Resolution No. 141 ***June 3, 2014***
Regular Board Meeting

RESOLUTION TAKING FROM THE TABLE "RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE DEEDS AND DOCUMENTS OF TRANSFER TRANSFERRING OWNERSHIP OF PARCELS OF PROPERTY BEARING TOWN OF NORTH HUDSON TAX MAP NUMBERS 125.1-1-21.00, 125.1-1-27.00, 125.1-1-19.00 AND 125.1-1-12.134, TO THE TOWN OF NORTH HUDSON FOR THE CONSIDERATION OF $60,000.00, WHICH DEED OF CONVEYANCE SHALL CONTAIN A COVENANT THAT IF WITHIN FIVE YEARS OF SALE THE TOWN OF NORTH HUDSON SELLS THE PROPERTY, ESSEX COUNTY SHALL BE PAID ONE-THIRD OF THE AMOUNT OF THE SALE OVER THE ORIGINAL $60,000.00 PURCHASE PRICE"

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

Upon 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 takes from the table the following resolution:

"RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE DEEDS AND DOCUMENTS OF TRANSFER TRANSFERRING OWNERSHIP OF PARCELS OF PROPERTY BEARING TOWN OF NORTH HUDSON TAX MAP NUMBERS 125.1-1-21.00, 125.1-1-27.00, 125.1-1-19.00 AND 125.1-1-12.134, TO THE TOWN OF NORTH HUDSON FOR THE CONSIDERATION OF $60,000.00, WHICH DEED OF CONVEYANCE SHALL CONTAIN A COVENANT THAT IF WITHIN FIVE YEARS OF SALE THE TOWN OF NORTH HUDSON SELLS THE PROPERTY, ESSEX COUNTY SHALL BE PAID ONE-THIRD OF THE AMOUNT OF THE SALE OVER THE ORIGINAL $60,000.00 PURCHASE PRICE", which was tabled at Ways and Means previously to be acted upon by this Body at this meeting.

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

AYES:	***2921***	***votes***
NOES:	***0***	***votes***
ABSENT:	***0***	***votes***

Resolution No. 142 ***June 3, 2014***
Regular Board Meeting

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE DEEDS AND DOCUMENTS OF TRANSFER TRANSFERRING OWNERSHIP OF PARCELS OF PROPERTY BEARING TOWN OF NORTH HUDSON TAX MAP NUMBERS 125.1-1-21.000, 125.1-1-27.000, 125.1-1-19.000 AND 125.1-1-12.134, TO THE TOWN OF NORTH HUDSON FOR THE CONSIDERATION OF $60,000.00, WHICH DEED OF CONVEYANCE SHALL CONTAIN A COVENANT THAT IF WITHIN FIVE YEARS OF SALE THE TOWN OF NORTH HUDSON SELLS THE PROPERTY, ESSEX COUNTY SHALL BE PAID ONE-THIRD OF THE AMOUNT OF THE SALE OVER THE ORIGINAL $60,000.00 PURCHASE PRICE

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman or County Manager to execute deeds and documents of transfer transferring ownership of parcels of property bearing Town of North Hudson Tax Map Numbers 125.1-1-21.000; 125.1-1-27.000; 125.1-1-19.000 and 125.1-1-12.134, to the Town of North Hudson for the consideration of $60,000.00; and

BE IT FURTHER RESOLVED, which deed of conveyance shall contain a covenant that if within five years of sale the Town of North Hudson sells the property, Essex County shall be paid one-third of the amount of the sale over the original $60,000.00 purchase price.

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

AYES: 1633 votes
NOES: 1288 votes
ABSENT: 0 votes

Resolution No. 143 ***June 3, 2014***
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 2014 Essex County Budget as follows:

From the Human Services Committee:

1. For the Transportation Department to increase revenues and appropriations in the amount of $94,170.50, for JARC/New Freedoms Federal Programs, as follows:

REVENUES

Account Number	Account Name	Amount
44598	JARC/New Freedoms	$94,170.50

APPROPRIATIONS

Account Number	Account Name	Amount
5631.5130	Part-time Wages	$50,000.00
5631.5436	Advertising	5,000.00
5631.5441	Auto Supplies & Repair	5,000.00
5631.5442	Auto-Gas/Oil/Diesel	22,000.00
5631.5820	Social Security	3,825.00
5631.5810	Retirement	8,345.50
		$94,170.50

2. For the Department of Social Services to increase revenues and appropriations in the amount of $13,275.00 - Child Care Block grant, as follows:

REVENUES

Account Number	Account Name	Amount
6010 6055.43655	State Aid - Day Care	$13,275.00

APPROPRIATIONS

Account Number	Account Name	Amount
6010 6055487.5487	Day Care	$13,275.00

From the Economic Development Committee:

1. From the Community Resources Department to increase revenues and appropriations in the amount of $217,950.00, for implementation projects under the AuSable River Management Plan, as follows:

REVENUES

Account Number	Account Name	Amount
8021 43910AUS	AuSable River	$217,950.00

APPROPRIATIONS

Account Number	Account Name	Amount
80214 54AUS	AuSable River	$217,950.00

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 144 ***June 3, 2014***
Regular Board Meeting

RESOLUTION AUTHORIZING THE MENTAL HEALTH DEPARTMENT TO FILL A POSITION OF SENIOR ACCOUNT CLERK, AT THE RATE OF $17.96 PER HOUR

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Mental Health Department to fill a position of a full-time Senior Account Clerk, at the rate of $17.96 per hour which position is to begin on June 20, 2014.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 145 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF APPRECIATION TO PHYLLIS LIGHT, UPON HER RETIREMENT FROM SERVICE WITH ESSEX COUNTY PUBLIC HEALTH DEPARTMENT

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

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

WHEREAS, Phyllis Light working for Essex County on July 8, 2002, as Program Coordinator for the Public Health Department; and

WHEREAS, during her tenure, Phyllis Light has exhibited the highest degrees of professionalism, competency, integrity and attention to detail and has always greeted and treated the public, residents of Essex County and its employees with grace and respect; and

WHEREAS, Phyllis Light has organized and conducted numerous public health emergency preparedness drills to enhance County readiness to respond to real events, as well as contributed her leadership and expertise in our H1N1; Hurricane Sandy and Hurricane Lee events; collaborates with various professional groups and government bodies, including, but not limited to the New York State Department of Health and the Center for Disease Control; and

WHEREAS, Phyllis Light volunteers at various agencies, citizen groups and educational institutes to insure a coordination of efforts for a Public Health Emergency Preparedness Response and provided training to staff and volunteers in these events; and

WHEREAS, Phyllis Light is a significant member of the Essex County Department of Public Health team and will be missed.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney extend their appreciation and heartfelt thanks to Phyllis Light for her dedicated, conscientious and exemplary public service to the people of Essex County and wish her continued health and success upon her retirement and the best of luck in all her future endeavors.

This resolution was unanimously seconded and adopted.

Resolution No. 146 ***June 3, 2014***
Regular Board Meeting

RESOLUTION ACCEPTING, ADOPTING AND PLACING ON FILE POLICIES, PLANS, PROCEDURES AND ANNUAL REPORTS

The following resolution was offered by Supervisor Morrow, 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 accepts, adopts and/or places on file the following:

From the Public Safety Committee:

1. The 2013 Emergency Services Annual Report.

This resolution was duly seconded by Supervisors Harrington and Marnell, and adopted.

Resolution No. 147 ***June 3, 2014***
Regular Board Meeting

RESOLUTION AUTHORIZING ESSEX COUNTY TO ACT AS THE SPONSORING AGENCY ON A REGIONAL WATERFRONT APPLICATION THROUGH THE DEPARTMENT OF STATE

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County of Essex to be the sponsoring agency on a Regional Waterfront Application through the Department of State along with five communities in Essex County.

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

Resolution No. 148 ***June 3, 2014***

Regular Board Meeting

RESOLUTION APPOINTING DIANE O'CONNOR AS THE ESSEX COUNTY HISTORIAN AND DIRECTOR OF THE ESSEX COUNTY HISTORICAL SOCIETY

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

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

WHEREAS, Essex County Historian and Director of the Essex County Historical Society, Margaret Gibbs recently retired.

BE IT RESOLVED that the Essex County Board of Supervisors hereby appoints Diane O'Connor as Essex County Historian and Director of the Essex County Historical Society.

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

Resolution No. 149 ***June 3, 2014***

Regular Board Meeting

RESOLUTION ENDORSING AND SPONSORING THE TOWN OF WILLSBORO GRANT APPLICATION FOR NEW YORK STATE DEPARTMENT OF TRANSPORTATION ALTERNATIVES GRANT APPLICATION

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

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

WHEREAS, New York State Department of Transportation sponsors the Transportation Alternatives Program that offers grants for construction, planning and design of on-road and off-road facilities for pedestrians, bicyclists and other non-motorized forms of transportation; and

WHEREAS, the Town of Willsboro desires to design and construct a multi-use trail within the Right-of-Way of the Point Road and Farrell Road from the intersection of Route 22 and Farrell Road to a point at the Northern End of Point Road, a distance of approximately 4.5 miles; and

WHEREAS, this trail will provide alternative safe means of non-motorized transportation for residents and visitors to Willsboro that allows greater access for commuting to school, health facilities, business, local government and to connect to other modes of transportation, as well as to historical sites and recreational venues; and

WHEREAS, this proposal has been discussed in depth with Essex County Department of Public Works and Essex County Department of Public Health who have offered to assist in the grant application and execution for this project.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes Essex County to endorse and sponsor the Town of Willsboro in the Transportation Alternatives Program grant application and execution for this multi-use trail.

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

Resolution No. 150 ***June 3, 2014***

Regular Board Meeting

RESOLUTION OPPOSING CLEAN WATER ACT REGULATION PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY AND ARMY CORPS OF ENGINEERS

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

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

WHEREAS, Essex County affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, the CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA;and

WHEREAS, the Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) have developed a proposed regulation on *Definition of "Waters of the United States" Under the Clean Water Act* to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of EPA's regulatory program and policy actions; and

WHEREAS, this proposed regulation creates greater uncertainty rather than clarity and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the proposed regulation greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to the taxpayers of Essex County with little, if any, substantive environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, the financial impact of the proposed regulation to Essex County will create significant ongoing maintenance costs and delays to Essex County's citizens due to the need for jurisdictional determinations and expanded jurisdictional authority of EPA and the Corp; and

WHEREAS, Essex County believes that the standards for making jurisdictional determinations under the CWA and clarification or definition of the intent of the CWA should be accomplished only through the U.S. Congress, and limited by the decisions of the U.S. Supreme Court.

BE IT RESOLVED, that the Essex County Board of Supervisors urges the EPA and the Corps to withdraw the proposed CWA regulation immediately, work collaboratively with states and local governments to clarify federal jurisdiction under the CWA that is reasonable, environmentally responsible and respects the authority of state and local governments in ensuring the protection of our water resources; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors supports any federal legislation consistent with the above recommendations and urges its Congressional and State Representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably embossed, should be transmitted to Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman William Owens, Senator Elizabeth O'C. Little, Assemblyman Dan Stec, EPA Administrator Gina McCarthy, and EPA Region 2 Administrator Judith Enck.

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

Resolution No. 151 ***June 3, 2014***
Regular Board Meeting

RESOLUTION URGING THE SUPPORT OF THE VERMONT PUBLIC SERVICE BOARD ON TICONDEROGA INTERNATIONAL PAPER'S REQUEST FOR THE ADDISON-RUTLAND NATURAL GAS PIPELINE PROJECT

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

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

WHEREAS, Vermont Gas has proposed a forty-one (41) mile extension to their natural gas lines from Chittenden and Franklin Counties in the State of Vermont to Addison and Rutland Counties, known as the Addison-Rutland Natural Gas Project; and

WHEREAS, the International Paper Mill located in Ticonderoga, New York is an integral part of the Champlain Valley Region; and

WHEREAS, the Ticonderoga Mill is a significant economic driver in the region, employing more than six-hundred (600) people at the mill and generating job for more than six-hundred-and-fifty (650) landowners, loggers and truckers in New York and Vermont; and

WHEREAS, the Ticonderoga Mill's energy costs are significantly higher than their competition in other states due to dependence on fuel oil and rising costs; and

WHEREAS, natural gas is deemed to be a cost-effective alternative to fuel oil; and

WHEREAS, clean, affordable natural gas is a sustainable alternative to other more costly and more environmentally unsound fuel sources; and

WHEREAS, International Paper approached Vermont Gas for a connection beneath Lake Champlain to connect to the International Paper Mill; and

WHEREAS, conversion by the Ticonderoga Mill to cleaner natural gas will significantly reduce greenhouse gas emissions, which is a benefit to eastern States including Vermont; and

WHEREAS, the Vermont Gas System's Addison-Rutland Natural Gas Project also presents an opportunity for the Ticonderoga Mill to access natural gas via a pipeline lateral to the mill which will continue to benefit more than a thousand (1,000) families who have family members employed directly or indirectly by or through the International Paper Mill; and

WHEREAS, the Town Board of the Town of Ticonderoga did go on record in support of the Addison-Rutland Natural Gas Project.

BE IT RESOLVED, that the Essex County Board of Supervisors in support of the Town of Ticonderoga and the residents of Essex County hereby expresses its support for the Addison-Rutland Natural Gas Pipeline Project; and

BE IT FURTHER RESOLVED, that the County of Essex urges the Vermont Public Service Board to include our voice, as a party with a vested interest in the Addison-Rutland Natural Gas Project.

This resolution was unanimously seconded and adopted.

Resolution No. 152 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF JOEL E. HARWOOD

The following resolution was offered by Supervisors Blades and Merrihew, who moved its adoption.

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

WHEREAS, Joel E. Harwood of Elizabethtown, New York passed away on May 4, 2014, at his home; and

WHEREAS, Joel E. Harwood was born in Malone, New York on June 29, 1968, the son of James and Catherine (Anderson) Harwood; and

WHEREAS, Joel E. Harwood graduated from Franklin Academy in 1986 and from Paul Smiths College in 1989; and

WHEREAS, Joel E. Harwood worked for Bob Sutherland Surveying, kubricky Construction, Kevin Hall Surveying and most recently New York State Department of Transportation as an Engineer-In-Charge; and

WHEREAS, Joel E. Harwood was an avid outdoorsman with a passion for protecting the environment; he enjoyed skiing, hunting, hiking, biking, canoeing and any other outdoor activity he could find to do and loved sharing that passion and introducing his love for the outdoors to many of his family and friends and enjoyed spending as much time as possible at his beloved camp in Duane entertaining friends; and

WHEREAS, Joel E. Harwood was very active in the local Boy Scouts of America; a member of the Coal Hill Hunting Club; instrumental in the Blueberry Hill Trail System and a Leadville Mountain Bike Race qualifier; and

WHEREAS, Joel E. Harwood accomplished what very few have done and completed the 2009 Ironman Competition in Lake Placid only two years after recovering from major surgery; and

WHEREAS, Joel E. Harwood is survived by his wife, Barbara (Kurtz) Harwood; three children; Clare Harwood, Hugh Harwood and Paige and George Saltamach; his parents; one brother and sister-in-law, James and Catherine Harwood; two sisters and brother-in-laws, Cana and Michael Tighe and Paula and Chad Lawrence; in-laws, Alfred and Annabelle Kurtz; a sister-in-law, Ann Whitney and her husband Reggie Whtney; a brother-in-law, Peter Kurtz; a grandson, Henry Saltamach and 10 nieces and nephews: and

WHEREAS, Joel E. Harwood was a loving husband, son, father, grandfather, brother, brother-in-law, uncle and friend who will be sorely missed but never forgotten.

BE IT RESOLVED, that the Essex County Board of Supervisors, Clerk of the Board, County Manager and County Attorney hereby express and extend their deepest sympathy and condolences to the family of Joel E. Harwood; and

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

This resolution was unanimously seconded and adopted.

Resolution No. 153 ***June 3, 2014***
Amended ***Regular Board Meeting***

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO BID AND AWARD FOR ONE REPLACEMENT HEAT EXCHANGER AND FURNACE CONTROLS FOR THE PUBLIC SAFETY BUILDING, IN AN AMOUNT NOT TO EXCEED $20,972.40, FROM BUDGETED FUNDS, PROVIDED AND ON CONDITION THAT THERE EXISTS NO WARRANTY THAT THE COUNTY MAY TAKE ADVANTAGE OF TO REPLACE THE HEAT EXCHANGER OR FURNACE CONTROLS

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

Upon the recommendation of the DPW 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 one replacement heat exchanger and furnace controls for the Public Safety Building, in an amount not to exceed $20,972.40, from budgeted funds, provided and on condition that there exists no warranty that the County may take advantage of to replace the heat exchanger or furnace controls; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a contract for the hereinabove referenced heat exchanger and furnace controls, upon the approval of the County Attorney.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 154 ***June 3, 2014***

Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO BID AND AWARD FOR A REPLACEMENT SOLID WASTE TRASH COMPACTOR FOR THE NORTH ELBA TRANSFER STATION, IN THE AMOUNT OF $42,391.00, FROM BUDGETED FUNDS

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

Upon the recommendation of the DPW 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 one replacement solid waste trash compactor for the North Elba Transfer Station, in an amount not to exceed $42,391.00, from budgeted funds; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a contract for the hereinabove referenced replacement trash compactor, upon the approval of the County Attorney.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 155 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF APPRECIATION TO
ANTHONY J. LAVIGNE
UPON HIS RETIREMENT FROM SERVICE WITH ESSEX COUNTY
DEPARTMENT OF PUBLIC WORKS

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

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

WHEREAS, Anthony J. Lavigne, Essex County Department of Public Works Superintendent will retire effective May 30, 2014; and

WHEREAS, Anthony J. Lavigne began service with the County of Essex on April 30, 1984, as an Engineering Technologist and on December 31, 2009, became Superintendent of Essex County Department of Public Works; and

WHEREAS, for the past 30 years, Anthony J. Lavigne has performed his duties with the Essex County Department of Public Works tirelessly, conscientiously and with professionalism and competence; and

WHEREAS, Anthony J. Lavigne, has during these many years devoted himself to constantly improving the quality and condition of our County and Town road system, bridges and other infrastructure and has contributed and left his mark upon the betterment of Essex County; and

WHEREAS, during his tenure, Anthony J. Lavigne, has exhibited the ability to undertake complex and difficult projects demonstrating extraordinary devotion and energy in the furtherance of the public good; and

WHEREAS, Anthony J. Lavigne is regarded amongst his peers, employees, department heads of the County and those with whom he has dealt, as possessing the highest degree of integrity and character and selfless devotion to duty; and

WHEREAS, Anthony J. Lavigne, during his tenure, has overseen countless County and Town road, bridge and other infrastructure projects and played a major role in the recovery process from Hurricane Irene.

BE IT RESOLVED, that the Essex County Board of Supervisors wishes to extend

its deep and abiding appreciation to Anthony J. Lavigne for his exemplary and outstanding service to the residents of Essex County and its various Towns and its thanks and commendation to Anthony J. Lavigne for his many years of leadership, foresight and exemplary service; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney extend their best wishes and continued good luck to their friend, Anthony J. Lavigne, upon his retirement and wish him continued success in his future endeavors; and

BE IT FURTHER RESOLVED, this resolution be spread upon the minutes of the Board of Supervisors, with a suitably embossed copy to be forwarded to Anthony J. Lavigne.

This resolution was unanimously seconded and adopted.

Resolution No. 156 ***June 3, 2014***
Regular Board Meeting

RESOLUTION AUTHORIZING PAYMENT TO ELIZABETHTOWN COMMUNITY HOSPITAL IN THE AMOUNT OF $18,871.00, FOR MEDICAL COVERAGE AT THE HORACE NYE HOME FROM JANUARY, 2014 THROUGH MARCH, 2014, WHICH FUNDS ARE TO COME FROM THE GENERAL FUND

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a payment in the amount of $18,871.00 be made to Elizabethtown Community Hospital for medical coverage at the Horace Nye Home from January through March 2014, which funds are to come from the General Fund.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 157 ***June 3, 2014***
Regular Board Meeting

RESOLUTION AUTHORIZING THE CREATION OF TWO TEMPORARY STUDENT TRAINEE POSITIONS IN THE COUNTY CLERKS OFFICE, FROM BUDGETED FUNDS

The following resolution was offered by Supervisor Ferebee, 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 to create 2 temporary positions for student trainees, Grade 2, from budgeted funds left over from the reclassification of previous position by Resolution No. 59 of 2014.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 158 ***June 3, 2014***
Regular Board Meeting

RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT

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

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

WHEREAS, 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, 2014.

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.	10,937.31	Town.	74,979.29
Village (Keeseville).	764.77	Village (Lake Placid).	28,467.08
Crown Point.	7,367.91	Village (Saranac Lake).. . . .	3,020.66
Elizabethtown.	17,507.01	North Hudson.	906.16
Essex.	15,475.17	St. Armand	
Jay.	15,818.93	Town.	8,323.87
Keene.	21,453.12	Village (Saranac Lake).. . . .	647.55
Lewis	5,291.25	Schroon.	28,812.38
Minerva	1,610.68	Ticonderoga.	45,789.53
Moriah		Westport.	7,527.67
Town.	10,587.90	Willsboro..	10,639.48
Village (Port Henry).	2,047.81	Wilmington.	23,631.27
Newcomb.	5,984.73	***TOTAL:***	**$347,591.53**

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

AYES: 2921 votes
NOES: 0 votes
ABSENT: 0 votes

Resolution No. 159 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF RECOGNITION AND CONGRATULATIONS TO MICHAEL RAFFERTY FROM CLINTONVILLE, NEW YORK ON ACHIEVING THE RANK OF EAGLE SCOUT

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

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

***WHEREAS*,** Michael Rafferty is a resident of Clintonville, New York and a member of Boy Scout Troop #49 in Peru; and

WHEREAS, Michael Rafferty is entitled to receive Scouting's highest honor, the rank of Eagle Scout; and

WHEREAS, the Eagle Scout recipient must prove his love for God, his dedication to Country and concern for his fellow human beings; and

WHEREAS, to earn the rank of Eagle Scout you must earn a total of at least 21 badges, 12 of which are Eagle Merit Badges, spend 6 months as a youth leader in your troop demonstrating leadership and do service projects that benefits your community, school or church; and

WHEREAS, being an Eagle Scout requires the scout to master scouting skills, outdoor knowledge, leadership services and practice citizenship & ethical behavior of the highest order; and

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Attorney and County Manager hereby extend their heartiest congratulations to Michael Rafferty on a job well-done and for all of his accomplishments as a Boy Scout and for receiving the Eagle Scout Award; and

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

This resolution was unanimously seconded and adopted.

Resolution No. 160 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO THE TOWN OF WILLSBORO UPON THE BICENTENNIAL CELEBRATION OF THE VICTORY OF THE BATTLE OF THE BOQUET RIVER OF MAY 14, 1814

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

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

WHEREAS, the United State was engaged in the War of 1812 against Great Britain, and

WHEREAS, to defend the towns, homes and farms of Northern New York and Essex County, the citizens formed the 37th Regiment of Militia of Essex County commanded by Lieutenant Colonel Ransom Noble; and

WHEREAS, the British Forces launched a raid on May 13 and 14, 1814 against the Town of Willsboro in order to confiscate and destroy stores and supplies meant for the American Army; and

WHEREAS, the citizens of Willsboro raised an alarm and allowed the militia to be called out with their arms to defend the Town from foreign aggression; and

WHEREAS, a force of 150 of the 37th Regiment of Militia organized and engaged the British Forces resulting in a decisive defeat and retreat of the British with only one American wounded casualty resulting; and

WHEREAS, these citizen soldiers exercising their rights under the Constitution to keep and bear arms in order to provide for their common defense transformed common men to uncommon heroes; and

WHEREAS, free and engaged American citizens have and always will rise to the aid and defense of their communities, towns, states and country in the finest tradition of our United States; and

WHEREAS, the Town of Willsboro will celebrate the Commemoration of the Battle of the Boquet River on June 14, 2014.

BE IT RESOLVED, that the Essex County Board of Supervisors commemorates and congratulates the Town of Willsboro on the 200th Anniversary of the Battle of Boquet and enjoins all citizens of New York to reflect on the history and service of ordinary Americans to accomplish extraordinary things for the common good, as did the Militiamen of the 37th Regiment of Essex County did on May 14, 1814, in Willsboro, New York.

This resolution was unanimously seconded and adopted.

Resolution No. 161 ***June 3, 2014***
Regular Board Meeting

RESOLUTION AUTHORIZING THE RECLASSIFICATION OF THE CURRENT PUBLIC SAFETY BUILDING AND JAIL BUILDINGS AND GROUNDS SUPERVISOR TO THE TITLE OF "PUBLIC WORKS BUILDINGS AND GROUNDS SUPERVISOR" AT A GRADE 14, UNION SCALE, AT THE RATE OF $20.64 PER HOUR; AND FURTHER AUTHORIZING THE INTERNAL PROMOTION OF AN EMPLOYEE WITHIN THE DEPARTMENT TO FILL THE POSITION ON A PROVISIONAL BASIS PENDING CIVIL SERVICE TESTING

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 reclassification of the current Jail/Public Safety Buildings and Grounds Supervisor to the title of Public Works Buildings and Grounds Supervisor at a Grade 14 Union scale of $20.64 per hour; and

BE IT FURTHER RESOLVED, that this Board further authorizes the internal promotion of an employee within the department to fill the position on a provisional basis pending Civil Service testing.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 162 ***June 3, 2014***

Regular Board Meeting

RESOLUTION AUTHORIZING THE COMMUNITY RESOURCES DEPARTMENT TO WORK IN CONJUNCTION WITH ANCA ON A CONSOLIDATED FUNDING APPLICATION (CFA) TO EMPIRE STATE DEVELOPMENT (ESD) WITH ESSEX COUNTY AS LEAD AGENCY FOR THE MACE CHASM FARM NEIGHBORHOOD TO ESTABLISH A VIBRANT AGRI-TOURISM MARKET

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 Community Resources Department to work in conjunction with ANCA on a Consolidated Funding Application (CFA) to Empire State Development (ESD) with Essex County as Lead Agency for the Mace Chasm Farm Neighborhood in order to establish a vibrant agri-tourism market.

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

AYES:	**2759**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**
ABSTAIN:	**162**	**votes (Gillilland)**

Resolution No. 163 ***June 3, 2014***
Regular Board Meeting

RESOLUTION RESCINDING RESOLUTION NO. 167 OF JUNE 4, 2013 AND GRANTING A REFUND FOR THE COUNTY TAXES IN THE TOWN OF TICONDEROGA TO HOWARD GEFFNER

The following resolution was offered by Supervisor Grinnell, 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 rescinds Resolution No. 167 of June 4, 2013; and

BE IT FURTHER RESOLVED, the Essex County Board of Supervisors here grants a refund for a portion of the 2011 County Tax with respect to Account No. 715J116708, Town of Ticonderoga Tax Map No. 160.27-1-11.000 in the name of Howard J. Geffner in the amount of $255.67 by virtue of an Assessor's mistake.

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

AYES:	**2815**	**votes**
NOES:	**106**	**votes (Connell)**
ABSENT:	**0**	**votes**

Resolution No. 164 ***June 3, 2014***

Regular Board Meeting

RESOLUTION DECLARING A 2008 FORD VAN AS SURPLUS AND AUTHORIZING ITS DISPOSITION TO THE TOWN OF KEENE FOR THE SUM OF $1.00

The following resolution was offered by Supervisor Ferebee, 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 declares a 2008 Ford E-150 van bearing VIN #1FTNE14W88DA30248 as surplus property and of no use to the County and authorizes and directs that it be transferred to the Town of Keene for the sum of $1.00.

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 165 ***June 3, 2014***
Regular Board Meeting

RESOLUTION IMPLORING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO IMMEDIATELY ADDRESS AND REMEDY THE SUBSTANDARD AND INADEQUATE TREATMENT AND CARE OF OUR VETERANS AT VETERANS HOSPITALS AND CLINICS AND TO SCRUTINIZE THE POLICIES, PROCEDURES AND ACTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS IN THIS REGARD

The following resolution was offered by Supervisors Ferebee and Marnell, who moved its adoption.

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

WHEREAS, recent news reports have disclosed that veterans being cared for nationwide in hospitals and other veterans facilities are being woefully and inadequately cared for and that services are often not provided or delayed which has resulted in unnecessary emotional trauma, pain and in some cases death; and

WHEREAS, the treatment of our veterans who have honorably served this Country and fought to preserve our rights and freedoms is abhorrent and cannot be tolerated and allowed to continue to occur in this great Nation; and

WHEREAS, this care of our veterans has been a chronic crisis and must be addressed by our elected officials through Congressional hearings, investigation, remediation and provision of sufficient funds to insure clean, modern and fully functioning facilities and to insure and protect our veterans who take advantage and are served by these facilities; and

WHEREAS, this Board is deeply saddened and offended by these current conditions and treatment of our veterans.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby calls upon the United States Congress and the President of the United States to immediately address and remedy the substandard and inadequate treatment and care of our veterans at veterans hospitals and clinics and to scrutinize the policies, procedures and actions of the Department of Veterans Affairs in this regard, prosecute any abuses and provide sufficient and adequate funding in order to provide competent, clean and modern treatment facilities for our veterans; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Congressman Bill Owens, Congressman Chris Gibson, Senator Charles Schumer, Senator Kirsten Gillibrand and President Barack Obama; and

BE IT FURTHER RESOLVED, that our Congressmen and Senators provide a report to this Board regarding these issues within six months of the date of this resolution; and

This resolution was unanimously seconded and adopted.

Resolution No. 166 ***June 3, 2014***
Regular Board Meeting

RESOLUTION DIRECTING ESSEX COUNTY AND THE ESSEX COUNTY SHERIFF MAKE APPLICATION FOR THE 2014 COPS HIRING PROGRAM GRANT

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

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

WHEREAS, the Essex County Sheriff has received notification from the Office of Community Oriented Policing Services (COPS) that applications are being accepted for FY2014 COPS Hiring Program; and

WHEREAS, applicants who select "School Based Policing through School Resource Officers" receive additional consideration for CHP funding; and

WHEREAS, the County of Essex is desirous of examining the program for the purposes of obtaining funding to deploy SROs in and around the primary and secondary schools located within Essex County to increase the level of community policing activities performed in and around said schools and to work on use-related activities; and

WHEREAS, Essex County is further desirous of replacing four School Resource Officers with this funding should it be accepted and entails a 25% match for each of the first three years with the fourth year being 100% funded by Essex County.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Chairman, County Manager and/or County Sheriff to apply for the Fiscal Year 2014 COPS Hiring Program grant to fund 4 School Resource Officers; and

BE IT FURTHER RESOLVED, that during the pendency of the grant award, Essex County will further evaluate the program and its financial condition and, if awarded the grant, will then determine whether or not it is in a position fiscally to accept the grant and participate in the program.

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

AYES: 1463 votes (Morrow, Harrington, Douglas, Ferebee, Blades, Moore, Marnell, Grinnell, Gillilland)
NOES: 1458 votes (Merrihew, Gardner, McNally, Scozzafava, Canon, Politi, Whitson, Connell, Preston)
ABSENT: 0 votes

Resolution No. 167 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO NOELLE MILLER OF AUSABLE VALLEY CENTRAL SCHOOL UPON BEING NAMED CO-MOST VALUABLE PLAYER OF THE 2013 CHAMPLAIN VALLEY ATHLETIC CONFERENCE, SECTION VII VOLLEYBALL SEASON

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

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

WHEREAS, Noelle Miller, a senior middle hitter for the AuSable Valley Patriots was one of the best hitters in the league and led her team with 200 kills; and

WHEREAS, she was force behind the net, finishing the season with 18 blocks and acquired 160 points and 75 aces on the year; and

WHEREAS, as co-captain of the team, Ms. Miller concluded her 4 year varsity career with 423 points, 165 aces, 600 kills, 330 digs, 51 blocks and 30 assists; and

WHEREAS, Noelle Miller has been named Co-MVP for the 2013 CVAC Section VII Volleyball season, as well as a 4th Team Class C All-State All Star; and

WHEREAS, Ms. Miller's play, hustle and leadership helped AuSable Valley earn the Section VII Class C High School Girls Volleyball Title sending them to the NYSPHSAA Regional Quarter Final Match.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulates Noelle Miller, her coach Sandra Hoey and team at AuSable Valley Central School on being named Co-MVP for the 2013 CVAC Section VII Volleyball season and as being named as a 4th Team Class All-State All Star; and

BE IT FURTHER RESOLVED, that the Clerk of the Board be, and hereby is, authorized and directed to forward a copy of this resolution to Noelle Miller.

This resolution was unanimously seconded and adopted.

Resolution No. 168 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO AU SABLE VALLEY CENTRAL SCHOOL GIRLS VARSITY VOLLEYBALL COACH, SANDRA HOEY, UPON BEING NAMED COACH OF THE YEAR FOR THE 2013 CHAMPLAIN VALLEY ATHLETIC CONFERENCE SECTION VII HIGH SCHOOL GIRLS VOLLEYBALL SEASON

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

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

WHEREAS, under Coach Sandy Hoey, the AuSable Valley Central School Girls Varsity Volleyball Team again, for the fourth straight year, won the Champlain Valley Athletic Conference, Section VII, Class C, Varsity Volleyball Championship, as well as defeated Section X's Potsdam High School sending them to the NYSPHSAA Regional Quarter Finals; and

WHEREAS, through many years of hard work, Coach Hoey has established the AuSable Valley Central School Girls Varsity Volleyball Team as a highly respected and talented unit and which has resulted in the team being a perennial contender and winner of multiple championships; and

WHEREAS, through her solid coaching skills, attention to detail, expectation of excellence and tutelage, AuSable Valley Central School has won yet another Girls Varsity Championship.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates AuSable Valley Central School Girls Varsity Volleyball Coach, Sandra Hoey, upon winning the CVAC, Section VII, Class C Girls Varsity Volleyball Championship and upon being named the 2013 CVAC Coach of the Year; and

BE IT FURTHER RESOLVED, that the Clerk of the Board be, and hereby is, authorized and directed to forward a copy of this resolution to Sandra Hoey.

This resolution was unanimously seconded and adopted.

Resolution No. 169 ***June 3, 2014***
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO AU SABLE VALLEY CENTRAL SCHOOL BOYS VARSITY BASKETBALL COACH, JAMIE DOUGLASS, UPON HIS BEING NAMED THE 2013-2014 CHAMPLAIN VALLEY ATHLETIC CONFERENCE, SECTION VII, CLASS B COACH OF THE YEAR

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

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

WHEREAS, under Coach Jamie Douglass, the AuSable Valley Central School Boys Varsity Basketball Team for many years has been a perennial contender and constant participant in post-season and championship play; and

WHEREAS, in his 9th season as the Patriots Head Coach, Douglass coached them to a 15-5 record, going 11-3 in NBL play to finish tied for first in Division I; and

WHEREAS, Coach Douglass is noted for his attention to detail, demand from his players in their work ethic, execution, and his concentration on team defense.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates AuSable Valley Central School Boys Varsity Basketball Coach, Jamie Douglass, upon being named the 2013-2014 CVAC Section VII, Class B Varsity Basketball Coach of the Year; and

BE IT FURTHER RESOLVED, that the Clerk of the Board be, and hereby is, authorized and directed to forward a copy of this resolution to Jamie Douglass.

This resolution was unanimously seconded and adopted.

Resolution No. 170 ***June 3, 2014***
Regular Board Meeting

RESOLUTION ADOPTING
PROPOSED LOCAL LAW NO. 2 OF 2014
CONTINUING THE IMPOSITION OF A HOTEL AND MOTEL
OCCUPANCY TAX

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

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

WHEREAS, by Resolution No. 128 duly adopted on May 5, 2014 the County of Essex introduced Local Law No. 2 of 2014, 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, and by Local Law No. 2 of 2011; and

WHEREAS, a Public Hearing was duly held on the 3rd day of June, 2014, at 9:15 o'clock in the forenoon to hear any and all persons concerning the adoption of said local law; and

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 2 of 2014,, the same to read and provide as follows:

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 2 OF 2014

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

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. 2 of 2011, 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."

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

AYES:	**2921**	**votes**
NOES:	**0**	**votes**
ABSENT:	**0**	**votes**

Resolution No. 171 ***June 3, 2014***

Regular Board Meeting

RESOLUTION AUTHORIZING THE CHAIRMAN AND/OR COUNTY MANAGER TO EXECUTE A CONTRACT WITH DAVID WESTOVER AND CHARLES MANON FOR THE OPERATION AND MANAGEMENT OF THE CAMPGROUNDS AT THE ESSEX COUNTY FAIRGROUNDS

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

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

WHEREAS, Essex County has solicited RFPs for the operation and management of the campground area located at the Essex County Fairgrounds; and

WHEREAS, David Westover and Charles Manon have submitted a response.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Chairman or County Manager to execute a contract with David Westover and Charles Manon for the operation and management of the Campgrounds at the Essex County Fairgrounds set forth in their proposal subject however, to any changes and/or additional terms and conditions approved by the County Attorney.

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

Resolution No. 172 ***June 3, 2014***

Regular Board Meeting

RESOLUTION REJECTING THE BID OF BRIAN J. CAZA OF $2,500.00 FOR EACH PARCEL WITH RESPECT TO LOTS #133 AND #134 BEARING TOWN OF SCHROON LAKE TAX MAP NO. 147.53-1-2.200 AND 147.53-1-28.057 AND AUTHORIZING THE COUNTY ATTORNEY TO NEGOTIATE AND INSERT IN THE EXISTING DEED TO THESE PROPERTIES A PERMANENT EASEMENT AND RIGHT-OF-WAY FOR SNOWMOBILE TRAVEL AND TO THEREAFTER PLACE THIS PROPERTY IN THE NEXT AVAILABLE TAX FORECLOSURE AUCTION

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby rejects the bid of Brian J. Caza of $2,500.00 for each parcel with respect to Lot #133 and Lot #134 bearing Town of Schroon Lake Tax Map No. 147.53-1-2.200 and 147.53-1-28.057, and authorizing the County Attorney to negotiate and insert in the existing deed to these properties a permanent easement and right-of-way for snowmobile travel and to thereafter please these properties in the next available tax foreclosure auction.

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

AYES:	***2921***	***votes***
NOES:	***0***	***votes***
ABSENT:	***0***	***votes***

Resolution No. 173 ***June 3, 2014***

Regular Board Meeting

RESOLUTION AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE ANY AND ALL DEEDS AND TRANSFER DOCUMENTS OF THE TAX SALE PROCEEDINGS AND RATIFYING SIGNATURES OF THE TAX SALE DEEDS

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Chairman or County Manager to execute any and all deeds and transfer documents of the tax sale proceedings and further ratifying signatures of the tax sale deeds.

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

Resolution No. 174 ***June 3, 2014***
Regular Board Meeting

RESOLUTION REJECTING THE INCREASED BID OF $65,000.00 MADE BY GEORGE MOORE WITH RESPECT TO TOWN OF NORTH HUDSON TAX MAP NO. 25.1-1-19.000, 25.1-1-21.000, 25.1-1-27.000 AND 25.1-12.134/1

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

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

WHEREAS, pursuant to a letter dated May 14, 2014, William E. Russell, Esq. submitted an offer on behalf of his client, George Moore, to purchase Town of North Hudson Tax Map Nos. 25.1-1-19.000, 25.1-1-21.000, 25.1-1-27.000 and 25.1-12.134/1, for the increased price of $65,000.00, which is over and above the original bid price of $49,500.00 bid at the tax foreclosure auction; and

WHEREAS, a copy of this letter was delivered by the County Attorney to all members of this Board and has been duly considered; and

WHEREAS, the Town of the North Hudson has requested of this Board that these properties be conveyed to the Town of North Hudson for the sum of $60,000.00 with a further stipulation that in the event the Town of North Hudson should sell any of these properties within five (5) years of transfer, that one third of the amount of sale over the original purchase price of $60,000.00 be given to Essex County.

BE IT RESOLVED that the Essex County Board of Supervisors has duly considered the proposal of George Moore as set forth in a letter dated May 14, 2014, to pay the sum of $65,000.00 for the hereinabove described premises, however, respectfully rejects said offer and hereby allows the properties to be conveyed to the Town of North Hudson pursuant to resolution.

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

AYES:	**1598 votes**	**(Harrington, Merrihew, Gardner, Douglas, Ferebee, McNally, Politi, Moore, Whitson, Gillilland, Preston)**
NOES:	**1288 votes**	**(Morrow, Blades, Scozzafava, Marnell, Grinnell, Connell)**
ABSENT:	**35 votes**	**(Canon)**