

**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 4 OF 2021,
ENTITLED, "A LOCAL LAW ESTABLISHING THE OFFICE OF ESSEX
COUNTY EMERGENCY SERVICES"**

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

WHEREAS, by Resolution No. 119 duly adopted on May 3, 2021, the County of Essex introduced proposed Local Law No. 4 of 2021, entitled "A Local Law Establishing the Office of Essex County Emergency Services"; and

WHEREAS, that a Public Hearing was duly held on the 17th day of May, 2021, at 11:00 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. 4 of 2021, entitled, "A Local Law Establishing the Office of Essex County Emergency Services", as follows:

"ESSEX COUNTY LOCAL LAW NO. 4 OF 2021

A local law establishing the Office of Essex County Emergency Services.

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

SECTION 1 - LEGISLATIVE INTENT.

One of the most important obligations of the County of Essex to its residents is to protect and safeguard their lives, safety and property by providing services and support during natural disasters and emergency defense operations, as well as mutual aid and fire training programs and the implementation and administration of the enhanced 9-1-1 communication system and overall countywide radio system. All these responsibilities should be consolidated under a single administration in keeping with the County's role as a prime sponsor and provider of emergency services, and to more efficiently and economically provide the emergency services needed by the residents of Essex County.

SECTION 2 - CREATION OF DEPARTMENT.

Pursuant to the provisions of Section 10 of the Municipal Home Rule Law, the Essex County Office of Emergency Services is hereby created. The Office will be under the supervision and direction of the Essex County Emergency Services Director as herein established and provided. Responsibilities and duties of the office are, but not limited

to:

1. Emergency services and management
2. Natural disaster and emergency defense operations
3. Emergency medical services (EMS)
4. E-911
5. Fire coordination
6. Health and safety
7. Dispatch and communications/countywide public safety radio system
8. HAZMAT
9. Data collection
10. Essex County Emergency Operations Center (EOC)
11. Such additional duties as prescribed by resolution of the Board of Supervisors

SECTION 3 - EMERGENCY SERVICES DIRECTOR: APPOINTMENT, TERM AND QUALIFICATIONS.

Appointment.

- A. Upon the passage of this Local Law, there is created the Office of Emergency Services Director who shall be appointed by the Board of Supervisors and serve at the pleasure of the Board for an initial term commencing on a date determined by the County Legislature and ending on December 31, 2021. Thereafter, the Essex County Emergency Services Director shall be appointed for addition four (4) year terms as herein below set forth.
- B. The appointment by the Board of Supervisors of the Essex County Emergency Services Director shall be subsequent to a selection process created and implemented by the Essex County Board of Supervisors.
- C. The Essex County Emergency Services Director shall be responsible to and serve at the pleasure of the Essex County Board of Supervisors.
- D. The Essex County Emergency Services Director position shall be a full-time position.
- E. The total compensation of the Director of Emergency Services shall be fixed by the Essex County Board of Supervisors.

Term.

- A. On or after January 1, 2022 there shall be an Essex County Director of Emergency Services who shall be appointed by the Board of Supervisors on or after January 1, 2022 for a four (4) year term from and including January 1, 2022 and ending December 31, 2025. And similarly thereafter, there shall be an Essex County Emergency Services Director who shall be appointed by the Board of Supervisors on or after January 1 of an even numbered calendar year for a four

(4) year term from and including January 1 of said even numbered calendar year and ending on December 31 of the four (4) year term.

- B. Any vacancies occurring otherwise than by expiration of the term, shall be filled by appointment by the Essex County Board of Supervisors for the unexpired portion of the term.

Minimum Qualifications.

- A. The Essex County Emergency Services Director shall meet the following minimum qualifications:
1. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree and one (1) year experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, one (1) year of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
 2. Graduation from a regionally accredited or New York State registered college or university with an Associate's Degree and three (3) years experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, one (1) year of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
 3. Graduation from high school or possession of a high school equivalency diploma and five (5) years experience in an occupation which shall have involved the preparation of personnel and equipment in readiness to respond to disasters, military actions, or fires, two (2) years of which must have been in a supervisory capacity and have involved the use of emergency communications systems and technology; or
 4. An equivalent combination of training and experience as defined by the limits of (1), (2), and (3) above, or such other qualifications deemed appropriate by the Personnel Officer or the Board of Supervisors.
 5. Thorough knowledge of modern firefighting and fire prevention methods and techniques; thorough knowledge of laws, rules, regulations and the aims and purposes of the State fire mobilization and mutual aid plan and of the related fire services; thorough knowledge of command control methods and procedure; good knowledge of personnel recruiting and training methods; good knowledge of the geography and political subdivisions of the county; good knowledge of organization of the NYS local government; working knowledge of the principles and operation of a two-way radio system; ability to plan, supervise and coordinate complex

emergency preparedness and fire safety operations; ability to interpret the fire training, mutual aid and natural disaster and emergency preparedness plans to county and local officials and the public; thorough knowledge of telecommunication operating methods; working knowledge of the use of software for computerized dispatching; ability to prepare public informational materials; ability to meet and deal with people effectively; ability to speak in public; familiarity with disaster control methods; sound judgement; physical condition commensurate with the demands of the position.

SECTION 4 - GENERAL DUTIES AND POWERS.

- A. **Representative of the Board:** The Emergency Services Director shall, as herein provided, act as representative of the Board of Supervisors in providing mandated representation.
- B. The Essex County Emergency Services Director shall have the power and authority to coordinate all emergency services encompassed within the department, including but not limited to emergency services and preparedness; health and safety; HAZMAT; E-911 communications center; communications; fire coordination; disaster preparedness; emergency scene coordination (fire, EMS, HAZMAT, cause and origin); hazardous materials/WMD response team operation; operation of the Essex County Emergency Operation Center (EOC); operation and maintenance of the countywide public safety radio system; development and maintenance of emergency planning documents; development and maintenance of emergency mutual aid agreements; 9-1-1 system coordination; public safety answering and radio dispatch; emergency services training programs; fire prevention and suppression; emergency medical services (EMS); incident command and management training; and data collection, and shall manage, oversee and supervise the duties and functions of the various offices encompassed within the department.
- C. The Essex County Emergency Services Director shall have the following additional powers and duties, in addition to such other powers or duties as are necessarily implied within the grant authority herein:
1. To coordinate the programs and services provided and offered by the various Offices which shall comprise the Essex County Office of Emergency Services now existing or which shall be established hereafter with the purpose of providing emergency services to the residents of Essex County.
 2. To supervise and monitor the administration of emergency services programs within the county as performed by the various offices encompassed with the Essex County Office of Emergency Services.
 3. To conduct studies and compile data and information regarding the need

for emergency management services programs in Essex County, and to make recommendations as to the methods for serving such needs as may be identified.

4. To seek out additional sources of funding and assistance for providing emergency services within the County of Essex, and to assist in the application for the same.
5. To supervise, oversee, monitor and direct the activities and the performance of duties of those county officers in charge of the various offices encompassed within the Essex County Office of Emergency Services.
6. To advise the Board of Supervisors as to Emergency Services and/or programs maintained, conducted or operated by the County, as well as County eligibility for new programs.
7. To provide to the Board of Supervisors an Annual Report concerning the programs and activities of the various offices encompassed within the Essex County Office of Emergency Services.
8. To appoint qualified persons to the positions of employment established from time to time by the Board of Supervisors for the various offices encompassed within the Essex County Office of Emergency Services.
9. To remove departmental employees in the manner provided by law.
10. To adopt rules and regulations, not inconsistent with law, for the conduct of the affairs and business of the Essex County Office of Emergency Services, subject to the approval of the Essex County Board of Supervisors.
11. Shall be responsible for the administration and provision of all services of all functions of the Essex County Office of Emergency Services.
12. Prepares the budget for the operation of the office.
13. Keeps records, collects data and makes reports as required by the County and causes proper accounts and records of the office to be kept and ensure that all accounts and records are correctly made.
14. Comply with all laws, rules and regulations pertaining to the operation of the office and perform all the functions, powers and duties imposed by law or this Board governing its operations.
15. Coordinate the County mutual aid plan, including overseeing central dispatching and fire communications.
16. Plan and coordinate instruction programs relative to fire and EMS training.

17. Oversee, coordinate and participate in monthly meetings of the County Fire Advisory Board.
18. Development and implementation and operation of the enhanced E-911 communications system.
19. Oversee and supervise the training of staff on procedures utilized in database verification and MSAG maintenance.
20. Establish a workable and practical emergency preparedness attack warning and information system capable of receiving warning of enemy attack, impending natural disaster or radioactive fallout and disseminating warning to key officials, emergency defense forces and the public.
21. Maintain County inventory of personnel, equipment and materials used for emergency preparedness.
22. Such other duties as the Essex County Board of Supervisors may prescribe.

C. **Administrative and Supervisory Duties:**

1. **Office Operations:** The Essex County Emergency Services Director shall be responsible for the management and operation of the Essex County Office of Emergency Services in accordance with sound management principles, Board of Supervisor's policies, and Civil Service law, and shall have the powers and duties necessary to carry out the functions of the office as set forth herein and such other responsibilities as may from time to time be imposed by resolution of the Board of Supervisors. She/he shall develop and administer the systems, policies, practices and procedures of the office, and shall coordinate and administer all activities of the office. She/he shall prepare such reports as may be required by the Board of Supervisors, and develop and administer the budgets of the office and advise the Board of Supervisors as to such other matters as to the Emergency Services Director, and in his/her professional judgment, would contribute to enhancing and improving the quality of emergency services provided by Essex County. Subject to the approval and authorization of the Board of Supervisors, and provided there is sufficient funds appropriated in the budget therefore, the Emergency Services Director may appoint such deputies, assistants, clerks, confidential secretaries and other employees as he/she may deem necessary. The compensation of such assistants and staff shall be within the amounts appropriated for such purposes.

SECTION 5 - POWERS OF APPOINTMENT AND REMOVAL.

The Emergency Services Director is vested with the power and authority to appoint, supervise, discipline and remove the Deputy Emergency Services Director and employees, and assign and re-assign powers and duties to such employees, consistent

with the laws of the State of New York upon approval of the Board of Supervisors.

SECTION 6 - REMOVAL OF THE EMERGENCY SERVICES DIRECTOR.

A. Grounds for Removal: The Emergency Services Director shall be removed by the Board of Supervisors, prior to the expiration of the term of office, upon cause, as follows:

1. Because the Emergency Services Director was at the time of his/her appointment or has since become ineligible to hold such office;
2. For malfeasance, misfeasance, or nonfeasance in office;
3. Upon the conviction of a crime or of any offense involving moral turpitude, or violation of the oath of office;
4. For failure to perform his/her duties as provided by this Local Law in an honorable, competent and reasonably efficient manner;
5. In the event the Emergency Services Director becomes morally, physically or mentally unfit to act on behalf of the County; or
6. For insubordination, immoral character, inefficiency, incompetency or neglect of duty.
7. Determination by the Board that he/she can no longer properly perform his/her duties or has lost the Board's confidence in his/her work, ability or loyalty.

B. Procedures for Removal: The Board of Supervisors shall adopt a resolution stating their intention to remove the Emergency Services Director and their reasons therefore. A copy of the resolution shall be served upon the Emergency Services Director. The Emergency Services Director, within ten (10) days, may demand a hearing. If the Emergency Services Director demands a hearing, the Board of Supervisors shall appoint a committee to hold the hearing, in executive session, not less than ten (10) days nor more than thirty (30) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the Emergency Services Director. The Board of Supervisors may accept or reject the recommendation of the committee. The decision of the Board of Supervisors shall be final and binding, subject to the right of appeal in accordance with the existing law. If the Emergency Services Director does not demand a hearing, the Board of Supervisors may dismiss the Emergency Services Director ten (10) days after service of a copy of the resolution upon the Emergency Services Director. Upon the passage of the resolution, the Board of Supervisors may suspend the Emergency Services Director from his/her official duties without pay. If the charges against the Emergency Services Director are not sustained by the

Board of Supervisors or are not sustained after any appeal from the decision of the Board of Supervisors, the Emergency Services Director shall be entitled to be paid for the period of suspension. If the charges against the Emergency Services Director are sustained by the Board of Supervisors and are sustained after any appeal, the Emergency Services Director shall be terminated from employment with Essex County.

SECTION 7 - CLASSIFICATION.

Pursuant to Municipal Home Rule Law §10, the Emergency Services Director shall be placed in the unclassified service.

SECTION 8 - SEPARABILITY.

If any clause, sentence, paragraph or section of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined to its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

SECTION 9 - LIMITATION OF POWERS.

Nothing contained herein shall be construed to give to the Essex County Office of Emergency Services authority over the operation of any existing departments or officers of the County, other than those offices and officers specifically enumerated herein. Nor shall the Essex County Office of Emergency Services have any authority over programs maintained by public or private agencies not under the jurisdiction of the County of Essex. The final determination as to the establishment or manner of operation of any emergency management services program, the funding thereof, and the extent of County participation in such shall be made by the Essex County Board of Supervisors, with the advice of the County Manager. The Essex County Emergency Services Director shall report to the Essex County Board of Supervisors and to the Essex County Manager.

SECTION 10 - COMPENSATION.

The compensation to be paid the Essex County Emergency Services Director shall be annually negotiated with and set by the Board of Supervisors.

SECTION 11 - EFFECTIVE DATE.

This Local Law shall take effect upon its being duly filed as provided by the Municipal Home Rule Law.”

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

AYES: 2662 votes
NOES: 0 votes
ABSENT: 126 votes (Winemiller)
ABSTAIN: 133 votes (Subra)

**RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2021,
ENTITLED, "A LOCAL LAW ADOPTING A PILOT YOUTH DEER
HUNTING PROGRAM PURSUANT TO NEW YORK STATE
ENVIRONMENTAL CONSERVATION LAW §11-0935"**

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

WHEREAS, by Resolution No. 120 duly adopted on May 3, 2021, the County of Essex introduced proposed Local Law No. 5 of 2021, entitled "A Local Law Adopting a Pilot Youth Deer Hunting Program Pursuant to New York State Environmental Conservation Law Section §11-0935"; and

WHEREAS, that a Public Hearing was duly held on the 17th day of May, 2021, at 11:15 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 introduces proposed Local Law No. 5 of 2021, entitled, "A Local Law Adopting a Pilot Youth Deer Hunting Program Pursuant to New York State Environmental Conservation Law Section §11-0935", as follows:

"ESSEX COUNTY LOCAL LAW NO. 5 OF 2021

A local law adopting a Pilot Youth Deer Hunting Program pursuant to New York State Environmental Conservation Law §11-0935.

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

Section 1. Purpose

Consistent with the provisions of Environmental Conservation Law Section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor. Essex County is passing this local law as hunting is a valued tradition for many families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

Section 2. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2[c];
2. New York Municipal Home Rule Law, §10; and
3. New York Environmental Conservation Law §11-0935.

Section 3. Definitions

1. “Eligible area” means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. “Hunting license holder” means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. “Legal guardian” means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three (3) years of prior experience hunting deer as a hunting license holder.
4. “Mentor” means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one (21) years of age or older, (c) has at least three (3) years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor’s parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. “Minor” means a youth twelve (12) or thirteen (13) years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm within an eligible area.
6. “Parent” means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three (3) years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.

7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact and (c) otherwise able to provide guidance and supervision to the minor.

Section 4. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law §11-0935 shall be applicable within the boundaries of the County of Essex upon (a) the adoption of this local law by the Board of Supervisors for the County of Essex, State of New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this local law.

Essex County here elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

Section 5. Eligibility and Requirements

1. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm with the County of Essex when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 3 of this local law.
2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.
3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty (250) square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent (50%) fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent (50%) of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.
4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun or muzzle-loading firearm.
5. A minor participating in the Pilot Youth Deer Hunting Program must remain

within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

- 6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

Section 7. Filing

In accordance with ECL §11-0953.2, a copy of this local law shall be filed with the New York State Department of Environmental Conservation, and in accordance with Municipal Home Rule §27, a copy shall be filed with the New York State Department of State.

Section 8. Severability

Should any provision of this local law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

Section 9. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 10. Effective Date

This local law shall be effective upon the filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.”

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

AYES: 2795 votes
NOES: 0 votes
ABSENT: 126 votes (Winemiller)