, the Treasurer shall take the necessary steps to enforce the filing of a properly completed and sufficient return or of a corrected return.

Section 11. Payment of Tax.

(a) Any tax imposed by this local law shall be paid by the occupant to the operator of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the County, and such operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of tax to the County.

(b) The owner of the hotel or motel room or the person entitled to be paid the rent or charge for the hotel or motel room shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge. In any action or proceeding brought by an owner or a person entitled to be paid the rent or charge for the purpose of collecting the rent or charge, or the tax imposed by this local law, the Treasurer shall be joined as a party.

(c) At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this local law.

(d) All taxes and other moneys required to be paid under and pursuant to this local law shall be due from the operator and paid to the Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon.

Section 12. Bonds & Security For Payment of Tax.

(a) Where the Treasurer, in the exercise of the Treasurer's discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may by rule or order require any operator required to collect the tax imposed by this local law to file with the Treasurer a bond to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(b) Any bond so required by the Treasurer shall be issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix.

(c) In the event the Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within such five (5) days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within five (5) days after the giving of notices thereof.

(e) In lieu of a bond the Treasurer, in the Treasurer's sole discretion, may accept or require

- (1) securities approved by the Treasurer in such amount as the Treasurer may prescribe, with such securities to be kept in the custody of the Treasurer, and/or
- (2) cash in such amount as the Treasurer may prescribe, with such cash to be deposited and kept in the custody of the Treasurer.

(f) The Treasurer shall have the right at any time without notice of the operator apply all or any portion of the bond(s), securities and/or cash to the payment of any tax and/or interest or penalties due, and for such purpose the Treasurer may exercise all rights under the bond(s) and/or may sell the securities at public or private sale without notice to the depositors thereof.

Section 13. Determination of tax.

(a) Upon the filing of a return, the Treasurer shall determine the amount of tax due under and pursuant to this local law.

(b) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient as to the amount of tax due, the amount of tax due under and pursuant to this local law shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.

(c) Notice of a determination under subdivision (b) of this section shall be furnished in writing to the person liable for the collection and/or payment of the tax.

(d) Any determination by the Treasurer under subdivision (b) of this section shall finally and irrevocably fix the tax, unless

- (1) *within thirty (30) days after the issuance of the notice of such determination the person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or*
- (2) *the Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.*

(e) *Within fifteen (15) days after the conclusion of a hearing conducted pursuant to subdivision (d) (1) of this section, the Treasurer shall give written notice of the Treasurer's determination to the person against whom the tax is assessed.*

(f) *Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that*

- (1) *where no return has been filed as provided by this local law the tax may be assessed at any time; and/or*
- (2) *where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period or any extension(s) thereof.*

Section 14. Refunds.

(a) *In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided that written application for such refund shall be made to the Treasurer within one year from the payment thereof.*

(b) *An application for refund or credit may be made only by the occupant, operator, or other person who has actually paid the tax.*

(c) *An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.*

(d) *No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one year of the payment by the tax.*

(e) *The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefor, and the Treasurer shall give notice of such determination to the applicant.*

(f) *No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which refund is sought.*

(g) *The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund determined to be due, allow credit therefor on and against payments due from the applicant.*

Section 15. Disposition of Revenues.

(a) All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited and deposited into a special tourism development and promotion fund, thereafter to be allocated for publicizing the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law; provided, however, that the County

- (1) shall retain five per cent (5%) of the gross revenues to cover the County's costs for administration and collection; and
- (2) endeavor to expend the revenues in such fund in a manner reasonably intended to publicize the areas within the County commensurate with the amount of revenues generated from such areas.

(b) The County shall contract with the Lake Placid-Essex County Visitors Bureau for the expenditure of the net revenues in such fund pursuant to subdivision fourteen of section two hundred twenty-four of the County Law; provided, however, that the County may terminate such contract and/or enter into other contracts in the event that the Lake Placid-Essex County Visitors Bureau

- (1) dissolves, or
- (2) in the determination of the Board of Supervisors, after public hearing, ceases to adequately perform such contract.

(c) The Board of Supervisors shall by resolution appoint an advisory committee, some of the members of which shall be operators of facilities paying such tax. The advisory committee shall provide advice and recommendations as to the County's strategic tourism marketing plan(s) for publicizing the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law and this local law.

Section 16. Reserves.

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the civil practice law and rules to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 17. Remedies exclusive.

The remedies provided by sections thirteen and fourteen of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the civil practice law and rules pursuant to section twenty-three of this local law.

Section 18. Proceedings to recover tax.

(a) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the county attorney shall, upon the request of the County Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Essex County in any court of the state of New York or of any other state or of the United States.

(b) *Notwithstanding any other provision of this section, if the Treasurer in his discretion believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.*

(c) *As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Essex County Sheriff or to the sheriff of any other county commanding him/her to levy upon and sell the real and personal property of the operator, occupant, or other person, including but not limited to any partner, corporate officer/director/shareholder, or member, liable for the tax, which may be found within his/her county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty days after the receipt of such warrant.*

(d) *The sheriff receiving a warrant issued under this section shall, within five (5) days after receipt of the warrant, file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed.*

(e) *Upon filing a copy of the warrant as provided in paragraph (d) of this section,*

(1) *the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued, provided that such lien shall not apply to personal property unless another copy of such warrant is filed in the New York Department of State.*

(2) *the sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner; and*

(3) *the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefor.*

(f) *If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as provided in this section.*

(g) *Whenever an operator or other person shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or of such operator's business assets, otherwise than in the ordinary course of business, the following provisions shall apply:*

(1) *the purchaser, transferee or assignee shall at least twenty (20) days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof and whether or not the operator has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing;*

(2) *for failure to comply with the provisions of this paragraph, including but not limited to subdivision (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the County of any such taxes theretofore or*

thereafter determined to be due to the County from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law;

- (3) whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by subdivision (1) of this paragraph, or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor, and shall withhold any such sums of money, property or choses in action, or other consideration, to the extent of the amount of the County's claim;*
- (4) within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the County;*
- (5) whenever the Treasurer shall fail to give the notice required by subdivision (4) of this paragraph, within fifteen (15) days from receipt of notice of the sale, transfer and assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;*
- (6) upon receipt of the Treasurer's notice issued pursuant to subdivision (4) above stating the total amount of the County's claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of subdivision (3) of this paragraph, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.*

(h) Whenever the liability of any operator or other person, including that of any purchaser, transferee or assignee, covered by this section has been wholly paid or satisfied or no longer exists, except where the liability is discharged by an order or decree in bankruptcy, the Treasurer shall

- (1) mail to such operator or other person a notice, addressed to the last known address of such operator or other person, setting forth
 - (i) the amount of the tax liability paid or satisfied,*
 - (ii) that such liability has been wholly paid or satisfied or no longer exists, and*
 - (iii) a statement to the effect that consumer reporting agencies must delete from a credit file any reference to the particular tax lien or claim within thirty (30) days of receipt from such operator or other person of a copy of such notice.**

Section 19. General powers of the Treasurer.

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

- (a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;*
- (b) To extend for cause shown the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;*
- (c) To request information from the tax commission of the state of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;*
- (d) To delegate his functions hereunder to any employee or employees of the County Treasurer;*
- (e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;*
- (f) To require any operator within the county to keep detailed records of the nature and type of hotel or motel maintained. nature and type of service rendered, the rooms available and rooms occupied daily, lease's or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;*
- (g) To assess, determine, revise and readjust the taxes imposed under this local law.*

Section 20. Administration of Oaths and Compelling Testimony.

- (a) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.*
- (b) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.*
- (c) A justice of the supreme court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.*
- (d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.*

(e) *The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.*

(f) *The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.*

Section 21. Reference to tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the work "tax" will suffice.

Section 22. Penalties, Interest & Violations.

(a) *Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to*

- (1) *a penalty of five per centum (5%) of the amount of tax due; plus*
- (2) *interest at the rate of one per centum (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.*

(b) *Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may, if satisfied that the delay was excusable, cancel and remit all or part of such penalty, but may not cancel or remit any portion of the interest.*

(c) *All penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law.*

(d) *Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.*

(e) *Officers and/or members of an owner or operator which is a corporation, limited liability company, limited liability partnership, or partnership shall be personally liable for the tax collected or required to be collected and paid by such corporation under this local law, and shall also be personally liable for the penalties and interest herein imposed.*

(f) *In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment:*

- (1) *failing to file a return required by this local law,*
- (2) *filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is wilfully false,*

- (3) *wilfully failing to file a bond required to be filed pursuant to this local law,*
- (4) *failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require,*
- (5) *failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law,*
- (6) *assigning or transferring such a certificate of authority,*
- (7) *wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator,*
- (8) *wilfully failing or refusing to collect any tax imposed by this local law from the occupant,*
- (9) *referring or causing reference to be made to this tax in a form or manner other than that required by this local law, or*
- (10) *failing to keep or maintain the records required by this local law.*

(g) *The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.*

Section 23. Judicial Review.

Any final determination of the amount of any tax payable pursuant to this local law, as well as any final determination on an application for refund or credit under section 14 of this local law, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law-and rules shall not be instituted unless:

(a) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(b) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to any tax imposed pursuant to this section shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 24. Returns to be secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law,

(1) it shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of an operator contained in any return required under this local law; and

(2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

(b) Notwithstanding the provisions of paragraph (a) of this section, nothing herein shall be construed to prohibit

- (1) *the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law, or*
- (2) *the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or*
- (3) *the inspection by the county attorney or other legal representatives of the county, or by the district attorney of any county, of the return(s) of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.*

(c) *Returns shall be preserved by the Treasurer for not less than three (3) years or for such longer period of time as the Treasurer determines.*

(d) *Any violation of paragraph (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county such officer or employee shall be dismissed from office or service with the county.*

Section 25. Notices and Limitations of Time.

(a) *Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this local law, or in any application made by such person, or if no return has been filed or application made then to such address as may be obtainable.*

(b) *The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed.*

(c) *Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.*

(d) *The provisions of the civil practice law and rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law.*

Section 26. Limitation of Effect of Local Law.

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Board of Supervisors; except that nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this or any other local law adopted and enacted pursuant to the provisions of Part T of §1 of Chapter 406 of the Laws of 1999.

Section 27. Separability.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 28. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State of New York State.”

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

AYES: 2026 votes
NOES: 0 votes
ABSENT: 817 votes (Jackson, Kelly, Canon, Seney, Dobie, Ashline)

Resolution No. 323

November 21, 2005
Special Board Meeting

RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2005 (PROPOSED LOCAL LAW NO. 5) AUTHORIZING THE ESSEX COUNTY EMPIRE ZONE TO MAKE APPLICATION FOR REDESIGNATION OF CERTAIN AREAS WITHIN ESSEX COUNTY AS AN EMPIRE ZONE

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

WHEREAS Proposed Local Law No. 5 of 2005 was introduced by Resolution No. 293 of 2005 authorizing the Essex County Empire Zone to make application for redesignation of certain areas within Essex County as an Empire Zone, and a public hearing on said proposed local law was held on November 14, 2005 at 9:45 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 was adopted as Local Law No. 2 of 2005; proposed Local Law No. 4 of 2005 was adopted as Local Law No. 3 of 2005; and proposed Local Law No. 5 will be adopted as Local Law No. 4 of 2005.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts Local Law No. 4 of 2005 (proposed Local Law No. 5 of 2005) as follows:

"ESSEX COUNTY LOCAL LAW NO. 4 OF 2005

A local law authorizing the Empire Zone to make application for redesignation of certain areas within Essex County as an Empire Zone.

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

Section 1. Essex County is hereby authorized and empowered to submit an application for redesignation of certain areas within the Towns of Chesterfield, Moriah, Jay, Schroon, Ticonderoga, Wilmington and North Hudson and the Village of Port Henry as an Empire Zone; provided, however, that such authorization and empowerment shall be conditioned upon the concurrence, through property

adopted resolution(s) with respect to such application of the governing bodies of any and all cities, towns and villages in which such zone is located.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. Pursuant to requirements of Section 963(a) of the General Municipal Law, the Essex County Treasurer shall continue to serve as the Local Empire Zone Certification Officer of the Essex County Empire Zone, and shall, pursuant to the regulations promulgated pursuant to Article 18-B of the General Municipal Law, perform the following duty, to wit: certify, jointly with the New York State Commissioner of Economic Development and the New York State Commissioner of Labor, those businesses enterprises that are eligible to receive those benefits referred to in Section 966 of the General Municipal Law, and any other applicable statutes.

Section 4. Pursuant to Article 18-B of the General Municipal Law, the Local Empire Zone Administrative Board as presently constituted is hereby continued. The Local Empire Zone Administrative Board, pursuant to Section 963(a) of the General Municipal Law, as amended, shall approve for certification by the Zone Certification Officer, the New York State Commissioner of Economic Development, and the New York State Commissioner of Labor, the applications of those businesses eligible for certification to receive the benefits referred to in Section 966 of the General Municipal Law, and shall perform all other duties required of it pursuant to Section 963(b) of the General Municipal Law.

Section 5. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.”

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

AYES: 2026 votes
NOES: 0 votes
ABSENT: 817 votes (Jackson, Kelly, Canon, Seney, Dobie, Ashline)

Resolution No. 324

November 21, 2005
Special Board Meeting

**RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2005 (PROPOSED LOCAL
LAW NO. 6) REPEALING SECTION 2 OF LOCAL LAW NO. 1 OF 2001
REGARDING THE SALARY FOR THE OFFICE OF COUNTY ATTORNEY**

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

WHEREAS Proposed Local Law No. 5 of 2005 was introduced by Resolution No. 305 of 2005 repealing §2 of Local Law No. 1 of 2001 establishing the annual salary for the full time position of County Attorney, after a minimum of thirteen years of service with the County, to be equal to that of the full time

District Attorney pursuant to Judiciary Law §183-a, and a public hearing on said proposed local law was held on November 14, 2005 at 9:15 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 was adopted as Local Law No. 2 of 2005; proposed Local Law No. 4 of 2005 was adopted as Local Law No. 3 of 2005; proposed Local Law No. 5 was adopted as Local Law No. 4 of 2005; and proposed Local Law No. 6 of 2005 will be adopted by Local Law No. 5 of 2005.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts Local Law No. 5 of 2005 (proposed Local Law No. 6 of 2005) as follows:

"ESSEX COUNTY LOCAL LAW NO. 5 OF 2005

A local law repealing §2 of Local Law No. 1 of 2001 establishing the annual salary for the full time position of County Attorney, after a minimum of thirteen years of service with the County, to be equal to that of the full time District Attorney pursuant to Judiciary Law §183-a.

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

- §1. §2 of Local Law No. 1 of 2001, establishing the annual salary for the full time office of County Attorney, after a minimum of thirteen years of service with the County, to be equal to that of the full time District Attorney pursuant to Judiciary Law §183-a, is hereby repealed.
- §2. This local law shall take effect immediately upon filing with the Secretary of State."

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

AYES: 2026 votes
NOES: 0 votes
ABSENT: 817 votes (Jackson, Kelly, Canon, Seney, Dobie, Ashline)

Resolution No. 325

**November 30, 2005
Special Board Meeting**

**RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY
BUDGET FOR THE SHERIFF'S AND EMERGENCY SERVICES
DEPARTMENTS BY DECREASING APPROPRIATIONS FOR
TWO POSITIONS OF DISPATCHER, ONE IN EACH
DEPARTMENT, IN THE TOTAL AMOUNT OF \$32,926**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the Sheriff's and Emergency Services Departments by decreasing appropriations in the total amount of \$32,926 resulting from the deletion of funding for two Dispatcher positions, one in each department, as follows:

Department 3110 - Sheriff's Department

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
31101 5110	Regular Wages	\$ 302,851	\$ 293,068
31108 5810	Retirement	45,577	44,531
31108 5820	Social Security	28,913	28,165
31108 5850	Health Insurance	103,618	98,753
31108 5840	NYS Disability	488	467

Department 3020 - Emergency Services Department

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
30201 5110	Regular Wages	\$ 48,915	\$ 39,132
30208 5810	Retirement	3,742	2,696

30208 5820	Social Security	5,234	4,486
30208 5850	Health Insurance	24,329	19,464
30208 5840	NYS Disability	106	85

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

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

TENTATIVE BUDGET IMPACT \$32,926 decrease in appropriations
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Resolution No. 326

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET FOR THE JAIL DEPARTMENT BY INCREASING APPROPRIATIONS FOR OVERTIME EXPENSE IN THE TOTAL AMOUNT OF \$25,000, AND CHANGING THE POSITION OF ADMINISTRATIVE ASSISTANT TO CONFIDENTIAL SECRETARY

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the Jail Department by increasing appropriations in the total amount of \$25,000, from \$140,000 to \$165,000, for overtime as follows:

Department 3150 - Jail

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
31501 5120	Overtime Wages	\$ 140,000	\$ 165,000

AND BE IT FURTHER RESOLVED that the position of Administrative Assistant funded in the tentative budget is hereby changed to Confidential Secretary at the same salary and benefits.

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

<p>TENTATIVE BUDGET IMPACT \$25,000 increase in appropriations</p>
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Resolution No. 327

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET BY REDUCING APPROPRIATIONS IN THE SUM OF \$150,000 FOR HEALTH INSURANCE IN THE RESPECTIVE DEPARTMENTAL ACCOUNTS ENDING IN 5850 BASED UPON THE NEW PREMIUM RATES

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget by reducing the appropriations for health insurance in the total amount of \$150,000 by decreasing the appropriation in each department's health insurance account ending in number 5850 based upon the applicable new premium rates for departmental employees.

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. 328

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET TO DECREASE APPROPRIATIONS IN THE NET AMOUNT OF \$433,450 BY REDUCING APPROPRIATIONS IN THE SOCIAL SERVICES DEPARTMENT IN THE AMOUNT OF \$480,388, INCREASING APPROPRIATIONS IN THE PUBLIC HEALTH, INFORMATION SYSTEMS AND FISH HATCHERY DEPARTMENTS IN THE AMOUNT OF \$46,938, AND
INCREASING REVENUES IN SOCIAL SERVICES BY \$7,394

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget as follows:

1. For the Social Services Department decreasing appropriations in the total amount of \$480,388.00 and increasing revenues in the total amount of \$7,394 as follows:

Department 6010 - Social Services

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
60104 5410	Office Supplies	\$ 26,732	\$ 24,800
60104 5422	Equipment Repair	20,645	16,687
60104 5434	Consulting Fees	152,000	170,593
60104 5442	Auto Gas and Oil	19,531	17,531

<u>60104 5443</u>	<u>Travel Reimbursement</u>	<u>12,845</u>	<u>12,050</u>
<u>60104 545</u>	<u>Client MA Payments</u>	<u>38,100</u>	<u>33,100</u>
<u>60104 546</u>	<u>State Chargebacks</u>	<u>49,378</u>	<u>42,378</u>
<u>60104 5497</u>	<u>Mileage</u>	<u>25,596</u>	<u>23,196</u>
<u>6070 400 5400</u>	<u>Homemaker / Day Care</u>	<u>390,000</u>	<u>300,000</u>
<u>6101 487 5487</u>	<u>MA</u>	<u>120,000</u>	<u>115,000</u>
<u>6102 487 5487</u>	<u>MMIS</u>	<u>7,000,000</u>	<u>6,671,999</u>
<u>6109 487 5487</u>	<u>FA</u>	<u>1,900,000</u>	<u>1,897,105</u>
<u>6119 487 5487</u>	<u>Foster Care</u>	<u>950,000</u>	<u>900,000</u>

<u>REVENUE ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
<u>43610</u>	<u>State Aid Admin</u>	<u>\$ 1,673,428</u>	<u>\$ 1,675,661</u>
<u>43610154</u>	<u>State Aid Admin Medicaid</u>	<u>24,998</u>	<u>24,732</u>
<u>44610</u>	<u>Fed. Aid Admin</u>	<u>2,525,487</u>	<u>2,531,180</u>
<u>44610154</u>	<u>Fed. Aid Managed Care</u>	<u>24,998</u>	<u>24,732</u>

2. For the Public Health Department, increasing appropriations in the net total amount of \$26,974.00 to fund a new position of Fiscal Administrator (+\$69,200) to replace a position of Account Clerk (-\$42,226) as follows:

Department 4010 - Public Health

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
<u>40101 5110</u>	<u>Regular Wages</u>	<u>\$ 1,454,229</u>	<u>\$ 1,477,020</u>
<u>40108 5810</u>	<u>Retirement</u>	<u>184,311</u>	<u>186,750</u>
<u>40108 5820</u>	<u>Social Security</u>	<u>129,507</u>	<u>131,251</u>

3. For the Information Systems Department, increasing appropriations in the total amount of \$16,985.00 to fund proposed promotions of two positions of Network Technician to Senior Network Technician and one position of Programmer/Analyst to Senior Programmer/Analyst as follows:

Department 1680 - Information Systems

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
16801 5110	Regular Wages	\$ 279,610	\$ 293,962
16808 5810	Retirement	30,175	31,711
16808 5820	Social Security	21,651	22,748

4. For the Fish Hatchery Department, increasing appropriations in the total amount of \$2,979.00 to fund the proposed promotion of one position of Fish Hatchery Technician to Senior Fish Hatchery Technician as follows:

Department 8720 - Fish Hatchery

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
87201 5110	Regular Wages	\$ 101,884	\$ 104,401
87208 5810	Retirement	11,480	11,749
87208 5820	Social Security	8,929	9,122

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

AYES: **2843 votes**

NOES: **0 votes**

ABSENT: **0 votes**

<p>TENTATIVE BUDGET IMPACT \$480,388 decrease in appropriations \$7,394 increase in revenues</p>

Resolution No. 329

November 30, 2005
Special Board Meeting

**RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY
BUDGET FOR THE REAL PROPERTY TAX SERVICES
DEPARTMENT TO DECREASE APPROPRIATIONS IN THE NET
TOTAL AMOUNT OF \$1,426 RESULTING FROM PROMOTIONS
AND GRADE CHANGES
TO POSITIONS AND A HEALTH INSURANCE BUYOUT**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the Real Property Tax Services Department by decreasing appropriations in the net total amount of \$1,426 as follows resulting from an increase in appropriations of \$8,401 consisting of the proposed promotion of one position of Real Property Tax Specialist to Senior Real Property Tax Specialist, proposed grade changes for the positions of Tax Map Technician I, Tax Map Technician II and Assistant Director of Real Property, and a decrease in appropriations in the amount of \$9,827 for Health Insurance due to a buyout:

Department 1355 - Real Property Tax Services

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
13551 5110	Regular Wages	\$ 369,974	\$ 377,072
13558 5810	Retirement	40,743	41,502
13558 5820	Social Security	29,358	29,902
13558 5850	Health Insurance	95,222	85,395

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**

TENTATIVE BUDGET IMPACT
\$1,426 decrease in appropriations

WITHDRAWN
Resolution No. 330

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY
BUDGET IN THE SUM OF \$2,480 BY REDUCING THE APPROPRIATION
FOR NORTH COUNTRY LIFEFLIGHT FROM \$5,000 TO \$2,520

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget by reducing the appropriation for North Country Lifelight in the total amount of \$2,480 from \$5,000 to \$2,520 as follows:

Department 4989 - Other Health Expense

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
<u>4989 4885487</u>	<u>Miscellaneous Expense</u>	<u>\$ 5,000</u>	<u>\$ 2,520</u>

This resolution was duly seconded by Supervisor Dedrick, and ***withdrawn***.

Resolution No. 331

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET BY INCREASING REVENUES IN THE TOTAL AMOUNT OF \$1,096,928 FROM THE APPROPRIATION OF ADDITIONAL MONIES FROM UNEXPENDED AND UNRESERVED FUND BALANCE, AND INCREASING APPROPRIATIONS IN THE SAME TOTAL AMOUNT FOR EXPENDITURES FOR EQUIPMENT & CAPITAL IMPROVEMENTS IN CERTAIN DEPARTMENTAL ACCOUNTS ENDING IN 5220-5285 IN ORDER TO AVOID FINANCING SUCH EXPENDITURES THROUGH THE ISSUANCE OF LOCAL FINANCE OBLIGATIONS

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget by increasing revenues in the total amount of \$1,096,928 from the appropriation of said additional sum from unexpended and unreserved fund balance to pay the cost of equipment purchases rather than fund such purchases through the issuance of local finance obligations; and

BE IT FURTHER RESOLVED that the 2006 Tentative Essex County Budget is hereby amended by increasing the total appropriation for expenditures for equipment and capital improvements in the total amount of \$1,096,928 as follows for the departments indicated below:

<u>Dept.</u>	<u>Appropriation Account #</u>	<u>Purpose</u>	<u>Tentative Budget Amt</u>	<u>Amended Budget Amt</u>	<u>Amt of Increase</u>
Aging	67722 5220	11 work stations, NPE Equip	\$ 0	\$ 20,000	\$ 20,000
Elections	14502 5220	Scanner & Printer	0	15,000	15,000
DPW - BG	16204 5412	Paint Old Courthouse	65,000	125,000	60,000
Communica-tions	9900 59905	Dispatching Equipment	0	161,613	161,613
C. Manager	12302 5220	Copier	0	8,915	8,915

<u>Dept.</u>	<u>Appropriation Account #</u>	<u>Purpose/Account Name</u>	<u>Tentative Budget Amt</u>	<u>Amended Budget Amt</u>	<u>Amt of Increase</u>
DPW Fair	87502 5285	Building Improvements	\$ 0	\$ 13,000	13,000
Fire Coord	34102 5285	Building Improvements	0	13,000	13,000
Horace Nye	E83502 5E34	Dish Machine, water and steam boilers, heat exchanger, carpet	64,590	269,990	205,400
Recrds Mgt	14602 5220	machines for scanning	0	50,000	50,000
Road Mach	51302 5212	roof repair	0	150,000	150,000
Road Mach	51302 5240	4 loaders	0	400,000	400,000
Gen. Fund	59906	Transfer to Road Machinery	393,302	943,302	550,000
Gen. Fund	59904	Transfer to Horace Nye	2,936,214	3,141,614	205,400

<u>Dept.</u>	<u>Revenue Account #</u>	<u>Account Name</u>	<u>Tentative Budget Amt</u>	<u>Amended Budget Amt</u>	<u>Amt of Increase</u>
Road Mach	5130 45031	Interfund Transfer	\$ 393,302	\$ 943,302	550,000
Horace Nye	E8350 4E5031	Contribution from General	2,936,214	3,141,614	205,400

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

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

TENTATIVE BUDGET IMPACT
\$1,096,928 increase in appropriations and revenues

Resolution No. 332

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET FOR THE PUBLIC HEALTH DEPARTMENT

**TO INCREASE REVENUES IN THE AMOUNT OF \$1,423 IN
ADDITIONAL STATE
FUNDING FOR THE HEALTHY LIVING PARTNERSHIP**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the Public Health Department increasing revenues in the amount of \$1,423 in additional State funding for the Healthy Living Partnership as follows:

Department 4010 - Public Health

<u>REVENUE ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
4010 43450	Healthy Living Partnership	\$ 55,381	\$ 56,804

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**

TENTATIVE BUDGET IMPACT \$1,423 increase in revenues

Resolution No. 333

November 30, 2005
Special Board Meeting

**RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY
BUDGET FOR THE PUBLIC HEALTH DEPARTMENT BY
INCREASING APPROPRIATIONS IN THE AMOUNT OF \$64,595 AND
REVENUES IN THE AMOUNT OF \$58,721 TO PAY ITS COSTS FOR
THE CCU NURSE POSITION SHARED WITH THE DEPARTMENT OF
SOCIAL SERVICES**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the Public Health Department by increasing appropriations in the amount of \$64,595 and revenues in the amount of \$58,721 to pay the costs for the CCU Nurse position shared with the Department of Social Services (whose budget already contains its \$18,593 share), as follows:

Department 4010 - Public Health

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
40101 5110	Regular Wages	\$ 1,454,229	\$ 1,504,136
40104 5497	Mileage	\$ 88,603	\$ 92,176
40101 5190	Health Insurance Buyout	\$ 18,000	\$ 21,300
40108 5810	Retirement	\$ 184,311	\$ 188,734
40108 5820	Social Security	\$ 129,507	\$ 132,899

<u>REVENUE ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
42801	Inter-fund Revenues	\$ 0	\$ 18,593
4160130	MA	\$ 392,085	\$ 424,245
4340120	S/A	\$ 212,084	\$ 220,050

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**

<p><u>TENTATIVE BUDGET IMPACT</u> \$64,595 increase in appropriations and \$58,721 increase in revenues</p>
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Resolution No. 334

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET FOR THE DEPARTMENT OF SOCIAL SERVICES TO DECREASE APPROPRIATIONS BY \$15,988 AND REVENUES BY \$28,744 RESULTING FROM THE REMOVAL OF APPROPRIATIONS FOR CERTAIN SALARY INCREASES BASED UPON PROPOSED PROMOTIONS AND RECLASSIFICATIONS

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the Social Services Department as follows by decreasing appropriations in the amount of \$15,988 and revenues in the amount of \$28,744, in order to remove proposed funding for a proposed salary increase by reclassification of one position of Account Clerk to Senior Account Clerk, for a proposed salary increase by reclassification of one position of Caseworker to Senior Caseworker, for a proposed salary increase by reclassification of one position of Staff Development Coordinator to Director of Organizational & Staff Development, and for a proposed salary increase by promotion of one position of Senior Social Services Worker to Social Services Manager:

Department 6010 - Social Services

<u>APPROPRIATION ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
60101 5110	Salaries & Wages	\$ 2,712,924	\$ 2,699,468
60108 5810	Retirement	302,054	300,615
60108 5820	Social Security	218,243	217,214
60108 5840	NYS Disability	5,565	5,501

<u>REVENUE ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
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43610	State Aid	\$ 1,673,428	\$ 1,644,684
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This resolution was duly seconded by Supervisor Moses, and adopted upon roll-call vote as follows:

AYES: 1502 votes
NOES: 1341 votes
ABSENT: 0 votes

TENTATIVE BUDGET IMPACT
\$12,756 increase in tax levy

Resolution No. 335

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET FOR THE COUNTY CLERK'S DEPARTMENT BY INCREASING REVENUES IN THE AMOUNT OF \$250,000 FOR ANTICIPATED MORTGAGE TAX RECEIPTS

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the County Clerk's Department by increasing revenues from the collection of additional mortgage tax in the amount of \$250,000 as follows:

Department 1410 - County Clerk

<u>REVENUE</u> <u>ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
1410 41255118	Additional Mortgage Tax	\$ 300,000	\$ 550,000

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

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

Resolution No. 336

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET FOR THE COUNTY CLERK'S DEPARTMENT BY INCREASING REVENUES IN THE AMOUNT OF \$100,000 FOR ANTICIPATED ADDITIONAL TAX ADMINISTRATION FEES

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget for the County Clerk's Department by increasing revenues from the collection of tax administration fees in the amount of \$100,000 as follows:

Department 1410 - County Clerk

<u>REVENUE</u> <u>ACCOUNT NUMBER</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
<u>1410 41255181</u>	<u>Clerk Tax & Admin Fees</u>	<u>\$ 180,000</u>	<u>\$ 280,000</u>

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

AYES: **1738 votes**
NOES: **1105 votes** **(Morrow, French, Both, Kelly, Seney, Connell)**
ABSENT: **0 votes**

TENTATIVE BUDGET IMPACT
\$100,000 increase in revenues

Resolution No. 337

November 30, 2005
Special Board Meeting

RESOLUTION TO RECONSIDER RESOLUTIONS NO. 335 AND
336 OF 2005 AMENDING THE 2006 TENTATIVE ESSEX
COUNTY
BUDGET FOR THE COUNTY CLERK'S DEPARTMENT, AND
UPON SUCH RECONSIDERATION RESCINDING THE SAME

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby reconsiders Resolutions No. 335 and 336 of 2005 providing for amendment of the 2006 Tentative Essex County Budget for the County Clerk's Department by increasing the amount of mortgage tax revenues and revenues from the collection of tax administration fees, and does further upon such reconsideration rescind said Resolutions.

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

AYES: 2088 votes

NOES: 0 votes

ABSENT: 755 votes (Morrow, Kelly, Dedrick, Connell)

TENTATIVE BUDGET IMPACT
\$0 impact upon tax levy

Resolution No. 338

November 30, 2005
Special Board Meeting

RESOLUTION AMENDING THE 2006 TENTATIVE ESSEX COUNTY BUDGET BY INCREASING REVENUES IN THE TOTAL AMOUNT OF \$1,191,341 FROM THE APPROPRIATION OF ADDITIONAL MONIES FROM UNEXPENDED AND UNRESERVED FUND BALANCE FOR THE PURPOSE OF MAINTAINING THE 2006 TAX LEVY AT THE SAME LEVEL AS IN 2005

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends the 2006 Tentative Essex County Budget by increasing the amount to be appropriated from unexpended and unreserved fund balance (General Fund) in the amount of \$1,191,341, from \$5,235,595 to \$6,426,936, in order to keep the 2006 tax levy at the same level as in 2005.

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

AYES: **2088 votes**
NOES: **0 votes**
ABSENT: **755 votes (Morrow, Kelly, Dedrick, Connell)**

TENTATIVE BUDGET IMPACT \$1,191,341 increase in revenues

Resolution No. 339

**November 30, 2005
Special Board Meeting**

**RESOLUTION ADOPTING THE 2006 TENTATIVE ESSEX
COUNTY BUDGET, AS AMENDED, AS THE 2006 ESSEX
COUNTY BUDGET AND APPROPRIATING FUNDS
PURSUANT TO COUNTY LAW §356**

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

WHEREAS, the Essex County Board of Supervisors has met and considered the 2006 tentative budget and conducted a public hearing thereon on November 28, 2005, as required by County Law §359; and

WHEREAS, the Board thereafter conducted budget hearings with each department head to review and consider amendments to the tentative budget in order to reduce the projected tax increase, and based upon such hearings has amended the tentative budget.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts the 2006 Tentative Essex County Budget, as heretofore amended, as the final 2006 Essex County Budget; and

BE IT FURTHER RESOLVED that the several amounts specified in such budget in the column entitled "Adopted" for the several objects set forth in said 2006 budget, totaling \$86,110,106.00, be appropriated for such objects effective January 1, 2006, with said budget containing total revenues of \$65,135,126 .00; and

BE IT FURTHER RESOLVED that the sum of \$6,426,936.00 is hereby appropriated from the General Fund Balance for the 2006 Essex County Budget hereby adopted; and

BE IT FURTHER RESOLVED that the sum of \$750,000.00 is hereby appropriated from the County Road Fund Balance, and the additional sum of \$250,000.00 from the County Road Machinery Fund Balance, for the 2006 Essex County Budget hereby adopted; and

BE IT FURTHER RESOLVED that the sum of \$13,548,044.00 shall be raised by taxes levied upon the real property within the County for the 2006 Essex County Budget hereby adopted.

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

AYES: 2088 votes
NOES: 0 votes
ABSENT: 755 votes (Morrow, Kelly, Dedrick, Connell)

Resolution No. 340

November 30, 2005
Special Board Meeting

**RESOLUTION LEVYING 2006 COUNTY AND TOWN
TAXES
AND ASSESSMENTS, APPROVING THE COMPLETED
TAX ROLLS, AND DIRECTING THE EXECUTION
AND DELIVERY OF THE TAX WARRANTS**

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

WHEREAS, there has been presented to this Board of Supervisors a duly certified copy of the annual budget for each of the eighteen towns of Essex County for the fiscal year commencing January 1, 2006; and

WHEREAS, the Essex County Board of Supervisors has duly adopted its annual budget for the fiscal year 2006 by Resolution No. 339, which budget provides for appropriation of funds in the total amount of \$86,110,106.00, for revenues of \$65,135,126, and for a total tax levy of \$13,548,044.00.

BE IT RESOLVED that pursuant to Town Law §115, the amounts specified in the annual town budgets, as adopted by the respective Town Boards, to be raised by tax or assessment shall be levied, assessed, raised and collected against, from, and upon the real property of the respective towns liable therefor at the time and in the manner provided by law for the levy of county taxes; and

BE IT FURTHER RESOLVED that pursuant to County Law §360, the amounts specified in the 2006 County budget to be raised by tax, amounting to \$13,548,044.00 shall be levied, assessed, raised and collected against, from, and upon the real property of the County liable therefor at the time and in the manner provided by law; and

BE IT FURTHER RESOLVED that the Town and County taxes be extended against each parcel on said rolls, with such taxes as extended being hereby determined to be the taxes due on each such parcel as set forth thereon; and

BE IT FURTHER RESOLVED that there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Board, as provided by Real Property Tax Law §904, that such warrants should be in the respective amounts heretofore authorized to be levied upon said rolls, that under the seal of the Essex County Board of

Supervisors the said rolls with said warrants are to be forthwith collected within and from the several tax districts of the County; and

BE IT FURTHER RESOLVED that such taxes and assessments, when collected, shall be paid to the Supervisor of the respective town and to the Essex County Treasurer in the amounts as shown on the Contents of Collectors Warrants for distribution by them in the manner provided by law.

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

AYES: **2088 votes**
NOES: **0 votes**
ABSENT: **755 votes (Morrow, Kelly, Dedrick, Connell)**

Resolution No. 341

November 30, 2005
Special Board Meeting

**RESOLUTION AUTHORIZING CONTRACTS FOR FISCAL
YEAR 2006 FOR WHICH FUNDS ARE APPROPRIATED
IN THE 2006 ESSEX COUNTY BUDGET**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the County Manager and/or Chairman of the Board to execute all contracts for fiscal year 2006 for the various departments of County Government for which funds have been appropriated in the 2006 Essex County Budget as adopted.

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

AYES: **2088 votes**
NOES: **0 votes**
ABSENT: **755 votes (Morrow, Kelly, Dedrick, Connell)**

