

**RESOLUTION AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO ACCEPT A GRANT FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) IN THE AMOUNT OF \$14,000.00, AND AUTHORIZING ANY NECESSARY BUDGET AMENDMENTS**

The following resolution was offered by Supervisor Merrihew, 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 grant from the National Association of County and City Health Officials (NACCHO), in the amount of \$14,000.00; and

**BE IT FURTHER RESOLVED**, that this Board hereby amends the 2016 Essex County Budget in the Public Health Department, to increase revenues and appropriations in the amount of \$14,000.00, for the NACCHO grant, as follows:

**REVENUES**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
4196 444893	WFD	\$14,000.00

**APPROPRIATIONS**

<b><u>Account Number</u></b>	<b><u>Account Name</u></b>	<b><u>Amount</u></b>
41964.54WFD	WFD	\$14,000.00

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION INTRODUCING PROPOSED LOCAL  
LAW NO. 3 OF 2016 ENTITLED "A LOCAL LAW  
REGULATING THE OUTDOOR RESTRAINT OF  
DOGS FOR THE COUNTY OF ESSEX"**

The following resolution was offered by Supervisor Gilliland, 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 introduces proposed Local Law No. 3 of 2016 entitled "A Local Law Regulation the Outdoor Restraint of Dogs for the County of Essex," reading and provided as follows:

**"PROPOSED ESSEX COUNTY LOCAL LAW NO. 3 OF 2016"**

A local law regulating the outdoor restraint of dogs for the County of Essex.

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

**Section 1. Title.**

This local law shall be known and cited as "Essex County Local Law No. 3 of 2016 - A Local Law Regulating the Outdoor Restraint of Dogs for the County of Essex."

**Section 2. Enactment.**

This local law is adopted pursuant to the authority granted the County of Essex pursuant to Section 10 of the Municipal Home Rule Law of the State of New York.

**Section 3. Purpose.**

By adoption of this local law, the County of Essex declares its intent to regulate and control the outdoor confinement of dogs restrained or kept on property located within the County. The Essex County Board of Supervisors has determined that the

practice of tethering or fastening a dog out of doors for a prolonged period to a stationary object, including but not limited to a structure, pole, or tree is inhumane and presents a threat to the safety and well-being of the dog. Dogs tethered to a fixed point are also more likely to become aggressive and present a threat to human beings as well as other animals. Tethers, chains and other restraints can also injure dogs, as the restraint may tangle or catch on other objects.

The Board is aware that animals tied to a stationary object outside for extended periods of time are also frequently the victims of other forms of neglect including insufficient food and/or water, or inadequate shelter. Furthermore, dogs confined for long periods of time often vocalize to signal their distress and thereby disrupt the peace and quiet of the community.

All dogs need the opportunity to exercise and engage in normal social behaviors. Indefinite long term confinement of any dog by any means of constraint is generally considered to be inhumane and unacceptable.

Therefore, this Board finds that it is in the best interest of the residents of Essex County, as well as their dogs to ensure the safety of all by regulating the manner in which a dog may be restrained outdoors.

#### ***Section 4. Definitions.***

As used in this local law, the following terms shall have the meanings indicated:

- a. "Tether" shall mean to restrain a dog by attaching the dog to any stationary object, or structure, including without limitation, a house, building, tree, fence, post, garage, shed, stake, lawn spike or any fixed point whatsoever, by any means, including without limitation, a chain, rope, cord, leash, overhead dog run, or trolley system. Tethering does not include the use of a leash while walking a dog.
- b. "Person" shall mean any individual, firm, partnership, corporation, company, society, association or any organized group of persons whether incorporated or not.
- c. "Owner" shall mean any person who harbors or keeps any dog. In the event any dog involved in this local law shall be owned by a person under eighteen years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides). This shall also include any agent, representative or person responsible for the care and welfare of any dog.
- d. "Harbor" means to provide food, water, shelter, care or to be responsible for any dog.
- e. "Weather alert" shall mean a National Weather Service warning for heat advisory, frigid weather, snow or ice storm, tornados, tropical storms, high winds, thunderstorms or other adverse weather conditions.
- f. "Dog" shall mean any male or female, licensed or unlicensed member of the species *canis familiaris* (companion animals).

g. "County" means the area within the jurisdictional limits of the County of Essex and shall apply to all those areas of the County of Essex.

h. "Dog enclosure" shall mean an enclosure, fence, pen, invisible fence, or electric fence which includes adequate shelter as defined in Article 26, Section 353-b of the NYS Agriculture and Markets Law, is used to completely contain a dog and allows complete freedom of movement therein within an area which must be at least 100 square feet per dog.

i. "Overhead dog run" or "trolley system" shall mean any overhead system created for the purpose of restraining a dog outdoors by means of a pulley system or trolley system which allows the dog freedom of movement up and down a fixed line. This does not include fixed point attachment.

j. "Fixed point" shall mean attachment to a stationary object or structure, including without limitation, a house, building, tree, fence, post, garage, shed, stake, or lawn spike or any other fixed point whatsoever. An overhead dog run or trolley system or dog enclosure shall not be a "fixed point."

k. "Agricultural working dog" shall mean a type of dog bred for the purpose of protecting livestock from predators, herding livestock and used in any other agricultural setting in the operation of a farm or other similar enterprise and regularly and consistently used for that purpose.

l. "Sled dog" shall mean a dog regularly and consistently used in training or participation in competitive or recreational sled dog activities.

m. "Hunting dog" shall mean a dog bred for the purpose of hunting, in the possession of a licensed hunter, and regularly and consistently used for that purpose.

**Section 5. Prohibitions.**

A. It shall be unlawful for any person, owner, agent or responsible person to tether, leash, fasten, secure, restrain, chain, confine or tie a dog to any stationary object outdoors or cause such dog to be confined in a manner that:

1. Endangers such dog's health, safety or wellbeing;
2. Restricts such dog's access to suitable and sufficient food and water;
3. Does not provide such dog with shelter appropriate to its breed, physical condition, size and the climate as defined by Section 353-b of the New York State Agriculture and Markets Law;
4. Unreasonably limits the movement of such dog because it is too short for the dog to move around or for the dog to urinate or defecate in a separate area from the area in which it must eat, drink or lie down;
5. Denies such dog the opportunity to exercise and engage in normal social interactions on a regular basis.

B. Notwithstanding the provisions of Section A of this section:

1. Under no circumstances shall a dog be left tethered to a fixed point while the owner, agent or responsible party is not on the premises.
2. No dog shall be left tethered to a fixed point, attached to an overhead dog run, or trolley system or placed in a dog enclosure unattended on vacant or abandoned property.
3. No dog shall be tethered or restrained to a fixed point for a period of time in excess of four (4) continuous hours or eight (8) hours cumulative during any twenty-four (24) hour period while its owner, agent or responsible party is physically present on the premises.
4. No dog shall be tethered to an overhead dog run or trolley system or confined in a dog enclosure for a period of time exceeding twelve (12) hours cumulative in a twenty-four (24) hour period with the exception of hunting dogs, sled dogs, and agricultural working dogs. Dogs may be tethered to an overhead dog run or trolley system or confined in a dog enclosure while the owner, agent or responsible party is not present at their residence provided there is compliance with this local law.
5. Notwithstanding all other provisions of this law, the prohibitions contained in Section 5 shall not apply to dogs restrained in accordance with the regulations of any campground or recreational area, provided those regulations are more stringent than the regulations contained in this local law.

C. Specifications for tethering restraints and enclosures

1. A dog shall not be tethered to a fixed point, running line, pulley or trolley system or any other system by means of a choke, chain or pinch collar. Dogs shall be tethered to such system by means of a harness or collar made of nylon, leather or other durable non-metallic material and must be fitted so as not to cause injury to the animal or embed itself in the animal's neck.
2. All tether systems must be of appropriate configuration to prevent the tether from extending over any object or any ledge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals. All tether systems must be at least 15 feet in length.
3. Any tether, running line or lead line must have sufficient slack to allow a dog to comfortably lie down and perform normal postural movements.
4. Cable or tether shall not exceed more than 10% of the dog's body weight. No logging chains, tow chains or other lines or devices not intended for the purpose of tethering dogs may be used.
5. Any pulley or trolley system must be at least 15 feet in length, mounted at least seven (7) feet, but no more than ten (10) feet off the ground, with a swivel on both ends.
6. Dog enclosures, dog runs, fences, pens and other outdoor enclosures, must

meet the following restrictions:

a. Any dog confined within a dog enclosure must have an adequate space for exercise based on a dimension of at least 100 square feet per dog, however in the case of dogs 15 lbs. or smaller, an enclosure may be less than 100 square feet per dog provided that it is deemed adequate for exercise and safety by the enforcing officer. The following are excepted from this requirement:

- (i) All veterinary facilities.
- (ii) Duly incorporated SPCAs and Humane Societies.
- (iii) Municipal animal shelters.
- (iv) Commercial professional boarding facilities that temporarily house dogs for a fee.

b. Dog enclosures shall be constructed of chain link or other secure fencing materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure;

c. Dogs however confined must have access to adequate food and must have continuous access to water and continuous access to shelter at all times, and, in addition, as set forth in Section 353 of the NYS Agriculture and Markets Law.

d. Crates and kennels used for the purpose of temporarily confining or transporting hunting dogs, sled dogs or livestock dogs shall be constructed and sized to provide sufficient space to allow each dog to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. Dogs should be able to sit, stand, turn and lie without obstruction. Adequate space for food and water containers must be provided.

**Section 6. Extreme Weather Conditions.**

No dog shall be left outdoors during extreme weather conditions such as snow or ice storms, thunderstorms or during extreme cold or heat or during a "weather alert."

**Section 7. Enforcement.**

This local law shall be enforced by the Office of the Essex County Sheriff and may also be enforced by any police officer, local dog control or animal control officer, New York State Police, New York State humane law officer or investigator within the jurisdiction of Essex County or by any other person or entity designated by resolution by the Essex County Board of Supervisors. Said persons shall have the authority to enforce the provisions of this local law and to issue appearance tickets, obtain supporting depositions and prepare and submit criminal and civil complaints to a court of competent jurisdiction.

Prosecution of violations hereunder shall be conducted by the Essex County District Attorney's Office or any other entity designated by Essex County.

The enforcement officer shall be responsible for the administration and enforcement of this local law and shall act upon any written complaint, or his observation, of an alleged or possible violation of this local law. Any appearance ticket or criminal complaint and

supporting deposition for a violation of this local law shall be administered pursuant to the New York State Criminal Procedure Law and shall be heard in a court of competent jurisdiction.

**Section 8. Violations and Penalties.**

A. Any owner, agent, representative or person in control of a dog who violates this local law shall be guilty of a violation as defined by Section 55.10 of the Penal Law of the State of New York and shall be liable for a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or both.

B. For a second offense, the fine may be up to five hundred (\$500.00) or imprisonment for not more than fifteen (15) days, or both.

C. For a third subsequent violation, the fine shall be one thousand (\$1,000.00) and/or imprisonment for not more than fifteen (15) days, or both, surrender of the dog, if ordered by the court, and costs of investigation and prosecution. In addition, all third time offenders, subsequent to the enactment of this local law are required to register as animal abusers at such times that an animal abuse registry is lawfully established.

D. In lieu of or in addition to any other penalty provided for herein, any person violating this local law shall be subject to a civil penalty enforceable and collectable by the County in the amount of two hundred fifty dollars (\$250.00) for a first offense, five hundred dollars (\$500.00) for a second offense, and one thousand dollars (\$1,000.00) for a third offense. Such penalty shall be collected by and in the name of the County.

E. In addition to the above mentioned penalties and punishment, Essex County may also maintain an action or proceeding in the name of the County in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this local law.

F. Any enforcement officer as herein described or as designated by the Board of Supervisors shall be and hereby is authorized to issue and serve appearance tickets pursuant to Criminal Procedure Law Section 150.20(3) with respect to any violation of this law to any person whom they have reason to believe has violated this law, and shall cause such person to appear before a court of competent jurisdiction. The County reserves the authority to designate additional or substitute enforcement officers at its discretion.

G. Any person may file a complaint with an enforcement officer that a violation of this local law has taken place. The enforcement officer shall promptly record and investigate any such complaint and obtain the necessary supporting depositions. The enforcement officer shall submit the criminal or civil complaint and supporting depositions to a court of competent jurisdiction.

H. All fines collected pursuant to this local law shall be the sole property of Essex County, identified with a separate ledger account number in the budget and shall be used for animal protection education, enforcement and/or for the maintenance of an animal abuse registry as may be lawfully established.

**Section 9. Obstruction of Governmental Administration.**

No person shall hinder, resist, or oppose the enforcement officer or peace officer when acting pursuant to their duties under this local law or any other persons authorized to administer and enforce the provisions of this law in the performance of their duties. Any person hindering, resisting or opposing these officers shall be prosecuted pursuant to Penal Law Section 195.05, Obstructing Governmental Administration in the second degree.

**Section 10. Exceptions.**

A dog tethered in compliance with the requirements of a campground area holding shall be exempt from these regulations.

Tethering of a dog for less than fifteen (15) minutes in a public location shall be exempt from this local law.

**Section 11. Severability.**

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on the remaining portions of this local law, the application thereof, and all other provisions shall remain in full force and legal effect.

**Section 12. Effective Date.**

This local law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York.

**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 the 6th day of December, 2016, at 9:00 o'clock in the forenoon of that day, to hear any and all persons concerning the same; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors will publish a notice of such hearing in the designated County newspaper at least five days prior to said hearing.

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

**AYES: 2589 votes**  
**NOES: 101 votes (Preston)**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION OF CONDOLENCE TO  
THE TOWN OF HARWOOD, VERMONT**

The following resolution was offered by Supervisor Marnell, 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**, on October 9, 2016, five teens were tragically killed in a car accident on Interstate 89 in Vermont; and

**WHEREAS**, four of the five teenagers were juniors at Harwood Union High School:

**Mary Harris  
Eli Brookens  
Cyrus Zschau  
Liam Hale;** and

**Janie Cozzi**, the fifth student attended Kimball Union Academy in Meriden, New Hampshire.

**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 families of Mary Harris, Eli Brookens, Cyrus Zschau, Liam Hale and Janie Cozzi on the loss of their children; 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 each family.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY  
MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF ESSEX  
COUNTY WITH THE NEW YORK STATE OFFICE OF CHILDREN AND  
FAMILY SERVICES FOR THE 2016 COMPREHENSIVE PLAN FOR  
YOUTH DEVELOPMENT PROGRAM FUNDING AS PROVIDED FOR IN  
THE 2016 ESSEX COUNTY BUDGET**

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

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

**BE IT RESOLVED**, that the Chairman of this Board is hereby authorized to enter into an agreement on behalf of Essex County with the New York State Office of Children and Family Services for the 2016 Comprehensive Plan for Youth Development Program Funding as provided for in the 2016 Essex County Budget, and that he/she be further authorized to contract with the various municipalities and other contract agencies for programs as hereafter listed:

YOUTH DEVELOPMENT PROGRAM - STATE AID	\$	44,102.00
YOUTH DEVELOPMENT PROGRAM - LOCAL MATCH		0.00

State Aid Reimbursable Amounts for Youth Development Program Funded Programs  
(Total = \$44,102.00)

- 1. Town of Chesterfield ..... 500.00
- 2. Town of Crown Point ..... 1,200.00
- 3. Town of Elizabethtown/Lewis ..... 1,900.00
- 4. Town of Jay ..... 500.00
- 5. Town of Keene ..... 500.00
- 6. Town of Minerva ..... 500.00
- 7. Town of Moriah ..... 500.00
- 8. Town of Newcomb ..... 500.00
- 9. Town of North Elba ..... 500.00
- 10. Town of North Hudson ..... 500.00
- 11. Town of St. Armand ..... 500.00
- 12. Town of Schroon ..... 900.00
- 13. Town of Ticonderoga ..... 1,400.00

14. Town of Westport .....	1,200.00
15. Town of Willsboro/Essex .....	1,400.00
16. Town of Wilmington .....	1,600.00
17. Arts Trek – Ticonderoga Festival Guild .....	1,100.00
18. Schroon Summer Enrichment – Schroon Lake Central School	500.00
19. Lake Placid Youth Center	600.00
20. Essex County Youth Bureau Administration	18,802.00
21. Essex County Youth Employment Program	9,000.00

**BE IT FURTHER RESOLVED**, that the sum of \$44,102.00 be received from the New York State Office of Children and Family Services at 100% reimbursement by the above organizations; and

**BE IT FURTHER RESOLVED**, that the Chairman of this Board of Supervisors be and he hereby is authorized to enter into an agreement for the seventeenth year of the Comprehensive Youth Services Plan, above described, with the New York State Office of Children and Family Services, on behalf of Essex County, which specifies Youth Development Program Funding eligibility allocations to municipalities, Community Organizations, and the Essex County Youth Bureau and which will qualify the County for state reimbursement for Youth Programs in accordance with the level of funding provided for counties engaged in Comprehensive Planning for Youth Services.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

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

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

**From the Economic Development Committee:**

1. Accepting and placing on file the 2017 Stop DWI Plan, as approved by the Stop DWI Advisory Board and approving the expenditures in the Budget Plan.

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO  
OUT TO BID FOR THE REPLACEMENT OF THE FRATERLAND  
ROAD BRIDGE OVER PARADOX CREEK IN THE TOWN OF  
SCHROON, WITH FUNDS TO COME FROM THE BRIDGE BOND**

The following resolution was offered by Supervisor Marnell, 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 go out to bid for the replacement of the Fraternaland Road Bridge over Paradox Creek in the Town of Schroon, with funds to come from the Bridge Bond.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO  
OUT TO BID FOR THE REPLACEMENT OF THE COUNTY ROUTE 34  
(TROUT BROOK ROAD) BRIDGE OVER TROUT BROOK IN THE  
TOWN OF MINERVA, WITH FUNDS TO COME FROM THE BRIDGE  
BOND**

The following resolution was offered by Supervisor McNally, 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 go out to bid for the replacement of the County Route 34 (Trout Brook Road) Bridge over Trout Brook in the Town of Minerva, with funds to come from the Bridge Bond.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO  
OUT TO BID FOR THE REPLACEMENT OF THE COUNTY ROUTE 34  
(TROUT BROOK ROAD) BRIDGE OVER MINERVA BROOK IN THE  
TOWN OF MINERVA, WITH FUNDS TO COME FROM THE BRIDGE  
BOND**

The following resolution was offered by Supervisor McNally, 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 go out to bid for the replacement of the County Route 34 (Trout Brook Road) Bridge over Minerva Brook in the Town of Minerva, with funds to come from the Bridge Bond.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO  
OUT TO BID FOR ROADWAY STABILIZATION/RECONSTRUCTION  
OF A SECTION OF COUNTY ROUTE 69 (HULLS FALLS ROAD) IN  
THE TOWN OF KEENE, WITH FUNDS TO COME FROM FEMA; AND  
FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER  
TO EXECUTE A CONTRACT FOR THE SAME**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to go out to bid for roadway stabilization/reconstruction of a section of County Route 69 (Hulls Falls Road) in the Town of Keene, with funds to come from FEMA.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO  
AWARD CONTRACTS/PURCHASING AGREEMENTS FOR  
CONSTRUCTION EQUIPMENT IDENTIFIED IN THE 5 YEAR  
EQUIPMENT REPLACEMENT PLAN FOR THE DEPARTMENT OF  
PUBLIC WORKS WITH FUNDS TO COME FROM THE \$3.62 MILLION  
EQUIPMENT SERIAL BOND; AND FURTHER AUTHORIZING THE  
CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACTS  
FOR THE SAME**

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 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 contracts/purchasing agreements for the following construction equipment for DPW, as identified in the 5 year Equipment Replacement Plan, with funds to come from the \$3.62 million Equipment Serial Bond:

- 2 each - tandem axle cab and chassis trucks - \$127,357.00 each to New York Truck Equipment
- 2 each -tandem dump box/plow/sander assemblies - \$85,946.00 each to Henderson Truck Equipment
- 1 each - tri-axle cab and chassis truck in the amount of \$130,382.00 to New York Truck Equipment
- 1 each - tri-axle tractor in the amount of \$140,868.00 to New York Truck Equipment
- 1 each - self-propelled road widener/shoulder machine in the amount of \$133,200.00 to Contractor Sales Company; and

**BE IT FURTHER RESOLVED**, that the Chairman and/or County Manager are hereby authorized to execute a contract for the same.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING A CONTRACT AMENDMENT WITH  
DENTE ENGINEERING FOR ENGINEERING SERVICES  
INCLUDING PERFORMING SUBSURFACE INVESTIGATION AND  
PROVIDING GEOTECHNICAL ENGINEERING REPORT AS IT  
RELATES TO THE OREGON PLAINS ROAD BRIDGE OVER  
LYONS BROOK IN THE TOWN OF ST. ARMAND IN AN AMOUNT  
NOT TO EXCEED \$9,975.00, FROM BUDGETED FUNDS, AND  
AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY  
MANAGER TO EXECUTE THE SAME**

The following resolution was offered by Supervisor Whitson, 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 contract amendment with Dente Engineering for engineering services including performing subsurface investigations and providing a Geotechnical engineering report as they relate to the Oregon Plains Road Bridge over Lyons Brook in the Town of St. Armand, in an amount not to exceed \$9,975.00, from budgeted funds (Account #50201-5445); and

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

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO  
OUT TO BID FOR REPLACEMENT OF THE VESTIBULE DOORS  
AND DOOR CONTROLS LOCATED AT THE MAIN COUNTY  
COMPLEX SPECIFICALLY THE DOORS LOCATED OUTSIDE OF  
THE PURCHASING OFFICE AND OUTSIDE OF THE VETERANS  
OFFICE, 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 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 go out to bid for replacement of the vestibule doors and door controls located at the Main County Complex, specifically the doors located outside of the Purchasing Office and outside of the Veterans Office, from budgeted funds.

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

**AYES:           2690 votes**  
**NOES:            0 votes**  
**ABSENT:        231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASE OF A WALK-IN COOLER/FREEZER UNIT AT THE NUTRITION BUILDING, IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND FURTHER AUTHORIZING RENOVATIONS AND REMEDIATION OF MOLD AT THE NUTRITION BUILDING, IN AN AMOUNT NOT TO EXCEED \$20,000.00, FROM PROJECT FUNDS**

The following resolution was offered by Supervisor Merrihew, 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 purchase of a walk-in cooler/freezer unit at the Nutrition Building, in an amount not to exceed \$25,000.00; and further authorizing the renovations and remediation of mold at the Nutrition Building, in an amount not to exceed \$20,000.00; with funds to come from Project Funds; and

**BE IT FURTHER RESOLVED**, that the County Chairman or County Manager are hereby authorized to execute contracts/purchasing documents for the same.

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

**AYES: 2579 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**  
**ABSTAIN: 111 votes (Monty)**

**RESOLUTION AUTHORIZING THE SOIL AND WATER DISTRICT  
TO APPLY FOR A LAKE CHAMPLAIN BASIN PROGRAM GRANT  
IN THE AMOUNT OF \$20,000.00, FOR HABITAT  
IMPROVEMENTS ON A PARCEL IN THE LAKE CHAMPLAIN  
BASIN**

The following resolution was offered by Supervisor Harrington, 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 Essex County Soil and Water District to apply for a Lake Champlain Basin Program Grant in the amount of \$20,000.00, for habitat improvements on a parcel of land in the Lake Champlain Basin.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION APPROVING THE 2017 ESSEX COUNTY SELF-INSURANCE BUDGET AND THE WORKERS' COMPENSATION TOWN CONTRIBUTIONS**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby approves the 2017 Essex County Self-Insurance Budget and the Workers' Compensation Town Contributions in the total amount of \$1,490,326.00, as follows:

**Workers' Compensation Contributions 2017  
Essex County Towns**

<b>Town Contributions</b>	<b>2017</b>
Chesterfield	<b>\$14,063.11</b>
Crown Point	<b>11,210.22</b>
Elizabethtown	<b>8,443.64</b>
Essex	<b>9,067.28</b>
Jay	<b>32,246.06</b>
Keene	<b>42,745.89</b>
Lewis	<b>17,271.20</b>
Minerva	<b>29,829.10</b>
Moriah	<b>53,112.42</b>
Newcomb	<b>18,874.75</b>
North Elba	<b>47,871.77</b>
North Hudson	<b>3,922.71</b>
Schroon	<b>71,874.38</b>

St. Armand	17,850.65
Ticonderoga	73,059.35
Westport	9,235.78
Willsboro	27,185.87
Wilmington	12,863.51
Essex County	989,598.32
	<b>\$ 1,490,326.00</b>

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION ADOPTING THE ESSEX COUNTY EMPLOYEE ASSISTANCE PROGRAM PLAN MANUAL AND OFFERING THE ESSEX COUNTY EMPLOYEE ASSISTANCE PROGRAM TO ESSEX COUNTY EMPLOYEES AND THEIR FAMILIES**

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

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

**WHEREAS**, it is the mission of the Essex County Employee Assistance Program to assist Essex County employees and their families in resolving work-related and personal problems in a confidential and professional manor in order to promote health and wellness at work and at home and to assist agencies in maintaining a healthy and productive workplace; and

**WHEREAS**, the County of Essex has prepared the Essex County Employee Assistance Program Manual dated August 1, 2016, which details the specifics of the program and shall serve as the program manual for the Essex County Employee Assistance Program (EAP); and

**WHEREAS**, the Essex County Employee Assistance Program Manual dated August 1, 2016, has been presented to the CSEA, Local 1000 AFSCME, AFL-CIO, Essex County Unit #6800 for approval and the Essex County Labor/Management Committee and the same has been adopted by the Labor/Management Committee in conformance with the existing Collective Bargaining Agreement dated January 1, 2016 through January 31, 2017; and

**WHEREAS**, the Labor/Management Committee has approved the adoption of the EAP Manual dated August 1, 2016, this Board of Supervisors does hereby ratify and approve the same.

**BE IT RESOLVED**, that the Essex County Board of Supervisors does hereby ratify and approve the Essex County Employee Assistance Program and the Essex County Employee Assistance Program Manual dated August 1, 2016, and thereby implements the same with respect to Essex County employees and their families; and

**BE IT FURTHER RESOLVED**, a copy of the Essex County Employee Assistance Program Manual is on file with the Clerk of the Essex County Board of Supervisors and the Essex County Personnel Office and the same shall be available for distribution to all employees of Essex County and their families.

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

**RESOLUTION RECOGNIZING NOVEMBER AS EPILEPSY  
AWARENESS MONTH**

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

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

**WHEREAS**, when a person has two or more unprovoked seizures, they have epilepsy. Seizures may be caused by a brain injury, infection or a family (genetic) tendency. For 7 out of 10 people with epilepsy, however, the cause of their epilepsy is unknown; and

**WHEREAS**, more than 3 million Americans have epilepsy, including an estimated 700 residents of Essex County, making it the fourth most common neurological condition in the United States. Epilepsy is more prevalent than cerebral palsy, multiple sclerosis, Parkinson's disease and autism combined; and

**WHEREAS**, Now in its 35<sup>th</sup> year, the Epilepsy Foundation of Northeastern NY (EFNENY) offers programs and services at no charge to an estimated 45,000 with epilepsy and their families living in a 22-county service area in northeastern New York - including over 700 people with epilepsy in Essex County; and

**WHEREAS**, EFNENY provides advocacy, counseling, support groups and service coordination, as well as education and first aid training in schools, businesses and to first responders. The Foundation works to ensure that people with epilepsy have the opportunity to live their lives to their fullest potential; and

**WHEREAS**, the month of November has been recognized as "Epilepsy Awareness Month" to raise awareness and better understanding of this disorder, how to recognize seizures and provide proper first aid techniques.

**NOW, THEREFORE, BE IT RESOLVED**, that the Essex County Board of Supervisors does hereby recognize November as Epilepsy Awareness Month in hopes to better understand this disorder, recognize seizures and help to provide proper first aid techniques for the more than 3 million Americans who have epilepsy including the estimated 700 residents of Essex County.

This resolution was unanimously seconded and adopted.

**Resolution No. 304**

**November 7, 2016**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING THE TOWN OF  
ELIZABETHTOWN AND COUNTY HISTORIAN  
PERMISSION TO HAVE THREE ESSEX COUNTY  
HISTORICAL MARKERS REFURBISHED**

The following resolution was offered Supervisor Merrihew, 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 authorizes the Town of Elizabethtown and County Historian to have three Essex County historical markers located in Elizabethtown refurbished.

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

**RESOLUTION AUTHORIZING THE RE-APPOINTMENT OF  
ALLISON MCGAHAY, REPUBLICAN BOARD OF ELECTIONS  
COMMISSIONER**

The following resolution was offered by Supervisor Politi, 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 re-appointment of Allison McGahay to the Office of Republican Election Commissioner, for a two-year term commencing January 1, 2017, and to expire on December 31, 2018.

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

**RESOLUTION ACCEPTING THE MORTGAGE TAX REPORT**

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

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

**WHEREAS**, this Board is in receipt of the semi-annual Mortgage Tax Report, showing amounts to be credited to each tax district of the County of the money collected during the preceding six months ending September 30, 2016.

**BE IT RESOLVED**, that pursuant to Section 261 of the Tax Law, this Board issue Tax Warrants for the payment to the respective tax districts of the amount so credited as appropriated by the Clerk of the Board, and authorize and direct the County Treasurer to make payment of said amounts to the respective districts, in accordance with the report, as follows:

<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>	<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>
Chesterfield. ....	17,410.93	North Elba	
Crown Point. ....	13,267.63	Town. ....	115,667.12
Elizabethtown. ....	6,478.81	Village (Lake Placid). ....	24,182.02
Essex. ....	3,737.02	Village (Saranac Lake).. ...	2,596.06
Jay. ....	24,557.40	North Hudson. ....	3,438.84
Keene. ....	20,735.51	St. Armand	
Lewis	6,549.40	Town. ....	13,848.74
Minerva	5,468.78	Village (Saranac Lake).. ...	1,103.46
Moriah		Schroon. ....	39,915.45
Town. ....	12,661.45	Ticonderoga. ....	32,981.49
Village (Port Henry). ....	1,693.72	Westport. ....	12,789.77
Newcomb. ....	4,094.92	Willsboro. ....	10,363.43
		Wilmington. ....	12,485.18
		<b>TOTAL:</b>	<b><u>\$386,027.13</u></b>

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**Resolution No. 307**

**November 7, 2016**  
**Regular Board Meeting**

**RESOLUTION AUTHORIZING PAYMENT TO MILLIMAN FOR  
2017 RETIREMENT, DRUGS, SUBSIDY (RDS) ATTESTATION  
IN THE AMOUNT OF \$4,000.00**

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.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes a payment of \$4,000.00 to Milliman for the 2017 Retirement, Drugs Subsidy (RDS) Attestation, from budgeted funds.

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

**AYES:           2690 votes**  
**NOES:            0 votes**  
**ABSENT:        231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION  
TO  
SARINA NICOLA  
UPON HER RETIREMENT FROM SERVICE WITH  
ESSEX COUNTY PUBLIC HEALTH DEPARTMENT**

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

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

**WHEREAS**, Ms. Sarina Nicola, a resident of Lake Placid, has been a faithful public servant to the people of Essex County through her position as the Director of Patient Services for the Certified Home Health Agency of the Essex County Health Department; and

**WHEREAS**, during her tenure she directed the care of hundreds of residents through home health care; and

**WHEREAS**, under her direction the agency is recognized by the Center for Medicare and Medicaid Services as achieving a Quality of Patient Care four (4)-Star Rating and a Home Health Quality Assessment Performance Score of 98%; and

**WHEREAS**, under her direction this excellent level of patient care has been achieved through the many quality improvement projects the agency has undertaken including but not limited to:

- Assurance of clinician training in the Outcome and Assessment Information Set (OASIS) data instrument; and
- Assurance of select clinical training to advance home wound care practices; and
- Adoption of and mobile access to the Visiting Nurses Association of America Clinical Procedure Manual for home clinical care; and
- Adoption and implementation of the *Interact Home Health Care Paths* decision tool; and
- Participation in the movement to advance tele-health in Essex County; and
- Recruitment and retention of highly-qualified, professional and caring staff; and

**WHEREAS**, during the time of her direction the agency increased the numbers of patient served while improving fiscal responsibility through the

- Transition of billing from *fee-for-service*, to *episodic*, to *value-based*; and
- Assurance of accurate billing using newly enacted International Classification of Diseases (ICD-10) procedural codes; and

- Credentialing and re-credentialing with insurance companies to assure payment reimbursement and best-possible co-pay for patients; and
- Reduction of duplicated charting and improvement of patient charting through the implementation of an electronic medical record system; and

**WHEREAS**, Sarina Nicola is recognized by her local colleagues as very kind and generous, deeply concerned about the agency's patients and services; and

**WHEREAS**, her state colleagues have stated what a privilege it has been to work with her; and

**WHEREAS**, Sarina Nicola will be duly missed by all.

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

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING AN EARLY RETIREMENT  
INCENTIVE AS IT RELATES TO RETIREE HEALTH INSURANCE  
COVERAGE FOR EMPLOYEES 55 YEARS OF AGE WITH 10 OR  
MORE YEARS OF SERVICE BUT LESS THAN THE CURRENT  
15 YEARS OF SERVICE REQUIRED FOR ACTIVATION OF THEIR  
RETIREE HEALTH INSURANCE COVERAGE**

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

**WHEREAS**, the County believes it is advantageous to provide an early retirement incentive as it relates to certain employees retiree health insurance coverage options;

**WHEREAS**, such incentive may prompt current Tier 4 or earlier Tier employees to transition to an early retirement, and recognizing that the County's Tier 4 contribution rate is currently at 16.0% and any newly hired employee would be a Tier 6 employee which carries a County contribution rate of 9.3%; and

**WHEREAS**, such early retirement of a current employee would result in a newly hired employee starting at a post 2009 hourly rate set at 10% below hired prior to 2009, rates of the current employees; and

**WHEREAS**, such early retirement of a current employee would result in an entry level replacement position which carries a lower starting rate of pay dependent upon the appropriate grade rate; and

**WHEREAS**, such early retirement of a current employee would result in a newly hired employee who would be required to contribute toward the cost of Health Insurance at a 20% rate as compared to the 14% contribution rate for a current prior to 2009 employee; and

**WHEREAS**, based upon the factors as listed above the County believes the benefit of an early retirement will over an extended period produce savings equal to or greater than the proposed cost of activating retiree health insurance coverage early for these positions.

**NOW, THEREFORE BE IT RESOLVED**, that the Essex County Board of Supervisors authorizes an Early Retiree Incentive for the purposes of early retiree health insurance coverage for employees who are at least 55 years of age, (required under New York State Retirement Rules) and must have between 10 and 15 years of service with Essex County; and

**BE IT FURTHER RESOLVED**, such employees under this early retiree incentive offer shall become eligible to activate their retiree health insurance coverage options without meeting the current requirement to have a minimum of 15 years of service with the County; and all current County employees meeting the requirements as defined above, who wish to participate must notify their respective Department Head and the Essex County Personnel Office in writing of the intent to retire prior to **December 9, 2016**; and

Additionally, in order for employees to be eligible for such early retiree health insurance incentive as defined above, the employee must activate their New York State Retirement and leave active County service prior to January 1, 2017.

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

**AYES: 2215 votes (Morrow, Merrihew, Gardner, McNally, Scozzafava, Politi, Moore, Marnell, Whitson, Giordano, Gilliland, Preston)**  
**NOES: 475 votes (Harrington, Monty, Depo)**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO  
AWARD A CONTRACT TO JOHN W. SHEEHAN AND SONS IN  
THE AMOUNT OF \$26,000.00, FOR GROVE ROAD DRAINAGE  
IMPROVEMENT PROJECT IN THE TOWN OF JAY, WITH FUNDS  
TO COME DIRECTLY FROM ESSEX COUNTY SOIL AND WATER,  
AND AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY  
MANAGER TO EXECUTE THE SAME**

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 Purchasing Agent to award a contract to John W. Sheehan and Sons in the amount of \$26,000.00, for Grove Road Drainage Improvement Project in the Town of Jay, with funds to come directly from the Essex County Soil and Water; and

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

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING A CONTRACT AMENDMENT WITH  
SCHODER RIVERS ASSOCIATES TO THEIR EXISTING  
CONTRACT BEARING CONTRACT NO. DPW-17-0032, IN THE  
AMOUNT OF UP TO \$12,000.00, FOR ENGINEERING SERVICES  
INCLUDING SCHEMATIC DESIGN, FINAL DESIGN AND  
CONSTRUCTION PHASE SERVICES FOR A TWO BAY  
STRUCTURAL STEEL POLE BARN FOR THE  
TRANSPORTATION DEPARTMENT, FROM BUDGETED FUNDS**

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

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes a contract amendment with Schoder Rivers Associates to their existing contract bearing Contract No. DPW-17-0032, in the amount of up to \$12,000.00, for engineering services, including schematic design, final design and construction phase services for a two bay structural steel pole barn for the Transportation Department, from Transportation budgeted funds; and

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

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

**AYES: 2557 votes**  
**NOES: 133 votes (Marnell)**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION TO CANCEL PENALTIES, INTEREST AND OTHER  
CHARGES IN THE AMOUNT OF \$460.90 ON 2014 TAX PAID, ON  
A PARCEL OF PROPERTY IN THE TOWN OF NORTH ELBA,  
HAVING TAX MAP #52.004-1-6.000**

The following resolution was offered by Supervisor Politi, 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 cancellation of penalties, interest and other charges in the amount of \$460.90 on a parcel of property in the Town of North Elba bearing Tax Map No. 52.004-1-6.000.

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

**AYES: 2579 votes**  
**NOES: 111 votes (Monty)**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO CONTRACT WITH FOUR CONTRACTORS TO CONDUCT TITLE SEARCHES FOR FORECLOSED PROPERTIES FOR THE TAX YEARS 2013, 2014 AND 2015 WITH FUNDS TO COME FROM CONTINGENCY ACCOUNT**

The following resolution was offered by Supervisor Monty, 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 Purchasing Agent to contract with four contractors; Independent Title Agency, LLC, G&G Abstracts, Holcombe Abstract and Liberty Abstract Company of Plattsburgh, to conduct title searches for foreclosed properties for the tax years 2013, 2014 and 2015 at the rate of \$110.00 per parcel for a total of \$11,000.00, with funds to come from Contingency Account #19904-5487 to Account #13644.5487; and

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

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

<b>BUDGET IMPACT STATEMENT:</b>	
<i>Contingent Account Balance as of 4/4/16:</i>	<i>\$166,879.25</i>
<i>Reduction Impact of this resolution:</i>	<i>\$ 11,000.00</i>
<i>FY2016 Contingent Account Balance:</i>	<i>\$155,879.25</i>

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO ENTER INTO A RETAINER AGREEMENT WITH FITZGERALD MORRIS BAKER FIRTH, PC AT THE RATE OF \$185.00 PER HOUR FOR REPRESENTATION RELATIVE TO LITIGATION ENTITLED, BAST HATFIELD INC. VS. ESSEX COUNTY, CURRENTLY VENUED IN THE ESSEX COUNTY SUPREME COURT WHICH RELATES TO A CONTRACT DISPUTE CONCERNING THE INSTALLATION AND CONSTRUCTION OF A BRIDGE OVER THE AUSABLE RIVER AT GROVE ROAD, AUSABLE FORKS, NEW YORK**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to enter into a retainer agreement with Fitzgerald Morris Baker Firth, P.C., at the rate of \$185.00/hour for representation relative to litigation entitled, Bast Hatfield, Inc. V. Essex County, currently venued in the Essex County Supreme Court which relates to a contract dispute concerning the installation and construction of a bridge over the AuSable River at Grove Road in AuSable Forks, New York.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING NORTH COUNTRY COMMUNITY  
COLLEGE TO ESTABLISH A CAPITAL PROJECT AND  
OBTAIN 50% STATE REIMBURSEMENT**

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.

**WHEREAS**, the New York State requires a Sponsor resolution to initiate community college capital projects; and

**WHEREAS**, North Country Community College has identified a capital project in the amount of \$320,000 (State + Local) for classroom upgrades, maintenance vehicles/equipment, electrical infrastructure enhancements, facility improvements and critical maintenance; and

**WHEREAS**, Essex County as sponsor of North Country Community College may accept funds other than county funds as its match for state capital funds; and

**WHEREAS**, Essex County will use capital chargebacks for the local share of project costs; and

**WHEREAS**, NY Education Law §6310, Section 10 permits Essex County to apply for matching funds through SUNY for the New York State share of eligible capital projects.

**NOW THEREFORE BE IT RESOLVED**, that the Essex County Board of Supervisors hereby adopts this resolution and authorizes North Country Community College to initiate a capital project in order to request reimbursement up to 50% of eligible project costs up to \$160,000 (50% State share) from the State of New York through the Dormitory Authority of the State of New York or directly from the State of New York dependent on the State appropriation backing the project; and

**BE IT FURTHER RESOLVED**, that no funds from the County's General Fund should be committed for this purpose.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AMENDING SECTION 3.04 ENTITLED  
AMERICANS WITH DISABILITIES ACT ESSEX COUNTY  
POLICY MANUAL (EFFECTIVE 2005)**

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

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

**WHEREAS**, the current Essex County Policy Manual provides for the Americans with Disabilities Act pursuant to Section 3.04 and Appendices 20; and

**WHEREAS**, the Essex County Board of Supervisors is desirous of adding the attached **Notice Under the Americans with Disabilities Act and Grievance Procedure under the Americans with Disabilities Act** to the existing Policy Manual.

**BE IT RESOLVED**, the Essex County Board of Supervisors hereby amends Section 3.04 and Appendices 20 of the Essex County Policy Manual (effective 2005) by adding the attached **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT and GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT** which are appended as Schedules A and B to this Resolution.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

## SCHEDULE A

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the *Essex County* will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

*Employment:* *Essex County* does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

*Effective Communication:* *Essex County* will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in *Essex County* programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

*Modifications to Policies and Procedures:* *Essex County* will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in *Essex County* offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of *Essex County*, should contact the office of Daniel T. Manning, 7551 Court Street, Elizabethtown, NY 12932 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the *Essex County* to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service, or activity of *Essex County* is not accessible to persons with disabilities should be directed to the *Essex County* Attorney, 7551 Court Street, P.O. Box 217, Elizabethtown, NY 12932

*Essex County* will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## SCHEDULE B

### **GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the *Essex County*. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the *Essex County*.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible no later than 60 calendar days after the alleged violation to:

*Essex County Attorney  
ADA Coordinator  
7551 Court Street, POB 217  
Elizabethtown, NY 12932*

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the *Essex County* and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the *Essex County* for at least three {3} years.

**RESOLUTION AUTHORIZING THE 2017 PREMIUM RENEWAL WITH EXCELLUS  
BLUECROSS/BLUESHIELD, UTICA REGION FOR HEALTH INSURANCE  
COVERAGE FOR THE PPO-J OPTION AND THE SIMPLY BLUE 40-0, AT THE  
RENEWAL RATE OF 4.0% OVER THE 2016 RATES FOR COVERAGE PERIOD  
JANUARY 1, 2017 THROUGH DECEMBER 31, 2017**

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

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

**BE IT RESOLVED**, the Chairman and/or County Manage is hereby authorized to execute the 2017 Premium renewal with Excellus BlueCross BlueShield Utica Region for Health Insurance Coverage, PPO option J and Simply Blue 40-0 for active employees and retirees less than 65 years of age, and PPO Option J -65+, for retirees 65 or over for coverage period January 1, 207 through December 31, 2017, at an annual renewal rate of 4.0% over 2016 rates; and

**BE IT FURTHER RESOLVED**, rates for the 2017 coverage period shall be as follows:

Blue PPO Option J	
Single rates -	\$ 950.69
2 - Person rates -	\$1,425.10
Family rates	\$1,965.93
SimplyBlue 40-0	
Single rates -	\$ 885.38
2 - Person rates -	\$1,327.20
Family rates	\$1,830.86
Blue PPO -65+ Retirees	
Single	\$ 553.98

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AMENDING RESOLUTION NO. 384 OF  
DECEMBER 29, 2014, AUTHORIZING FEES FOR ONLINE  
SUBSCRIPTION AND DOCUMENT PRINTING FOR ONLINE  
PUBLIC RECORDS IN THE ESSEX COUNTY CLERK’S  
OFFICE**

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

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

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby amends Resolution No. 384 of December 29, 2014, for fees for online subscription and document printing for online public records in the Essex County Clerk’s Office, as follows:

Subscription. . . . .	\$90.00/Quarter
Subscribers	
Copies (current records). . . . .	\$0.50/document
Copies (historical records / Infodex).	\$0.50/page
Non-Subscribers	
Copies (current records). . . . .	\$5.00/document
Copies (historical records / Infodex).	\$2.00/page

**BE IT FURTHER RESOLVED**, that except as herein amended above, all terms and conditions of the existing Resolution No. 384 of December 29, 2014, shall remain in full force and effect.

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION AUTHORIZING TO CONTRACT WITH L.A.  
GROUP TO COMPLETE A LOCAL WATERFRONT  
REVITALIZATION STRATEGY FOR THE TOWN OF  
SCHROON, AT A COST NOT TO EXCEED \$50,000.00;  
AUTHORIZING A CONTRACT WITH SARATOGA ASSOCIATES  
TO COMPLETE A LOCAL WATERFRONT REVITALIZATION  
STRATEGY FOR THE TOWN OF CROWN POINT, AT A COST  
NOT TO EXCEED \$40,000.00, WITH FUNDS TO COME FROM  
CHAMPLAIN VALLEY WATERFRONT IMPROVEMENTS  
GRANT FROM THE NEW YORK STATE DEPARTMENT OF  
STATE #C1000522**

The following resolution was offered by Supervisor Harrington, 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 Community Resources Department to contract with L.A. Group to complete a Local Waterfront Revitalization Strategy for the Town of Schroon, at a cost not to exceed \$50,000.00, which funds are to come from Champlain Valley Waterfront Improvements grant; and

**BE IT FURTHER RESOLVED**, this Board further authorizes the Community Resources Department to contract with Saratoga Associates to complete a Local Waterfront Revitalization Strategy for the Town of Crown Point, at a cost not to exceed \$40,000.00, which funds are to come from Champlain Valley Waterfront Improvements grant; and

**BE IT FURTHER RESOLVED**, both projects make up components One and Four of the Champlain Valley Waterfront Improvements grant from the New York State Department of State #C1000522; and

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

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

**AYES: 2690 votes**  
**NOES: 0 votes**  
**ABSENT: 231 votes (Ferebee, Miga, Tyler)**

**RESOLUTION DECLARING AS SURPLUS A 2007  
CHEVROLET BUS IN THE TRANSPORTATION DEPARTMENT**

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**, that the Essex County Board of Supervisors hereby declares a 2007 Chevrolet Bus #10 having VIN#1GNFG15T671213576 in the Transportation Department as surplus; and

**BE IT FURTHER RESOLVED**, that it is further authorizes and directs that the bus be sold to the Town of Moriah for the sum of \$6.00.

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

**AYES:           2690 votes**  
**NOES:           0 votes**  
**ABSENT:        231 votes (Ferebee, Miga, Tyler)**