

**RESOLUTION URGING THE FEDERAL GOVERNMENT TO
INCLUDE IN THE FEDERAL STIMULUS PACKAGE FUNDING
FOR RENOVATIONS OR REPLACEMENT OF THE
CHAMPLAIN BRIDGE AT CROWN POINT**

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

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

WHEREAS, the Champlain Bridge which spans Lake Champlain from Crown Point, New York to the state of Vermont is a vital and important link between each state providing employment, educational, commercial, medical and access to opportunities to residents of Essex County who use the bridge every day; and

WHEREAS, without access to the Champlain Bridge, residents of Essex County would be denied important and lifesaving medical care as well as employment; and

WHEREAS, the Champlain Bridge is in a state of disrepair which necessitates that it be extensively renovated or replaced in order to protect the traveling public; and

WHEREAS, this renovation and/or replacement of the Champlain Bridge is of paramount concern to this Board of Supervisors and it is imperative that it continue to be operational.

BE IT RESOLVED, that the Essex County Board of Supervisors strongly urges the federal government to include in its federal stimulus package, funding for the renovation or replacement of the Champlain Bridge at Crown Point;

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby authorized and directed to send certified copies of this resolution to: President Barack Obama, United States Senators Charles E. Schumer and Kirsten Gillibrand, United States Representative John McHugh; Office of Speaker of the House Nancy Pelosi, Senate Majority Leader Harry Reid and Senate Minority Leader Mitch McConnell.

This resolution was unanimously seconded and duly adopted.

**RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO
PREPARE THE NECESSARY PAPERWORK TO ESTABLISH A
SERIAL BOND IN THE AMOUNT NOT TO EXCEED \$471,000,
FOR THE PURCHASE OF FOUR TRUCK TRACTORS, FROM
STATE CONTRACT, FOR THE SOLID WASTE FACILITY**

The following resolution was offered by Supervisor McSweeney, 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, the Superintendent of Public Works has advised that there is a need for the purchase of four truck tractors from state contract for the Solid Waste Facility; and

WHEREAS, he has further advised that the only means to purchase and fund these tractors would be through the issuance of a serial bond not to exceed \$471,000.00.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Attorney to prepare and/or obtain the necessary paperwork to establish a serial bond in an amount not to exceed \$471,000.00 for the purchase of four truck tractors, from state contract for the Solid Waste Facility.

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

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

**RESOLUTION ACCEPTING THE LOW BID OF \$20,000 FROM
SCALZO CONSTRUCTION FOR SILL REPAIRS AT THE
ESSEX COUNTY FAIRGROUNDS AND APPROPRIATING
\$25,000 FROM THE CONTINGENCY ACCOUNT FOR
TRANSFER TO THE FAIRGROUNDS ACCOUNT TO COVER
THE COST OF SUCH REPAIRS AND AUTHORIZING A
CONTRACT**

The following resolution was offered by Supervisor Spooner, 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 accepts and awards the low bid of \$20,000.00 to Scalzo Construction for sill repairs at the Essex County Fairgrounds and authorizes the County Chairperson and/or County Manager to execute and enter into a contract for the same; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby appropriates the sum of \$25,000.00 from Contingency Account (19904-5487) for transfer to the Fairgrounds Account (87502-5212) to cover the cost of such repairs.

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

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

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 1/1/09:</i>	\$400,000.00
<i>Reduction Impact of this resolution:</i>	\$ 25,000.00
<i>FY2009 Contingent Account Balance:</i>	\$375,000.00

Resolution No. 21

February 2, 2009
Regular Board Meeting

**RESOLUTION OF APPRECIATION TO
JOHN "JACK" HANBY
FOR 25 YEARS OF DEDICATED SERVICE TO ESSEX
COUNTY AS AN ESSEX COUNTY DEPUTY FIRE
COORDINATOR**

The following resolution was offered by Supervisor Merrihew, 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, John “Jack” Hanby began as Deputy Fire Coordinator in Essex County in 1984; and

WHEREAS, John “Jack” Hanby has tirelessly, selflessly, conscientiously and with all degree of professionalism, performed the duties of Essex County Deputy Fire Coordinator/Fire Investigator for well over twenty-five years during which time he covered thousands of fire investigations, disasters and fires; and

WHEREAS, John “Jack” Hanby has been an example to all of a selfless, professional, civil and community minded resident who performed his duties for the good of the residents of Essex County.

BE IT RESOLVED, that the Essex County Board of Supervisors wishes to extend its sincere gratitude and appreciation to John “Jack” Hanby for his over twenty-five years of dedicated service to Essex County as an Essex County Deputy Fire Coordinator; and

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 John “Jack” Hanby.

This resolution was unanimously seconded and duly adopted.

Resolution No. 22
TABLED

February 2, 2009
Regular Board Meeting

**RESOLUTION PROVIDING HEALTH INSURANCE COVERAGE
TO VOLUNTEER FIREFIGHTERS AND EMT’S, WITH
PAYMENT TO BE THE RESPONSIBILITY OF THE
VOLUNTEER**

The following resolution was offered by Supervisor Jackson, 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, Section 92-a of the General Municipal Law provides for insurance by Municipalities of their employees and retirees; and

WHEREAS, effective January 17, 2009 an amendment to General Municipal Law Section 92-a provides that the provisions of that section shall apply for coverage of volunteer firefighters and volunteer ambulance workers provided however, that the total cost of participation by such volunteers and their families shall be borne by such volunteers; and

WHEREAS, it is the consensus of this Board of Supervisors that it would be appropriate and prudent to allow volunteer firefighters and volunteer ambulance workers as defined in the law to obtain insurance benefits pursuant to Section 92-a of the General Municipal Law provided and on condition that they bear the total cost of participation in these insurance plans.

BE IT RESOLVED, the Essex County Board of Supervisors hereby allows volunteer firefighters and volunteer ambulance workers as defined in the law in the Towns and Villages of Essex County to obtain insurance benefits pursuant to the amendment to Section 92-a of the General Municipal Law through Essex County provided, and on condition, that they bear the total costs of participation in these insurance plans; and

BE IT FURTHER RESOLVED, that the County Attorney and County Manager are hereby delegated the authority to institute the appropriate procedural and legal measures to provide this coverage.

This resolution was seconded by Supervisors Blades and Preston, and **tabled**.

Resolution No. 23

February 2, 2009
Regular Board Meeting

**RESOLUTION REIMBURSING LIVINGSTON HATCH \$270.00
FOR HIS OUT OF POCKET EXPENSE TO CLAUDIA RUSSELL,
ESQ. FOR PUBLIC DEFENDER COURT MATTERS**

The following resolution was offered by Supervisor French, 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, Livingston Hatch, in his capacity as Essex County Public Defender contracted with Claudia Russell, Esq. for the provision of certain legal services incident to Essex County Public Defender duties; and

WHEREAS, Livingston Hatch paid the sum of \$270.00 from his own funds to Claudia Russell for these purposes and should be reimbursed.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the reimbursement of Livingston Hatch, Esq. the sum of \$270.00 for his out-of-pocket expenses to Claudia Russell, Esq. for Public Defender court matters.

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

AYES: 2492 votes

NOES: 351 votes (Scozzafava)
ABSENT: 0 votes

Resolution No. 24

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE
OFFICE FOR THE AGING AND PEER PLACE NETWORKS,
FOR A SERVICE AGREEMENT FOR A WEB BASED
PROGRAM, IN THE AMOUNT OF \$10,515.97 SUBJECT TO
APPROVAL BY THE COUNTY ATTORNEY**

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

Upon the recommendation and approval of the Human Services Committee of this body, and the same appearing proper and necessary.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a contract between the Office for the Aging and Peer Place Networks for a service agreement for a web based program in the amount of \$10,515.97 from budgeted funds.

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

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

Resolution No. 25

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE
MENTAL HEALTH DEPARTMENT AND CHAMPLAIN VALLEY
EDUCATION SERVICES (BOCES) IN THE AMOUNT OF
\$32,500 FOR SAFE SCHOOL/HEALTHY STUDENTS GRANT;
TO AMEND THE 2009 FAMILIES FIRST CONTRACT AND
BUDGET REVENUES AND APPROPRIATIONS, TO INCREASE
SUCH BY \$22,500 FOR A PART-TIME CASE MANAGER; TO
AMEND THE 2009 MENTAL HEALTH CLINIC BUDGET, AN
INCREASE OF \$10,000, IN REVENUES AND
APPROPRIATIONS, SUBJECT TO APPROVAL OF THE
COUNTY ATTORNEY**

The following resolution was offered by Supervisor Blades, 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 Chairwoman or County Manager to execute a contract with the Champlain Valley Education Services (BOCES) in the amount of \$32,500.00 for Safe School/Healthy Students grant; and

BE IT FURTHER RESOLVED, amends the 2009 Essex County Budget as follows:

(a) For the Mental Health Department, to increase revenues and appropriations by \$10,000.00 for a contract with Champlain Valley Educational Services (BOCES) for a Safe School/Healthy Students grant funds as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4320-4349245	MH State Aid	\$10,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43204-5440	Misc. Fees & Services	\$5,000.00
43204-5451	Training	\$5,000.00

(b) For the Mental Health Department amending the 2009 Families First contract to increase revenues and appropriations by \$22,500.00 as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4322-43490101	Safe School/Health Students	\$22,500.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43224-5430	Families First	\$22,500.00

(c) For the Mental Health Department to amend the 2009 Mental Health Clinic budget, to increase revenues and appropriations by \$10,000.00, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4320-4349245	Safe School/Healthy Students	\$10,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43204-5440	Misc. Fees & Services	\$ 5,000.00
43204-5451	Training	5,000.00

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

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

Resolution No. 26

February 2, 2009
Regular Board Meeting

**RESOLUTION URGING THE FEDERAL GOVERNMENT TO
INCLUDE "SHOVEL READY" ESSEX COUNTY COMMERCE
PARKS IN THE FEDERAL STIMULUS PACKAGE**

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

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

WHEREAS, there exists various "Shovel Ready" Commerce Industrial Development Parks throughout Essex County upon which may be situate buildings and private businesses; and

WHEREAS, among these commerce parks is a park located in the Town of Chesterfield, Town of Moriah and Town of Willsboro; and

WHEREAS, these commercial parks/industrial parks are prime locations for commercial businesses however, many commercial businesses have found that because of the current economic climate they are unable to borrow sufficient funds to build buildings in these parks; and

WHEREAS, the construction of businesses and use of these parks within Essex County would provide an economic stimulus and boon to each town and the County with the increase in business and employment.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby urges the federal government to include “shovel ready”, Essex County Commerce Parks in the federal stimulus package to provide for aid, grants and other incentives for private and public businesses to locate and do business in these commerce parks; and

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby authorized and directed to send certified copies of this resolution to: President Barack Obama, United States Senators Charles E. Schumer and Kirsten Gillibrand, United States Representative John McHugh; Office of Speaker of the House Nancy Pelosi, Senate Majority Leader Harry Reid and Senate Minority Leader Mitch McConnell.

This resolution was unanimously seconded and duly adopted .

Resolution No. 27

February 2, 2009
Regular Board Meeting

**RESOLUTION URGING THE FEDERAL GOVERNMENT
TO INCLUDE FUNDING IN THE
FEDERAL STIMULUS PACKAGE FOR
ECONOMIC DEVELOPMENT AT THE COUNTY LEVEL**

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.

WHEREAS, grants and funds for economic development within the various towns and the County, capitol investment and job creation provided by the State of New York are difficult for Essex County and its various Towns to obtain because the County is so rural and many of our projects are too small for consideration; and

WHEREAS, it is the consensus of this Board that an allocation by the federal government of a portion of its federal stimulus package funds for economic development be given at the County level for funds to be used and distributed by the County for specific local projects within the County is necessary.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby urges the federal government to include funding in the federal stimulus package for economic development at the County level such that the County may obtain grants, aid and funds specifically designated for economic development within the County to be administered by the County for projects approved by the County.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby authorized and directed to send certified copies of this resolution to: President Barack Obama, United

States Senators Charles E. Schumer and Kirsten Gillibrand, United States Representative John McHugh; Office of Speaker of the House Nancy Pelosi, Senate Majority Leader Harry Reid and Senate Minority Leader Mitch McConnell.

This resolution was unanimously seconded and duly adopted .

Resolution No. 28

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
LEONARD TURBINI TO REPLACE BRANDY SAXTON ON THE
ESSEX COUNTY EMPIRE ZONE BOARD FOR A TERM
EXPIRING ON JUNE 30, 2011**

The following resolution was offered by Supervisor Scozzafava, 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 Leonard Turbini is hereby appointed to replace Brandy Saxton on the Essex County Empire Zone Board for a term expiring June 30, 2011.

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

Resolution No. 29

February 2, 2009
Regular Board Meeting

**RESOLUTION AMENDING THE CONTRACT WITH ARGUS
ARCHITECTURE BY \$3,950.00 AND TO EXTEND THE
CONTRACT THROUGH DECEMBER 31, 2009**

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

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

WHEREAS, the County of Essex has entered into a contract with Argus Architecture incident to architectural work relative to the Lake Champlain Visitor's Center which bears contract number MISC-07-0078; and

WHEREAS, it is necessary to amend the contract to increase the amount of the

contract and to extend the contract date.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby increases the amount of the current contract between Essex County and Argus Architecture in the amount of \$3,950.00 and extends the contract through December 31, 2009 and further authorizes its County Chairwoman and/or County Manager to execute any and all amendments to the contract.

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

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

Resolution No. 30

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ESSEX COUNTY CHAIR
AND/OR COUNTY MANAGER TO SIGN A CONTRACT WITH
NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION FOR THE LAKE CHAMPLAIN
VISITORS CENTER**

The following resolution was offered by Supervisor French, 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 authorizes its County Chairwoman and/or County Manager to contract with New York State Office of Parks, Recreation and Historic Preservation for the Lake Champlain Visitors Center in the amount of \$217,120.00 upon the approval of the same by the Essex County Attorney.

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

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

Resolution No. 31

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS IN
THE PLANNING DEPARTMENT, AS FOLLOWS: TO
INCREASE REVENUES AND APPROPRIATIONS BY \$217,120
- HISTORIC PRESERVATION GRANT; TO INCREASE
REVENUES AND APPROPRIATIONS BY \$225,000 - ERIE
CANAL GRANT; AND TO INCREASE REVENUES AND
APPROPRIATIONS BY \$120,000 - SMART GROWTH GRANT**

The following resolution was offered by Supervisor Connell, 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 authorizes the following budget amendments for the Planning Department as follows:

- (a) to increase revenues and appropriations by \$217,120.00 from Historic Preservation Grant as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
8020 43989406	Historic Preservation Grant	\$217,120.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
80202 5212LCVC	Lake Champlain Visitors Center	\$217,120.00

- (b) to increase revenues and appropriations by \$225,000 from Erie Canal Grant as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
8020 43989407	Erie Canal Grant	\$225,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
80202 5212LCVC	Lake Champlain Visitors Center	\$225,000.00

- (c) to increase revenues and appropriations by \$120,000 from Hamlet Expansion Smart Growth Project

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
8020 43089HAM	Hamlet Expansion Smart Growth	\$120,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
80204 54HAM	Hamlet Expansion Smart Growth Project	\$120,000.00

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

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

Resolution No. 32

February 2, 2009
Regular Board Meeting

**RESOLUTION OPPOSING THE PROPOSED LEGISLATIVE
BILL TO SELL WINE IN LOCAL SUPERMARKET/GROCERY
STORES**

The following resolution was offered by Supervisor Scozzafava, 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.

WHEREAS, Governor David Paterson has proposed legislation permitting the sale of wine and liquor in grocery, convenience and supermarket stores throughout New York State in an effort to raise money through licensing fees associated with said sale; and

WHEREAS, throughout Essex County and northern New York there are numerous Mom and Pop liquor stores who sell wine and liquor as their only means of livelihood and who rely upon these sales to support themselves; and

WHEREAS, it is the opinion of this Board of Supervisors that to allow the sale of wine and liquor in grocery and convenience stores would put many of these Mom and Pop stores out of business in our communities.

BE IT RESOLVED, that the Essex County Board of Supervisors strongly urges Governor Paterson, the New York State Senate and the New York State Legislature not to enact legislation permitting the sale of wine and liquor in grocery, convenience and supermarket stores as the same will have a devastating and detrimental effect upon private Mom and Pop liquor stores who rely solely on the sale of these beverages and do not sell food stuffs for their livelihood.

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 Paterson, Senate Majority Leader Malcolm A. Smith; Senator Elizabeth O'C. Little; Senate Minority Leader James Tedisco; Assembly Speaker Sheldon Silver; Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey.

This resolution was unanimously seconded and duly adopted.

Resolution No. 33

February 2, 2009
Regular Board Meeting

**RESOLUTION REQUESTING HOME RULE LEGISLATION TO
EXTEND THE AUTHORIZATION GRANTED TO ESSEX
COUNTY TO IMPOSE AN ADDITIONAL THREE-QUARTERS
OF ONE PERCENT OF SALES AND COMPENSATING USE
TAXES UNTIL NOVEMBER 30, 2013 OR WHATEVER DATE
THE LEGISLATURE DECIDES IS APPROPRIATE**

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, pursuant to clause 36 of subparagraph (i) of the opening paragraph of Section 1210 of the Tax Law, as amended by Chapter 486 of Laws of 2005, Essex County was authorized to impose an additional sales and compensating use tax of three-quarters of one percent for the period beginning June 1, 2004 and ending November 30, 2009; and

WHEREAS, clause 36 of subparagraph (i) of Section 1210 of the Tax Law expires on November 30, 2009; and

WHEREAS, this additional three-quarters of one percent is necessary to continue to offset taxes for the residents and businesses of Essex County and is an important and integral component of keeping taxes at an acceptable level; and

WHEREAS, based upon the foregoing, and because the County does not have the legal authority to enact such legislation by Local Law there exists a necessity for the enactment of this requested legislation amending clause 36 of subparagraph (i) of the opening paragraph of Section 1210 of the Tax Law to extend its provisions to November 30, 2013 or whatever date the Legislature decides is appropriate.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests that the State Legislature enact, and the Governor sign into law, Home Rule Legislation amending clause 36 of subparagraph (i) of the opening paragraph of Section 1210 of the Tax Law in relation to extending the authorization to Essex County to impose an additional

three-quarters of one percent of sales and compensating use taxes through and until November 30, 2013 or whatever date the Legislature decides is appropriate.

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 Paterson, Senate Majority Leader Malcolm A. Smith; Senator Elizabeth O’C. Little; Senate Minority Leader James Tedisco; Assembly Speaker Sheldon Silver; Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey.

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

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

Resolution No. 34

February 2, 2009
Regular Board Meeting

**RESOLUTION REQUESTING HOME RULE LEGISLATION TO
EXTEND THE AUTHORIZATION GRANTED TO ESSEX
COUNTY BY THE STATE OF NEW YORK TO ADOPT AND
AMEND LOCAL LAWS IMPOSING A TAX OF 25¢ FOR EACH
\$100 ON EACH REMAINING MAJOR FRACTION THEREOF OF A
PRINCIPLE DEBT INCURRED BY A MORTGAGE ON REAL
PROPERTY SITUATE WITHIN THE COUNTY UNTIL
NOVEMBER 30, 2013 OR WHATEVER DATE THE
LEGISLATURE DECIDES IS APPROPRIATE**

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, pursuant to Section 253-j of the New York State Tax Law, the County of Essex was authorized and empowered to adopt and amend a Local Law imposing a tax of 25¢ for each \$100 and each remaining major fraction thereof of principle debt secured by a mortgage on real property situate within said County; and

WHEREAS, pursuant to this enabling legislation, the County of Essex enacted Local Law #4 for the year 2006 which provided for the imposition of the tax of 25¢ for each \$100 and each remaining major fraction thereof of principle debt on the mortgage on property located in Essex County; and

WHEREAS, Section 253-j and Essex County Local Law #4 for the year 2006 expire on December 1, 2009; and

WHEREAS, this additional 25¢ of each \$100 and each remaining major fraction thereof is necessary to continue to pay the debt on the County Court facility projects and the County Correctional and Public Facility projects and it is an important and intricate component of keeping taxes for residents within Essex County at an acceptable level; and

WHEREAS, based upon the foregoing, and because the County does not have the legal authority to enact such legislation by Local Law there exists a necessity for the enactment of this requested legislation amending Section 253-j of the Tax Law and amending Essex County Local Law #4 for the year 2006 to extend its provisions to December 1, 2013 or whatever date the Legislature decides is appropriate; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests that the State Legislature enact, and the Governor sign into law, Home Rule Legislation extending the authorization to Essex County to adopt and amend Local Laws imposing a tax of 25¢ for each \$100 on each remaining major fraction thereof on principle debt incurred by a mortgage on real property situate within the County until November 31, 2013 or whatever date the Legislature decides is appropriate.

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 Paterson, Senate Majority Leader Malcolm A. Smith; Senator Elizabeth O'C. Little; Senate Minority Leader James Tedisco; Assembly Speaker Sheldon Silver; Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey.

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

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

Resolution No. 38

February 2, 2009
Regular Board Meeting

RESOLUTION APPOINTING TO THE REGION 5 - FISH AND WILDLIFE MANAGEMENT BOARD, LAURIE BRUCE AS LANDOWNER REPRESENTATIVE, GEORGE CANON AS SPORTSMAN REPRESENTATIVE AND DAVID BLADES AS SUPERVISORS REPRESENTATIVE

The following resolution was offered by Supervisor Jackson, 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 upon recommendation and approval of Essex County Chairwoman Chairperson Cathy L. Moses hereby appoints the following individuals to the Region 5 - Fish and Wildlife Management Board pursuant to Section 11-0501 of the New York State Conservation Law:

- 1. Laurie Bruce - Landowner Representative with a term to expire December 31, 2010***
- 2. George Canon - Sportsman Representative with a term to expire December 31, 2009***
- 3. David Blades as Supervisors Representative term to expire December 31, 2009***

This resolution was unanimously seconded and duly adopted.

Resolution No. 39

***February 2, 2009
Regular Board Meeting***

***RESOLUTION ACCEPTING AND PLACING
ON FILE THE 2008 ANNUAL ACCOUNTING OF MONIES
RECEIVED AND DISBURSED IN THE ESSEX COUNTY
CLERK'S OFFICE***

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 and places on file the following:

From the Finance Committee:

- (a) The 2008 Annual Accounting of the Office of the Essex County Clerk.***

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

Resolution No. 40

***February 2, 2009
Regular Board Meeting***

**RESOLUTION REQUESTING HOME RULE LEGISLATION
PERMITTING ESSEX COUNTY, PURSUANT TO ARTICLE 31
OF THE NEW YORK STATE TAX LAW, TO ADOPT A LOCAL
LAW TO IMPOSE, COLLECT AND RETAIN A TAX ON REAL
ESTATE TRANSFERS OF \$1.00 FOR EACH \$500.00 ON REAL
PROPERTY TRANSACTIONS**

The following resolution was offered by Supervisor Preston, 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, Article 31 of the New York State Tax Law permits Countys to enact Local Laws imposing, collecting and retaining a tax on real estate transfers in an appropriate amount relative to real property transactions; and

WHEREAS, the County of Essex has determined that the passage of such a Local Law imposing a tax of \$1.00 for each \$500.00 on real property transactions as a transfer tax is in the County's best interest and is needed in order to pay all costs, expenses, debts, obligations and borrowing with respect to the new P25 Multicast Radio System; and

WHEREAS, based upon the foregoing and because the County does not have the legal authority to enact such legislation by Local Law there exists a necessity for the enactment of this request to the Legislation.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests that the State Legislature enact and the Governor sign into a law Home Rule Legislation pursuant to Article 31 of the New York State Tax Law permitting Essex County to adopt a Local Law to impose, collect and retain a tax on real estate transfers of \$1.00 for each \$500.00 of consideration on real property transactions within Essex County with the proceeds of the said tax to be used for the new P25 Multicast Radio System, and upon the payment of all debt associated with the new radio system, for general County purposes.

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 Paterson, Senate Majority Leader Malcolm A. Smith; Senator Elizabeth O'C. Little; Senate Minority Leader James Tedisco; Assembly Speaker Sheldon Silver; Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey.

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

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

Resolution No. 41

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE CORRECTION ON THE
2009 TOWN AND COUNTY TAX ROLL IN THE TOWN OF
NEWCOMB**

The following resolution was offered by Supervisor Canon, 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 authorizes that the 2009 Town and County tax roll for the Town of Newcomb be corrected by changing the classification on Account Number 665J194002, assessed to Robert Yandon and Joan Burke, from Non-Homestead to Homestead and adjusting the amount of taxes due as a result of this clerical error and that the same be charged back to the appropriate taxing authorities.

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

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

Resolution No. 42

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE COUNTY CHAIRPERSON
AND/OR COUNTY MANAGER TO EXECUTE A CONTRACT
WITH JUSTICE BENEFITS, INC. FOR ADMINISTRATION OF
THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM,
PENDING APPROVAL OF THE COUNTY ATTORNEY**

The following resolution was offered by Supervisor Morrow, 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, the State Criminal Alien Assistance Program provides federal assistance to States and localities that are incurring costs of incarcerated undocumented criminal aliens who have been convicted of a felony or two misdemeanors and have been

incarcerated for a minimum of four consecutive days; and

WHEREAS, State Criminal Alien Assistance Program payment amounts are determined using actual inmate costs and facility data for specified reporting period and the Bureau of Justice Assistance uses current data from the reporting period to determine the County's annual relative percentages of available funding; and

WHEREAS, the process of collecting inmate data and financial information for criminal aliens is detailed and complex and cannot be handled in house; and

WHEREAS, it is necessary for Essex County to hire the services of outside organizations for the collection of this data and financial information its analyzation and preparation of an application be submitted to the State Criminal Alien Assistance Program, Bureau of Justice Assistance and/or US Immigration and Customs Enforcement.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Chairperson and/or County Manager to execute a contract with Justice Benefits, Inc., for Administration of the State Criminal Alien Assistance Program pending approval of the County Attorney with the payment therefore to come from budgeted funds.

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

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

Resolution No. 43

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE IMPLEMENTATION AND
FUNDING IN THE FIRST INSTANCE OF 100% OF THE
FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT AND APPROPRIATING FUNDS THEREFORE**

The following resolution was offered by Supervisor Morency, 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, a Project for the Reconstruction of Old Military Road (CR35, Essex County, P.I.N. 1754.96 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the

ration of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Essex desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and Right of Way Incidentals and Acquisition; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County of Essex to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Right of Way Incidentals and Acquisition work for the Project or portions thereof; and

BE IT FURTHER RESOLVED that the sum of \$940,000.00 (Nine Hundred Forty Thousand and No Cents) (\$793,0125.00 for Preliminary Engineering and \$146,975.00 for Right of Way Incidentals) has already been appropriated from the County Road Fund and made available to cover the cost of participation in the Preliminary Engineering and Right of Way Incidentals phases of the Project; and

BE IT FURTHER RESOLVED, that the additional sum of \$32,925.00 (Thirty Two Thousand Nine Hundred Twenty Five Dollars and No Cents) is hereby appropriated from H52145 5445OMR and made available to cover the cost of participation in the Right of Way Acquisition phase of the Project; and

BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Essex County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Chairwoman of the Board of Supervisors or DPW Superintendent of the County of Essex be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Essex with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this Resolution take effect immediately.

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

AYES: 2843 votes

NOES: 0 votes
ABSENT: 0 votes

Resolution No. 44

February 2, 2009
Regular Board Meeting

**RESOLUTION AMENDING RESOLUTION #356 OF 11/12/08 TO
STATE THAT THE FUNDING SOURCE FOR THE LICENSE
WITH NYCO FOR USE OF PROPERTY ON WELLS HILL WILL
BE FROM THE EMERGENCY SERVICES BUDGET**

The following resolution was offered by Supervisor Merrihew, 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 Resolution #356 of 11/12/2008 shall be amended and supplemented to provide that the funding source for the license payments to NYCO for the use of the property on Wells Hill for the location of the County's communication tower will come from the Essex County Emergency Services existing budget (Account No. 36404-5411) in an amount not to exceed \$18,000 per year.

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

Resolution No. 45

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE APPOINTMENT OF JOHN
FRIEDLANDER TO THE NORTH COUNTY COMMUNITY
COLLEGE BOARD OF TRUSTEES, FOR A TERM TO EXPIRE
JUNE 30, 2016**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors, pursuant to §6306 of the New York State Education Law, hereby appoints John Friedlander to the North County Community College Board of Trustees for a seven year term to expire on June 30, 2016.

This resolution was unanimously seconded and adopted.

Resolution No. 46

February 2, 2009
Regular Board Meeting

RESOLUTION AUTHORIZING THE COUNTY CHAIR AND/OR

**COUNTY MANAGER TO ENTER INTO A SUBORDINATION
AGREEMENT SUBORDINATING A \$30,000 MORTGAGE HELD
BY ESSEX COUNTY ON PROPERTY OWNED BY MATTHEW
F. RUSSELL AND ALLISON M. RUSSELL**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Chairwoman and/or County Manager to execute a subordination agreement subordinating the mortgage held by Essex County dated August 29, 2006, in the principal amount of \$30,000.00 to the mortgage of Glens Falls National Bank with respect to the property owned by Matthew F. Russell and Allison M. Russell located at 327 Russell Street, Crown Point, New York and bearing Tax Map No. 117.3-2-1.

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

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

Resolution No. 47

February 2, 2009
Regular Board Meeting

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF
ALBERT A. SHELDRAKE**

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

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

WHEREAS, Albert A. Sheldrake of AuSable Forks, New York passed away on January 16, 2009; and

WHEREAS, Albert A. Sheldrake was the son of James R. And Genevieve (Arnold) Sheldrake; and

WHEREAS, Albert A. Sheldrake was a graduate of AuSable Forks High School, member of the United States Air Force, and worked as a civilian at the Plattsburgh Air

Force Base until his retirement in 1978; and

WHEREAS, Albert A. Sheldrake was awarded Civilian of the Year by the Plattsburgh Air Force Base in 1968 and was involved in many community organizations, including former Commander of the American Legion Medos A. Nelson Post 504, former President of the AuSable Jaycees and was a 19 year veteran of the AuSable Forks Ambulance Squad; and

WHEREAS, Albert A. Sheldrake was the dog control officer for the Town of Jay for many years; and

WHEREAS, Albert A. Sheldrake is survived by his wife Delia (Murcray) Sheldrake; their two sons and their families, Robert and Lee Sheldrake and James and Betty Sheldrake; grandchildren Megan Blaise and Jason Sheldrake, great-granddaughter, Alexandra Sheldrake; and

WHEREAS, Albert A. Sheldrake was a loving husband, father, grandfather, great-grandfather, brother, uncle 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 Albert A. Sheldrake; 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 Sheldrake family.

This resolution was unanimously seconded and adopted.

Resolution No. 48

February 2, 2009
Regular Board Meeting

**RESOLUTION OF APPRECIATION TO THE OFFICE FOR THE
AGING, ITS DIRECTOR AND STAFF ON THEIR RECENT
EVALUATION BY NEW YORK STATE**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby extends its sincere gratitude and appreciation to the Office for the Aging; its Director, Patty N. Bashaw; and the staff on their recent evaluation by the State of New York which evaluated and determined that the department met all state standards and regulations and was professional and well run.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE ESSEX COUNTY VISITORS
BUREAU TO USE \$110,000 OF UNANTICIPATED
OCCUPANCY TAX FUNDS FOR VARIOUS ITEMS AND
PROGRAMS**

The following resolution was offered by Supervisor Politi, 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 County of Essex has contracted with Lake Placid Chamber of Commerce, Inc. d/b/a Lake Placid Chamber and Visitors Bureau incident to the provision of publicity, promotion and advertising services for and on behalf of Essex County for the purpose of publicizing the advantages of the County pursuant to subdivision 14 of §224 of the County Law; and

WHEREAS, pursuant to Local Law 3 of 2005, as amended by Local Law 3 of 2008, gross revenues collected under the hotel/motel occupancy tax shall go to the County to cover the County's cost of administration and 95% used for the provision of services relative to the promotion of tourism within the County; and

WHEREAS, pursuant to the hereinabove referenced contract an estimate of the net amount of occupancy tax revenues has been made; and

WHEREAS, it has been determined that there shall be approximately \$110,000.00 in excess revenue over and above what was estimated in the original contract and, pursuant to said contract it is necessary to enter a resolution from this Board relative to this \$110,000.00 amount; and

WHEREAS, the Lake Placid Chamber of Commerce, Inc. d/b/a Lake Placid Chamber and Visitors Bureau has submitted to the County a proposed modification to its budget detailing how it proposes to expend this additional \$110,000.00, as required by the contract.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Lake Placid Chamber of Commerce, Inc. d/b/a Lake Placid Chamber and Visitors Bureau to use \$110,000.00 of unanticipated occupancy tax funds for those specific items and programs set forth in the budget amendment and for additional tourism and promotional needs of Essex County and, in the event that there are leftover monies, the balance to be used for any additional promotional or tourism based services which the contractor provides, and further authorizes amendment to the contract with respect thereto.

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

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

Resolution No. 50

February 2, 2009
Regular Board Meeting

RESOLUTION AUTHORIZING THE SALE OF COUNTY OWNED REAL PROPERTY

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the sale of County owned real property as follows:

<u>Town</u>	<u>Sold To:</u>	<u>Tax Map #</u>	<u>Account #</u>	<u>Amount</u>
Elizabethtown	Capital Communications Federal Credit Union	55.84-3-11	591A100306	\$9,950.53

BE IT FURTHER RESOLVED that the purchasers shall each be solely responsible for payment of all unpaid village and school taxes levied in and after January 1, 2008.

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

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

Resolution No. 51

February 2, 2009
Regular Board Meeting

ENVIRONMENTAL COMPLIANCE RESOLUTION TO MAKE FINDINGS AND DETERMINATIONS RELATIVE TO THE PURCHASE AND ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE IN AND FOR THE COUNTY (FOR FOUR (4) 2010 MACK GRANITE GU713 TRACTORS)

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.

WHEREAS Frederick H. Buck in the Department of Public Works, have/has, at the instance of the Board of Supervisors of the County of Essex (the "County"), a municipal corporation of the State of New York, prepared plans and studies for the acquisition of machinery and apparatus for construction and maintenance in and for the County, including any preliminary and incidental costs related thereto (the "Project") and said engineer/supervisor has filed said plans and studies in the office of the County Clerk and are on file for public inspection; and

WHEREAS, the Board of Supervisors of the County has determined that upon the examination of an environmental assessment form ("EAF") prepared by said engineer/supervisor, the Project is an "unlisted action", as that term is defined in 6 NYCRR §617.2(ak), and the County has caused the EAF to be prepared and promptly filed with the County Clerk; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project is \$471,000 and that the costs of the Project, in whole or in part, are to be financed by the issuance of serial bonds of the County in the aggregate principal amount of up to \$471,000 pursuant to the Local Finance Law of New York (the "LFL") and if deemed advisable by the issuance of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

WHEREAS, it is proposed that the costs of the Project are to be paid from a tax levied upon all the taxable property in the County in annual installments determined by the Board of Supervisors of the County in amounts sufficient to pay the principal of and interest on said serial bonds, to be authorized in a bond resolution adopted by the Board of Supervisors of the County on February 2, 2009; and

WHEREAS, the evidence contained in such engineering plans and studies and in the EAF with respect to the Project permits the Board of Supervisors of the County to make the determinations hereinafter in connection with actions to be made for the purpose of authorizing the financing of the Project;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act ("SEQRA") regulations, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ESSEX, STATE OF NEW YORK, as follows:

Section 1. The County, by and through its Board of Supervisors, hereby declares and designates itself to be the "lead agency", as that term is defined in 6 NYCRR §617.2(u), with respect to the environmental review of the Project.

Section 2. Upon receipt and examination of the EAF, it is hereby determined that the Project is an “unlisted action”, as that term is defined in 6 NYCRR §617.2(ak).

Section 3. No other agency other than the County is involved in said environmental review and no coordinated review or segmentation of such review is necessary or required with respect to the Project.

Section 4. No hearing as set forth in 6 NYCRR §617.9(a)(4) is required in making the determinations contained herein with respect to the costs of the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the serial bond resolution to be adopted under the LFL to finance the Project shall not be or be deemed to be an “action”, as that term is defined in 6 NYCRR §617.2(b).

Section 7. The County shall include a true copy of this resolution in the file maintained, readily accessible to the public, in the office of the County Clerk, containing the EAF.

Section 8. This resolution shall take effect immediately upon its adoption by the Board of Supervisors of the County.

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

Resolution No. 52

February 2, 2009
Regular Board Meeting

**BOND RESOLUTION DATED FEBRUARY 2, 2009
AUTHORIZING THE ISSUANCE OF UP TO \$471,000
AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE
COUNTY OF ESSEX, STATE OF NEW YORK, PURSUANT TO
THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF
THE ACQUISITION OF MACHINERY AND APPARATUS FOR
CONSTRUCTION AND MAINTENANCE IN AND FOR THE
COUNTY (FOR FOUR (4) 2010 MACK GRANITE GU713
TRACTORS)**

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.

WHEREAS, the Board of Supervisors of the County of Essex (the "County"), located in the State of New York, hereby determines that it is in the public interest of the County to authorize the financing of the costs of the acquisition of machinery and apparatus for construction and maintenance in and for the County, including the acquisition of four truck tractors for use by the solid waste facility, and including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$471,000, pursuant to the Local Finance Law, and

WHEREAS, the Board of Supervisors of the County has not taken any action or adopted any local law which would require the effectiveness of this bond resolution to be subjected to a permissive or mandatory referendum.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ESSEX, STATE OF NEW YORK as follows:

Section 1. There is hereby authorized to be issued serial bonds of the County, in the aggregate principal amount not to exceed \$471,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of machinery and apparatus for construction and maintenance in and for the County, including the acquisition of four truck tractors for use by the solid waste facility, and including the acquisition including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

Section 2. The Board of Supervisors of the County has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$471,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Board of Supervisors of the County plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the County which shall reduce the principal amount of the serial bonds or bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized herein *pro tanto*, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay for the Project, for which proceeds of any obligations are to be applied to reimburse the County, the Board of Supervisors of the County took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is of a class of object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probably usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of the fifteen (15) years computed from the

earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including the renewal thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the County Treasurer, as chief fiscal officer of the County. The County Treasurer is hereby authorized to execute, by manual or facsimile signature, on behalf of the County, all serial bonds issued pursuant to this bond resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the County Clerk is hereby authorized to impress the seal (or to have imprinted a facsimile thereto) of the County to or on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds, shall be authenticated by the manual or facsimile signature of the County Treasurer. In the absence of the County Treasurer, the Deputy County Treasurer is hereby authorized to exercise the powers delegated to the County Treasurer by this bond resolution.

Section 5. When this bond resolution takes effect, the Clerk of the Board of Supervisors shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Plattsburgh Press Republican, Adirondack Daily, Times of Ti and The Post Star, newspapers having a general circulation in the County. The validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the County is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the County are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 7. The County intends to issue the obligations authorized by this bond resolution to finance the costs of the Project. The County covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the County, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or

omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of such serial bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and of any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made in connection with the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution and the County may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the obligations authorized herein, the Board of Supervisors of the County shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, the regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Supervisors of the County covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of such obligations authorized herein upon the advice of bond counsel. It is hereby and has been determined by the Board of Supervisors of the County that the Project will not have significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, the County agrees, in accordance with, and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the County Clerk, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the County's continuing disclosure agreement for purposes of

the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County Attorney and bond counsel or other qualified independent special counsel to the County and shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution shall take effect immediately upon its adoption by the Board of Supervisors of the County.

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

AYES: 3916 votes
NOES: 0 votes
ABSENT: 0 votes

**RESOLUTION SEEKING TO ESTABLISH ESSEX COUNTY
BOARD OF SUPERVISORS AS LEAD AGENCY**

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, Essex County is proposing to repair and/or replace the Otis Bridge in the Town of Elizabethtown, Essex County, New York (the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations of 6 NYCRR Part 617 (the "Regulations"), the County desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, the County Board desires to be established as Lead Agency of this project; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby desires to serve as "Lead Agency" (as this quoted term is defined in the regulations) for a coordinated review under SEQRA for this Project and authorizes a letter and Part 1 of the EAF to be sent to other potentially "involved agencies" and "interested agencies" (as these quoted terms are defined in the regulations), indicating the Essex County Board's ("County Board") desire to serve as "lead agency" for a coordinated review under SEQRA of this project.

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

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

**RESOLUTION APPROPRIATING THE SUM OF \$3,000.00
FROM CONTINGENCY ACCOUNT FOR THE PURCHASE OF
TWO DELL COMPUTERS IN THE COUNTY ATTORNEY'S
OFFICE**

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

adoption.

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

BE IT RESOLVED, that the Essex County Board of Supervisor hereby approves the purchase of two Dell computers for the County Attorney's office in the amount of \$3,000.00 and appropriates the sum of \$3,000.00 from the Contingency Account (19904-5487) to Account (14204-5400INV) for said purchase.

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

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

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 1/1/09:</i>	\$369,000.00
<i>Reduction Impact of this resolution:</i>	\$ 3,000.00
<i>FY2009 Contingent Account Balance:</i>	\$366,000.00

Resolution No. 55

February 2, 2009
Regular Board Meeting

**RESOLUTION ACCEPTING THE BID AND AWARDING THE
CONTRACT FOR THE LAKE CHAMPLAIN VISITORS CENTER
REHABILITATION PROJECT TO S&R CONSTRUCTION**

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, with respect to the base bid and Alternate #1 and Alternate #2, S&R Construction was the lowest responsible bidder incident to the bids solicited for the Lake Champlain Visitors Center Rehabilitation Project; and

WHEREAS, S&R Construction's bid for the Base, Alternate #1 and Alternate #2 was the low bid in the amount of \$450,300.00; and

WHEREAS, Essex County only has available \$448,244.00 from various grants and contributions and needs an additional \$2,056.00 in order to have enough funds to meet the contract.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the acceptance of the bid of S&R Construction, Inc. for the Base, Alternate #1 and Alternate #2 bids in the amount of \$450,300.00 relative to the Lake Champlain Visitors Center Rehabilitation Project and authorizes the County Chairperson and/or County Manager to execute a contract with S&R in the amount of \$450,300.00; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby transfers the sum of \$2,056.00 from Contingency Account (#19904-5487) to the Planning Department Account (80202-5212LCVC) for use in the payment of this contract.

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

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

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 1/1/09:</i>	\$366,000.00
<i>Reduction Impact of this resolution:</i>	\$ 2,056.00
<i>FY2009 Contingent Account Balance:</i>	\$363,944.00

Resolution No. 56

February 2, 2009
Regular Board Meeting

RESOLUTION ACCEPTING GRANT MONIES FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE AND AUTHORIZING THE CHAIRWOMAN AND/OR COUNTY MANAGER TO EXECUTE THE CONTRACT FOR THE ESSEX COUNTY YOUTH BUREAU

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby accepts grant money from the New York State Governor's Traffic Safety Committee as follows:

Local Grant	\$19,000.00	Account #36254-5431
Step Grant	8,400.00	Account #36254-5431STE2
Child Passenger Safety	5,500.00	Account #36254-5431CP

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Chairwoman and/or County Manager to sign and execute the contract.

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

Resolution No. 57

February 2, 2009
Regular Board Meeting

**RESOLUTION AUTHORIZING THE LAW FIRM OF KIRBY
MCINERNEY, LLP, UPON CONSULTATION AND APPROVAL
WITH THE ESSEX COUNTY ATTORNEY, TO SETTLE ANY
AND ALL LAWSUITS, CLAIMS, CAUSES OF ACTION OR
DISPUTES INVOLVING ALL AWP LITIGATION AND ALL
DEFENDANTS**

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, the law firm of Kirby McInerney, LLP has been retained by Essex County and the majority of the other County's throughout New York State to represent them in AWP Litigation and claims against various pharmaceutical and drug manufacturing companies relative to alleged overinflated prices charged to the County's and the State of New York for drugs and other pharmaceuticals provided; and

WHEREAS, Kirby McInerney, LLP has recommended settlement with respect to some of the pharmaceutical and drug manufacturing companies and Essex County has consented to these settlements and has received settlement proceeds in this regard; and

WHEREAS, because of the volume of pharmaceutical companies and drug manufacturing companies involved in this litigation, it is necessary to be able to settle these matters expeditiously and in a quick fashion; and

WHEREAS, because settlement oftentimes requires immediate action which cannot wait for the monthly board meeting held by the County, and because Kirby

McInerney is intimately acquainted with and thoroughly versed in these lawsuits, this Board is desirous of giving Kirby McInerney, as the County's representative, full power and authority, upon consultation and approval of the County Attorney, to settle any and all lawsuits, claims, causes of action or disputes with all defendant pharmaceutical companies and drug manufacturing companies.

BE IT RESOLVED, that the County of Essex hereby authorizes the law firm of Kirby McInerney, LLP, upon consultation and approval with the County Attorney of the County of Essex, to settle any and all lawsuits, claims, causes of action or disputes with all defendant pharmaceutical companies and drug marketing companies; and

BE IT FURTHER RESOLVED that as a condition of this approval for settlement, Kirby McInerney shall contact the Essex County Attorney's Office relative to any proposed settlement prior to formally entering into and executing any settlement documents, Stipulations Discontinuing Action and Releases.

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

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