

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR  
VARIOUS DEPARTMENTS**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends the 2009 Essex County Budget as follows:

1. From the Public Safety Committee

(a) For Emergency Services Department, increase revenues and appropriations by \$42,511.32 - carry over of unspent grant monies into 2009.

**REVENUES**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
3645-44963	3645 Homeland Security	\$42,511.32

**APPROPRIATIONS**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
36454-5475	General Insurance	\$ 328.00
36454-5487	MISC Homeland Security	41,738.40
36458-5820	Social Security	444.92

2. From the Human Services Committee

(a) For the Public Health Department, increase revenues and appropriations by \$1,203 - State Aid Rabies Program as follows:

**REVENUES**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4014 43401663	Rabies Program - State Aid	\$1,203.00

**APPROPRIATIONS**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
40144 5436	Rabies Advertising	\$1,203.00

(b) For the Public Health Department, increase revenues and appropriations by \$1,427.00 - Immunization Action Program - Federal Aid as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
4192 44401100	IAP Program - Federal Aid	\$1,427.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
41924 5436	IAP Advertising	\$1,427.00

(c) For the Public Health Department, increase revenues and appropriations by \$1,105.00 - Lead Program as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
4013 44413	Lead Program - Federal Aid	\$1,105.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
40134 5400 INV	Lead Inventory	\$1,105.00

2. From the Ways and Means Committee

(a) For the Public Health Department, increase revenues and appropriations by \$38,843.00 - Medicaid, Recruitment and Retention funds as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
4189 416013RR	Medicaid - Recruitment & Retention	\$38,843.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
41894 5400INV	Inventory (Telehealth Monitors)	\$38,843.00

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**RESOLUTION URGING THE GOVERNOR AND THE STATE  
LEGISLATURE TO REINSTATE THE RECRUITMENT AND  
RETENTION SCHOLARSHIP FOR NEW FIREFIGHTERS**

The following resolution was offered by Supervisor Preston, 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**, volunteer membership in the fire services and EMS services has significantly decreased as the result of increased educational requirements and significant increase in the costs associated with training; and

**WHEREAS**, Governor Paterson removed the Recruitment and Retention Scholarship for new firefighters from the New York State Budget exacerbating and increasing the difficulty in the recruitment of volunteer fire and EMS personnel.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby strongly urges the Governor and State Legislature to reinstate the recruitment and retention scholarships for new volunteer firefighters in order to aid in the recruitment and retention of volunteer firefighters in Essex County.

**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 Malcolm A. Smith; Senator Elizabeth O'C. Little; Senate Minority Leader Brian Kolb; Assembly Speaker Sheldon Silver; and Assembly Members Teresa R. Sayward and Janet Duprey.

This resolution was unanimously seconded and duly adopted.

**Resolution No. 132**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OPPOSING ASSEMBLY BILL A-05899 WHICH  
PROVIDES AN OPT-OUT PROCEDURE FOR A CRIMINAL  
DEFENDANT CHARGED WITH A CRIMINAL OFFENSE BEFORE A  
NON-ATTORNEY TOWN/VILLAGE JUDGE PROVIDING THE OPTION  
TO GO BEFORE A JUDGE WHO IS AN ATTORNEY**

The following resolution was offered by Supervisor McSweeney, 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**, of the approximately twenty two hundred Town and Village Justice positions,

about fifteen hundred or two thirds are held by non-attorney justices; and

**WHEREAS**, the vast majority of non-attorney Justices perform their duties admirably, with dedication, professionalism and diligence; and

**WHEREAS**, Assembly Bill A-05899 has been proposed which provides for an opt-out procedure for a criminal defendant charged with a criminal offense before a non-attorney Town/Village Judge the option to go before a Judge who is an attorney; and

**WHEREAS**, after careful and objective review of all relevant considerations, this Bill is costly, ill-advised and will have a detrimental effect upon the efficient and fair administration of justice in our Towns and Villages by virtue of increased manpower and resources, increased monetary costs to each local municipality and increased bureaucracy and logistics problems with respect to the administration of this process; and

**WHEREAS**, it is the opinion of this Board that non-attorney Town and Village Justices for decades have admirably, competently and with all degree of professionalism and diligence handled the criminal cases within their jurisdiction and that there is no necessity for the increased cost and bureaucracy which will be associated with the transfer of cases to an attorney/justice.

**BE IT RESOLVED**, that the Essex County Board of Supervisors vehemently opposes Assembly Bill A-05899 which provides and opt-out procedure for a criminal defendant charged with a criminal offense before a non-attorney Town/Village Judge providing the option to go before a Judge who is an attorney as the same will no doubt increase costs to local municipalities and will be unwieldy, time consuming and may delay justice.

**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 Malcolm A. Smith; Senator Elizabeth O’C. Little; Senate Minority Leader Brian Kolb; Assembly Speaker Sheldon Silver; and Assembly Members Teresa R. Sayward and Janet Duprey.

This resolution was unanimously seconded and adopted.

**Resolution No. 133**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION PROCLAIMING THE MONTH OF  
MAY, 2009 AS OLDER AMERICANS MONTH**

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

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

**WHEREAS**, May is “Older Americans Month” in the United States of America and New York State; and

**WHEREAS**, the “Older Americans” of Essex County have in the past and continue today to contribute in many ways to the quality of life in this County; and

**WHEREAS**, our County is fortunate to have among its residents individuals who are 60 years of age or over living and working in our County; and

**WHEREAS**, each of these citizens has made a significant contribution to Essex County as it has grown to become one of the fastest growing Counties in New York State; and

**WHEREAS**, because of the efforts of the “Older Americans” of Essex County, and in recognition thereof, it is incumbent on us to pause and express our appreciation for all that they have done and continue to do throughout this area.

**BE IT RESOLVED**, that the Essex County Board of Supervisors does hereby proclaim the month of May as “Older Americans Month in Essex County”; and

**BE IT FURTHER RESOLVED** that this Board of Supervisors, its Clerk of the Board, County Manager and County Attorney, do hereby pay tribute to Essex County's Older Americans for their contribution to the residents of Essex County.

This resolution was unanimously seconded and adopted.

*Resolution No. 134*

*May 4, 2009*  
*Regular Board Meeting*

***RESOLUTION APPOINTING CLAY REASER TO THE MENTAL  
HEALTH COMMITTEE***

The following resolution was offered by Supervisor Connell, 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 appoints Clay Reaser to the Mental Health Committee for a term effective May 1, 2009 - December 31, 2011.

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

*Resolution No. 135*

*May 4, 2009*  
*Regular Board Meeting*

***RESOLUTION AUTHORIZING THE AMENDMENT OF THE 2009  
BUDGET AND CONTRACT WITH FAMILIES FIRST FOR THE  
MENTAL HEALTH DEPARTMENT TO INCREASE THE CONTRACT  
BY \$24,300 AS WELL AS INCREASE REVENUES AND  
APPROPRIATIONS BY SUCH AMOUNT TO COME FROM***

**BUDGETED FUNDS**

The following resolution was offered by Supervisor Scozzafava, 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 amends the 2009 Essex County budget as follows:

1. From the Human Services Committee

(a) For Mental Health Department, increase revenues and appropriations by \$24,300.00 to accept available funds from Senator Little’s office for Respite Services and apply the funds to the Families First by increase their current contract by that amount.

**REVENUES**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4322 43490101	State Aid OT620 Families First	\$24,300

**APPROPRIATIONS**

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43822 5430	Families First	\$24,300

**BE IT FURTHER RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the amendment of the current contract with Families First increasing the contract amount by \$24,300 and further authorizes the County Chairwoman and/or County Manager to sign the amendment to the contract.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

*Resolution No. 136*

*May 4, 2009*  
*Regular Board Meeting*

**RESOLUTION AUTHORIZING A THIRTY (30) DAY PERIOD FOR  
PUBLIC REVIEW AND CONSOLIDATION OF ESSEX COUNTY  
AGRICULTURAL DISTRICTS**

The following resolution was offered by Supervisor Connell, 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**, New York State Agriculture and Markets is in the process of

consolidating the Agriculture Districts from eight to one; and

**WHEREAS**, a Notice of Publication is required to be published in order for the public to have thirty (30) days to review the consolidation.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes a thirty (30) day period for public review and consolidation of Essex County Agricultural Districts.

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

**Resolution No. 137**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION IN SUPPORT OF EAGLE LAKE'S MILFOIL PROJECT,  
PHASE II HERBICIDE USE**

The following resolution was offered by Supervisor Dedrick, 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**, Rolf Tiedemann of the Eagle Lake Association has provided this Board with a presentation relative to milfoil eradication on Eagle Lake located in Essex County, New York; and

**WHEREAS**, Mr. Tiedemann has described and provided detailed materials with respect to Phase II of this milfoil eradication project which have also been discussed with and presented to the APA and DEC and the involved Towns which, among other things involves the use of herbicides on Eagle Lake.

**BE IT RESOLVED** that the Essex County Board of Supervisors fully support Eagle Lake's milfoil eradication project and the use of the chemical Triclopyr, brand name "Renovate" for the effective control of Eurasian milfoil pursuant to Phase II of the project on Eagle Lake as the only practical way to prevent the spread of milfoil on Eagle Lake.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution should be provided to the Adirondack Park Agency, New York State Department of Environmental Conservation, Town of Ticonderoga and the Eagle Lake Association.

This resolution was duly seconded by Supervisors French and McSweeney, and adopted.

**Resolution No. 138**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION REQUESTING THAT THE NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION RECONSIDER**

**THEIR OPPOSITION TO CONTROLLED BURNING SITES IN ESSEX COUNTY TOWNSHIPS**

The following resolution was offered by Supervisor Preston, 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 New York State Department of Environmental Conservation has allowed controlled burning of debris, blowdown and other materials at our transfer sites; and

**WHEREAS**, it has come to the attention of this Board that the New York State Department of Environmental Conservation has decided that they will no longer allow controlled burning at our transfer sites;and

**WHEREAS**, it is the opinion of this Board that to discontinue controlled burns at our transfer sites will result in private citizens attempting their own burns under circumstances which may not be as safe to the general public and may well result in the dumping of debris along State, County and Town roadways as an alternative to burning.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby strongly urges the New York State Department of Environmental Conservation to reconsider their opposition to controlled burn sites in the townships and to continue to allow controlled burns at and in Town and County transfer sites.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Commissioner of the New York State Department of Environmental Conservation as well as to the New York State Department of Environmental Conservation at Ray Brook, New York.

This resolution was unanimously seconded and duly adopted.

**Resolution No. 139**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION TO CREATE CAPITAL PROJECTS IN THE DEPARTMENT OF PUBLIC WORKS AS FOLLOWS: CAPITAL PROJECT 09-1 FOR OLD MILITARY ROAD, PHASE 2; AND CAPITAL PROJECT 09-2 FOR LEWIS BRIDGE/HASELTON ROAD**

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.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby establishes Capital Project 09-1 for Old Military Road improvement in the total amount of \$6.1 million



(Account #H52264-5487) and amends the Essex County 2009 Budget accordingly as follows:

**Capital Project 09-1 / Department of Public Works Old Military Road Project**

**APPROPRIATIONS**

H52264-5487 \$6,100,000

**REVENUE**

H5226-4289 \$ 305,000  
H5226-4350 915,000  
H5226-44089 \$4,880,000

***BE IT FURTHER RESOLVED*** that the Essex County Board of Supervisors hereby establishes Capital Project 09-2 for the Department of Public Works for Lewis Bridge/Haselton Road in the total amount of \$2.1 million (Account H52234-5487) and amends the 2009 Essex County Budget as follows:

**Capital Project 09-2 / Department of Public Works Lewis Bridge/Haselton Road Project**

**APPROPRIATIONS**

H52234-5487 \$2,100,000

**REVENUE**

H5223-4289 \$ 105,000  
H5223-43501 315,000  
H5223-44089 \$1,680,000

***BE IT FURTHER RESOLVED*** that the Board determines that the Purchasing Policy has been effectively and substantially complied with.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

***Resolution No. 140***

***May 4, 2009  
Regular Board Meeting***

***RESOLUTION AUTHORIZING THE SUPERINTENDENT OF DPW TO USE HIS DISCRETION AS TO WHEN TO USE COUNTY MANPOWER, EQUIPMENT AND MACHINERY ON ISOLATED EMERGENCY SITUATIONS ON COUNTY ROADS AND AUTHORIZING SUPPLEMENTATION AND REIMBURSEMENT OF THE COSTS INVOLVED TO THE COUNTY ROAD FUND***

The following resolution was offered by Supervisor Preston, 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**, it has come to the attention of this Board that, in certain isolated and rare emergency situations not typically addressed by Essex County DPW, it is necessary for County Highway personnel, equipment and machinery to be used in order to address and monitor the emergency until such time as the emergency on County roads has been resolved; and

**WHEREAS**, the Board is desirous of giving the Essex County Department of Public Works Superintendent the authority and discretion to use County manpower, equipment and machinery in these isolated emergency situations existing on County roads in order to protect the public and further authorizes supplementation and reimbursement to the County Road Fund of any cost and disbursements involved in addressing these emergency situations on County roads.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes its DPW Superintendent to use County manpower, equipment and machinery in these isolated emergency situations existing on County roads to do whatever the Superintendent feels, in his discretion, is necessary to address, monitor and resolve the situation; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors hereby authorizes reimbursement to the County Road Fund of all costs and expenses relative to addressing these isolated emergency situations on County roads and further authorizes the County Highway Superintendent to expend monies from the County Road Fund for these emergency situations pursuant to Section 114 of the Highway Law of the State of New York.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 141**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
JOSEPH H. KOLODZEY**

The following resolution was offered by Supervisor Scozzafava, 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**, Joseph H. Kolodzey, passed away suddenly on April 17, 2009; and

**WHEREAS**, Joseph H. Kolodzey, was born on December 22, 1952, the son of Charles and Margaret Kolodzey, Sr.; and

**WHEREAS**, Joseph H. Kolodzey worked for 29 years for the New York State Department of Transportation as a maintenance worker having retired in December 2008; and

**WHEREAS**, Joseph H. Kolodzey worked for the Department of Environmental Conservation from 1973 until 1979, and also worked at the 1980 Winter Olympics; and

**WHEREAS**, Joseph H. Kolodzey is survived by his wife, Kim; a daughter, Shannon Meachem, son-in-law Josh Meachem; a son David Kolodzey, daughter-in-law, Karla Kolodzey; two grandchildren, Ryleigh Kolodzey and Levi Kolodzey; his mother Margaret Kolodzey; brothers, Charles, Jr. and Timothy Kolodzey; a sister Susan Gray; and numerous nieces and nephews; and

**WHEREAS**, Joseph H. Kolodzey had a great interest in hunting and fishing, always having stories to you of times spent at hunting camp in Pepper Hollow; and

**WHEREAS**, Joseph H. Kolodzey especially enjoyed spending time with his grandchildren and family; and

**WHEREAS**, his mother, Margaret Kolodzey, is a retired employee of Essex County after several years of service; and his sister, Susan Gray is a long-time employee at the Horace Nye Home; and

**WHEREAS**, Joseph H. Kolodzey was a loving and devoted son, husband, father, brother, uncle, grandfather and friend who will be sorely missed but never forgotten.

**BE IT RESOLVED** that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and the County Attorney, his friend, hereby express and extend their deepest sympathy and condolences to the family of Joseph H. Kolodzey; and

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

This resolution was unanimously seconded and adopted.

**Resolution No. 142**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION TO INCLUDE TWO PROPERTIES IN THE VILLAGE OF  
PORT HENRY IN THE UPCOMING AUCTION TO BE CONDUCTED BY  
HAROFF AUCTION & REALTY, INC. (4290 MAIN STREET AND 12**

**LOCKE STREET PROPERTY)**

The following resolution was offered by Supervisor Scozzafava, 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 County of Essex currently has contracted with Haroff Auction & Realty, Inc. relative to auctioning properties obtained by Essex County pursuant to its most recent tax foreclosure proceedings and any additional real property held by the County which contract expires in September of 2009; and

**WHEREAS**, the County is desirous of having Haroff Auction & Realty, Inc. include two properties in the Village of Port Henry being 4290 Main Street and 12 Locke Street to be auctioned off

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes Haroff Auction & Realty, Inc. to include the two properties deeded back by the Village of Port Henry in its upcoming auction.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 143**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE PURCHASE OF UPGRADES FROM TWIN STATE TO THE EXISTING PHONE SYSTEM TO INCLUDE VIDEO CONFERENCING, QUICK CONFERENCING AND DEPARTMENT WIDE FAX CAPABILITIES, FROM GRANT FUNDS, AT A COST OF \$15,385.40**

The following resolution was offered by Supervisor McSweeney, 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**, this Board has been advised that it is necessary that the existing TwinState phone system be upgraded to include video conferencing, quick conferencing and department-wide fax capabilities; and

**WHEREAS**, TwinState was the original vendor and has installed the existing County-wide phone system and this update must interface with the existing system and, therefore, this system is a particular class of materials, goods and services which are only available from TwinState justifying an exception to the competitive bidding/procurement policy of Essex County.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes its County Chairwoman and/or County Manager to enter into a contract with TwinState to upgrade the existing TwinState phone system to include video conferencing, quick conferencing and department-wide fax capabilities from Tax Collection grant funds at a cost of \$15,385.40 ; and

**BE IT FURTHER RESOLVED**, that this Board acknowledges that because this system is a particular class of materials, goods and services which are only available from TwinState, this is an exception to Essex County's competitive bidding/procurement policy.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 144**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING SECURITY CONCEPTS TO INSTALL A  
NEW FIRE ALARM SYSTEM TO BYPASS THE OLD COUNTY JAIL AT  
A COST OF \$8,638.92, SUCH FUNDS TO COME FROM THE JAIL  
PROJECT**

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**, this Board has been advised that it is necessary to install a new fire alarm system to bypass the old County jail fire alarm system at a cost of \$8,638.92; and

**WHEREAS**, Security Concepts installed the original fire alarm system with respect to the County complex with which this new alarm system must interface and, therefore, this system is a particular class of materials, goods and services which are only available from Security Concepts which justifies an exception to the competitive bidding/procurement policy of Essex County.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes its County Chairwoman and/or County Manager to enter into a contract with Security Concepts to install a new fire alarm system to bypass the old County jail at a cost not to exceed \$8,638.92 with such funds to come from the jail project (Account #Project 08-1 Jail Demolition); and

**BE IT FURTHER RESOLVED**, that as Security Concepts installed the present fire alarm system, it is a particular class of materials, goods and services which are only available from Security Concepts, this is an exception to Essex County's competitive bidding/procurement policy.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 145**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING PAYMENT TO BOLLAM, SHEEDY,  
TORANI & COMPANY, IN THE AMOUNT OF \$5,850.00 FOR  
ADDITIONAL SERVICES IN PREPARATION OF THE MEDICAID AND  
MEDICARE COST REPORTS FOR THE HORACE NYE HOME, TO BE  
PAID FROM 2008 HORACE NYE HOME FUNDS**

The following resolution was offered by Supervisor Jackson, 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**, Bollam, Sheedy, Torani & Company have completed additional services in preparation of the Medicaid and Medicare costs reports for the Horace Nye Home in the amount of \$5,850.00;

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes payment of \$5,850.00 to Bollam, Sheedy, Torani & Company for the preparation of the Medicaid and Medicare cost reports for the Horace Nye Home, which funds to be paid from the 2008 Horace Nye Home funds Account E83104-5E31.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 146**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION REQUIRING THE OFFICE OF REAL PROPERTY TAX SERVICES, WHEN ESTABLISHING THE TENTATIVE EQUALIZATION RATES, TO PROVIDE TO THE TOWN ASSESSORS ANY AND ALL DATA IN REGARD TO THE ESTABLISHMENT OF THAT RATE**

The following resolution was offered by Supervisor Scozzafava, 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 requires the Office of Real Property Tax Services, when establishing the tentative equalization rates, to provide to the Town Assessors any and all data in regard to the establishment of that rate.

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

**Resolution No. 147**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION TO JOIN THE NEW YORK STATE ASSOCIATION OF TOWNS AND OTHER COUNTIES IN SEEKING COUNTY LEADERSHIP AND SUPPORT FOR FISCAL RESPONSIBILITY BY STAYING WITH LEVER VOTING MACHINES**

The following resolution was offered by Supervisors Douglas and Dobie, 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**, for many decades Essex County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so; and

**WHEREAS**, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State; and

**WHEREAS**, Essex County believes that the continued use of lever-style voting machines is in the best interest of the public and should be permitted to be used in future elections; and

**WHEREAS**, it is the opinion of this Board that if the State of New York replaces lever

voting machines with optical scanner systems, the cost to the taxpayers of Essex County will be insurmountable, not covered by HAVA funds and the payment thereof will severely strain and possibly break the budgets of all Counties in this time of economic crisis: and

**WHEREAS**, the expense of the computerized voting systems is exorbitant and will no doubt increase annually and there will be uncertainty as to costs and expenses, none of which exists with the current lever machine and BMDs machines; and

**WHEREAS**, New York State now has a transparent, secure, accurate and reliable electoral system using the lever-style voting machines; and

**WHEREAS**, the New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA); and

**WHEREAS**, the State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate and costly to Essex County taxpayers, and in these difficult economic times, the cost to implement elections with these new machines will not be paid for by New York State and is an unfunded mandate, therefore

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby joins with the New York State Association of Towns and other Counties seeking and supporting the continuation of our lever voting machines together with Ballot Marking Devices (BMD) and rejecting the use of a computerized voting system as the computerized voting system will be a huge expense and undertaking in Essex County during this time of economic uncertainty; and

**BE IT FURTHER RESOLVED**, that the Essex County Board of Supervisors hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules and regulations as specifically authorized to continue the use of lever-style voting machines; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the New York Association of Towns, Election Transparency Coalition, Governor David Paterson, New York Senate Majority Leader Malcolm A. Smith, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, Senator Elizabeth O'C. Little, Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey, the Executive Directors of the New York State Board of Elections, Todd Valentine and Stanley Zalen, the New York State Board of Election Commissioners, James Walsh, Douglas Kellner, Evelyn Aquila and Gregory Patterson, United States Senators Charles Schumer and Kirsten Gillibrand and United States Members of Congress, John McHugh and Scott Murphy.

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

**Resolution No. 148**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
ANN STAPLES KENNEDY**

The following resolution was offered by Supervisor Merrihew, 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**, Ann Staples Kennedy, died suddenly as the result of an automobile accident on April 16, 2009; and

**WHEREAS**, Ann Staples Kennedy was born on May 19, 1942; and

**WHEREAS**, Ann Staples Kennedy is survived by her son Charles Derr and his wife, Michelle of Lakeville, Connecticut and her son Daniel Derr, and his fiancé, Audrey Mathews of San Diego, California; four grandchildren, Elijah Kirsch, Jessica Derr, Travis Derr and Bailey Derr; her prized dog, Balfour and her cat Minx; and

**WHEREAS**, Ann Staples Kennedy leaves behind a number of cousins, nieces and nephews and a tremendous circle of friends; and

**WHEREAS**, Ann Staples Kennedy had a multitude of interests and volunteered in numerous community organizations, she spent endless hours enjoying her beloved North Country; participating in triathlons, swimming, hiking, canoeing, The Run for Hope races and appreciating the beautiful environment; and

**WHEREAS**, Ann Staples Kennedy was most generous with her love and time in helping anyone around her and most considered her their personal mentor; and

**WHEREAS**, Ann Staples Kennedy particularly loved music. She grew up playing piano and flute and had recently resumed playing the piano and learned how to play the video game "Rock Band" which she enjoyed with her grandchildren; and

**WHEREAS**, Ann Staples Kennedy was a loving mother, grandmother and friend who will be sorely missed but never forgotten.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of our friend, Ann Staples Kennedy; 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 Kennedy family.

This resolution was unanimously seconded and adopted.

**Resolution No. 149**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
MILDRED M. VARGO**

The following resolution was offered by Supervisor Merrihew, 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**, Mildred M. Vargo, of Lewis, New York passed away on March 30, 2009 at the Horace Nye Home in Elizabethtown, New York; and

**WHEREAS**, Mildred M. Vargo was born in Ticonderoga on October 7, 1918, the daughter of Henry and Lydia (Elethorpe) Hall; and

**WHEREAS**, Mildred M. Vargo was a registered nurse and retired from the Elizabethtown Community Hospital where she worked for many years; and

**WHEREAS**, Mildred M. Vargo was a member of the Woman's Auxiliary at the Elizabethtown Community Hospital and a member of the Lewis Volunteer Fire Department; and

**WHEREAS**, Mildred M. Vargo continued to help at the hospital and with the Elizabethtown-Lewis Ambulance Squad as a volunteer; and

**WHEREAS**, Mildred M. Vargo was married to the late Steve Vargo; and

**WHEREAS**, Mildred M. Vargo is survived by one son, Dale Vargo of Carmichael, Pennsylvania; two grandchildren, Ashley and Camaron of Florida; and

**WHEREAS**, Mildred M. Vargo was a loving mother, grandmother and friend who will be sorely missed but never forgotten.

**BE IT RESOLVED**, that the Essex County Board of Supervisors, its County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of our friend, Mildred M. Vargo; 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 Vargo family.

This resolution was unanimously seconded and adopted.

**Resolution No. 150**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
I. HERBERT SCHEINBERG, M.D.**

The following resolution was offered by Supervisor Merrihew, 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**, I. Herbert Scheinberg, passed away on April 4, 2009, at the Horace Nye Home after a long illness; and

**WHEREAS**, I. Herbert Scheinberg was born in New York City on August 16, 1919, the son of Joseph and Ray (Rosenmond) Scheinberg; and

**WHEREAS**, in 1936, I. Herbert Scheinberg was valedictorian of DeWitt Clinton High School in the Bronx; graduated from Harvard College and Harvard Medical School and served in the Army Medical Corps during World War II; and

**WHEREAS**, Dr. Scheinberg was professor of medicine at the Albert Einstein College of Medicine from 1955 until 1992, where he served as head of the Department of Genetic Medicine from 1973 until 1992; and

**WHEREAS**, Dr. Scheinberg devoted the bulk of his career to the study and treatment of Wilson's Disease, a hereditary neurological disorder, and as a result of diagnostic tests and treatments perfected by Dr. Scheinberg and his staff, Wilson's Disease patients are able to not only survive the previously 100% fatal illness but also go on to live full, normal lives. Patients came from as far away as Europe, South America and Asia seeking treatment from Dr. Scheinberg; and

**WHEREAS**, in 1957, Dr. Scheinberg married Denise Mangravite, a granddaughter of Edna West Teall of Lewis and great-niece of the late R.C. West of Reber, and for the next 49 years they spent every summer at the family farm on Stowersville Road and, in 2006, made Lewis their year-round residence; and

**WHEREAS**, Dr. Scheinberg was a lifelong runner and competed in the annual Lewis to Elizabethtown foot race into his eighties, winning the "Oldest Runner" trophy five years in succession; and

**WHEREAS**, Dr. Scheinberg is survived by his wife, Denise; daughter Anne of the Hague, The Netherlands, daughter Cynthia of Berkeley, California and son David of Northville, Michigan; four grandchildren, Marnie, Nina, Rawson and Gavi; and

**WHEREAS**, I. Herbert Scheinberg was a loving and devoted husband, father, grandfather, colleague and friend to the countless patients whose lives he touched and he will be sorely missed but never forgotten.

**BE IT RESOLVED** that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and the County Attorney, his friend, hereby express and extend their deepest sympathy and condolences to the family of I. Herbert Scheinberg, M.D.; and

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

This resolution was unanimously seconded and adopted.

**Resolution No. 151**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE TRANSPORTATION  
DEPARTMENT TO PURCHASE FROM THE DEPARTMENT OF  
SOCIAL SERVICES, AN 8-PASSENGER VAN, IN THE  
AMOUNT OF \$12,000, WITH THE MONEY TO COME FROM  
STATE OPERATING ASSISTANCE FUNDS**

The following resolution was offered by Supervisor Douglas, 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 authorizes the Transportation Department (Account No. 56304 5400INV) to purchase an 8-passenger van from the Department of Social Services, in the amount of \$12,000.00 with the funds to come from State Operating Assistance funds (Account No. 56302 5230).

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 152**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
JOHN MCCONLEY**

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

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

**WHEREAS**, John McConley, of Moriah, New York passed away on April 25, 2009; and

**WHEREAS**, John McConley operated the Town of Moriah Transfer Station for many years; and

**WHEREAS**, John McConley was a loving husband, father, grandfather, son and friend and will be sorely missed but never forgotten.

**BE IT RESOLVED** that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and the County Attorney, his friend, hereby express and extend their deepest sympathy and condolences to the family of John McConley; and

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

This resolution was unanimously seconded and adopted.

**Resolution No. 153**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING CONTRACTS WITH CAPITAL  
DISTRICT PHYSICIAN'S HEALTH PLAN (CDPHP) FOR THE  
HORACE NYE NURSING HOME AND ESSEX COUNTY  
DEPARTMENT OF SOCIAL SERVICES TO PROVIDE  
SERVICES TO PERSONS ENROLLED IN CDPHP UPON FINAL**

## CONTRACT APPROVAL BY THE COUNTY ATTORNEY

The following resolution was offered by Supervisor Jackson, 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 authorizes its County Chairperson and/or County Manager to execute contracts with Capital Districts Physician's Health Plan (CDPHP) for the Horace Nye Nursing Home and Essex County Department of Social Services to provide services to persons enrolled in CDPHP upon final contract language approved by the County Attorney.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 154**

**May 4, 2009**  
**Regular Board Meeting**

### **RESOLUTION AUTHORIZING A CONTRACT FOR THE MAINTENANCE AND REPAIR OF THE AIR CONDITIONING SYSTEM IN THE COUNTY COMPLEX IN THE AMOUNT OF \$2,900.00 TO ADT MECHANICAL OF PERU, NEW YORK**

The following resolution was offered by Supervisor Merrihew, 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**, two bids were received with respect to the maintenance and repair of the air conditioning system in the County complex, to-wit: a bid from ADT Mechanical in the principal amount of \$2,900.00, contained no extra charge for holiday, nights or weekends and lower charges for costs and repairs of equipment, parts and supplies not during the regular course of business and the proposal of J. Hogan Refrigeration and Mechanicals, Inc. of \$2,850.00 which set forth higher cost of repairs or replacement of equipment, parts and supplies found at other times; and

**WHEREAS**, the difference in the two proposals is \$50.00 however, taking into consideration the fact that replacement of equipment, parts and supplies will inevitably occur on a holiday or weekend and the difference in cost is anticipated to be more than the \$50.00 difference, this Board views the proposal of ADT Mechanical as the lowest responsible bidder taking into account all considerations.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes its County Chairwoman and/or County Manager to execute a contract for the maintenance and repair of the air conditioning systems in the County complex in the amount of \$2,900.00 with ADT Mechanical of Peru, New York.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 155**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION TO VOID AND RESCIND THE CONTRACT WITH KLC CONTRACTORS, INC. RELATIVE TO THE UPGRADE OF THE BACON BURGER PAVILION AT THE ESSEX COUNTY FAIRGROUNDS AND AUTHORIZING THE COUNTY PURCHASING AGENT TO REBID CONTRACT**

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

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

**WHEREAS**, Essex County has entered into a contract with KLC Contractors, Inc. with respect to the upgrades of the Bacon Burger Pavilion at the Essex County Fairgrounds in the principal amount of \$99,000.00, the term of which agreement is from December 29, 2008 through June 30, 2009; and

**WHEREAS**, DPW Superintendent, Frederick Buck and the County Attorney have attempted to contact and correspond with the principals of KLC Contractors, Inc. having placed numerous phone calls and both regular and certified mail requests for contact and have received no reply; and

**WHEREAS**, it is apparent that KLC Contractors, Inc. will not honor its existing contract and has not provided the proper supporting documentation with respect to the contract relative to insurance and performance and payment bonds and is not working with the County relative to the performance of a contract; and

**WHEREAS**, it is the opinion of this Board that KLC Contractors, Inc. has breached this contract and does not intend to perform the same.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes its County Attorney to forward correspondence to KLC Contractors, Inc. terminating and rescinding the contract for breach; and

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

authorizes its Purchasing Agent to rebid accept and/or reject bids with respect to the Essex County Fairgrounds Bacon Burger Pavilion replacement.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 156**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE SALE OF A SURPLUS PICKUP  
TRUCK TO THE TOWN OF MORIAH**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes the sale to the Town of Moriah for the sum of \$1.30 of a surplus pickup truck which was made available to various towns.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 157**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY PURCHASING AGENT TO  
REQUEST PROPOSALS FOR NURSING SERVICES AT THE ESSEX  
COUNTY JAIL FACILITY**

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

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

**WHEREAS**, because of the increase in the population of the Essex County Jail and the requirements of the New York State Department of Corrections, it has become necessary to

reevaluate the situation with respect to nursing services/staffing; and

**WHEREAS**, it is desirous of this Board to request RFPs for additional RN and LPN services in order to alleviate staffing deficiencies and comply with the pertinent rules and regulations.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes its Purchasing Agent to prepare, solicit, accept and/or reject RFPs for RN and/or LPN nursing services for the Essex County Jail upon such terms and conditions as are dictated and required by the Essex County Sheriff, Essex County Attorney and the New York State Department of Corrections rules and regulations.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes**

**Resolution No. 158**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ESSEX COUNTY SHERIFF  
TO HIRE A CORRECTIONS OFFICER**

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

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

**WHEREAS**, Commission on Corrections has indicated the need for a specific position allocated for safety training at the Essex County Jail; and

**WHEREAS**, Sheriff Hommes has decided to fill such position with a Deputy Sheriff who is currently on staff, thereby leaving a vacancy that Sheriff Hommes is requesting be filled by a Corrections Officer.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the Essex County Sheriff to hire a Corrections Officer to fill the vacancy caused by a Deputy Sheriff filling the spot of training officer; and

**BE IT FURTHER RESOLVED**, that the Essex County Sheriff explore the possibility of funding this new corrections officer position with stimulus money.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**



**Resolution No. 159**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE ESSEX COUNTY MANAGER TO  
NEGOTIATE WITH THE CSEA UNION REGARDING THE VOLUNTARY  
BENEFIT OF SAVINGS BONDS FOR EMPLOYEES**

The following resolution was offered by Supervisor Canon, 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 National Bond and Trust currently offers a program to employees relative to the purchase of EE Bonds and I Bonds; and

**WHEREAS**, because this is a benefit, it is necessary that this program be consented to by the CSEA Union members.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes the Essex County Manager to negotiate with the CSEA Union regarding the voluntary benefit of savings bonds for employees and further authorizes that the County Attorney prepare any contract modification, MOU or other documents necessary to effectuate any agreement.

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

**AYES: 2552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 160**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF APPRECIATION TO THE ESSEX COUNTY  
SHERIFF'S DEPARTMENT, CLINTON COUNTY SHERIFF'S  
DEPARTMENT, AUSABLE FORKS FIRE DEPARTMENT AND LADIES  
AUXILIARY, NEW YORK STATE POLICE AND THE AUSABLE FORKS  
AMBULANCE SQUAD FOR THEIR PROMPT AND ORGANIZED  
RESPONSE TO THE STABBING INCIDENT IN THE TOWN OF JAY**

The following resolution was offered by Supervisor Douglas, 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**, approximately ten days ago, there was a serious and near fatal stabbing

which occurred at Taylor Pond in the Town of Black Brook which necessitated emergency and law enforcement response; and

**WHEREAS**, because of the dedicated, prompt and professional manner in which the Essex County Sheriff's Department, Clinton County Sheriff's Department, AuSable Forks Fire Department and Ladies Auxiliary, New York State Police and AuSable Forks Ambulance Squad responded to this situation, each of the stabbing victims were promptly given the necessary medical attention and have survived their near fatal wounds; and

**WHEREAS**, in addition to saving the lives of the victims, each of these organizations competently and with all degree of professionalism handled this delicate situation with the utmost competence as the transfer of the victims occurred during a youth organized dance wherein the youth were shielded and kept unaware of the serious matter.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby extends its gratitude and appreciation to the Essex County Sheriff's Department, Clinton County Sheriff's Department, AuSable Forks Fire Department and Ladies Auxiliary, New York State Police and AuSable Forks Ambulance Squad for their prompt, organized and professional response to this incident.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Essex County Sheriff's Department, Clinton County Sheriff's Department, AuSable Forks Fire Department and Ladies Auxiliary, New York State Police and AuSable Forks Ambulance Squad.

This resolution was unanimously seconded and adopted.

**Resolution No. 161**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION IN SUPPORT OF SENATE BILL S.1722 - THE FEDERAL MILK MARKETING IMPROVEMENT ACT OF 2007**

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

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

**WHEREAS**, our Nation's vast farming industry contributes to our nation's health and prosperity every day of the year and the dairy farming industry is the backbone of Essex County; and

**WHEREAS**, it is estimated that dairy farmers are currently being paid about \$.95/gallon of milk, while it costs them \$1.50 to produce that same gallon and the rising costs of production, along with the extreme drop in price per hundred weight of milk has many dairy farmers in Essex County concerned about providing for their families now and in the future; and

**WHEREAS**, United States Senators Arlen Specter and Robert P. Casey, Jr. are leading an effort to reintroduce "The Federal Milk Marketing Improvement Act of 2007 (S.1722) which is "an act to amend the Agricultural Adjustment Act to require the Secretary of Agriculture Adjustment Act to require the Secretary of Agriculture to determine the price of milk or for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production and other

purposes"; and

**WHEREAS**, this bill was designed to correct the disparity in payment versus cost and the reintroduction of this bill would mean a raise in the price per hundred weight from a current approximate price of just under \$12 to an approximate price of \$22.46; now and therefore,

**BE IT RESOLVED**, that the Essex County Board of Supervisors supports the reintroduction of S.1722 the "Federal Milk Marketing Improvement Act of 2007" and requests our representatives in the United States Congress and Senate to pass this bill to correct the many inequities the dairy farming industry is facing in Essex County and nationwide; and

**BE IT FURTHER RESOLVED** that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: President Barack Obama, Senator Arlen Specter, Senator Robert P. Casey, Jr., Senator Charles Schumer, Senator Kirstin Gillibrand, New York State Commissioner of Agriculture and Markets, Patrick Hooker, New York State Association of Counties and Progressive Agriculture Organization (Pro-Ag).

This resolution was unanimously seconded and adopted.

*Resolution No. 162*

*May 4, 2009*  
*Regular Board Meeting*

**RESOLUTION CANCELLING AND WAIVING INTEREST,  
PENALTIES AND OTHER CHARGES PURSUANT TO REAL  
PROPERTY TAX LAW SECTION 1182 FOR THE TAX YEARS  
OF 1995 AND 1996; AND DUE TO OVERCHARGES OF  
RETURNED WATER AND SEWER CHARGES FOR THE  
YEARS 1995 AND 1996, REDUCE THE ACTUAL TAX LEVY ON  
A PIECE OF PROPERTY IN THE TOWN OF ST. ARMAND FOR  
JOHN DUMOVITZ**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisor hereby adopts, pursuant to Real Property Tax Law Section 1182, this Resolution to cancel interest, penalties and tax search charges for the tax years 1995 and 1996 in the Town of St. Armand as follows:

**TOWN OF ST. ARMAND**

<u>Owner</u>	<u>Tax Map #</u>	<u>Account #</u>	<u>Year</u>	<u>Base Amount</u>	<u>Amount to be Cancelled</u>
John Dumovitz	154489	702A101611	1995	\$868.76	\$1,923.97
	13.056-8-7.000				

John Dumovitz 154489 702A101611 1996 \$959.72 \$1,825.49  
 13.056-8-7.000

**Total Amount to be cancelled - \$3,749.46**

**BE IT FURTHER RESOLVED**, that the Board of Supervisors hereby adopts, pursuant to Real Property Tax Law Section 1182, this Resolution reduce the actual tax levy due to overcharges of returned water and sewer charges in the Town of St. Armand for the years of 1995 and 1996 as follows:

**TOWN OF ST. ARMAND**

<u>Owner</u>	<u>Tax Map #</u>	<u>Account #</u>	<u>Year</u>	<u>Base Amount</u>	<u>Amount to be Reduced to</u>
John Dumovitz	154489 13.056-8-7.000	702A101611	1995	\$868.76	\$613.12
John Dumovitz	154489 13.056-8-7.000	702A101611	1996	\$959.72	\$887.36

**Total Amount of Reduction - \$328.00**

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

**AYES: 2,552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

*Resolution No. 163*

*May 4, 2009*  
*Regular Board Meeting*

**RESOLUTION CANCELLING AND WAIVING INTEREST,  
 PENALTIES AND OTHER CHARGES PURSUANT TO REAL  
 PROPERTY TAX LAW SECTION 1182 ON A PIECE OF  
 PROPERTY IN THE TOWN OF CROWN POINT FOR PIERRE  
 CHOQUETTE**

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 Supervisor hereby adopts, pursuant to Real Property Tax Law Section 1182, this Resolution to cancel interest, penalties and tax search charges, so as to collect only the base amount of \$1,919.68 for 2006 taxes on the following property:

**TOWN OF CROWN POINT**

<u>Owner</u>	<u>Tax Map #</u>	<u>Account #</u>	<u>Year</u>	<u>Base Amount</u>	<u>Amount to be Cancelled</u>
Pierre Choquette	152200	585Z001003	2006	\$1,919.68	\$1,116.54
	117.2-1-16.120				

**Total Amount to be cancelled - \$1,116.54**

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

**AYES: 2,552 votes**  
**NOES: 0 votes**  
**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 164**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT**

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 property and necessary.

**WHEREAS**, this board is in receipt of the semiannual Mortgage Tax Report, showing amounts to be credited to each tax district of the county of the money collected during the preceding six months ending March 31, 2009.

**BE IT RESOLVED**, that pursuant to Section 261 of the Tax Law, this Board issue Tax Warrants for the payment to the respective tax districts of the amount so credited as appropriated by the Clerk of the Board, and authorize and direct the County Treasurer to

make payment of said amounts to the respective districts, in accordance with the report, as follows:

<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>	<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>
Chesterfield		North Elba	
Town .....	18,377.01	Town .....	61,276.14
Village (Keeseville) .....	1,597.41	Village (Lake Placid) .....	21,758.87
Crown Point .....	9,267.00	Village (Saranac Lake) .....	2,349.37
Elizabethtown .....	9,545.85	North Hudson .....	5,785.59
Essex .....	3,021.16	St. Armand	
Jay .....	22,069.60	Town .....	8,457.93
Keene .....	19,636.31	Village (Saranac Lake) .....	695.24
Lewis	20,900.12	Schroon .....	18,158.50
Minerva	9,066.93	Ticonderoga .....	29,911.37
Moriah		Westport .....	7,034.76
Town .....	12,244.82	Willsboro .....	33,454.21
Village (Port Henry) .....	2,417.98	Wilmington .....	16,967.97
Newcomb .....	2,991.59		<b>TOTAL:</b> \$336,985.73

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

**Resolution No. 165**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION AMENDING RESOLUTION #207 OF 1967 TO  
ALLOCATE A PORTION OF THE COUNTY'S NET COLLECTIONS  
FROM ITS SALES AND COMPENSATING USE TAXES**

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

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

**BE IT RESOLVED**, that Section 14 of Resolution #207 of 1967, as amended, is amended to read as follows:

SECTION 14. Disposition of revenues.

Net collections distributed to this taxing jurisdiction pursuant to section twelve hundred sixty-one of the tax law of the state of New York shall be disposed as follows:

(a) 100 percent of such monies is hereby set aside for county purposes and shall be available for any county purpose.

(b) Notwithstanding subdivision (a) of this section, for the period beginning January 1, 2010, net collections from sales and compensating use taxes imposed at the rate of one-quarter of one percent shall be allocated, quarterly, as follows:

(1) 50 percent of such monies shall be allocated quarterly to the several towns in the county on the basis of the respective populations of the several towns in the county, determined in

accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county; and

(2) 50 percent of such monies shall be allocated quarterly to the several towns in the county on the basis of the ratio which the full valuation of real property in each town bears to the aggregate full valuation of real property in all of the towns in the county.

The amount allocated to each town shall be applied first to reduce county taxes levied upon real property in such town. Any balance remaining shall then be applied to reduce general town taxes levied upon real property in such town. Any town, by local law, ordinance or resolution, however, may provide that all or any specified part of the amounts which would be so applied to reduce the county taxes and general town taxes levied upon real property in such town shall be paid directly to such town to be used for any town purpose. If any village, by local law, ordinance or resolution shall so provide, the amounts which would be so applied to reduce the county and general town taxes levied upon real property in such village shall be paid directly to such village in lieu of such reduction. Where any village has elected to be paid directly as provided in this subdivision, the amount to be paid to such village shall be determined by the ratio that the full valuation of real property in the village or portion thereof within the town in which such village is located bears to the full valuation of real property in the entire town. If a village wholly or partially within a town has so elected to be paid directly, but the town in which such village is located has not so elected, the amount allocated to the town in which such village is wholly or partially situated shall be applied to reduce county taxes and general town taxes in the area of the town outside such village. If the amount allocated to a town exceeds the amount of the county taxes and general town taxes levied upon real property in the town, the excess shall be apportioned between the town and each village, if any, wholly or partially situated therein, in the ratios that the full valuation of real property in each such village or portion thereof within the town, and the full valuation of real property in the portion of the town outside of such village or villages, respectively, bear to the aggregate full valuation of the entire town. The share of each such village shall be paid directly to such village. The share of the town shall be applied, first, to reduce taxes levied for part-town activities, and any balance remaining shall be paid directly to the town, to be used only for part-town activities. If a town and all the villages therein shall have elected to be paid directly as provided in this subdivision, the share of such town shall be applied to reduce taxes levied for part-town activities, and any balance remaining or portion thereof, in the discretion of the town board, may be applied to reduce general town taxes, county taxes levied in the area of the town outside of such villages or may be used for part-town activities, or any combination thereof.

Any local law, ordinance or resolution enacted by a town or village pursuant to this subdivision shall only be effective for the calendar year or years subsequent to its enactment and, further, shall only be effective if it is mailed by registered or certified mail to the chief fiscal officer of this county before the first day of September preceding the calendar year for which the election is made by such local law, ordinance or resolution. Such local law, ordinance or resolution shall remain in effect for subsequent calendar years until rescinded by local law, ordinance or resolution, but the enactment shall rescind the election only if it is mailed, in the same manner already provided for in this subdivision, to the chief fiscal officer of this county before the first day of September preceding the calendar year for which the rescission is to apply.

(c) As used in this section the following terms shall mean or include:

(1) Net collections. The moneys collected from a tax or taxes imposed pursuant to this

enactment, after deducting therefrom expenses of administration and collection and amounts refunded or to be refunded.

(2) General town taxes. Taxes levied for any town purpose, including highways, upon the entire area of a town.

(3) Full valuation of real property. The assessed valuation of real property divided by the equalization rate as determined in accordance with Article Eight of the New York Real Property Tax Law.

(4) Part-town activities. Activities of town government, including highway programs, which are chargeable to the area of the town outside of villages, exclusive of special district purposes, unless such special district is a fire protection district coterminous with the area of a town outside of villages.

**BE IT FURTHER RESOLVED**, that Resolution #16 of January 5, 2009 is hereby rescinded; and

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

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

**AYES: 2513 votes**

**NOES: 39 votes (Canon)**

**ABSENT: 291 votes (Morrow, Blades)**

**Resolution No. 166**

**May 4, 2009**  
**Regular Board Meeting**

**RESOLUTION OF APPRECIATION TO SENATOR KIRSTIN  
GILLIBRAND AND  
AIDE, LIZA MANZI, FOR SECURING \$580,000 FOR  
ESSEX COUNTY'S RADIO SYSTEM**

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.

**BE IT RESOLVED**, that the Essex County Board of Supervisors wholeheartedly sends their thanks and appreciation to Senator Kirsten Gillibrand and her former Aide, Liza Manzi for recognizing Essex County's need for a new radio system and for securing \$580,000 of stimulus package funding in the COPS Program to be used toward the Essex County Radio System.

**BE IT FURTHER RESOLVED**, that the Essex County Board of Supervisors directs that the Clerk of the Board send a copy of this resolution to Senator Kirstin Gillibrand.

This resolution was unanimously seconded and adopted.



Resolution No. 167

May 4, 2009  
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO THE ESSEX COUNTY DISTRICT ATTORNEY AND THE MEMBERS OF THE BRINGING ESSEX COUNTY STRENGTHS TOGETHER (BEST) PARTNERSHIP FOR THE EXCELLENT JOB THEY DID IN ORGANIZING THIS PROGRAM AND THANK YOU FOR ALL WHO PARTICIPATED IN THE EVENT**

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

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

**WHEREAS**, on April 25, 2009, over 250 students gathered at the Essex County Fairgrounds to participate in the Underage Drinking/Impaired Driving Awareness Walk organized by the Essex County District Attorney and members of the BEST Partnership; and

**BE IT RESOLVED**, that the Essex County Board of Supervisors wishes to congratulate the Essex County District Attorney, Julie Garcia and members of the BEST Partnership for organizing the Underage Drinking/Impaired Driving Awareness Walk and our sincere appreciation to all who participated and volunteered to make this event a success.

This resolution was unanimously seconded and adopted.

Resolution No. 168

May 4, 2009  
Regular Board Meeting

**RESOLUTION OF CONGRATULATIONS TO GOVERNOR DAVID PATERSON FOR ISSUING EXECUTIVE ORDER #17 WHICH WILL EVALUATE THE COST OF MANDATES ON LOCAL GOVERNMENTS PRIOR TO PROPOSING LEGISLATION WHICH WOULD CREATE AN UNFUNDED MANDATE**

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

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

**WHEREAS**, Governor David Paterson has issued Executive Order #17 which established the requirement that all executive agency's evaluate the cost of mandates on local governments before proposing legislation of regulations to slow down the spiraling cost of property taxes by reviewing unfunded mandates.

**BE IT RESOLVED**, that the Essex County Board of Supervisors wishes to congratulate Governor Paterson for issuing Executive Order #17 which will evaluate the cost of mandates on local governments prior to proposing legislation which would create an unfunded mandate; and

**BE IT FURTHER RESOLVED**, that the Clerk of the Board is directed to forward a copy of this resolution to Governor David Paterson, New York Senate Majority Leader Malcolm A. Smith, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, Senator Elizabeth O'C. Little, Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey.

This resolution was unanimously seconded and adopted.

**Resolution No. 169**

**May 4, 2009**

**Regular Board Meeting**

**RESOLUTION OF CONGRATULATIONS TO SCOTT MURPHY ON HIS WIN AS  
CONGRESSMAN OF THE 20<sup>TH</sup> CONGRESSIONAL DISTRICT**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors wishes to congratulate Scott Murphy on being elected as Congressman of the 20<sup>th</sup> Congressional District to fill the vacancy left by Kirstin Gillibrand, and this Board looks forward to working with Congressman Murphy in the future.

This resolution was unanimously seconded and adopted.

**Resolution No. 170**

**May 4, 2009**

**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE COUNTY OF ESSEX TO ENTER  
INTO A CONTRACT BETWEEN ESSEX COUNTY AND ACAP/ONE  
WORK SOURCE FOR THE SUMMER YOUTH EMPLOYMENT  
PROGRAM (SYEP)**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors authorizes its Chairperson and/or County Manager to enter into a contract with ACAP/One Work Source for participation in the Summer Youth Employment Program for all departments and agencies of the County.

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

**Resolution No. 171**

**May 4, 2009**

**Regular Board Meeting**

*RESOLUTION AUTHORIZING THE FILLING OF THE POSITION OF  
DEPUTY DIRECTOR OF EMERGENCY SERVICES AT A YEARLY  
SALARY OF \$55,000*

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 authorizes the filling of the position of Deputy Director of Emergency Services at a yearly salary of \$55,000.00.

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

<b>AYES:</b>	<b>2552</b>	<b>votes</b>	
<b>NOES:</b>	<b>0</b>	<b>votes</b>	
<b>ABSENT:</b>	<b>291</b>	<b>votes</b>	<b>(Morrow, Blades)</b>