

**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 2017 Essex County Budget as follows:

From Human Services Committee:

1. From the Mental Health Department, to increase revenues and appropriations in the amount of \$106,880.00, carryover from 2016 NYS Vital Access Provider (VAP), as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4162071	VAP	\$106,880.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43204 5487	Misc.	\$106,880.00

2. From the Mental Health Department, to increase revenues and appropriations in the amount of \$7,020.00, from NYS Office of Mental Health, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43490101	NYS OMH	\$7,020.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
43204 5430	Families First	\$7,020.00

3. From the Public Health Department, to increase revenues and appropriations in the amount of \$18,830.83, from Adirondack Health Institute grant, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4197 42705AHI	AHI	\$18,830.83

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41974 54AHI	AHI	\$18,830.83

4. From the Public Health Department, to increase revenues and appropriations in the amount of \$9,372.00, unexpended 2016 DSRIP funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41893450DSR	DSRIP	\$9,372.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP	\$9,372.00

5. From the Public Health Department, to increase revenues and appropriations in the amount of \$12,165.00, unexpended 2016 NACCHO Accreditation grant, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4196444893	NACCHO	\$12,165.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41964 54WFD	NACCHO	\$12,165.00

6. From Office for the Aging, to increase revenues and appropriations in the amount of \$8,520.00, Federal Aid/BIP Caregiver grant, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772 4477302	Fed Aid/BIP	\$8,520.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724 5446BPCG	Fed Aid/BIP Caregiver	\$8,520.00; and

BE IT FURTHER RESOLVED, the Chairman or County Manager are hereby authorized to execute a contract with North County Home Services for Caregiver services through September 30, 2017.

7. From the Office for the Aging, to increase revenues in the amount of \$15,955.28 and increasing appropriations in the amount of \$7,046.82 reducing County match,

Unexpended Federal Aid/BIP Caregiver funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
6772 4477302	Fed Aid/BIP	\$15,955.28

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
67724 54BIPC	BIP Caregiver	\$7,046.82

8. From the Transportation Department, to increase revenues and appropriations in the amount of \$205,000.00, unexpended 2016 Federal and State grant funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
440089123	Federal 5311	\$184,500.00
43089123	JARC State	<u>20,500.00</u>
		\$205,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
53612 5230	Auto Equipment	\$205,000.00

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE PUBLIC HEALTH
DEPARTMENT TO RE-CLASSIFY A REGISTERED NURSE
POSITION TO AN OCCUPATIONAL THERAPIST POSITION AND
AUTHORIZING THE HIRING OF AN OCCUPATIONAL
THERAPIST AT THE HOURLY RATE OF \$25.78 PER HOUR,
FROM BUDGETED FUNDS**

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 Public Health Department to re-classify a Registered Nurse position to an Occupational Therapist position and authorizing the hiring of an Occupational Therapist at the hourly rate of \$25.78 per hour, from budgeted funds.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION
TO
JOHN P. O'NEILL
UPON HIS RETIREMENT FROM SERVICE AS
COMMISSIONER OF THE
ESSEX COUNTY DEPARTMENT OF SOCIAL SERVICES**

The following resolution was offered by Supervisor Scozzafava, 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, John P. O'Neill became the Commissioner of the Essex County Department of Social Services on March 9, 1992; and

WHEREAS, for the past 25 years, John P. O'Neill has been a faithful public servant of the people of Essex County through his position as Commissioner of the Essex County Department of Social Services; and

WHEREAS, John P. O'Neill is recognized by his local colleagues as very kind, generous of his time and deeply concerned about the agency's services; and

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

WHEREAS, John P. O'Neill 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 John P. O'Neill for his dedicated, conscientious and exemplary public service to the people of Essex County and wish him continued success upon his retirement and the best of luck in all his future endeavors.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE EMERGENCY SERVICES
DEPARTMENT TO PURCHASE, FROM A SOLE SOURCE
VENDOR, A VOTING COMPARATOR DISPLAY AND ALARM
NOTIFICATION FROM MOTOROLA SOLUTIONS, IN AN AMOUNT
OF \$95,681.00; AND FURTHER AUTHORIZING THE PURCHASE
OF REMOTE CONSOLES IN THE AMOUNT OF \$11,698.00 FROM
MOTOROLA/WELLS COMMUNICATIONS, FROM BUDGETED
FUNDS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Emergency Services Department to purchase, from a sole source vendor, a voting comparator display and alarm notification from Motorola Solutions in the amount of \$95,681.00; and authorizing the purchase of remote consoles in the amount of \$11,698.00 from Motorola/Wells Communications, from budgeted funds; and

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

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING A 10 YEAR PAYMENT IN LIEU
OF TAXES (PILOT) AGREEMENT WITH CHAMPLAIN VALLEY
MILLING, IN THE TOWN OF WILLSBORO**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a ten (10) year PILOT Agreement based upon a fixed assessed value of \$370,000.00 and a sliding scale exemption starting with 50% in year one and ending with 5% in year ten with Essex County IDA and Champlain Valley Milling in the Town of Willsboro, upon the approval of the County Attorney.

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

AYES: 2400 votes
NOES: 466 votes (Monty, Scozzafava)
ABSENT: 55 votes (Gardner)

Resolution No. 47
WITHDRAWN

March 6, 2017
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD RFP TO
ESPC ENGINEERING, IN THE AMOUNT OF \$231,148.00, FOR THE COMMUNITY
RISING PROJECTS IN THE TOWNS OF JAY AND KEENE, AND AUTHORIZING
CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT FOR THE SAME**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to award RFP to ESPC Engineering, in the amount of \$231,148.00 for the Community Rising Projects in the Towns of Jay and Keene; and

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

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE CHAIRMAN OR COUNTY
MANAGER TO FILE AN APPLICATION FOR STATE ASSISTANCE
FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE
ASSISTANCE PROGRAM AND AUTHORIZING THE EXECUTION
OF THE ASSOCIATED STATE CONTRACT, UNDER THE LAWS
OF NEW YORK STATE**

The following resolution was offered by Supervisor Tyler, 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 Chairman and/or County Manager to file an application for State Assistance from the Household Hazardous Waste (HHW) Assistance Program and authorizing the execution of the associated contract for the same, under the laws of New York State.

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

Resolution No. 49

March 6, 2017
Regular Board Meeting

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO OUT TO BID FOR
A WATER METER, GATE VALVES, DUCTILE IRON PIPE AND DUCTILE IRON
FITTINGS AT THE PUBLIC SAFETY BUILDING**

The following resolution was offered by Supervisor Monty, 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 a water meter, gate valves, ductile iron pipe and ductile iron fittings for the Public Safety Building.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

Resolution No. 50

March 6, 2017
Regular Board Meeting

**RESOLUTION TO ACCEPT, ADOPT AND PLACE ON FILE THE 2016
ANNUAL ACCOUNTING OF MONIES RECEIVED AND DISBURSED BY
THE OFFICE OF THE ESSEX COUNTY CLERK**

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

The 2016 Annual Accounting of Monies Received and Disbursed by the Office of the Essex County Clerk, as attached hereto and made a part hereof.

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

TO THE BOARD OF SUPERVISORS, COUNTY OF ESSEX

In accordance with Section 406 of the County Law, I herewith transmit statement of all monies received by this office during the fiscal year ending DECEMBER 2016.

All Recordings		\$261,919.50
Real Estate Transfer Tax-state		\$989,390.00
Mtg Tax (Basic)	\$752,939.26	
Mtg Tax (Addt'l)	\$354,592.59	
Mtg Tax (Spec Addt'l)	\$337,661.81	
Mtg Tax (Local)	\$376,463.50	
Clerk Hire	\$ 24,000.00	
Mtg Tax Refund	\$ 812.95	
Mtg Tax Held for 2017	\$ 18,815.00	
Total Mortgage Tax		\$1,865,285.11
Uniform Commercial Code		\$ 2,440.00
Transfer Tax Stamps-Deeds		\$ 2,063.00
Transfer Tax County Retention		\$ 386,399.00
Certificates, Copies	\$ 15,380.20	
Capital Gains Tax Affidavit		\$ 10,278.00
Corporations		\$ 4,953.00
Clerks Fees, Filings, Other Services		\$ 20,541.44
Affidavits/Recorded		\$ 6,975.00
Web Copies-Subscriptions		\$ 6,960.51
E-Z Pass		\$ 8,773.80
Liens-ftl/judg/mech	\$ 1,450.00	
Lis Pendens		\$ 2,205.00
Conservation-all		\$ 12,129.00
Cover Pages		\$ 26,895.00
Passports		\$ 17,309.30
Pistol Permits		\$ 11,236.00
OCA Fees-state		\$ 174,574.55
Index Numbers (County)		\$ 12,900.00
Small Claims-co		\$ 75.00
Fines-co		\$ 2,071.22
DWI Fines		\$ 2,436.70
Equalization & Assessment-all		\$ 309,375.00
Notaries-all		\$ 3,320.00
County Highway Maps		\$ 95.00
Records Management:		
State Ed-state & co	\$ 34,741.50	
Cultural Ed-state	\$ 86,098.50	
Total Records Management		\$ 120,840.00
Clerk Tax & Admin Fees 2016 - Treasurer's #41255181		\$ 94,050.00
Motor Vehicle:		
State Retention	\$2,000,094.81	
County Retention-co clerk	\$ 281,319.44	
Voluntary Surrenders-co clerk	\$2,827.00	
Total DMV		\$2,284,241.25
Sales Tax:		
State Retention	\$3,200,5910.60	
County-Retention-co clerk	\$ 5,243.00	
Total Sales Tax		\$3,205,833.60
		<u>SUB TOTAL</u>
		<u>\$9,859,529.67</u>
IT-2663-Non Resident Estimated Inc Tax Payments To NYS	\$ 516,005.16	
Court and Trust-Treasurers Office (T261)	\$ 25,350.52	
		<u>GRAND TOTAL</u>
		<u>\$10,400,885.35</u>

TO THE BOARD OF SUPERVISORS, COUNTY OF ESSEX

In accordance with Section 406 of the County Law, I herewith transmit my
statement of all monies disbursed by this office during the fiscal year ended
DECEMBER 2016

Treasurer-Admin. Fees 2016	\$	94,050.00
Treasurer-County Clerk Revenue	\$	429,007.14
Treasurer-DMV Revenue Total	\$	289,389.44
DMV Sales Tax	\$	5,243.00
DMV Revenue	\$	281,319.44
DMV Voluntary Surrenders	\$	2,827.00
Treasurer-DWI Fines	\$	2,436.70
Treasurer-Highway Maps	\$	95.00
Treasurer-Transfer Tax County Retention	\$	386,399.00
Treasurer-Basic Mortgage Tax	\$	752,939.26
Treasurer-Local Mortgage Tax	\$	376,463.50
Treasurer-Additional Mortgage Tax	\$	354,592.59
Treasurer-Clerk Hire Expense	\$	24,000.00
New York State-Mortgage Agency (Spec Addtl Tax)	\$	337,661.81
New York State-DMV Sales Tax	\$	3,200,590.60
New York State-DMV Revenue	\$	2,000,094.81
New York State-Tax Comm-Trans Tax	\$	989,390.00
New York State-Div. Equalization & Assessment	\$	291,870.00
New York State-Comm. Taxation & Fin.-OCA	\$	174,574.55
New York State-Comm. Taxation & Fin.-Records Mgmt	\$	114,798.00
New York State-Dept Environmental Conservation*	\$	11,574.32
New York State-Notary	\$	1,920.00
Paid To Clinton County-Appportioned Mtg Tax	\$	412.95
Paid To Others-Appportioned Mtg Tax	\$	400.00
Mortgage Tax Held for 2017 (Balance in Ledger)	\$	18,815.00
Passport Fees - Federal	\$	8,055.00
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SUBTOTAL		\$9,859,529.67

IT-2663-NON-RESID ESTIMATED INC TAX

PAYMENTS TO NYS	\$	516,005.16
Court And Trust-All Monies turned over to Treasurer	\$	25,350.52
GRAND TOTAL		\$10,400,885.35
(total from gross rev rpt)		

Resolution No. 51

March 6, 2017
Regular Board Meeting

**RESOLUTION AUTHORIZING THE ESSEX COUNTY CLERK TO ISSUE
PHOTO IDENTIFICATION CARDS FOR A FEE OF \$10.00**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Clerk's Office to issue photo identification cards for a fee of \$10.00.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE ESSEX COUNTY TREASURER TO
PAY THE RELEVIED 2016/2017 VILLAGE TAXES TO THE VILLAGE OF
PORT HENRY IN THE AMOUNT OF \$134,059.46, PRIOR TO APRIL 1,
2017**

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Treasurer to pay to the Village of Port Henry the amount of \$134,059.46, for unpaid/relevied 2016/2017 Village Taxes; and

BE IT FURTHER RESOLVED, that payment should be made prior to April 1, 2017.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

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

The following resolution was offered by Supervisor Miga, 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 Finance Committee:

1. Accepting and placing on file the 2016 Real Property Annual Report.

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

Resolution No. 54

March 6, 2017
Regular Board Meeting

**RESOLUTION AUTHORIZING THE FIRM OF ARCHITECTURAL &
ENGINEERING DESIGN ASSOCIATES, P.C. (AEDA) TO PROCEED
WITH FINAL DESIGN/CONSTRUCTION DOCUMENTS ON THE ESSEX
COUNTY NUTRITION BUILDING PROJECT**

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

Upon the recommendation of the 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 firm of Architectural & Engineering Design Associates, P.C. (AEDA) to proceed with Option #3 of the final design/construction documents - on the Nutrition Building Project in connection with Resolution No. 34 of February 6, 2017.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
PURCHASE TWO (2) ALUMINUM TRANSPORT TANKS FROM
AQUANEERING, INC., IN THE AMOUNT OF \$17,990.00, FROM 2016
UNEXPENDED BUDGETED FUNDS**

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

Upon the recommendation of the 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 purchase two (2) aluminum transport tanks from Aquaneering, Inc. in the amount of \$17,990.00, from 2016 Unexpended Budgeted Funds (Account No. 51302 - 5260); and

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

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
PURCHASE A 2017 KOBELCO SK140 EXCAVATOR FROM ROBERT H.
FINKE AND SONS, INC. FOR THE DEPARTMENT OF PUBLIC WORKS,
IN THE AMOUNT OF \$135,600.00, WITH FUNDS TO COME FROM THE
2016/2017 EQUIPMENT BOND**

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

Upon the recommendation of the 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 purchase a 2017 Kobelco SK140 excavator in the amount of \$135,600.00, from Robert H. Finke and Sons, Inc., for DPW, with funds to come from 2016/2017 Equipment Bond; and

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

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
PURCHASE A NEW 2016 BANDIT MODEL 15XP DRUM STYLE
CHIPPER FROM ROBERT H. FINKE AND SONS, INC. FOR THE
DEPARTMENT OF PUBLIC WORKS, IN THE AMOUNT OF \$52,716.40
FROM UNEXPENDED 2016 BUDGETED FUNDS**

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

Upon the recommendation of the 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 purchase a new 2016 Bandit Model 15XP drum style Chipper from Robert H. Finke and Sons, Inc., for DPW, in the amount of \$52,716.40, from Unexpended 2016 Budgeted funds (Account No. 51302 - 5260); and

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

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING A CONTRACT WITH PART D ADVISORS
FOR REOPENING SERVICES RELATED TO MEDICARE PART D
REIMBURSEMENT, FOR ALL YEARS ALLOWABLE, UNDER
MEDICARE PART D RULES AND REGULATIONS**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman or County Manager to execute a contract with Part D Advisors for reopening services related to the Medicare Part D reimbursements, for all years allowable, under the Medicare Part D Rules and Regulations.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes

**RESOLUTION RATIFYING THE PROPOSED CONTRACT
BETWEEN NORTH COUNTRY COMMUNITY COLLEGE AND THE
NORTH COUNTRY COMMUNITY COLLEGE ASSOCIATION OF
PROFESSIONALS (NCCCAP) IN ACCORDANCE WITH THE
TERMS NEGOTIATED BY
NORTH COUNTRY COMMUNITY COLLEGE**

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

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

WHEREAS, North Country Community College has reached an accord with the North Country Community College Association of Professionals (NCCCAP) on a proposed contract, effective September 1, 2016 and continuing in effect through August 31, 2019; and

WHEREAS, as a sponsoring County of North Country Community College, Essex County is required to ratify proposed contracts before they can be implemented.

BE IT RESOLVED that the Essex County Board of Supervisors hereby ratifies the proposed contract between North Country Community College and the NCCCAP in accordance with the terms negotiated by the college with NCCCAP.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD
A CONTRACT TO MIKE MORRIS & SONS HEATING AND PLUMBING
FOR THE PURCHASE AND INSTALLATION OF A WEIL-MCLAIN
MODEL H-780 BOILER IN THE DEPARTMENT OF SOCIAL SERVICES
BUILDING, IN THE AMOUNT OF \$13,188.00, FROM BUDGETED
FUNDS**

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

Upon the recommendation of the 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 Mike Morris & Sons Plumbing and Heating, for the purchase and installation of a Weil-McLain Model H-780 Boiler in the DSS Building, in the amount of \$13,188.00, from 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 Tyler, and adopted upon a roll-call vote as follows:

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

Resolution No. 61
WITHDRAWN

March 6, 2017
Regular Board Meeting

**RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING TO
AMEND LOCAL LAW NO. 1 OF 2017,
TO BE HELD ON
MARCH 27, 2017 AT 9:00 A.M.**

The following resolution was offered by Supervisor Giordano, 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 Public Hearing to be held on Monday, March 27, 2017, at 9:00 a.m. to amend Local Law No. 1 of 2017.

This resolution was duly seconded by Supervisor Depo, and **WITHDRAWN**.

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 3 OF 2017, A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2017, ENTITLED "FIXING THE 2017 SALARIES OF COUNTY OFFICERS WHO ARE ELECTED OR WHO ARE APPOINTED FOR A FIXED TERM" AND INCREASING THE SALARY OF THE DIRECTOR OF COMMUNITY RESOURCES FOR THE 2017 FISCAL YEAR FROM \$64,030.53 TO \$74,030.53 WHICH, WHEN ADDED TO THE \$5,000.00 SALARY FOR DEPUTY COUNTY MANAGER AND \$2,000.00 SALARY INCREASE PER A RECYCLING GRANT EQUATES, TO A TOTAL SALARY INCREASE FROM \$71,030.53 TO \$81, 030.53

The following resolution was offered by Supervisor Depo, 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. 1 of 2017 entitled, "fixing the 2017 salaries of County officers who are elected or who appointed for a fixed term" on December 6, 2016; and

WHEREAS, Essex County is desirous of amending Local Law No. 1 of 2017, by increasing the salary of the Office of Community Resources, Director, J. Michael Mascarenas, for the 2017 fiscal year pursuant to County Law §201 and Municipal Home Rule Law §10 and §24 from \$64,030.53 to \$74,030.53 which, when combined with the \$5,000.00 salary for Deputy County Manager and \$2,000.00 salary per a recycling grant, amends his overall salary for the 2017 fiscal year from \$71,030.53 to \$81,030.53.

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 3 of 2017, amending Local Law No. 1 of 2017, entitled "fixing the 2017 salaries of County officers who are elected or who are appointed for a fixed term", to amend the salary of J. Michael Mascarenas, Director of Community Resources, for the 2017 fiscal year increasing from \$64,030.53 to \$74,030.53 which, when combined with the \$5,000.00 salary for Deputy County Manager and \$2,000.00 salary per a recycling grant, amends his overall salary for the 2017 fiscal year from \$71,030.53 to \$81,030.53.

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2017, ENTITLED "FIXING THE 2017 SALARIES OF COUNTY OFFICERS WHO ARE ELECTED OR WHO ARE APPOINTED FOR A FIXED TERM" AND INCREASING THE SALARY OF THE DIRECTOR OF COMMUNITY RESOURCES FOR THE 2017 FISCAL YEAR FROM \$64,030.53 TO \$74,030.53 WHICH WHEN ADDED TO THE \$5,000.00 SALARY FOR DEPUTY COUNTY MANAGER AND \$2,000.00 SALARY INCREASE PER A RECYCLING

GRANT EQUATES TO A TOTAL SALARY INCREASE FROM \$71,030.53 TO \$81,030.53

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

§1. **Purpose.** The purpose of this Local Law is to increase the salary of J. Michael Mascarenas, Director of Community Resources for the 2017 fiscal year. It is adopted pursuant to New York County Law Section 201 and Municipal Home Rule Law Sections 10 and 24. In particular, County Law §201 authorizes the County Board of Supervisors to increase the salary of certain elected or appointed officials of the County, including the Director of Community Resources, to an amount in excess of the amount originally specified in the budget by the adoption of a Local Law pursuant to Municipal Home Rule Law. This local law also amends Local Law No. 1 of 2017, entitled “fixing the 2017 salaries of County officers who are elected or who are appointed for a fixed term.

§2. **Increase of Salary.** The salary of the Director of Community Resources is hereby increased from \$71,030.53, the amount which was specified in Local Law No. 1 of 2017, to \$81,030.53 for the remainder of fiscal year 2017, up to and including December 31, 2017. This amount is comprised of an increase of salary for the Director of Community Resources in the amount of \$74,030.53 together with \$5,000.00 salary as Deputy County Manager and \$2,000.00 salary per a recycling grant.

§3. **Amendment.** This local law shall amend Local Law No. 1 of 2017 entitled, “fixing the 2017 salaries of County officers who are elected or who are appointed for a fixed term” only with respect to the Director of Community Resources. The remainder of Local Law No. 1 of 2017 not amended hereby shall remain in full legal force and effect.

§4. **Severability.** The invalidity of any clause, sentence, paragraph or provision of this local law shall not invalidate any other clause, sentence, paragraph or other part thereof.

§5. **Effective Date.** This local law shall be subject to permissive referendum and shall not become operative or effective unless or until 45 days have elapsed after its adoption and no petition protesting against this local law has been filed with the Clerk or, if such a petition is filed, a proposition for the approval of this local law has been submitted and received the affirmative vote of a majority of the voters voting thereon. If no petition is timely filed, or if a petition is filed and this local law is approved, it shall take effect upon the filing in the Office of the New York Secretary of 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 March 27, 2017, at 9:00 a.m. of that day, to hear any and all persons concerning the same.

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

AYES: 2511 votes
NOES: 355 votes (Scozzafava)
ABSENT: 55 votes (Gardner)

**RESOLUTION OF CONGRATULATIONS TO
LOWELL BAILEY OF LAKE PLACID, NEW YORK
UPON BECOMING THE FIRST AMERICAN TO EVER WIN A
BIATHLON WORLD CHAMPIONSHIP**

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, Lowell Bailey of Lake Placid, New York has become the first American ever to win a biathlon World Championship by taking the men's 20 kilometer biathlon race at the IBU World Championships in Hochfilzen, Austria; and

WHEREAS, Biathlon was the only Winter sport where the USA had not won a Winter Olympic or world title dating back to the 1958 world titles and the 1960 Olympics; and

WHEREAS, Bailey performed flawlessly in a perfect 20 for 20 in shooting and completed the 20 kilometer race in 48:07:04; and

WHEREAS, Lowell Bailey is a three time Olympian and his worlds medal is the only gold medal for the U.S. men in the history of the sport; and

WHEREAS, this victory has propelled Lowell to become the first athlete to qualify for the 2018 U.S. Olympic team; and

WHEREAS, Lowell's impressive accomplishment continues to perpetuate the heritage and Olympic pedigree of Lake Placid.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby express their utmost and sincere admiration, pride, respect and congratulations to Lowell Bailey upon the men's 20 kilometer race and claiming the first IBU World Championship biathlon title for the United States in the sport and upon being the first athlete to qualify for the 2018 U.S. Olympic team; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby extends its most sincere and best wishes and good luck for future successes in World Cup and Olympic competition; and

BE IT FURTHER RESOLVED, that a suitably embossed copy of this Resolution be forwarded to Lowell Bailey.

This resolution was unanimously seconded and adopted.

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2017,
A LOCAL LAW REGULATING THE USE AND OPERATION
OF TAXICABS AND OTHER VEHICLES FOR HIRE WITHIN THE
JURISDICTIONAL LIMITS OF THE COUNTY OF ESSEX**

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 2 of 2017, a Local Law regulating the use and operation of taxicabs and other vehicles for hire within the jurisdictional limits of the County of Essex, as follows:

“ESSEX COUNTY LOCAL LAW NO. 2 OF 2017

A Local Law regulating the use and operation of taxicabs and other vehicles for hire within the jurisdictional limits of the County of Essex.

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

SECTION I. - TITLE: This local law shall be known and cited as “A Local Law Regulating the Use and Operation of Taxicabs and Other Vehicles for Hire Within the Jurisdictional Limits of the County of Essex.”

SECTION II. 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 III. - PURPOSE: It is the policy of the County of Essex to promote safety and quality in taxicab and vehicles for hire services within the County. The purpose of these regulations is to:

- (i) protect the public health and safety;
- (ii) promote the public convenience and necessity;
- (iii) regulate the activities of taxicabs and other vehicles for hire within the jurisdictional limits of the County of Essex;
- (iv) ensure public safety and consumer protection by regulating taxicab use and operation and vehicles for hire, their operating authorities, drivers and vehicles;
- (v) to protect the peace and security of County residents and visitors on the highways, streets and roads within the County of Essex;

- (vi) to enhance the peace and security of the citizens of Essex County in their homes and neighborhoods;
- (vii) to safeguard the residents of the County of Essex and its visitors against fraud and inferior services relative to taxis and vehicles for hire;
- (viii) to prevent congestion and unsafe conditions on the highways, streets and roads located within the County of Essex;
- (ix) to prevent Medicaid fraud relative to taxi and vehicle for hire providers transporting Medicaid enrollees and to ensure that Medicaid enrollees use the means of transportation most appropriate to their medical needs;
- (x) to protect legitimate taxi businesses from being undercut by unregulated taxi or vehicle for hire businesses;
- (xi) to protect the vulnerable elderly and medically fragile Essex County residents;
- (xii) to regulate and diligently monitor taxi and vehicle for hire services within Essex County and to monitor the eligibility and verification of taxi and vehicle for hire services as it relates to Medicaid transportation within the County of Essex.

This local law is comprised of two (2) regulatory components:

- (1) The regulation, operation and use of taxicabs and vehicles for hire in general within the jurisdictional bounds of the County of Essex; and
- (2) The regulation, operation and use of taxicabs and vehicles for hire which provide Medicaid transportation to eligible Medicaid enrollees to and from Medicaid-covered services and care.

SECTION IV. - DEFINITIONS:

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

Business - Any single act of transporting a passenger or passengers in a motor vehicle for hire for compensation of any kind upon the streets, roads and highways within the County of Essex.

Business Associate Agreement (BAA-HIPAA) - A contract between Essex County (HIPAA covered entity) and a business, operator, driver or person as defined in this local law (HIPAA business associate) which protects personal health information of Medicaid passengers in accordance with HIPAA guidelines.

Carpooling - Any voluntary sharing of transportation without compensation.

County - All areas within the geographical bounds of Essex County.

Cruising - To travel about the streets, roadways and highways within the County of Essex

at random.

Drive - To control the physical movement of a taxi or for hire vehicle.

Driver's Permit - Written authorization granted by the County of Essex to drive upon the streets, roads and highways of the County of Essex any licensed taxicab or vehicle for hire.

Fare - A transportation charge or the price of passage or the sum paid or due for transporting or conveying a person by taxicab or other vehicle for hire.

Highway - Includes any highway, street, alley, avenue, court, bridge, lane or public place within the County of Essex.

HIPAA - The Health Insurance Portability and Accountability Act and all laws, rules and regulations associated therewith.

Limousine - Any motor vehicle engaged in transportation for hire in connection with funerals, wedding, proms and other events or functions of a similar nature or in connection with general transportation for hire when, at the prior request of the passengers, unmarked livery is used and pickup is made by prior arrangement, whether hired by the hour, by the day or for a fixed fare, and/or so licensed by the New York State Department of Motor Vehicles.

Operator or Owner - A person over eighteen (18), as defined herein, who is a business owner, principal, director and/or officer of a taxicab or vehicle for hire business; a purchaser under a reserved title contract, conditional sales contract or vendor's lien agreement; a lessee who is entitled to obtain in his or her own name proper New York State registration of vehicles engaged in business of transportation for hire; and or a person owning or controlling one or more taxicabs or vehicles for hire or limousines and operating/driving or causing to be operated/driven any such vehicle for hire, or owning a single taxicab or taxicab business.

Passenger - Any person other than the operator/driver who is an occupant of a taxicab or vehicle for hire upon the public streets, roads and highways within the County of Essex.

Person - One or more persons over eighteen (18) of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies, limited liability companies, limited liability corporations or any other organization or group of two (2) or more persons.

Taxicab - Any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire upon the public streets, roads and highways within the jurisdictional limits of the County of Essex. However, "taxicab" does not include vehicles subject to the

provisions of the New York Transportation Law; or vehicles used by undertakers in carrying on their business; vehicles used in wedding processions or parades; ambulances (as that term is defined in §100-b of the New York Vehicle and Traffic Law); carpooling, buses or shuttles provided by an employer or employee association for use in transporting employees between their homes and place of business; a bus or shuttle used to transport children to and from school; a bus or shuttle operated under state or federal authority unless subject to the County's regulatory authority; buses or shuttles owned or operated by the federal or state government by a municipal subdivision of the state or by a person or contract with the County for the operation of the vehicle; vehicles owned by a non-profit organization and carrying only passengers associated with that organization; and limousines as defined in this local law.

Taxicab Business or Operator/Vehicle for Hire License or License - Written authorization by the County of Essex granted to any person to operate, keep for hire or engage in the business of transportation for hire, or to employ others for such purposes, any taxicab or vehicle for hire in the County of Essex.

Taxicab Driver or Driver - Any person over eighteen (18) who drives a taxicab or vehicle for hire whether such person is the owner of such taxicab or vehicle for hire, or employed by a taxicab/vehicle for hire owner or operator.

Transportation for Hire - The transportation of a passenger or passengers in a motor vehicle or taxi for hire or for compensation of any kind upon the public streets, roads and highways within Essex County.

Vehicle for Hire - Any motor vehicle used in the transporting of a passenger or passengers for hire or for compensation of any kind, upon the public streets, roads and highways within the County of Essex.

Vehicle Permit - Written authorization by the County of Essex permitting the use of a specific vehicle in the taxicab or vehicle for hire business within the County of Essex.

For purposes of this local law, the words "use, operate or drive" either individually or taken together shall be deemed to mean the pick up or solicitation of passengers

SECTION V. - TAXICAB/BUSINESS LICENSE

- a. It shall be unlawful for any person to engage in the taxicab business or business of transporting people for hire by a taxicab or other vehicle for hire from within the County of Essex or from a point within the County of Essex to a point outside of the County of Essex and back to the County of Essex (round trip) without having first secured and obtained a taxicab license/business license as described herein.
- b. Application

To obtain a taxicab/business license required by this section, or any renewal thereof, a verified application shall be made to the County Clerk or any other person designated by Essex County which application shall be furnished by the County Clerk. The applicant must be the person who will own, control or operate the proposed taxi or transportation for hire business. Accompanying the application shall be a non-refundable application fee of \$100.00 containing the following:

1. The name and permanent address of the applicant, the applicant's social security number and telephone number. If the applicant is a corporate entity, a copy of documents establishing the business and the name and address of each person with an interest in the company, the name and address of all officers, partners, directors, members and/or stockholders of the applicant, the applicant's federal tax identification number and whether the applicant is applying for license to transport all public or a specific clientele, i.e. medical transports only.
2. The verified signature of the applicant.
3. The address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters.
4. The make, model, year, seating capacity, vehicle identification number and license plate number of each vehicle to be used in the taxicab/vehicle for hire business.
5. The registered owner of each vehicle to be used in said taxicab/vehicle for hire business. No business license shall be issued to any person unless he is the owner of each taxicab operated in his name.
6. The names and addresses of all operators or employees of the operator.
7. Details of any convictions for misdemeanors and felonies, including the nature of the offense for which arrested and ultimately convicted, the date of arrest and conviction, the place where said conviction was had and the sentence imposed for any operator, driver, employer or employee of the operator.
8. The names, addresses, telephone numbers and each person designated to accept process or other legal notices on behalf of the licensee. The licensee is required to designate an agent who resides in the County of Essex for the service of process of any notices set forth in this local law or for the service of process of a violation of this

local law.

9. A copy of the company's zero-tolerance and drug testing policy for intoxicating substances, including but not limited to alcohol and drugs.
 10. All information that the person has any previous experience in the taxi or vehicle for hire business.
 11. Whether a license to operate a taxicab/vehicle for hire has ever been revoked and, if so, for what cause.
 12. Such other information as the County may deem necessary.
 13. The names, addresses and telephone numbers of any relative or relation who currently has a license to operate a taxicab/vehicle for hire business within Essex County or who is currently a driver for such an entity. Relatives shall include spouses, children, grandchildren, brothers, sisters, parents, aunts, uncles and cousins, both on the paternal and maternal side of the current operator together with any business relationships between an operator or driver with these entities. This shall include any interest in any corporations or other forms of business entity which the relatives are a principal, stockholder, director, officer or employee.
 14. The names, addresses and telephone numbers of any additional taxicab businesses or vehicle for hire businesses owned by the operator/owner or business and any association whatsoever the operator/owner has with any other taxicab business or vehicle for hire business within the State of New York and disclosure of any and all other taxicab businesses or vehicle for hire businesses which the applicant personally has an ownership interest in or is a principal, director, stockholder or has any connection whatsoever to any other corporation, partnership, limited liability company, limited liability partnership or other legal entity.
- c. Taxicab/business license shall state the name and address of the licensee, the date of the issuance and expiration of said license and that the licensee is authorized to engage in the taxi business or the business of transportation by hire by the County of Essex.
- d. Term - The term of the taxicab/business license shall be for two (2) years.
- e. Posting of taxicab/business license - A taxicab/business license shall be conspicuously posted in full public view in the main office of the licensee.

- f. Renewal - Application for renewal of a taxicab/business shall be filed no later than thirty (30) days prior to the expiration of the old license. The application shall be verified and shall set forth the information listed in Section VI(c). of this local law. Forms for the renewal application shall be supplied by the County Clerk or other designee and shall be requested by the licensee.
- g. Modification - Any change in circumstance with regard to the information required herein above shall be reported to the County Clerk or other designee within fifteen (15) days of occurrence.
- h. Owner/operator shall also execute a HIPAA Business Associates Agreement in the event that the taxicab/vehicle for hire is to transport Medicaid eligible patrons.

SECTION VI. - OPERATOR/OWNER REGULATIONS

It shall be the duty of every operator/owner of a taxicab, as defined in this local law, to:

- a. Inspect and repair all damage or malfunction to or in the vehicle or equipment each week. All said repairs and maintenance to the vehicles shall not be made while the vehicle is on the public street, public way or public place.
- b. Not allow the taxicab to be used in business if not in proper working condition.
- c. Equip and maintain each taxicab with interior lights, under the control of the driver, which shall fully illuminate the passenger area when a passenger is boarding or alighting from the vehicle.
- d. Not allow any person to operate the taxicab without an operator's permit as defined by this local law and a Class E license issued by a New York State Department of Motor Vehicles.
- e. All operators/owners and holders of taxicab/vehicle for hire business licenses must keep and maintain taxi logs as well as those items set forth at Section XLIII of this local law for each vehicle for a period of one (1) year. The log shall be on a form to be provided by Essex County and must include the date, time and place of the passenger pick up, and place where the passenger exited the taxi, as well as the number of persons in the taxi/vehicle for hire at the time.
- f. Report to the County the loss or theft of the vehicle permit, in writing, within twenty-four (24) hours.
- g. Ensure that all taxi drivers employed by the owner comply with all of sections regarding the duties, requirements and responsibilities of drivers contained in this local law and the laws of the State of New York.

- h. Develop, implement and follow a written drug testing policy as defined in this local law.
- i. Upon notification that a driver employed by the owner has failed a drug test, the owner must within twenty-four (24) hours notify the County Clerk or other designee in writing that the driver has failed a drug test and is no longer eligible to operate a taxicab in the County of Essex. Notice to the County Clerk must be sent by certified mail
- j. Prevent a driver from driving any taxicab owned by the owner upon notification that the operator has failed a drug or alcohol test until such time that the owner is notified by the County Clerk or other designee in writing that the driver's privilege to drive a taxicab in the County of Essex has been restored.
- k. Maintain written records regarding all drug/alcohol tests administered pursuant to this local law for a period of three (3) years and produce said records for inspection upon the request of the County Clerk, Board of Supervisors or the Sheriff's Office.
- l. Maintain a maintenance log for each vehicle owned by the owner for a period of one year and which must be available for inspection by the County, upon request, at all times during said period.
- m. Maintain a procedure for customer complaints and forward customer complaints to Essex County.
- n. Provide timely pickup relative to designated pickup and drop off times.
- o. Maintain proper insurance on all vehicles and drivers as herein set forth.
- p. Maintain all proper workers compensation pursuant to the laws of the State of New York on all drivers.
- q. Inspection. Each and every taxicab or vehicle for hire licensed pursuant to the provisions of this local law shall be subject to inspection by any Essex County agency designated by the Essex County Board of Supervisors. Said inspection shall concern the cleanliness of the taxicab/vehicle for hire, vehicle condition, the required safety equipment, and the proper posting of licenses and all other items required by this local law.
- r. All taxicab/vehicle for hire drivers must wear suitable "business casual" attire while driving taxicabs/vehicles for hire. Tank tops and cutoff pants or shirts are prohibited. Taxicab/vehicle for hire drivers shall not smoke nor eat while driving taxicabs.
- s. Report all violations of this local law and of any laws, including bribery, fraud, theft, willful acts or omissions of drivers or employees, threats, harassment, abuse,

criminal convictions, traffic law violations by the company or any drivers, license suspensions or revocations, drug and alcohol testing failures, accidents and crashes and discourteous drivers immediately to the County of Essex.

- t. Each vehicle used as a taxi, as defined hereinabove, must be equipped with a permanent raised operational dome light affixed to the roof with “taxi” or “taxicab” or the business name imprinted thereon, or must have “taxi” or “taxicab” and the business telephone number permanently affixed to each side of the exterior, not less than four inches in height, and the business name and address must be permanently affixed to the lower portion of the front door, on each side of the exterior, not less than two inches in height.
- u. The owner of each vehicle shall ensure that the vehicle and its equipment are inspected at least once during each week, the results of which must be noted in the written log maintained for that vehicle. Each vehicle in use must be capable of passing all town, state and police inspections. Any and all repairs to the vehicle must be recorded in the maintenance log.
- v. Each vehicle must be kept clean, sanitary, fit, of good appearance and in a safe condition for the transportation of passengers; including repair of all malfunctions and/or damages and must comply with all alterations and/or additions that may be required.

SECTION VII. - ZERO-TOLERANCE ALCOHOL AND DRUG POLICY

- a. All owners and operators shall employ, maintain and enforce as to its drivers a zero-tolerance policy prohibiting use of intoxicating or controlled substances including, but not limited to, drugs and alcohol while operating a taxicab/vehicle for hire. Additionally, all owners and operators shall institute and maintain a written policy that meets the minimum requirements for the testing of holders of commercial drivers licenses for drugs and/or alcohol developed by the United States Department of Transportation and Federal Motor Carriers Safety Administration as set forth in the Code of Federal Regulations in 49 CFR Parts 40 and 382 or any amendments, revisions or additions thereto.

In addition, all drivers must be mandatorily tested annually for drugs and controlled substances at the driver’s expense in order to retain a valid permit. The drug testing must be performed by an individual or entity designated by the County and possessing a valid requisite permit issued by the New York State Department of Health. All drivers must pass every drug test. If the results of the test are positive, or if the sample cannot be tested, the driver’s permit can be revoked after a hearing.

- b. All owners and operators shall include on its publicly remotely access data site notice of its zero-tolerance policy for intoxicating or controlled substances and

information on how passengers may report a possible violation of the policy to the owner and to the County.

- c. Publicly remotely accessible data site - Each owner shall maintain a publicly remotely accessible data site or website that contains, at a minimum:
 - 1. Rate information
 - 2. Zero-tolerance policy for intoxicating substances
 - 3. Contact information
 - 4. Information on how to report a complaint to the County
 - 5. Such other information that the County deems appropriate pursuant to County rule making and regulation

SECTION VIII. - NON-TRANSFERABILITY

A taxicab license/business license is not transferable.

SECTION VI. - TAXICAB DRIVER/DRIVERS' PERMIT

No person shall use, operate or drive a taxicab or vehicle for hire and no person shall permit anyone to drive a taxicab or vehicle for hire within the limits of the County of Essex without such driver having first obtained and paid for and having in full legal force and effect a drivers' permit issued under the provisions of this local law.

SECTION X. - APPLICATION FOR TAXICAB DRIVER/DRIVERS' PERMIT

Every driver of a taxicab or vehicle for hire who uses, operates or drives a taxicab or vehicle for hire within the limits of the County of Essex must possess a valid County of Essex taxicab or vehicle for hire drivers' permit. Each applicant for such permit must comply with the following to the satisfaction of the Essex County Clerk or other designee:

- a. Possess a New York State Class E or CDL license with passenger endorsement
- b. Forbearance of any addiction or use of alcoholic beverages or any controlled substance, as the same is defined and referred to in the Penal Law of the State of New York or Vehicle and Traffic Law of the State of New York, which would impair the applicant's ability to safely drive a taxicab or vehicle for hire
- c. Produce on forms to be provided by the County, affidavits of good character from two (2) reputable citizens of the County of Essex who have known he or she personally and observed his or her conduct for at least one (1) year next proceeding the date of his or her application and a further testimonial on a form provided that the purpose from his employer, unless, in the opinion of

the Sheriff, sufficient reason is given for its omission

- d. Fill out, upon a blank form to be approved by the County of Essex, a statement giving full name; residence; place of residence for five (5) years previous to moving to present address; age; height; color of eyes and hair; place of birth; whether a citizen of the United States; places of previous employment; whether ever arrested or convicted of a felony or misdemeanor; whether convicted of a traffic infraction; and whether previously licensed as a driver or chauffeur and if so, whether the license has been suspended or revoked and for what cause which statement shall be signed and sworn to by the applicant and filed with the Essex County Clerk or other designee as a permanent record. Any false statements by the applicant for a drivers' permit shall be reported by the Essex County Clerk or designee to the District Attorney of Essex County. The Essex County Clerk is hereby authorized and empowered to review such additional information as he may deem necessary. The applicant shall acknowledge and consent on the application to a review by the Clerk, or other designated agent, of a background check and request through finger prints of the criminal records of the Division of Criminal Justice Services of the State of New York then existing with respect to the applicant, and the applicant shall pay any fee required therefore upon submission of the application.
- e. To obtain a valid drivers' permit required by this section, or any renewal thereof, additional information must be submitted on a verified application to the County Clerk or other designee, setting forth the additional following information:
 1. Any other names ever used by the applicant.
 2. Physician's statement. The applicant must submit a written statement from a medical doctor licensed to practice medicine in the State of New York stating the applicant is physically and mentally fit to operate a motor vehicle, taxicab or vehicle for hire. All applicants for a taxi drivers permit, must be tested at the applicants expense for drugs and controlled substances. The County may designate who can perform the drug testing and will only designate an individual or entity that has a permit issued by the New York State Department of Health. If an applicant tests positive for drugs or controlled substances, the County will deny the applicants license. This decision is final. Applicant will provide the necessary HIPAA releases and other releases for the release of all information regarding the applicant's physical and mental condition and with respect to drug and alcohol testing.
 3. Drug and alcohol test. The applicant undergo a drug and alcohol test

and must submit a certification from the test that he or she has passed a pre-employment drug and alcohol test.

- f. Term. The term of the drivers' permit shall be for two (2) years from the date of issuance.
- g. The drivers' permit shall be conspicuously posted and securely fashioned on the visor of the driver's side of the taxicab/vehicle for hire.
- h. Renewal. Application for the renewal of a drivers' permit shall be filed no later than thirty (30) days prior to its expiration. The application should be verified on the form furnished by the County Clerk or other designee and shall contain the information required by Section 9 of this local law. An applicant requiring to renew a drivers' permit shall request a renewal form from the County Clerk or other designee either in person or in writing.
- i. Denial of drivers' permit. The County Clerk or other designee shall not issue a drivers' permit in the following circumstances:
 - 1. The applicant has been convicted for any of the following offenses:
 - (a) A felony within the last ten (10) years
 - (b) Any crime involving the manufacture, transportation, possession or sale of illegal drugs as defined by the New York State Penal Law and the New York State Vehicle and Traffic Law
 - (c) A crime involving the operation of a motor vehicle under the influence of alcohol or drugs
 - (d) Any offense that requires the applicant to register as a sex offender
 - (e) Reckless driving
 - (f) Endangering the welfare of a child
 - (g) Six (6) or more points on the New York State Drivers' Abstract within an eighteen (18) month period
 - (h) Misdemeanors or felonies relative to assault
 - (i) Any mental illness that would effect the operator's ability to safely perform his or her duties as a taxicab/vehicle for hire

driver

- (j) Kidnapping
 - (k) Assaultive conduct
 - (l) Robbery
 - (m) Transfer, carrying or possession of a weapon as a felony
 - (n) Criminal attempt of any of the herein enumerated offenses and crimes
 - (o) Making a false, misleading or fraudulent statement in the application for the drivers' permit
- j. Drivers' License and Abstract. The applicant must submit a copy of the applicant's New York State drivers' license along with the New York State drivers' abstract detailing the applicant's driving history dated within ten (10) days of the date the application is submitted to the County Clerk or other designee.

SECTION XI. - EXAMINATION OF DRIVERS

Each applicant for a drivers' permit shall be examined by the Clerk, or other designated agent, or some person designated by him, as to his knowledge of the provisions of this chapter, the traffic regulations of the County, the motor vehicle and general highway traffic laws of the state, and the geography of the County, and if the results of the examination are unsatisfactory, he or she shall be refused a permit. Each applicant must, if required by the Clerk or his designee, demonstrate his skill and ability to safely handle his or her vehicle by driving it through a crowded section of the County, accompanied by the Clerk, or his designated agent.

SECTION XII. - PHOTOGRAPH AND FINGERPRINTS OF DRIVER; INVESTIGATION

- a. Each applicant for a drivers' permit shall file with his application impressions of the fingers of his or her right and left hand. Such impressions shall be placed upon forms furnished by the New York State Division of Criminal Justice Services or other authorized forms, the impressions shall be taken under the supervision of the Sheriff or his designated agent or Personnel or any other agent authorized to take the same, at such place or places as may be designated by the County. A set of fingerprints, together with the appropriate fees for identification processing, shall be submitted to the Division of Criminal Justice Services. Within the thirty (30) day period preceding the filing of the application, each applicant shall appear at the

Essex County Clerk's Office for a process that will include the taking of a digital picture and a permit produced with such picture on it. The fee for such process shall be determined in the discretion of the Essex County Clerk, and the applicant shall pay said fee. A set of fingerprints, together with one copy of the photographs of the applicant, shall be kept on file at the Essex County Clerk's Office as a permanent record.

- b. The County Clerk or other designee shall forward completed applications to the Sheriff who shall cause an investigation to be made relative to the character and criminal record, if any of the applicant. No permit shall be issued under the provisions of this local law by the Clerk until the receipt in writing from the Sheriff indicating whether the applicant may be approved; provided, however, that a temporary permit may be issued pending such investigation, not to exceed twenty (20) days. No permit shall be issued to a person who has been convicted of a felony if the Sheriff determines, in accordance with Article 23-A of the New York State Correction Law, that
 - 1. There is a direct relationship between the conviction and the duties and obligations inherent to a taxi/vehicle for hire license; or
 - 2. The issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

SECTION XIII. - FORMS AND TERMS OF DRIVERS' PERMIT

- a. All applications for drivers' permits must be in writing and approved by the Sheriff or his designated agent. When the application has been approved and the applicant has filed his or her photographs and fingerprints with the Sheriff, the County Clerk or other designee shall issue such permit. The Sheriff or his designated agent may refuse to approve such application if the applicant is not a fit and proper person to be permitted. In determining whether or not an applicant is a fit and proper person to be permitted, consideration shall be placed upon, but not limited to, the answers given by the applicant upon his or her application, the applicant's record as an operator or chauffeur of motor vehicles obtained from the New York State Department of Motor Vehicles, and the applicant's criminal record. Should the Sheriff or his designated agent deny such application, notice of denial and reason(s) therefore shall be served upon the applicant.
- b. Upon satisfactory fulfillment of the foregoing requirements, there shall be issued to the applicant a permit, which shall be in such form as to contain a photograph and signature of the permittee and blank spaces upon which a record may be made of any arrest of or serious complaint against him. Each permit shall be stamped by the Seal of the County upon at least a portion of the photograph. All permits shall be numbered in the order in which they are issued and shall contain the driver's name

and the expiration date of the permit. Any permittee who defaces, removes or obliterates any official entry made upon his permit shall be punished by the revocation of his permit. Drivers' permits shall be issued as of April 1st in each and every year and shall be valid to and including March 31st next succeeding, unless previously suspended or revoked. Such permit shall be placed in a plaque the size of four inches by six inches and shall at all times, when the driver is operating the taxicab/vehicle for hire, be attached inside the taxicab in a position readily visible to the passengers of said taxicab. No temporary permit shall be issued except when an extraordinary public emergency arises affecting transportation of the public upon the streets within the County. Such temporary permits, when issued, shall be upon such terms and conditions as the Sheriff or his designated agent shall provide, but such temporary permit shall in no event be granted for a longer period than twenty (20) days and may be renewable for similar periods from time to time as may be necessary only upon the written recommendation of the Sheriff made to the Board and approved by it. The fee for such temporary permits shall be \$50. Such license or permit shall be carried by the licensee at all times when operating or in charge of any taxicab.

SECTION XIV. - RENEWAL OF DRIVERS' PERMIT

A driver, in applying for a renewal of his permit, shall make such application not less than thirty (30) days next preceding its expiration upon a form to be furnished by the County Clerk titled "Application for Renewal of Permit" which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which his original permit was granted and the number thereof and such other information as the permitting official may deem necessary. All applicants for renewals must provide the photographs and fingerprint impressions required by this local law.

SECTION XV. - FEES FOR DRIVERS' LICENSE

- a. The license fee per annum for drivers' permits shall be \$50 and for each renewal thereof \$50.
- b. All drivers' permits issued under the provisions of this local law shall not be transferable.
- c. The fee for duplicating a lost or destroyed drivers' permits shall be \$10 and it shall be marked "duplicate."
- d. All applicants for a new taxicab/vehicle for hire permit and all applicants for renewal of permit must submit a separate certified check or money order in the amount required by New York State payable to the New York State Division of Criminal Justice Services to cover the cost of the background check mandated by this local law.

SECTION XVI. - RECORD OF DRIVERS' PERMITS

There shall be kept in the Office of the Essex County Clerk a complete record of each permit issued to a driver, and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a permit.

SECTION XVII. - VEHICLE PERMIT

It shall be unlawful for any person to obtain or permit to be operated a taxicab or vehicle for hire, from point to point within the municipal boundaries of the County of Essex without having first obtained a vehicle permit from the County Clerk or other designee. All taxicabs and vehicles for hire permitted by the County of Essex shall be registered in the State of New York and must have the proper registration and license plates for a taxicab or vehicle for hire as required by the New York State Department of Motor Vehicles.

a. Application.

1. To obtain a vehicle permit as required by this section, or any renewal thereof, a verified application shall be made to the County of Essex, which application shall set forth the following information:
 - a) The name and resident address of the applicant and the registered owner of the vehicle;
 - b) The business address from which the taxicab will be used and the business license under which it will be used;
 - c) The make, model, year, seating capacity, vehicle identification number, license plate number and the business license number under which the taxicab is being operated;
 - d) If the vehicle has been previously used as a taxicab and where.
2. In addition to the application, an applicant for a vehicle permit shall provide the following:
 - a) Proof that the vehicle is properly registered in New York State as required by this section;
 - b) A valid certificate of inspection from a business licensed as a New York State Vehicle Inspection Station;
 - c) Proof that the vehicle is insured as required by the New York State Department of Motor Vehicles;

- d) Proof of the bonding pursuant to New York State Vehicle & Traffic Law Section 370;
 - e) Proof of County inspection of the vehicle pursuant to Section VI(q) of this local law;
 - f) Proof of compliance with all other provisions of this local law.
- b. Term. The term of the vehicle permit shall be for two years from date of issuance.
- c. Posting. The vehicle permit shall be conspicuously posted and securely fastened on the interior of such vehicle in such a manner as to be readily visible to a passenger in the rear seat.
- d. Identification sticker.
 - 1. When issuing a vehicle permit, the County Clerk or designee shall also deliver a sticker bearing the vehicle permit number, the vehicle license plate number and the expiration date of the vehicle permit. Each such sticker must be securely affixed to the cowl or window of the vehicle. The sticker is to remain there and shall be kept clearly visible at all times.
 - 2. Should this sticker become lost, stolen or destroyed through no fault of the owner, the County Clerk or designee shall issue a duplicate sticker at a fee as set by Essex County.
- e. Renewal. An application for the renewal of a vehicle permit shall be filed no later than thirty (30) days prior to expiration. The application shall be verified and shall set forth the information listed in this Local Law. Forms for the renewal applications shall be supplied by the County Clerk and shall be requested by the licensee, in writing or in person no later than forty-five (45) days prior to the expiration date of the current permit.
- f. Modification. Any change in circumstance with regard to the information required hereinabove shall be reported to the County Clerk or designee within 30 days of occurrence.

SECTION XVIII. - INSPECTION BEFORE PERMITTING VEHICLES

- a. Insurance.
 - 1. No vehicle shall be permitted unless it is a four-door sedan, a four-door hatchback, a four-door hybrid vehicle or a station wagon and is insured by a public liability policy, written by an insurance company licensed to do business in the State of New York, for damages in the following amounts:

- a. For death or injuries to any one person, at least \$100,000.
 - b. For death or injuries arising out of any one accident, at least \$300,000.
 - c. For property damage limits, at least \$100,000.
2. All such insurance policies must include a provision which names the County of Essex as an additional insured and additional certificate holder, requires the County of Essex to be notified in the event of any changes in such policies, including cancellation of the policies and changes in the policy limits and such additional requirements as set forth at Schedule A attached hereto and made a part hereof entitled "Insurance Requirements." The above limits may be changed and increased by resolution of the Essex County Board of Supervisors.
- b. No vehicle shall be initially permitted until it has been thoroughly inspected by a New York State certified/licensed mechanic who is not an employee of the County of Essex and who has no blood or business relationship with the owner or lessee of the vehicle to be licensed. All such mechanics shall be designated for that purpose by the Clerk or his designated agent, and a written report of the inspection in a manner prescribed by the Clerk or his designated agent shall have been filed with the Clerk or his designated agent. A copy of the report shall be given to the owner and/or lessee of the vehicle at the completion of the mechanical inspection. The initial inspection shall be both mechanical and physical, as those terms are used in Subsection c. hereof. The vehicle owner shall be liable for all costs incurred with respect to all inspections required under this section.
 - c. Subsequent to the initial inspection, there shall be at least two (2) inspections annually of each vehicle so permitted. At least one inspection shall be conducted in the first half of the calendar year and the other in the second half of the calendar year. The inspections shall be physical and mechanical. The Sheriff or his designated agent can request an inspection at any time. If a mechanical inspection is requested, the inspection shall be performed at a location acceptable to the Sheriff or his designated agent, and at the taxicab operator's expense. The mechanical inspection shall be conducted by a New York State certified/licensed mechanic who is not an employee of the County of Essex and who has no blood or business relationship with the owner or lessee of the vehicle to be inspected, and such mechanic is to be designated by the Sheriff or his designated agent. A physical and mechanical inspection shall both be performed at the time of renewal of the vehicle permit. Such inspections may be done any time within thirty (30) days prior to the renewal date to be valid for the subsequent year. The remaining inspections shall be physical and consist of a visual inspection which shall also be conducted by a mechanic who meets the above qualifications. The remaining mandatory physical and mechanical inspections shall be performed as set forth

above in August of each year. The vehicle owner shall be liable for all costs incurred with respect to said inspections. All reports shall be on forms provided by the Essex County Clerk which contain the following information: vehicle make, model, license plate, year, vehicle identification number, mileage and year; name and New York State inspector number of the mechanic; New York State inspection sticker number; name, address and New York State inspection station number of the garage at which such mechanic is employed or works; and date of the inspection.

1. A vehicle shall not pass a mechanical inspection unless it is in a thoroughly safe condition for the transportation of passengers and in good repair. In addition, a vehicle shall not pass a mechanical inspection unless it has passed all the requirements of a New York State motor vehicle inspection.
 2. A vehicle shall not pass a physical inspection unless it is free of excessive auto body and paint damage, clean, fit, uniform in color, of good appearance and in a thoroughly safe condition. A physical inspection shall include, but not be limited to, certification of the following items: all four wheel brake pads have been visually inspected and are in good working order; all lights are working; the speedometer accurately registers the speed of the vehicle; all glass not addressed or required by the New York State inspection laws must be present without breaks or cracks; all windows work; all doors work; all door handles work; all locks work; floorboards must be strong enough to hold the weight of any passengers or drivers who may use the vehicle; the heating system must work; the paint is not blistered, cracked, or discolored; rust must not have penetrated through any body parts; body parts must not be damaged; body parts must be securely fastened to the vehicle; inside and outside upholstery must not be ripped or worn out; the vehicle has at least two thirty-minute safety flares; the vehicle has a safe and usable spare tire; and the equipment necessary to change a tire on the vehicle is present and in good working order.
- d. The County Clerk or a designated agent may suspend any owner's vehicle permit for failing the inspection(s) required hereunder for thirty (30) days, or until it has been determined by reinspection that the vehicle has been repaired. The County of Essex does not guarantee the mechanical safety of any vehicle permitted and inspected under this section.
- e. The County Clerk or a designated agent shall notify all owners or lessees permitted hereunder of the dates of physical inspections, which dates shall be at least ten (10) days after the mailing of notification, and which inspections may be scheduled by the County Clerk as often as he deems it necessary. The notification shall be in writing, sent by regular mail, and shall state the date, time and place of inspection. Failure of the vehicle to be produced for such inspection shall be cause for the suspension of the vehicle's permit.

- f. Repair work which is required to be done after a mechanical inspection of a vehicle shall be completed within five days of the mechanical inspection by a New York State certified repair garage, and satisfactory proof of repair shall be presented to the County Clerk or his designated agent. Failure to make such repairs and/or to present satisfactory proof may be a ground for suspension of an owner's or lessee's permit.
- g. Taxicab permits shall be limited to fifty (50); provided, however, that the Board of Supervisors may increase the number of licenses to be issued upon determining, after a public hearing, that public necessity requires that additional taxicabs be permitted.
- h. No taxicab permit shall be issued to any vehicle which is more than ten (10) model years old. This provision shall not apply to vehicles currently permitted under this chapter.
- i. A vehicle larger than a four-door sedan, a four-door hatchback, a four-door hybrid vehicle or a station wagon may be licensed under this section if it is owned and operated by a lawfully authorized provider of transportation services pursuant to the provisions of 18 NYCRR 505.10. Such vehicle must be clearly marked as a recipient of said authorization. The operator of such vehicle must at all times carry written proof of said authorization. When engaged in a medical transport, the operator of such vehicle must carry proof that he or she has received prior authorization for that passenger pursuant to the provisions of 18 NYCRR 505.10. Nothing in this subsection is to be construed as waiving compliance by owners and operators with all requirements of this chapter, including the obtaining of a medallion, except as specifically provided for herein.

SECTION XIX. - VEHICLE PERMIT PLATE AND CARD

- a. If, upon inspection, a taxicab is found to be of lawful construction and in proper condition in accordance with the provisions of this chapter, and upon the approval of the application and the payment of the permit fee hereinafter set forth, the same shall be permitted by delivering to the owner a card of such size and form as may be prescribed by the Clerk. The card shall contain the official permit number of the taxicab, together with the date of inspection of the same, and a statement to the effect that, in case of any complaints, the Clerk shall be notified, giving a permit number of the taxicab. Such card shall be signed by the Clerk and shall contain blank spaces upon which an entry shall be made of the date of every inspection of the vehicle by the Clerk or his representative. The permit number assigned hereunder shall in each case be the same as that assigned to the vehicle for that year pursuant to law. The Clerk shall also affix to the cowl or window on the right-hand side of each taxicab a small plate or medallion or sticker, not exceeding six inches in diameter, which shall bear the permit number of the vehicle. Any licensee who defaces, obliterates or changes any official entry made upon his

license or plate shall have his permit revoked. Medallions, plates or stickers may be issued only to the owner or the lessee of the vehicle to be licensed. The number of the taxicab permit or medallion must match the number of the taxicab.

- b. No taxicab permit may be sold, assigned, leased or otherwise transferred without the consent of the Clerk. Any permit may be transferred to another, to be used in the bona fide operation of a taxicab business, with the consent of the Clerk upon the filing of an application as provided in this local law and upon the payment of a transfer fee of \$500; provided, however, that no transfer may be made in the month of March. Notwithstanding the foregoing, the holder of a taxicab permit may transfer the permit to a corporation of which such holder of the taxicab permit is the sole shareholder, and there will be no transfer fee imposed in connection with such transfer. No taxicab permit shall be assigned, mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financing transaction.
- c. No taxicab permit shall be transferred from one car to another without the benefit of the mandatory vehicle inspection. After passing said inspection, the applicant shall pay a transfer and reinspection fee of \$250, unless such transfer and inspection is made in the renewal month of March.
- d. Display of complaint procedure. Owners and lessees of permitted vehicles shall display, constantly and in a conspicuous place visible to all passengers, a sticker to be issued by the Clerk or his designated agent, which states: "Complaints regarding the physical condition of the vehicle, the driver or anything affecting the safe and convenient use of taxicabs in the County of Essex may be made in writing and addressed to the Essex County Clerk, P.O. Box 217, Elizabethtown, New York 12932."
- e. Medical transport taxicab permit. Owners of vehicles larger than a four-door sedan or station wagon that are used solely for lawfully authorized Medicaid transportation services pursuant to the provisions of 18 NYCRR 505.10 may apply for a medical transport taxicab permit. Such applicants must comply with all of the requirements of this section and chapter and all laws of the State of New York, except the auction provisions contained in this local law and the rate card provisions contained in this local law, and except as otherwise provided in this local law. The fee for a medical transport taxicab permit shall be \$300. Medical transport taxicab permits shall be limited to ten (10) and are not transferable. Such permits shall be issued as of May 1st in each and every year and shall expire on the April 30th next succeeding, unless sooner suspended or revoked. A medical transport taxicab permit must be issued for a specific vehicle, and shall not be used for any other vehicle, except by permission of the Sheriff or his designee. A vehicle which is designated for a medical transport taxicab permit shall not be used for a non-medical transport.

SECTION XX. - VEHICLE TRIP LOGS

Record of passenger trip information.

The trip log is record of all data collected from every taxi. Trip logs shall be filed with the Essex County Clerk or any other designee on a quarterly basis. Trip logs must include the following:

1. The name of the driver of the taxicab and his drivers license number.
2. The taxicab license number.
3. The County license number.
4. The location where each passenger was picked up.
5. The time each passenger was picked up.
- 6.. The number of passengers.
7. The location where each passenger was dropped off.
8. The time each passenger was dropped off.
9. The total trip mileage for each passenger which includes starting mileage and ending mileage and locations.
10. The itemized fare for the trip for each passenger.
11. Method of payment.
12. The beginning and conclusion of the drivers work shift.
13. All other entries required by the New York State Department of Health or the federal government, state government pursuant to law, rule or regulation.
14. A copy of the log shall be kept by the owner of the taxicab/vehicle for hire business.
15. The log shall be retained by the driver and the owner for a period of one (1) year.

SECTION XXI. - SOLICITING

No person shall solicit passengers, except the driver of a taxicab, and then only when within five (5) feet of his or her vehicle.

SECTION XXII. - REGISTRATION OF LICENSED TAXICABS/VEHICLES FOR HIRE

The County Clerk shall keep a register of the name of each person owning or operating a taxicab licensed under this local law, together with the license number and the description and make of such vehicle, with the date and complete record of inspections made of it. Such record shall be open to the inspection of the public at all reasonable times.

SECTION XXIII. - RIDERS

No person shall be allowed to ride on the seat with the driver except paying passengers, and any driver who shall permit this may be deprived of his or her license. It shall be the duty of all police officers to notify the Sheriff of any violation of this provision. The provisions of this section shall not apply to an aide to a lawfully authorized provider of transportation services who has received prior authorization for a specific medical transport pursuant to the provisions of 18 NYCRR 505.10.

SECTION XXIV. - ARTICLES FOUND IN TAXICAB/VEHICLE FOR HIRE

Every driver of a taxicab/vehicle for hire, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, must be taken to the nearest police station and deposited with the officer in charge within twenty-four (24) hours after the finding thereof.

SECTION XXV. - DECEIVING PASSENGERS PROHIBITED

- a. No person owning or driving a taxicab shall deceive any passenger who may ride or who may desire to ride in any such vehicle as to his destination by the shortest route or the lawful price to be charged for such person, or shall convey such passenger or cause him to be conveyed to a place other than that directed by him.
- b. Misrepresentation. No person owning or driving a taxicab shall misrepresent himself or the company for which he works to any passenger who rides or who may desire to ride in any such vehicle as to the taking of any person that has previously called or is going to call for another individual taxi or company, for transportation to a certain destination.

SECTION XXVI. - USE FOR UNLAWFUL PURPOSES

It shall be unlawful for any licensed driver of any taxicab/vehicle for hire to misrepresent the name of his employer, or knowingly to receive or transport any person or persons who intend any unlawful act in such vehicle during the voyage or at the termination thereof, whether within such vehicle or not or to use the vehicle for any unlawful purpose. It shall also be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab/vehicle for hire with the intent to commit any unlawful act therein or at any time during the voyage or the termination thereof, whether within the vehicle or not. Any such actions shall be cause for the drivers' and/or taxicab license to be revoked as set forth in this local law.

SECTION XXVII - ADDITIONAL DRIVER REGULATIONS

- a. Drivers shall inform the County Clerk, in writing, within twenty-four (24) hours of the loss or theft of the operator's permit.
- b. Drivers shall not transport a greater number of persons than the rated capacity of the taxicab/vehicle for hire as listed on the vehicle permit.
- c. After having accepted a person for transportation, an operator must refuse to accept any other passengers without the consent of the person first accepted for

transportation.

- d. All taxicabs/vehicles for hire must require that all persons under the age of eight (8) years old must be restrained in an approved child safety seat, and any persons under the age of sixteen (16) years old must wear a safety belt at all times.
- e. Drivers may not peddle any goods or property from the taxicab/vehicle for hire.
- f. Drivers may not use loudspeakers, noisemaking devices or other attention-seeking devices.
- g. An driver may not allow any other person to use his or her operator permit.
- h. No driver shall engage in the act of cruising as defined in this local law.
- i. A driver shall not conduct himself or herself in any manner or way that is either dangerous, offensive or threatening to the general public.
- j. Drivers shall, upon request of the County Clerk or Sheriff's Office, produce for inspection their trip log.
- k. Drivers shall be subject to the same requirements as a holder of a commercial drivers' license as set forth by the United States Department of Transportation and the Federal Motor Carrier Safety Administration with regard to the operation of a vehicle and the consumption of alcohol and drugs.
- l. Drivers must submit to and pass all alcohol and/or drug test required by this local law.
- m. No person shall drive a vehicle registered as a taxicab/vehicle for hire unless he or she possesses a valid drivers' license and an drivers' permit.
- n. Drivers shall be prompt in picking up their fares based upon established or anticipated times of arrival and departure.
- o. Direct and Expeditious Route. A driver must take the most direct and expeditious route available, unless otherwise directed by the passenger.
- p. A driver must not operate a taxicab/vehicle for hire for more than twelve (12) consecutive hours.
- q. A driver shall not attempt to learn the destination of a passenger before the passenger is seated in the taxicab.

SECTION XXVIII - PASSENGER REGULATIONS, RIGHTS AND COMPLAINTS

- a. Issuance. Upon approval of an application for a taxicab license, the County Clerk shall issue a placard for each vehicle bearing the title: "Passenger Regulations, Rights and Complaints."
- b. Posting. Owners, at all times, and operators, while in possession of a vehicle, are responsible for keeping said placard conspicuously posted and securely fastened in the interior of each vehicle, in a clear and readable manner.
- c. Contents. The placard shall set forth the activities by passengers that are prohibited their rights and where to file complaints, as prescribed by this local law.

SECTION XXIX - SURRENDER OF LICENSE OF PERMIT

- a. Disapproval, suspension or revocation. Holders of permits issued pursuant to this local law must surrender same to the County Clerk immediately upon demand after the disapproval, suspension or revocation thereof.
- b. Sales. Holders of a permit issued pursuant to this local law must surrender same to the County Clerk immediately upon, and in no case later than seven (7) days from, the sale or other disposition of a business or any vehicle.
- d. State actions. Holders of permits issued pursuant to this local law must surrender same to the County Clerk immediately upon, and in no case later than seven (7) days from, suspension or revocation by the State of New York of any relevant license, permit or registration.

SECTION XXX - TAXICAB/VEHICLE QUALITY STANDARDS

- a. An operator shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for hire, in a condition such that each vehicle is mechanically sound and road worthy, the exterior and interior are clean and appear new or substantially like new, and meets the following standards:
 - 1. body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches or other obvious unrepaired damage;
 - 2. paint in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive "orange peel";
 - 3. all recall work recommended by the vehicle's manufacturer has been performed;

4. all exterior lights function and are aimed as designed by the manufacturer;
5. all doors open and close smoothly using interior and exterior door handles;
6. windshield and windows are in good condition, free of cracks or any condition that obscures visibility;
7. front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears or excessive wear;
8. all seat belts function smoothly, lock securely, and are free of twists, cuts or visible signs of wear;
9. power windows and locks function properly;
10. windshield wipers function as designed and wiper blades clean properly;
11. all dashboard lights illuminate as designed;
12. air conditioner, heater, and defoggers function properly;
13. all interior lights function properly;
14. all power controlled rearview mirrors function properly;
15. trunk lid functions properly;
16. trunk compartment contains a proper spare tire in good condition with proper tread depth and air pressure, and all tools required to change a tire;
17. engine hood release operates properly;
18. all engine compartment fluid levels are at manufacturer recommended levels;
19. no leaks or excessive noise emitting from the fuel pump, cooling system, water pump, engine, or transmission;
20. all engine belts are in good condition with no visible signs of damage or excessive wear;
21. air filter is clean;
22. engine oil is clean and free of contaminants;

23. battery is at full charge, tests to proper standards and shows no visible signs of damage or leakage;
 24. front and rear tires, wheels and wheel covers match and are the proper size and type for the vehicle;
 25. front and rear tires contain the proper air pressure, sidewalls are in good condition, and tread depth is a minimum of 5/32";
 26. all lug nuts are properly torqued;
 27. brake rotors show no signs of warpage, heat damage, or excessive wear;
 28. brakes, including parking brakes, and brake assemblies, calipers, lines, hoses and cables show no signs of leakage, damage, or excessive wear;
 29. vehicle chassis, including frame rails, subframe, transmission case or pan, drive shaft, fuel tank and components, steering system, differential assembly, exhaust system, transmission mounts, and struts/shocks show no sign of damage, leakage, or excessive wear;
 30. on startup, engine idles normally; and
 31. while driving, engine performs normally, transmission shifts normally, brakes function normally, no warning lights illuminate, and steering functions normally, with no abnormal vibration.
- b. It is a defense to prosecution for a violation of Subsection a. that the violation was remedied within fourteen (14) days after receiving the citation.
 - c. A person commits an offense if he knowingly falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a taxicab/transportation-for-hire vehicle meets the standards in Subsection a.

SECTION XXXI - NONDISCRIMINATION

An operator or driver shall not refuse service to passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation; gender identity and expression; national origin; disability; political opinions; or affiliations.

- a. Wheelchair Accessibility. When a wheelchair accessible vehicle is requested, the operator must provide a wheelchair accessible vehicle, or cause one to be provided, without unreasonable delay. Operators and drivers are prohibited from charging a higher rate for wheelchair accessible transportation for hire vehicles.

SECTION XXXII - GOUGING PROHIBITED

Drivers or operators may not knowingly or intentionally quote, charge or attempt to charge a fare higher than the allowable fare under Medicaid rules and regulations and the fare based on the operator's published rates or fares.

SECTION XXXIII - SOLICITATION OF PASSENGERS BY BUSINESSES, OPERATORS OR DRIVERS

A business, operator or driver shall provide no gratuity, compensation, consideration or payment to any patron over and above the required fare to induce them or others to use their taxicab or vehicle for hire service.

SECTION XXXIV - LOSS OF PERMIT

Should any permit issued pursuant to this local law be lost or stolen through no fault of the permit holder, the County Clerk shall issue a duplicate permit for a fee to be set by the Board of Supervisors.

SECTION XXXV - MEDICAID TRANSPORTATION SERVICES

All operators, drivers, employees and businesses providing taxi or vehicle for hire transportation to Medicaid eligible enrollees for Medicaid covered services shall comply with the laws of the United States of America and State of New York including but not limited to, Title 18 NYCRR, Sections 504, 505 and 517 together with any and all federal, state and municipal rules and regulations relative to Medicaid transport and as also contained in the New York State Medicaid Program Transportation Manual Policies Guidelines and any and all additions, amendments or changes to any of these laws or regulations.

Any violation by an operator or driver of any of the hereinabove referenced laws, rules or regulations shall also be considered a violation of this local law and a violator shall be punished in addition to any penalties incurred through other agencies or departments, the County of Essex will levy penalties for any such offenses under this local law.

All existing federal and state laws, rules and regulations are herein incorporated and made a part of this local law as if more fully set forth herein.

SECTION XXXVI - DRUG TESTING FOR CAUSE

Drug testing for cause.

- a. If the County has a reasonable suspicion that a driver has used a drug that makes him or her unfit to operate a motor vehicle safely, the County can direct the driver

to be tested, at the drivers expense, by a County-approved person, licensed by the New York State Department of Health, and the driver must comply.

- b. A driver must not drive or occupy his or her vehicle for at least six (6) hours after consuming any intoxicating liquors or drugs regardless of alcoholic content.
- c. All drivers must pass every drug test, including the “for cause” drug tests above. If the results of either test are positive, or if the sample cannot be tested, the drivers permit can be revoked after a hearing.

SECTION XXXVII - DENIAL, SUSPENSION OR REVOCATION OF AN OPERATOR’S LICENSE, DRIVER’S PERMIT OR VEHICLE PERMIT

- a. The County Clerk shall suspend or revoke an operator’s license, driver’s permit or vehicle permit upon learning of a violation of this local law. Notice of the revocation or suspension shall be mailed to the license holder or permit holder by registered or certified mail, at the address listed on the license application notifying the license or permit holder that their license or permit has been suspended or revoked and the reason for such suspension or revocation. If a license or permit is being suspended or revoked for any violation of this local law, the license or permit holder will also be notified by registered or certified mail at the address listed on the license application.
- b. Failure to comply with the provisions of this Local Law shall be seen as sufficient cause for the revocation or suspension of any license or permit.
- c. Conviction of a violation of the New York State Vehicle and Traffic Law in a court of competent jurisdiction regarding the equipment or working condition of the taxicab shall be grounds for the suspension or revocation of the operator’s license and/or the vehicle permit.
- d. The County Clerk may suspend any license or permit issued pursuant to this local law upon determining that a driver has failed to comply with this local law and including, but not limited to:
 - 1. If at any time the County Clerk determines that a driver is not qualified under this local law, or is under indictment or has charges pending for any offense involving driving while intoxicated, driving while under the influence of controlled substance or drugs or felony offense involving a crime or criminal attempt to commit any of these offenses, the County Clerk may suspend the driver permit until such time as the County Clerk determines that the driver is qualified or that the charges against the driver are finally adjudicated.
- e. A driver whose permit is suspended shall not drive a taxi inside the County during the period of suspension.
- f. It shall be mandatory that the County Clerk revoke any license or permit issued

pursuant to this local law upon learning:

1. That the license or permit holder has been convicted of any one of the following offenses:
 - Violations of the County's zero tolerance drug testing policy
 - the driver has failed a drug test as defined herein
 - Drove a taxi or vehicle for hire inside the County where his permit has been suspended or there is no permit.
 - made a false, misleading or fraudulent statement in the application for a operators license or drivers permit
 - engage in conduct that constitute a ground for suspension under this local law and receive either a suspension in excess of three (3) days, or a conviction for violation of this local law, two (2) times within a consecutive twelve (12) month period preceding the occurrence of the conduct or three (3) times within a twenty-four (24) month period preceding the occurrence of the conduct.
 - engage in conduct that can reasonably be determined to be detrimental to the public safety
 - was convicted of a felony offense involving a crime while holding a driver permit
 - has been convicted for any of the offenses described in Section X(i) (A-O)
 - persistent violations of this local law which indicate a pattern of violation. The non-payment of any fines levied pursuant to this local law will result in a license suspended, if the fines are not paid within twenty (20) business days of the date of notification
 - Operation of a taxicab/vehicle for hire without the insurance required by this local law
 - Operation of a taxicab/vehicle for hire for any illegal purpose in violation of any laws of the State of New York or the United States of America
 - Operating a taxicab/vehicle for hire with a suspended driver's or vehicle license as issued by the State of New York or the County of Essex
 - Conviction of a licensee or permittee for a felony or misdemeanor. If the County Clerk determines that there is a direct relationship between the conviction and the duties and obligations inherent to a taxicab permit or driver or that the continuation or license or permit would involve an unreasonable risk to the property or to the safety of welfare of specific individuals or the general public.
 - Any arrest or conviction of a licensee or permittee for a criminal offense committed by such person during or in relation to taxicab operation

SECTION XXXVIII - PENALTIES FOR OFFENSES

In addition to a suspension or revocation, any person who violates any of the provisions of this local law may, upon conviction, be punished as follows:

- a. Any person who violates any of the provisions of this local law shall be guilty of a violation as defined in Section 55.10 of the Penal Law of the State of New York and shall be liable for a fine of not less than \$250.00 and not more than \$1,000.00 and/or imprisonment not exceeding fifteen (15) days, or both. The County Clerk may, in his or her discretion, temporarily suspend the permit pending the prosecution of the permit. Thereafter, a second offense within a three (3) year period will not be less than \$500.00 but no more than \$1,500.00 and/or imprisonment not exceeding fifteen (15) days, and conviction for a third offense within three (3) years shall be not less than \$1,000.00 and no more than \$2,000.00 and/or imprisonment not exceeding fifteen (15) days and additionally, revocation of the permit issuance pursuant to this local law for a period of one (1) year, after which reinstatement shall be based upon a complete new application process.
- b. In addition to any of the remedy provided by law, the County may bring an injunction proceeding or Supreme Court proceeding to enforce the provisions of this local law.
- c. 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 collectible by the County in the amount of \$250.00 for each week that such violation shall continue. Each week such violation continues to exist shall constitute a separate offense. Such penalties shall be collectible by and in the name of the County.
- d. The Sheriff of the County of Essex, the New York State Police, any police officer or anyone designated by resolution of the Essex County Board of Supervisors shall be and hereby are authorized to issue and serve appearance tickets pursuant to NYS Criminal Procedure Law with respect to any violation of this local law to any person whom the officer has reason to believe has violated this law, and shall cause such person to appear before the municipal justice.

SECTION XXXIX - APPEALS

- a. A hearing officer appointed by the Essex County Board of Supervisors shall hear and decide appeals from and review any order, denial, suspension or revocation made by the County Clerk or Sheriff or his designated agent with respect to a driver's or vehicle license as provided for herein.

- b. Request for hearing, upon the denial of an application, or the suspension or revocation of a license, the aggrieved party may, within ten (10) business days after receiving written notice, file a request, in writing, upon the hearing officer for review of said decision by the County Clerk or Sheriff or his designated agent. Failure to file within such ten-day period shall be deemed a waiver of the aggrieved party's right to file an appeal.
- c. Hearings. Upon receipt of a request for a hearing as provided above, the hearing officer shall set a time and place for a hearing. The aggrieved party shall have the option of whether such hearing shall be public or private. The hearing shall commence no later than thirty (30) days after the date on which the request was filed. Failure by the hearing officer to commence a hearing within thirty (30) days shall not be deemed to constitute approval of such request if good and sufficient reason exists.
- d. Findings. The aggrieved party shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the license, shall be sustained, modified or withdrawn. The County Clerk or Sheriff or his designated agent may also present evidence. Upon consideration of the evidence presented, the hearing officer shall sustain, modify or withdraw the decision of the Sheriff or his designated agent. In the event the aggrieved party is not satisfied with the decision of the hearing officer, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules, except that such Article 78 proceeding must be filed within thirty (30) days of the filing of the hearing officer's decision with the Essex County Clerk or Sheriff and service of the same upon the aggrieved party.

SECTION XL - ENFORCEMENT OFFICER AND PROSECUTION

This local law may be enforced by the Essex County Sheriff's Office, the New York State Police, any municipal police department within the County of Essex, any peace officer within the County of Essex, or any other person or entity designated by resolution by the Essex County Board of Supervisors.

The Essex County District Attorney, Essex County Attorney or any other appointed attorney are designated as entities for the prosecution of any violations of this local law.

SECTION XLI - FEES AND ADMINISTRATION

The County of Essex reserves the right to set and amend any and all fees and to establish any and all appropriate rules and regulations with respect to this local law by resolution.

The County of Essex reserves the right to change any individual or entity charged with the administration of this law or any component thereof to a different individual or entity

by resolution.

SECTION XLII - TRANSFER OR ASSIGNMENT

It shall be a violation of this local law for any person to transfer or assign, or to accept transfer or assignment, of any license or permit issued under this local law from person to person or vehicle to vehicle.

SECTION XLIII - SEVERABILITY

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

SECTION XLIV - RATES OF FARE

1. Within twenty (20) days of the passage of this local law, taxicab owners/operators shall file with the Essex County Clerk, rate cards which indicate a schedule of fees. Such rates and fees shall become the fixed rates and fees for the individual registrant and shall remain fixed. These rates and fees shall include charges for local fares, waiting time, charges for any additional fares and any additional fees.
2. Rate cards and fees shall be prominently displayed on the dash of each taxicab and shall be easily visible to passengers. The rate card shall be clearly maintained at all times. Any violation of such filing shall result in suspension of the taxicab license until the next filing, at which time Essex County shall determine whether the license shall be renewed. Any attempt to circumvent the intent of this shall be deemed a violation thereof.
3. The fixed rates and rate cards as established above shall be in effect for a minimum period of four (4) months and any changes to rates shall be immediately filed before enacted with the Essex County Clerk.
4. It shall be unlawful to charge increased fares during inclement weather.
5. A senior citizen discount may go below the established minimum rate fare.
6. The operator shall inform the payer of the rate for the transportation for hire service before the transportation for hire service is provided.

7. A driver or operating authority shall provide the payer of the fare with a legible receipt at the time of payment.
8. The driver must not ask the passenger for a tip or indicate that a tip is expected or required.
9. Passengers in the same vehicle traveling between the same points must be considered as one trip, and a multiple fare may not be charged. The only extra charge permitted for an additional passage is \$2.00 per extra passenger. "Extra passengers" means the total number of passengers, less one, riding in the same vehicle whether or not going to the same destination.
10. A driver must comply with all reasonable requests of a passenger, including but not limited to, giving his or her name, taxi driver license number, and business telephone number.
11. A driver must not impose or attempt to impose an additional charge for transporting a person with a disability, a service animal accompanying a person with a disability or a wheelchair or other mobility aid.

SECTION XLV - EFFECTIVE DATE

- a. This local law shall take effect upon filing with the New York State Secretary of State.
- b. Notwithstanding the foregoing, owners and operators, as defined herein, shall have two months from the date of adoption of this local law to comply with the requirements of this local law.

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 the 27th day of March, 2017, at 9:30 a.m. of that day, to hear any and all persons concerning the same.

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

AYES: 2866 votes
NOES: 0 votes
ABSENT: 55 votes (Gardner)

**RESOLUTION OF RECOGNITION AND CONGRATULATIONS TO
BRIAN J. BYRNE
ON ACHIEVING THE RANK OF EAGLE SCOUT**

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

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

WHEREAS, Brian J. Byrne is a resident of Lake Placid, New York and a member of Boy Scout Troop #1 of Saranac Lake, New York; and

WHEREAS, Brian J. Byrne is entitled to receive Scouting's highest honor, the rank of Eagle Scout; and

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

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

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

WHEREAS, Brian J. Byrne's Eagle Scout project was to organize and elevate approximately 300 United States military cemetery plaques that had, over the years, sunk into the ground at the Pine Hill Cemetery in Saranac Lake, New York, some of the oldest cemetery plaques dated back to the Spanish American War.

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

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

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONGRATULATIONS TO THE MORIAH
CENTRAL SCHOOL BOYS VARSITY BASKETBALL TEAM
UPON WINNING THE 2016-2017 CVAC SECTION VII, CLASS D
CHAMPIONSHIP**

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, this Board of Supervisors is pleased to learn that the Moriah Central School Boys Varsity Basketball Team has won the 2016-2017 CVAC Section VII, Class D Championship for the 5th straight year; and

WHEREAS, the Moriah Central School Boys Varsity Basketball Team concluded the season with a 22-1 record.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the 2016-2017 Moriah Central School Boys Varsity Basketball Team, Coach Brian Cross, his Assistants and Staff, for their outstanding team accomplishments including, but not limited to, earning their 5th consecutive CVAC Section VII, Class D title.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONGRATULATIONS TO THE MORIAH
CENTRAL SCHOOL GIRLS VARSITY BASKETBALL TEAM
FOR WINNING THE 2016-17 CVAC SECTION VII,
CLASS D CHAMPIONSHIP**

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, this Board of Supervisors is pleased to learn that the Moriah Central School Girls Varsity Basketball Team has won the 2016-17 CVAC Section VII, Class D Championship for the 4th straight year.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the 2016-17 Moriah Central School Girls Varsity Basketball Team, their Coach, Steve Pelkey, Assistants and Staff for their outstanding accomplishments including, but not limited to, earning their 4th consecutive title of 2016-17 CVAC Section VII, Class D Championship.

This resolution was unanimously seconded and adopted.