

COUNTY OF CLINTON)
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STATE OF NEW YORK)

April 14, 2014

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, April 9, 2014 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: Jonathan Beach, Area 2
Mark Dame, Area 8
Samuel Dyer, Area 3, Chairperson
John Gallagher, Area 9
Robert Hall, Area 10
Pete Keenan, Area 5
James Langley, Jr., Area 7
Harry McManus, Area 1
Colin Read, Area 4
Patty Waldron, Area 6

ALSO PRESENT: Michael Zurlo, County Administrator
Rodney Brown, Deputy County Administrator
James Coffey, County Attorney
Katherine Brown, Senior Stenographer

Chairperson Dyer called the meeting to order at 7:07 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. All Legislators were present.

Legislator Hall motioned to accept the minutes of the March 26, 2014 Regular Session, seconded by Legislator Keenan. (Carried 10-0-0).

Chairperson Dyer asked if anyone wished to address the Legislature.

Chairperson Dyer recognized John Donahue, President of the Plattsburgh-Saranac Lake Building and Construction Trades Council. Mr. Donahue stated he wanted to share information with the Legislature as a result of the Wednesday, April 5th Finance Committee meeting. He provided information from a spreadsheet from work performed at the St. Lawrence County Jail which he claimed reflected a savings and shortened timeframe for completion of the project. Mr. Donahue stated with regard to a Request for Proposals (RFPs) and time constraints to hire a professional to conduct a Feasibility Survey, there is none. Mr. Donahue further stated the President of the United States is encouraging the use of Project Labor Agreement to utilize labor. He also stated that Congressman Owens met with the Council and encouraged the Council to go forward with this initiative. Mr. Donahue stated Clinton County taxpayers deserve the chance to save possibly over \$1 million on this project, and this should be looked into. Mr. Donahue stated this project will have 14 trades involved and a chance for labor unrest, picket lines, etc. Mr. Donahue urged the Legislature to approve a Feasibility Study, show the savings and put a Project Labor Agreement in place. Mr. Donahue urged the Legislature to support a motion to go forward with a Feasibility Study for this project.

Chairperson Dyer recognized Brian Hammond, President of the Teamsters Local 687 in St. Lawrence County, who stated he represents 300 members in Clinton County. Mr. Hammond stated he attended many Board meetings to convince St. Lawrence County that a Project Labor Agreement was the best way to go. Both parties did their part and the local economy benefited as the St. Lawrence County Jail came in under budget and was completed on time.

Chairperson Dyer recognized Betty Lennon of 73 Lafayette Street, Plattsburgh. Ms. Lennon, President of the Northeast Central Labor Council, stated she hopes for the support of the Legislature for a Project Labor Agreement. She stated a Project Labor Agreement would save money, result in an on-time project and would insure decent pay and savings to Clinton County taxpayers. Ms. Lennon further stated a Project Labor Agreement would not prohibit non-union companies from bidding on this Project. The Project Labor Agreement would ensure decent pay and a savings to the taxpayers.

Chairperson Dyer recognized David Curry, a State-wide Executive Board member of United University Professions at Plattsburgh State University College. Mr. Curry stated organized labor has to stand together at times like this. Further, one of the most important things about using the trades, especially through the union, is that union members have the ability to train the next generation through an apprenticeship program. Mr. Curry stated he hopes this opportunity would align those in an apprenticeship to earn college credit through Clinton Community College. He further stated he believes this would be a good union-sponsored work situation, and a Project Labor Agreement would be a step in the right direction.

Chairperson Dyer recognized Katherine Bullock, a Clinton Community College student majoring in Human Services. Ms. Bullock expressed her concern for the rise in drug abuse in Clinton County.

She advocated for more educational programs to be offered in schools regarding this ever-increasing problem.

There being no one further to address the Legislature, Chairperson Dyer called for standing committee and liaison reports.

Committee Reports

Buildings and Grounds Committee – Legislator Read

Legislator Read reported the Buildings and Grounds Committee met this evening. The Five-Year Master Plan was discussed, as well as the hiring process for the architectural/engineering position.

The next meeting of the Committee is scheduled for Wednesday, May 14th at 5:15 p.m.

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported the Children and Family Services Committee met Tuesday, April 8th at 6:15 p.m.

John Redden, the Commissioner of Social Services, presented Resolutions #236 through #239 which are included on the agenda upon the Committee's recommendation. Resolution #235 has been withdrawn pending further information and clarification. Mr. Redden reviewed February, 2014 statistics, stating Income Maintenance, Family Assistance, Food Stamps and Medicaid have remained level for the past twelve months. He also stated the State's takeover of Medicaid Administration is still on pace, although there are concerns about further Administration funding.

The next meeting of the Committee is scheduled for Thursday, May 1st at 5:15 p.m.

County Operations Committee – Legislator Read

Legislator Read reported the County Operations Committee met earlier this evening. He stated the Committee had a thorough discussion regarding the Board of Elections' Chargeback Policy, reviewing the past several years. Legislator Read would like to make sure the formula is fair for all.

The next meeting of the Committee is scheduled for Wednesday, May 14th at 6 p.m.

Finance Committee – Legislator Dame

Legislator Dame reported the Finance Committee met Wednesday, April 2nd at 5:15 p.m.

Resolutions #240 through #244 are included on the agenda upon the Committee's recommendation.

A request to expend \$15,000 in Occupancy Tax Reserve funds for signage associated with the creation of walking tour trails in Clinton County was discussed and approved by the Committee.

A request from the Capital District Off-Track Betting Corporation to support an E23 Casino Project to be located in the City of Albany in Albany County was discussed and approved by the Committee.

A major issue discussed was the use of a Project Labor Agreement for the Terminal Expansion Project. The Committee voted not to proceed with a Request for Proposals (RFPs) for a firm to do a Feasibility Study on the Project as doing so would jeopardize the County's ability to receive discretionary funding from the Federal Aviation Administration.

The next meeting of the Committee is scheduled for Wednesday, May 7th at 5:15 p.m.

Health Committee – Legislator Beach

Legislator Beach reported the Health Committee met Tuesday, April 8th at 5:15 p.m.

A presentation was made by Dana Isabella of the Clinton, Essex and Franklin Counties' Reality Check Program. Ms. Isabella was joined by three students from Northeastern Clinton Central School who are active in the Program. Legislator Beach stated in 2013, Tobacco Settlement funds were awarded to the Reality Check Program for the purpose of sending a few students to New York City to lobby against tobacco marketing for youth.

Kim Uhler, Administrative Assistant, Mental Health and Addiction Services, reviewed the Clinton County Mental Health and Addiction Services Report for March 28, 2014.

Jerie Reid, Director of Public Health, and Laurie Williams, Director of Prevention Services, were present for the meeting. Resolutions #245 through #252 are included on the agenda upon the Committee's recommendation.

The next meeting of the Committee is scheduled for Thursday, May 8th at 5:15 p.m.

Human Services Committee – Legislator Keenan

Legislator Keenan reported Resolution #253 is included on the agenda upon the Committee's recommendation.

The next meeting of the Human Services Committee is scheduled for Wednesday, May 7th at 6 p.m.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported the Personnel Committee met Monday, April 7th at 5:15 p.m. Resolutions #266 through #280 are included on the agenda under Waive Rule 13.2. Legislator Gallagher reported one reclassification request was not acted upon.

The next meeting of the Committee is scheduled for Monday, June 2nd at 5:15 p.m.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported the next meeting of the Plattsburgh International Airport Committee is scheduled for Wednesday, April 23rd at 5:15 p.m.

County Administrator Michael Zurlo asked Deputy County Administrator Rodney Brown to make an announcement regarding Republic Airline, Inc. Mr. Brown announced Republic Airline, Inc. will have one confirmed flight in April and May (and one possibly in June, July and August depending

on its success) to Atlantic City, New Jersey. The flight will leave Plattsburgh on Wednesday and will return to Plattsburgh on Sunday. The fare includes the flight, hotel, dinner and buffet. Mr. Brown stated he is unsure as to the number of seats available from Plattsburgh as it will first pick up passengers in Syracuse and then will stop in Plattsburgh. Legislator Langley stated this has been in the works for quite some time through the Plattsburgh-North Country Chamber of Commerce.

Public Safety Committee – Legislator Hall

Legislator Hall reported the next meeting of the Public Safety Committee is scheduled for Monday, April 14th at 5:15 p.m.

Transportation Committee – Legislator McManus

Legislator McManus reported the next meeting of the Transportation Committee is scheduled for Wednesday, April 16th at 5:15 p.m.

Liaison Reports

Chamber of Commerce – Legislator Read

Legislator Read reported the Strategic Tourism Planning Committee continues to meet and discuss marketing and tourism.

Intercounty – Legislator Langley

Legislator Langley reported the next meeting of the Intercounty Legislative Committee of the Adirondacks is scheduled for Thursday, April 24th in Lewis County.

Lake Champlain/Lake George Regional Planning Board – Legislator Langley

Legislator Langley reported he has signed and returned invoices to the Lake Champlain/Lake George Regional Planning Board.

Soil and Water Conservation District – Legislator Read

Legislator Read reported the next meeting of the Soil and Water Conservation Board is scheduled for Thursday, April 17th at 7 p.m.

Grievance Committee – Legislator Gallagher

Legislator Gallagher reported the Grievance Committee will meet Monday and Tuesday, April 14th and 15th at 9 a.m. The Committee will hear two grievances each day.

Discipline Review – Legislator Dame

Legislator Dame reported the Discipline Review Board met Tuesday, April 8th at 10 a.m. The decision made by the Board upheld the action of the Department Head.

Workforce Investment Board – Legislator Read

Legislator Read reported the Workforce Investment Board (WIB) has not met to date this year.

Staff Reports

County Attorney James Coffey requested an executive session for the purpose of discussing litigation matters regarding Dan's Hauling, Scott Geddes, Turtle Island, Filion and Bradley, as well as a discussion regarding ownership of utilities at the Plattsburgh International Airport.

Mr. Zurlo reported the Wednesday, July 2nd Finance Committee meeting has been rescheduled to Wednesday, July 16th at 5:15 p.m. Clinton Community College will be presenting its 2014-2015 Budget Request.

The following Resolutions were approved unless otherwise noted.

Resolution #235 titled, "Authorizing Contract with Cornell Cooperative Extension, Clinton County" was withdrawn.

Resolutions #236 through #240 were approved.

Resolution #241 titled, "Supporting E23 Casino Project Located in the City of Albany in Albany County" was motioned by Legislator Dame, seconded by Legislator Dyer. Carried (10-0-0).

Discussion:

Mr. Zurlo stated a vote in favor of this Project is not necessarily indicative of anyone's personal opinion on casino gambling. Due to the passage of the recent Ballot initiative, State voters approved the development of seven commercial casinos to be located throughout New York State; one of which will be in the Capital District. As the E23 Project is linked to Capital District Off-Track Betting, the Project will offer a revenue stream to Clinton County.

Resolutions #242 through #253 were approved.

Resolution #254 titled, "Authorizing Non-Signatory Airline Terminal Use Agreement with Republic Airline, Inc. – Plattsburgh International Airport" was motioned by Legislator Langley, seconded by Legislator McManus. Carried (10-0-0).

Discussion:

Mr. Zurlo stated Resolution #254 will authorize Republic Airline, Inc. the use of Terminal space at the Plattsburgh International Airport.

Resolutions #255 through #265 were approved.

Chairperson Dyer entertained a motion from Legislator Langley to Waive Rule 13.2, seconded by Legislator Beach. Carried (10-0-0).

Resolution #266 was approved.

Resolution #267 titled, "Approving Creation of a Permanent, Full-Time Airport Maintenance Coordinator Position – Plattsburgh International Airport" was motioned by Legislator Gallagher, seconded by Legislator Langley. Carried (9-0-1). Legislator Hall voted no.

Discussion:

Mr. Zurlo reported this Resolution does indicate this is a new position; however, it is not a new FTE -- it is a replacement of a vacant title.

Resolutions #268 through #277 were approved.

Resolution #278 titled, "Approving Backfill of a Permanent, Full-Time MEO II (PCN TBD) Position – Highway Department" was motioned by Legislator Gallagher, seconded by Legislator McManus. Carried (10-0-0).

Discussion:

Legislator Gallagher stated Resolutions #277 through #279 go together as a result of a promotion, and there are no new positions as a result of the promotion.

Resolutions #279 was approved.

Resolution #280 titled, "Approving Reappointment of Michael E. Zurlo to the Position of County Administrator – Legislative Office" was motioned by Legislator Gallagher, seconded by Legislator Langley. Carried (10-0-0).

Discussion:

Legislator Langley stated he has never had the opportunity in the past (as Chairperson of the Clinton County Legislature) to speak on Mr. Zurlo's behalf as he felt it would not have been appropriate. He stated Clinton County is well served by Mr. Zurlo in his efforts and due diligence in looking after the County's budget. Legislator Langley stated he appreciates Mr. Zurlo's years of service and performance.

Legislator Gallagher remarked he and former Legislator Robert Butler did a great job when they interviewed and recommended Mr. Zurlo for his original employment as Deputy County Administrator.

Chairperson Dyer asked if anyone had anything further to come before the Legislature this evening.

Legislator Gallagher offered a motion for a Feasibility Study to be conducted for a Project Labor Agreement to be completed no later than May 15, 2014; seconded by Legislator Waldron.

Legislator Hall asked how this would affect the Federal Aviation Administration Grant. Mr. Brown replied July 11th is the deadline to submit a Grant application to the Federal Aviation Administration. The County is relying heavily on Federal Aviation Administration funding to pay for the Terminal Building Expansion Project. The County could lose one year of discretionary funding in excess of \$5 million if the application is not submitted by the deadline. Mr. Brown stated the schedule includes May 19th as the date for advertising for bids and June 27th to July 10th for the dates to review the bids and award bids. Mr. Brown stated a Feasibility Study would have to be completed, as well as negotiations

completed for the Project Labor Agreement to include this in the bid document for advertising on May 19th.

Several Legislators commented on the merits of a Project Labor Agreement, as well as the concerns associated with completing the process necessary to initiate a Project Labor Agreement given the tight time schedule necessary to award a bid prior to the deadline established by the Federal Aviation Administration to accept Grant applications for Federal funding.

Legislator Dame commented on the importance of the Airport Expansion Project to the County and that we should not jeopardize the Project by engaging in the process of pursuing a Project Labor Agreement that may prevent the County from meeting the time requirements to apply for Federal Aviation Administration funding.

Legislator Read inquired about the possibility of including within the Feasibility Study a discussion of negotiating the percentage of local union workers that would be established for this Project.

Legislator McManus asked if wording could be added to the bid document that would permit the County to hire as much local labor as available, which would guarantee the ability to reject bids from those firms that did not accept this specification. County Attorney James Coffey indicated that he would look into this.

While there was clear support for hiring local firms and local workers, there was not a clear consensus that a Project Labor Agreement was the best method to accomplish this goal. In addition to the real time limits imposed by the Federal Aviation Administration to meet the Grant application deadline, another complicating factor is the need to identify a consultant to perform the Feasibility Study given the short timeframe.

Mr. Zurlo noted that to effectuate Legislator Gallagher's motion, the Board would have to authorize a contract with a firm to conduct a Feasibility Study as the County does not have the ability to contract with an unnamed firm.

Legislator Gallagher motioned to call for the question, seconded by Legislator Langley. The motion failed by a roll call vote of 6 Yes; 4 No (Messrs. McManus, Beach, Keenan, Dame); 0 Absent. The motion fails because a motion to call for the question requires a 2/3 majority or 7 votes. Mr. Zurlo stated the ability for discussion still exists.

Additional discussion centered on the necessity to include the name of a company in the motion so that the award of a contract could be accomplished. Some of the Legislators commented on the difficulty of identifying an unbiased company to complete the Feasibility Study, and the selection of a particular consultant would pre-determine the outcome of the study.

Legislator Gallagher withdrew his motion; Legislator Waldron withdrew her second.

Legislator Gallagher motioned to conduct a Feasibility Study for a Project Labor Agreement and award a contract to be completed by May 1, 2014, seconded by Legislator Waldron.

Legislator Gallagher motioned to call for the question. The motion failed due to the lack of a second. Mr. Zurlo stated the ability for discussion still exists.

Legislator Dame asked if anyone here believes a Project Labor Agreement will really provide a savings to the County. He also asked if anyone can convince him how a Project Labor Agreement can save money when by not having a Project Labor Agreement all workers are protected by the prevailing wage rate, labor laws, requirements and benefits. Legislator Dame stated the primary objective of a Project Labor Agreement is for union halls to control labor.

Legislator Langley commented that discussion on this topic is ill conceived. He stated insufficient time exists to enter into a contract with a consultant to complete a Feasibility Study and for the Study to be completed in time to meet the requirements to submit a Grant request to the Federal Aviation Administration.

Legislator Beach motioned to call for the question, seconded by Legislator Dame. A roll call vote was taken and the motion passed unanimously.

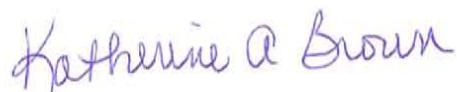
Mr. Zurlo took a vote on Legislator Gallagher's earlier motion to conduct a Feasibility Study for a Project Labor Agreement and award a contract so that such Study is completed by May 1, 2014. A roll call vote was taken and the motion failed by a vote of 4 Yes (Messrs. Read, Waldron, Gallagher, Hall); 6 No (Messrs. McManus, Beach, Dyer, Keenan, Langley, Dame); 0 Absent.

Chairperson Dyer entertained a motion from Legislator Gallagher to enter into Executive Session at 8:26 p.m. to discuss matters of pending litigation regarding Dan Hauling, Scott Geddes, Turtle Island, Filion and Bradley, as well the ownership of utilities at the Plattsburgh International Airport, seconded by Legislator Beach. Carried (10-0-0).

Chairperson Dyer entertained a motion from Legislator Gallagher to exit Executive Session and return to Regular Session at 9:23 p.m., seconded by Legislator Read. Carried (10-0-0).

There being no further business, Chairperson Dyer entertained a motion from Legislator Gallagher to adjourn Regular Session at 9:24 p.m., seconded by Legislator Hall. Carried (Carried 10-0-0).

Respectfully submitted,



Katherine A. Brown
Senior Stenographer