

COUNTY OF CLINTON)
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STATE OF NEW YORK)

September 2, 2014

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, August 27, 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 7:02 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 August 13, 2014 Regular Session, seconded by Legislator Keenan. (Carried 10-0-0).

Chairperson Dyer asked if anyone wished to address the Legislature.

Tara Lawrence of 1205 Rand Hill Road, Morrisonville addressed the Legislature regarding a situation she and her husband are currently in. Ms. Lawrence asked the Legislature to review the correspondence she had provided to each Legislator, and for the Legislature to give them their honest consideration and grant their request.

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

Committee Reports

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported the next meeting of the Children and Family Services Committee is scheduled for Thursday, September 4th at 6:15 p.m.

Finance Committee – Legislator Dame

Legislator Dame reported the next meeting of the Finance Committee is scheduled for Wednesday, September 3rd at 5:15 p.m. Mr. Zurlo reported the Plattsburgh-North Country Chamber of Commerce will present its tourism proposal for 2015.

Human Services Committee – Legislator Keenan

Legislator Keenan reported the next meeting of the Human Services Committee is scheduled for Wednesday, September 3rd at 6 p.m.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported the next meeting of the Personnel Committee is scheduled for Monday, October 6th at 5:15 p.m. However, he will be unavailable for the meeting. Mr. Zurlo stated if there are only a few items, the Personnel Committee can be polled. If there are numerous items and it is deemed that a meeting is necessary, a date will be scheduled for the Committee to meet in October.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported the Plattsburgh International Airport Committee met earlier this evening. Resolution #589 on the agenda has been withdrawn. Resolutions #587, #588, #590 and #591 are included on the agenda upon the recommendation of the Committee. The Committee discussed several items to include construction, and the scheduling of additional flights by Allegiant Air and how to best accommodate those flights. Mr. Zurlo asked if the number of flights had increased over last year.

Rodney Brown, the Deputy County Administrator, replied through July, 2014, the number of enplanements decreased by 1,500 to 2,000. However, he is hopeful that the extra flights this year and during the months of February, March and April, 2015 will increase that number.

Public Safety Committee – Legislator Hall

Legislator Hall reported the next meeting of the Public Safety Committee is scheduled for Monday, September 8th at 6:15 p.m.

Transportation Committee – Legislator McManus

Legislator McManus reported the next meeting of the Transportation Committee is scheduled for Monday, September 8th at 5:15 p.m.

Legislator McManus reviewed the proposed changes to the Clinton County Public Transit schedule which will be implemented on September 15, 2014. He requested all Legislators be provided with a copy of the proposed changes.

Liaison Reports

Chamber of Commerce – Legislator Read

Mr. Zurlo reported the Legislative Office has received for the Legislature's review, the marketing materials from the Plattsburgh-North Country Chamber of Commerce in anticipation of the Wednesday, September 3rd Finance Committee meeting.

Community Services – Legislator Beach

Legislator Beach reported the Community Services Board met Tuesday, August 26th. He reported for 2014 to date, the Suicide Hotline has received 429 calls; the total number of calls in 2013 was 195. Legislator Beach stated he links this issue to public safety and has discussed this with Sheriff Favro. He stated bullying is tied to suicide and whatever the County can do regarding this issue would be beneficial. Legislator Beach also stated he hopes a Resource Officer can be placed in those schools in need of one. Mr. Zurlo stated he has also discussed this issue with Sheriff Favro.

Cooperative Extension – Legislator McManus

Legislator McManus reported the Agriculture Tour is scheduled for Friday, September 26th. All Legislators have been provided with information from Cornell Cooperative Extension regarding the tour.

Board of Health – Legislator Beach

Legislator Beach reported the Board of Health met Monday, August 18th. The Board reviewed the Health Department's 2015 budget. He reported a 2.4 percent increase in the budget, which amounts to \$84,362.

Legislator Beach reported the Clinton County Health Department was not selected to be one of the five participants for the Way to Wellville. The Board acknowledged Jerie Reid, the Director of Public Health, for the great job she and Health Department staff did in preparation for the selection process.

Intercounty – Legislator Langley

Legislator Langley reported the Intercounty Legislative Committee of the Adirondacks met Thursday, July 24th in Herkimer County. The Committee toured CTM Corporation which produces 3D printing. Legislator Langley indicated Herkimer County no longer has a Home Health Care Program due to its cost.

The next meeting of the Intercounty Legislative Committee of the Adirondacks will be a joint meeting with the Intercounty Association of Western New York (as part of the New York State Association of Counties (NYSAC) 2014 Fall Seminar) in Buffalo on Wednesday, September 24th.

Soil and Water – Chairperson Dyer

Chairperson Dyer reported a meeting of the Soil and Water Conservation District Board was held Thursday, August 21st. The Board discussed a potential new appointment to the Board. Mr. Brown noted a resolution to authorize an appointment to the Soil and Water Conservation District Board will be placed on the agenda of the Wednesday, September 10th Regular Session.

Lake Champlain/Lake George Regional Planning Board – Legislator Langley

Legislator Langley reported the next meeting of the Lake Champlain/Lake George Regional Planning Board will be scheduled for the end of the year.

Grievance Committee – Legislator Gallagher

Legislator Gallagher reported the Grievance Committee met Tuesday, August 26th for two grievances. He indicated one grievance will go to the Labor Management Committee for discussion; the second grievance was denied.

Legislator Langley indicated while he served as Chairperson of the Legislature, he was unaware of some issues. In particular, because so many items in the contract were not resolved, issues were settled on money and were agreed to discuss later. Legislator Langley stated when you have a grievance, sometimes it is because the contract language does not deal with it and thus, a Memorandum of Understanding is added to the contract. He believes more effort needs to be put into labor management in dealing with some of the issues. He stated if the contract language is clear it will benefit everyone. Mr. Zurlo noted there was difficulty in trying to establish a Labor Management Committee. He stated a Labor Management Committee is in place and has been used. He also stated as specific as we try to be during the collective bargaining process, there tends to be some interpretation issues when attempting to put things in place. Mr. Zurlo indicated the relationship between management and labor is fairly good. He stated the contract is up at the end of 2015, and he hopes to have more clarity on some of the items which lead to grievances.

Workforce Investment Board – Legislator Read

Legislator Read reported the quarterly meeting for next month has been delayed due to the process of hiring a new Executive Director. He suggested the Legislature or members of the Legislature meet with the candidates as this position is a high profile, economic driver of the community. Mr. Zurlo replied traditionally, the Workforce Investment Board has not entertained this type of participation from any of the counties in the four-county region. Thus, it may be difficult to have any impact on who is selected. However, he stated, Clinton County plays a large role and without its role, that money is not

getting to all of the counties involved. Mr. Zurlo indicated he will contact the Workforce Investment Board to see how the County can be part of this process

Legislator Gallagher stated there is money to be spent in the four counties. He noted he served on the Workforce Investment Board from 1985 through 2011. He stated he is presently a member of the Youth Committee, but he has not heard anything regarding the Committee in over a year.

Legislator Read stated under new business, he would ask the Legislature to either discuss the issue brought up by Ms. Lawrence at the beginning of the meeting or the bigger issue of the pragmatic treatment of properties that may go unsold because of owing real estate interest. He suggested there may be ways to generate more revenue for the County by allowing some of these various transactions to go through.

Staff Reports

County Attorney James Coffey requested an Executive Session to discuss Castine vs. Zurlo in his official capacity as Clinton County, the 11-87 Gas Station to George Moore in the Tax Sale, Dan's Hauling and Paul and Rachel Risetto.

Mr. Zurlo stated he did not have a report.

Chairperson Dyer reported the Clinton and Franklin County Farm Bureaus are sponsoring a "Meet the Candidates Night" for the 23rd Congressional District on Thursday, September 18th at 7 p.m. at Clinton Community College. He stated he would like to see the Legislature well represented at this event.

The following Resolutions were approved unless otherwise noted.

Resolutions #587 and #588 were approved.

Resolution #589 titled, "Authorizing Contract Amendment with Republic Parking System, Inc. – Plattsburgh International Airport" was withdrawn.

Resolutions #590 and #591 were approved.

Resolution #592 titled, "Authorizing the Implementation of Financial Eligibility Guidelines for the Clinton County Bar Association Assigned Counsel Plan – Assigned Counsel/Legislature"

Legislator Hall motioned to approve the resolution, seconded by Legislator Beach. Carried (10-0-0).

Discussion:

Legislator Dame asked if the guidelines were being changed. Mr. Zurlo replied that no guidelines presently exist. He stated this resolution will establish guidelines as per the review of the County's Assigned Counsel Plan by Justin Meyer, Esq., the Administrator of Legal Defense of Indigent Defendants. Mr. Zurlo stated this is not a diminishment in any means -- it is an establishment for the Magistrates to have a clear understanding of when an individual should be deemed indigent.

Resolutions #593 through #602 were approved.

Chairperson Dyer entertained a motion from Legislator Gallagher to enter into Executive Session at 7:40 p.m. Legislator Read asked if the Legislature could take care of the new business before entering into Executive Session. Legislator Gallagher asked Legislator Read what he hopes to accomplish. Legislator Read replied he would like to have a discussion on Ms. Lawrence's issue. Legislator Gallagher stated he understands Legislator Read's general concern but stated he is not prepared to enter into discussion regarding this issue. Legislator Gallagher withdrew his motion for Executive Session.

Legislator Read stated all Legislators have received correspondence regarding this issue. He stated he believes this raises a bigger issue. Legislator Read stated sometimes because of interest, penalties, etc., the County holds properties from going to either auction or legitimate sale. This particular case could result in a bankruptcy and a much more prolonged process, and ultimately, failure to successfully auction off the property in some other way. He would like to see a pragmatic way to hold harmless the individual in trying to put property on the tax base much like this situation, and asked if there is a process in place.

Mr. Zurlo replied the process, notwithstanding Ms. Lawrence's issue, is if taxes are not paid, the County is obligated to make the school district and the township whole. He stated anything the County makes whole is re-levied on the following year's taxes before the foreclosure process, and included in this are interest and penalties. If taxes are not paid by a certain date, the interest and penalties do accrue. The schools and the townships do not feel the burden as the County pays them. If they continue to not get paid, the next step is the In-Rem Foreclosure process.

Legislator Read stated in this case, the principal taxes owed will be paid, but the interest is beyond the contract for this party. In the interim, the selling party has chosen not to pay the taxes. They will be paid at the closing date, but interest is accrued. If the sale is prevented, it could end up in a bankruptcy position, and the County could not get anything for a long period of time and may settle for cents on the dollars essentially. Mr. Zurlo stated if a bankruptcy takes place, it would not extinguish the County's financial lien on the property.

Legislator Hall stated he had constituents who were going to have property taken away for not paying their taxes and came up with the money to pay the taxes but did not have the money for the penalty and interest and had to come up with it. He asked Deputy County Treasurer Greg Bell if this has been done before. Mr. Bell replied not that he was aware of. He stated the Real Property Tax Law does not allow an individual to not pay the penalty and interest. He stated the only time he is aware of where the County would take less for the penalty and interest is if the property were at County Auction and the bid came in less, and the County can chose to as it owns the property.

Ms. Lawrence stated Real Property Tax Law, Section 1182, does provide the opportunity for the Legislature to make an exception if they should so desire. Chairperson Dyer indicated to Ms. Lawrence that she is not permitted to address the Legislature at this time during the meeting.

Chairperson Dyer clarified that he and Legislator Read met with Ms. Lawrence six weeks ago, and that Legislator Dame had also spoken with Ms. Lawrence. Chairperson Dyer stated he further investigated Ms. Lawrence's issue and had spoken with County Treasurer Kimberly Davis, former County Treasurer Joseph Giroux and Deputy County Treasurer Greg Bell, and was informed that no "deals" had ever been made like this in the past. He did state, however, Ms. Lawrence is correct with regard to the Legislature having the authorization to make an exception.

Mr. Zurlo clarified the amount referenced in the paperwork for interest, penalty, principal and taxes total \$11,677; the amount of interest and penalty owed is \$2,422.10.

Legislator Hall asked for clarification that no exception was ever made before. Mr. Zurlo replied to his knowledge, the County has never made this type of exception.

Mr. Bell stated he spoke with former County Treasurer Janet Duprey, and she also did not recall an exception ever being made.

Legislator Gallagher stated the Legislature should not entertain this discussion with the public unless authorized by the passage of a motion.

County Attorney James Coffey stated this is a contractual problem rather than a municipal problem.

Legislator Gallagher motioned to enter into Executive Session at 7:55 p.m., seconded by Legislator Langley. Carried (10-0-0).

Legislator Hall motioned to exit Executive Session and return to Regular Session at 8:25 p.m., seconded by Legislator Gallagher. Carried (10-0-0).

There being no further business to come before the Legislature, Legislator Gallagher motioned to adjourn the meeting at 8:26 p.m., seconded by Legislator McManus. Carried (10-0-0).

Respectfully submitted,



Katherine Brown
Senior Stenographer