

**RESOLUTION ADOPTING PROPOSED LOCAL LAW  
NO. 5 OF 2012 ENTITLED "A LOCAL LAW TO  
OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW §3-C"**

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

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

**WHEREAS**, by Resolution No. 288 duly adopted on November 5, 2012 the County of Essex introduced Local Law No. 5 for 2012, entitled "A Local To Override the Tax Levy Limit Established in General Municipal Law §3-c"; and

**BE IT RESOLVED**, that a Public Hearing was duly held on the 26th day of November, 2012 at 6:45 o'clock in the afternoon to hear any and all persons concerning the adoption of said local law; and

**BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 5 of 2012 entitled "Local Law No. 5 - A Local To Override the Tax Levy Limit Established in General Municipal Law §3-c", reading and providing as follows:

**"ESSEX COUNTY LOCAL LAW NO. 5 OF 2012"**

A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c.

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

**Section 1. Legislative Intent.**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the County of Essex pursuant to General Municipal Law §3-c, and to allow the County of Essex to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law §3-c.

**Section 2. Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which

expressly authorizes the Board of Supervisors to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Board of Supervisors.

**Section 3. Tax Levy Limit Override - Budget Authorization.**

The Board of Supervisors of the County of Essex hereby overrides the tax levy limit for Essex County for 2013 and authorizes Essex County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Section 5. Effective Date**

This local law shall take effect immediately.

This resolution was duly seconded by Supervisor Bartley, and **defeated** upon a **SIXTY PERCENT** roll call vote as follows:

**AYES: 1098 votes (Morrow, Harrington, Bartley, Ferebee, Blades, Montgomery-Corey, Canon, Moore, Marnell, Malaney, Connell)**  
**NOES: 1128 votes (Boisen, Douglas, Scazzafava, Politi, Hatch, Preston)**  
**VACANT: 97 votes (St. Armand)**

**RESOLUTION ADOPTING THE 2013 TENTATIVE ESSEX  
COUNTY BUDGET, AS AMENDED, AS THE 2013 ESSEX  
COUNTY BUDGET AND APPROPRIATING FUNDS  
PURSUANT TO COUNTY LAW §356**

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

**WHEREAS**, the Essex County Board of Supervisors has met and considered the 2013 tentative budget and conducted a public hearing thereon on December 10, 2012, as required by County Law §359; and

**WHEREAS**, the Board thereafter conducted budget hearings with each department head to review and consider amendments to the tentative budget in order to reduce the projected tax increase, and based upon such hearings has amended the tentative budget.

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby adopts the 2013 Tentative Essex County Budget, as heretofore amended, as the final 2013 Essex County Budget; and

**BE IT FURTHER RESOLVED** that the several amounts specified in such budget in the column entitled "Adopted" for the several objects set forth in said 2013 budget, totaling \$95,000,115.00, be appropriated for such objects effective January 1, 2013, with said budget containing total revenues of \$71,689,099.00; and

**BE IT FURTHER RESOLVED** that the sum of \$6,850,000.00 is hereby appropriated from the General Fund Balance for the 2013 Essex County Budget hereby adopted; and

**BE IT FURTHER RESOLVED** that the sum of \$16,461,016.00 shall be raised by taxes levied upon the real property within the County for the 2013 Essex County Budget hereby adopted.

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

**AYES: 2077 votes**  
**NOES: 718 votes (Morrow, Bartley, Ferebee, Blades, Montgomery-Corey, Canon, Moore, Connell)**  
**VACANT: 126 votes (Town of St. Armand)**

**RESOLUTION LEVYING 2013 COUNTY AND TOWN TAXES  
AND ASSESSMENTS, APPROVING THE COMPLETED  
TAX ROLLS, AND DIRECTING THE EXECUTION  
AND DELIVERY OF THE TAX WARRANTS**

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

**WHEREAS**, there has been presented to this Board of Supervisors a duly certified copy of the annual budget for each of the eighteen towns of Essex County for the fiscal year commencing January 1, 2013; and

**WHEREAS**, the Essex County Board of Supervisors has duly adopted its annual budget for the fiscal year 2013 by Resolution No. 368, which budget provides for appropriation of funds in the total amount of \$95,000,115.00, for revenues of \$71,689,099.00 and for a total tax levy of \$16,461,016.00.

**BE IT RESOLVED** that pursuant to Town Law §115, the amounts specified in the annual town budgets, as adopted by the respective Town Boards, to be raised by tax or assessment shall be levied, assessed, raised and collected against, from, and upon the real property of the respective towns liable therefor at the time and in the manner provided by law for the levy of county taxes; and

**BE IT FURTHER RESOLVED** that pursuant to County Law §360, the amounts specified in the 2013 County budget to be raised by tax, amounting to \$6,850,000.00 shall be levied, assessed, raised and collected against, from, and upon the real property of the County liable therefor at the time and in the manner provided by law; and

**BE IT FURTHER RESOLVED** that the Town and County taxes be extended against each parcel on said rolls, with such taxes as extended being hereby determined to be the taxes due on each such parcel as set forth thereon; and

**BE IT FURTHER RESOLVED** that there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk of the Board, as provided by Real Property Tax Law §904, that such warrants should be in the respective amounts heretofore authorized to be levied upon said rolls, that under the seal of the Essex County Board of Supervisors the said rolls with said warrants are to be forthwith collected within and from the several tax districts of the County; and

**BE IT FURTHER RESOLVED** that such taxes and assessments, when collected, shall be paid to the Supervisor of the respective town and to the Essex County Treasurer in the amounts as shown on the Contents of Collectors Warrants for distribution by them in the manner provided by law.

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

**AYES:** 2795 votes  
**NOES:** 0 votes  
**VACANT:** 126 votes (Town of St. Armand)

**RESOLUTION AUTHORIZING CONTRACTS FOR FISCAL  
YEAR 2013 FOR WHICH FUNDS ARE APPROPRIATED IN  
THE 2013 ESSEX COUNTY BUDGET**

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 and directs the County Manager and/or Chairman of the Board to execute all contracts for fiscal year 2013 for the various departments of County Government for which funds have been appropriated in the 2013 Essex County Budget as adopted.

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

**AYES:           2795 votes**  
**NOES:            0 votes**  
**VACANT:        126 votes (Town of St. Armand)**

**RESOLUTION INTRODUCING PROPOSED  
LOCAL LAW NO. 1 OF 2013**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 1 of 2013, fixing the 2013 salaries of County officers who are elected or who are appointed for a fixed term, as follows:

**"ESSEX COUNTY LOCAL LAW NO. 1 OF 2013**

A local law fixing the 2013 salaries of County officers who are elected or who are appointed for a fixed term.

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

§1. The annual salaries during fiscal year 2013 for the following County officers who are elected or who are appointed for a fixed term shall be as follows:

<b><u>Position</u></b>	<b><u>2013 Salary</u></b>
Clerk of the Board.. . . . .	Vacant
Commissioner of Social Services.. . . . .	\$ 86,619.43
Commissioner of Elections.. . . . .	\$ 17,962.11
Community Resources Director.. . . . .	\$ 59,160.00
Coroners.. . . . .	\$ 3,983.31
County Attorney.. . . . .	\$130,248.68
County Auditor.. . . . .	\$ 53,937.37
County Clerk.. . . . .	\$ 67,143.11
County Manager.. . . . .	Vacant
County Sheriff.. . . . .	\$ 81,168.69
County Treasurer.. . . . .	\$ 66,631.64
Information Systems Director.. . . . .	Vacant
Personnel Officer.. . . . .	\$ 60,794.91
Public Defender.. . . . .	\$ 93,840.00
Public Health Director.. . . . .	\$ 79,560.00
Real Property Tax Services Director.. . . . .	\$ 62,809.56
Superintendent of Public Works.. . . . .	\$ 87,361.98

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

**AND BE IT FURTHER RESOLVED** that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on December 27, 2012 at 9:45 a.m. of that day, to hear any and all persons concerning the same.

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

**AYES: 2105 votes**  
**NOES: 690 votes (Douglas, Scozzafava, Marnell)**  
**VACANT: 126 votes (Town of St. Armand)**