Resolution No. 218 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT A GRANT FROM THE NEW YORK STATE CHAPTER MARCH OF DIMES $1,500.00 COMMUNITY AWARD FOR PRENATAL EDUCATION AND SOCIAL SUPPORT SERVICES IN ESSEX COUNTY, AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME

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 Essex County Public Health Department to apply for and accept a grant from the NYS Chapter March of Dimes in an amount of $1,500.00, for prenatal birth education and social support services in Essex County; and

BE IT FURTHER RESOLVED, that this Board further authorizes the Chairman and/or County Manager to execute the same.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 219 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO ACCEPT A FIVE (5) YEAR CREATING HEALTHY SCHOOLS AND COMMUNITIES GRANT WITH CLINTON COUNTY IN THE AMOUNT OF $100,000.00 PER YEAR, A COORDINATED MULTI-SECTOR EFFORT TO INCREASE DEMAND FOR AND ACCESS TO HEALTHY FOOD AND OPPORTUNITIES FOR PHYSICAL ACTIVITY; AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME

The following resolution was offered by Supervisor Harrington, 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 Essex County Public Health Department to accept a five year grant from Creating Healthy Schools and Communities with Clinton County in the amount of $100,000.00 per year, for access to healthy food and physical activity to reduce the risk of obesity in communities and school districts; and

BE IT FURTHER RESOLVED, that this Board further authorizes the Chairman and/or County Manager to execute contracts for the same.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 220 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT THE NEW YORK STATE DEPARTMENT OF HEALTH PREVENTION AGENDA IN THE AMOUNT OF $2,000.00, AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE THE SAME

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 Essex County Public Health Department to apply for and accept a grant in the amount of $2,000.00, from NYS Department of Health Prevention Agenda; and

BE IT FURTHER RESOLVED, that this Board further authorizes the Chairman and/or County Manager to execute contracts for the same.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 221 ***September 8, 2015***
Regular Meeting

RESOLUTION AUTHORIZING THE WRITE-OFF OF BAD DEBTS IN THE PUBLIC HEALTH DEPARTMENT FOR THE CERTIFIED HOME HEALTH AGENCY FROM JULY 2008 THROUGH JUNE 2013, IN THE AMOUNT OF $152,880.18

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 and directs the Public Health Department to write-off uncollectible bad debts in the Certified Home Health Agency, in the amount of $152,880.18, from July 2008 through June 2013.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 222 ***September 8, 2015***
Regular Board Meeting

RESOLUTION DECLARING A 2008 FORD E450 BUS #8 AS SURPLUS FROM THE TRANSPORTATION DEPARTMENT

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby declares a 2008 Ford E450 bus bearing VIN #1FD4E45PD8DB47758 from the Essex County Transportation Department as surplus property and of no use to the County.

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes (Canon)**

Resolution No. 223 ***September 8, 2015***
Regular Board Meeting

RESOLUTION OF CONDOLENCE TO THE FAMILY OF LARA K. SOBEL

The following resolution was offered by Supervisor Marnell, 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, Lara K. Sobel of East Montpelier, Vermont died suddenly on Friday, August 7, 2015, in Barre City, Vermont; and

WHEREAS, Lara K. Sobel was born in Oceanside, New York on February 26, 1967, the daughter of Alex and Bobbi (Schwartz) Sobel; and

WHEREAS, Lara K. Sobel was employed by the State of Vermont as a Caseworker for the Department of Children and Families Services; and

WHEREAS, Lara K. Sobel is survived by her husband, Timothy Faryniarz, two daughters, Julia and Elahna Sobel-Faryniarz, her parents; and her sister, Lauren Sobel Shapiro; and

WHEREAS, Lara K. Sobel was a loving daughter, wife, mother, sister 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 Lara K. Sobel; 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 Sobel-Faryniarz family.

This resolution was unanimously seconded and adopted.

Resolution No. 224 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR VARIOUS DEPARTMENTS

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends the 2015 Essex County Budget as follows:

From Public Safety Committee:

1. From the Emergency Services Department/Radio Project 06-3 to increase revenues and appropriations in the amount of $280,990.00, Belfry Mountain Tower Decommissioning, as follows:

REVENUES

Account Number	Account Name	Amount
H3021-42397	Capital Project - Radio Communications	$280,990.00

APPROPRIATIONS

Account Number	Account Name	Amount
H30212-52057	Belfry Mtn. Tower Decommissioning	$280,990.00

2. From the Emergency Services Department, to increase revenues and appropriations in the amount of $5,908.00, to cover the costs of the removal and placement of UHF links, as follows:

REVENUES

Account Number	Account Name	Amount
H3021-42397	Capital Project - Radio Communications	$5,908.00

APPROPRIATIONS

Account Number	Account Name	Amount
H30212 5251	mobile equipment	$5,908.00

From DPW Committee:

1. From DPW, to increase revenues and appropriations in the amount of $37,000.00, from the Essex County Soil and Water DEC Storm Water fund, as follows:

REVENUES

Account Number	Account Name	Amount
5656 423971	Road Project - others	$37,000.00

APPROPRIATIONS

Account Number	Account Name	Amount
56564.5487	Essex Storm Water	$37,000.00

From Ways and Means Committee:

1. To appropriate funds from Surplus Account H3909 Forest Project to transfer to the Nutrition Building Renovation Project #15-6, for the walk-in cooler and freezer and associated costs in the amount of $100,000.00.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 225 ***September 8, 2015***
Regular Board Meeting

RESOLUTION OF NON-SUPPORT OF NEW YORK STATE ASSEMBLY BILL A6430 SHACKLING BILL AS UNFUNDED MANDATE

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

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

WHEREAS, in the waning days of the legislative session, New York State Assembly Bill A6430 was discharged expeditiously through committees of both houses and various entities were never given an opportunity to make comments; and

WHEREAS, it makes amendments to the current law on security restraints for female pregnant prisoners on how and when they may be used, as well as "no restraint" provisions, and that a sheriff must find extraordinary circumstances exist, must seek medical consultation, must justify use in writing, must not have correction staff present during birth yet be responsible for security, must give written notice to any female incarcerated and again if pregnant, must provide annual training for all correctional transport staff, and must report in writing annually to the (1) Governor, (2) the temporary president of the senate, (3) the minority leader of the senate, (4) the speaker of the assembly, (5) the minority leader of the assembly, (6) the chairperson of the senate crime victims, (7) crime and correction committee, and (8) the chairperson of the assembly correction committee every time the use of restraints on a woman under this bill; and

WHEREAS, everyone involved in the custody of a pregnant female needs to understand the different medical issues involved and that she be dealt with accordingly and safely, however the language in this bill is excessive, overstated and extraordinarily burdensome in many ways resulting in an unfunded mandate, and an increase in overtime of corrections costs to the counties, and in some circumstances will jeopardize safety, create escape possibilities, and security concerns of all involved, and this is not the time for such issues.

BE IT RESOLVED, that the Essex County Board of Supervisors urges the non-support of this legislation, and that the extreme provisions be amended to avoid the unfunded mandate to counties while maintaining the safety of the female and the security of the incarceration for everyone; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to: Governor Andrew Cuomo, Senator Betty O'C. Little, Assemblyman Dan Stec, the New York State Association of Counties, the New York State Sheriffs' Association and Sheriff Richard Cutting.

This resolution was unanimously seconded and adopted.

Resolution No. 226 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PAY THE TOWN OF NORTH ELBA, $45,544.50, WITH 50% REIMBURSABLE GRANT, FOR THE HOUSEHOLD HAZARDOUS WASTE DAY, FROM BUDGETED FUNDS

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Public Works Department to reimburse the Town of North Elba for the Household Hazardous Waste Day in the amount of $45,544.50 with 50% reimbursable grant funds, from budgeted funds.

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes (Canon)**

Essex County Board of Supervisors

Resolution No. 227 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING A RESERVE EQUIPMENT ACCOUNT FOR THE DEPARTMENT OF PUBLIC WORKS TO BE USED FOR THE PURCHASE OF EQUIPMENT TO COME FROM MONIES RECEIVED FROM INSURANCE CLAIMS, SCRAP METAL AND AUCTION SALES

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 a reserve equipment account in the Department of Public Works to be used for the purchase of equipment to come from monies received from insurance claims, scrap metal and auctions sales; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the transfer of $43,000.00, into the reserve equipment account.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 228 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO STEVEN FULLER EXCAVATING INC. FOR CONCRETE REPAIRS, IN THE TOTAL AMOUNT OF $54,900.00, WITH $40,000.00 FROM BUDGETED FUNDS AND $14,900.00 TO COME FROM CONTINGENCY ACCOUNT

The following resolution was offered by Supervisor Gardner, 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 Purchasing Agent to award the bid for concrete repairs to Steven Fuller Excavating Inc., in the total amount of $54,900.00, with $40,000.00 to come from budgeted funds and $14,900.00 to come from Contingency Account #19904-5487 to the DPW Account #16204.5412 - CR; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to execute the contracts with respect to the above project.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

***BUDGET IMPACT STATEMENT*:**	
Contingent Account Balance as of 7/6/15 :	$170,697.00
Reduction Impact of this resolution:	$ 14,900.00
FY2015 Contingent Account Balance as of 9/8/15	$155,797.00

Resolution No. 229 ***September 8, 2015***
WITHDRAWN ***Regular Board Meeting***

RESOLUTION AMENDING LOCAL LAW 2 OF 2014 ENTITLED "ESSEX COUNTY ROOM AND OCCUPANCY TAX LAW" AMENDING THE DEFINITION OF "HOTEL AND MOTEL" AND FURTHER PROVIDING THAT THE COLLECTION OF OCCUPANCY TAX FOR VACATION RENTALS, CONDOMINIUMS, CAMPGROUNDS, TOURIST HOMES, LODGES, CONVENTION CENTERS, BOARDING HOUSES AS DEFINED IN THE LOCAL LAW NOT TO COMMENCE UNTIL JANUARY 1, 2016

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby amends Local Law No. 2 of 2014, entitled, "Essex County Room and Occupancy Tax Law", amending the definition of "hotel and motel" and further providing that the collection of occupancy tax for vacation rentals, condominiums, campgrounds, tourist homes, lodges, convention centers, boarding houses as defined in the local law not to commence until January 1, 2016.

This resolution was duly seconded by Supervisor Morrow, and ***withdrawn***.

Resolution No. 229A ***September 8, 2015***
Regular Board Meeting

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 4 OF 2015 AMENDING LOCAL LAW NO. 2 OF 2014 ENTITLED "ESSEX COUNTY ROOM OCCUPANCY TAX LAW" TO CLARIFY THE DEFINITION OF "HOTEL OR MOTEL"

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

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

WHEREAS, Essex County has passed Local Law No. 2 of 2014 entitled "Essex County Room Occupancy Tax Law" on June 3, 2014; and

WHEREAS, Essex County is desirous of clarifying the definition of "hotel or motel" as contained in Local Law No. 2 of 2014.

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 4 of 2015, amending Local Law No. 2 of 2014, entitled "Essex County Room Occupancy Tax Law" passed by the Essex County Board of Supervisors on June 3, 2014, by the clarification of Section 2(C) - Hotel or Motel, the same to read and provide as follows:

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 4 OF 2015"

A local law amending 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.

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, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, vacation rentals, motor courts, boarding houses, lake cottages, personal residences or similar type of accommodations* by

w*hatever name designated.*

The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging such as a motorhome, camper or tent.

The term vacation rental or condominium shall mean and include those units rented or leased directly by the owner or through an owner's agent or a real estate agent or rental management agency or other similar agent.

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

(e) *Occupant/Guest* - 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."

AND BE IT FURTHER RESOLVED that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on September 28, 2015, at 9:30 a.m. of that day, to hear any and all persons concerning the same.

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

AYES:	**2886**	**votes**	
NOES:	**0**	**votes**	
ABSENT:	**35**	**votes**	**(Canon)**

Resolution No. 230 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN TO EXECUTE A STATE OF NEW YORK MASTER CONTRACT FOR GRANTS WITH THE NEW YORK STATE DEPARTMENT OF STATE RELATIVE TO CONTRACT C1000522 FOR CHAMPLAIN VALLEY WATERFRONT IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED $290,923.00 AND THE EXECUTION OF MEMORANDA OF AGREEMENTS (MOA) WITH THE TOWN OF CROWN POINT, TOWN OF SCHROON, TOWN OF WILMINGTON, TOWN OF NEWCOMB, TOWN OF TICONDEROGA, AND THE AUSABLE RIVER ASSOCIATION FOR CONSULTANT PLANNING AND DESIGN SERVICES, EDUCATION AND OUTREACH, WATER QUALITY MONITORING, RIVER RESTORATION AND THE PURCHASE OF SUPPLIES AND MATERIALS INCIDENT TO THE VARIOUS PROJECTS

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

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

WHEREAS, the County of Essex has received a grant through the New York State Department of State for the implementation of the Champlain Valley Waterfront Improvement Grant; and

WHEREAS, the County of Essex must enter into a Master Contract with the New York State Department of State bearing Contract No. C1000522 for the implementation of the plan; and

WHEREAS, pursuant to the Master Contract, Essex County is charged with maintaining and processing all fiscal revenues associated with the project and to assist in the completion of the project and all project components, including the procurement of consulting services and the execution of necessary contractual arrangements and memoranda of agreements to complete the projects; and

WHEREAS, the Town of Crown Point, Town of Schroon, Town of Wilmington, Town of Newcomb, Town of Ticonderoga and Ausable River Association are all participants in this program and must execute memoranda of agreements with Essex County in order for the projects to proceed and to procure funding; and

WHEREAS, Essex County and the various towns must procure consulting services pursuant to its rules and regulations; and

WHEREAS, this Board has determined that the Ausable River Association (AsRA) is integrally involved in the watershed plan with other municipalities and, therefore, has determined that this is a sole source/professional service procurement.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Chairman of the Essex County Board to execute the Master Grant Agreement with the New York State Department of State bearing Contract No. C1000522 and to execute memoranda of agreements with the Towns of Crown Point, Schroon, Wilmington, Newcomb and Ticonderoga and the Ausable River Association incident to implementation of the Champlain Valley Waterfront Improvement Grant.

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes (Canon)**

Resolution No. 231 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE CONVEYANCE OF HURRICANE IRENE BUYOUT PROPERTIES ACQUIRED BY THE COUNTY OF ESSEX PURSUANT TO THE FEDERAL HAZARD MITIGATION GRANT PROGRAM ADMINISTERED BY THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (SEMO) TO THE VARIOUS TOWNS IN ESSEX COUNTY WHERE THESE PROPERTIES ARE SITUATE BY DEED WITH RESERVATION OF A CONSERVATION EASEMENT TO THE COUNTY

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

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

WHEREAS, the County of Essex, through the New York State Division of Homeland Security and Emergency Services (SEMO) applied for and received hazard mitigation grants pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act for disaster relief incident to the purchase and buyout of properties substantially and fully damaged as the result of Hurricane Irene; and

WHEREAS, the County of Essex, pursuant to the hazard mitigation grant program, acquired a number of parcels from various property owners whose properties were substantially damaged by Hurricane Irene in 2013 and 2014; and

WHEREAS, the deeds of conveyance from the property owners to the County of Essex contains certain restrictive covenants and conditions relative to the future use of the property as basically open space; and

WHEREAS, as these properties can only be used for open space purposes and no buildings or outbuildings may be built upon the premises, these properties are of no value or use to the County of Essex and, the County of Essex is desirous of transferring the same to the Towns to relieve it from the expense of maintenance and upkeep and any liability concerns, pursuant to General Municipal Law §72-h without consideration.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the transfer of those premises described at Schedule A, attached hereto and made a part hereof, to the various towns where these properties are situate for no consideration, provided and on condition that the deed of conveyance contain a reservation of a conservation easement to the County of Essex in perpetuity in order to restrict the use of these lands to open space and to protect and preserve the natural flood plane; and

BE IT FURTHER RESOLVED, this Board authorizes the County Chairman or County Manager to execute any and all deeds of conveyance and necessary documents incident to such transfer.

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes (Canon)**

SCHEDULE A

Berke
12157 NYS Route 9N
Tax Map Parcel 35.02-5-13
Town of Jay, Essex County, New York

Boggs
16 Broad Lane
Tax Map Parcel 7.84-2-5
Town of Jay, Essex County, New York

Changelo
20 Intervale Avenue
Tax Map Parcel 7.84-1-10
Town of Jay, Essex County, New York

Denton
2 Artos Way
Tax Map Parcels 035.08-03-10.000 and 035.8-3-9.120
Town of Jay, Essex County, New York

Deyo
10999 NYS Route 9N
Tax Map No. 44.4-2-32.12
Town of Keene, Essex County, New York

Egan
27 Randy's Lane
Tax Map Parcel 27.10-5-2
Town of Jay, Essex County, New York

Finnessey
10 Tunnel Ave.
Tax Map No. 97.56-2-13.1
Town of Moriah, Essex County, New York

Freebern
11 Randy's Lane
Tax Map No. 27.10-5-4.2
Town of Jay, Essex County, New York

Garcia
506 Sheldrake Road
Tax Map Parcel 7.84-2-21

Town of Jay, Essex County, New York

Gilbert
14 Broad Lane
Tax Map Parcel 7.84-2-6
Town of Jay, Essex County, New York

Hoskins
17 Tyrrell Street
Tax Map Parcel . 49.69-1-2.2
Town of Essex, Essex County, New York

House
1906 NYS Route 73
Tax Map No. 62.12-5-6
Town of Keene, Essex County, New York

Irving
12162 NYS Route 9N
Tax Map Parcel 35.02-5-2
Town of Jay, Essex County, New York

Jarvis
11 Burt Lane
Tax Map Parcel 7.84-3-3
Town of Jay, Essex County, New York

LaHue
15 Burt Lane
Tax Map Parcel 7.84-4-2.001
Town of Jay, Essex County, New York

Maicus
7 Broad Lane
Tax Map Parcel 7.84-3-14
Town of Jay, Essex County, New York

McDonald
23 Burt Lane
Tax Map Parcel 7.84-4-5
Town of Jay, Essex County, New York

McDowell
12116 NYS Route 9N
Tax Map Parcel 35.2-5-22.1
Town of Jay, Essex County, New York

McNaughton
6 Marsden Road
Tax Map Nos. 104.4-1-43.000 and .4-1-44.002
Town of North Hudson, Essex County, New York

Monaco
6 Arto's Way
Tax Map Parcel 35.8-3-9.130
Town of Jay, Essex County, New York

Moore
718 NYS Route 22
Tax Map Parcel 57.3-1-17
Town of Westport, Essex County, New York

Nelson
524 Sheldrake Road
Tax Map Parcel 7.84-2-2
Town of Jay, Essex County, New York

O'Donnell
26 Roaring Brook Lane
Tax Map Parcel 74.7-1-9
Town of Elizabethtown, Essex County, New York

Papineau
11564 NYS Route 9N
Tax Map Parcel 044.02-01-15.000
Town of Keene, Essex County, New York

Pinter
46 Roaring Brook Lane
Tax Map Parcel 74.7-1-3.22
Town of Elizabethtown, Essex County, New York

Pinter
32 Roaring Brook Lane
Tax Map Parcel 74.7-1-5
Town of Elizabethtown, Essex County, New York

Rabideau
12742 NYS Route 9N
Tax Map Parcel 27.3-1-8
Town of Jay, Essex County, New York

Renz
12122 NYS Route 9N
Tax Map Parcel 35.02-5-15.032
Town of Jay, Essex County, New York

Simpson
24 Intervale Avenue
Tax Map Parcel 7.84-1-11
Town of Jay, Essex County, New York

Simpson
26 Intervale Avenue
Tax Map Parcel 7.84-1-12
Town of Jay, Essex County, New York

Trumbull
4 Trumbull's Road
Tax Map Parcel 35.2-5-1
Town of Jay, Essex County, New York

Votraw
10 Burt Lane
Tax Map Parcel 7.84-3-2
Town of Jay, Essex County, New York

Zeno
23 Randy's Lane
Tax Map No. 27.10-5-3
Town of Jay, Essex County, New York

Resolution No. 232 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO HAWKINS, DELAFIELD AND WOODS LLC FOR BOND COUNSEL SERVICES

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to award the bid for bond counsel services to Hawkins, Delafield and Woods LLC; and

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

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 233 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING PAYMENT OF UP TO $15,000.00 TO THE NEW YORK STATE ASSOCIATION OF COUNTIES AS HOST COUNTY FOR THE 2015 FALL CONFERENCE TO BE HELD IN LAKE PLACID, NEW YORK, SUCH FUNDS TO BE APPROPRIATED FROM THE CONTINGENCY ACCOUNT

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

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

WHEREAS, Essex County will be the host county of the New York State Association of Counties Fall Conference to be held in Lake Placid, New York; and

WHEREAS, a payment to NYSAC of up to $15,000.00 as host County for the NYSAC Conference, with such funds to come from Contingency Account #19904-5487 into Board of Supervisors Account #10104-5487.

BE IT RESOLVED, the Essex County Board of Supervisors hereby authorizes a payment of up to $15,000.00 to NYSAC as host county for the NYSAC Fall Conference, with such funds appropriated from the Contingency Account #19904-5487 to Board of Supervisors Account #10104-5487.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

BUDGET IMPACT STATEMENT:	
Contingent Account Balance as of 7/6/15:	*$155,797.00*
Reduction Impact of this resolution:	*$ 15,000.00*
FY2015 Contingent Account Balance as of 9/8/15:	*$140,797.00*

Resolution No. 234 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO CJ BROWN ENERGY FOR NYSERDA SERVICES UNDER AN ENERGY PERFORMANCE CONTRACT, IN AN AMOUNT NOT TO EXCEED $8,289.00; AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT FOR THE SAME

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to award the bid for NYSERDA Services under an Energy Performance Contract to CJ Brown Energy, in an amount not to exceed $8,289.00; and

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

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

AYES: 2337 votes
NOES: 549 votes (Grinnell and Gillilland)
ABSENT: 35 votes (Canon)

Resolution No. 235 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE AN AGREEMENT (MOU) BETWEEN ESSEX COUNTY AND THE ESSEX COUNTY SHERIFF AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION INC. LOCAL 1000, AFSCME, AFL-CIO, ESSEX COUNTY UNIT 6800, LOCAL 618 (CSEA) RELATIVE TO FRAGMENTING THE EXISTING COUNTY-WIDE COLLECTIVE BARGAINING UNIT INTO TWO SEPARATE BARGAINING UNITS, TO WIT: THE BARGAINING UNIT WITH RESPECT TO THE DEPUTY SHERIFFS, DEPUTY SHERIFF SERGEANTS, DEPUTY SHERIFF LIEUTENANTS, DEPUTY SHERIFF/CIVIL OFFICERS, CORRECTIONS OFFICERS, CORRECTIONS CORPORALS, CORRECTIONS SERGEANTS AND CORRECTIONS LIEUTENANTS AS ONE BARGAINING UNIT AND ALL OTHER ESSEX COUNTY EMPLOYEES TO REMAIN AS A SEPARATE BARGAINING UNIT

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, CSEA and the County are parties to a Collective Bargaining Agreement coving the period January 1, 2013 through December 31, 2015; and

WHEREAS, pursuant to said Collective Bargaining Agreement, Essex County recognizes CSEA Local 1000 as a sole and exclusive representative for purposes of collective bargaining and the administration of grievances for the unit consisting of all Essex County employees except for elected or appointed officials, exempt employees, department heads, and other management personnel; and

WHEREAS, CSEA and Essex County desire to fragment the existing bargaining unit into two separate bargaining units, with CSEA remaining as the exclusive representative for purposes of collective bargaining unit and the administration of grievances for both units; and

WHEREAS, the parties are desirous of fragmenting the existing bargaining unit into the following two separate bargaining units:

1. Unit 1 shall consist of Deputy Sheriffs, Deputy Sheriff Sergeants, Deputy Sheriff Lieutenants, Deputy Sheriff/Civil Officers, Corrections Officers,

Corrections Corporals, Corrections Sergeants and Corrections Lieutenants with all other employees being excluded.

2. Unit 2 will be all current and existing Essex County employees except for those listed above.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to execute an agreement (MOU) between Essex County and the Essex County Sheriff and the Civil Service Employees Association Local 1000, AFSCME, AFL-CIO, Essex County Unit 6800, Local 618 (CSEA) relative to fragmenting the existing county-wide collective bargaining unit into two separate bargaining units, to wit:

1. One Bargaining Unit with respect to the Deputy Sheriffs, Deputy Sheriff Sergeants, Deputy Sheriff Lieutenants, Deputy Sheriff/Civil Officers, Corrections Officers, Corrections Corporals, Corrections Sergeants and Corrections Lieutenants with all other employees being excluded.

2. One Bargaining Unit will be all current and existing Essex County employees except for elected or appointed officials, exempt employees, department heads, and other management personnel.

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

AYES: 2112 votes
NOES: 774 votes (Blades, Connell, Depo, Scozzafava)
ABSENT: 35 votes (Canon)

Resolution No. 236 ***September 8, 2015***
Regular Board Meeting

RESOLUTION APPROVING A SUBRECIPIENT AGREEMENT BETWEEN ESSEX COUNTY AND THE HOUSING ASSISTANCE PROGRAM OF ESSEX COUNTY (HAPEC) FOR A 2014 HOUSING AWARD, BEARING PROJECT NO. 382WS355-14, IN THE AMOUNT OF $267,835.00, FROM FUNDS RECEIVED FROM THE NEW YORK STATE OFFICE OF HOMES AND COMMUNITY RENEWAL SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The following resolution was offered by Supervisor Connell, 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 accepts the 2014 New York State Community Development Block Grant (CDBG) Housing Award in the amount of $267,835.00; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a Subrecipient Agreement between the County of Essex and the Housing Assistance Program of Essex County (HAPEC) for a 2014 NYS Housing grant, bearing Project No. 382WS355-14, in the amount of $267,835.00, for a 2014 NYS Community Development Block Grant (CDBG) Housing Award from the NYS Homes and Community Renewal Housing Trust Fund.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 237 ***September 8, 2015***
Regular Board Meeting

RESOLUTION APPROVING A SUBRECIPIENT AGREEMENT BETWEEN ESSEX COUNTY AND THE HOUSING ASSISTANCE PROGRAM OF ESSEX COUNTY (HAPEC) FOR THE 2014 HOMEBUYER GRANT, BEARING PROJECT NO. 382HO350-14, IN THE AMOUNT OF $300,000.00, FROM FUNDS RECEIVED FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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 accepts the 2014 New York State Community Development Block Grant (CDBG) Housing Award in the amount of $300,000.00; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a Subrecipient Agreement between the County of Essex and the Housing Assistance Program of Essex County (HAPEC) for the 2014 Homebuyer grant, bearing Project No. 382HO350-14, in the amount of $300,000.00, for a 2014 NYS Community Development Block Grant (CDBG) Housing Award from the NYS Homes and Community Renewal Housing Trust Fund.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 238 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE REPLACEMENT OF FURNACE BRIDGE OVER BLACK RIVER, TOWN OF WESTPORT PROJECT; AND FURTHER AUTHORIZES THE PURCHASING AGENT TO AWARD BIDS TO THE FORT MILLER COMPANY, INC. FOR THE PRECAST BRIDGE FOR THE FURNACE BRIDGE PROJECT IN THE TOTAL AMOUNT OF $237,178.00, AND TO AWARD THE BID TO JOHN W. SHEEHAN & SONS, INC. FOR THE INSTALLATION OF THE FURNACE BRIDGE IN THE TOTAL AMOUNT OF $617,000.00; AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE CONTRACTS IN THE ABOVE REFERENCED FURNACE BRIDGE PROJECT, WHICH FUNDS ARE TO COME FROM THE BRIDGE BOND, PROVIDING ALL NECESSARY PERMITS AND CONTRACTS ARE IN PLACE AND APPROVAL BY THE COUNTY ATTORNEY

The following resolution was offered by Supervisor Connell, 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 Bridge Replacement Project of the Furnace Bridge over Black River in the Town of Westport; and

BE IT FURTHER RESOLVED, that the Purchasing Agent is hereby authorized to award the bid to The Fort Miller Company, Inc. for the precast bridge for the Furnace Bridge Project in the total amount of $237,178.00, which funds are to come from the bridge bond monies; and

BE IT FURTHER RESOLVED, that the Purchasing Agent is hereby authorized to award the bid to John W. Sheehan & Sons Inc. for the installation of the Furnace Bridge in the total amount of $617,000.00, which funds are to come from the bridge bond monies; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to execute the contracts with respect to the above project providing that all necessary permits and contracts are in place and with approval by the County Attorney.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 239 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PROJECT FOR THE BARTLETT ROAD BRIDGE REPLACEMENT PROJECT, IN THE TOWN OF KEENE; AND FURTHER AUTHORIZING THE PURCHASING AGENT TO AWARD A BID TO ADIRONDACK CONCRETE TO PERFORM SITE AND SUBSTRUCTURE WORK FOR THE BARTLETT ROAD BRIDGE REPLACEMENT PROJECT AT A COST OF $249,900.00, WITH FUNDS TO COME FROM THE 2014 BRIDGE BOND, PROVIDING ALL NECESSARY PERMITS AND CONTRACTS ARE IN PLACE AND APPROVAL BY THE COUNTY ATTORNEY

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 authorizes the Bartlett Road Bridge Replacement Project, in the Town of Keene; and

BE IT FURTHER RESOLVED, that the Purchasing Agent is hereby authorized to award the bid to Adirondack Concrete LLC to perform the site and substructure work for the Bartlett Road Bridge Replacement Project in the amount of $249,900.00, with funds to come fro the 2014 bridge bond monies; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to execute the contracts with respect to the above project providing all necessary permits and contracts are in place and with approval by the County Attorney.

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes**

Essex County Board of Supervisors

Resolution No. 240

September 8, 2015
Regular Board Meeting

RESOLUTION AUTHORIZING THE BRIDGE PROJECTS THAT HAVE BEEN APPROVED AND COMPLETED USING FUNDS FROM THE 2009 AND 2014 BRIDGE BOND MONIES

The following resolution wa s 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 that the following bridge projects have been approved and completed with funds from a combination of 2009 bridge bond funds and the 2014 bridge bond funds:

- Morehouse Bridge - County Route 68 over Boquet River, Willsboro - Total $937,001.26 with $29,635.50 from 2009 bridge bond and $907,365.76 from 2014 bridge bond.

- Cemetery Bridge over Norton Brook, Keene - Total $326,521.07 with $276,541.95 from 2009 bridge bond and $49,979.12 from 2014 bridge bond.

- Rolling Mill Bridge, Grove Road, Jay - Total $2,476,954.53 with $1,200,000.00 from 2009 bridge bond and $653,315.73 from 2014 bridge bond and the balance from other funds.

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

Resolution No. 241 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE A GRANT OF EASEMENT WITH NIAGARA MOHAWK POWER CORPORATION OVER PREMISES KNOWN AS 13 FISH HATCHERY ROAD IN THE TOWN OF CROWN POINT FOR THE PURPOSES OF PROVIDING A POLE LINE AND HIGH AND LOW VOLTAGE ELECTRIC CURRENT TO THE PROPERTY OWNED BY THE TOWN OF CROWN POINT

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors here authorizes the County Chairman or County Manager to execute a grant of easement with Niagara Mohawk Power Corporation over premises known as 13 Fish Hatchery Road in the Town of Crown Point for the purposes of providing a pole line and high and low voltage electric current to the property owned by the Town of Crown Point as described on attached map; and

BE IT FURTHER RESOLVED, this conveyance is made pursuant to General Municipal Law §72-h and is without consideration as is necessary for the damaged pole line to be replaced to provide electricity to service the premises of the Town of Crown Point upon which will be situate their water facilities.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 242 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO OUT TO BID AND AWARD FOR ENGINEERING SERVICES FOR ROME DAM PROJECT

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

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

WHEREAS, pursuant to the New York State Community Rising Program, the County of Essex was awarded a $9 million grant for the Towns of Jay and Keene for community reconstruction; and

WHEREAS, as part of this program, the Rome Dam located in the Town of Jay was accepted as a project; and

WHEREAS, with respect to the Rome Dam Project it is necessary to procure engineering services relative to its removal.

BE IT RESOLVED, that the Essex County Board of Supervisors here authorizes the Purchasing Agent to go out to bid and award for engineering services for the Rome Dam Project.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 243 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO BID AND AWARD FOR THE PURCHASE AND INSTALLATION OF AN EXTERNALLY LOCATED WALK-IN COOLER AND WALK-IN FREEZER FOR THE NUTRITION BUILDING AS PER AES'S PROJECT DRAWING #4396

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors here authorizes the Purchasing Agent to go out to bid and award for the purchase and installation of an externally located walk-in cooler and walk-in freezer for the Nutrition Building, as per AES's Project Drawing #4396.

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute contracts for the same, upon the approval of the County Attorney.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

RESOLUTION ACCEPTING THE GRANT IN THE AMOUNT OF $312,642.00 FOR PROJECT #4085-0052 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE WILLIAM PETRO DAM FLOOD MITIGATION HMGP PROJECT (CFDA #97.039); AND FURTHER AUTHORIZING A BUDGET AMENDMENT IN THE COMMUNITY RESOURCES DEPARTMENT INCREASING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF $312,642.00 FOR THE SAME

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors here accepts a grant in the amount of $312,642.00, from the U.S. Department of Homeland Security for the William Petro Dam Flood Mitigation Project #4085-0052, HMGP Project CFDA #97.039; and

BE IT FURTHER RESOLVED, that this Board hereby authorizes an amendment to the 2015 Essex County Budget, as follows:

From the Community Resources Department to increase revenues and appropriations in the amount of #312,642.00, from U.S. Department of Homeland Security grant as follows:

REVENUES

Account Number	**Account Name**	**Amount**
3646 449644 SWCD-15	Fed. Aid Homeland Security HMPG Petro Dam	$312,642.00

APPROPRIATIONS

Account Number	**Account Name**	**Amount**
36464 5400SWCD	SWCD Petro Dam Project	$312,642.00

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to go out to bid and award for the above referenced project; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute contracts for the same, upon the approval of the County Attorney.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes **(Canon)**

Resolution No. 245 ***September 8, 2015***
Regular Board Meeting

RESOLUTION SEEKING STATE ASSISTANCE WITH THE NEW YORK TAX CAP

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

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

WHEREAS, in 2011, New York Governor Andrew Cuomo and the New York State Legislature adopted what is commonly referred to and known as New York State's Property Tax Cap to address New York's every increasing property taxes; and

WHEREAS, the Property Tax Cap set in place a cap on growth of property taxes in New York whereby real property taxes are capped at two percent (2%) per year or the rate of inflation, whichever is less; and

WHEREAS, the focus of the tax cap has been on the laudable goal of driving down costs of government services through cuts and consolidation in services and heightened economic development aimed at alleviating the pressure of the tax cap; and

WHEREAS, while increasing economic development everywhere in New York State is an important and laudable goal, New York's towns and counties within the Blue Line of the Adirondack Park face particular hardships when seeking development projects due to additional government regulation and hurdles; and

WHEREAS, such government regulation significantly curtails the amount of available acreage within the Blue Line for economic development and imposes additional regulatory hurdles for beneficial development within the Adirondack Park; and

WHEREAS, recent studies, including the 2009 Adirondack Park Regional Assessment Project sponsored by the Adirondack Association of Towns and Villages and the Adirondack North Country Association notes the aging population of the Adirondack Park and the significant decrease in viable economic opportunities for residents within the Adirondack Park; and

WHEREAS, in addition, the 2009 Adirondack Park Regional Assessment Project also noted that from 1980 to 2006, real property tax as a portion of total revenue within the Park actually decreased in the average Adirondack community; and

WHEREAS, many communities in the Adirondack Park also have aging water and/or sewer systems which combined with ever increasing regulatory controls from the New York

Sate Department of Environmental Conservation, New York State Department of Health, and United States Environmental Protection Agency, have actually resulted in increased employee hours and financial obligations simply to keep those systems within permit guidelines and limits; and

WHEREAS, communities within the Adirondack Park find themselves at a significant crossroads: higher regulatory and financial obligations for aging infrastructure versus compliance with the tax cap; and

WHEREAS, most communities within the Adirondack Park have already taken significant steps aimed at cost savings within their communities including significant reductions in highway and DPW staff and other staffing cuts; and

WHEREAS, most communities within the Adirondack Park now find themselves understaffed to the point where essential public services including road maintenance and the ability to monitor and maintain their water and/or sewer systems simply cannot be performed within the available employee hours given such reductions; and

WHEREAS, much of the land in the Adirondack Park, with more being purchased every year, is owned by the State of New York and non-profits aimed at curtailing development within the Adirondack Park which only increases the burden imposed on local taxpayers; and

WHEREAS, the year round residents and taxpayers of the Adirondack Park are at a breaking point with the need for meaningful services and roads and the ever decreasing revenue with which to supply such services and roads; and

WHEREAS, the communities within the Adirondack Park hereby ask Governor Andrew Cuomo and members of the New York State Legislature to help the residents and taxpayers of the Adirondack Park with regulatory relief and financial assistance to help our communities comply with the Tax Cap.

NOW, THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors asks Governor Andrew Cuomo and members of the New York State Legislature to help the residents and taxpayers of the Adirondack Park with regulatory relief and financial assistance to help our communities comply with the Tax Cap; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors asks Governor Andrew Cuomo and members of the New York State Legislature to provide funding assistance for the communities within the Blue Line of the Adirondack Park for water, sewer and road infrastructure to help offset the loss of revenues imposed by New York's Tax Cap, which loss is grossly exceeding the costs of supplying such services, particularly within the Blue Line of the Adirondack Park; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors asks Governor Andrew Cuomo and members of the New York State Legislature to provide

meaningful regulatory relief to communities within the Blue Line of the Adirondack Park so that actual economic development can take place; and

BE IT FURTHER RESOLVED, that this resolution take effect immediately; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to: Governor Andrew Cuomo, New York State Association of Towns and Villages (AATV), New York State Association of Counties (NYSAC) and the Adirondack Park Agency, Senator Betty O'C. Little and Assemblyman Dan Stec.

This resolutions was unanimously seconded and duly adopted.

RESOLUTION OF CONDOLENCE TO THE FAMILY OF DANIEL OWEN RIGGINS

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, Daniel Owen Riggins of Schroon Lake, New York passed away suddenly on August 24, 2015; and

WHEREAS, Daniel Owen Riggins was born on February 3, 1949, in Kingston, New York, the son of Peter Owen Riggins and Lillian (Gill) Riggins; and

WHEREAS, Daniel Owen Riggins graduated from Wallkill High School and SUNY Cortland, where he was a leading member of the Red Dragon basketball and football tems; and

WHEREAS, Daniel Owen Riggins began his educational career at Mohonasen Central School as a middle school science teacher and concluded as principal of Charlton Heights Elementary School of Burnt Hills-Ballston Lake Central School District; and

WHEREAS, Daniel Owen Riggins was an active member of Our Lady of Lourdes Catholic Church serving as a Eucharistic Minister and Parrish Council Member where his strong faith played an important role in his life; and

WHEREAS, Daniel Owen Riggins loved and enjoyed life to the fullest and was happiest when entertaining friends, organizing golf and tennis tournaments, serving on numerous boards and commissions, delivering meals on wheels, but most importantly always putting others needs before his own. Many people have been the lucky recipients of his famous poems and have enjoyed his storytelling and jokes; and

WHEREAS, Daniel Owen Riggins is survived by his mother; his living wife of 43 years, Kathy (Turevich) Riggins; his beloved son, Mathew Riggins; his brother, Peter and Susanne Riggins; his sisters, Betty Ann and Paul Vegliando, Kathy Riggins, Mary Jean and Tim Coddington, Nancy and Bill Hecht, Patti and Bruce Campo, Ellen Riggins, Barbara and Jim DeMetriou; his mother-in-law, Helen Turevich; his sister-in-law, Judy and Bobby Osborne and numerous loving nieces and nephews; and

WHEREAS, Daniel Owen Riggins was a loving son, husband, father, brother, 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 Daniel Owen Riggins; 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 Riggins family.

This resolution was unanimously seconded and adopted.

Resolution No. 247 ***September 8, 2015***
Regular Board Meeting

RESOLUTION URGING NEW YORK STATE DEPARTMENT OF CONSERVATION TO KEEP ALL NEW YORK STATE CAMPSITES OPEN UNTIL COLUMBUS DAY

The following resolution was offered by Supervisor Harrington, 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 New York State Department of Environmental Conservation abruptly closed the State Campground at the Historical Site in Crown Point for the season; and

WHEREAS, the early closure placed a hardship on those campers that had reservations at the Crown Point Site and other State campgrounds and will now have a negative impact on the local businesses that depend on the Fall foliage tourist season.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby urges the New York State Department of Environmental Conservation to keep all New York State campsites open until Columbus Day; and

BE IT FURTHER RESOLVED, that this Board strongly urges the New York State DEC to keep the overnight State Campgrounds open until Columbus Day; and

BE IT FURTHER RESOLVED, that a copy of this resolution, suitably embossed, should be transmitted to Governor Andrew Cuomo, Senator Elizabeth O'C. Little, Assemblyman Dan Stec, and New York State Department of Environmental Conservation Region 5 Director.

This resolution was unanimously seconded and duly adopted.

Resolution No. 248 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE EXECUTION BY THE COUNTY CHAIRMAN OR COUNTY MANAGER OF THE FIRST AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY SUBRECIPIENT AGREEMENT BEARING AGREEMENT NUMBER CDBG-DR AND ACCEPTING GRANT FUNDS IN THE AMOUNT OF $319,460.00 RELATIVE TO THE AUSABLE FORKS WATER BUILDING RELOCATION AND ROLLING MILL ROAD PROTECTION PROJECT AND THE RESTORATION AND FLOOD MITIGATION PROJECT AT GULF BROOK, TOWN OF KEENE

The following resolution was offered by Supervisor Depo, 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 County Chairman or County Manager to execute the First Amendment to Community Development Block Grant Disaster Recovery Subrecipient Agreement bearing Agreement No. CDBG-DR; and

BE IT FURTHER RESOLVED, that this Board hereby accepts grant funds in the total amount of $319,460.00, relative to the AuSable Forks Water Building Relocation, Rolling Mill Road Protection Project and the Restoration and Flood Mitigation Project at Gulf Brook, Town of Keene.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 249 ***September 8, 2015***
Regular Board Meeting

RESOLUTION OF SUPPORT OF THE ADIRONDACK CANOE CLASSIC "THE 90 MILER" ON SEPTEMBER 11-13, 2015, AND IN SUPPORT OF THE PERMIT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO THE SAME FOR THE USE AND/OR CLOSURE OF PUBLIC HIGHWAYS DURING THE EVENT

The following resolution was offered by Supervisor Whitson, 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 support the Adirondack Canoe Classic "The 90 Miler" to be held September 11-13, 2015; and

BE IT FURTHER RESOLVED, that this Board is in support of the permit application to the New York State Department of Transportation with respect to the same for the use and/or closure of public highways during the event.

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

Resolution No. 250 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF $43,302.44, FROM FUND BALANCE, TO PAY THE FEMA BUYOUT PROPERTIES BOND ANTICIPATION NOTE (BAN) THAT ARE DUE ON SEPTEMBER 25, 2015

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

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

BE IT RESOLVED, the Essex County Board of Supervisors hereby authorizes a payment of $43,302.44, to pay the FEMA Buyout properties BAN, with funds to come from Fund Balance.

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes (Canon)**

Resolution No. 251 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASE OF A SOLAR POWERED RADAR SIGN TO BE PLACED IN THE VILLAGE OF PORT HENRY, IN AN AMOUNT NOT TO EXCEED $5,100.00, WITH FUNDS TO COME FROM THE CREATING HEALTHY PLACES GRANT

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

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

BE IT RESOLVED, the Essex County Board of Supervisors hereby authorizes the purchase of a solar powered radar sign to be placed in the Village of Port Henry, in an amount not to exceed $5,100.00, with funds to come from the Creating Healthy Places grant.

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

AYES: 2886 votes
NOES: 0 votes
ABSENT: 35 votes (Canon)

Resolution No. 252 ***September 8, 2015***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO GREEN MOUNTAIN ELECTRIC FOR A HEAT TRACE SYSTEM FOR THE COUNTY COMPLEX FORCED MAIN SYSTEM, IN AN AMOUNT NOT TO EXCEED $6,331.00; AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT FOR THE SAME

The following resolution was offered by Supervisor Morrow, 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 Purchasing Agent to award bid to Green Mountain Electric for a heat trace system for the County Complex force main system, in an amount not to exceed $6,331.00; and

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

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

AYES:	**2886**	**votes**
NOES:	**0**	**votes**
ABSENT:	**35**	**votes (Canon)**