Resolution No. 151 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR VARIOUS DEPARTMENTS

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

Upon the recommendation and approval 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 2011 Essex County Budget as follows:

From Human Services Committee:

1. For the Mental Health Department, to increase revenues and appropriations by $6,997.59 from federal salary sharing funds, as follows:

REVENUES

Account Number	Account Name	Amount
4320-44490	Federal Salary Sharing	$6,997.59

APPROPRIATIONS

Account Number	Account Name	Amount
43204-5422	Equipment Repair	$6,997.59

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract with Security Concepts to install access control on doors in the clinic waiting room, at a cost not to exceed $6,997.59.

2. For the Mental Health Department, to increase revenues and appropriations by $2,279.18, from federal salary sharing funds, as follows.

REVENUES

Account Number	Account Name	Amount
4320-44490	Federal Salary Sharing	$2,279.18

APPROPRIATIONS

Account Number	Account Name	Amount
43204-5422	Equipment Repair	$2,279.18

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract with Security Concepts to install panic buttons in offices, at a cost not to exceed $2,279.18.

3. For the Social Services Department, to increase revenues and appropriations by $12,075.00, from federal aid TANF funds for non-residential Domestic Violence Services, as follows.

REVENUES

Account Number	Account Name	Amount
6010 44609	Federal Aid - Admin	$12,075.00

APPROPRIATIONS

Account Number	Account Name	Amount
6109487 5487	Family Assistance	$12,075.00

4. For the Social Services Department, to increase revenues and appropriations by $8,500.00, from state aid funds for Family Assessment Response Families, as follows.

REVENUES

Account Number	Account Name	Amount
6010 43670	State Aid - Serv Rec	$8,500.00

APPROPRIATIONS

Account Number	Account Name	Amount
6070400 5400	Homemaker	$8,500.00

5. For the Transportation Department, to increase revenues and appropriations by $10,848.42, from trade-in value of 2 buses as surplus, as follows.

REVENUES

Account Number	Account Name	Amount
42650	Sale of Scrap & Excess	$10,848.42

APPROPRIATIONS

Account Number	Account Name	Amount
56312 5230	Auto Equipment	$10,848.42

From the DPW Committee:

1. For the DPW-Highway, to increase revenues and appropriations by $915.40, payment for damage by a private citizen to a Horace Nye Home vehicle, as follows:

REVENUES

Account Number	Account Name	Amount
5130 4265520	Reimbursement	$915.40

APPROPRIATIONS

Account Number	Account Name	Amount
51304.5441	Auto Supplies & Repair	$915.40

From Ways & Means Committee:

1. For the Public Health Department, to increase revenues and appropriations by $72,875.00 from Community Health grant, as follows:

REVENUES

Account Number	Account Name	Amount
4199 4340191	Community Health Grant	$72,875.00

APPROPRIATIONS

Account Number	Account Name	Amount
41994.5410CS	Supplies	$47,000.00
41994.5410	Office Supplies	2,000.00
41994.5420	Printing	1,000.00
41994.5452	Other Supplies	21,675.00
41994.5443	Travel	200.00
41994.5497	Mileage	1,000.00
		$72,875.00

2. For the Enhanced 911 Department, to increase revenues and appropriations by $20,063.00 from grant for Local Enhanced Wireless 911 program, as follows:

REVENUES

Account Number	Account Name	Amount
433893	Local Enhanced Wireless 911 grant	$20,063.00

APPROPRIATIONS

Account Number	Account Name	Amount
39004-5400911	Local Enhanced Wireless	$20,063.00

3. For the District Attorney, to increase revenues and appropriations by $14,809.00, from video and interrogation grant for Moriah and Ticonderoga police departments, as follows:

REVENUES

Account Number	Account Name	Amount
443893	Video & Interrogation grant	$14,809.00

APPROPRIATIONS

Account Number	Account Name	Amount
11654 5220BYRN	Byrne grant	$14,809.00

4. For the Mental Health Department, to increase revenues and appropriations by $16,547.00 - federal Medicaid salary sharing funds; as follows:

REVENUES

Account Number	Account Name	Amount
4320 44490	Fed Aid Mental Health	$16,547.00

APPROPRIATIONS

Account Number	Account Name	Amount
43202-5230	Auto Equipment	$16,547.00

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract for the purchase of a 2012 Ford Fusion, at a cost of $16,547.00, from budgeted funds.

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

AYES: 1864 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)
ABSTAIN: 347 votes (Morrow, Hatch)

Resolution No. 152 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE HORACE NYE HOME, AS SUBMITTED ON REQUEST FORMS DATED MAY 6, 2011, TOTALING $40,652.00, WITH FUNDS TO COME FROM RESERVE ACCOUNT A3546

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the purchase of equipment for the Horace Nye Home totaling $40,652.00, with such funds to come from Reserve Account A3546.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 153 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO PURCHASE A NEW VEHICLE FROM STATE CONTRACT FOR THE CERTIFIED HOME HEALTH AGENCY (CHHA) IN AN AMOUNT NOT TO EXCEED $16,089.00, AUTHORIZING A BUDGET AMENDMENT BY INCREASING REVENUES AND APPROPRIATIONS BY $16,089.00 - STATE AID

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

Upon the approval and 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, that the Essex County Board of Supervisors hereby authorizes the purchase by Essex County on behalf of the Public Health Department of a new vehicle for CHHA from state contract in an amount not to exceed $16,089.00 from the herein below funding source, and

WHEREAS, the Essex County Board of Supervisors hereby amends the 2011 Essex County Budget by increasing revenues and appropriations by $16,089.00 - state aid funds, as follows:

REVENUES

Account Number	Account Name	Amount
4181.5110	State Aid	$16,089.00

APPROPRIATIONS

Account Number	Account Name	Amount
41892.5230	Auto Equipment	$16,089.00

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Public Health Department to purchase a vehicle for CHHA from state contract in an amount not to exceed $16,089.00; and

BE IT FURTHER RESOLVED, that this Board further authorizes a budget transfer of $16,089.00 from state aid funds for the purpose of this purchase.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 154 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING EMERGENCY SERVICES TO APPLY FOR AND ACCEPT A LOCAL EMERGENCY PLANNING COMMITTEE GRANT

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes Emergency Services to apply for and accept a Local Emergency Planning Committee Grant for FY 18.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes

Resolution No. 155 ***June 7, 2011***
Regular Board Meeting

RESOLUTION APPOINTING HERB CLARK OF THE WESTPORT FIRE DEPARTMENT AS A DEPUTY FIRE COORDINATOR AND CARETAKER OF AIR ONE

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby appoints Herb Clark of the Westport Fire Department as a Deputy Fire Coordinator and caretaker of Air One to replace Jack Napper, who retired recently.

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

Resolution No. 156 ***June 7, 2011***

Regular Board Meeting

RESOLUTION SUPPORTING THE RECOMMENDATION OF LETTERING THE WORDS " IN MEMORY OF SHERIFF HENRY HOMMES" OVER THE GABLE END OF THE PUBLIC SAFETY BUILDING

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby supports the recommendation of lettering the words, "In Memory of Sheriff Henry Hommes" over the gable end of the Public Safety Building, at no cost to Essex County.

This resolution was unanimously seconded, and duly adopted.

Resolution No. 157 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING TO AWARD AN EMERGENCY REPAIR CONTRACT TO A.P. REALE & SON FOR FLOOD DAMAGE REPAIRS, FUNDS TO COME FROM UNAPPROPRIATED FUND BALANCE

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

Upon the recommendation of the DPW Committee, and 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 Chairman or County Manager to execute an emergency contract with A.P. Reale & Son for emergency repairs to numerous roads throughout Essex County due to flood damage, and upon the approval by the County Attorney, which funds are to come from unappropriated fund balance.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 158

June 7, 2011
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO SOLICIT AND/OR ACCEPT PROPOSALS AND/OR BIDS AND TO AWARD THE ENGINEERING, ACQUISITION OF TEMPORARY EASEMENTS, AND CONSTRUCTION OF A TEMPORARY BRIDGE ADJACENT TO THE FLOOD DAMAGED SPRAGUE MILL BRIDGE (BIN 3301810) ON ENSIGN POND ROAD, COUNTY ROUTE 4, IN THE TOWN OF MORIAH, WITH ENGINEERING COSTS ESTIMATED AT $9,750.00 AND CONSTRUCTION COSTS ESTIMATED AT $50,000.00, WITH THE FUNDING TO COME FROM THE UNAPPROPRIATED FUND BALANCE

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to solicit and/or accept proposals and/or bids and to award the engineering, acquisition of temporary easements, and the construction of a temporary bridge adjacent to the flood damaged Sprague Mill Bridge (BIN 3301810) on Ensign Pond Road, County Route 4, in the Town of Moriah, with engineering costs estimated at $9,750.00 and construction costs estimated at $50,000.00, with the funding to come from the unappropriated fund balance, it being understood that construction, engineering and easement costs for the temporary bridge will be reimbursed at 100% from Federal Highway Administration funds.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract upon the approval of the County Attorney of the awarded proposal and/or bid.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 159 **June 7, 2011**
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO SOLICIT AND/OR ACCEPT PROPOSALS AND/OR BIDS AND TO AWARD THE ENGINEERING AND CONSTRUCTION OF A PERMANENT BRIDGE REPLACING THE FLOOD DAMAGED SPRAGUE MILL BRIDGE (BIN 3301810) ON ENSIGN POND ROAD, COUNTY ROUTE 4, IN THE TOWN OF MORIAH, WITH ENGINEERING COSTS ESTIMATED AT $39,900.00 AND CONSTRUCTION COSTS ESTIMATED AT $500,000.00, WITH FUNDING TO COME FROM THE UNAPPROPRIATED FUND BALANCE

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to solicit and/or accept proposals and/or bids and to award the engineering and construction of a permanent bridge replacing the flood damaged Sprague Mill Bridge (BIN 3301810) on Ensign Pond Road, County Route 4, in the Town of Moriah, with engineering costs estimated at $39,900.00 and construction costs estimated at $500,000.00, with the funding to come from the unappropriated fund balance, it being understood that construction and engineering costs for the permanent bridge will be reimbursed at 80% from Federal Highway Administration funds.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to execute a contract upon the approval of the County Attorney of the awarded proposal and/or bid.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 160

June 7, 2011
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF CARPET FOR SOCIAL SERVICES IN THE AMOUNT OF $8,000.00, WITH SUCH FUNDS TO COME FROM THE RESERVE FUND

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the purchase and installation of carpet for Social Services in the amount of $8,000.00, with such funds to come from the reserve fund.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 161

June 7, 2011
Regular Board Meeting

RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS-HIGHWAY TO DEMOLISH THE DAIRY BARN AT THE ESSEX COUNTY FAIRGROUNDS, PRIOR TO FAIR TIME, DUE TO SIGNIFICANT DISREPAIR AND SNOW DAMAGE

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

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

WHEREAS, the dairy barn has suffered substantial snow damage and is in significant disrepair; and

WHEREAS, the current condition of the dairy barn poses significant safety risks.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Department of Public Works-Highway to demolish the dairy barn at the Essex County Fairgrounds, prior to Fair time, due to significant disrepair and snow damage.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 162

June 7, 2011
Regular Board Meeting

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD AND/OR COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH PROACT, INC., FOR PRESCRIPTION DRUG DISCOUNT SERVICES TO ESSEX COUNTY RESIDENTS

The following resolution was offered by Supervisor Dobie, 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, any resident of the County, regardless of age or income can participate in the PRO ACT, Inc. prescription drug discount program; and

WHEREAS, the program is available at no cost to the County and no cost to the participants; and

WHEREAS, the discount card can be used at any pharmacy in the area and nationwide; and

WHEREAS, the program covers all prescription medications.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman of the Board and/or County Manager to execute an agreement with PRO ACT, Inc., for prescription drug discount services to Essex County residents upon the approval of the County Attorney.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 163 ***June 7, 2011***
Regular Board Meeting

RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT

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 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, 2011.

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:

TOWNS / VILLAGES	AMOUNT	TOWNS / VILLAGES	AMOUNT
Chesterfield		North Elba	
Town	9,532.85	Town	79,507.76
Village (Keeseville)	668.84	Village (Lake Placid)	29,633.26
Crown Point	7,771.28	Village (Saranac Lake)	3,177.37
Elizabethtown	10,642.85	North Hudson	7,621.79
Essex	5,664.63	St. Armand	
Jay	23,404.53	Town	13,784.36
Keene	6,078.58	Village (Saranac Lake)	1,101.73
Lewis	9,669.51	Schroon	27,920.35
Minerva	7,687.41	Ticonderoga	59,065.41
Moriah		Westport	12,881.26
Town	11,034.63	Willsboro	20,032.99
Village (Port Henry)	2,138.71	Wilmington	15,103.95
Newcomb	3,976.30	***TOTAL:***	$368,100.35

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

Resolution No. 164

June 7, 2011
Regular Board Meeting

RESOLUTION RECOMMENDING NO CHANGES IN THE EXISTING ENABLING LEGISLATION FOR HOTEL/MOTEL TAX IN AS FAR AS THE FUNDING GOES

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby recommends no changes in the existing enabling legislation for Hotel/Motel Tax in as far as the funding goes.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 165 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING THE COUNTY PURCHASING AGENT TO GO TO BID AND AWARD FOR A TIMBER SALE IN THE TOWN OF LEWIS

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Purchasing Agent to go to bid and award for a timber sale at Thrall Dam Park, Route 9, Town of Lewis, as a third cutting.

This resolution was duly seconded by Supervisors Connell and Morency, and adopted.

Resolution No. 166 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING AN INTER-MUNICIPAL AGREEMENT WITH WARREN COUNTY FOR BOAT PATROL LAW ENFORCEMENT SERVICES ON SCHROON LAKE FOR A THREE YEAR PERIOD TO END DECEMBER 31, 2013

The following resolution was offered by Supervisor 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, the Town of Schroon desires to have a boat patrol law enforcement service on Schroon Lake; and

WHEREAS, Warren County provides such services on Schroon Lake; and

WHEREAS, such services will promote the health, safety and welfare of persons using Schroon Lake.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes an inter-municipal agreement with Warren County for boat patrol law enforcement services on Schroon Lake for a three year period to end on December 31, 2013.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 167 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO AWARD INDIVIDUAL MINI-GRANTS TO ESSEX COUNTY TOWNS OR HEALTH AND HUMAN SERVICE ORGANIZATIONS REQUESTING FUNDS TO PURCHASE SUPPLIES OR SERVICES TO PROMOTE PHYSICAL ACTIVITY OR NUTRITION FOR ESSEX COUNTY RESIDENTS, WITH THE TOTAL FOR ALL MINI-GRANTS TO BE NO GREATER THAN $37,000.00, WITH SUCH FUNDS TO COME FROM CREATING HEALTHY PLACES GRANT FROM NEW YORK STATE DEPARTMENT OF HEALTH

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Public Health Department to award individual mini-grants to Essex County Towns or Health and Human Services Organizations requesting funds to purchase supplies or services to promote physical activity or healthy nutrition for Essex County residents, with the total for all mini-grants not to exceed $37,000.00, with such funds to come from Creating Healthy Places grant from NYS Department of Health.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 168 ***June 7, 2011***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS AND APPRECIATION TO LEROY "JELL" VANDERHOOF FOR 55 YEARS OF SERVICE TO THE PORT HENRY FIRE DEPARTMENT

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

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

WHEREAS, Leroy Vanderhoof is celebrating 55 years of volunteer service to the Port Henry Fire Department and the Essex County Board of Supervisors would like to congratulate him on his many years of diligent service to the Port Henry Fire Department.

BE IT RESOLVED that the Essex County Board of Supervisors hereby congratulates and commends Leroy Vanderhoof on the celebration of 55 years as a volunteer fireman for the Port Henry Fire Department.

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 Leroy Vanderhoof.

This resolution was unanimously seconded and adopted.

Resolution No. 169 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING THE EXPENDITURE OF $2,500.00 TO THE LAKE GEORGE ASSOCIATION TO HELP COMBAT THE ASIAN CLAM PROBLEM, WITH SUCH FUNDS TO BE APPROPRIATED FROM THE CONTINGENCY ACCOUNT

The following resolution was offered by Supervisor Morrow, 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 the expenditure of $2,500.00 to the Lake George Association to help combat the Asian Clam problem, with such funds to be appropriated from the contingency account.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 1/1/11:	$300,000.00
Reduction Impact of this resolution:	$ 2,500.00
FY2011 Contingent Account Balance:	$297,500.00

Resolution No. 170 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING THE APPOINTMENT OF KATHY DAGGETT AS INTERIM PUBLIC HEALTH DIRECTOR AT A SALARY OF $73,000.00, EFFECTIVE JUNE 7, 2011

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.

WHEREAS, Essex County is in the process of hiring a full-time Public Health Director and until such time a replacement is hired, Public Health would require the County to appoint an interim Public Health Director.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Public Health Department to appoint Kathy Daggett as Interim Public Health Director at a salary of $73,000.00, effective June 7, 2011.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 171

June 7, 2011
Regular Board Meeting

RESOLUTION OF APPRECIATION AND RECOGNITION TO MEGAN BADGER FOR DESIGNING THE T-SHIRT LOGO FOR THE CARE FAIR / BEST WALK

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

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

BE IT RESOLVED, that the Essex County District Attorney's office, the Community Resource Department/Youth Bureau, as well as the Essex County Board of Supervisors, wishes to thank Megan Badger and recognize her for designing the t-shirt logo for the 2011 CARE Fair and BEST Walk held at the Essex County Fairgrounds on May 21, 2011.

This resolution was unanimously seconded, and adopted.

Resolution No. 172

June 7, 2011
Regular Board Meeting

RESOLUTION AUTHORIZING AN AMENDMENT TO CURRENT CONTRACT WITH SECURITY CONCEPTS TO INCREASE CONTRACT AMOUNT BY $25,000.00 FOR EMERGENCY REPAIR TO CORRECT A NON-FUNCTIONING CALL LIGHT/BELL SYSTEM

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to amend the current contract with Security Concepts to increase contract amount by $25,000.00 for emergency repair to correct a non-functioning call light/bell system at the nursing home, with such funds to be transferred from the A3546 reserve account into Account #E83502-5E34 - HNH Equipment, upon the approval of the County Attorney.

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

AYES:	**2017**	**votes**	
NOES:	**0**	**votes**	
ABSENT:	**632**	**votes**	**(Montgomery-Corey, Canon, Moses, Malaney)**
ABSTAIN:	**194**	**votes**	**(Morrow)**

Resolution No. 173 ***June 7, 2011***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO SUPERVISOR BLADES FOR WINNING THE BEST WALK EVENT AT THE FAIRGROUNDS ON MAY 21, 2011

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

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

BE IT RESOLVED, the Essex County Board of Supervisors hereby congratulates Supervisor Blades for winning the BEST Walk event on the fairgrounds on May 21, 2011.

This resolution was unanimously seconded and duly adopted.

Resolution No. 174 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING GIRVIN & FERLAZZO TO HIRE AN EXPERT FOR ASSISTANCE IN THE COUNTY'S LITIGATION WITH O'CONNELL ELECTRIC AND TOUGHER INDUSTRIES AT A RATE NOT TO EXCEED $90,000.00, WITH FUNDS TO COME FROM THE JAIL PROJECT ACCOUNT

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

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

WHEREAS, Essex County is currently involved in a lawsuit with O'Connell Electric and Tougher Industries relative to alleged delay and cost overruns incident to the construction of the new Essex County Jail; and

WHEREAS, it is necessary for Essex County to obtain the services of a trial expert to advise the County relative to the various claims of O'Connell Electric and Tougher Industries; and

WHEREAS, mediation in this matter has been set for the end of June.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes it Chairperson, County Manager or the Law Firm of Girvin & Ferlazzo to enter into a contract with a construction expert at a rate not to exceed $90,000.00, with such funds to come from Jail Project Account.

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

AYES: 2058 votes
NOES: 153 votes (Hatch)
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 175 ***June 7, 2011***
Regular Board Meeting

RESOLUTION REQUESTING THE UNITED STATES POSTAL SERVICE OPEN A LINE OF COMMUNICATION WITH TOWN OFFICIALS CONCERNING CLOSURE AND/OR RELOCATION OF POST OFFICES IN ESSEX COUNTY, NY

The following resolution was offered by Supervisor Ferebee, 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, it is a concern in the general public that when a Post Master leaves or retires that the post office is considered for closure; and

WHEREAS, if a private contractor is not solicited to open a contract post office when a lease expires then the Postal Service fails to communicate with the town officials regarding the relocation or closing.

BE IT RESOLVED, the Essex County Board of Supervisors is requesting the United States Postal Service to open appropriate lines of communication with Town Officials concerning such closure and/or relocation of Post Offices within Essex County, New York; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to Congressman William Owens, Congressman Chris Gibson, US Senator Charles Schumer, US Senator Kirsten Gillibrand, Governor Andrew Cuomo, Senator Elizabeth O'C. Little, Assemblywoman Teresa R. Sayward, Assemblywoman Janet Duprey and the United States Postal Service.

This resolution was unanimously seconded, and adopted.

Resolution No. 176 ***June 7, 2011***
Regular Board Meeting

RESOLUTION REQUESTING INTRODUCTION OF LEGISLATION TO ALLOW ASSESSMENT REDUCTION FOR PROPERTY'S THAT RECEIVED AT LEAST 50% DAMAGE FROM THE RECENT FLOOD WITH REIMBURSEMENT TO COME THROUGH THE STATE OF NEW YORK FOR THE LOSS OF TAX REVENUE

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, taxable status date is March 1st of each year; with it being unlawful for Boards of Assessment Review to consider any assessment changes that occur after March 1st for that years assessment roll; and

WHEREAS, on April 27, 2011, Essex County issued a Proclamation of Local State of Emergency due to unexpected and severe widespread flooding of rivers, streams and lakes which began on April 26, 2011, causing unsafe road conditions, ground saturation and rotational slumps threatening persons and property causing upwards of $2.2 million in damage; and

***WHEREAS*,** if requested, State Legislation can allow assessment reduction for property's that received at least 50% in damages from the natural disaster which occurred or began on April 26, 2011, based upon assessed value from a flood event, and reimburse for the loss of tax revenue; and

WHEREAS, the North Country Flood Assessment Relief Act of 2005 and 2007 allowed catastrophically impacted property by a flood to receive relief under specific criteria.

BE IT RESOLVED, the Essex County Board of Supervisors is requesting that Senator Little and Assemblywoman Sayward introduce legislation to allow assessment reduction for property's that receive at least 50% in damages from the natural disaster which occurred or began on April 26, 2011, based upon assessed value from the recent flood with reimbursement to come through the State of New York for the loss of tax revenue; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Senator Elizabeth O'C. Little and Assemblywoman Teresa R. Sayward.

This resolution was seconded by Supervisors Boisen and Ferebee, and adopted, as amended, with Supervisor Hatch opposed.

Resolution No. 177 ***June 7, 2011***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO TICONDEROGA FIRE COMPANY #1 FOR TWENTY YEARS OF EXEMPLARY SERVICE AND FOR OPENING THEIR NEW MUSEUM

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, Ticonderoga Fire Company #1 has provided twenty years of commendable service to the community; and

WHEREAS, Ticonderoga Fire Company #1 recently opened a new museum.

BE IT RESOLVED, the Essex County Board of Supervisors hereby congratulates the Ticonderoga Fire Company #1 for twenty years of exemplary service and for opening their new museum.

This resolution was unanimously seconded and duly adopted.

Resolution No. 178 ***June 7, 2011***
Regular Board Meeting

RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE SHERIFF'S DEPARTMENT

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.

From the Regular Board Meeting:

1. For the Sheriff's Department, to increase revenues and appropriations by $54,145.00 from a Homeland Security grant, as follows:

REVENUES

Account Number	Account Name	Amount
44964	Homeland Security Grant	$54,154.00

APPROPRIATIONS

Account Number	Account Name	Amount
31502.5230	Auto Equipment	$54,154.00

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 179 **June 7, 2011**
Regular Board Meeting

RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY MANAGER TO SEEK AN INTER-MUNICIPAL AGREEMENT WITH THE FRANKLIN COUNTY SOLID WASTE MANAGEMENT AUTHORITY FOR LONG TERM DISPOSAL OF ESSEX COUNTY'S SOLID WASTE

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, a County wholly contained within the Adirondack Park; and

WHEREAS, the State of New York does not permit landfills within the Adirondack Park, therefore it is necessary for Essex County to transport or cause to be transported all of the solid waste generated within the County; and

WHEREAS, the solid waste currently generated within Essex County is now being transported to the Franklin County landfill and the County of Franklin Solid Waste Management Authority is developing a long term expansion plan for its landfill operations and is desirous of having an inter-municipal agreement with Essex County so as to determine its waste stream over the course of its planned initial footprint expansion; and

WHEREAS, the County of Franklin is willing to extend the current $50.00 per ton tipping fees over the anticipated twenty (20) year life of such footprint based upon an mutually agreeable plan; and

BE IT RESOLVED, the Essex County Manager is authorized and directed to begin negotiations with the Franklin County Solid Waste Management Authority for such long term disposal plan; and

BE IT FURTHER RESOLVED, that such agreement shall be subject to final approval by resolution of this Board after review and approval of the County Attorney to assure adherence to all Federal, State and County rules and regulations relative to solid waste disposal within Essex County, the Adirondack Park and the State of New York.

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

AYES: 2211 votes
NOES: 0 votes
ABSENT: 632 votes (Montgomery-Corey, Canon, Moses, Malaney)

Resolution No. 180 ***June 7, 2011***
Regular Board Meeting

RESOLUTION INTRODUCING
PROPOSED LOCAL LAW NO. 2 OF 2011
CONTINUING THE IMPOSITION OF A HOTEL AND MOTEL
OCCUPANCY TAX

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 2 of 2011, continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999, and continued by Local Law No. 7 of 2002, and by Local Law No. 4 of 2005, and by Local Law No. 3 of 2008, the same to read and provide as follows:

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 2 OF 2011

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

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

ESSEX COUNTY ROOM OCCUPANCY TAX LAW

Section

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

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

Section 1. Title & Statement of Intent.

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

Section 2. Definitions.

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

(a) *County* - Essex County, New York.

(b) *Effective Date* - the date set forth in Section 28 of this local law.

(c) *Hotel or Motel* - Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

(d) *Occupancy* - The use of possession, or the right to the use or possession, of any room in a hotel or motel.

(e) *Occupant* - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

(f) *Operator* - Any person operating a hotel or motel in Essex County including but not limited to the owner, proprietor, lessee, sub-

lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

(g) *Permanent Resident* - Any person occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days.

(h) *Person* - An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited or limited liability partnership, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.

(i) *Rent* - The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise.

(j) *Return* - Any return filed or required to be filed as herein provided.

(k) *Room* - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.

(l) *Tax Imposition Date* - the date set forth in Section 3 of this local law.

(m) *Treasurer* - The Essex County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.

Section 3. Imposition of Tax.

Upon expiration of Local Law No. 3 of 2008 there shall continue to be, and hereby is, imposed and there shall be paid a tax of three percent (3%) of the per diem rental rate for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 4. Transitional Provisions.

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

Section 5. Exempt organizations.

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

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

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

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

Section 6. Territorial limitations.

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

Section 7. Registration.

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

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

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

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

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

Section 8. Administration and collection.

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

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

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

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

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

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

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

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

(1) a copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to section five of this local law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that

(i) the occupant is a duly authorized agent, representative or employee of the exempt organization,

(ii) the occupant's occupancy is paid or to be paid by such exempt organization, and

(iii) the occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or

(2) a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

Section 9. Records to be kept.

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

(b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 10. Returns.

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

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

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

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

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

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

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

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

Section 11. Payment of Tax.

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

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

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

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

Section 12. Bonds & Security For Payment of Tax.

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

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

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

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

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

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

(2) cash in such amount as the Treasurer may prescribe, with such cash to be deposited and kept in the custody of the Treasurer.

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

Section 13. Determination of tax.

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

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

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

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

(1) within thirty (30) days after the issuance of the notice of such determination the person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or

(2) the Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.

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

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

(1) where no return has been filed as provided by this local law the tax may be assessed at any time; and/or

(2) where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period or any extension(s) thereof.

Section 14. Refunds.

(a) In the manner provided in this section the Treasurer shall refund or credit,

without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided that written application for such refund shall be made to the Treasurer within one year from the payment thereof.

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

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

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

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

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

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

Section 15. Disposition of Revenues.

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

(1) shall retain five per cent (5%) of the gross revenues to cover the County's costs for administration and collection; and

(2) endeavor to expend the revenues in such fund in a manner reasonably intended to publicize the areas within the County commensurate with the amount of revenues generated from such areas.

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

(1) dissolves, or

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

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

Section 16. Reserves.

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

Section 17. Remedies exclusive.

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

Section 18. Proceedings to recover tax.

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

(b) Notwithstanding any other provision of this section, if the Treasurer in his discretion believes that any such operator, occupant or other person is about to cease

business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

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

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

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

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

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

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

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

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

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

(2) for failure to comply with the provisions of this paragraph, including but not limited to subdivision (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law;

(3) whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by subdivision (1) of this paragraph, or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor, and shall withhold any such sums of money, property or choses in action, or other consideration, to the extent of the amount of the County's claim;

(4) within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the County;

(5) whenever the Treasurer shall fail to give the notice required by subdivision (4) of this paragraph, within fifteen (15) days from receipt of notice of the sale, transfer and assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser,

transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;

(6) upon receipt of the Treasurer's notice issued pursuant to subdivision (4) above stating the total amount of the County's claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of subdivision (3) of this paragraph, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.

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

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

Section 19. General powers of the Treasurer.

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

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(b) To extend for cause shown the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the tax commission of the state of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;

(d) To delegate his functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the county to keep detailed records of the nature and type of hotel or motel maintained. nature and type of service rendered, the rooms available and rooms occupied daily, lease's or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

Section 20. Administration of Oaths and Compelling Testimony.

(a) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(b) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(c) A justice of the supreme court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

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

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

Section 21. Reference to tax.

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

Section 22. Penalties, Interest & Violations.

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

(1) a penalty of five per centum (5%) of the amount of tax due; plus

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

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

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

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

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

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

(1) failing to file a return required by this local law,

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

(3) wilfully failing to file a bond required to be filed pursuant to this local law,

(4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require,

(5) failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law,

(6) assigning or transferring such a certificate of authority,

(7) wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator,

(8) wilfully failing or refusing to collect any tax imposed by this local law from the occupant,

(9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law, or

(10) failing to keep or maintain the records required by this local law.

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

Section 23. Judicial Review.

Any final determination of the amount of any tax payable pursuant to this local law,

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

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

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

Section 24. Returns to be secret.

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

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

(2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the

provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

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

(1) the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law, or

(2) the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or

(3) the inspection by the county attorney or other legal representatives of the county, or by the district attorney of any county, of the return(s) of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

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

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

Section 25. Notices and Limitations of Time.

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

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

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

notice.

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

Section 26. Limitation of Effect of Local Law.

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

Section 27. Separability.

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

Section 28. Effective Date.

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

AND BE IT FURTHER RESOLVED that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on June 27, 2011, at 10:00 a.m. of that day, to hear any and all persons concerning the same.

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

AYES:	**2211**	**votes**
NOES:	**0**	**votes**
ABSENT:	**632**	**votes**

Resolution No. 181 ***June 7, 2011***
TABLED ***Regular Board Meeting***

RESOLUTION AUTHORIZING PAYMENT TO GIRVIN & FERLAZZO, P.C. IN AN ADDITIONAL AMOUNT NOT TO EXCEED THE SUM OF $50,000.00 FOR LEGAL SERVICES RELATIVE TO DELAY CLAIMS AGAINST THE COUNTY WITH RESPECT TO THE CONSTRUCTION OF THE ESSEX COUNTY JAIL/PUBLIC SAFETY BUILDING

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, pursuant to Resolution 404 of December, 2008, the County of Essex appropriated the sum of $7,500.00 for the purposes of defending delayed claims with respect to the Essex County Jail/Public Safety Building and for the hiring of outside counsel; and

WHEREAS, the said sum of $7,500.00 has been totally expended; further bills totaling the sum of $3,256.50 have been paid pursuant to Resolution 198 of June, 2010 and the sum of $10,000.00 pursuant to Resolution 283 of September, 2010, and additional amounts totaling $9,894.50 are and will be currently outstanding.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the further payment to Girvin & Ferlazzo, P.C. in a sum not to exceed $50,000.00 relative to Tougher Industries delayed claims and O'Connell Electric delayed claims, which monies are to come from Contingency Account #19104-5487 into County Attorney Account 14204-5433 for legal fees and services.

This resolution was duly seconded by Supervisor Blades, and ***tabled,*** upon a motion by Supervisor Scozzafava, seconded by Connell.

Resolution No. 182 ***June 7, 2011***

Regular Board Meeting

RESOLUTION AUTHORIZING TO ERECT AND INSTALL TWO MONUMENTS ON EACH SIDE OF THE ORIGINAL MONUMENT AT THE PUBLIC SAFETY BUILDING IN DEDICATION TO LAW ENFORCEMENT OFFICIALS, EMERGENCY SERVICES AND FIRE PERSONNEL THAT HAVE DIED IN THE LINE OF DUTY WHILE PROTECTING ESSEX COUNTY RESIDENTS, ON LEFT SIDE A MONUMENT LISTING THE NAMES OF LAW ENFORCEMENT OFFICIALS AND ON THE RIGHT SIDE A MONUMENT LISTING THE NAMES OF EMERGENCY SERVICES AND FIRE PERSONNEL, ALL COSTS ASSOCIATED WILL BE PAID FROM DONATED MONEY

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes to erect and install two monuments on each side of the original monument at the Public Safety Building in dedication to law enforcement officials, emergency services and fire personnel that have died in the line of duty while protecting Essex County residents, on the left side a monuments listing the names of law enforcement officials and on the right side a monument listing all emergency services and fire personnel; and

BE IT FURTHER RESOLVED, that all costs associated will be paid from donated money.

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

Resolution No. 183 ***June 7, 2011***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO NICK GILBO OF MORIAH CENTRAL SCHOOL AND FORREST MORGAN OF SARANAC LAKE HIGH SCHOOL ON BEING CHOSEN TO PLAY ON THE NEW YORK STATE ALL-STAR HIGH SCHOOL FOOTBALL TEAM

The following resolution was offered by Supervisors Scozzafava and Politi, who moved its adoption.

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

WHEREAS, it has come to the attention of this Board of Supervisors that Nick Gilbo of Moriah Central School and Forrest Morgan of Saranac Lake High School were chosen to play on the New York State All-Star High School Football Team; and

WHEREAS, on June 5, 2011, the All-Star football game was played in Syracuse, at the Carrier Dome.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate Nick Gilbo and Forrest Morgan on being chosen to play on the New York State All-Star High School Football Team representing the best of the best in New York State and the North Country and for their impressive football accomplishments; and

BE IT FURTHER RESOLVED, that this Board appreciates all the hard work, dedication and sportsmanship of Nick Gilbo and Forrest Morgan and wish them best of luck in all their future endeavors.

This resolution was unanimously seconded and adopted.

Resolution No. 184 ***June 7, 2011***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO JOHN HICKEY FROM AUSABLE VALLEY CENTRAL SCHOOL ON BEING NAMED 2011 SECTION VII GOLF CHAMPION AND PARTICIPATING IN THE STATE TOURNAMENT

The following resolution was offered by Supervisors Douglas and Morrow, who moved its adoption.

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

WHEREAS, it has come to the attention of this Board of Supervisors that John Hickey of AuSable Valley Central School has been named Section VII golf champion for 2011 and for participating in the NYS golf tournament; and

WHEREAS, John Hickey is the grandson of Archie Depo, an employee for Essex County Department of Public Works - Buildings and Grounds; and

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extends their heartiest congratulates to John Hickey from AuSable Valley Central School on being named Section VII golf champion for 2011, and for participating in the NYS golf tournament; and

BE IT FURTHER RESOLVED, that this Board appreciates all the hard work, dedication and sportsmanship of John Hickey and wishes him all the best in his future endeavors.

This resolution was unanimously seconded and adopted.

Resolution No. 185 ***June 7, 2011***
Regular Board Meeting

RESOLUTION OF APPRECIATION AND RECOGNITION TO TERRY CROWNINGSHIELD OF ELIZABETHTOWN-LEWIS CENTRAL SCHOOL ON HER BEING SELECTED AS THE NEW YORK STATE ART TEACHER OF THE YEAR FOR 2011

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, it has come to the attention of this Board of Supervisors that Terry Crowningshield of Elizabethtown-Lewis Central School has been selected the New York State 2011 Art Teacher of the Year; and

WHEREAS, Ms. Crowningshield has been an Art Teacher at Elizabethtown-Lewis Central School for several years and has dedicated herself to her students and has instilled them with an appreciation and enthusiasm for art.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extends their heartiest congratulations to Terry Crowningshield of Elizabethtown-Lewis Central School on being selected New York State Art Teacher of the Year for 2011; and

BE IT FURTHER RESOLVED, that this Board hereby extends their appreciation and recognition to Terry Crowningshield for all of her hard work and dedication to the students of Elizabethtown-Lewis Central School.

This resolution was unanimously seconded and adopted.