

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

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

Upon the recommendation of the respective committees 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 approves the following appointments:

1. From the Human Services Committee

(a) To the Essex County Community Services Board:

<u>Person</u>	<u>Term Starts</u>	<u>Term Expires</u>
Elizabeth Lawrence, Elizabethtown	1/01/09	12/31/11
Sam Fisk, Keene	1/01/09	12/31/11
Mary Bell, Willsboro	1/01/09	12/31/11
Lorraine Duval	1/01/09	12/31/11

(b) To the Mental Health Sub-Committee:

<u>Person</u>	<u>Term Starts</u>	<u>Term Expires</u>
Virginia Weeks, MD, Saranac Lake	1/01/09	12/31/11
Scott McDonald, Jay	1/01/09	12/31/11

(c) To the Alcoholism/Substance Abuse Sub-Committee:

<u>Person</u>	<u>Term Starts</u>	<u>Term Expires</u>
Elizabeth Lawrence, Elizabethtown	1/01/09	12/31/11
Cindy Estus, Essex	1/01/09	12/31/11
Tracy Sherman, Westport	1/01/09	12/31/11

d) To the MRDD Sub Committee:

<u>Person</u>	<u>Term Starts</u>	<u>Term Expires</u>
John P. O'Neill, Saranac Lake	1/01/09	12/31/11
Ann Yetman	1/01/09	12/31/11

2. From the Economic Development/Planning/Publicity Committee

a) Appointing John Boyea to serve on the Empire Zone Administrative Board to fill the position vacated by Barton Swan, which term expires on June 30, 2011.

3. Miscellaneous

- a) Appointing Susan Manning to serve on the Board of the Essex County Industrial Development Agency for the appropriate term.

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

Resolution No. 396

December 29, 2008
Last Day of the Annual

**RESOLUTION AUTHORIZING A CONTRACT WITH THE
OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
TOGETHER WITH THE TOWNS OF JAY AND
WILMINGTON FOR TRANSPORTATION SERVICES FOR
THE JAY TO LAKE PLACID ROUTE BEGINNING
DECEMBER 20, 2008 THROUGH APRIL 1, 2009, AT A
COST OF APPROXIMATELY \$3,000, TO BE PAID FROM
THE CHAMP BUDGET**

The following resolution was offered by Supervisor Douglas, 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 its County Manager and/or Chairperson to enter into a contract with the Olympic Regional Development Authority together with the towns of Jay and Wilmington for transportation services for the Jay to Lake Placid route beginning December 20, 2008 through April 1, 2009, at a cost of \$3,000.00 which funds to be paid from CHAMP budget (Account No. 5631-5130 to 5630-5487 ORDA).

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 397

December 29, 2008
Last Day of the Annual

**RESOLUTION ACCEPTING AND PLACING ON FILE THE 2008
ANNUAL REPORT FOR THE CORNELL COOPERATIVE
EXTENSION PROGRAM**

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

Upon the recommendation of the Economic Development 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 approves and places on file the 2008 Annual Report for the Cornell Cooperative Extension Program.

This resolution was seconded by Supervisor Blades, and adopted.

Resolution No. 398

*December 29, 2008
Last Day of the Annual*

**RESOLUTION AUTHORIZING A TRANSFER OF \$25,000
FROM 2008 UNEXPENDED SURPLUS FUND TO DPW-
FAIRGROUNDS, TO COVER THE UPGRADE TO THE BACON
BURGER PAVILION AT THE ESSEX COUNTY FAIRGROUNDS
TO INCLUDE FROST WALLS, FULL FOUNDATION, FULL
KITCHEN WITH APPLIANCES**

The following resolution was offered by Supervisor Connell, 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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the transfer of \$25,000.00 from 2008 unexpended fund balance (Account No. 3909) to DPW-Fairgrounds (Account No.87502 5212), to cover the upgrade to the Bacon Burger Pavilion at the Essex County Fairgrounds, to include frost walls, full foundation and full kitchen with appliances.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 399

December 29, 2008
Last Day of the Annual

**RESOLUTION APPROVING SETTLEMENT OF THE
LAWSUIT AGAINST EMD-SERONO**

The following resolution was offered by Supervisor French, 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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby approves the settlement against EMD-Serono in the AWP Litigation case in the amount of \$347,142.00. Essex County's share of this settlement would be \$554.00.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 400

December 29, 2008
Last Day of the Annual

**RESOLUTION APPROVING SETTLEMENT OF THE
LAWSUIT AGAINST BAYER**

The following resolution was offered by Supervisor Blades, 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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby approves the settlement against Bayer in the AWP Litigation case in the amount of \$975,000. Essex County's share of this settlement would be \$1,555.00.

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

AYES: 2698 votes
NOES: 0 votes

ABSENT: 145 votes (Canon, Morency)

Resolution No. 401
WITHDRAWN

December 29, 2008
Last Day of the Annual

**RESOLUTION AUTHORIZING AN AGREEMENT
BETWEEN THE OLYMPIC REGIONAL DEVELOPMENT
AUTHORITY, THE TOWN OF WILMINGTON, TOWN OF
JAY AND ESSEX COUNTY FOR SHUTTLE SERVICE
FROM AUSABLE FORKS
TO LAKE PLACID AND
WILMINGTON TO LAKE PLACID**

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.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes its County Manager and/or County Chairwoman to execute an agreement between ORDA, Town of Wilmington, Town of Jay and Essex County for shuttle services from AuSable Forks to Lake Placid and Wilmington to Lake Placid.

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

Resolution No. 402

December 29, 2008
Last Day of the Annual

**RESOLUTION AUTHORIZING THE EXECUTION OF A
FEDERAL AID MUNICIPAL SERVICE CONTRACT WITH THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
BEARING PROJECT ID NO. 1937.02.002 IN ORDER TO
ACCESS JOB ACCESS AND REVERSE COMMUTE
PROGRAM (JARC) FUNDS FOR THE VILLAGE OF LAKE
PLACID TO WILMINGTON ROUTE**

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, Essex County has been notified by the New York State Department of Transportation that the Essex County Transit Job Access Revenue Commute (JARC) application has been processed for funding and that funds have been approved to support Essex County Transit Route Creation and Expansion Programs in the amount of \$99,126.00; and

WHEREAS, the operating assistance is to support a fixed route public transportation service under JARC program between the Village of Lake Placid to Wilmington; and

WHEREAS, in order to access these funds it is necessary to enter into a Federal Aid Municipal Service Contract with the New York State Department of Transportation; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Chairwoman to enter into a Federal Aid Municipal Service Contract with the New York State Department of Transportation bearing Project ID #1937.02.002 in the amount of \$99,126.00 for operating assistance relative to the fixed route public transportation service between the Village of Lake Placid and Wilmington.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 403

December 29, 2008
Last Day of the Annual

**RESOLUTION AUTHORIZING THE EXECUTION OF A
FEDERAL AID MUNICIPAL SERVICE CONTRACT WITH THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
BEARING PROJECT ID NO. 1937.01.002 IN ORDER TO
ACCESS JOB ACCESS AND REVERSE COMMUTE
PROGRAM (JARC) FUNDS FOR THE JAY TO LAKE PLACID
ROUTE**

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, Essex County has been notified by the New York State Department of Transportation that the Essex County Transit Job Access Revenue Commute (JARC) application has been processed for funding and that funds have been approved to support Essex County Transit Route Creation and Expansion Programs in the amount of \$200,199.00; and

WHEREAS, the operating assistance is to support a fixed route public transportation service under JARC program between Jay and Lake Placid; and

WHEREAS, in order to access these funds, it is necessary to enter into a Federal Aid Municipal Service Contract with the New York State Department of Transportation; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Chairwoman to enter into a Federal Aid Municipal Service Contract with the New York State Department of Transportation bearing Project ID #1937.01.002 in the amount of \$200,199.00 for operating assistance relative to the fixed route public transportation service between Jay and Lake Placid.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 404

December 29, 2008
Last Day of the Annual

**RESOLUTION APPROPRIATING THE SUM OF \$7,500 FROM
THE CONTINGENCY ACCOUNT INTO THE COUNTY
ATTORNEY'S ACCOUNT FOR THE PURPOSE OF HIRING
OUTSIDE COUNSEL TO ASSIST WITH DELAY CLAIMS IN
CONJUNCTION WITH THE ESSEX COUNTY JAIL/PUBLIC
SAFETY BUILDING PROJECT**

The following resolution was offered by Supervisor Merrihew, 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, some of the contractors who performed work and services during construction of the new Essex County Jail/Public Safety Building have submitted claims for delay and additional work against the County seeking reimbursement over and above the original contract amounts; and

WHEREAS, these claims, if proven, could result in substantial judgment against Essex County in an amount over \$1,000,000; and

WHEREAS, for the past two years, the County Attorney has been handling these matters however, they have reached a point that a construction litigator will need to be brought into the process in order to negotiate and settle these claims in a manner most beneficial to the County; and

WHEREAS, upon the advice of the County Attorney, this Board deems it important

to appropriate monies for the hiring of outside counsel to assist the County Attorney with these delayed claims.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the appropriation of the sum of \$7,500.00 from the Contingency Account (19904-5487) in to the County Attorney's Legal Account (14204-5433) for the purposes of hiring outside counsel to assist the County Attorney with the delay claims in conjunction with the Essex County Jail/Public Safety Building; and

BE IT FURTHER RESOLVED, that this Board hereby authorizes the County Attorney to obtain the services of an outside attorney to assist in these delay claims and further authorizes its County Manager and/or Chairwoman to execute any and all contracts of employment or retainer agreements with such outside counsel.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

<i>BUDGET IMPACT STATEMENT:</i>	
<i>Contingent Account Balance as of 12/01/08 :</i>	<i>\$219,791.10</i>
<i>Reduction Impact of this resolution:</i>	<i>\$ 7,500.00</i>
<i>FY2008 Contingent Account Balance:</i>	<i>\$212,291.10</i>

Resolution No. 405

*December 29, 2008
Last Day of the Annual*

**RESOLUTION TO ACCEPT AND PLACE ON FILE
THE 2007/2008 MONITORING REPORT ON
THE ESSEX COUNTY YOUTH BUREAU**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby accepts,

adopts and/or places on file the 2007/2008 Monitoring Report on the Essex County Youth Bureau.

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

Resolution No. 406

*December 29, 2008
Last Day of the Annual*

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN
THE YOUTH BUREAU TO INCREASE REVENUES AND
APPROPRIATIONS BY \$2,300.00 - LEARN TO SWIM
PROGRAM**

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

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

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

For Youth Bureau, to increase revenues and appropriations by \$2,300.00 - Learn to Swim as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
42070SWI	Learn to Swim	\$2,300.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
73103 5440 SWIM	Learn to Swim	\$2,300.00

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 407

*December 29, 2008
Last Day of the Annual*

RESOLUTION TO REPLACE THE STATE STREET BANK AND TRUST COMPANY WITH RELIANCE TRUST COMPANY, AND TO APPOINT RELIANCE TRUST COMPANY THE PASSIVE NON-DISCRETIONARY TRUSTEE FOR THE DEFERRED COMPENSATION PLAN, EFFECTIVE JANUARY 9, 2009

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

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

WHEREAS, State Street Bank and Trust Company ("State Street") currently serves as passive, nondiscretionary Trustee for the Essex County New York Deferred Compensation Plan (the "Plan"); and

WHEREAS, State Street has provided notice to Hartford Life Insurance Company that it will no longer provide these services to our customers beyond January 9, 2009; and

WHEREAS, as a result, it is desirable to remove State Street as passive, non-discretionary Trustee of the trust for the Plan and to appoint Reliance Trust Company ("RTC") as successor passive, non-discretionary Trustee of the trust for the Plan; and

BE IT RESOLVED, that State Street is hereby removed as passive, non-discretionary Trustee of the trust for the Plan, and that Reliance Trust Company is hereby appointed as successor passive, non-discretionary Trustee for the trust for the Plan; and

BE IT FURTHER RESOLVED, that the County Manager and/or Chairman, on behalf of the Board is hereby authorized, empowered and directed to execute any and all documents required to effectuate each removal and appointment, including but not limited to the enclosed Trustee Removal and Appointment, and to take such actions as are necessary, appropriate or advisable to effectuate the foregoing resolution.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 408

December 29, 2008
Last Day of the Annual

RESOLUTION REAPPOINTING DANIEL L. PALMER TO THE OFFICE OF THE ESSEX COUNTY MANAGER

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

adoption.

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appoints Daniel L. Palmer, to the Office of the Essex County Manager for the term of two years, effective January 1, 2009 at a salary of \$94,595, plus Director of Information Systems at \$18,720 plus all benefits.

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

<i>AYES:</i>	<i>2325</i>	<i>votes</i>	
<i>NOES:</i>	<i>373</i>	<i>votes</i>	<i>(Scozzafava, Dobie)</i>
<i>ABSENT:</i>	<i>145</i>	<i>votes</i>	<i>(Canon, Morency)</i>

Resolution No. 409

December 29, 2008
Last Day of the Annual

RESOLUTION APPOINTING A PURCHASING AGENT

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

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

WHEREAS, James E. Pierce, the current Essex County Purchasing Agent will be retiring on December 31, 2008 necessitating the appointment of a Purchasing Agent to act during the vacancy in this office.

BE IT RESOLVED, that pursuant to County Law §625, the Essex County Board of Supervisors hereby appoints Linda Wolf to the office of the Essex County Purchasing Agent for the unexpired term of James E. Pierce, effective January 1, 2009 through December 31, 2009.

This resolution was duly seconded by Supervisors Jackson and Dedrick, and adopted.

Resolution No. 410

December 27, 2008
Last Day of Annual

RESOLUTION AUTHORIZING THE PROVISIONAL APPOINTMENT OF DONALD JAQUISH TO THE POSITION OF EMERGENCY SERVICES

**DIRECTOR, SUBJECT TO CIVIL SERVICE TESTING REQUIREMENTS
UNDER ESSEX COUNTY CIVIL SERVICE RULE 12 - PROMOTIONS**

The following resolution was offered by Supervisor Morrow, 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, Raymond Thatcher, Essex County Emergency Services Director, has announced his retirement effective December 19, 2008, leaving a vacancy in the office of the Essex County Emergency Services Director; and

WHEREAS, it is necessary to appoint a successor to Raymond Thatcher; and

WHEREAS, Essex County Civil Service Rule 12 - Promotions reads in part as follows: "In order to be eligible to participate in a promotion examination or to be promoted a candidate must have been employed in a competitive class position on a permanent basis in a lower grade, either in direct line of promotion or in a related or collateral line of promotion as determined by the Personnel Officer"; and

WHEREAS, the Essex County Personnel Officer has made such a determination and has determined that the provisional appointment of Donald Jaquish to the Essex County Emergency Services Director position, is proper pursuant to Rule 12; and

WHEREAS, the position of Emergency Services Director is in a competitive class and requires Civil Service testing and appointment from an eligible list. If there is no list available for this position, any appointment is provisional pending an exam.

BE IT RESOLVED, the Essex County Board of Supervisors hereby authorizes the provisional appointment of Donald Jaquish to the position of Emergency Services Director, subject to civil service testing requirements under Essex County's Civil Service Rule 12 - Promotions.

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

AYES:	2521	votes	
NOES:	177	votes	(Ferebee, Preston)
ABSENT:	145	votes	(Canon, Morency)

**Resolution No. 411
WITHDRAWN**

**December 29, 2008
Last Day of the Annual**

RESOLUTION REAPPOINTING A PUBLIC DEFENDER

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby reappoints Livingston L. Hatch to the full-time office of Essex County Public Defender.

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

Resolution No. 412

December 28, 2008
Last Day of the Annual

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
NONA (LEWIS) DUNTLEY**

The following resolution was offered by Supervisor Blades, 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, Nona (Lewis) Duntley, of Lewis, New York passed away on December 13, 2008; and

WHEREAS, Nona (Lewis) Duntley was born on December 22nd, 1944 in Lake Placid, New York, the daughter of Paul and Beatrice (Shackett) Lewis; and

WHEREAS, Nona (Lewis) Duntley was raised in Keene Valley, graduated from Keene Central School and, on June 18, 1968 married Lynn Duntley; and

WHEREAS, Nona (Lewis) Duntley was employed for many years by Essex County Mental Health and worked as a civilian employee for the New York State Police in Westport; and

WHEREAS, Nona (Lewis) Duntley served as the Lewis Town Supervisor for two terms and was a member of the Lewis Cemetery Association and Lewis Congregational Church; and

WHEREAS, Nona (Lewis) Duntley made a significant and lasting contribution

to the people of the Town of Lewis and the people of Essex County through her dedicated, selfless and exemplary public service; and

WHEREAS, Nona (Lewis) Duntley was a kind and compassionate woman who selflessly touched and improved the lives of countless people; and

WHEREAS, Nona (Lewis) Duntley is survived by her husband of 40 years, Lynn Duntley; one son, Christopher Duntley; four sisters, Nina Allen, Paula Lewis, Julie Lewis and foster sister Elizabeth LaForest; and one brother Robert Lewis; and

WHEREAS, son, Christopher Duntley is an employee with the Essex County Department of Public Works; and

WHEREAS, Nona (Lewis) Duntley was a loyal and devoted daughter, wife, mother, sister, colleague and friend who will be sorely missed but never forgotten; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby express and extend its deepest sympathy and condolences to the family of their friend, Nona (Lewis) Duntley; and

BE IT FURTHER RESOLVED, that this Resolution shall be spread upon the minutes of this Board of Supervisors with a suitably embossed copy to be forwarded to the Duntley family.

This resolution was unanimously seconded and adopted.

Resolution No. 413

**December 28, 2008
Last Day of the Annual**

**RESOLUTION OF APPRECIATION TO RAYMOND THATCHER
ON HIS RETIREMENT AS ESSEX COUNTY EMERGENCY
SERVICES COORDINATOR**

The following resolution was offered by Supervisor Morrow, 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, Raymond Thatcher was appointed Essex County Emergency Service Coordinator on the 16th day of April, 1990 and has continued to serve in that capacity until his retirement on December 19, 2008; and

WHEREAS, Raymond Thatcher has tirelessly, conscientiously and with the

highest degree of professionalism, overseen the Essex County Emergency Services Department and has provided invaluable knowledge, instruction, and service to the residents of Essex County and nearby counties in his capacity as Emergency Services Director; and

WHEREAS, Raymond Thatcher has, during his tenure, always been available to aid all municipalities and the citizens of Essex County in times of natural disaster and emergency providing information and services to help weather difficult times and States of Emergency; and

WHEREAS, Raymond Thatcher has also diligently and competently administered the office of emergency services; and

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their thanks and appreciation to Raymond Thatcher for his outstanding, dedicated and exemplary public service to the people of Essex County, and wish him continued health and success upon his retirement.

This resolution was unanimously seconded and adopted.

Resolution No. 414

**December 29, 2008
Last Day of the Annual**

**RESOLUTION OF APPRECIATION TO
JACK LADUKE
OF WCAX-TV ON HIS RETIREMENT**

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

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

WHEREAS, North County newsman, Jack LaDuke, of WCAX-TV Channel 3, has announced his retirement; and

WHEREAS, Jack LaDuke is known far and wide as one of the finest and most proficient news reporters in our area; and

WHEREAS, amongst his peers, Jack LaDuke is regarded as an institution in and of himself, having covered northern New York and the Adirondack region for more than 5 decades; and

WHEREAS, Jack LaDuke has been highly respected and trusted by area businessmen, politicians, officials and those whom he has interviewed and covered for his accuracy, truthfulness, and his attention to detail in all facets of his reporting;

and

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their deepest appreciation for his professionalism, integrity and fairness in his reporting and extend their heartiest congratulations and best wishes upon his well-earned retirement.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby directs its Clerk of the Board to forward a suitably embossed copy of this Resolution to Jack LaDuke.

This resolution was unanimously seconded and adopted.

Resolution No. 415

December 29, 2008

Last Day of the Annual

**RESOLUTION AUTHORIZING CONTRACTS FOR INSURANCE
COVERAGE IN 2009**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Chairman to execute the following contracts for insurance coverage in 2009:

1. **With New York Municipal Insurance Reciprocal (NYMIR), at a total cost of \$489,993.51 which includes all motor vehicle and fire insurance fees, for**
 - ▶ **Package policy insurance coverage, including the following coverages and limits:**
 - ▶ **Property coverage with limits of \$51,168,573**
 - ▶ **Boiler & Machinery coverage with limits of \$35,000,000**
 - ▶ **General Liability coverage with limits of \$1,000,000 per occurrence, \$3,000,000 aggregate and \$1,000,000 products aggregate**
 - ▶ **Auto Liability coverage of \$1,000,000 combined single limit for bodily injury and property damage**
 - ▶ **Inland Marine coverage with limits of \$6,188,267 plus \$250,000 Leased/Rented Equip**
 - ▶ **Public Official Liability coverage with limits of \$1,000,000 per claim and \$2,000,000 aggregate**
 - ▶ **Law Enforcement Liability coverage with limits of \$1,000,000**

- ▶ *per occurrence and \$2,000,000 aggregate; and*
 - ▶ *For the Horace Nye Home, the Public Health Nursing Services, and Jail Medical Visits, Part Time Psychiatrist, General Liability coverage with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, and Professional Liability coverage with limits of \$1,000,000 per occurrence and \$3,000,000 aggregate;*
 - ▶ *For Mental Health Services, General Liability coverage with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate and Professional Liability coverage with limits of \$1,000,000 per claim and \$3,000,000 aggregate; and*
- 2. *With Physicians Reciprocal Insurance for Physicians Professional Liability Insurance coverage, having limits of \$1,300,000 per occurrence and \$3,900,000 aggregate, at a total premium cost of \$5,830; and*
- 3. *With Hartford Fire Insurance Company for Faithful Performance Crime Bond coverage, having blanket limits of \$500,000, and forgery and money limits of \$50,000 for all County officials and employees, at a total premium cost of \$5,873.*

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 416

December 29, 2008
Last Day of the Annual

**RESOLUTION AUTHORIZING A CONTRACT WITH THE NEW
 YORK STATE UNIFIED COURT SYSTEM FOR A FIVE
 YEAR TERM BEGINNING IN 2008**

The following resolution was offered by Supervisor McSweeney, 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 its County Manager to execute a contract (C300174) with New York State Unified Court System for court cleaning to cover a term of five years (2008-2013) with a cost of \$146,525 for the first Fiscal Year (2008-2009) with funds to come from accounts referenced in Resolution 320 of 2008.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 417

December 29, 2008
Last Day of the Annual

**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. 1 OF 2009**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 1 of 2009, fixing the 2009 salaries of County officers who are elected or who are appointed for a fixed term, as follows:

"ESSEX COUNTY LOCAL LAW NO. 1 OF 2009

A local law fixing the 2009 salaries of County officers who are elected or who are appointed for a fixed term.

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

§1. The annual salaries during fiscal year 2009 for the following County officers who are elected or who are appointed for a fixed term shall be as follows:

<u>Position</u>	<u>2009 Salary</u>
Commissioner of Social Services	\$ 81,459
Commissioner of Elections	\$ 16,892
Coroners	\$ 3,746
County Attorney	\$122,489
County Auditor	\$ 50,724
County Clerk	\$ 63,143
County Sheriff	\$ 76,333
County Treasurer	\$ 62,662
Personnel Officer	\$ 57,173
Public Defender	\$115,251
Public Health Director	\$ 77,038
Real Property Tax Services Director	\$ 62,370
Superintendent of Public Works	\$ 85,669

§2. This local law shall take effect 45 days after adoption hereof; except that in the event a valid petition protesting against this local law is filed with the Clerk within 45 days of such adoption, this local law shall take effect only upon approval by the affirmative vote of a majority of the qualified electors of Essex County.”

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 January 5, 2009 at 9:30 a.m. of that day, to hear any and all persons concerning the same.

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

**Resolution No. 418
AMENDED**

**December 29, 2008
Last Day of the Annual**

**RESOLUTION FIXING THE 2009 SALARIES FOR
ALL MANAGEMENT/CONFIDENTIAL AND
CERTAIN DEPARTMENT HEAD EMPLOYEES**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby fixes the 2009 salaries for all management/confidential and department head employees, except those whose salaries are or have been or will be set by law, local law or other resolution, as follows, with the numbers in parentheses referring to the departmental position number in the Personnel Office:

	<u>2009 SALARY</u>
District Attorney's Office	
Assistant District Attorney (position #5)	\$ 77,592.00
Assistant District Attorney (position #7)	65,000.00
Secretary to District Attorney (position #3)	21.09 Hr.
Assistant District Attorney (position #10)	65,000.00
County Manager's Office	
Certified Public Accountant	69,927.00
Senior Purchasing Clerk	19.10 Hr
County Manager	94,595.00
County Manager/Information Director	18,720.00

<i>Purchasing Clerk</i>	15.16
	Hr
<i>Senior Comp. Prog. Analyst/Deputy</i>	31.00
	Hr
<i>Systems Program Web Developer</i>	31.39
	Hr
County Auditor	
<i>Deputy County Auditor</i>	19.11 Hr
<i>County Auditor</i>	50,724.00
Clerk of the Board's Office	
<i>Deputy Clerk of the Board of Supervisors</i>	21.09 Hr
<i>Administrative Aide to the Clerk of the Board</i>	14.95 Hr
<i>Clerk of the Board</i>	63,879.00
Treasurer's Office	
<i>Deputy County Treasurer for Finance#1</i>	54,523.00
<i>Payroll Specialist</i>	23.06 Hr.
<i>County Treasurer</i>	
	62,662.00
Real Property Tax Service	
<i>Assistant Director of Real Property Tax Services</i>	27.18 Hr
<i>Real Property Tax Service Director</i>	
	62,370.00
County Clerk's Office	
<i>Deputy County Clerk</i>	25.10 Hr
<i>Deputy County Clerk</i>	25.10 Hr
<i>Deputy County Clerk</i>	25.10 Hr
<i>County Clerk</i>	
	63,143.00
Motor Vehicle Office	
<i>Deputy County Clerk - Motor Vehicle</i>	25.10 Hr
<i>MV Supervisor</i>	19.11 Hr
<i>MV Supervisor</i>	19.11
	Hr
County Attorney's Office	
<i>Secretary To County Attorney/Paralegal</i>	21.09 Hr
<i>Senior Legislative Aide</i>	15.16 Hr
<i>Assistant County Attorney for Social Services</i>	35,153.00
<i>Assistant County Attorney for Family Court</i>	35,153.00
<i>Assistant County Attorney</i>	70,304.00
<i>County Attorney</i>	122,489.00

Public Defender	
Confidential Secretary	21.09 Hr
Assistant Public Defender (full time)	69,152.00
Receptionist	14.96 Hr
Public Defender	115,251.00
Personnel/Civil Service	
Personnel Technician	19.11 Hr
Deputy Personnel Officer	38,385.00
Personnel Assistant	13.19
	Hr
Personnel Assistant	13.19
	Hr
Personnel Assistant Trainee	12.64
	Hr
Personnel Officer	57,173.00
Board of Elections	
Deputy Commissioner of Elections	17.14 Hr
Deputy Commissioner of Elections	17.14 Hr
Election Clerk	13.18 Hr
Election Clerk	13.18 Hr
Commissioner - Republican	16,892.00
Commissioner - Democrat	16,89
	2.00
Department of Public Works	
Assistant Civil Engineer (position #4)	26.69 Hr
Assistant Civil Engineer (position #71)	20.36 Hr
Deputy Superintendent of Public Works	71,021.00
Jail/Public Safety Building Coordinator	25.10 Hr
Health & Safety Officer	20.35 Hr
Superintendent Public Works	85,669.00
Printing	
Printing Mach. Op.	20.73 Hr
Sheriff/Administration	
Undersheriff	27.86 Hr
Chief Deputy Sheriff	26.92 Hr
Confidential Secretary	19.11 Hr
Sheriff	76,333.00

Sheriff/Jail	
Jail Administrator	25.61 Hr
Assistant Jail Administrator	23.79 Hr
Probation	
Probation Director	66,065.00
Emergency Preparedness/Civil Defense	
Emergency Preparedness/Fire Coordinator	70,931.00
Deputy Emergency Services Director	28.41 Hr
Public Health	
Supervising Community Health Nurse (position #6)	27.66 Hr
Supervising Community Health Nurse (position #45)	31.67 Hr
Director of Preventive Service	31.39 Hr
Director of Patient Services (position #67)	33.49 Hr
Director of Children with Special Needs (position #60)	25.10 Hr
Fiscal Services Administrator	27.17 Hr
Public Health Program Coordinator	27.21
	Hr
Public Health Director	77,038.00
Mental Health/Administration	
Fiscal Services Administrator	27.17 Hr
Assistant Director Community Mental Health	37.33 Hr
Director of Community Mental Health Services	82,213.00
Supervising Psychiatric Social Worker (position #19)	31.39 Hr
Supervising Psychiatric Social Worker (position #200)	31.39 Hr
Staff Psychiatrist	95.35 Hr
Medical Director	95.22 Hr
Social Services/Administration	
Administrative Officer	22.15 Hr
Director of Social Services	61,175.00
Head Social Welfare Examiner	24.30 Hr
Director Staff Development	23.06 Hr
Confidential Secretary to Commissioner	19.11
	Hr
Head Social Welfare Examiner	27.58
	Hr
Commissioner of Social Services	81,45
	9.00

Horace Nye Home

<i>Nursing Home Administrator</i>	77,039.00
<i>Director of Nursing</i>	31.68 Hr
<i>Supervising Nurse (position #6)</i>	27.47 Hr
<i>Supervising Nurse (position #8)</i>	27.47 Hr
<i>Supervising Nurse (position #49)</i>	27.47 Hr
<i>Medical Director</i>	82,853.00
<i>Assistant Director of Nursing</i>	29.53 Hr
<i>Director of Food Services</i>	25.10 Hr
<i>Assistant Director of Food Services</i>	19.11 Hr
Weights and Measures	
<i>Director of Weights and Measures</i>	43,035.00
Office of the Aging	
<i>Director of the Office of the Aging</i>	52,103.00
Planning	
<i>Director of Comm. Development & Planning</i>	65,607.00
Transportation	
<i>County Transportation Coordinator</i>	25.10
	Hr
Essex County Dept of Fisheries	
<i>Director of Fisheries</i>	61,392.00
Youth Bureau	
<i>Youth Planner (Assistant Youth Bureau Director in 2008)</i>	27.19 Hr
<i>Director of Youth and Recreation</i>	27.19 Hr
<i>Commissioner of Recreation and Community Services</i>	6,000.00

AND BE IT FURTHER RESOLVED that the Personnel Officer shall examine all department head and management/confidential positions to determine their status under the Fair Labor Standards Act (FLSA) relative to entitlement to compensatory time and overtime compensation, and report to the Board upon completion thereof so that corrective action may be taken to conform with FLSA.

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

AYES: 1854 votes
NOES: 844 votes (Dedrick, Scozzafava, Merrihew)
ABSENT: 145 votes (Canon, Morency)

Resolution No. 419

December 29, 2008
Last Day of the Annual

RESOLUTION APPORTIONING DOG TAX MONIES

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

BE IT RESOLVED that pursuant to Section 111 paragraph 3 of the Agriculture and Markets Law of New York State, the following apportionment of the total of \$2,918.85 is hereby authorized and the County Treasurer is hereby authorized and directed to pay said sums to the respective town supervisors prior to February 5, 2009;

<u>Towns Contributing</u>	<u>Apportionment of 75% of Surplus</u>
Chesterfield	\$ 258.00
Crown Point	128.60
Elizabethtown	66.93
Essex	53.38
Jay	75.97
Keene	60.91
Lewis	172.22
Minerva	142.14
Moriah	341.46
Newcomb	21.07
North Elba	337.37
North Hudson	10.51
St.Armand	112.80
Schroon	123.34
Ticonderoga	373.06
Westport	109.51
Willsboro	263.28
Wilmington	118.76
SPCA Westport	149.53
TOTAL	\$2,918.85

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 420

December 27, 2007
Last Day of the Annual

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD
AND/OR COUNTY MANAGER TO MAKE INTER-
DEPARTMENTAL AND INTRA-DEPARTMENTAL BUDGET
TRANSFERS IN THE 2008 ESSEX COUNTY BUDGET**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes and directs the Chairman of the Board and/or the County Manager to make inter-departmental and intra-departmental budget transfers within the 2008 Essex County Budget for the purpose of balancing the various accounts in said budget as of the close of business as of and on December 31, 2008; and

BE IT FURTHER RESOLVED that on or before January 31, 2008, the County Manager shall file with the Clerk of this Board a complete listing of all supplemental appropriations and transfers made pursuant to this resolution, which listing shall include but not be limited to specific account numbers and amounts.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

***Resolution No. 421
TABLED***

***December 29, 2008
Last Day of the Annual***

**RESOLUTION RE-APPOINTING DAVID MACE, THE
DEMOCRATIC ELECTION COMMISSIONER FOR ESSEX
COUNTY**

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

BE IT RESOLVED that David Mace of Elizabethtown, New York be and he hereby is reappointed to the Office of Democratic Election Commissioner, with his 2009 salary being \$16,892.00 for a two year term commencing January 1, 2009 and to expire on December 31, 2010

This resolution was duly seconded by Supervisor Connell, and upon motion by Supervisor Merrihew to table and seconded by Supervisor Douglas resolution tabled with Supervisor Connell opposed.

***Resolution No. 422
TABLED***

***December 29, 2008
Last Day of the Annual***

**RESOLUTION RE-APPOINTING LEWIS W. SANDERS,
THE REPUBLICAN ELECTION COMMISSIONER FOR
ESSEX COUNTY**

The following resolution was offered by Supervisor Jackson, who moved to table.

BE IT RESOLVED that Mr. Lewis W. Sanders of Ticonderoga, New York be and he hereby is reappointed to the Office of Republican Election Commissioner, with his 2009 salary being \$16,892.00 for a two year term commencing January 1, 2009 and to expire on December 31, 2010

This resolution was duly seconded by Supervisor Merrihew, and tabled with Supervisors Connell and Dedrick opposed.

Resolution No. 423

***December 29, 2008
Last Day of the Annual***

**RESOLUTION AUTHORIZING A CONTRACT WITH S&R
CONSTRUCTION, INC. FOR SMOKE AND FIRE
BARRIER REPAIRS TO THE HORACE NYE NURSING
HOME**

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

WHEREAS, Essex County has gone to bid for services relative to smoke and fire barrier repair at the Essex County Horace Nye Nursing Home; and

WHEREAS, S&R Construction has submitted the lowest responsible bid; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby accepts the bid of S&R Construction, Inc. in the amount of \$89,750 relative to the repair work to be completed at the Essex County Horace Nye Nursing Home and further authorizes its County Manager and/or County Chairwoman to enter into a contract with S&R Construction in an amount not to exceed \$89,750 upon the approval of said contract by the County Attorney with such funds to come from Account No. E83502-5E34.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 424

December 29, 2008
Last Day of the Annual

**RESOLUTION OF OPPOSITION TO NEW YORK STATE
SENATE BILL 56 FOR 2009 AND NEW YORK STATE
ASSEMBLY BILL 156 FOR 2009 WHICH AMENDS
PUBLIC LANDS LAW AND REAL PROPERTY TAX
LAW TO REDUCE STATE PAYMENTS IN LIEU OF
TAXES (PILOTS) AND FREEZE PAYMENT FOR TAXES
ON STATE OWNED LANDS**

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

WHEREAS, proposed Senate Bill 56 and Assembly Bill 156 for 2009 have been submitted to the State Legislature which seek to amend the Public

Lands Law and Real Property Tax Law to reduce state payments in lieu of taxes (PILOTs) and freeze payments for taxes on state owned lands; and

WHEREAS, Section 1 of this Bill amends Real Property Tax Law Section 544, to provide that all future payments made by the State pursuant to Article 5 of the Real Property Tax Law shall be equal to the amount paid during State fiscal year 2008-2009. For lands owned by the State after April 1, 2009, or during fiscal year 2008-2009 after the taxable status date of such land, the payments made by the State shall be no greater than the tax owed on such land during the year in which they were initially taxable; and

WHEREAS, Section 2 of the Bill amends Public Lands Law Section 19 to permanently reduce payments to localities made pursuant to the Section by 6%; and

WHEREAS, the Bill freezes payment for taxes on State lands at the level paid during State fiscal year 2008-2009 and amends various Sections of the Public Lands Law to reduce payments in lieu of taxes by 6% from the scheduled amount; and

WHEREAS, Essex County and its Towns and Villages and all other Counties, Towns and Villages located within the blue line rely heavily on these State tax monies to provide for the health, safety, general welfare and services to their residents; and

WHEREAS, payment by the State of New York of taxes on state owned lands and payments in lieu of taxes are an intricate component of the revenue needed by the County, Towns and Villages within Essex County to provide these essential services; and

WHEREAS, should either of these Bills be enacted into law, it is estimated that approximately 8.5 billion dollars shall be lost to municipalities throughout New York State and, Essex County, its Towns and Villages, will suffer crippling and dire economic and budgetary consequences necessitating the increase in local land taxes to fill the void; and

WHEREAS, the New York State Constitution provides for the payment of these taxes and, it is improper for the legislature and the government to enact legislation in conflict with the New York State Constitution.

BE IT RESOLVED, that the Essex County Board of Supervisors strongly opposes the enactment of Senate Bill 56 and/or Assembly Bill 156 as part of the 2009 budget as the freeze on the payment of taxes for state owned lands and the reduction in PILOTs will have a severe and crippling impact upon Essex County, its Towns and Villages and their constituents, especially

during this dire economic climate, and strongly urges the members of the Senate and Assembly not to pass such an unfair and irresponsible law.

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 David A. Paterson; New York State Senate Majority Leader Dean G. Skelos; Senator Elizabeth O’C. Little; Assembly Speaker Sheldon Silver; Assembly Minority Leader James N. Tedisco; and Assembly Members Teresa R. Sayward and Janet Duprey.

This resolution was unanimously seconded and adopted.

Resolution No. 425

**December 29, 2008
Last Day of the Annual**

**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. 2 OF 2009**

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 2 of 2009, providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the County of Essex who is eligible to receive health insurance benefits under Essex County’s Personnel Policy or under any Collective Bargaining Agreement of which Essex County is a party, as follows:

"ESSEX COUNTY LOCAL LAW NO. 2 OF 2009"

A local law providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the County of Essex who is eligible to receive health insurance benefits under Essex County’s Personnel Policy or under any Collective Bargaining Agreement of which Essex County is a party.

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

§1. Title.

This local law shall be known as the “Local Law providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the County of Essex who is eligible to receive health insurance benefits under Essex County’s Personnel Policy or under any Collective Bargaining Agreement of which Essex County is a party.”

§2. Purpose.

The Board of Supervisors finds that some of its eligible employees and elected officials who could otherwise receive health insurance coverage through the County's group health insurance provider for themselves and/or their families may already have health insurance coverage available to them from another source. In cases such as these, the Board of Supervisors finds that it is an unnecessary expense for the County of Essex to provide such an employee health insurance coverage for an otherwise eligible employee of the County who already has sufficient health insurance coverage available from another source. It is therefore the intent of this local law to authorize Essex County employees and elected officials who already have health insurance coverage available to them outside of the County to elect cash payments in lieu of the County providing health insurance coverage for them and/or their families as set forth more fully below.

§3. Legislative Authority.

This chapter is enacted pursuant to §10, 1 (ii) a (1), of the Municipal Home Rule Law of the State of New York and is intended, to the extent inconsistent therewith, to supercede the provisions of General Municipal Law §92-a and 93, Civil Service Article XI and Town Law §27.

§4. Cash Payments for Non-participation of Plan.

- (a) *Full-time County employees, part-time with benefits employees and appointed and elected officials of Essex County who are eligible for health insurance coverage paid for by the County shall have the option of either receiving County paid health insurance or money in lieu of health insurance coverage as set forth below.***
- (b) *Employees who are so entitled to family plan health insurance coverage through the County and opt to drop that coverage shall be entitled yearly to \$5,000.00, subject to proportional calculation in the event the employee makes his/her election other than at the beginning of the County's fiscal year.***
- (c) *Employees who are so entitled to individual health insurance coverage through the County shall be entitled yearly to \$3,000.00 subject to proportional calculation in the event the employee makes his/her election other than at the beginning of the County's fiscal year.***
- (d) *Cash payments will be made the first non payroll Friday in December each year.***

- (e) *In order to obtain the health insurance buy-out, the employee must document to the County that other health insurance is available and the employee must sign a release to the County waiving any rights to health insurance coverage and releasing the County from any other health insurance related liability.*
- (f) *If an employee who has elected the buy-out option loses his/her health insurance coverage, he/she must immediately notify the personnel office and his/her coverage will be reinstated upon the employee making the appropriate payment of the premium, if such premium is due, and otherwise satisfies any eligibility requirements.*
- (g) *Any future changes to the hereinabove recited cash payments will be established from time to time by resolution of the County of Essex and/or by Collective Bargaining Agreement. The amount of such cash payment will never exceed the County of Essex actual cost of providing an eligible employee health insurance coverage through Essex County's health insurance programs and providers.*

§5. Effect on Income Tax.

An employee receiving payments pursuant to this chapter shall be fully responsible for any income taxes that may be payable with respect to such payments, and the County may withhold any amounts required by any applicable tax laws, federal or state, that relate to or require such withholding on payments of such nature.

§6. Definitions.

Employee. Includes all past, current and future employees of the County of Essex who are eligible under the County's policy for payments of all or portion of their health insurance premiums, and any past, current and future officers of the County who are otherwise eligible for partial or complete health insurance coverage.

§7. *By and through this Local Law, the Essex County Board of Supervisors*

hereby ratifies its prior resolutions and policies providing for cash in lieu of health insurance benefits.

§8. *This local law shall take effect immediately upon filing in the Office of 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 January 5, 2009 at 9:45 a.m. of that day, to hear any and all persons concerning the same.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 426

December 29, 2008
Last Day of the Annual

**RESOLUTION APPROVING CERTAIN TRAVEL AND MEAL
VOUCHERS IN THE ESSEX COUNTY REAL
PROPERTY TAX SERVICE DEPARTMENT**

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby approves the following Essex County Request for Travel and Meal Vouchers and directs that payment be processed therefore:

- 1. Voucher submitted by Bernard P. Roy dated 9/12/2008 for a total cost of \$22.38**
- 2. Voucher submitted by Bernard P. Roy dated 6/13/08 in the amount of \$111.15**
- 3. Voucher submitted by Bernard P. Roy dated 12/8/08 in the amount of \$207.85**

These requests relate to training for 2009 Full Value Measurement Cycle, continuing education credits, and the New York State Association of County Directors 2008 summer educational program.

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

AYES: 2698 votes
NOES: 0 votes
ABSENT: 145 votes (Canon, Morency)

Resolution No. 427

December 28, 2008
Last Day of the Annual

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ALICE STERNIN**

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

WHEREAS, Alice Sternin, of Minerva, Essex County, New York passed away on December 16, 2008; and

WHEREAS, Alice Sternin was a proud alumnus of Hunter High School and Hunter College and a lifelong member of Temple Sinai in Roslyn, New York; and

WHEREAS, Alice Sternin was a true Che-Na-Wah daughter, from her first summer at the camp in 1930 through her retirement as camp's director and owner in 1986, and continuing until the final years of her life which were spent along her beloved Lake Balfour; and

WHEREAS, the legacy of Alice Sternin will live on in her words, deeds and the memories of countless girls and women of whom she had an immeasurable impact; and

WHEREAS, Alice Sternin is survived by her devoted husband, Lester Sternin; daughters Ronnie Silver and Margie Bloomberg; six grandchildren; two great-grandchildren and many others in her very fortunate extended family; and

WHEREAS, Alice Sternin was a devoted wife, mother, grandmother, great-grandmother and friend and will be sorely missed but never forgotten.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby express and extend its deepest sympathy and condolences to the family of Alice Sternin; and

BE IT FURTHER RESOLVED, that this Resolution shall be spread upon the minutes of this Board of Supervisors with a suitably embossed copy to be forwarded to the Sternin family.

This resolution was unanimously seconded and adopted.

Resolution No. 428

**December 29, 2008
Last Day of the Annual**

**RESOLUTION OF APPRECIATION TO JAMES E. PIERCE
UPON HIS RETIREMENT AS ESSEX COUNTY
PURCHASING AGENT**

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

WHEREAS, James E. Pierce was hired by Essex County on the 27th day of March, 1989 as an Accountant, appointed as Purchasing Agent in January 2000 and has continued to serve in that capacity until his retirement on December 31, 2008; and

WHEREAS, James E. Pierce has exhibited the highest degree of skill and competence in performing his duties and has conscientiously and with the highest degree of professionalism and integrity overseen the solicitation and purchase of all goods and services, professional services and major projects undertaken by Essex County during his tenure; and

WHEREAS, James E. Pierce conscientiously, confidently and with great skill, oversaw all bidding, purchasing and payment with respect to the construction of new Essex County Jail and Essex County Public Safety Building; a huge undertaking which required a great deal of work and attention to detail; and

WHEREAS, James E. Pierce, while performing his duties, has always been attentive, fair and considerate to his fellow workers, the Public and County officials; and

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their heartfelt thanks and appreciation to James E. Pierce for his dedicated, conscientious and exemplary public service to the people of Essex County, and wish him continued health and success upon his retirement.

This resolution was unanimously seconded and adopted.