

**RESOLUTION AUTHORIZING BUDGET AMENDMENTS FOR
VARIOUS DEPARTMENTS**

The following resolution was offered by Supervisor Harrington, 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 Health Department to decrease revenues and appropriations in the amount of \$500.00, due to delay in signed contract, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP Funds	(\$500.00)

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP Funds	(\$500.00)

2. From the Health Department to increase revenues and appropriations in the amount of \$29,325.00, from DSRIP funds, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP	\$29,325.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP	\$29,325.00

3. Authorizing the Treasurer to transfer 2016 funds in the Transportation Department in the amount of \$103,304.33, as follows:

From: Budget Units 5630 and 5631 - \$103,304.33

To: Reserve Account A 35117 - \$103,304.33

From DPW Committee:

1. From the DPW Committee to increase revenues and appropriations in the amount of \$335,264.77, CHIPS/Extreme Winter Recovery and Pave NY, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
50104 350110	CHIPS	\$335,264.77

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
51124 5487	Misc.	\$335,264.77

This resolution was seconded by Supervisor Morrow, 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
CHRISTINE CARPENTER
UPON HER RETIREMENT FROM SERVICE WITH THE
ESSEX COUNTY HEALTH DEPARTMENT**

The following resolution was offered by Supervisor Tyler, 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, Christine Carpenter has been a faithful public servant to the people of Essex County in her position as a Licensed Professional Nurse for the County Health Department since 1992; and

WHEREAS, Christine Carpenter was hired during Gov. Mario Cuomo's proclaimed "Decade of the Child" when healthcare and education initiatives were created to improve the lives of children in New York State; and

WHEREAS, during her tenure, she provided services for the following programs: Women, Infants and Children (WIC), Vaccine Preventable Disease, Rabies, Lead Poisoning Prevention, Fall Prevention and Car Passenger Safety; and

WHEREAS, Christine Carpenter prioritized the health, welfare and safety of Essex County infants, children, teens, parents, grandparents, seniors and even household canines and felines; and

WHEREAS, Christine Carpenter was willing to travel to the farthest reaches of the County to provide services in varied weather conditions and often bumpy roads; and

WHEREAS, Christine Carpenter has administered more vaccines than the total of vaccines administered by all the other public health nurses; and

WHEREAS, Christine Carpenter served as the back-up Coordinator of the Immunization Action Plan; and

WHEREAS, Christine Carpenter is recognized by her local colleagues as a knowledgeable and trusted resource with whom it has been a privilege to work with.

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 Christine Carpenter for her dedicated, conscientious and exemplary public service to the people of Essex County and wish her continued success and the best of luck in all her future endeavors.

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE PUBLIC HEALTH
DEPARTMENT TO APPLY FOR AETNA FOUNDATION
CULTIVATING HEALTHY COMMUNITIES GRANT FUNDS; AND
AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO
EXECUTE THE SAME**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Health Department to apply for and accept grant funds from Aetna Foundation Cultivating Healthy Communities for projects related to healthy food marketing, bicycle/pedestrian safety and breast feeding friendly workplaces in an amount between \$50,000.00 and \$100,000.00; and

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

This resolution was duly seconded by Supervisor Miga, 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 APPLY FOR AND ACCEPT A DELIVERY
SYSTEM REFORM INCENTIVE PAYMENT (DSRIP) PROGRAM
GRANT FOR RECRUITMENT AND RETENTION OF A CERTIFIED
WO CN REGISTERED NURSE, IN AN AMOUNT OF \$20,000.00;
AND AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO
EXECUTE THE SAME**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Essex County Health Department to apply for and accept a Delivery System Reform Incentive Payment (DSRIP) Program grant for recruitment and retention of a WOCN RN, in an amount of \$20,000.00; and

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

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

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

**RESOLUTION ADOPTING AND APPROVING QUALITY
IMPROVEMENT REVIEWS AND POLICIES/PROCEDURES
FOR PREVENTIVE SERVICES APPROVED BY THE PAC**

The following resolution was offered by Supervisor Depo, 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, listed below are the policies and procedures which were submitted and approved by the Professional Advisory/Public Health Advisory Committee on April 3, 2017:

PREVENTIVE SERVICES

- ◆ Essex County Health Department Medical Director Policy/Procedure/Plan Review of April 3, 2017 PHAC, - No specific action required.

Policies and Procedures:

1. [N] Essex County Health Department Branding Plan
2. [R] Essex County Health Department Zika Action Plan
3. [N] Essex County Health Department Performance Management Plan

[R=revised; N=new; D=deleted; NC=no change; A=Agency Wide]

BE IT RESOLVED, that the Essex County Board of Supervisors hereby accepts, adopts, approves, or places on file the following herein above referenced Policies and Procedures for Preventive Services.

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

**RESOLUTION APPROVING THE ESSEX COUNTY PUBLIC
HEALTH DEPARTMENT'S APPLICATION TO OBTAIN
NATIONAL PUBLIC HEALTH ACCREDITATION AND
FURTHER APPROVING THE RE-BRANDING OF THE ESSEX
COUNTY PUBLIC HEALTH DEPARTMENT TO THE ESSEX
COUNTY HEALTH DEPARTMENT**

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

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

WHEREAS, this Board has been informed that the Essex County Public Health Department is in the process of seeking National Public Health Accreditation; and

WHEREAS, as part of its application for National Public Health Accreditation, the department is desirous of re-branding the Essex County Health Department to the Essex County Health Department with the Children's Service Unit, Homecare Unit, Public Health Unit, and the WIC Unit; and

WHEREAS, the reason for the re-branding is to provide a uniform and consistent name, look and logo that easily identifies the department for the public, better reflects what it does, increases its brand recognition, builds its community presence and supports its National Public Health Accreditation efforts.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby approves the Essex County Public Health Department's application to obtain National Public Health Accreditation and further approves the re-branding of the Essex County Public Health Department to the Essex County Health Department; and

BE IT FURTHER RESOLVED, that the Essex County Chairman or Essex County Manager are hereby authorized to execute any and all documents necessary to obtain National Public Health Accreditation and necessary to effectuate the re-branding of the Essex County Public Health Department to Essex County Health Department.

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD THE BID FOR A HEAVY DUTY FLOOR JACK TO
GARAGE EQUIPMENT SOLUTIONS IN THE AMOUNT OF
\$126,532.00, FOR THE TRANSPORTATION DEPARTMENT,
FROM BUDGETED FUNDS; AND FURTHER AUTHORIZING
THE PURCHASING AGENT TO PURCHASE A TIRE CHANGER
IN THE AMOUNT OF \$12,592.06 FROM TOTAL TOOL FOR
THE TRANSPORTATION DEPARTMENT, FROM BUDGETED
FUNDS**

The following resolution was offered by Supervisor Morrow, 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 Purchasing Agent to award the bid for a heavy duty floor jack to Garage Equipment Solutions in the amount of \$126,532.00, for the Transportation Department, with funds to come from budgeted funds (Account #56312-5230); and

BE IT FURTHER RESOLVED, that the Purchasing Agent is authorized to purchase a tire changer from Total Tool in the amount of \$12,592.06, for the Transportation Department, with funds to come from budgeted funds (Account #56312-5230); and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute any and all purchasing documents for the above referenced.

This resolution was seconded by Supervisor Whitson, and duly 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 Depo, 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 Public Safety Committee:

1. Accepting and placing on file the 2016 Weights & Measures Annual Report.

From the DPW Committee:

1. Accepting and placing on file the 2016 Soil and Water Annual Report.

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD A CONTRACT TO MOUNTAIN VIEW PLANNING FOR
THE PDMC HAZARD MITIGATION JURISDICTIONAL GRANT
IN THE AMOUNT OF \$30,000.00**

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 Purchasing Agent to award a contract to Mountain View Planning for the PDMC Hazard Mitigation Jurisdictional Grant in the amount of \$30,000.00; and

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

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

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

**RESOLUTION AUTHORIZING THE EMERGENCY SERVICES
DEPARTMENT TO ACCEPT A NEW YORK STATE
INTEROPERABLE COMMUNICATIONS GRANT (SIG) IN THE
AMOUNT OF \$798,157.00**

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 accept a NYS Interoperable Communications Grant (SIG) in the amount of \$798,157.00, which funds are to be expended by December 2018, for the purchase of mobile radios, infrastructure and microwave building; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute contracts or purchase orders for the above referenced.

This resolution was duly seconded by Supervisor Gilliland, 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 BIDS AND ISSUE CONTRACTS OR PURCHASE
ORDERS IN THE DEPARTMENT OF PUBLIC WORKS, AND
FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY
MANAGER TO EXECUTE THE SAME**

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

Upon the recommendation of the Department of Public Works 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 bids and issue contracts or purchase orders for the following:

1. Tracey Road Equipment, in the amount of \$14,257.00, for a 2017 Coneqtec AP600 III Cold Planer, from budgeted funds.
2. Hynes Electric Supply Company in the amount of \$20,046.90, for replacement lighting control systems for the Courthouse and the Department of Social Services, from budgeted funds.

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute contracts or purchase orders for the above referenced.

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 SUPERINTENDENT OF PUBLIC WORKS TO SUBMIT A LETTER OF INTEREST FOR APPROXIMATELY 12 BRIDGE DECK PANELS FROM THE TAPPEN ZEE BRIDGE PROJECT TO BE RE-PURPOSED AND USED IN REPAIRING/REPLACING ESSEX COUNTY BRIDGES AND FURTHER AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO EXECUTE A NO COST CONTRACT/STATEMENT OF PUBLIC BENEFIT WITH THE NEW YORK STATE THRUWAY AUTHORITY

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

Upon the recommendation of the Department of Public Works 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 DPW Superintendent to submit a letter of interest for 12 (approximately 13' x 50') bridge deck panels which are being removed from the Tappen Zee Bridge project for the re-purpose of repairing/replacing Essex County bridge; and

BE IT FURTHER RESOLVED, the Chairman or County Manager are hereby authorized to execute a no cost contract/statement of public benefit with the NYS Thruway Authority for the same.

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

**RESOLUTION AUTHORIZING A PAYMENT TO LUCKY'S
TRAILER SALES IN THE AMOUNT OF \$18,712.09, FOR THE
LABOR, MATERIALS AND REPAIRS OF THE HYDRAULIC PUMP
AND STRUCTURAL FRAME TO THE SOLID WASTE TRAILER
USED AT TRANSFER STATION IN THE DEPARTMENT OF
PUBLIC WORKS, FROM BUDGETED FUNDS**

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

Upon the recommendation of the Department of Public Works 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 payment in the total amount of \$18,712.09, to Lucky's Trailer Sales for the labor, materials and repairs made to the hydraulic pump and frame repairs to the solid waste trailer used at the Transfer Station for the Department of Public Works, from budgeted funds.

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 SETTING THE DATE FOR A PUBLIC HEARING TO
BE HELD ON MONDAY, MAY 1, 2017, AT 9:30 A.M. FOR THE
PURPOSES OF ADDITIONS OR DELETIONS OF PARCELS TO
AGRICULTURE DISTRICT #1**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes a Public Hearing to be held on Monday, May 1, 2017, at 9:30 a.m. upon the recommendation of the Essex County Agriculture and Farmland Protection Board for the purposes of adding or deleting parcels to Agricultural District #1; and

BE IT FURTHER RESOLVED, that the Chairman hereby authorizes the Clerk of the Board of Supervisors to notice this meeting.

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

**RESOLUTION DECLARING APPROXIMATELY 21 CHAIRS FROM
THE BOARDROOM OF THE ESSEX COUNTY BOARD OF
SUPERVISORS AS SURPLUS AND SETTING A PURCHASE
PRICE OF \$50.00 PER CHAIR**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby declares approximately 21 chairs from the Essex County Board of Supervisors Chambers as surplus; and

BE IT FURTHER RESOLVED, that a purchase price of \$50.00 per chair is hereby set for the public to purchase however, if a town desires one chair it is free.

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 TO CHANGE THE HOURS IN THE
OFFICES OF THE ESSEX COUNTY CLERK AND THE
DEPARTMENT OF MOTOR VEHICLES TO BE OPEN
FROM 8:00 A.M. TO 4:00 P.M. FOR THE MONTHS OF JUNE,
JULY AND AUGUST, 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 changes the hours in the County Clerk's Office and the Department of Motor Vehicles to be open from 8:00 a.m. to 4:00 p.m. for the months of June, July and August 2017.

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

RESOLUTION AUTHORIZING TO AMEND CONTRACT MISC-21-0002 FOR INFO QUICK SOLUTIONS, INC. (IQS) TO INCLUDE PRICING FOR OPTIONAL SERVICES

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 authorizes an amendment to Contract No. MISC-21-0002 for IQS to include pricing for optional services, from budgeted funds as set forth below:

Original document to digital image conversion to flatbed scanner:..	\$0.65/image
Original document to digital image conversion - bound books:..	\$1.25/image
Quality control and upload of digital images to Solution:..	\$0.08/image
Enduro map book binders.	\$476.00/binder
Enduro map book inserts..	\$35.00/insert

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

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

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

**RESOLUTION AUTHORIZING TO CHANGE THE HOURS IN THE
OFFICE OF THE ESSEX COUNTY TREASURER TO BE OPEN
FROM 8:00 A.M. TO 4:00 P.M.
BEGINNING MEMORIAL DAY AND ENDING LABOR DAY 2017**

The following resolution was offered by Supervisor Tyler, 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 changes the hours in the Office of the Essex County Treasurer to be open from 8:00 a.m. to 4:00 p.m. beginning Memorial Day and ending Labor Day 2017.

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD BID TO DOX IN THE AMOUNT OF \$13,230.00, TO
UPGRADE THE CITRIX PROGRAM DATABASE HOUSED IN THE
REAL PROPERTY TAX OFFICE, WITH FUNDS TO COME FROM
THE IT RESERVE ACCOUNT**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to award bid to DOX in the amount of \$13,230.00, for the upgrade to the Citrix Program database which is housed in the Real Property Tax Office, with funds to come from the IT Reserve Account; and

BE IT FURTHER 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 TRANSFERRING THE OFFICES OF THE YOUTH
BUREAU, STOP DWI AND TRAFFIC SAFETY FROM THE
DEPARTMENT OF COMMUNITY RESOURCES TO THE
DEPARTMENT OF SOCIAL SERVICES**

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

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

WHEREAS, currently Youth Bureau, Stop DWI and Traffic Safety are administered and handled by the Essex County Department of Community Resources; and

WHEREAS, in many counties Youth Bureau, Stop DWI and Traffic Safety are under the umbrella of the Department of Social Services; and

WHEREAS, Commissioner of the Department of Social Services has proposed that the offices of Youth Bureau, Stop DWI and Traffic Safety be moved to the Department of Social Services and has exhibited a potential for significant savings and greater efficiencies in the operation of these services.

BE IT RESOLVED that the Essex County Board of Supervisors hereby authorizes the transfer of the offices of Essex County Youth Bureau, Stop DWI and Traffic Safety from the Department of Community Resources to the Essex County Department of Social Services; and

BE IT FURTHER RESOLVED, that the Commissioner of the Essex County Department of Social Services, County Manager and County Attorney are to do all things necessary to effectuate the transfer of these offices to the Essex County Department of Social Services.

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

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

**RESOLUTION AUTHORIZING THE CREATION OF THE POSITION
OF DEPUTY COMMISSIONER OF SOCIAL SERVICES FOR
ADMINISTRATIVE SERVICES**

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

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

BE IT RESOLVED, as a result of the restructuring and transfer of Youth Bureau, Stop DWI and Traffic Safety from the Essex County Community Resources Department to the Essex County Department of Social Services and in the interest of continued fiscal responsibility and increased efficiencies, the Essex County Board of Supervisors hereby creates the position of Deputy Commissioner of Social Services for Administrative Services, a non-competitive position in the Management Confidential class; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors sets the salary for this position at \$31.28/hour for a 35-hour per week non-Union position; and

BE IT FURTHER RESOLVED, that this position shall be an appointment at the discretion of the Essex County Social Services Commissioner with the job duties as attached hereto and made a part hereof.

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

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

Department: Social Services

SPEC DISK GA

Classification: Non-Competitive *Pending SCS Approval

DOCUMENT 02

Grade: _____

DEPUTY COMMISSIONER OF SOCIAL SERVICES FOR ADMINISTRATIVE SERVICES

DISTINGUISHING FEATURES OF THE CLASS: The work involves responsibility for assisting the Commissioner in administering the fiscal and operating affairs of the department. The incumbent has agency-wide responsibility for assisting in the implementation of the mission of the department through the participation in the planning, development and attainment of departmental objectives and by overseeing the administrative services. Work is performed under the general direction of the Commissioner of Social Services in accordance with established policies and objectives with considerable leeway allowed for the exercise of independent judgement in planning and executing assignments. Supervision is exercised over the work of all subordinate professional, technical and clerical staff. The incumbent does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Assists the Commissioner in overseeing the financial administration of the department, including planning, organizing, directing, and coordinating the work of various divisions for efficient and effective operation;

Assists in planning, organizing and administering a variety of youth service/recreational activities for youth;

Cooperates with representatives of the State Department of Social Services in the operation and development of the local social services district program, and directs the preparation and submission of required reports to the State;

Develops staffing and funding requirements for non-social services operations for inclusion in the budget;

Interprets State Department of Social Services bulletins, and other directives and procedural material within this area of responsibility and develops administrative procedures to implement them;

Makes feasibility studies of administrative changes to improve operations;

May study, plan, develop and implement use of data processing equipment to meet department needs;

Represents the Commissioner at meetings with public officials and community groups;

Acts for the Commissioner in his/her absence;

Assists in the development and implementation of departmental programs, policies and procedures;

Develops programs and establishes policy for the effective operation of the agency;

Prepares long range planning and evaluation studies regarding the business administration of the department and develops recommendations to the Commissioner;

May assist local municipalities in completing applications and filing claims for state aid reimbursement or youth service/recreational activities;

Develops and maintains Stop DWI and Traffic Safety Services.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of modern business administration, public personnel and budgetary practices and procedures; Thorough knowledge of modern accounting methods; thorough knowledge of the policies, laws and regulations affecting Social Services activities; ability to plan, direct, supervise and coordinate the work of a substantial staff of subordinates; ability to train and supervise a wide variety of social services activities on a large scale; ability to establish and maintain cooperative relations with the public and other governmental and private agencies; ability to analyze and organize data and prepare records and reports; initiative and resourcefulness in handling administrative problems; tact and courtesy; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: Either:

- A) Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree in Public Administration, Business Administration, Accounting, Management or closely related field and two (2) years of administrative experience, involving planning, directing and budgeting functions;
- B) Graduation from a regionally accredited or New York State registered college or university with an Associate's Degree in Public Administration, Business Administration, Accounting, Management or closely related field and four (4) years of administrative experience, involving planning, directing and budgeting functions;
- C) An equivalent combination of training and experience as defined by the limits of A) and B).

Created: 04/07/2017

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
PURCHASE MASTER SPECS AND MASTER WORK
PROCUREMENT DOCUMENTS FROM ARCOM IN AN AMOUNT
NOT TO EXCEED \$7,300.00**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to purchase master specs and master work procurement documents from Arcom for the Department of Public Works, in an amount not to exceed \$7,300.00; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to execute any purchasing documents 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 OF APPRECIATION AND CONGRATULATIONS TO
D. CURTIS GREGORY
ESSEX COUNTY DEPARTMENT OF PUBLIC WORKS
FOR THIRTY YEARS OF DEDICATED SERVICE**

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

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

WHEREAS, D. Curtis Gregory began working for Essex County Department of Public Works on December 15, 1986, as a Maintenance Mechanic; and

WHEREAS, on October 7, 2013, D. Curtis Gregory became General Public Works Supervisor; and

WHEREAS, D. Curtis Gregory has dedicated over 30 years of service to Essex County and will retire in May 2017.

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

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 D. Curtis Gregory.

This resolution was unanimously seconded and duly adopted.

**RESOLUTION AUTHORIZING THE APPLICATION FOR SECTION 5311
CONSOLIDATION GRANT APPLICATIONS FOR SPONSORS WITH
CONTINUING AGREEMENTS**

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, the Essex County Transportation Department is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project(s) to provide public mass transportation service for Route Deviation Public Transportation Services, Mobility Management and Coordinated Transportation, the project duration 2017-2018, the general service area covered will be Essex County for the 2017-2018 fiscal years; and

WHEREAS, the Essex County Government and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project(s) and payment of the Federal Share; \$1,066,390.00; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Chairman and/or County Manager to act on behalf of the Essex County to sign the application and progress and complete the above named project(s); and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to sign any contracts or agreements between Essex County and any third party subcontractor necessary to complete the public transportation projects, subject to the approval of the County Attorney.

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

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

**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 2 OF 2017,
ENTITLED, "ESSEX COUNTY ROOM OCCUPANCY TAX LAW"
CONTINUING THE IMPOSITION OF A
HOTEL/MOTEL OCCUPANCY TAX**

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

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

WHEREAS, by Resolution No. 100 duly adopted on April 10, 2017, the County of Essex introduced Local Law No. 2 for 2017, entitled "Essex County Room Occupancy Tax Law" continuing the imposition of a hotel/motel occupancy tax; and

WHEREAS, that a Public Hearing was duly held on the 1st day of May, 2017 at 9:00 a.m. to hear any and all persons concerning the adoption of said local law.

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 2 of 2017, continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999, and continued by Local Law No. 2 of 2014, as amended by Local Law No. 3 of 2015, the same to read and provide as follows:

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 2 OF 2017"

A local law continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999.

ESSEX COUNTY ROOM OCCUPANCY TAX LAW

Section

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28. Effective Date

Section 1. Title & Statement of Intent.

This local law shall be known as the “Essex County Room Occupancy Tax Law”. The intent of this local law shall be to promote tourism and conventions in Essex County.

Section 2. Definitions.

When used in this local law, the following terms shall mean:

- (a) *County* - Essex County, New York.
- (b) *Effective Date* - the date set forth in Section 28 of this local law.
- (c) *Hotel or Motel* - Any facility or structure, or any portion of any facility or structure which is occupied or designated for transient occupancy which provides lodging on an overnight basis for dwelling, lodging or sleeping purposes, commonly known as, hotels, motels, rooming houses, bed and breakfast, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, vacation rentals, motor courts, boarding houses, lake cottages, personal residences or similar type of accommodations by whatever name designated.

The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the

campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging such as a motorhome, camper or tent.

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

- (d) *Occupancy* - The use of possession, or the right to the use or possession, of any room in a hotel or motel.
- (e) *Occupant/Guest* - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.
- (f) *Operator* - Any person operating a hotel or motel in Essex County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel. Where the operator performs his/her duties through a managing agent or real estate broker or any type or character other than employee, the managing agent/real estate broker shall also be deemed an operator for purposes of this local law and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this local law by either the principal or managing agent/real estate broker shall be considered to be compliance by both.
- (g) *Permanent Resident* - Any person occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days.
- (h) *Person* - An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited or limited liability partnership, estate, receiver, trustee, assignee, referee, operator, as hereinabove defined, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.
- (i) *Rent* - The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise.
- (j) *Return* - Any return filed or required to be filed as herein provided.
- (k) *Room* - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.

- (l) *Tax Imposition Date* - the date set forth in Section 3 of this local law.
- (m) *Treasurer* - The Essex County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.

Section 3. *Imposition of Tax.*

Upon expiration of Local Law No. 2 of 2014, as amended by Local Law No. 3 of 2015 on June 6, 2014, there shall continue to be, and hereby is, imposed and there shall be paid a tax of three percent (3%) of the per diem rental rate for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 4. *Transitional Provisions.*

The tax imposed by this local law shall be paid upon any occupancy on and after the date set forth in Section 3 hereof although such occupancy is pursuant to a prior contract, lease, or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the date set forth in Section 3 hereof.

Section 5. *Exempt organizations.*

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

- (a) The State of New York, or any public corporation (including a created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or other political subdivision of the state;
- (b) The United States of America, insofar as it is immune from taxation; and
- (c) Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 6. *Territorial limitations.*

The tax imposed by this local law shall apply only within the territorial limits of Essex

County.

Section 7. Registration.

(a) Within twenty (20) days after the effective date of this local law, or in the case of an operator commencing business after such effective date within three (3) days after such commencement or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

(b) The Treasurer shall within five (5) days after receipt of a registration application issue without charge to the operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof, for each additional hotel or motel of such operators.

(c) Each certificate shall state the hotel or motel to which it is applicable.

(d) Each certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and person seeking occupancy.

(e) Certificates shall not be assignable or transferable, and shall be surrendered immediately to the Treasurer upon the cessation of business at, or upon the sale or conveyance of, the hotel or motel named in such certificate(s).

Section 8. Administration and collection.

(a) The tax imposed by this local law shall be administered and collected by the Treasurer, or such other employees of the County as the Treasurer may designate, by such means and in such manner as are other taxes which are now collected and administered or as is otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax.

(c) The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the

Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(d) The Treasurer may, whenever he deems it necessary for the proper enforcement of this local law, provide by order that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after the tax imposition date, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date; and where rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the tax imposition date.

(f) Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by order provide for credit and/or refund of the amount of such tax upon application therefor as provided in section fourteen of this local law.

(g) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant.

(h) Where an occupant claims exemption(s) from the tax under the provisions of section five of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption

- (1) a copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to section five of this local law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that
 - (i) the occupant is a duly authorized agent, representative or employee of the exempt organization,
 - (ii) the occupant's occupancy is paid or to be paid by such exempt organization, and
 - (iii) the occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or
- (2) a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York Tax Law, such certificate to be in the form and to contain the content

approved and required by the New York State Department of Taxation.

Section 9. Records to be kept.

(a) Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Treasurer may by regulation or order require.

(b) All records shall be available for inspection and examination at any time upon demand by the Treasurer, or the Treasurer's duly authorized agent or employee, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 10. Returns.

(a) After the date set forth in Section 3 of this local law, and except as provided in subdivision (b) of this section, every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon, for the same quarterly periods and on the same dates as returns for New York State sales and use taxes are filed or to be filed.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may by order

- (1) require returns to be made and filed for shorter periods than those prescribed pursuant to subdivision (a) of this section, on such dates as the Treasurer may specify in such rule or order, where the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, or
- (2) permit or require returns to be made by other periods and upon such other dates as the Treasurer may specify by rule or order so as to carry out the purposes of this local law.

(c) All returns shall be filed with the Treasurer within twenty (20) days from the expiration of the period covered thereby.

(d) The forms of returns shall be prescribed by the Treasurer and shall contain such information as the Treasurer may deem necessary for the proper administration of this local law.

(e) The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(f) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient on its face or otherwise, the Treasurer shall take the necessary steps to enforce the filing of a properly completed and sufficient return or of a corrected return.

Section 11. Payment of Tax.

(a) Any tax imposed by this local law shall be paid by the occupant to the operator of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the County, and such operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of tax to the County.

(b) The owner of the hotel or motel room or the person entitled to be paid the rent or charge for the hotel or motel room shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge. In any action or proceeding brought by an owner or a person entitled to be paid the rent or charge for the purpose of collecting the rent or charge, or the tax imposed by this local law, the Treasurer shall be joined as a party.

(c) At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this local law.

(d) All taxes and other moneys required to be paid under and pursuant to this local law shall be due from the operator and paid to the Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon.

Section 12. Bonds & Security For Payment of Tax.

(a) Where the Treasurer, in the exercise of the Treasurer's discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may by rule or order require any operator required to collect the tax imposed by this local law to file with the Treasurer a bond to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(b) Any bond so required by the Treasurer shall be issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix.

(c) In the event the Treasurer determines that an operator is to file such bond he

shall give notice to such operator to that effect specifying the amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within such five (5) days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within five (5) days after the giving of notices thereof.

(e) In lieu of a bond the Treasurer, in the Treasurer's sole discretion, may accept or require

(1) securities approved by the Treasurer in such amount as the Treasurer may prescribe, with such securities to be kept in the custody of the Treasurer, and/or

(2) cash in such amount as the Treasurer may prescribe, with such cash to be deposited and kept in the custody of the Treasurer.

(f) The Treasurer shall have the right at any time without notice of the operator apply all or any portion of the bond(s), securities and/or cash to the payment of any tax and/or interest or penalties due, and for such purpose the Treasurer may exercise all rights under the bond(s) and/or may sell the securities at public or private sale without notice to the depositors thereof.

Section 13. Determination of tax.

(a) Upon the filing of a return, the Treasurer shall determine the amount of tax due under and pursuant to this local law.

(b) If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient as to the amount of tax due, the amount of tax due under and pursuant to this local law shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.

(c) Notice of a determination under subdivision (b) of this section shall be furnished in writing to the person liable for the collection and/or payment of the tax.

(d) Any determination by the Treasurer under subdivision (b) of this section shall finally and irrevocably fix the tax, unless

(1) within thirty (30) days after the issuance of the notice of such

determination the person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or

- (2) the Treasurer shall, in the Treasurer's sole discretion, reconsider and re-determine the amount of tax due.

(e) Within fifteen (15) days after the conclusion of a hearing conducted pursuant to subdivision (d) (1) of this section, the Treasurer shall give written notice of the Treasurer's determination to the person against whom the tax is assessed.

(f) Except in the case of a wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that

- (1) where no return has been filed as provided by this local law the tax may be assessed at any time; and/or
- (2) where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period or any extension(s) thereof.

Section 14. Refunds.

(a) In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid provided that written application for such refund shall be made to the Treasurer within one year from the payment thereof.

(b) An application for refund or credit may be made only by the occupant, operator, or other person who has actually paid the tax.

(c) An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.

(d) No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one year of the payment by the tax.

(e) The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefor, and the Treasurer shall give notice of such determination to the applicant.

(f) No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which refund is sought.

(g) The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund determined to be due, allow credit therefor on and against payments due from the applicant.

Section 15. Disposition of Revenues.

(a) All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited and deposited into a special tourism development and promotion fund, thereafter to be allocated for publicizing the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law; provided, however, that the County

- (1) shall retain five per cent (5%) of the gross revenues to cover the County's costs for administration and collection; and
- (2) endeavor to expend the revenues in such fund in a manner reasonably intended to publicize the areas within the County commensurate with the amount of revenues generated from such areas.

(b) The County shall contract with the Lake Placid-Essex County Visitors Bureau for the expenditure of the net revenues in such fund pursuant to subdivision fourteen of section two hundred twenty-four of the County Law; provided, however, that the County may terminate such contract and/or enter into other contracts in the event that the Lake Placid-Essex County Visitors Bureau

- (1) dissolves, or
- (2) in the determination of the Board of Supervisors, after public hearing, ceases to adequately perform such contract.

(c) The Board of Supervisors shall by resolution appoint an advisory committee, some of the members of which shall be operators of facilities paying such tax. The advisory committee shall provide advice and recommendations as to the County's strategic tourism marketing plan(s) for publicizing the advantages of the County pursuant to subdivision fourteen of section two hundred twenty-four of the County Law and this local law.

Section 16. Reserves.

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the civil practice law and rules to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 17. Remedies exclusive.

The remedies provided by sections thirteen and fourteen of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the civil practice law and rules pursuant to section twenty-three of this local law.

Section 18. Proceedings to recover tax.

(a) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the county attorney shall, upon the request of the County Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Essex County in any court of the state of New York or of any other state or of the United States.

(b) Notwithstanding any other provision of this section, if the Treasurer in his discretion believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(c) As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Essex County Sheriff or to the sheriff of any other county commanding him/her to levy upon and sell the real and personal property of the operator, occupant, or other person, including but not limited to any partner, corporate officer/director/shareholder, or member, liable for the tax, which may be found within his/her county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty days after the receipt of such warrant.

(d) The sheriff receiving a warrant issued under this section shall, within five (5) days after receipt of the warrant, file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed.

- (e) Upon filing a copy of the warrant as provided in paragraph (d) of this section,
- (1) the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued, provided that such lien shall not apply to personal property unless another copy of such warrant is filed in the New York Department of State.
 - (2) the sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner; and
 - (3) the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefor.

(f) If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as provided in this section.

(g) Whenever an operator or other person shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or of such operator's business assets, otherwise than in the ordinary course of business, the following provisions shall apply:

- (1) the purchaser, transferee or assignee shall at least twenty (20) days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof and whether or not the operator has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing;
- (2) for failure to comply with the provisions of this paragraph, including but not limited to subdivision (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law;
- (3) whenever the purchaser, transferee or assignee shall fail to give

notice to the Treasurer as required by subdivision (1) of this paragraph, or whenever the Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor, and shall withhold any such sums of money, property or choses in action, or other consideration, to the extent of the amount of the County's claim;

- (4) within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the County;
- (5) whenever the Treasurer shall fail to give the notice required by subdivision (4) of this paragraph, within fifteen (15) days from receipt of notice of the sale, transfer and assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;
- (6) upon receipt of the Treasurer's notice issued pursuant to subdivision (4) above stating the total amount of the County's claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of subdivision (3) of this paragraph, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.

(h) Whenever the liability of any operator or other person, including that of any purchaser, transferee or assignee, covered by this section has been wholly paid or satisfied

or no longer exists, except where the liability is discharged by an order or decree in bankruptcy, the Treasurer shall

- (1) mail to such operator or other person a notice, addressed to the last known address of such operator or other person, setting forth
 - (i) the amount of the tax liability paid or satisfied,
 - (ii) that such liability has been wholly paid or satisfied or no longer exists, and
 - (iii) a statement to the effect that consumer reporting agencies must delete from a credit file any reference to the particular tax lien or claim within thirty (30) days of receipt from such operator or other person of a copy of such notice.

Section 19. General powers of the Treasurer.

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(b) To extend for cause shown the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the tax commission of the state of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;

(d) To delegate his functions hereunder to any employee or employees of the County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the county to keep detailed records of the nature and type of hotel or motel maintained. nature and type of service rendered, the rooms available and rooms occupied daily, lease's or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

Section 20. Administration of Oaths and Compelling Testimony.

(a) The Treasurer, or the Treasurer's duly designated and authorized employee(s) or agent(s), shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(b) The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(c) A justice of the supreme court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

Section 21. Reference to tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the work "tax" will suffice.

Section 22. Penalties, Interest & Violations.

(a) Any person failing to file a return or to pay or pay over any tax to the Treasurer within the time required by this local law shall be subject to

- (1) a penalty of five per centum (5%) of the amount of tax due; plus
- (2) interest at the rate of one per centum (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Treasurer may, if satisfied that the delay was excusable, cancel and remit all or part of such penalty, but may not cancel or remit any portion of the interest.

(c) All penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law.

(d) Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(e) Officers and/or members of an owner or operator which is a corporation, limited liability company, limited liability partnership, or partnership shall be personally liable for the tax collected or required to be collected and paid by such corporation under this local law, and shall also be personally liable for the penalties and interest herein imposed.

(f) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment:

- (1) failing to file a return required by this local law,
- (2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is wilfully false,
- (3) wilfully failing to file a bond required to be filed pursuant to this local law,
- (4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require,

- (5) failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law,
- (6) assigning or transferring such a certificate of authority,
- (7) wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator,
- (8) wilfully failing or refusing to collect any tax imposed by this local law from the occupant,
- (9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law, or
- (10) failing to keep or maintain the records required by this local law.

(g) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

Section 23. Judicial Review.

Any final determination of the amount of any tax payable pursuant to this local law, as well as any final determination on an application for refund or credit under section 14 of this local law, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law-and rules shall not be instituted unless:

(a) The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(b) At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition

precedent to any tax imposed pursuant to this section shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 24. Returns to be secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law,

- (1) it shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of an operator contained in any return required under this local law; and
- (2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

(b) Notwithstanding the provisions of paragraph (a) of this section, nothing herein shall be construed to prohibit

- (1) the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law, or
- (2) the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or
- (3) the inspection by the county attorney or other legal representatives of

the county, or by the district attorney of any county, of the return(s) of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty.

(c) Returns shall be preserved by the Treasurer for not less than three (3) years or for such longer period of time as the Treasurer determines.

(d) Any violation of paragraph (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county such officer or employee shall be dismissed from office or service with the county.

Section 25. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed pursuant to the provisions of this local law, or in any application made by such person, or if no return has been filed or application made then to such address as may be obtainable.

(b) The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed.

(c) Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(d) The provisions of the civil practice law and rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law.

Section 26. Limitation of Effect of Local Law.

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Board of Supervisors; except that nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this or any other local law adopted and enacted pursuant to the provisions of Part T of §1 of Chapter 406 of the Laws of 1999.

Section 27. Separability.

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 28. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York State.”

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

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

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY
MANAGER TO EXECUTE AN ACCESS AGREEMENT FOR THE
GATEWAY TO THE ADIRONDACKS AT EXIT 29/FRONTIER TOWN
PROJECT**

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

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

WHEREAS, Essex County is involved in a cooperative and joint effort with Empire State Development (ESD), Department of Environmental Conservation (DEC), and the Town of North Hudson to redevelop and conserve the former Frontier Town property and potential related or adjacent properties to create a world class outdoor recreational and tourism hub that will serve as a Gateway to the Adirondacks at Exit 29 of the Northway; and

WHEREAS, as part of this cooperative effort, the New York State Department of Environmental Conservation requires access for preliminary purposes to explore, evaluate and examine premises owned by the County of Essex as described on a map attached to the Access Agreement and more particular with respect to:

Town of North Hudson Tax Map Parcels - 125.1-1-21; 125.1-1-27; 125.1-1-39.200; 125.1-1-30.100; 125.1-1-24.000; 125.1-1-25.000; 125.1-1-19.000 and 125.1-1-39.300; and

WHEREAS, the Access Agreement has been presented to the County Attorney and has been approved. The Access Agreement provides access to the hereinabove referenced parcels for the purposes of conducting environmental investigation, design, survey, inspection, demolition, excavation of test pits and installation of monitoring wells and construction work.

BE IT RESOLVED, that the Essex Chairman and/or County Manager, upon the approval of the County Attorney, are hereby authorized to execute an Access Agreement with the New York State Department of Environmental Conservation with respect to the hereinabove referenced Tax Map Parcels which are owned by the County of Essex located off Exit 29, commonly referred to as Frontier Town properties for the purposes of investigation, design, surveying, inspection, demolition, construction, excavation of test pits and installation of monitoring wells and environmental investigation and any other associated purposes; and

BE IT FURTHER RESOLVED, that this Board also authorizes its County Chairman or County Manager to execute any and all other documents, upon the approval of the County Attorney, which may need to be executed in the future relating to access by the New York State Department of Environmental Conservation or any other state or federal agency that may need access to the premises.

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

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

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY
MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING
(MOU) FOR THE DEVELOPMENT OF FRONTIER TOWN, TOWN OF
NORTH HUDSON, NEW YORK**

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

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

WHEREAS, the County of Essex, Empire State Development (ESD), Department of Environmental Conservation (DEC), and Town of North Hudson propose to cooperate in a joint effort to redevelop and conserve the former Frontier Town property and potential related properties to create a world class outdoor recreational and tourism hub that will also serve as a Gateway to the Adirondacks at Exit 29 of the Northway; and

WHEREAS, in order to facilitate this cooperative effort it is necessary for the various parties, as referenced above, to enter into a Memorandum of Understanding (MOU) setting forth their agreement to cooperate with each other and in the development of a Request for Proposals (RFP) to solicit responses from private sector entities for the redevelopment of this site with the goal of identifying qualified private sector organizations to compete in one or more competitive bidding processes for the right to effect such redevelopment; and

WHEREAS, the goal of the MOU is to commence the steps necessary to facilitate a private/public initiative that will transform the site into a world class destination.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Chairman and/or County Manager to execute a Memorandum of Understanding with Empire State Development, Department of Environmental Conservation and the Town of North Hudson to facilitate this public/private initiative and to sign any and all associated documents upon approval of the County Attorney.

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

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

**RESOLUTION AUTHORIZING THE ASSIGNMENT AND TRANSFER OF
ALL AGREEMENTS BETWEEN ESSEX COUNTY AND GRAYMONT
MATERIALS (NY) INC., TO UPSTONE MATERIALS, INC. UPON THE
EXECUTION OF ANY AND ALL NECESSARY DOCUMENTS
REQUIRED BY THE COUNTY ATTORNEY**

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

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

WHEREAS, Graymont Materials (NY) Inc. is selling all of its assets to Upstone Materials, Inc. with the closing to occur some time in the month of May; and

WHEREAS, incident thereto it is necessary to either terminate the contracts with Graymont Materials (NY) Inc. or agree to an assignment of any and all contracts which Essex County has with Graymont Materials in order to assure a smooth transition; and

WHEREAS, this Board is desirous of agreeing to an assignment and transfer of all agreements between Essex County and Graymont Materials (NY) Inc. to the new buyer, Upstone Materials, Inc..

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the assignment and transfer of any and all contracts currently entered into and effective between Graymont Materials (NY) Inc. and the County of Essex to Upstone Materials, Inc. upon such terms and conditions as determined by the County Attorney and, provided, and on condition that Upstone Materials, Inc. assumes all duties and responsibilities as set forth in said contracts and provides all necessary and pertinent supplementary documentation; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are hereby authorized to execute and deliver any and all documents, including the assignment necessary to effectuate this resolution.

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)