

**RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR  
COUNTY MANAGER TO EXECUTE A TEN DAY NOTICE TO  
QUIT, NOTICE OF PETITION, PETITION AND ANY AND ALL  
OTHER DOCUMENTS NECESSARY IN A SUMMARY  
PROCEEDING OR OTHER PROCEEDING AT LAW FOR  
EVICTION**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby authorizes the County Chairman or County Manager to execute a Ten Day Notice to Quit, Notice of Petition, Petition and any and all other documents necessary in a Summary Proceeding or other Proceeding at law for eviction of all individuals currently residing at or in control of two properties located in the Town of Schroon bearing Tax Map Numbers 147.53-2-20.028 and 147.53-2-8.001.

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

**AYES: 2508 votes**  
**NOES: 0 votes**  
**ABSENT: 413 votes (Harrington, Merrihew, Jackson, Preston)**

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 3  
OF 2019 A LOCAL LAW PROVIDING FOR ADDITIONAL AND  
RELATED DUTIES OF THE OFFICE OF ESSEX COUNTY  
CORONER PURSUANT TO AUTHORITY GRANTED IN COUNTY  
LAW SECTION 671(2)**

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

**BE IT RESOLVED** that the Essex County Board of Supervisors hereby introduces proposed Local Law No. 3 of 2019 entitled “A Local Law providing for additional and related duties of the Office of Essex County Coroner pursuant to authority granted in County Law Section 671(2)” reading and providing as follows:

**“ESSEX COUNTY LOCAL LAW NO. 3 of 2019**

A local law providing for additional and related duties of the office of Essex County Coroner.

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

**SECTION I. TITLE**

This Local Law shall be known and cited as “Local Law Providing for Additional and Related Duties of the Office of Essex County Coroner.”

**SECTION II. ENACTMENT**

This Local Law is adopted pursuant to the authority granted the County of Essex by Section 10 of the Municipal Home Rule Law of the State of New York and Section 671(2) of the County Law of the State of New York.

**SECTION III. PURPOSE**

The purpose of this Local Law is to supplement Article 17-a of the New York State County Law entitled “Coroner, Coroner’s Physician and Medical Examiner” pursuant to authority granted the County under Section 671(2) of the New York State County Law in order to provide prompt, professional, respectful and compassionate investigation and care of the

deceased.

By adoption of this Local Law, the County of Essex declares its intent to regulate, control and provide for additional related duties of coroners which are presently of concern to Essex County. This includes, but is not limited to, investigation at the scene, removal and transportation of the deceased, training, records, central dispatch, response time and investigation of deaths not prescribed by Article 17-a.

This Local Law is not intended to be a comprehensive regulation of coroners within Essex County as they are governed by New York State County Law Article 17-a.

#### **SECTION IV. DUTIES AND RESPONSIBILITIES**

All coroners shall comply with Article 17-a of the County Law and any and all other applicable State and County rules, regulations and laws as they relate to the position of coroner in New York State and the terms and conditions of this Local Law.

#### **SECTION V. SALARIES**

Elected coroners serving Essex County shall be paid an annual salary established by the Essex County Board of Supervisors. The current established salary is \$4,529.38. The salary may be increased or decreased, pursuant to law, by the Essex County Board of Supervisors.

#### **SECTION VI. ADDITIONAL PER CASE PAY**

In addition to the salaries as stated above, coroners shall be paid the following additional salary provided they have properly complied with this Local Law and all laws, rules and regulations related thereto. Failure to comply with this Local Law and its rules and regulations will result in non-payment of this additional per case pay.

- a. For each year (January 1<sup>st</sup> - December 31<sup>st</sup>), after an individual coroner has handled fifteen (15) calls, upon the sixteenth (16<sup>th</sup>) call and thereafter, the coroner will be paid an additional amount of \$200.00 per call as salary.
- b. There shall be additional pay/salary for transportation of a body for coroners in the event that they provide transportation. The rules and regulations for the transportation of a body by coroners as well as the additional pay shall be set by rule or regulation of the Essex County Board of Supervisors and shall be adjusted from time to time.
- c. ~~There shall be no stipend for body bags as body bags will be obtained from the County~~
- d. Mileage for transportation of a body by a coroner in the event it is authorized by rule or regulation shall be at the current IRS rate.

#### **SECTION VII. TRANSPORTATION**

~~It is recognized that Essex County coroners do not have the proper vehicles and equipment to safely and properly transport a body.~~

The transportation of a body from the scene to a funeral home, morgue, hospital or elsewhere shall be done either by a licensed funeral home contracting with Essex County or the coroner as hereafter provided for by rule, regulation or resolution of the Essex County Board of Supervisors and as amended from time to time. Transportation from a hospital, morgue or medical facility back to the funeral home or elsewhere shall be not be the County's responsibility but shall be done by licensed funeral homes and the charge shall be borne by the decedent's estate.

The fee to be paid by the County of Essex to licensed funeral homes or coroners, as the case may be, for transportation shall be set by rule, regulation or resolution by the Essex County Board of Supervisors.

No body shall be transported in a coroners private vehicle unless in extreme urgent or emergency situations and it meets County and State regulations.

No coroner shall transport bodies or authorize autopsies unnecessarily at the County's expense when there is no apparent need. The justification for the transport of bodies for autopsy purposes and, the authorization of autopsies, any subsequent examination or analysis of tissue or organs, or quantitative tests for alcohol or traces of controlled substance, if the coroner is not a physician duly licensed to practice medicine in this state, shall be made by a coroner's physician and shall be memorialized in writing by the coroner's physician and filed with the Essex County Auditor and Clerk of the Board as provided for in Section 674 of the NYS County Law.

The purpose of this section is to provide for the safe and efficient transportation of the deceased and the oversight and justification for the authorization and performance of autopsies.

## **SECTION VIII. RESPONDING TO CALLS AND APPEARANCE AT SCENE**

Pursuant to County Law Section 674, when a coroner is informed by dispatch of the occurrence of a death within his or her jurisdiction, he/she shall physically go at once to the place where the body is and take charge of it. In the event that the coroner is informed of the occurrence of a death by any person or entity other than dispatch, the coroner shall immediately call dispatch and dispatch shall provide for a coroner to go to the scene. The coroner shall not perform his/her duties over the phone based upon information given by others or by third parties, but will physically be present and competently perform the investigation pursuant to Article 17-a of the County Law and this Local Law. This provision may be changed, modified or provided for by exception or by rule or regulation of the Essex County Board of Supervisors.

Under no circumstances shall a coroner investigate a death and perform his or her duties over the telephone; their physical presence is and shall be required except to the extent that a coroner's physician is willing to sign the death certificate and the cause of death is clear and evident.

#### **SECTION IX. CONFLICT OF INTEREST**

No coroner shall recommend a funeral home for transportation, however the coroner may consult with the decedent's family or next of kin as to what funeral home they desire and that funeral home will be called for transport. If none is chosen, a licensed funeral home contracting with Essex County closest to the decedent's residence shall first be called by dispatch and, if unable to respond, the next closest available funeral home will be called.

Coroners shall not solicit, offer or request from any law enforcement, emergency services organization, ambulance organization, fire department or district, physician, hospital, morgue, funeral home or other interested party that they be called to particular death or on a regular basis. Any such action will be considered a violation and be subject to the penalties provided by law and this Local Law as well as be considered conflict of interest pursuant to Essex County's Ethics Law (Local Law No. 6 for 2010).

No local, state or federal law enforcement agencies, funeral homes, emergency service providers, ambulance services, fire departments or districts or other involved parties will request or solicit a particular coroner regularly or on occasion but shall call the Essex County Emergency Services dispatch center and request a coroner, allowing the center to dispatch the closest available coroner. Any such action will be considered a violation and be subject to the penalties provided by law and this Local Law as well as be considered conflict of interest pursuant to Essex County's Ethics Law (Local Law No. 6 for 2010).

#### **SECTION X. DISPATCH OF CORONERS**

All Essex County coroners shall be dispatched by the Essex County Emergency Services dispatch center located in Lewis, New York or the New York State Police or any other entity designated by the Essex County Board of Supervisors by rule, regulation or resolution, who shall dispatch the coroner per call. The closest available coroner shall be dispatched to the scene. The next available coroner to be dispatched in the event of the unavailability of the closest coroner. All local, state and federal law enforcement agencies, funeral homes, emergency services responders, ambulance services, fire departments and districts, persons and other involved parties, when they have knowledge of or are involved in a death which requires a coroner, shall immediately contact the Essex County Emergency Services dispatch center who will dispatch a coroner. It shall be Essex County Emergency Services dispatch center sole province to dispatch a coroner. Under no circumstances will anyone circumvent the dispatch center and directly call a coroner, except in cases of an emergency and upon full written documentation provided therefore.

Essex County/Essex County Emergency Services dispatch center shall create all rules,

regulations and protocol incident to the dispatch of a coroner as well as create a written log of all coroners called and specifics as approved by the County of Essex.

Under no circumstances shall Essex County Emergency Services dispatch center contact or dispatch a coroner who is not within the County or within the State of New York at the time, as prompt response time is vital.

Except in an emergency, Essex County Emergency Services Dispatch or New York State Police shall dispatch the first available coroner closest to the scene and preference shall be given to coroners and funeral homes (for transportation) who have the least amount of response time. In the event that the closest coroner/funeral home is not available, dispatch shall proceed to the next available coroner or funeral home.

### **SECTION XI. DOCUMENTATION AND FILING OF CASES**

Each coroner shall complete a chronological listing of all cases investigated listing the date, name, cause of death, manner of death, township and other relevant information as required by Essex County pursuant to resolution. The report shall be filed semi-annually. Each case shall be assigned a case number. All coroners shall use the official forms approved by the Essex County Board of Supervisors pursuant to resolution.

On or before March 1<sup>st</sup> in each year, each coroner shall make an annual report for the immediately preceding year covering the work of his/her office. He/she shall make such other reports at such times as may be required by the Board of Supervisors or any other applicable law. Copies of all reports shall be filed with the Clerk of the Board.

All coroners shall comply with any additional rules, requirements, regulations and filings and protocols developed by Essex County or the Essex County Board of Supervisors.

### **SECTION XII. RESOLUTION NO. 29 OF FEBRUARY 4, 2008**

This Local Law shall supercede and render null and void Resolution No. 29 of February 4, 2008, and as such, the resolution is rescinded and of no legal force and affect.

### **SECTION XIII. TRAINING**

All coroners shall comply with State training as mandated by County Law Section 679 and as further required by rule, regulation or law or as mandated by the County of Essex. The County of Essex shall pay the costs of any and all such training. In addition thereto, all coroners shall receive training and pass all necessary tests as mandated by the Essex County Board of Supervisors including but not limited to, blood-borne pathogen training, mass fatality/casualty training, synthetic opioid training, chain of custody training and any other continuing education training required by the County of Essex.

### **SECTION XIV. NOTICE OF UNAVAILABILITY**

Any coroner who knows that he/she will become unavailable as a result of illness, vacation, work or any other reason shall notify the Essex County Emergency Services dispatch center and the other coroners immediately, and the next closest coroner shall be assigned coverage for the absent coroner's area of responsibility. Notification shall be made via email and telephone.

In the event that a coroner is not able to physically be present and respond to a case in his/her area, the next geographically closest coroner shall be contacted to respond.

#### **SECTION XV. REGULATIONS**

The County of Essex reserves the right to adopt any and all additional rules, regulations and requirements including, but not limited to, fees for transport and mileage, transportation, and training in furtherance of this Local Law and to carry out its provisions and purposes by resolution.

#### **SECTION XVI. 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 XVII. EXISTING LAW AND REGULATIONS**

All coroners shall fully comply with Article 17-a of the County Law of the State of New York and all present and future laws, rules and regulations regarding the office of coroner and the conduct of the position of coroner.

#### **SECTION XVIII. DUTY TO REPORT**

All coroners shall report any violations by coroners, law enforcement agencies, funeral homes, emergency service providers, ambulance services, fire departments and districts and other involved parties of this Local Law or of County Law Article 17-a or any other rules or regulations incident to the position of coroner to the Essex County Board of Supervisors immediately.

Likewise, all funeral homes, ambulance services, fire departments and districts, law enforcement agencies or others shall have a duty to report any violations by coroners or any other party.

#### **SECTION XIX. PENALTIES FOR VIOLATIONS**

Any coroner, person, association, firm, company or corporation which violates any provision of this section or assists in the violation of any provision of this section shall be guilty of a violation punishable:

1. By a fine or penalty of not less than \$200 and not exceeding \$1,000 or by imprisonment for a period not to exceed fifteen (15) days, or both, for a conviction of a first offense.
2. By a fine or penalty of not less than \$500 and not exceeding \$2,000 or by imprisonment for a period not to exceed fifteen (15) days, or both, for a conviction of a second offense committed within a period of five (5) years.
3. In the case of the coroner, removal from office pursuant to New York State Public Officers Law, County Law and General Municipal Law.
4. Submission to the Essex County Ethics Board relative to any violations of Essex County Local Law No. 6 for the year 2010 entitled "Local Law No. 6 for 2010 - Essex County's Ethics Law", for discipline. The terms and conditions of which shall apply to this Local Law.

#### **SECTION XX. ENFORCEMENT OFFICER**

This law may be enforced by the Essex County Attorney or Essex County Manager or any other police officer or other person designated by the Essex County Board of Supervisors. Said persons shall have the authority to enforce the provisions of this Local Law.

#### **SECTION XXI. VENUE**

This Local Law may be enforced in any court of competent jurisdiction, including a local justice court, the Essex County Court or Essex County Supreme Court.

#### **SECTION XXII. EFFECTIVE DATE**

This Local Law shall be effective immediately upon 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 the \_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_ a.m. in the forenoon of that day, to hear any and all persons concerning the same; and

***BE IT FURTHER RESOLVED*** that the Clerk of the Board of Supervisors publish a

Notice of such Hearing in the designated County newspapers at least five (5) days prior to said Hearing.

This resolution was duly seconded by Supervisor Monty, and ***TABLED.***