

RESOLUTION AMENDING THE 2008 ESSEX COUNTY BUDGET

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

Upon the recommendation of the various Committees, with the approval of the Ways and Means Committee of this body, and the same appearing proper and necessary.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends the 2008 Essex County Budget as follows:

1. From the Public Safety Committee

(a) For the Board of Elections, increase revenues and appropriations by \$421,499.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
1450 44392	HAVA Title I & II	\$421,499

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
14502 5250HAVA	HAVA Title I and II	\$279,063
14504 5410HAVA	HAVA Title I and II	\$142,436

2. From the Human Services Committee

(a) For the Office for the Aging, increase revenues and appropriations by \$43,536 (final allocation and COLA supplement).

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772-4377230	State Aid Aging SNAP	\$43,536

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67722-5230	Auto Equipment	\$38,000
67722-5220	Office Equipment	\$5,536

(b) For the Office for the Aging, increase revenues by \$4,001 (final allocation and COLA supplement, county match by \$1,334 and appropriations by \$5,335).

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
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_____ 6772-4377210 State Aid Comm Serv Aging \$4,001

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67722-4220	Office Equipment	\$5,335

(c) For the Office for the Aging, increase revenues by \$2,162 (final allocation and COLA supplement), county match by \$275 and appropriations by \$2,437.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
_____ 6772-4377240	Aging State Aid EISEP	\$2,162

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724-5446ESP	EISEP Services	\$2,437

(d) For the Office for the Aging, increase revenues and appropriations by \$1,922 (carryover and supplement).

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
_____ 6772-4477280	Federal Aid Title VII	\$1,922

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724-5443	Travel Reimbursement	\$464
67724-5442	Auto-Gas	\$464
67724-5400LIC	License	\$530
67724-5451	Training	\$464

(e) For the Office for the Aging, increase revenues and appropriations by \$1,690.25.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
_____ 6772-42680	Insurance Recoveries	\$1,690.25

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724-5441	Auto Supplies & Repair	\$1,690.25

(f) For the Mental Health Department, increase revenues and appropriations by \$44,457.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
_____ 4322 43493	CSS State Funding	\$9,765
_____ 4322 43490100	State Aid OT 620	\$34,692

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
53224 5446	MH Assoc. CSS	\$9,765
43224 5405	MH Assoc.	\$34,692

(g) For the Mental Health Department, increase revenues and appropriations by \$8,172.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43224 43490101	Families First State Aid	\$8,172

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43224 5430	Families First	\$8,172

(h) For the Mental Health Department, increase revenues and appropriations by \$5,050.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4322 4349225	MH Sheltered Workshop 620	\$2,657
4322 4349230	MH Sheltered Workshop 620 ARC	\$2,393

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43224 5447	MH Sheltered Workshop 620	\$2,657
43224 5448	MH Sheltered Workshop OT 620 ARC	\$2,393

3. From the DPW Committee

(a) For the Department of Public Works - Highway, increase revenues and appropriations by \$1,000.

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
5130 42770	Unclassified	\$1,000

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
51304.5464	Highway Vehicle and Repair	\$1,000

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 254

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY TO
AUTHORIZE DIANE TYRELL AND MICHAEL LANGEY TO SIGN
VOUCHERS IN HER ABSENCE**

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

Upon the recommendation of the Public Safety Committee, with the approval of the Ways 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 District Attorney to authorize Diane Tyrell and Michael Langey to sign vouchers in her absence.

This resolution was seconded by Supervisor Dedrick, and adopted.

Resolution No. 255

September 2, 2008
Regular Board Meeting

**RESOLUTION PROCLAIMING SEPTEMBER 6-14, 2008 AS
HARVEST FESTIVAL WEEK IN ESSEX COUNTY**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby proclaims the week of September 6-14, 2008 as harvest festival week in Essex County.

This resolution was unanimously seconded and duly adopted.

Resolution No. 256
WITHDRAWN

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING THE HORACE NYE HOME TO
PURCHASE ICE CREAM, BOWLS, PLATES AND SILVERWARE
FOR AN ICE CREAM SOCIAL AT THE HOME IN AN AMOUNT
NOT TO EXCEED \$ _____ WHICH FUNDS ARE TO COME
FROM _____**

The following resolution was offered by Supervisor McSweeney, 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 the Horace Nye Home to purchase ice cream, bowls, plates and silverware for an ice cream social at the home.

This resolution was duly seconded by Supervisor French, and withdrawn upon a unanimous motion.

Resolution No. 257

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING THE TRANSFER OF REAL
PROPERTY FROM THE COUNTY OF ESSEX TO THE TOWN OF
NEWCOMB PURSUANT TO SECTION 72-h OF THE GENERAL
MUNICIPAL LAW**

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

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

WHEREAS, Essex County currently owns a 2.379 +/- acre parcel of land designated on the Town of Newcomb tax rolls as Tax Map No. 120.18-2-50.000 and described in the Office of the Essex County Clerk in the deed from Finch, Pryn & Company, Inc. recorded at Book 1362 Page 122; and

WHEREAS, the herein above described real property is needed by the Town of Newcomb relative to the replacement of the Goodnow Flow Bridge; and

WHEREAS, the herein above described real property is no longer of any use to the County of Essex and would be better transferred to the Town of Newcomb for this bridge replacement project; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Chairwoman and/or County Manager to execute a deed in the name of Essex County conveying to the Town of Newcomb all that certain 2.379 +/- acre parcel of land described in a deed given by Finch, Pryn & Company, Inc. to Essex County which deed was recorded at Book 1362 Page 122 in the Office of the Essex County Clerk and which property bears Town of Newcomb tax map number 120.18-2-50.000 on the 2008 tax rolls, for no consideration pursuant to Section 72-h of the General Municipal Law of the State of New.

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

AYES: **2,843 votes**
NOES: **0 votes**
ABSENT: **0 votes**

Resolution No. 258

September 2, 2008
Regular Board Meeting

**RESOLUTION APPOINTING MONICA FEELEY AS PERSONNEL
DIRECTOR AT A SALARY OF \$55,000**

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

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

WHEREAS, Daniel L. Palmer has notified this Board of his intent to resign from the Office of the Essex County Personnel Director in order to take the position of Essex County Manager; and

WHEREAS, this Board has considered qualified applicants for this position; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appoints Monica Feeley to the Office of the Personnel Director, effective immediately, at an annual salary of \$55,000.

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

AYES: **2,843 votes**
NOES: **0 votes**
ABSENT: **0 votes**

RESOLUTION AUTHORIZING A CONTRACT WITH BARTON & LOGUIDICE TO PREPARE AND SUBMIT AN AMENDMENT TO THE CURRENT ADIRONDACK PARK AGENCY PERMIT 2004-252 RELATIVE TO THE INSTALLATION OF ANTENNAS AND TELECOMMUNICATIONS EQUIPMENT ON THE PREVIOUSLY APPROVED PUBLIC SAFETY BUILDING BY ESSEX COUNTY AND THE NEW YORK STATE POLICE IN AN AMOUNT NOT TO EXCEED \$5,000 WITH THE FUNDS TO BE TRANSFERRED FROM THE CONTINGENCY ACCOUNT

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

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

WHEREAS, Essex County must submit an amendment to Adirondack Park Agency Permit No. 2004-252 to obtain approval from the Agency relative to the installation of antennas and telecommunication equipment currently existing on the Public Safety Building and to be installed on the Public Safety Building by both Essex County and the New York State Police; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a contract with Barton & Loguidice, P.C. for engineering services to assist the County with the submission of an Adirondack Park Agency amended permit application involving Adirondack Park Agency project 2004-252 to obtain approval from the Agency for the installation of antennas and telecommunication equipment currently existing on the building and to be installed by both Essex County and the New York State Police in an amount not to exceed \$5,000 with the funds to be transferred from the contingency account into Emergency Services Communications Account 30202 Technical Equipment Account No. 5250.

BUDGET IMPACT STATEMENT:	
<i>Contingency Account Balance as of 8/4/08 :</i>	\$334,863.38
<i>Reduction Impact of this resolution:</i>	\$ 5,000.00
<i>FY2008 Contingent Account Balance:</i>	\$329,863.38

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 260

September 2, 2008
Regular Board Meeting

**RESOLUTION AMENDING RESOLUTION NO. 117 OF 5/2/05
PROVIDING FOR INSTALLMENT PAYMENTS OF REAL
PROPERTY TAXES PURSUANT TO REAL PROPERTY TAX LAW
§928-a TO ALLOW FIVE EQUAL INSTALLMENT PAYMENTS
RATHER THAN FOUR INSTALLMENT PAYMENTS OF TAX**

The following resolution was offered by Supervisor Scozzafava, 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, Real Property Tax Law Section 928-a provides for the partial payment of taxes, special ad valorem taxes and special assessments in such amount or manner as may be described by Resolution; provided, that such Resolution shall be adopted before the preparation and delivery of the tax rolls to the appropriate collecting officers; and

WHEREAS, Section 938 of the Real Property Tax Law permits an extension for the time of collection taxes not later than the first day of June in any year; and

WHEREAS, by Resolution No. 135 of 1996, the Board of Supervisors adopted an installment payment system under RPTL §928-a providing for two equal installment payments; and

WHEREAS, pursuant to Resolution No. 117 of May 2, 2005, the Essex County Board of Supervisors did amend Resolution No. 135 of 1996 providing for four equal installments, to wit; last day of January, last day of February, last day of March and last day of April; and

WHEREAS, because of the current economic climate, it is the intent of this Board that Resolution No. 135 of 1996 and Resolution No. 117 of May 2, 2005 should all be amended to provide for one additional and fifth installment payment to be paid not later than the last day of May together with interest at the rate determined pursuant to Real Property Tax Law Section 924-a;

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends Resolution No. 117 of 2005 to provide, that pursuant to Real Property Tax Law 928-a, every tax in excess of \$20 hereinafter levied by this Board may be paid in five equal installments as follows:

1. The first installment shall be paid not later than the last day of January; and

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

BE IT FURTHER RESOLVED, this Resolution shall not take effect until the current collection period has been extended to June 1st by the Essex County Treasurer pursuant to RPTL Section 938; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed with the State Board no later than 30 days after the adoption thereof.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 261

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PAYMENT OF \$10,309.63 TO
THE TRAVELER'S INDEMNITY COMPANY AS AND FOR ESSEX
COUNTY'S PORTION OF ITS SELF-INSURED RETENTION
OBLIGATION RELATIVE TO A WRONGFUL DEATH ACTION
ENTITLED GLORIA MORSE, INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE OF DAVID J. MORSE
AGAINST ESSEX COUNTY, ET AL VENUED IN THE SUPREME
COURT, COUNTY OF ESSEX AND BEARING
INDEX NUMBER - 000666-99**

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

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

WHEREAS, a settlement had been reached with respect to a wrongful death matter entitled, Gloria Morse, individually and as Administratrix of the Estate of David J. Morse against Essex County, et al wherein Essex County agreed to pay the sum of \$100,000.00 as and for full settlement of all claims; and

WHEREAS, *The Traveler's Indemnity Company did pay the \$100,000.00 settlement on behalf of Essex County however, the deductible or self-insured retention endorsement in the Essex County policy included a reimbursement of indemnity and/or expenses up to a deductible of \$25,000.00; and*

WHEREAS, The Traveler's Indemnity Company has demanded of Essex County that it pay its self-insured retention deductible in the amount of \$25,000.00; and

WHEREAS, the County Attorney has determined that Essex County has expended the amount of \$14,690.37 as a credit against this \$25,000.00 deductible and that the amount owed The Traveler's Indemnity Company in this respect is only \$10,309.63.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the payment to The Traveler's Indemnity Company the sum of \$10,309.63 as and for Essex County's deductible/self-insured retention which monies are to be paid from the insurance/judgments account.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 262

September 2, 2008
Regular Board Meeting

**RESOLUTION AMENDING THE CONTRACT WITH ARGUS
ARCHITECTURE AND PRESERVATION RELATIVE TO
ARCHITECTURAL AND ENGINEERING SERVICES AT THE
CROWN POINT VISITOR'S CENTER FROM \$82,800 TO \$85,700
WHICH FUNDS ARE TO COME FROM THE CURRENT GRANT**

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, Essex County has entered into a contract with Argus Architecture and Preservation, P.C. in the amount of \$82,800 for the rehabilitation of the Lake Champlain Visitor's Center in Crown Point, New York' and

WHEREAS, it has been determined that a second round of bidding is required which will cost Essex County an additional \$2,900 requiring an amendment to the current contract; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends the current contract between Essex County and Argus Architecture and Preservation, P.C. being Contract No. MISC-07-0078 from \$82,800 to \$85,700 which funds are to come from the existing grant.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 263

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING A CONTRACT WITH SPECIALIZED
ENERGY SERVICES FOR PARTICIPATION WITHIN THE
DEMAND RESPONSE PROGRAM**

The following resolution was offered by Supervisor McSweeney, 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, New York State has instituted a program wherein vendors pay providers based upon kilowatts any reduction from the power grid resulting from the use of emergency generators; and

WHEREAS, Essex County has investigated this program and has determined that Specialized Energy Services is an appropriate vendor with whom to contract in order to be paid for power generator by Essex County generators which reduces the power which Essex County takes from the grid; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Chairwoman or its County Manager to execute a contract with Specialized Energy Services for participation in the Demand Response Program in order to generate additional revenue for the County.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 264

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING THE COUNTY MANAGER TO SIGN
A CONTRACT WITH THE PREFERRED GROUP FOR FLEXIBLE
BENEFIT PLAN SERVICES AT A COST OF \$3.00/PER MEMBER,
PER MONTH**

The following resolution was offered by Supervisor Morrow, 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 Preferred Group currently manages the Essex County cafeteria plan and as such reimburses employees who have signed up for un-reimbursed medical expenses, child care expenses and/or premium expenses; and

WHEREAS, in prior years there was an initial \$750 set-up fee, \$750 annual fee and \$5.00/per month, per member fee and a \$75 minimum monthly billing for Flex Participants: and

WHEREAS, pursuant to the Essex County Procurement Policy, the County purchasing agent has solicited three quotes from providers for Flexible Benefit Plan services and the preferred group offered the lowest payments; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Manager to sign a contract for Flexible Benefit Plan services with the preferred group at a cost of \$3.00/per member, per month.

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 265

September 2, 2008
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
HELEN M. PALMER**

The following resolution was offered by Supervisor Dobie, 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, Helen M. Palmer, of North Hudson, New York, passed away on Monday, August 25, 2008 at the age of 94; and

WHEREAS, Helen M. Palmer was born on January 19, 1914, and she married Charles Palmer who passed away March 17, 1998; and

WHEREAS, Helen M. Palmer worked for the engineers who built the Schroon Lake Central School, was a member of the North Hudson Methodist Church and taught Sunday school, during the Great Depression, delivered mail, she worked as a bookkeeper for Frontier Town, worked for NYS at the time the Northway was built, and finally, worked for Essex County Social Services until she retired in 1976; and

WHEREAS, Helen M. Palmer is survived by her daughter and son-in-law Jean McKee and Bill Wright of North Hudson; three grandchildren, Kelly Brentkowski and her husband Allan of Tucson, Patrick Morissey and his wife Angel of North Hudson and Melissa Hemsing and her husband, Robert of Argyle; five great-grandchildren, Lindsey Morissey, Jacob and Holly Brentkowski, Cody Jennings and Joshua Hemsing; and many nieces and nephews; and

WHEREAS, Helen M. Palmer was predeceased by her son-in-law, Charles "Pat" Morissey, July 3, 1984; and

WHEREAS, Helen M. Palmer was a beloved wife, mother, mother-in-law, grandmother, great-grandmother, aunt, sister and friend who will be sorely missed but never forgotten; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Helen Palmer; 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 Palmer family.

This resolution was unanimously seconded and adopted.

Resolution No. 266

September 2, 2008
Regular Board Meeting

**RESOLUTION DESIGNATING THE LAKE PLACID/ESSEX
COUNTY VISITORS BUREAU AS THE ESSEX COUNTY
TOURISM PROMOTION AGENCY AND CAROL JOANETTE AS
THE PROJECT DIRECTOR FOR THE 2009 I LOVE NEW YORK
MATCHING FUNDS PROGRAM**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby designates the Lake Placid/Essex County Visitors Bureau as the Essex County Tourism Promotion Agency and designates Carol Joannette as the Project Director for the 2009 I Love New York Matching Funds Program.

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

Resolution No. 267

*September 2, 2008
Regular Board Meeting*

**RESOLUTION AUTHORIZING A CONTRACT WITH
HAROFF AUCTION AND REALTY**

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 authorizes and directs the Chairman of the Board or the County Manager to enter into and execute a contract to Haroff Auction & Realty, Inc. for professional auction and marketing services with compensation therefor to be paid from a buyer's premium up to 11%.

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

AYES: **2,843 votes**
NOES: **0 votes**
ABSENT: **0 votes**

Resolution No. 268

*September 2, 2008
Regular Board Meeting*

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
RONALD R. (TOMMY) BROWN**

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

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

WHEREAS, Ronald R. (Tommy) Brown, of Lewis, New York, passed away Monday, August 25, 2008; and

WHEREAS, Ronald R. (Tommy) Brown was born on March 6, 1924 in Vermont, the son of Leonard and Lena Pulsifer; and

WHEREAS, Ronald R. (Tommy) Brown and his wife, Anna, owned and operated Tommy's Restaurant in Lewis from 1945 to 1992 and owned and operated Brown's Saw Mill in Lewis and Elizabethtown for 15 years; and

WHEREAS, Ronald R. (Tommy) Brown served as the Supervisor for the Town of Lewis from 1947 to 1979 and in 1979 went to work as an aide to Senator Ronald Stafford; and

WHEREAS, Ronald R. (Tommy) Brown was an original incorporation member of the Lewis Fire Department and personally donated the first tanker to the volunteer company; and

WHEREAS, Ronald R. (Tommy) Brown was the president of the Essex County Liquor Dealers' Association, a member of the Lewis Fish and Game Club, the Elks Club, president of the Essex County Snowmobile Club, American Legion Commander of Post 1319 in Lewis and also for Essex County; and

WHEREAS, Ronald R. (Tommy) Brown hosted a benefit at his restaurant for the Snowmobile Club in Lewis and the Countywide federation of Clubs to raise money for the American Cancer Society to which he invited well-known columnist, Barney Fowler, to ride a snowmobile and, despite his dislike of snowmobiling, Fowler rode and helped raise the \$3,000 collected that day; and

WHEREAS, Ronald R. (Tommy) Brown is survived by his daughter, Karen Brown and her companion George "Bucky" Sweatt; two brothers, Phil Pulsifer and his wife, Kate, and Frank and his wife, Mildred; also, twin sisters, Annabelle (Norman) Trombley and Isabelle (Ed) Feltt; several nieces and nephews, including , Jim (Deb) Pulsifer, Kendra (Marcus) Griep and Colby Pulsifer, Bill (Judy) Trombley, Bev (Ron) Duquette, Diane Morley and Sandra McDowell, Bill (Ellen) Smith, Honora (Art) Carpenter, Connie Smith, Brian Smith, Leslie Smith, Shane Smith, Kari (Jim) Ratliff, Kathi Desjardins, Beverly (Don) McIntyre, Donna (Alan) Beal, Marcy (Charlie) Phippen and Melanie (Ali) Zarabi; and

WHEREAS, Ronald R. (Tommy) Brown was predeceased by his wife, Anna; his parents Leonard and Lena Pulsifer; and a nephew, Mike Smith; and

WHEREAS, Ronald R. (Tommy) Brown was a loving husband, father, brother, uncle and friend who will be sorely missed but never forgotten; and

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Ronald R. (Tommy) Brown; 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 Brown family.

This resolution was unanimously seconded and adopted.

Resolution No. 269

September 2, 2008
Regular Board Meeting

**RESOLUTION AUTHORIZING THE TRANSFER OF \$10,000
FROM THE CONTINGENCY ACCOUNT (19904-5487) INTO
THE COUNTY ATTORNEY'S ACCOUNT (14204-5433) TO PAY
FOR HEARING EXAMINERS FEES, LEGAL TRANSCRIPTS
AND OTHER FEES ASSOCIATED WITH A CERTAIN NEW
YORK STATE SECTION 75 DISCIPLINARY PROCEEDING
CURRENTLY BEING PURSUED BY DEBORAH GIFFORD,
DIRECTOR OF THE HORACE NYE HOME**

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

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

WHEREAS, Deborah L.B. Gifford, Director of the Horace Nye Nursing Home has instituted a New York State Civil Service Section 75 proceeding against a nurse at the Horace Nye Home; and

WHEREAS, there was three complete days of testimony before a hearing examiner on this matter; and

WHEREAS, the law requires that the County pay the hearing examiner and also pay for the preparation of all transcripts of said hearing; and

WHEREAS, it is estimated that the cost for the hearing examiner and transcripts may approach the sum of \$10,000; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the transfer of the sum of \$10,000 from the contingency account (19904-5487) into the County Attorney's Account (14204-5433) as and for payment of the hearing examiner's fees, file transcript fees and any other associated fees.

BUDGET IMPACT STATEMENT:	
Contingency Account Balance as of 8/4/08 :	\$329,863.38
Reduction Impact of this resolution:	\$ 10,000.00
FY2008 Contingent Account Balance:	\$319,863.38

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

AYES: 2,843 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 270

September 2, 2008
Regular Board Meeting

**RESOLUTION OF SUPPORT FOR THE TOWN OF
TICONDEROGA IN SECURING A GRANT FOR A MONUMENT
HONORING SAMUEL DE CHAMPLAIN**

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 Town of Ticonderoga's 2009 Celebration Champlain is a year-long event highlighting Ticonderoga's unique history, cultural and natural resources; and

WHEREAS, many events will be planned to highlight the Town of Ticonderoga's unique position in history and to honor the Quadricentennial year and the Town of Ticonderoga has, through the 2009 Celebration Champlain Committee, Town of Ticonderoga, submitted a request for the 400 Explorer NY QUAD grant for the purpose of commissioning a monument honoring Samuel de Champlain to be located in the Bicentennial Park in Ticonderoga; and

WHEREAS, the overall project will approximate \$90,000.00 and include the monument, wing monuments, benches, pavers, landscaping with native trees and shrubs; and

WHEREAS, the Town of Ticonderoga has asked for the support of the County of Essex in its request for this grant.

BE IT RESOLVED, that the Essex County Board of Supervisors whole heartedly

supports the submission by the 2009 Celebration Champlain Committee, Town of Ticonderoga and or the Town of Ticonderoga of an application for the 400 Explore NY QUAD grant for the commission of a monument honoring Samuel de Champlain in order to insure that the legacy and heritage of the exploration and discovery of this beautiful area is perpetuated and remembered.

This resolution was unanimously seconded and adopted.

Resolution No. 271

September 2, 2008
Regular Board Meeting

**RESOLUTION REQUESTING THE NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE PREPARE
PROPOSED LEGISLATION INCREASING THE AMOUNT OF
SALES TAX ESSEX COUNTY MAY COLLECT AT A RATE WHICH
IS ONE HALF OF ONE PERCENT ADDITIONAL TO THE
EXISTING 3¾% SALES TAX RATE**

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

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

WHEREAS, Pursuant to Section 1210 of the New York State Tax Law, Essex County currently is authorized to collect sales tax in the total amount of 3¾ of a percent; and

WHEREAS, because of the current economic climate and the need for the County to generate additional income for major projects such as the new enhanced wireless microwave radio system and to meet our obligations with respect to the Horace Nye nursing home, and the costs to Essex County and the various Towns within the County resulting from increased energy costs, the County of Essex believes that it is in the best interest of the County, it's Towns and its constituency to generate income by means of the increase of the existing sales tax by one half of a percent; and

WHEREAS, in order to begin this process, it is necessary to contact the New York State Department of Taxation and Finance and request proposed legislation for submission to our local state representatives for Home Rule Legislation allowing this increase.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Attorney to contact the New York State Department of Taxation and Finance and request proposed draft legislation pursuant to Section 1210 of the New York State Tax Law permitting Essex County to collect an additional ½% in addition to the existing 3¾% for a total amount of 4¼% with the understanding that the ½ percent increase in the sales tax rate shall be utilized specifically as follows: ¼% to Essex County to offset capital project debt expenditures and ¼% to be returned to Essex County Townships; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors requests that in addition to this request for sales tax increase that the New York State Department of Taxation and Finance also place within the proposed legislation an extension of the period for the collection of the existing additional three quarter of one percent as set forth in Section 1210(36) of the New York State Tax Law from the 30th day of November, 2009 to the 30th day of November, 2014 as the current authorization ends on November 30th, 2009.

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

AYES: **2,143 votes**

NOES: **700 votes (Blades, Scozzafava, Moses, Connell)**

ABSENT: **0 votes**

Resolution No. 272

September 2, 2008
Regular Board Meeting

**RESOLUTION OF APPRECIATION TO STEWART'S SHOP,
PRICE CHOPPER AND THE DOLLAR STORE FOR THEIR
DONATIONS TO THE HORACE NYE NURSING HOME ICE
CREAM SOCIAL**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby thanks Stewart's, Price Chopper and The Dollar Store for their gracious donation of ice cream, bowls, plates and silverware for the upcoming ice cream social at the Horace Nye Nursing Home.

This resolution was unanimously seconded and adopted.

Resolution No. 273

September 2, 2008
Regular Board Meeting

**RESOLUTION REQUESTING THE STATE ENVIRONMENTAL
FACILITIES CORPORATION REINSTATE THE 30%
CAPITALIZATION FUNDING FOR HARDSHIP COMMUNITIES IN
THE DRAFT INTENDED USE PLAN FOR THE DRINKING WATER
STATE RESERVE FUND**

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

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

WHEREAS, the draft 2009 DWSRF Intended Use Plan administered through the New York State Department of Health proposes to eliminate the 30% capitalization dollars reserved for hardship communities in the form of grants and subsidized loans; and

WHEREAS, the removal of this 30% capitalization funding for hardship communities seriously impacts already disadvantaged and poor communities who desperately need this funding; and

WHEREAS, Victor Putman, Director of Community Development and Planning has forwarded a letter to Mr. James E. Flaherty voicing his extreme dismay and concern with respect to certain omissions in the 2009 DWSRF intended use plan; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby whole heartedly endorsed and supports the recommendations made by Victor Putman, Director of Community Development and Planning pursuant to his letter of August 22, 2008 wherein he requested the following:

1. Reinstatement of the 30% capitalization for hardship communities
2. The provision that provides for 1000 to 2000 additional points for phasing of projects should be eliminated or segregated to compete with comparable size communities so that small communities, who often do not phase projects, are not prejudiced.
3. The IUP should define what a small community is and have programs designed and administered accordingly
4. The CP program is inadequately and seriously underfunded and needs more funding so that our CPE's can be accomplished annually and should have SERP as is currently disadvantages communities under the jurisdiction of the Adirondack Park Agency. Negotiations should be initiated with EPA to provide a waiver for Adirondack Park Agency communities to allow them to access short term financing after completed SEQR which is normally a type 2 action.

BE IT FURTHER RESOLVED, that a copy of this resolution together with appended copy of Mr. Putman's letter be forwarded to Mr. James E. Flaherty, PE, Assistant Director, Division of Engineering and Program Management, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.

This resolution was unanimously seconded and adopted.