

RESOLUTION AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO APPLY FOR AND ACCEPT A GOVERNOR'S TRAFFIC SAFETY GRANT IN THE AMOUNT OF \$22,000.00, WHICH INCLUDES A LOCAL HIGHWAY SAFETY GRANT IN THE AMOUNT OF \$5,400.00 FOR CHILD PASSENGER SAFETY AND \$6,120.00 FOR POLICE TRAFFIC SERVICES, AND AUTHORIZING EXECUTION OF THE CONTRACT WITH THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE

The following resolution was offered by Supervisor Monty, 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 Department of Social Services to apply for and accept a local grant in the amount of \$22,000.00 from the Governor's Traffic Safety Committee; which includes a local highway safety grant in the amount of \$5,400.00 for child passenger safety and \$6,120.00 for police traffic services grant; and

BE IT FURTHER RESOLVED, the Chairman and/or County Manager are hereby authorized to execute a contract with the NYS Governor's Traffic Safety Committee, upon the approval of the County Attorney.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION APPOINTMENTS TO
BOARDS, COMMITTEES AND/OR COUNCILS**

The following resolution was offered by Supervisor Monty, 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 authorizes the following appointments:

From the Human Services Committee:

1. Authorizing the appointment of Donna Crowningshield as a member of the Essex County Advisory Council for a three year term effective May 1, 2018 through April 30, 2021.

From the Public Safety Committee:

1. Authorizing the adoption of the Essex County Veteran's Cemetery Committee and appointing the Committee members on the listing attached hereto and made a part hereof.

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

Essex County Veterans' Cemetery Committee

Purpose: To oversee and coordinate the operations of the Essex County Veterans' Cemetery located at 1205 County Route 8, Westport, New York.

Elected Officials: The following individuals currently hold a position on the Essex County Veterans' Cemetery Committee. These positions were previously voted on and approved.

1. Co-Chairmen
 - Mr. Timothy J. Pierce, NYSDVA VBA 1 for Essex County
 - Mr. Newman Tryon, American Legion Post 551
2. Treasurer – Mr. Newman Tryon, American Legion Post 551
3. Secretary – Ms. Sara Smith, Essex County Veterans' Services Program Aide
4. Cemetery Sexton – Mr. Loren Henrichs

Positions: There are five standard positions that were decided to always be represented by current named officials. These positions are presently occupied as follows:

1. American Legion County Commander – Mr. Philip Jackson
2. Westport Town Supervisor – Mr. Michael K. Tyler
3. Essex County Director of Veterans' Services – Mr. Noel Merrihew
4. American Legion Auxiliary Representative – Mrs. Betty Light
5. Essex County VFW Representative – Mr. Douglas Mauran

Voting Rights: In addition to the above listed positions, a representative from each American Legion Post and VFW in Essex County, will be a voting member for the Committee. A delegate will either be appointed by their organization, or the position will be held by the current Commander. *A current listing of all representatives can be found on the following page.*

Committee Meeting Frequency: Currently, the Cemetery Committee meets on a quarterly basis. An additional meeting may be scheduled in the event that a question or concern requires the attention of Committee members. Meetings are open to all interested persons.

Essex
County

NY

CELEBRATING
50
YEARS

Voting Members Cont'd:

American Legion Post 224

CMDR – Randy Fleury
P.O. Box 426
Ticonderoga, NY 12883

American Legion Post 324

CMDR – Clifton LaRock
P.O. Box 311
Westport, New York 12993

American Legion Post 326

App. - Jordanna Mallach
P.O. Box 968
Lake Placid, NY 12946

American Legion Post 405

CMDR – Lloyd Brockney
P.O. Box 45
Willsboro, New York 12996

American Legion Post 504

CMDR – Roger Douglas
P.O. Box 27
Ausable Forks, NY 12912

American Legion Post 551

App. - Terence Lamb & James Beaton
7400 US Route 9
Elizabethtown, NY 12932

American Legion Post 982

App. - Dave Moffat
P.O. Box 306
Schroon Lake, New York 12870

American Legion Post 1312

CMDR – Thomas Both
P.O. Box 234
Keene, New York 12942

American Legion Post 1319

App. - Thaddeus Lewis
578 Steele Woods Road
Westport, New York 12993

American Legion Post 1713

CMDR – Douglas Alitz
73 Goodnow Flow Road
Newcomb, New York 12852

VFW Post 146

CMDR – Keith Harrington
12 Shore Airport Road
Ticonderoga, New York 12883

VFW Post 362

CMDR – Ed Donley
P.O. Box 101
Schroon Lake, New York 12870

VFW Post 1505

CMDR – Richard Bresette
1505 US Route 9
Keeseville, NY 12944

VFW Post 5802

CMDR – Jack Waldron
P.O. Box 286
Mineville, New York 12956

Essex County Leathernecks

App. - Clayton Menser
1145 White Church Road
Crown Point, New York
12928



**RESOLUTION OF RECOGNITION AND CONGRATULATIONS TO
STEPHEN THOMPSON AND JOAN DE CESARE
AS RECIPIENTS OF NEW YORK STATE OFFICE FOR THE
AGING VOLUNTEERS OF THE YEAR**

The following resolution was offered by Supervisor Wilson, 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, New York State Office for the Aging are recognizing two recipients for Volunteers of the Year and recently honored, Stephen Thompson of Ticonderoga and Joan De Cesare of Keene; and

WHEREAS, Stephen Thompson of Ticonderoga is an RSVP volunteer driver for the transportation program and has logged over 11,211 miles across New York and Vermont to ensure clients were able to access medical care in 2017; and

WHEREAS, Joan De Cesare of Keene is an RSVP volunteer and a previous Title V worker who now helps with general clerical work and provides monthly telephone contact with several clients and is a true asset to our County.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby congratulates Stephen Thompson and Joan De Cesare on receiving the New York State Office for the Aging Volunteers of the Year award for their dedication and service and extends its sincere gratitude, appreciation and congratulations; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby directs its Clerk of the Board to forward a suitably embossed copy of this Resolution to Stephen Thompson and Joan De Cesare.

This resolution was unanimously seconded and adopted.

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
DORIS MERRIHEW

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, Doris Merrihew of Elizabethtown, New York passed away peacefully on March 27, 2018; and

WHEREAS, Doris Merrihew was born in Nashville, Tennessee on June 29, 1923, the daughter of Landon and Eunice (Munn) Hicks; and

WHEREAS, Doris Merrihew graduated from Litton High School and, after completing nursing school, enlisted in the US Army Nurse Corps during World War II, as a First Lieutenant was assigned to army hospitals, hospital trains and medical transport ships; and

WHEREAS, while aboard the USAHS Charles A. Stafford, Doris met Captain Noel H. Merrihew, Jr., DDS and were married on August 28, 1947, relocated to Elizabethtown, New York after discharge from the Army to start their family and Dr. Merrihew's dental practice; and

WHEREAS, Doris Merrihew was an active member of the United Church of Christ, serving for decades as a deacon, trustee and treasurer; and

WHEREAS, Doris Merrihew continued her dedication to the medical field as president of the Elizabethtown Community Hospital Board when the new hospital was planned, helped to raise \$350,000 in funds, break ground and presided at the opening ceremonies and ribbon cutting at its current location in 1967; and was honored with the designation of Lifetime Honorary ECH Board Member; and

WHEREAS, Doris Merrihew was involved in many civic organizations including Eastern Star; American Legion and Auxiliary; Garden Club, ELCS School Board, Essex County Historical Society; Boy Scouts and Girl Scout Troops and the North Country Girl Scout Council; ELYC; RSVP and the Elizabethtown Library Association having served on the board of many of these organizations; and

WHEREAS, Doris Merrihew received the Mary Prime Award from the Republican Women of Essex County for outstanding community service; and

WHEREAS, Doris Merrihew was committed to many church and civic causes but her devotion to her family was extraordinary; and

WHEREAS, Doris Merrihew was predeceased by the love of her life, Dr. Noel Merrihew, Jr., son Gregory Merrihew and an infant son; and

WHEREAS, Doris Merrihew is survived by her children, Marsha (Ken) Fenimore, Noel (Hedy) Merrihew, III, Karen (Jack) Merrihew Knox and daughter-in-law, Suzie Kier-Merrihew; and

WHEREAS, Doris Merrihew is also survived by her grandchildren, Arin (Steve) Burdo, Landon (Cara) Fenimore, Chelsea (Ryan Dolly) Merrihew, Noel Hartley (Sara Hurlburt) Merrihew, Jonathan (Courtney) Merrihew, Evan and Georgiana Knox; great-grandchildren, Paul (Desire), Abigail, Analise and Benjamin Burdo and Samantha and William Dolly; her sister, Wilma and sister-in-law Helene; and

WHEREAS, Doris Merrihew is the beloved mother of Noel H. Merrihew, III, member of the Essex County Board of Supervisors and Town of Elizabethtown Supervisor; and

WHEREAS, Doris Merrihew was a loving wife, daughter, mother, grandmother, great-grandmother, sister, aunt and friend who will be sorely missed but never forgotten.

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

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

This resolution was unanimously seconded and adopted.

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

PATRICK M. GARVEY

The following resolution was offered by Supervisor Gilliland, 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, Patrick M. Garvey of Willsboro, New York passed away suddenly on May 7, 2018, at Plattsburgh Rehabilitation and Nursing Home; and

WHEREAS, Patrick M. Garvey was born in Plattsburgh, New York on May 8, 1940, the son of Della (Strong) Garvey and Rollin Garvey; and

WHEREAS, Patrick M. Garvey graduated from Willsboro Central School and attended St. Michael's College and employed at Georgia Pacific for many years; and

WHEREAS, Patrick M. Garvey was a devoted member of St. Philip of Jesus Catholic Church; and

WHEREAS, Patrick M. Garvey is survived by his wife, Dianne (MacDougal) Garvey, his sons, Eric, Aaran (Dina) and Timothy (Tracey) Garvey; four grandchildren, Keegan, Olivia, Charlie and Dalton; and

WHEREAS, Patrick M. Garvey is also survived by his brother, Wayne (Sharon) Garvey and his sister, Rebecca Wisley, as well as many nieces and nephews; and

WHEREAS, Patrick M. Garvey is the beloved father of Aaran Garvey, a longtime employee at the Essex County Department of Public Works; and

WHEREAS, Patrick M. Garvey is the beloved father-in-law of Dina Garvey, Deputy Clerk of the Board for the Essex County Board of Supervisors; and

WHEREAS, Patrick M. Garvey was a loving husband, son, father, grandfather, brother, uncle and friend who will be sorely missed but never forgotten.

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

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

This resolution was unanimously seconded and adopted.

RESOLUTION OF CONDOLENCE TO THE FAMILY OF
IOLA COLLINSON

The following resolution was offered by Supervisor Monty, 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, Iola (Cassavaugh, Thew) Collinson of Lewis, New York passed away peacefully on May 2, 2018, with her loved ones by her side at Maplewood Rehabilitation and Nursing Home; and

WHEREAS, Iola Collinson was born in Lewis, New York on February 19, 1919, the daughter of John and Elnora (MacDougall) Cassavaugh; and

WHEREAS, Iola Collinson graduated from Elizabethtown School and worked at North Country School in Cascade where she met and married Spencer Thew and moved to Schenectady during World War II; and

WHEREAS, in 1954, they moved to Peru, New York where Iola was co-owner of the Dutch Kitchen, after the restaurant business Iola was Food Service Manager at two SUNY Plattsburgh dining halls; and in 1968, moved back to her childhood home in Stowersville to operate the Spruce Mill Brook Campsites and Christmas Tree Farm; and

WHEREAS, Spencer Thew passed away in 1972, and, Iola later married Ret. Col. John Collinson until his death in 1976; and in subsequent years enjoyed the companionship of her dear friend, Al Valenze until his passing in 1996; and

WHEREAS, Iola Collinson was a member of the Garden Club, Senior Circle and Eastern Star; and

WHEREAS, Iola Collinson enjoyed spending time with her grandchildren and great-grandchildren, feeding the birds and ducks on her pond, and tending to her numerous flower gardens and was adored by all who knew her; and

WHEREAS, Iola Collinson was predeceased by her son, Jeffrey Thew, her great-grandson, Sean Samolis and her niece, Cassie Sweeney; and

WHEREAS, Iola Collinson is survived by her son, Spencer Thew and daughter-in-law, Carolyn, daughter-in-law, Maureen Thew and stepson, Tom Collinson, and trusted

family friend and employee, Arthur (Junior) Lesperance, who lola considered a third son and has provided loving care for the property maintenance and care of the gardens for more than 50 years; and

WHEREAS, lola Collinson is also survived by her grandchildren, Heather Thew and her husband, Nathan, Scott Thew and his wife, Shana, Michele and her husband, Lance Ketchum, Nicole and her spouse, Kevin Samolis, James Thew and his wife, Karen, and Rebecca and her husband, Tom Cronin; 10 great-grandchildren; and several nieces and nephews; and

WHEREAS, lola Collinson was a loving wife, daughter, mother, grandmother, great-grandmother, sister, aunt and friend who will be sorely missed but never forgotten.

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

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

This resolution was unanimously seconded and adopted.

RESOLUTION OF CONDOLENCE TO THE FAMILY OF

GARY BOYD FINNEY

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

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

WHEREAS, Gary Boyd Finney, of Keeseville, New York passed away suddenly on April 29, 2018, at his home with his loving wife by his side; and

WHEREAS, Gary Boyd Finney was born in Plattsburgh, New York on April 25, 1938, the son of William and Dorothy (Boyd) Finney; and

WHEREAS, Gary Finney graduated from Plattsburgh High School in 1956 and attended Ithaca College; and

WHEREAS, Gary Finney returned to the North Country to work in the family business, W.W. Finney and Sons, and owned and operated Finney Sports in Plattsburgh, New York for many years; and

WHEREAS, Gary Finney was a local musician and entertainer for the majority of his life, teaching square dancing in local schools which he thoroughly enjoyed, and playing in his many bands throughout the North Country; and

WHEREAS, Gary Finney was a well-respected and beloved coach having coached basketball, baseball and football at AuSable Valley, Willsboro and Chazy schools, and was commissioner of the Keeseville little league and a much sought after auctioneer; and

WHEREAS, Gary Finney had an infectious laugh, loved people and always had a story to tell; and

WHEREAS, the North Country has lost a true treasure who will be greatly missed throughout the region; and

WHEREAS, Gary Finney loved spending time with his family and friends; and

WHEREAS, Gary Finney is survived by his loving wife, Gerry; his sons, Gary and wife, Patty, Tom and wife, Lori, and Andy and wife, Melissa; his grandchildren, Andrew, Trevor, Rachel, Alisha, Jaden and Jess; his great-grandson, Bentley; and many extended family members; and

WHEREAS, Gary Boyd Finney was a loving husband, son, father, grandfather, great-grandfather, brother, uncle and friend who will be sorely missed but never forgotten.

BE IT RESOLVED, that the Essex County Board of Supervisors, Clerk of the Board, County Manager and County Attorney, his friend, hereby express and extend their deepest sympathy and condolences to the family of Gary B. Finney; and

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

This resolution was unanimously seconded and adopted.

**RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO
THE ADIRONDACK MARATHON DISTANCE FESTIVAL FOR THE
USE OF COUNTY ROADWAYS FOR THE 2018 ADIRONDACK
MARATHON DISTANCE FESTIVAL TO TAKE PLACE ON
SATURDAY, SEPTEMBER 22, 2018 AND
SUNDAY, SEPTEMBER 23, 2018,
UPON THE EXECUTION OF A PERMIT AND
THE ISSUANCE OF INSURANCE**

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

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

WHEREAS, the 2018 Adirondack Marathon Distance Festival will take place within Essex County on Saturday, September 22, 2018 and Sunday, September 23, 2018; and

WHEREAS, the organizers of the event have requested the use of certain County roadways for the event, which roadways will either be closed or partially closed for all or a portion of the race.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its Superintendent of Public Works and County Chairman and/or County Manager to execute a Permit authorizing the use of County Roads on Saturday, September 22, 2018 and Sunday, September 23, 2018, subject to the terms and conditions approved by the County Attorney and upon the execution of a permit and the issuance of insurance.

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

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO
AWARD BIDS AND ISSUE CONTRACTS OR PURCHASE
ORDERS, AND FURTHER AUTHORIZING THE CHAIRMAN OR
COUNTY MANAGER TO EXECUTE THE SAME UPON THE
APPROVAL OF THE COUNTY ATTORNEY**

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 Purchasing Agent to award bids and issue contracts or purchase orders for the following:

1. Issue contract to JFP Enterprises, Inc. for, as needed, general construction for small general construction projects, from budgeted funds per project (Account No. 16204-5412).
2. Issue contract to JFP Enterprises, Inc. in the amount of \$12,576.00, for the installation and specialty painting in the main entry area and common hallways of the Essex County Courthouse, from budgeted funds (Account No. 16204-5412).
3. Issue contract to Capital Digitronics for labor, supervision, materials and equipment for the installation of a DC Power System in accordance with specifications at the Angier Hill tower site, in the amount of \$27,068.28, from Radio Project 06-3 funds (Account No. 52186-H30212).
4. Purchase from Lee Kitchen Appliances and Flooring, in the amount of \$8,591.06, flooring and carpeting for reception and main administration area of Mental Health Building, from budgeted funds (Account No. 43202-5216).
5. Award contract to Fred Keil Architect for architectural services for a building condition assessment report of the Agricultural Center Building at the Essex County Fairgrounds, in the amount of \$9,500.00, from Contingency Account 19904-5487 to Project 18-1 Cooperative Extension Account H87504-5434.

BUDGET IMPACT STATEMENT:	
<i>Contingent Account Balance as of 6/5/18</i>	: \$200,000.00
<i>Reduction Impact of this resolution:</i>	\$ 9,500.00
<i>FY2018 Contingent Account Balance:</i>	\$190,500.00

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

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION OF SUPPORT FOR THE DEVELOPMENT AND
NETWORK OF THE EMPIRE STATE TRAIL ROUTE IN ESSEX
COUNTY AS PROPOSED BY THE NEW YORK STATE
DEPARTMENT OF TRANSPORTATION SUBJECT, HOWEVER,
TO REQUESTED AMENDMENTS**

The following resolution was offered by Supervisor Scozzafava, 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.

WHEREAS, the Empire State Trail is a trail network being developed to link regions across New York State, a portion of which runs through the Champlain Valley from Whitehall to Rouses Point; and

WHEREAS, the purpose of the Empire State Trail is to promote tourism, recreation, economic development and a better quality of life; and

WHEREAS, Essex County has received correspondence from New York State Department of Transportation detailing the planned route of the Empire State Trail for the County of Essex; and

WHEREAS, Essex County has reviewed the proposal and is requesting proposed changes to make it safer and more enjoyable for bikers.

BE IT RESOLVED, that the Essex County Board of Supervisors wholeheartedly supports the development of the Empire State Trail Network within Essex County, however, requests the changes attached hereto and made a part hereof and authorizes the County Chairman or County Manager to send a letter to James Boni, New York State Department of Transportation, outlining the proposed changes and Essex County's support for the project.

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

James Boni
NYS Department of Transportation
Region 1 - Design
50 Wolf Road POD 2-3
Albany, NY 12232

Dear Mr. Boni,

The Essex County Board of Supervisors fully supports the Empire State Trail and looks forward to how it will benefit local and state residents and visitors to New York and our Champlain Valley communities.

We have looked at the proposed route and strongly encourage you to consider changes to the route that will make it safer and more enjoyable for the bike-riders. The proposed changes also make it safer for people in motor vehicles who will not have to avoid bike-riders and risk collisions with oncoming vehicles.

We understand that if the Empire State Trail goes on county or town roads, that the respective governmental unit is responsible for its maintenance. We are willing to accept that responsibility on a county and town level and request that we initiate a process that can lead to that outcome.

The proposed changes, shown on the enclosed map and described as if people are riding south to north, are:

- Ticonderoga
 - South of the intersection of Route 22 and 74, turn left on River Road which becomes Cossey Road and then turn left on Montcalm Road so bike riders and go along the scenic LaChute River and waterfall into the center the village. From Montcalm Street, it would have to go on a number of road to get to the Charboneau Road recommendation below.
 - Reason – It is important to have riders visit our town centers and support local businesses especially in this historic town; plus this route showcases a scenic part of the LaChute River.
 - Instead of going north on Shore-Airport Road to Route 22/9N to Crown Point and Port Henry, go north on County Road 49 to Charboneau Road (a town road). Turn left and go to Route 22/9N. Turn right and go to County Route 7.
 - Reason – This route leads to the safer route that avoids the narrow roads south of Crown Point and south of Port Henry. It also goes just a short distance on Route 22/9N before entering Street Road with 40 mph speed limits.
 - Take County Route 7 instead of State Route 22/9N.
 - This route has an amazing scenic view looking out at Lake Champlain, has 40 mph speed limits, and less traffic. However, it is a more physically demanding route with a two long uphill climbs between here and Port Henry. If NYSDOT decides that Route 22/9N should be the Empire State Trail route, we strongly encourage that County Route 7 be designated as an “alternate and more challenging route” and identified with appropriate signs.

- Crown Point
 - Stay on County Route 7 instead of going on Route 22/9N. At its junction with County Route 2 in Crown Point Center, install signs showing how riders can get to the village of Crown Point and the distance.
 - Reason – This is a safer route because it avoids the narrow road south of Crown Point and south of Port Henry. It also has less traffic so is more enjoyable. However, as noted above, it may be a difficult ride because of the hills.

- Moriah
 - Stay on County Route 7 and turn right on Harry Allen Road to Edgemont Road. Then follow Route 22/9N to Stevenson Road leading into Westport.
 - Reason – This route is safer. Route 22/9N south of Port Henry is extremely dangerous. It is narrow and could barely handle bike riders and vehicles passing each other, especially trucks. Just check the accident history on this part of Route 22/9N to verify the danger here. County Route 7 is more enjoyable because of less traffic and the scenery bikers can enjoy because of the more placid ride. However, this is a more physically demanding route with a long uphill climb balanced by a long enjoyable downhill ride. If NYSDOT decides that Route 22/9N should be the Empire State Trail route, we strongly encourage that County Route 7 be designated as an “alternate and more challenging route” and identified with appropriate signs.

- Westport
 - Take County Route 44 (Stevenson Road) instead of Route 22/9N into Westport village.
 - Reason – This route is more enjoyable because there is much less traffic and it allows bike riders to enjoy the scenery more. It is also safer because there is less traffic and avoids a narrow railroad underpass.
 - Going north from Westport Village, instead of staying on Route 22, turn right onto Lakeshore Road and then left on Sherman Road (town roads). Turn left on Morrison Road and then left on Decker Road, a dirt road (all are town roads). At the intersection with Route 22, turn left, go a short distance into Wadhams and turn right on County Route 10.
 - Reason – This route is safer, with less traffic and more enjoyable.

- Essex
 - North of Wadhams on County Route 10, turn right on County Route 55 and follow it into Whallonburg. Continue across Route 22 on County Route 55 to its intersection with County Route 9 at Whallons Bay. Turn left and follow it into Essex where the route joins with NYS Route 22.
 - Reason - This route is safer, with less traffic and more enjoyable. It leads to one of the most scenic vistas in the Champlain Valley at the intersection of County Route 55 and Middle Road. Its downhill ride to Lake Champlain is very beautiful.

- Willsboro and Chesterfield
 - From Route 22 north of Willsboro, turn right onto Highland Road (it begins as a dirt road) and take it to Port Douglas Road. Turn left and follow it into Keeseville. Turn right onto NYS Route 9. Take Route 9 to County Route 17 which joins State Route 373 to Port Kent. Turn left onto Lake Street. Lake Street becomes Giddings Road. Turn right onto Lakeside Road and then left onto Plains Road (all town roads) which meets with Route 9. Turn right and continue north in Clinton County
 - Reason - This route is safer, with less traffic and more enjoyable. It is also more scenic by avoiding a long section paralleling I-87. Instead it goes close to Lake Champlain with beautiful views. One could avoid the village of Keeseville by turning right onto Mace Chasm Road but the route should go into Keeseville so that bikers could patronize businesses there.

We acknowledge that parts of this proposed route may be hillier and more difficult. Yet because the proposed route is safer, the ultimate degree of difficulty is reduced because riders will have less stress from having to watch out for and avoid moving vehicles.

Thank you for considering and acting on these proposed changes to the Empire State Trail route. As noted above, the County and local towns are willing to take on the maintenance of the route which will take place after NYS DOT installs signs and paints road markings.

We look forward to working with you to create a safe, scenic, and enjoyable route that attracts bicycle tourists, supports local tourism development efforts, and promotes a healthy and higher quality of life for our residents.

**RESOLUTION AUTHORIZING A TEN YEAR SOLID WASTE
EQUIPMENT REPLACEMENT PLAN IN THE AMOUNT OF
\$350,000.00 PER YEAR AND ALLOCATING A PORTION OF THE
COST BACK TO THE COUNTY LEVY
EFFECTIVE JANUARY 1, 2019, PURSUANT TO OPTION 2 OF
THE REPORT PREPARED BY DANIEL L. PALMER, COUNTY
MANAGER DATED MAY 3, 2018**

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a ten year Solid Waste Equipment Replacement Plan in the amount of \$350,000.00 per year and allocating a portion of the cost back to the County levy effective January 1, 2019, pursuant to Option 2 of the report prepared by Daniel L. Palmer, County Manager dated May 3, 2018.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION OF CONGRATULATIONS TO KEENE CENTRAL
SCHOOL ON WINNING THE NEW YORK STATE
ENVIROTHON HELD AT PAUL SMITH'S COLLEGE**

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

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

WHEREAS, this Board has learned that Keene Central School has won for the second year in a row, the New York State Envirothon, which is sponsored by Essex County Soil & Water Conservation, held at Paul Smith's College with the topic being understanding western rangeland management; and

WHEREAS, the Keene Central School team of high school students will travel to Hobart William Smith College to compete for the opportunity to represent New York State in Boise, Idaho against both US and Canadian teams.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their heartfelt congratulations to Keene Central School upon winning the New York State Envirothon held recently at Paul Smith's College; and

BE IT FURTHER RESOLVED, that this Board wishes the team continued success as they compete at Hobart William Smith College and hopefully get the opportunity to represent New York in Boise, Idaho.

This resolution was unanimously seconded and duly adopted.

RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO THE STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE SALE PRICE OF \$13,400.00, WITH THE SALE PROCEEDS TO BE TRANSFERRED TO THE NORTH COUNTRY COMMUNITY COLLEGE (NCCC) BOARD OF TRUSTEES FOR USE IN THE CAPITAL IMPROVEMENT OF THE NCCC CAMPUS FACILITIES LOCATED IN SARANAC LAKE

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

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

WHEREAS, the New York State Department of Environmental Conservation (DEC) has proposed a recreational travel corridor known as the Remsen-Lake Placid Trail intended for recreational travel along the Adirondack Corridor, including a portion which intersects and crosses the campus of NCCC owned by Franklin County and Essex County; and

WHEREAS, Franklin and Essex Counties have previously expressed concern regarding the potential liability which may exist to each as a result of the public use of this portion of land as proposed; and

WHEREAS, the New York State DEC has obtained an appraisal of the premises in which the value of the property in question has been established at \$13,400.00, and have offered to purchase the fee title ownership of the premises from Franklin and Essex Counties granting back to each a right-of-way to cross the premises in designated areas; and

WHEREAS, The Board of Trustees of NCCC, who manage and operate the premises, have reviewed the appraisal and proposed sale to the State of New York and have recommended the transfer in the best interest of the College and have further requested that the sale proceeds received from the sale of the premises be utilized by NCCC for capital improvements of the facilities known as the NCCC Saranac Lake campus; and

WHEREAS, the transfer requires the mutual consent of both Franklin County and Essex County.

NOW, THEREFORE, BE IT RESOLVED that upon the consent and approval of the Franklin County Board of Legislators, the Essex County Board of Supervisors does hereby

consent and authorize the sale of the property in question to the State of New York Department of Environmental Conservation for the stated sales price of \$13,400.00, with the sale proceeds to be transferred to the NCCC Board of Trustees for use in the capital improvement of the NCCC campus facilities located in Saranac Lake; and

BE IT FURTHER RESOLVED that the Chairman of the Essex County Board of Supervisors is hereby authorized to sign and execute any documents necessary to transfer this property, upon the review and approval of the County Attorney.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION ACCEPTING THE SEMI-ANNUAL MORTGAGE
TAX REPORT FOR THE PERIOD
OCTOBER 2017 THROUGH MARCH 2018**

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

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

WHEREAS, this Board is in receipt of the semi-annual Mortgage Tax Report, showing amounts to be credited to each tax district of the county of the money collected during the preceding six months ending March 31, 2018.

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

<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>	<u>TOWNS / VILLAGES</u>	<u>AMOUNT</u>
Chesterfield.	\$23,858.61	North Elba	
Crown Point.	12,757.91	Town.	155,741.97
Elizabethtown.	8,539.91	Village (Lake Placid).	60,635.93
Essex.	4,294.70	Village (Saranac Lake)..	6,509.56
Jay.	14,959.45	North Hudson.	2,543.47
Keene.	23,215.82	St. Armand	
Lewis.	6,494.25	Town.	15,520.35
Minerva.	4,085.95	Village (Saranac Lake)..	1,471.40
Moriah.	22,526.01	Schroon.	26,200.19
Newcomb.	4,823.90	Ticonderoga.	40,497.54
		Westport.	4,512.43
		Willsboro.	14,745.68
		Wilmington.	19,336.29
		TOTAL:	\$473,271.32

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**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 2018 Essex County Budget as follows:

From Ways and Means Committee:

1. From the Health Department, to increase revenues and appropriations in the amount of \$20,000.00, for engaging and completing the 3.q.i., integration of palliative care into the patient centered medical home model, from DSRIP-AHI, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP	\$20,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP	\$20,000.00

2. From the Health Department, to increase revenues and appropriations in the amount of \$1,000.00, for adult recreation from AHI, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4197 42705ARG	DSRIP	\$1,000.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41974 54ARH	DSRIP	\$1,000.00

3. From the Health Department, to increase revenues and appropriations in the amount of \$5,785.82, for completing the PPS Workforce Training, from DSRIP-AHI as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4189 43450DSR	DSRIP	\$5,785.82

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41894 54DSRIP	DSRIP	\$5,785.82

4. From the Health Department, to increase revenues and appropriations in the amount of \$500.00, from Keene Valley Congregational Church donation for heroin and opioid prevention, as follows:

REVENUES

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
4190 41974 5487ECO	Misc Grants	\$500.00

APPROPRIATIONS

<u>Account Number</u>	<u>Account Name</u>	<u>Amount</u>
41974 5487ECO	Misc Grants	\$500.00

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION ADOPTING AND APPROVING THE HEALTH
DEPARTMENT MEDICAL DIRECTOR POLICY/PROCEDURE
REVIEW FOR PREVENTIVE SERVICES APPROVED BY THE
PUBLIC HEALTH ADVISORY COUNCIL (PHAC)**

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

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

WHEREAS, listed below are the policies and procedures which were submitted and approved by the Professional Advisory/Public Health Advisory Committee on March 30, 2018:

Policy and Procedures Review

- ◆ NC - A Essex County Health Department Branding Plan
- ◆ R Essex County Health Department Performance Management Plan
- ◆ R Rabies Policy and Procedure
- ◆ N Job Description Review Policy and Procedure
- ◆ NC Disposition of Sharps Policy and Procedure
- ◆ R Emergency Medical Management of Anaphylactic Reactions in Children, Teens and Adults Policy and Procedure
- ◆ R Standing Orders for Administering Hepatitis A Immune Globulin
- ◆ R Standing Orders for Administering Vaccines, IG, TSTs, Lead, Hgb, HIV and HCV Tests and Anaphylactic Agents, Including Narcan

Medical Director - No Changes Required

[R=Revised; N=New; 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 above referenced Public Health Medical Director Policy/Procedure Review by the PHAC.

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

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN TO EXECUTE A PROMISSORY NOTE IN THE AMOUNT OF \$250,000 PAYABLE TO THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY IN EQUAL CONSECUTIVE YEARLY PAYMENTS OF \$26,395.52 AT AN INTEREST RATE OF 1% A YEAR WITH A MATURITY DATE OF 2028 AS WELL AS THE EXECUTION OF A GRANT DISBURSEMENT AGREEMENT WITH THE DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY IN THE ADDITIONAL AMOUNT OF \$250,000 INCIDENT TO FUNDING THE FRONTIER TOWN BUILDING/ASBESTOS ABATEMENT AND OTHER ASSOCIATED FRONTIER TOWN EXPENSES

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

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

BE IT RESOLVED that the Essex County Board of Supervisors does hereby authorize the County Chairman to execute a promissory note in the amount of \$250,000 payable to the Development Authority of the North Country in equal yearly payments of \$26,395.52 at an interest rate of 1% a year with a maturity date of 2028 as well as the execution of a Grant Disbursement Agreement with the Development Authority of the North Country in the additional amount of \$250,000 incident to funding the Frontier Town building/asbestos abatement and other associated Frontier Town expenses; and

BE IT FURTHER RESOLVED that reference is made to Resolution No. 260 of this Board dated September 5, 2017.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION AUTHORIZING THE REORGANIZATION OF THE
TRANSPORTATION DEPARTMENT UNDER THE DEPARTMENT
OF PUBLIC WORKS PURSUANT TO THE REPORT OF DANIEL
PALMER DATED MAY 25, 2018, AND FURTHER AUTHORIZING
THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO DO
ALL THINGS NECESSARY, INCLUDING THE RECISION OF THE
EXISTING LOCAL LAW ESTABLISHING THE TRANSPORTATION
COORDINATOR POSITION, TO EFFECTUATE THIS
REORGANIZATION**

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

Upon the recommendation of 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 reorganization of the Transportation Department under the Department of Public Works pursuant to the report of Daniel Palmer dated May 25, 2018; and

BE IT FURTHER RESOLVED, that the County Manager and the County Attorney are hereby authorized to do all things necessary, including the recision of the existing local law establishing the Transportation Coordinator position, to effectuate this reorganization.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO ENTER INTO A CONTRACT WITH THE TOWN OF MORIAH FOR THE DEMOLITION AND REMOVAL OF THE BUILDING SITUATE AT 4314 MAIN STREET, PORT HENRY, NEW YORK, THE CONSIDERATION BEING THE CURRENT COUNTY RATES PER HOUR FOR MANPOWER AND EQUIPMENT, SUBJECT TO THE APPROVAL OF THE COUNTY ATTORNEY PROVIDED, AND ON CONDITION, THAT THE TOWN OF MORIAH DEFENDS, INDEMNIFIES AND HOLDS HARMLESS THE COUNTY WITH RESPECT TO SAID DEMOLITION AND REMOVAL

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to enter into a contract with the Town of Moriah for the demolition and removal of the building situate at 4314 Main Street, Port Henry, New York, the consideration being the current County rates per hour for manpower and equipment, subject to the approval of the County Attorney; and

BE IT FURTHER RESOLVED, provided, and on condition, that the Town of Moriah defends, indemnifies and holds harmless the County with respect to said demolition and removal.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)

**RESOLUTION OF CONGRATULATIONS AND APPRECIATION
TO
JEFFREY A. DRUMMOND
UPON HIS RETIREMENT FROM SERVICE
WITH THE ESSEX COUNTY
DEPARTMENT OF PUBLIC WORKS ON JUNE 15, 2018**

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

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

WHEREAS, Jeffrey A. Drummond started his employment with Essex County in March of 1988, and has worked for the Department of Public Works in the capacities of Laborer, Motor Equipment Operator, Sign Shop Worker and Sign Shop Supervisor for well over 30 years; and

WHEREAS, Jeffrey A. Drummond has proven himself to be a reliable, conscientious and hardworking employee who has been a valuable and trusted member of the Essex County Department of Public Works; and

WHEREAS, Jeffrey A. Drummond will retire on June 15, 2018.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulates Jeffrey A. Drummond upon his retirement after 30 years of service from the Essex County Department of Public Works and wishes him continued good health, good luck and success in all his future endeavors.

This resolution was unanimously seconded and adopted.

**RESOLUTION OF CONGRATULATIONS TO
DEVANN MURPHY
UPON HER FIRST PLACE FINISH AT THE 2018, 30th PEOPLE'S
UNITED BANK VERMONT CITY MARATHON**

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, Devann Murphy placed 1st overall in the 2018 - 30th People's United Bank Vermont City Marathon, leading the women's Handcycle Division with a time of 2:05:18, besting the 2nd place finisher by 1 hour and 22 minutes; and beating seven of the 12 male competitors; and

WHEREAS, this is the second marathon which Devann has participated in within the last month and is a credit to her determination and athletic abilities.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby extend their heartfelt congratulations and respect to Devann Murphy on her 1st place win in the Women's Handcycle Division at the 2018 - 30th People's United Bank Vermont City Marathon and wish her good luck and continued success in all of her future races.

This resolution was unanimously seconded and adopted.

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 4 OF 2018 ENTITLED “A LOCAL LAW RESCINDING LOCAL LAW NO. 3 OF 2009 ENTITLED “A LOCAL LAW TO CREATE THE OFFICE OF ESSEX COUNTY DEPARTMENT OF TRANSPORTATION COORDINATOR AND ASSIGNING TO SAID OFFICE SPECIFIC ADMINISTRATIVE FUNCTIONS, POWERS AND DUTIES TO BE PERFORMED ON BEHALF OF THE BOARD OF SUPERVISORS AND ABOLISHING THE OFFICE OF ESSEX COUNTY DEPARTMENT OF TRANSPORTATION COORDINATOR”

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 4 of 2018 entitled “a local law rescinding Local Law No. 3 of 2009 entitled “A local law to create the Office of Essex County Department of Transportation Coordinator and assigning to said office specific administrative functions, powers and duties to be performed on behalf of the Board of Supervisors and abolishing the Office of Essex County Department of Transportation Coordinator” reading and provided as follows:

“ESSEX COUNTY LOCAL LAW NO. 4 OF 2018”

A local law rescinding Local Law No. 3 of 2009 entitled “A local a local law rescinding Local Law No. 3 of 2009 entitled “A local law to create the Office of Essex County Department of Transportation Coordinator and assigning to said office specific administrative functions, powers and duties to be performed on behalf of the Board of Supervisors and abolishing the Office of Essex County Department of Transportation Coordinator”

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

Section 1. RECISION

Local Law No. 3 of 2009 entitled “A local law to create the Office of Essex County

Department of Transportation Coordinator and assigning to said office specific administrative functions, powers and duties to be performed on behalf of the Board of Supervisors.” is hereby rescinded and is no longer of any force and effect.

Section 2. ABOLISHMENT

By virtue of the rescision of the herein above referenced local law, the Office of the Essex County Department of Transportation Coordinator is hereby abolished.

Section 3. EFFECTIVE DATE.

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

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 June 25, 2018, at 9:00 a.m. of that day, to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors publish a notice of such hearing in the designated County newspaper at least five (5) days prior to the hearing.

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

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes(Harrington, DeLoria, Preston)

**RESOLUTION ADOPTING PROPOSED
LOCAL LAW NO. 3 OF 2018 ENTITLED "A LOCAL LAW
TO RAISE THE LEGAL AGE OF SALE OF TOBACCO
PRODUCTS IN ESSEX COUNTY TO 21 YEARS OF AGE"**

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby adopts proposed Local Law No. 3 of 2018 entitled "A Local Law to Raise the Legal Age for Sale of Tobacco Products in Essex County to 21 Years of Age" reading and provided as follows:

"ESSEX COUNTY LOCAL LAW NO. 3 OF 2018"

A local law to raise the legal age of sale of tobacco products in Essex County to 21 years of age.

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

Section 1. Title.

This local law shall be known and may be cited as "Essex County Local Law No. 3 of 2018 - A Local Law to Raise the Legal Age of Sale of Tobacco Products in Essex County to 21 Years of Age".

Section 2. Enactment.

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

Section 3. Legislative Findings, Purpose and Intent.

The sale in Essex County of tobacco and related products to individuals under twenty-one years of age is prohibited in order to:

- a) further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law §1399-ii;

- b) respond to the fact that smoking is the single most preventable cause of death and disease in the United States and New York State, costing the lives of more than 26,000 New Yorkers annually;
- c) respond to findings made by the Institute of Medicine, which prepared a report at the request of the U.S. Food and Drug Administration entitled “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, concluding and suggesting that:
 - i. adolescent brains are uniquely vulnerable to the effects of nicotine;
 - ii. a younger age of initiation is strongly associated with greater nicotine dependence and is also associated with greater intensity and persistence of smoking beyond adolescence and into adulthood;
 - iii. almost one in five high school seniors is a current cigarette smoker;
 - iv. underage users rely primarily on social sources, such as friends and family, to acquire tobacco, and most of these sources are likely to be between eighteen and twenty years old;
 - v. raising the minimum legal age to twenty-one will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students;
 - vi. delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population; and
- d) address the fact that, when adjusted for age, 19.1 percent of adults in Essex County smoke;
- e) address the fact that 290 Essex County residents died prematurely (before 75) from 2012 to 2014 due to smoking-related conditions (heart disease, cancer and chronic lower respiratory disease);
- f) respond to data from the New York State Youth Tobacco Survey that states the percent of youth who have ever tried and currently use e-cigarettes doubled from 2014 to 2016;
- g) prevent exposure of youth, who are particularly susceptible to addiction, to the chemically addictive effects of tobacco and related products, in an effort to improve public wellness;
- h) reduce health care expenditures including a portion of the \$6.9 million in the annual local share of Medicaid costs for Essex County.

Section 4. Definitions.

- (a) "Prohibited Products" means:
- i. cigarettes, cigars, chewing tobacco, powdered tobacco, shisha, bidis, gutka, other tobacco products, nicotine water, herbal cigarettes, electronic nicotine delivery systems (ENDS), liquid nicotine, snuff, rolling papers, and smoking paraphernalia, as those terms are defined in New York State Public Health Law Article 13-F and, when not so defined, as commonly understood to be defined; and
 - ii. ENDS (Electronic Nicotine Delivery Systems) are products that use a liquid "e-liquid" that may contain nicotine, as well as varying compositions of flavorings, propylene glycol, vegetable glycerin, and other ingredients. The liquid is heated into an aerosol that the user inhales. ENDS may be manufactured to look like conventional cigarettes, cigars, or pipes. Some resemble pens or other everyday items. Larger devices, such as tank systems or mods, bear little or no resemblance to cigarettes. Vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (e-cigarettes or ecigs), and e-pipes are some of the many terms used to describe electronic nicotine delivery systems (ENDS).
 - iii. all other products which are prohibited from being sold to minors by New York State Public Health Law Article 13-F, as the same may be amended from time to time.
- (b) "Enforcement Officer" means the Local Health Officer or designee or any other individual appointed and authorized by the Essex County Board of Supervisors pursuant to resolution.
- (c) "Local Health Officer" means the Essex County Health Department Director or designee.
- (d) "Hearing Officer" means any person designated and authorized by the Local Health Officer, designee or the Essex County Board of Supervisors to conduct adjudicatory hearings pursuant to this local law to determine violations of this local law and appropriate penalties.
- (e) "Vendor" means any person operating a place of business wherein Prohibited Products are described above are sold or offered for sale. " means Essex County Health Department staff assigned by the Director to fulfill this policy.

Section 5. Prohibition and Violations.

- a) The sale of Prohibited Products to those under the age of twenty-one is prohibited in Essex County to the same extent that sale of such products to those under eighteen

years of age is prohibited by New York State Public Health Law Article 13-F, as the same may be amended from time to time.

- b) The identification requirements contained in New York State Public Health Law Article 13-F Section 1399-cc(3), as the same may be amended from time to time, are hereby incorporated into this law by reference, except that the age to be proven by such identification shall be twenty-one.
- c) Prohibited Products may not be sold in vending machines located in the County.
- d) No person operating a place of business wherein Prohibited Products are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any Prohibited Product in any manner, unless such Product is stored for sale (a) behind a counter in an area accessible only to the personnel of such business, or (b) in a locked container; provided, however, such restriction shall not apply to tobacco businesses as defined in subdivision eight of §1399-aa of New York State Public Health Law Article 13-F, as the same may be amended from time to time, and to places to which admission is restricted to persons twenty-one years of age or older.

Section 6. Posting of Signs.

- a) Vendors of Prohibited Products will be provided one sign from the Essex County Health Department to post in a conspicuous place imprinted with the statement SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC NICOTINE DELIVERY SYSTEMS (including electronic cigarettes, vaporizers), ROLLING PAPERS OR SMOKING PARAPHERNALIA, TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW IN ESSEX COUNTY.”
- b) Such sign shall be printed on a white card in red letters at least one-half inch in height. Signs shall be protected from tampering, damage, removal, or concealment. All signage will be sent to the New York State Department of Health Saranac Lake District Office for approval before being posted.
- c) In the event additional sign language is required due to changes to New York State Public Health Law Article 13-F, vendors will be provided an updated sign and will post such sign in a conspicuous place with the additional language, including, but not limited to, reference to additional products which may become prohibited for sale to minors.
- d) In the event that a complaint is received by the Local Health Officer stating a vendor has failed to post required sign, one additional sign will be provided to the vendor without penalty. If a second complaint is received regarding failure to post required sign

within 10 or more days of receiving the additional sign, such action constitutes a violation of this Local Law.

Section 7. Enforcement.

- a) The Local Health Officer or designee is charged with ensuring compliance and prosecution of this local law. The Local Health Officer or its designee may conduct periodic inspections in order to ensure compliance with this local law.
- b) Any person who desires to register a complaint under this Local Law may do so through the Essex County Health Department or Local Health Officer or designee.
- c) In the event a violation of this Law also constitutes a violation of New York State Public Health Law by selling tobacco or related products to a person(s) under 18 years of age, the Local Health Officer or designee will forward the complaint to the New York State Department of Health Saranac Lake District Office for investigation.
- d) For a violation of this Local Law which does not constitute a violation of New York State Public Health Law:
 - i. the Enforcement Officer or designee may issue and serve upon the person complained against a written hearing notice, together with the complaint made against him or her. The Complaint shall specify the provision(s) of this Local Law of which such person is alleged to be in violation, accompanied by a statement of the manner in which that person is alleged to have violated it, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the a Hearing Officer designated by the Local Health Officer, at a specified location, date, and time, not fewer than fifteen (15) days after the date of service of the notice and complaint;
 - ii. notwithstanding the above, the Local Health Officer or its designee may, in its discretion, offer a proposed stipulation to the person complained against, in which case the person complained against will have the option of executing the proposed stipulation within any time frame specified, or proceed with a formal hearing;
 - iii. when the Hearing Officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the Hearing Officer pursuant to Section 8 of this Local Law. Nothing herein shall be construed as prohibiting the Local Health Officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law;
 - iv. if the Hearing Officer determines that a violation of this Local Law did occur, that decision, along with the Hearing Officer's reasons for finding a violation and the

penalty to be imposed, shall be recorded in writing and a copy shall be provided to the accused violator. Likewise, if the Hearing Officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

- v. the decision of the Hearing Officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules; and
- vi. the Local Health Officer, subsequent to any appeal having been finally determined, may bring an action in a court of proper jurisdiction to recover the civil penalty assessed in accordance with Section 6 of this Local Law.

Section 8. Violations and Penalties.

- a) Any person who violates any provision of this Local Law shall be subject to the imposition of a civil penalty in an amount not less than \$300.00 but not to exceed \$1,000 for a first violation; and a minimum of \$500.00, but not to exceed \$1,500.00 for each subsequent violation.
- b) All fine monies collected from a violation of this Local Law will be deposited into a designated Essex County Health Department account to be used towards tobacco education and prevention efforts.
- c) The Local Health Officer, reserves the right to publish violations in the local newspaper(s).

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business 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 law, or in its specific application.

Section 10. Reverse Preemption.

The Local Law shall be null and void on the day that Statewide or Federal legislation goes into effect incorporating either the same or substantially similar provisions as contained in this Local Law, or in the event that a pertinent State or Federal Agency promulgates regulations that preempt the provisions of this Law.

Section 11. Rules and Regulations.

The Local Health Officer and/or the Essex County Health Department may issue and amend rules, regulations, standards, guidelines or conditions to implement and enforce this local law.

Section 12. Effective Date.

This Local Law shall be effective immediately upon filing with the Office of Secretary of State.

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

AYES:	1359 votes (Morrow, Jackson, Wilson, Monty, Politi, Giordano)
NOES:	1264 votes (Merrihew, Depo, McNally, Scozzafava, Moore, Marnell Montroy, Tyler, Gilliland)
ABSENT:	298 votes (Harrington, DeLoria, Preston)

RESOLUTION AUTHORIZING THE EXECUTION OF THE CONTRACT BY THE COUNTY CHAIRMAN OR COUNTY MANAGER WITH INDEPENDENT TITLE FOR TITLE SEARCH SERVICES ON THE 2016 AND 2017 ESSEX COUNTY TAX FORECLOSURE PROPERTIES IN THE AMOUNT OF \$110.00 PER ABSTRACT AND, IF APPROPRIATE, SIMILAR EXECUTION OF CONTRACTS WITH AT LEAST TWO OTHER OF THE LOWEST BIDDERS AT THE SAME PRICE PER ABSTRACT

The following resolution was moved from the table by Supervisor Scozzafava and seconded by Supervisor Merrihew.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to execute the contract with Independent Title for title search services on the 2016 and 2017 Essex County Tax Foreclosure Properties in the amount of \$110.00 per abstract; and

BE IT FURTHER RESOLVED, that the County Chairman or County Manager are authorized to execute, if appropriate, contracts with at least two other lowest bidders at the same price per abstract.

This resolution was taken from the table by Supervisor Merrihew, duly seconded by Supervisor Tyler, and adopted, as amended, upon a roll-call vote, as follows:

AYES: 2623 votes
NOES: 0 votes
ABSENT: 298 votes (Harrington, DeLoria, Preston)