Essex County Board of Supervisors

Resolution No. 47 ***March 6, 2023***
Regular Board Meeting

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

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

Upon the recommendation of the various Committees, and the same appearing proper and necessary.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby accepts, adopts and/or places on file the following:

Public Safety Committee:

1. Accepting and placing on file the 2022 Weights and Measures Annual Report.

2. Accepting and placing on file the 2022 Board of Elections Annual Report.

3. Accepting and placing on file the 2022 Sheriff's Office Annual Report.

Personnel Committee:

1. Accepting the working document submitted as the American Recovery Funds Report.

Finance Committee:

1. Accepting and placing on file the 2023 Real Property Tax Services Annual Report.

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

Essex County Board of Supervisors

Resolution No. 48 ***March 6, 2023***
Regular Board Meeting

RESOLUTION AUTHORIZING THE ESSEX COUNTY PURCHASING AGENT TO GO TO BID FOR VARIOUS DEPARTMENTS

The following resolution was offered by Supervisor Merrihew, 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 Purchasing Agent to go to bid for the following:

From Public Safety Committee:

- To go out to bid for tower lighting and maintenance at Terry Mountain Radio Tower, from budgeted funds.

From Economic Development Committee:

- To bid and award the construction phase of the Farmworker Housing Renovation, from grant funds.

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

Essex County Board of Supervisors

Resolution No. 49 ***March 6, 2023***
Regular Board Meeting

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, and the same appearing proper and necessary.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby amends the 2023 Essex County Budget as follows:

Economic Development Committee:

1. From Community Resources Department to increase appropriations in the amount of $14,998.11, from 2022 Department of State Local Government Efficiency funds, as follows:

REVENUES

Org Object	Account Name	Amount
A8020 430890	Other State Aid	$14,998.11

APPROPRIATIONS

Org Object	Account Name	Amount
A8020 544929	NYS Efficiency Grant	$14,998.11

2. From Community Resources Department to increase revenues and appropriations in the amount of $5,000.00, from DEC grant funds, as follows:

REVENUES

Org Object	Account Name	Amount
A8020 430890	Other State Aid	$5,000.00

APPROPRIATIONS

Org Object	Account Name	Amount
A8020 549932	NYSERDA Green #2	$5,000.00

Human Services Committee:

1. From the Office for the Aging to increase revenues and appropriations in the amount of $10,481.40, from ACAP as follows:

REVENUES

Org	Object	Account Name	Amount
A6772	419725	Title IIIC2	$10,481.40

APPROPRIATIONS

Org	Object	Account Name	Amount
A6772	549012	Aging Cont. Pay 3C2	$10,481.40

From DPW Committee:

1. From DPW - Buildings and Grounds, to increase revenues and appropriations in the amount of $40,000.00, State Aid Unified Court System, as follows:

REVENUES

Org	Object	Account Name	Amount
A1620	433891	State Aid Unified Court System	$40,000.00

APPROPRIATIONS

Org	Object	Account Name	Amount
A1620	520003	Repairs Building	$40,000.00

2. From DPW - Buildings and Grounds, to increase revenues and appropriations in the amount of $75,185.17, from 2022 carryover funds, as follows:

REVENUES

Org	Object	Account Name	Amount
A1620			$75,185.17

APPROPRIATIONS

Org	Object	Account Name	Amount
A1620	542002	LED Lighting Fixtures	$75,185.17

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

AYES: 2652 votes
NOES: 0 votes
ABSENT: 201 votes (Stanley)

Essex County Board of Supervisors

Resolution No. 50 ***March 6, 2023***
Regular Board Meeting

RESOLUTION NAMING ESSEX COUNTY AS LEAD AGENCY FOR THE PROPOSED CONSTRUCTION OF A COUNTY AGRICULTURAL AND YOUTH CENTER

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

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

WHEREAS, the County of Essex proposes the construction of a County Agricultural and Youth Center located at the Essex County Fairgrounds located at 3 Sisco Street, Westport, New York, (hereinafter referred to as "said Actions"); and

WHEREAS, said Actions require review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617; and

WHEREAS, said Actions are defined as a Type I Action under SEQR pursuant to 6NYCRR Part 617.4(9), any Unlisted action occurring wholly or partially within, or substantially contiguous to any historic building structure facility, site or district... on the National Register of Historic Places..."; and

WHEREAS, multiple agencies have approval or funding authority over said Actions; and

WHEREAS, 6NYCRR Part 617.6(b)(2)(i) requires that a Lead Agency for a coordinated review of a Type I Action be established prior to determination of a significance; and

WHEREAS, 6NYCRR Part 617.2(u) defines "Lead Agency" as, "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the same action, and for the preparation and filing of the statement if one is required; and

WHEREAS, the County of Essex intends to act as Lead Agency in the coordinated review of said Actions as a Type I Action under SEQRA and further intends to implement and complete all responsibilities of that office.

THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors declares the County of Essex as Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions as a Type I Action under SEQRA.

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

Essex County Board of Supervisors

Resolution No. 51 ***March 6, 2023***
Regular Board Meeting

RESOLUTION AUTHORIZING APPOINTMENTS TO BOARDS, COMMITTEES AND/OR COUNCILS

The following resolution was offered by Supervisor Hughes, 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 makes the following appointments:

Human Services Committee:

1. Appointing the following members to the Essex County Community Services Board or Subcommittee for a term effective January 1, 2023 to December 31, 2026:

   Community Services Board Members - Angie Allen and Laurie Kelley
   Mental Health Subcommittee - John Haverlick
   Alcohol Substance Abuse Subcommittee - Brandon Titus
   Intellectual Developmental Disability Subcommittee - Laurie Kelley and Vicki Fergus

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

Essex County Board of Supervisors

Resolution No. 52 ***March 6, 2023***
Regular Board Meeting

RESOLUTION AUTHORIZING CONTRACT AMENDMENTS/CHANGE ORDERS IN VARIOUS DEPARTMENTS

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes an amendment, change order or Letter of Authorization to the following contracts:

From the Human Services Committee:

1. From Mental Health Department - Contract Amendment with Flight Suite Medical/Innovatel, bearing Contract No. MH-21-0006C, for contracted prescribing staff hourly rate to $145.95, from budgeted funds (Account A4320-544002).

From DPW Committee:

1. From DPW - Contract Amendment with JFP Enterprises bearing Contract No. DPW-23-0020, in an amount not to exceed $35,000.00, for work at the Essex County Courthouse, as requested by the New York Court System, from budgeted funds and NYS Court System funds.

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby authorizes the above referenced amendments; and

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

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

AYES: 2652 votes
NOES: 0 votes
ABSENT: 201 votes (Stanley)

Essex County Board of Supervisors

Resolution No. 53 ***March 6, 2023***
Regular Board Meeting

RESOLUTION DESIGNATING THE SECOND WEEK OF FEBRUARY AS AN ANNUAL "SCHOOL COUNSELING APPRECIATION WEEK" IN ESSEX COUNTY

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, the American School Counselor Association has designated the week of February 6-10, 2023, as "National School Counseling Week"; and

WHEREAS, school counselors have long emphasized the importance of personal and social development in contributing to academic achievement in an equitable manner; and

WHEREAS, school counselors help develop well-rounded students by guiding them through their academic, social-emotional, and career development; and

WHEREAS, school counselors play a vital role in ensuring that students are college and career ready and aware of financial aid and college opportunities; and

WHEREAS, school counselors help students cope with serious and common challenges of growing up, including peer pressure, bullying, mental health issues, school violence, disciplinary problems and problems in the home; and

WHEREAS, school counselors are also instrumental in helping students, teachers and parents cope with trauma and community and national tragedies; and

WHEREAS, school counselors are among the few professionals in a school building that are trained in both education and social and emotional development; and

WHEREAS, despite the important contributions of school counselors to student success, counseling positions are not always protected when local budgets are cut, especially in tough economic times; and

WHEREAS, the celebration of “National School Counseling Week” would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

WHEREAS, the second week of February would be an appropriate week to designate as an annual “School Counseling Appreciation Week” in Essex County, New York.

NOW, THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors hereby honors and recognizes the contributions of school counselors to the success of students in Essex County’s elementary and secondary schools; and

BE IT FURTHER RESOLVED, that the second week of February shall be observed as “School Counseling Appreciation Week” in Essex County with ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

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

Essex County Board of Supervisors

Resolution No. 54 ***March 6, 2023***

Regular Board Meeting

RESOLUTION URGING GOVERNOR KATHY HOCHUL TO DECLARE A STATE OF EMERGENCY REGARDING THE OVERDOSE EPIDEMIC IN NEW YORK STATE AND TO REMOVE STATUTORY BARRIERS TO LOCAL DATA SHARING NECESSARY FOR TIMELY INTERVENTIONS

The following resolution was offered by Supervisor Barber, 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, the use of opioids, such as hydrocodone, oxycodone, Fentanyl, carfentanil, tramadol, methadone, and heroin can be fatal or cause severe side effects; and

WHEREAS, a 2022 report released by the New York State Comptroller showed that in 2020, opioid overdose deaths increased 38 percent nationally and 44 percent in New York and, provisional data indicated that in 2021, overdose deaths increased by 17 percent nationally and in New York to 80,401 and 4,946, respectively, in 2021, between 2019 and 2021, opioid overdose deaths in New York increased by 68%; and

WHEREAS, overdoses involving opioids in New York State increased to 85% in 2020 and 2021, with synthetic opioids accounting for 78% in 2021, compared to 11% in 2010; and

WHEREAS, New York State Counties continue to experience an upward trend of drug overdose deaths and non-fatal overdoses, particularly those resulting from opioids; and

WHEREAS, drugs, including but not limited to, heroin, cocaine, opioids, and Xanax are being laced with Fentanyl, and while pharmaceutical Fentanyl is 50-100 times more potent than morphine, illicitly manufactured Fentanyl can contain even higher concentrations, increasing the danger of overdose, with two out of every five pills laced with Fentanyl containing a potentially lethal dose; and

WHEREAS, since 2019, the increase of counterfeit pills containing Fentanyl seized by the DEA has increased by 430%; and

WHEREAS, access to data is critical to identifying and quickly adjusting response to local trends in opioid and other drug use and the presence of additives such as Fentanyl and xylazine which increase risk of death, as well as potentially impact response options; and

WHEREAS, the American Medical Association 2022 Overdose Epidemic Report notes data gaps as a limiting factor to evidence-based, public health interventions and outcomes; and

WHEREAS, currently available data remains incomplete, delayed in availability, is not standardized for comparison and often lags years behind current year trends; and

WHEREAS, statutory reporting requirements typically flow from state to local, with no statutory mechanism or bi-directional data processes to allow real-time data access and sharing at the local level; and

WHEREAS, improving standardization, quality and timeliness of data collection and analyses will help advance local prevention, treatment and harm reduction efforts to improve outcomes and reduce overdose and death; and

WHEREAS, the federal Health Insurance Portability and Accountability Act (HIPAA) permits covered entities to disclose protected health information, without authorization, to public health authorities who are legally authorized to receive such reports for the purpose of preventing or controlling disease, injury, or disability; and

WHEREAS, barriers exist in various sections of New York State Law that constrain local ability to access and share critical information regarding opioid use and overdoses, include electronic death records, toxicology reports, emergency response reports and other vital events.

NOW, THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors hereby calls upon Governor Kathy Hochul to declare a state of emergency regarding the overdose epidemic and to address statutory barriers to local data access and sharing; and

BE IT FURTHER RESOLVED, that the Governor and Legislature pursue statutory changes to permanently allow for local data access and sharing to facilitate real-time identification of local trends in drug use, including non-fatal and fatal overdoses to allow for timely intervention to reduce preventable injuries and deaths; and

BE IT FURTHER RESOLVED, that this resolution be forwarded to: Governor Kathy Hochul, Congresswoman Elise Stefanik, Senator Daniel Stec, Assemblyman Matthew Simpson and New York State Association of Counties.

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 55 ***March 6, 2023***
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BIDS, ISSUE CONTRACTS/AGREEMENTS OR PURCHASE ORDERS

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

Upon the recommendation of 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 Purchasing Agent to award a contract/agreement or purchase order for the following:

1. Office for the Aging - Cooperative Agreement between Essex County Office for the Aging and Essex County Health Department to provide Covid 19 vaccines to the homebound population in the amount of $6,050.00, from budgeted funds (Account #A6772-54Covid) for the term April 1, 2021 through September 30, 2023.

2. Office for the Aging - Shared Services Agreement between Essex County Office for the Aging and North Country Health Heart Network for the delivery of the chronic disease self management program in the amount of $1,800.00, for the term February 1, 2023 through May 31, 2023, from budgeted funds.

3. DPW - award contract to EMCOR Services New England Mechanical in the amount of $10,258.00, for heating and cooling control system maintenance at the Public Safety Building, from budgeted funds.

4. DPW - Memorandum of Agreement (MOA) between Cornell Cooperative Extension/4H and Essex County Department of Public Works for the use of the DPW Welding Shop by the 4H Welding Class.

5. DPW - award contract to Pawlowski Land Surveying for as needed general surveying services based on hourly rate term, from budgeted funds.

6. DPW - award contract to Alltech Integrations, Inc., in the amount of $9,820.00, for fire alarm system monitoring and prevention maintenance on

Main County Complex, Courthouse, Mental Health, Health Department, Community Resources, DPW, Landfill, Nutrition and Fairground buildings, from budgeted funds.

7. DPW - award contract to Alltech Integrations, Inc., in the amount of $1,913.25, for security system inspections and preventative maintenance at the Main County Complex, Courthouse, Mental Health and Health Department buildings, from budgeted funds.

8. DPW - purchase order to Elitsac Inc., in the amount of $5,226.63, for building materials for the Community Resources cubicles project, from Community Resources budgeted funds.

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a contract/agreement or purchase order for the above referenced.

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

AYES: 2652 votes
NOES: 0 votes
ABSENT: 201 votes (Stanley)

Essex County Board of Supervisors

Resolution No. 56 ***March 6, 2023***

Regular Board Meeting

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO ADIRONDACK SPORTS COUNCIL ALLOWING USE OF COUNTY ROADWAYS FOR THE WILMINGTON WHITEFACE 100K MOUNTAIN BIKE RACE TO BE HELD ON SUNDAY, JUNE 4, 2023, UPON APPROVAL OF THE COUNTY ATTORNEY AND WITH THE PROVISION OF INSURANCE

The following resolution was offered by Supervisor Holzer, 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 2023 Wilmington Whiteface 100K Mountain Bike Race will take place within Essex County on Sunday, June 4, 2023; and

WHEREAS, the organizers of the event, Adirondack Sports Council, 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 for the Wilmington Whiteface 100K Mountain Bike Race on Sunday, June 4, 2023, subject to the terms and conditions approved by the County Attorney and with the provision of insurance.

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

Essex County Board of Supervisors

Resolution No. 57 ***March 6, 2023***
Water St. Bridge over the Branch, Elizabethtown ***Regular Board Meeting***
PIN 1760.51
Supplemental Agreement #3

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

The following resolution was offered by Supervisor Merrihew, 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, a Project, BIN 3301700, Water Street Bridge over the Branch, Town of Elizabethtown, Essex County, PIN 1760.51 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Essex desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Right-of-Way (ROW) incidentals and ROW Acquisition and Construction/Construction Inspection.

NOW, THEREFORE, the Essex County Board of Supervisors duly convened does hereby; and

RESOLVE, that the Essex County Board of Supervisors hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Essex County Board of Supervisors hereby authorizes the County of Essex to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidentals and ROW Acquisition and Construction/Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of $335,573.00 has been appropriated from D5120 546036 and made available to cover the cost of participation in the above phase of the

Project; and it is further

RESOLVED, that the additional sum of $24,248.00 is hereby appropriated from D5120 546036 and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the Essex County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Chairman of the Board of Supervisors or Essex County Manager be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Essex with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution will take effect immediately.

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

AYES: 2652 votes
NOES: 0 votes
ABSENT: 201 votes (Stanley)

Essex County Board of Supervisors

Resolution No. 58 ***March 6, 2023***
Regular Board Meeting

RESOLUTION AUTHORIZING A MUTUAL AID AGREEMENT FOR CORONER SERVICES

The following resolution was offered by Supervisor Monty, 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, Essex County desires to enter into a mutual aid agreement with a certified Coroner, to provide Coroner duties in the absence of Essex County Coroners, or for a mass fatality; and

WHEREAS, Essex County wishes to enter into a written mutual aid agreement following New York County Law, Chapter 11, Article 17-A, Section 672 with the Clinton County Coroner to provide this service.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes its County Manager or Chairperson to execute all necessary documents for the following:

Contractor:	Clinton County
Service:	Coroner Services
Rate:	N/A
Mileage:	Mileage to and from the response location at the IRS rate
Contract Amount:	Determined by Services Provided
County Cost:	Determined by Services Provided
Period:	01/01/23 - 12/31/23

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

Essex County Board of Supervisors

Resolution No. 59 ***March 6, 2023***
Regular Board Meeting

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2023, ENTITLED, "ESSEX COUNTY ROOM OCCUPANCY TAX LAW" CONTINUING THE IMPOSITION OF A HOTEL/MOTEL OCCUPANCY TAX

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

Upon the recommendation of the Personnel Committee, upon 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 introduces proposed Local Law No. 2 of 2023, continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by Part T of §1 of Chapter 406 of the Laws of 1999, and continued by Local Law No. 2 of 2014, as amended by Local Law No. 3 of 2015, continuing by Local Law No. 2 of 2017, and as amended by Local Law No. 2 of 2020, the same to read and provide as follows:

"ESSEX COUNTY PROPOSED LOCAL LAW NO. 2 OF 2023"

A local law continuing the imposition of a hotel/motel occupancy tax in Essex County as authorized by New York State Tax Law §1202(s).

ESSEX COUNTY ROOM OCCUPANCY TAX LAW

Section

16. Reserves
17. Remedies Exclusive
18. Proceedings to Recover Tax
19. General Powers of Treasurer
20. Administration of Oaths & Compelling Testimony
21. Reference to Tax
22. Penalties, Interest & Violations
23. Judicial Review
24. Returns to be Secret
25. Notices and Limitations of Time
26. Limitation of Effect of Local Law
27. Separability
28. Effective Date

Section 1. Title & Statement of Intent.

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

Section 2. Definitions.

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

(a) *County* - Essex County, New York.

(b) *Effective Date* - the date set forth in Section 28 of this local law.

(c) *Hotel or Motel - Any facility or structure, or any portion of any facility or structure which is occupied or designated for transient occupancy which provides lodging on an overnight basis for dwelling, lodging or sleeping purposes, commonly known as, hotels, motels, rooming houses, bed and breakfast, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, vacation rentals, motor courts, boarding houses, lake cottages, personal residences or similar type of accommodations* by w*hatever name designated.*

The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging such as a motorhome, camper or tent.

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

(d) *Occupancy* - The use of possession, or the right to the use or possession,

of any room in a hotel or motel.

(e) *Occupant/Guest* - A person who, for a charge or any consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

(f) *Operator* - Any person operating a hotel or motel in Essex County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel. Where the operator performs his/her duties through a managing agent or real estate broker or any type or character other than employee, the managing agent/real estate broker shall also be deemed an operator for purposes of this local law and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this local law by either the principal or managing agent/real estate broker shall be considered to be compliance by both.

(g) *Permanent Resident* - Any person occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days.

(h) *Person* - An individual, partnership, society, association, joint stock company, corporation, limited liability company, general or limited or limited liability partnership, estate, receiver, trustee, assignee, referee, operator, as hereinabove defined, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and/or any combination of the foregoing.

(i) *Rent* - The charge and/or consideration received for occupancy valued in money, whether received in money or otherwise.

(j) *Return* - Any return filed or required to be filed as herein provided.

(k) *Room* - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.

(l) *Tax Imposition Date* - the date set forth in Section 3 of this local law.

(m) *Treasurer* - The Essex County Treasurer, or such other fiscal officer(s) as may be designated by the Board of Supervisors.

Section 3. Imposition of Tax.

Upon expiration of Local Law No. 2 of 2020, there shall continue to be, and hereby is, imposed and there shall be paid a tax of five percent (5%) of the per diem rental rate for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

Section 4. Transitional Provisions.

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

Section 5. Exempt organizations.

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

(a) The State of New York, or any public corporation (including a created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or other political subdivision of the state;

(b) The United States of America, insofar as it is immune from taxation; and

(c) Any corporation or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 6. Territorial limitations.

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

Section 7. Registration.

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

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

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

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

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

Section 8. Administration and collection.

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

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

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

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

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

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

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

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

(1) a copy of a certificate issued by the Treasurer certifying that the organization named therein is exempt from the tax pursuant to section five of this local law, together with a certificate duly executed by the exempt organization setting forth the occupant's name and certifying that

(i) the occupant is a duly authorized agent, representative or employee of the exempt organization,

(ii) the occupant's occupancy is paid or to be paid by such exempt organization, and

(iii) the occupant's occupancy is necessary or required in the course and furtherance of, and/or in connection with, the affairs of said exempt organization; or

(2) a properly completed, executed and certified Exemption Certificate from taxes imposed pursuant to Articles 28 and 29 of the New York Tax Law, such certificate to be in the form and to contain the content approved and required by the New York State Department of Taxation.

Section 9. Records to be kept.

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

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

Section 10. Returns.

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

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

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

(2) permit or require returns to be made by other periods and upon such other dates as the Treasurer may specify by rule or order so as to carry out the purposes of this local law.

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

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

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

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

Section 11. Payment of Tax.

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

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

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

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

Section 12. Bonds & Security For Payment of Tax.

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

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

(c) In the event the Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required.

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

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

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

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

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

Section 13. Determination of tax.

(a) Upon the filing of a return, the Treasurer shall determine the amount of tax

due under and pursuant to this local law.

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

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

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

(1) within thirty (30) days after the issuance of the notice of such determination the person against whom it is assessed shall apply in writing to the Treasurer for a hearing, or

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

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

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

(1) where no return has been filed as provided by this local law the tax may be assessed at any time; and/or

(2) where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period or any extension(s) thereof.

Section 14. Refunds.

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

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

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

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

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

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

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

Section 15. Disposition of Revenues.

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

(1) shall retain five per cent (5%) of the gross revenues to cover the County's costs for administration and collection; and

(2) endeavor to expend the revenues in such fund in a manner reasonably intended to publicize the areas within the County commensurate with the amount of revenues generated from such areas.

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

(1) dissolves, or

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

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

Section 16. Reserves.

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

Section 17. Remedies exclusive.

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

Section 18. Proceedings to recover tax.

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

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

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

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

(e) Upon filing a copy of the warrant as provided in paragraph (d) of this section,

(1) the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued, provided that such lien shall not apply to personal property unless another copy of such warrant is filed in the New York Department of State.

(2) the sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner; and

(3) the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefor.

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

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

(1) the purchaser, transferee or assignee shall at least twenty (20) days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof and whether or not the operator has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing;

(2) for failure to comply with the provisions of this paragraph, including but not limited to subdivision (1) above, the purchaser, transferee or assignee shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the operator, seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the

liability for tax under this local law;

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

(4) within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Treasurer shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor, of the total amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Treasurer claims to be due from the operator, seller, transferor or assignor, to the County;

(5) whenever the Treasurer shall fail to give the notice required by subdivision (4) of this paragraph, within fifteen (15) days from receipt of notice of the sale, transfer and assignment required by subdivision (1) of this paragraph, such failure shall release the purchaser, transferee or assignee from any further obligation to withhold any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the operator, seller, transferor or assignor;

(6) upon receipt of the Treasurer’s notice issued pursuant to subdivision (4) above stating the total amount of the County’s claim, the purchaser, transferee or assignee may make payment of such claim to the Treasurer from any sums of money, property, or choses in action withheld in accord with the provisions of subdivision (3) of this paragraph, and upon making such payment the purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator, seller, transferor or assignor, and such amounts paid to the Treasurer shall be deemed satisfaction of the tax liability of the operator, seller, transferor or assignee to the extent of the amount of such payment.

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

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

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

Section 19. General powers of the Treasurer.

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

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

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

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

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

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

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

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

Section 20. Administration of Oaths and Compelling Testimony.

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

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

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

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

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

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

Section 21. Reference to tax.

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

Section 22. Penalties, Interest & Violations.

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

(1) a penalty of five per centum (5%) of the amount of tax due; plus

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

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

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

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

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

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

(1) failing to file a return required by this local law,

(2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is wilfully false,

(3) wilfully failing to file a bond required to be filed pursuant to this local law,

(4) failing to file a registration certificate and such data in connection therewith as the Treasurer may by order, regulation or otherwise require,

(5) failing to display, or to surrender upon demand of the Treasurer, the certificate of authority as required by this local law,

(6) assigning or transferring such a certificate of authority,

(7) wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any

evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator,

(8) wilfully failing or refusing to collect any tax imposed by this local law from the occupant,

(9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law, or

(10) failing to keep or maintain the records required by this local law.

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

Section 23. Judicial Review.

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

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

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

prosecution of such proceeding.

Section 24. Returns to be secret.

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

(1) it shall be unlawful for the Treasurer or any agent, employee or designee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of an operator contained in any return required under this local law; and

(2) the officers charged with the custody of such returns shall not be required to produce any of such returns or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, provided that in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

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

(1) the delivery to a taxpayer or such taxpayer's duly authorized representative of a copy of any return filed in connection with this local law, or

(2) the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or

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

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

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

Section 25. Notices and Limitations of Time.

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

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

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

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

Section 26. Limitation of Effect of Local Law.

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

Section 27. Separability.

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

Section 28. Effective Date.

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

AND BE IT FURTHER RESOLVED that the Essex County Board of Supervisors shall hold and conduct a public hearing on the foregoing proposed local law on March 27, 2023, at 11:30 a.m. of that day, to hear any and all persons concerning the same.

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

AYES:	**2652**	**votes**
NOES:	**0**	**votes**
ABSENT:	**201**	**votes (Stanley)**

Essex County Board of Supervisors

Resolution No. 60 ***March 6, 2023***

Regular Board Meeting

RESOLUTION OPPOSING GOVERNOR HOCHUL'S PROPOSAL TO REQUIRE EXCESS TAX FORECLOSURE PROCEEDS TO BE RETURNED TO PRIOR OWNERS AND CALLING UPON THE GOVERNOR HOCHUL TO REMOVE FROM THE 2024 EXECUTIVE BUDGET PART M OF THE ARTICLE VII REVENUE BILLS

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, On February 1, 2023, New York State Governor Kathy Hochul announced New York State's Fiscal Year 2024 Executive Budget (the "Budget"); and

WHEREAS, the Budget includes Article VII Revenue Bills; and

WHEREAS, Article VII Revenue bills includes Part M, adding a new section 989 of the Real Property Tax Law titled, "Distribution of surplus in tax enforcement proceedings" ("Proposed Budget Legislation"); and

WHEREAS, the Proposed Budget Legislation seeks to require municipalities governed by Article 11 of the Real Property Tax Law ("RPTL") to give excess money to a prior owner of real property sold by the municipality after taking title pursuant to Article 11 of the RPTL; and

WHEREAS, the Proposed Budget Legislation must be removed from the Fiscal Year ("FY") 2024 Budget because (1.) It is unconstitutional since Article VII, Section 1 of the New York Constitution restricts a county from giving any money to or in aid of any individual, or private corporation or association or private undertaking, (2.) It is unfair to lien holders since all liens are cut off by Section 1131 of Article 11 at the time an interested party fails to redeem or answer, which time comes prior to the County taking title and selling the parcel, (3.) it will be practically impossible for a county to accurately account for all administrative costs associated with administering enforcement of taxes for thousands of parcels during a two year time period involving subcontractors and staff from multiple departments, (4.) it is unclear whether litigation costs incurred in enforcing taxes pursuant

to Article 11 would be included, (5.) the number of unpaid parcels are likely to increase with owners knowing that they do not have to pay lien holders, including the mortgage lien on their home, real estate agents and other costs that would be required absent this Proposed Budget Legislation, (6.) the Proposed Budget Legislation does not address the circumstances where there is no “prior owner” or the prior owner is deceased or the method and attempts required to ensure that the “prior owner” accepts payment, (7.) it is unfair to the gross majority of parcel owners in the County who timely pay their taxes or properly sell their home if they no longer desire to own it, (8.) if the County does not or cannot sell these properties it will have to tap into its own reserves to send the former owner a check for the surplus equity and (9.) who does the surplus equity actually belong to, how would computing claim be adjudicated; and

WHEREAS, this modification of the Real Property Tax Law will result in County financial losses across the State of New York of millions of dollars annually and the burden would be shouldered by County taxpayers and is yet another instance of New York State shifting fiscal responsibility from the state to County government as a masked unfundated mandate; and

WHEREAS, the Essex County Board of Supervisors has reviewed this resolution and imminently calls upon Governor Kathy Hochul to remove Part M from the FY 2024 Executive Budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors hereby calls on Governor Kathy Hochul to remove from the FY 2024 Executive Budget Part M of the Revenue bills; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors urges the New York State Legislature to reject the inclusion of Part M of the Revenue Bills in the FY 2024 Budget in the event that the Governor will not withdraw her support for such a provision; and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to send a certified copy of this resolution to: Governor Kathy Hochul, Senate Majority Leader, Assembly Speaker, Congresswoman Elise Stefanik, Senator Daniel Stec, Assemblyman Matthew Simpson, Assemblyman Billy Jones and New York State Association of Counties.

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 61 ***March 6, 2023***

Regular Board Meeting

RESOLUTION AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER TO AMEND THE CHARGEPOINT ELECTRIC CHARGING STATIONS PRICING FEE TO ADD AN ADDITIONAL FEE FOR FIRST TWO HOURS OF CHARGING VEHICLES AND SET A FLAT RATE FEE OF $2.00 PER HOUR THEREAFTER TO COVER MAINTENANCE COSTS

The following resolution was offered by Supervisor Harrington, 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, in order to cover the maintenance costs and to encourage a time limit for the ChargePoint electric charging stations it is necessary to add a fee of $.19/kWh for the first 2 hours of charging a vehicle and set a flat rate charge of $2.00 per hour thereafter.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes to increase the fee for the ChargePoint electric charging stations of $.19/kWh for the first 2 hours of charging a vehicle and set a flat rate charge of $2.00 per hour thereafter; and

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

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 62 ***March 6, 2023***
Regular Board Meeting

RESOLUTION AUTHORIZING FOR SUBMISSION OF AN APPLICATION TO ESTABLISH A LAND BANK CORPORATION IN ESSEX COUNTY

The following resolution was offered by Supervisor Hughes, 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, in 2011, the New York State Legislature enacted a new Article 16 of the Not-for-Profit Corporation Law authorizing the creation of land bank corporations to combat community deterioration by facilitating the return of vacant, abandoned, and tax-delinquent properties to productive use in order to eliminate the harms and liabilities caused by such properties; and

WHEREAS, by virtue of State law and local legislation, the County of Essex guarantees the tax collection of all town, village and school taxes within the County of Essex and acts as the sole foreclosing governmental unit for all local governments within the County, thereby making the County an ideal candidate for approval of a single county-wide land bank corporation; and

WHEREAS, the County of Essex is preparing an application to Empire State Development (ESD) for approval of a land bank corporation in Essex County, and to be considered for approval, the Essex County Board of Supervisors must adopt a resolution approving the establishment of a land bank.

NOW, THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors hereby establishes and authorizes the formation and corporation of a land bank in Essex County, as follows:

1. The name of the land bank is the “Essex County Land Bank Corporation”.

2. The number of Board of Directors shall be an odd number of no less than five, but no more than eleven directors, with the exact number of Directors to be established by a resolution adopted by the Members.

3. The initial Board of Supervisors Members to serve as members of the Essex County Land Bank Board of Directors are:

Mark Wright, Supervisor ex officio
James Monty, Supervisor ex officio

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

AYES:	**2652**	**votes**
NOES:	**0**	**votes**
ABSENT:	**201**	**votes (Stanley)**

Essex County Board of Supervisors

Resolution No. 63 ***March 6, 2023***

Regular Board Meeting

RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT TO ADIRONDACK SPORTS COUNCIL ALLOWING USE OF COUNTY ROADWAYS FOR THE WILMINGTON WHITEFACE WHISKEY 5K AND 10K RUN/RACE TO BE HELD ON SATURDAY, JUNE 17, 2023, IN THE TOWN OF WILMINGTON, UPON APPROVAL OF THE COUNTY ATTORNEY AND WITH THE PROVISION OF INSURANCE

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

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

WHEREAS, the 2023 Wilmington Whiteface Whiskey 5K/10K run/race will take place within Essex County on Saturday, June 17, 2023; and

WHEREAS, the organizers of the event, Adirondack Sports Council, have requested the use of certain County roadways (County Route 83, Springfield Road) in the Town of Wilmington 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 for the Wilmington Whiteface Whiskey 5K/10K run/race on June 17, 2023, subject to the terms and conditions approved by the County Attorney and with the provision of insurance.

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

Essex County Board of Supervisors

Resolution No. 64 ***March 6, 2023***
Regular Board Meeting

RESOLUTION ADOPTING THE 2023 LAKE CHAMPLAIN LAKE-GEORGE REGIONAL PLANNING BOARD BUDGET

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

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

WHEREAS, the Lake Champlain-Lake George Regional Planning Board (LCLGRPB) was established in accordance with resolutions passed by counties of Warren, Washington, Essex, Clinton and Hamilton in 1967, as may have been amended, as a Regional Planning Board pursuant to New York General Municipal Law (GML) Article 12-B, Section 239-h; and

WHEREAS, the five counties have, as required by GML, adopted amended by-laws as proposed by and passed by the Lake Champlain Lake George Regional Planning Board of Directors on July 25, 2018; and

WHEREAS, pursuant to GML §239-h, the counties must adopt a Memorandum of Agreement spelling out the duties and responsibilities of all parties and the financial contributions required by the member counties, which MOA was duly adopted by Essex County Resolution No. 332 of November 5, 2018; and

WHEREAS, as required in the 5-County Memorandum of Agreement for the Lake Champlain-Lake George Regional Planning Board, the legislative body of each of the 5 member counties must approve the adopted budget for the LCLGRPB and the agreed upon contribution for 2023.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby adopts the 2023 Budget of the Lake Champlain-Lake George Regional Planning Board, with Essex County's Share being $8,044.00.

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

AYES:	**2652**	**votes**
NOES:	**0**	**votes**
ABSENT:	**201**	**votes (Stanley)**

Essex County Board of Supervisors

Resolution No. 65 ***March 6, 2023***

Regular Board Meeting

RESOLUTION AMENDING ESSEX COUNTY'S PROCUREMENT POLICY TO COMPLY WITH THE FEDERAL GOVERNMENT'S UNIFORM GUIDANCE FOR PROCUREMENT, SUSPENSION AND DISBARMENT PURSUANT TO 2 CFR PART 200, SUBPARTS A THROUGH F

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.

WHEREAS, New York General Municipal Law § 104-b requires the Essex County Board of Supervisors to adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103; and

WHEREAS, By Resolution No. 173 of June 2015, the Essex County Board of Supervisors Adopted the Essex County Purchasing Policy (the "Procurement Policy"); and

WHEREAS, On December 26, 2013 the United States Office of Management and Budget published final guidance for changes to 2 CFR Chapter I and Chapter II Parts 200, 215, 220, 225 and 230 entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; and

WHEREAS, 2 CFR Part 200, subparts A through F requires organizations receiving federal awards to establish and maintain effective internal controls over federal grants, such compliance with federal procurement standards is a critical part of federal grants management; and

WHEREAS, The Purchasing Agent proposes that the County's Purchasing Policy be amended to include Uniform Guidance for Federal Awards as shown on the annexed Schedule; and

BE IT RESOLVED, that the Essex County Board of Supervisors hereby approves the amendments to the Essex County Purchasing Policy and authorizes the Purchasing Agent to make such amendments to the Purchasing Policy as shown on the annexed Schedule, effective immediately.

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

AYES:	**2652**	**votes**	
NOES:	**0**	**votes**	
ABSENT:	**201**	**votes**	**(Stanley)**

PURCHASING POLICY AMENDMENT
UNIFORM GUIDANCE COMPLIANCE FOR FEDERAL AWARDS
PROCUREMENT, SUSPENSION AND DEBARMENT

Purpose

2 CFR Part 200 (subparts A-F) "Uniform Administrative Requirements, Cost Principals and Audit Requirements for Federal Awards requires organizations receiving federal awards to establish and maintain effective internal controls over federal awards.

General Policy Statement

The requirements for procurements using federal awards are contained in the Uniform Guidance (2 CFR Part 200, subparts A-F), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

To comply with 2 CFR Part 200 (subparts A-F), Essex County implements policies and procedures, including, but not limited to:

A. Essex County will use its own documented procurement procedures which reflect applicable State, Local and Tribal laws and regulations; provided that the procurements conform to applicable federal law and Uniform Guidance. As such, County procurements related to Federal grants will be subject to New York State General Municipal Law, Essex County Purchasing Policy, and Uniformed Guidance Requirements.

B. Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis of contract price.

C. Essex County will utilize one of the five acceptable procurement methodologies detailed in §200.320 which include:

- Micro Purchase
- Small Purchase Procedure
- Sealed Bid
- Competitive Proposal
- Non-Competitive Proposal (Sole Source)

D. Procurements will provide for full and open competition as set forth in the Uniform Guidance, or State and local procurement thresholds, whichever is most restrictive.

E. No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein; has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.

F. Essex County will avoid acquisition of unnecessary or duplicative items. consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical procurement approach. The County will also analyze other means, as described in §200.318 of the Uniform Guidance, to ensure appropriate and economical acquisitions.

G. Essex County will enter into state and local intergovernmental agreements or inter entity agreements, where appropriate.

H. Essex County will only utilize Time and Materials contracts when it has been determined, in writing, that no other contract type is suitable.

I. Vendors/Contractors that develop or draft specifications, requirements, statements of work, or invitation to bids or requests for proposals must be excluded from competing for such procurements.

J. Essex County will make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed.

K. County Departments are prohibited from contracting with or making sub awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered Transactions" include those procurement contracts for goods and services awarded under a non-procurement transaction (i.e. grant or cooperative agreement) that are expected to equal or exceed $20,000. All non-procurement transactions (i.e. sub-awards to recipients), irrespective of award amount, are considered covered transactions,

L. Essex County will include a suspension/debarment clause in all written contracts in which the vendor/contractor will certify that it is not suspended or debarred. The contract will also contain language requiring the vendor/contractor to notify the County immediately upon becoming suspended or debarred. This will serve as adequate documentation so long as the contract remains in effect.

M. Essex County Departments will be required to notify the Purchasing Agent and the County Attorney's Office that federal funding will be used for a certain procurement/contract. When requesting a written contract, the County Department will be responsible for running the Vendor/Contractor's name through the System for Award Management (SAM) to determine any exclusions. A copy of the SAM search will be included with the contract request. Prior to issuing a purchase order using federal funds, the Purchasing Agent will check the SAM to determine if any exclusions exist for the Vendor/Contractor.

N. If a vendor/contractor is found to be suspended or debarred, Essex County will immediately cease to do business with the vendor.

O. Essex County will not use statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals; except in those cases where applicable federal statues expressly mandate or encourage geographical preference.

P. Essex County will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor area surplus area firms are used when possible.

Q. Essex County will procure recovered materials in compliance with §200.322.

R. Essex County will perform a cost or price analysis relating to every procurement more than the Simplified Acquisition Threshold ($150,000).

S. Essex County will require appropriate bonding requirements as per §200.325.

T. Essex County Will only award contracts to Responsible Vendors and will document, in writing, such determination.

U. Essex County contracts will contain the applicable provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

V. The County will maintain oversight to ensure that contractors perform in accordance with the contract terms, conditions, and specifications.

Essex County Board of Supervisors

Resolution No. 66 ***March 6, 2023***
Regular Board Meeting

RESOLUTION RECOGNIZING LONG-TERM EMPLOYEES OF ESSEX COUNTY

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

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

BE IT RESOLVED that the Essex County Board of Supervisors hereby recognizes the following long-term Essex County Employees for the month of February 2023:

15 Years of Service

- Justin Bobbie, Sheriff's Department
- Jason Fraser, Department of Public Works

BE IT FURTHER RESOLVED, that this Board hereby extend their heartfelt appreciation to those employees for their dedication and service to Essex County.

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 67 ***March 6, 2023***
Regular Board Meeting

RESOLUTION IN SUPPORT OF SENATE BILL S30 AND ASSEMBLY BILL A3086 TO AMEND THE FAMILY COURT ACT, IN RELATION TO ESTABLISHING A SEPARATE OFFICE OF JUDGE OF THE FAMILY COURT FOR THE COUNTY OF ESSEX

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

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

WHEREAS, Senate Bill S30 and Assembly Bill A3086 have been introduced to amend the Family Court Act, in relation to establishing a separate office of Judge of the Family Court for the County of Essex; and

WHEREAS, this bill provides for the establishment of a separate office of Family Court Judge for the County of Essex which amends Section 131 of the Family Court Act by adding a new subdivision (w) where there shall be a separate office of Judge of the Family Court for the County of Essex and the compensation payable for such separate office of Judge of the Family Court shall be the same compensation payable to the Judge of the County Court of the County of Essex; and

WHEREAS, Essex County, currently has one, single, County Court Judge who handles all Family, Criminal, County and Surrogate's Court matters arising in the County. Additionally, the Essex County Court Judge presides over four specialty courts which include Integrated Domestic Violence (IDV), Drug Treatment, Mental Health and the only Veterans Treatment Court in the Fourth Judicial District; and

WHEREAS, the Essex County Court Judge also serves as Acting Supreme Court Justice handling all contested and uncontested matrimonial proceedings, Habeas Corpus relief under CPLR Article 70 and proceedings under CPLR Article 78 challenging the determinations of government officials; and

WHEREAS, the Essex County Judge is the only licensing officer for firearms in Essex County and is responsible for deciding all civil and criminal appeals from the County's Town and Village Justice Courts; and

WHEREAS, the Essex County Family Court is the busiest court of all. When compared to surrounding Counties having two or three judges handling Family Court, the number of Family Court appearances and cases in Essex County clearly justify the immediate need of a dedicated Family Court Judge; and

WHEREAS, in 2022, the Legislature granted Saratoga County an additional Family Court Judge, bringing Saratoga County's total judges handling Family Court matters to three. Using 2021 numbers, three judges in Saratoga County would be responsible for approximately 830 new cases and 2,724 appearances; and

WHEREAS, using Saratoga County's numbers as the standard for determining whether a dedicated Family Court Judge is necessary, the following case/appearance data more than justifies the creation of the Office of Essex County Family Court Judge:

2021	Family Court	County Court		Surrogate's Court	Supreme Court		TOTAL
		Civil	Crim		Civil	Crim (IDV)	
New Cases	961	4	197	211	127	30	1,530
Appearances	2,942	4	373	42	493	116	3,970
Firearm Licenses - New, Transfers, Suspensions, Revocations, and Amendments							217

2022	Family Court	County Court		Surrogate's Court	Supreme Court		TOTAL
		Civil	Crim		Civil	Crim (IDV)	
New Cases	883	4	179	216	141	26	1,449
Appearances	2,721	2	326	48	355	99	3,551
Firearm Licenses - New, Transfers, Suspensions, Revocations, and Amendments							494

WHEREAS, in 2021, the Essex County Family Court handled 961 new cases and 2,942 appearances and in 2022, the Family Court had 883 new cases and more than 2,700 appearances; and

WHEREAS, none of these numbers reflect the time required in Chambers for preparation and review of motions, orders, decisions, search warrants, review of pleadings

and papers, conferences, and assignment of counsel for indigents required for Family, Criminal, Surrogate's and all the specialty courts; and

WHEREAS, these caseload numbers more than justify a separate office of a full-time Family Court Judge in Essex County; and

WHEREAS, the current situation is an unsustainable, exhausting and monumental burden upon the current Essex County Judge and his administrative staff and is not in keeping with the State's emphasis on caseload relief and the efficient administration of justice.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby supports Senate Bill S30 and Assembly Bill A3086 to amend Section 131 of the Family Court Act to establish a separate office of Judge of the Family Court for the County of Essex and implores Governor Kathy Hochul and its elected representatives to pass this legislation post haste in order to insure the proper and efficient administration of justice in our County; and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to send a certified copy of this resolution to: Governor Kathy Hochul, Senate Majority Leader, Senate Minority Leader, Assembly Majority Leader, Assembly Minority Leader, Senator Daniel Stec, Assemblyman Matthew Simpson and Assemblyman Billy Jones.

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

AYES:	**2652**	**votes**
NOES:	**0**	**votes**
ABSENT:	**201**	**votes (Stanley)**

Essex County Board of Supervisors

Resolution No. 68 ***March 6, 2023***
Regular Board Meeting

RESOLUTION OPPOSING NEW YORK STATE'S DIVERSION OF ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE (eFMAP) FUNDS FROM THE COUNTY OF ESSEX TO NEW YORK STATE AS PRESENTED IN THE GOVERNOR'S PROPOSED 2024 STATE FISCAL YEAR BUDGET AND URGING NEW YORK STATE TO SUSPEND THE IMPOSITION ON THE NEW YORK STATE TAX CAP FOR ESSEX COUNTY FOR FISCAL YEAR 2024 UNTIL THESE MONIES HAVE BEEN RESTORED TO ESSEX COUNTY

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

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

WHEREAS, in Governor Hochul's proposed SFY 2024 Budget, the state will divert Enhanced Federal Medicaid Assistance Percentage (eFMAP) from Essex County to the State of New York thereby enabling the state to keep all of these federal monies which were to be earmarked for the County; and

WHEREAS, the elimination of eFMAP funding to the counties would saddle the 57 counties outside of New York City with an additional $270 million in Medicaid costs in FY2024 alone and approximately $1 billion when NYC is included; and

WHEREAS, in March of 2020, Senator Charles Schumer championed eFMAP funds as being important to counties because they were immediate and could be flexible and counties could use the money on whatever they want; and

WHEREAS, the institution of eFMAP funds began at a time when New York State, its counties and municipalities, were facing an affordability crisis, the effects of Covid on the economy, the high cost of home ownership and rent, and an increase in business expenses; and

WHEREAS, the elimination of these eFMAP funds will pose an extreme hardship on Essex County taxpayers and subverts Congress' intent that eFMAP be shared with local

governments that contribute to the Medicaid program; and

WHEREAS, the state has instituted similar diversions of county monies by diverting local sales taxes that should have funded local programs and services and redirecting them to pay for state responsibilities in 2019; and

WHEREAS, the Governor's 2024 Budget proposes to fully fund its own reserves two years ahead of schedule, depositing $5.4 billion at the end of this fiscal year while depriving Essex County of this badly needed funding; and

WHEREAS, as a result of this loss of revenue, the typical county will see a 5.2% property increase, 20 percent of counties will see a 7% increase, and some will get into double digits; and

WHEREAS, the loss of this eFMAP funding will result in an $800,000.00 deficit to Essex County for fiscal year 2024, which represents approximately 3.5% of the total Essex County budget; ;and

WHEREAS, all counties in New York State have been increasingly saddled with unfunded state mandates, the diversion of funds meant for the counties steadily increasing operation costs and the strictures of the New York State Tax Cap.

BE IT RESOLVED, that the Essex County Board of Supervisors vehemently opposes the diversion of the Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage (eFMAP) monies from Essex County to New York State as presented in Governor Hochul's proposed 2024 budget and demands that these funds be returned to Essex County for Fiscal Year 2024, and that the State of New York continue to pass through the Enhanced Federal Medicaid Assistance Percentage (eFMAP) funds to the County in the future; and

BE IT FURTHER RESOLVED, that for FY 2024, as Essex County will not receive the $800,000.00 eFMAP money earmarked for the County and will suffer a 3.5% deficit in its current budget, in the event that these funds are not returned to the County, Essex County urges Governor Hochul and the New York State Legislature to suspend the provisions and imposition of the Tax Cap Law for FY 2024; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the New York State Association of Counties to encourage members of each county to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to send a certified copy of this resolution to: Governor Kathy Hochul, New York State Legislature, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten Gillibrand, Congresswoman Elise Stefanik, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Daniel Stec, Assemblyman Matthew Simpson, and Assemblyman Billy Jones.

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 69 ***March 6, 2023***

Regular Board Meeting

RESOLUTION AUTHORIZING THE PAYMENT TO STAFFORD, OWENS, MURNANE, KELLEHER, MILLER, MEYER & ZEDICK, PLLC IN THE AMOUNT OF $9,541.63, TO COME FROM 2022 CONTINGENCY ACCOUNT AS AND FOR PAYMENT OF LEGAL EXPENSES REGARDING A DISCIPLINARY MATTER

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

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

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes a payment in the amount of $9,541.63, to the law firm of Stafford, Owens, Murnane, Kelleher, Miller, Meyer & Zedick, PLLC, for expenses regarding a disciplinary matter, with such funds to come from 2022 Contingency Account A1990-547001 to Account A3140-54407.

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

AYES:	**2652**	**votes**
NOES:	**0**	**votes**
ABSENT:	**201**	**votes (Stanley)**

Essex County Board of Supervisors

Resolution No. 70 **March 6, 2023**
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO
GERALD PIERCE
UPON HIS RETIREMENT FROM
THE TOWN OF ESSEX

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

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

WHEREAS, Gerald Pierce has been an employee with the Town of Essex Highway Department for 40 years; and

WHEREAS, Jerry has been a faithful public servant to the people of the Town of Essex and during his tenure with the Highway Department, he has exhibited the highest degree of professionalism, competency, integrity, attention to detail and talent to the Town, its residents and its employees with grace and respect; and

WHEREAS, Jerry Pierce has graciously performed his duties for 40 years and has recently announced his retirement.

BE IT RESOLVED, that the Essex County Board of Supervisors, the Clerk of the Board, County Manager and County Attorney hereby extend their heartfelt appreciation to Gerald Pierce for his dedication and service to the Town of Essex and wish him good luck in his future endeavors.

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 71 **March 6, 2023**
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD A CONTRACT WITH LAW FIRM OF BOND, SCHOENECK & KING, TO REVIEW AND UPDATE THE ESSEX COUNTY PERSONNEL POLICY MANUAL, IN THE AMOUNT OF $20,000.00

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.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby authorizes the Purchasing Agent to award a contract/agreement to the law firm of Bond, Schoeneck & King for the review and update of the Essex County Personnel Policy Manual, in the amount of $20,000.00, from budgeted funds; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a contract/agreement for the above referenced, upon the approval of the County Attorney.

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

AYES:	**2652**	**votes**	
NOES:	**0**	**votes**	
ABSENT:	**201**	**votes**	**(Stanley)**

Essex County Board of Supervisors

Resolution No. 72 **March 6, 2023**
Regular Board Meeting

RESOLUTION AUTHORIZING AND ADOPTING THE MUNICIPAL EXPENDITURE OF ESSEX COUNTY OCCUPANCY TAX REVENUES POLICY

The following resolution was offered by Supervisor Hughes, 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 authorizes and adopts the Municipal Expenditure of Essex County Occupancy Tax Revenues Policy as per the 2023 Guidance Document which is attached hereto and made a part hereof.

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

Essex County
Office of the Manager

7551 Court Street - PO Box 217 - Elizabethtown, New York 12932
Telephone (518) 873-3333 - Fax (518) 873-3339

Michael Mascarenas, County Manager
michael.mascarenas@essexcountyny.gov

James Dougan, Deputy County Manager
james.dougan@essexcountyny.gov

Municipal Expenditure of Essex County Occupancy Tax Revenues

2023 Guidance Document

What Can Municipalities Spend the Occupancy Tax Funds On?

A percentage of the revenue derived from the Occupancy Tax shall be allocated to municipalities to support the local economy and further enhance tourist opportunities. Municipalities may utilize Occupancy Tax Revenue to advance a wide variety of community-led initiatives that enhance the local economy, improve quality of life, and invest in the tourism industry and related activities that generate revenue for our county.

Understand that the categories below represent ***potential*** allowable expenditures. However, the specifics surrounding any expenditure to these funds must comply with the current occupancy law. The law requires that expenditures of these funds meet the criteria of tourism promotion and cannot be used for general government support. For example: A sidewalk or lighting project on your Main Street would be an allowable cost, while a sidewalk or lighting project in a largely residential neighborhood would not be.

If you are uncertain that a project or event qualifies, simply refer your proposed expenditure to the Chairman of the Board of Supervisors. The Chairman will select three neutral members of the Board to work with the County Attorney or County Manager to determine program eligibility.

The Essex County Treasurer will issue two payments annually to all Essex County Municipalities. These payments will generally be made in January and June. Payments will be made based upon the agreed upon formula and can vary from year to year.

Potential Expenditure Categories/Uses: ***Please understand that the categories below are not all inclusive.***

Streetscape Improvements

- Public sidewalks
- Street-crossing safety features
- Street lighting
- Pedestrian walkways
- Bicycling infrastructure (lanes, bike racks)

- Street landscaping, plantings
- Street furniture
- Placemaking features, signage

Parks & Recreation Amenity Enhancements

- Public park/open space enhancement
- Public beaches and boat launches
- Playgrounds
- Municipal golf courses
- Municipal ski/rope tow facilities
- Pavilions
- Municipal athletic fields/courts/rinks/facilities
- Public trails (hiking/biking/snowmobile)
- Fishing access areas
- Municipal campgrounds

Local Government Services & Facilities Improvements

- Museums
- Facilities that host events
- Municipal Visitor Centers
- Youth Commission Events that bring in outside visitors

Main Street Development Opportunities

- Mini-grant program small business program
- Façade improvements

Public Infrastructure (may be limited depending on location and purpose of the project)

- Water/Waste Water/Stormwater
- Broadband
- Engineering, preliminary design
- Mapping
-

Public Transportation & Connectivity

- Public transportation programs
- Bike-share programs

Property Acquisition

- Public parks/open space
- Public parking
- Public facilities

- Building condemnation/demolition in business district

Green Infrastructure Projects

- EV charging stations (purchase, install, maintenance, etc.)

Marketing & Events

- Municipal website development
- 'Buy Local' campaigns
- Farmers Markets, summer concert series, festivals
- Tourism promotion, visitor experience enhancements
- Continuing Education opportunities, conferences
- Arts/culture/heritage initiatives
- Any event meant to draw visitors

What Expenditures Are Not Allowable?

- General Governmental Operating Expenses (you can't buy down the levy)
- Funds cannot be used to pay down debt (this includes special districts)
- Cannot be given to non-profits or other taxing entities for operating costs.
- Endowments
- Projects that have previously taken place.
- Items that are not able to be justified as promoting tourism.

What Other Requirements Do Municipalities Have?

- Any unexpended funds at the end of the year shall be designated in a restricted fund balance account for future appropriations.
- Municipalities will be required to complete an annual report of these expenditures. The report will require an accounting of actual dollars spent and what activities were supported with these dollars. Reporting forms will be provided to each municipality.

Essex County Board of Supervisors

Resolution No. 73 **March 6, 2023**

Regular Board Meeting

RESOLUTION ADOPTING A HOME RULE REQUEST FOR ENACTION AND ADOPTION BY THE NEW YORK STATE ASSEMBLY OF ASSEMBLY BILL A04976 AND ENACTION AND ADOPTION BY THE NEW YORK STATE SENATE OF SENATE BILL S4072 TO EXTEND THE AUTHORIZATION GRANTED ESSEX COUNTY PURSUANT TO NYS TAX LAW SECTION 1210(i)(36) TO IMPOSE AN ADDITIONAL ONE PERCENT (1%) OF SALES AND COMPENSATING USE TAXES FOR THE PERIOD BEGINNING DECEMBER 1, 2023 AND ENDING NOVEMBER 30, 2026

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

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

WHEREAS, Assembly Bill A04976 and Senate Bill S4072 have been introduced in the NYS Assembly and NYS Senate respectively each entitled “An Act to Amend the Tax Law, in Relation to Extending the Authorization Granted to the County of Essex to Impose an Additional One Percent of Sales and Compensating Use Taxes”; and

WHEREAS, the purpose of this legislation is to continue to authorize Essex County to impose an additional one percent rate of sales and compensating use taxes for the period beginning December 1, 2023, and ending November 30, 2026; and

WHEREAS, Essex County needs to adopt a Home Rule Request for such necessary legislation to be considered and enacted.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby adopts a Home Rule Request requesting enactment of Assembly Bill A04976 and Senate Bill No. S4072 authorizing Essex County to continue to impose an additional one percent (1%) rate of sales and compensating use taxes for the period beginning December 1, 2023, and ending November 30, 2026; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby declares that a necessity exists for the enactment of such legislation as the County cannot

continue to impose the additional one percent (1%) of sales and compensating use taxes after November 30, 2026, unless the State authorizing legislation is adopted and, because the collected 1% approximates $10,100,828.00 yearly, which equates to 41% of the overall yearly budget revenues for the County. Without these monies, the County of Essex will not be able to continue to offset taxes for its residents and businesses and will not be capable of properly, efficiently and solvently providing for its residents; and

BE IT FURTHER RESOLVED, these monies are vital and necessary for the County to use to offset its yearly budget deficits and to keep real property taxes at an acceptable level; and

BE IT FURTHER RESOLVED, that the Clerk of this Board be and is hereby authorized and directed to immediately execute all necessary Home Rule Request documents and immediately forward the same to Senator Daniel G. Stec and Assemblyman Matthew Simpson.

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

AYES:	**3624**	**votes**	
NOES:	**0**	**votes**	
ABSENT:	**267**	**votes**	**(Stanley)**

Essex County Board of Supervisors

Resolution No. 74 **March 6, 2023**
Regular Board Meeting

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SNOW AND ICE CONTROL SERVICES, AS NEEDED, FOR THE PERIOD JULY 1, 2022 THROUGH JUNE 30, 2027

The following resolution was offered by Supervisor Barber, 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 authorizes its Chairman or County Manager to execute a five year agreement with the New York State Department of Transportation for snow and ice control services, as needed, for the period July 1, 2022 to June 30, 2027.

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

AYES: 2652 votes
NOES: 0 votes
ABSENT: 201 votes (Stanley)

Essex County Board of Supervisors

Resolution No. 75 ***March 6, 2023***

Regular Board Meeting

RESOLUTION REQUESTING HOME RULE LEGISLATION FROM THE STATE OF NEW YORK TO AMEND NYS PUBLIC OFFICERS LAW SECTION 3, PROVIDING FOR ASSISTANT PUBLIC DEFENDERS AND ASSISTANT SOCIAL SERVICES ATTORNEYS FOR THE COUNTY OF ESSEX TO RESIDE IN ESSEX COUNTY OR AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK

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

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

WHEREAS, NYS Public Officer's Law Section 3 provides that all elected and appointed employees of Essex County must be residents of the County; included in the appointed officials are: Essex County's Assistant Public Defenders and Assistant Essex County Social Services Attorneys; and

WHEREAS, over the past three years, the County of Essex has not been able to find attorneys within Essex County to fill Assistant Public Defender positions and Assistant Essex County Social Services attorneys positions because of the lack of qualified attorneys living in Essex County; and

WHEREAS, there has been a vacancy in the Office of Assistant Public Defender which needs to be filled and the County has not received any applications for the posted position; and

WHEREAS, based upon the dirth of attorneys in Essex County, Essex County is respectfully requesting Home Rule Legislation amending Section 3 of the New York State Public Officer's Law and permitting Assistant Public Defenders and Assistant Essex County Social Services attorneys to be residents of the County or any adjoining County within the State; and

WHEREAS, because Essex County does not have the legal authority to enact such legislation by local law or otherwise, there exists a necessity for the enactment of this requested legislation.

BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests that the State legislature enact, and that the Governor sign into law, Home Rule legislation amending NYS Public Officer's Law Section 3 to permit Public Defenders and Assistant Essex County Social Services Attorneys to be residents of the County or any adjoining County within the State; and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby authorized and directed to immediately send certified copies of this resolution to: Governor Kathy Hochul, Senator Daniel Stec, Assemblyman Matthew Simpson, and Assemblyman Billy Jones.

This resolution was duly seconded by Supervisor Wright, and adopted upon a ***two-thirds*** roll-call vote pursuant to provisions of Municipal Home Rule Law Section 40, as follows:

AYES:	**3624**	**votes**	
NOES:	**0**	**votes**	
ABSENT:	**267**	**votes**	**(Stanley)**

Essex County Board of Supervisors

Resolution No. 76 **March 6, 2023**
Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD A CONTRACT WITH PLANSTREET INC., FOR THE ESSEX COUNTY HEALTH DEPARTMENT, FOR CASE MANAGEMENT SOFTWARE, IN THE AMOUNT OF $18,000.00

The following resolution was offered by Supervisor DeLoria, 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 authorizes the Purchasing Agent to award a contract with PlanStreet Inc., for the Essex County Health Department, for case management software in the amount of $18,000.00, to come from Baby Steps for Bright Futures Account A4107 549104 BSBF; and

BE IT FURTHER RESOLVED, that the Chairman or County Manager are hereby authorized to execute a contract/agreement for the above referenced, upon the approval of the County Attorney.

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

AYES: 2652 votes
NOES: 0 votes
ABSENT: 201 votes (Stanley)

Essex County Board of Supervisors

Resolution No. 77 **March 6, 2023**

Regular Board Meeting

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO TO RFP FOR ARCHITECTURAL SERVICES FOR THE COUNTY AGRICULTURAL AND YOUTH CENTER

The following resolution was offered by Supervisor McNally, 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 authorizes the Purchasing Agent to go out to RFP for architectural services for the County Agriculture and Youth Center at the Essex County Fairgrounds.

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

Essex County Board of Supervisors

Resolution No. 78 **March 6, 2023**

Regular Board Meeting

RESOLUTION IN SUPPORT OF SENATE BILL S2745 AND ASSEMBLY BILL A4937 REQUIRING THE STATE OF NEW YORK TO PAY TAXES ON THE ASSESSED VALUE ON PROPERTIES OF CLOSED STATE PRISONS

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

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

WHEREAS, there have been introduced in the New York State Senate by Hon. Daniel G. Stec, Senate Bill S2745, and introduced in the New York State Assembly by Assemblyman Matthew Simpson, Assembly Bill A4937, for legislation providing that the State of New York pay full property taxes to local taxing districts of the assessed value of all closed state prisons/properties; and

WHEREAS, the purpose of this legislation is to relieve the economic burden resulting from displaced workers and subsequent economic activity associated with a fully functioning state prison; and

WHEREAS, nearly 30 correctional facility closures have occurred over recent years, often closing in a short time relative to an announced closure date with communities being left with a significant economic and social vacuum having a devastating economic impact; and

WHEREAS, this Bill aims to require that New York State remain beholden to its responsibility of its part in the social contract they presented and subsequently entered into when approaching these communities as potential hosts for housing our states criminal offenders.

BE IT RESOLVED, that the Essex County Board of Supervisors wholeheartedly supports Senate Bill S2745 and Assembly Bill A4937 requiring the State of New York to pay taxes on the assessed value on properties of closed state prisons; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to: Gov. Kathy Hochul, Senate Majority Leader, Assembly Majority Leader, Senator Daniel G. Stec, and Assemblyman Matthew Simpson.

This resolution was unanimously seconded and duly adopted.

Essex County Board of Supervisors

Resolution No. 79 **March 6, 2023**
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO THE MORIAH CENTRAL SCHOOL GIRLS CHEERLEADING TEAM FOR WINNING THE SECTION VII CHEERLEADING CHAMPIONSHIP

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Moriah Central School Girls Cheerleading Team has won the 2023 Section VII Cheerleading Championship; and

WHEREAS, the accomplishments of this team are a testament to the hard work and dedication of the cheerleaders and their coaches.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the 2023 Moriah Central School Girls Cheerleaders, their Coaches and Staff for winning the 2023 Section VII Cheerleading Championship.

This resolution was unanimously seconded and adopted.

Essex County Board of Supervisors

Resolution No. 80 **March 6, 2023**

Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO THE MORIAH CENTRAL SCHOOL BOYS VARSITY BASKETBALL TEAM FOR WINNING THE SECTION VII, CLASS C CHAMPIONSHIP

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Moriah Central School Varsity Boys Basketball Team has won the 2022-23 Section VII, Class C Championship.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Moriah Central School Varsity Boys Basketball Team, their coaches and staff for their outstanding accomplishments including, but not limited to, earning the title of 2022-23 Section VII, Class C Champions.

This resolution was unanimously seconded and adopted.

Essex County Board of Supervisors

Resolution No. 81 **March 6, 2023**
Regular Board Meeting

RESOLUTION OF CONGRATULATIONS TO THE SCHROON LAKE CENTRAL SCHOOL BOYS VARSITY BASKETBALL TEAM FOR WINNING THE SECTION VII, CLASS D CHAMPIONSHIP

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

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

WHEREAS, this Board of Supervisors is pleased to learn that the Schroon Lake Central School Varsity Boys Basketball Team has won the 2022-23 Section VII, Class D Championship.

BE IT RESOLVED, that the Essex County Board of Supervisors, its Clerk of the Board, County Manager and County Attorney hereby congratulate the Schroon Lake Central School Varsity Boys Basketball Team, their coaches and staff for their outstanding accomplishments including, but not limited to, earning the title of 2022-23 Section VII, Class D Champions.

This resolution was unanimously seconded and adopted.