

COUNTY OF CLINTON)  
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STATE OF NEW YORK)

March 14, 2013

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, March 13, 2013 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: Jonathan Beach, Area 2  
Robert Butler, Area 6  
Mark Dame, Area 8  
Samuel Dyer, Area 3  
John Gallagher, Area 9  
Pete Keenan, Area 5  
James Langley, Jr., Chairperson, Area 7  
Harry McManus, Area 1  
Sara Rowden, Area 4

EXCUSED: Robert Heins, Area 10

ALSO PRESENT: Michael Zurlo, County Administrator  
Rodney Brown, Deputy County Administrator  
William Favreau, County Attorney  
Melody Lemieux, Principal Stenographer

Chairperson Langley called the meeting to order at 7:00 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. Legislator Heins asked to be excused.

Legislator Rowden offered a motion to accept the minutes of the February 27<sup>th</sup> Regular Session, seconded by Legislator Dyer. (Carried 9-0-1).

Chairperson Langley asked if anyone in the audience wished to address the Legislature. He asked that individuals raise their hand and state their name and address for the record. In accordance with the Rules of Order, all speakers were limited to five minutes.

Attorney Frank Zappala spoke regarding Resolution #216 titled, "Opposing Proposed Relocation of Plattsburgh Workers' Compensation Board Hearing Site." He stated if the Plattsburgh location was to close, it would not only affect citizens, it would also affect employers as many times employers have to bring witnesses to Workers' Compensation hearings to testify. He thanked the Legislature for its support of this Resolution and urged the Legislature to follow up with the Governor's Office on this matter.

Legislator Butler stated he has been in contact with Senator Little, Assemblywoman Duprey and Garry Douglas, President of the Plattsburgh-North Country Chamber of Commerce regarding this matter. Our State representatives have been in contact with the Workers' Compensation Board regarding this issue.

Bob Supernault of Mooers Forks addressed the Legislature regarding New York State's recently-adopted Secure Ammunition and Firearms Enforcement (SAFE) Act. He stated he has had a pistol permit for over 50 years and has no criminal record. He feels the SAFE Act is "baloney," and it's hurting law-abiding citizens. This legislation does not address the real problem--the criminals with guns.

Mike McManus of Rouses Point stated he does not understand why the State of New York wants to punish him, he did nothing wrong. He stated there has been no concerted effort to take the guns away from gangs, drug dealers, etc. He stated all of the people in the Legislative Chambers tonight have not done anything wrong, they are all law-abiding citizens who want their right to the Second Amendment.

Gary Parrotte of West Chazy stated he has lived in Clinton County all of his life and is retired from the New York State Department of Parks and Recreation after 35 years of service. He feels the SAFE Act is unnecessary and unmanageable and urged that it be repealed. He stated it is not the guns in this country that kill people; it is people that kill people. He stated there are already plenty of laws on the books to punish criminals. He feels there should be more severe punishments imposed on these criminals to keep them off the streets. Criminals will still get guns because they don't follow the law. Mr. Parrotte stated this legislation was passed under the cover of darkness and did not allow for any public input. He does not feel much thought was put into this law. He urged the Clinton County Legislature to join with the many other counties in New York State to oppose the SAFE Act and urge that it be repealed.

Mary Alice Shemo of Plattsburgh believes there are good aspects to the SAFE Act. She wants her grandchildren to be safe going to school, to the mall, to the movies, etc.

Ed Duda of Champlain stated the Governor violated their First Amendment Right by not allowing anyone to comment on this legislation. Citizens never had an opportunity to do so because this legislation was passed in the hours of darkness. Secondly, the Governor is violating their Second Amendment Right, the right to bear arms. Mr. Duda quoted New York State Penal Law, Section 265.4 which states it is a Class B Felony to possess 10 or more fire arms. Therefore, if you are a gun collector and are in possession of 10 or more guns, you can face between one-to-nine years in jail. Mr. Duda urged that the SAFE Act be repealed.

Mike McCorry of Dannemora also opposes the SAFE Act. He feels this goes beyond gun control; it's now about citizens' Constitutional rights. He does not agree with how this legislation was passed. The provision of the Second Amendment was installed for one purpose--to protect your family, your property and an oppressive government. He feels government should stop treading on innocent, law-abiding citizens. They are not the problem. The problem is with the criminals who do not abide by the law.

Joel Cutter of Beekmantown stated his opposition to the SAFE Act and his support of the Bill of Rights.

Maureen McManus of Rouses Point stated she wonders why New York State is in such a panic to disarm its citizens.

Larry Velie of Plattsburgh serves as Vice President of the Clinton County Federation of Fish and Game Clubs. Mr. Velie stated there are 4,000 members in this club, and they are all in support of repealing the SAFE Act. He feels the SAFE Act is unnecessary and oppressive.

Paul Johnston of Peru spoke in opposition of the Resolution and supports gun regulation. He stated the Second Amendment was intended for arming militias.

Karen Bisso of the Town of Plattsburgh stated adopting this legislation was not a knee-jerk reaction by the State of New York. Approximately one year ago, A.3081 was drafted and had similar components of the SAFE Act. The legislation was passed by the Assembly but failed in the Senate. New York State used the crisis in Connecticut to get the SAFE Act passed. Citizens' freedom and the Constitution have come under attack. This legislation turns law-abiding citizens into criminals. From the unconstitutional violation of the Second Amendment, the corrupt methods used to sneak the legislation through the dead of night, and the tyrannical abuse and/or misuse of the power of the Governor used to get it to his desk. Many State officials have stated they did not read the Bill. Ms. Bisso stated she feels this legislation should be repealed as it is unconstitutional and it violates people's civil rights.

Fred Hoffman of Peru stated his opposition to the SAFE Act. Mr. Hoffman served in the United States Air Force for 23 years. He took an oath to defend the Constitution and had a duty not to obey any orders that were unlawful.

Mike and Ann Marie Farrell of Plattsburgh oppose the SAFE Act. They feel it is a conspiracy to disarm citizens of the State of New York as it infringes upon the Second Amendment and the right to bear arms. Mr. Farrell referenced the Harvard Journal of Law and Public Policy which states that gun control is counter-productive, it does not work. They asked that the SAFE Act be repealed. An amendment should not be an option as it negatively impacts law-abiding citizens. Mr. Farrell presented a petition with 1,500 signatures stating opposition to the SAFE Act. The petition first began circulating Friday, March 8<sup>th</sup>.

Carl Tweetan of Peru stated he does not feel the SAFE Act Resolution is nearly as strict as it needs to be. It does not go far enough to protect rights of citizens of New York State.

Mike Dellelo of Schuyler Falls stated he was a Federal Prison Guard. He stated as a gun owner, he felt very emotional about the killings in this country and how vilified gun owners were by the media and the government. He now works in a pharmacy and every day, he feels he may be in more danger than when he was in the Federal prison system. He relies on the people that surround him that may have permits to carry concealed firearms.

Peter Straub of Plattsburgh stated the United States has a severe gun problem. In passing the SAFE Act, New York State did not address the problem. The State expects honest people to follow the legislation. Criminals don't obey laws. If the State wants to do something, they should enforce the existing laws that are already on the books. Mr. Straub spoke regarding the Boston Gun Project. Illegal gun dealers were sought after. These individuals were arrested, but served no more than 6 months in jail because they were able to plea bargain down their charges. Stiffer penalties should be enforced to keep them off the street. Plea bargaining should not be allowed.

Jeremy Ero of Peru stated his opposition to the SAFE Act.

Kenneth Macey of Plattsburgh reported he is a certified National Rifle Association (NRA) instructor. He feels the SAFE Act hinders law-abiding citizens. This law was passed very quickly. We should go after those that are unlawfully allowed to own firearms. Those are the individuals that pose danger to everyone.

Mary Van of Plattsburgh stated she has been a gun shop owner for 45 years. She stated she feels the SAFE Act is very restrictive and is hurting law abiding citizens. Additionally, she feels it will hurt New York State's economy. This is also in violation of the Second Amendment. She stated her opposition to the SAFE Act.

Sheriff Dave Favro of Peru stated he has been in law enforcement for 32 years. Sheriff Favro stated this legislation is very complex. He agrees that we do need a safer community, we want to reduce gun violence, we want to reduce all violence. He stated we need to implore our government to work on programs to try to reduce violence in every community. Jail reform is needed more than gun laws. If you want to reduce violence, you need to have a system that is punitive. Plea bargaining should be eliminated as it happens far too often. We need to make it a true penalty to have to go to jail with mandatory sentences. Another important issue is that funding must be provided for mental health care for those who need it. He challenged the Senate and Assembly members to go back and take a look at what the problem is and address it.

Richard Shaefer urged the repeal of the SAFE Act. He feels this will drive even more businesses out of New York State; revenues will be lost and unemployment and welfare rates will increase. His Constitutional rights state that he has a right to bear arms. He is a law-abiding citizen. Why tax law-abiding citizens for this new legislation? New York State should implement existing laws instead of making more laws.

Chris Keesh of Cadyville stated he opposes the SAFE Act and read quotes regarding firearms from former presidents.

David Gorden of Plattsburgh stated the language regarding mental health in the SAFE Act is very vague. Mr. Gorden stated he does not see where going from 10 to 7 chambers will prevent any deaths. It will only criminalize legal owners of guns. This legislation will take away further Constitutional rights. He stated this Country needs mental health reform. Mr. Gorden stated he opposes SAFE Act.

Joanna Mueller of Plattsburgh stated she feels the SAFE Act does not address the real issue at hand--protection from the government. She stated she has the right to bear arms against the government or anyone who wishes to harm her. This legislation was passed behind closed doors, and that is a big issue for her. Guns are not the issue. This legislation will not prevent more shootings on school campuses. This legislation is taking guns out of the hands of law-abiding citizens, making them less safe. This law does not address mental health. Laws and gun bands do not stop criminals. She ended with a quote from Thomas Jefferson, "When the people fear the government, there is tyranny, when the government fears the people, there is liberty."

Dave Hardman of Dannemora stated he was very disappointed that someone had asked at the beginning of the meeting if the meeting could be moved to a larger location so everyone could hear. Chairperson Langley replied there are rules governing public meetings regarding when and where a meeting will be held. You cannot just decide at the last minute to move a meeting. Secondly, Chairperson Langley stated the SAFE Act is not a County law; it is a New York State law. The County Legislature is giving County residents an opportunity (which the State of New York did not provide) to hear their feelings on this important issue. Mr. Hardman stated criminals don't obey the laws now. Guns do not kill, criminals kill.

Clarence Trudeau of Plattsburgh stated this Country is about democracy. If anyone was in favor of the SAFE Act, they would have been in attendance this evening. There are a great majority of people who oppose legislation. As duly-elected officials, it is their duty to represent the people. He urged the repeal of the SAFE Act. There were 1,500 signatures against the SAFE Act, not one in favor of it.

There being no further speakers, Chairperson Langley moved onto committee reports.

## **Committee Reports**

### **County Operations Committee – Mark Dame**

Legislator Dame reported the Committee met Tuesday, March 5<sup>th</sup> at 6:15 p.m. There are several resolutions on the agenda. He would be happy to answer any questions.



### **Finance Committee – Sara Rowden**

Legislator Rowden reported the Finance Committee met Wednesday, March 6<sup>th</sup> at 5:15. There are several resolutions on the agenda. The next meeting will be held Wednesday, April 10<sup>th</sup> at 5:15 p.m.

### **Health Committee – Jonathan Beach**

Legislator Beach reported the Health Committee was polled on Resolutions #190 through #198. Legislator Rowden stated on Tuesday, March 19<sup>th</sup> at the Cumberland Theatre, there will be a premier showing of “Addiction” which deals with the tobacco industry and cigarette addiction.

Legislator Beach reported he and Mr. Zurlo met with officials from the Town of Dannemora, the Governor’s Office, the New York State Department of Transportation, Senator Little’s office and Assemblywoman Duprey’s office regarding the salt contamination issue in the Town of Dannemora. A study should be completed by early April which will look at various solutions that have been proposed to resolve this issue.

### **Human Services Committee – Pete Keenan**

Legislator Keenan reported 14 World War II veterans from Clinton County will be traveling to the National World War II Memorial in Washington, D.C. on May 18<sup>th</sup>. Any veteran of World War II is eligible for this all-expense paid trip.

### **Personnel Committee – John Gallagher**

Legislator Gallagher reported the Personnel Committee was polled on Resolutions #202 through #204. The Personnel Committee meeting scheduled for Monday, April 1<sup>st</sup> will be rescheduled to Tuesday, April 9<sup>th</sup> at 5:15 p.m.

### **Plattsburgh International Airport Committee – James Langley, Jr.**

Chairperson Langley reported on the Plattsburgh International Airport Committee on behalf of Legislator Heins who had asked to be excused. He reported he, Airport Manager Chris Kreig and Deputy County Administrator Rodney Brown traveled to New York City on Wednesday, March 6<sup>th</sup> to meet with Federal Aviation Administration (FAA) officials to discuss potential funding. Clinton County anticipates they will receive word by March 25<sup>th</sup>.

Mr. Zurlo reported Clinton County’s two engineering firms were also in attendance at the meeting with the FAA. McFarland Johnson focused on the Terminal Expansion Project, and C & S Engineers, Inc. reported on the Military Airport Program (MAP).

### **Public Safety Committee – Robert Butler**

The Public Safety Committee met Monday, March 11<sup>th</sup> at 6:15 p.m. The Committee discussed the SAFE Act. A second meeting was held the following morning wherein a couple of changes were made to the Resolution.

Sheriff Favro was present at the Public Safety Committee meeting to discuss the issue of overnight camping in parking lots. He suggested a meeting with stakeholders be organized to discuss this issue further.

### **Transportation Committee – Harry McManus**

The Transportation Committee met on Monday, March 11<sup>th</sup> at 5:15 p.m. The Committee discussed Clinton County Public Transit's (CCPT) Paratransit service which provides transportation services to persons with disabilities which prevents them from utilizing the regular fixed-route services. CCPT has one vehicle to provide services in the City and one vehicle to provide services in outlying areas. Due to the low number of vehicles, there will be some trip denials. It was the consensus of the Committee to move forward in a proactive manner, to assess the increasing demands for these services and make a determination as to future equipment, employment and other needs.

The Committee was provided with an update on the Narrows Road Bridge. The County continues to work towards an amicable resolution with the parties involved. The County is also concurrently moving ahead with the project to replace the arch units. Bids will be opened on Monday, March 25<sup>th</sup>, and the bid will be awarded on March 27<sup>th</sup>.

### **Liaison Reports**

#### **Cooperative Extension – Harry McManus**

Resolution #189 on the agenda will authorize the County Treasurer to appropriate and transfer funding from the Tobacco Reserve to fund Cornell Cooperative Extension's proposed Fresh Steps to Healthy Living Program.

#### **Intercounty Legislative Committee of the Adirondacks – Mark Dame**

Legislator Dame reported the next meeting of the Intercounty Legislative Committee of the Adirondacks will be held Thursday, March 21<sup>st</sup> in Saratoga County.

#### **Discipline Review – Sara Rowden**

Mr. Zurlo stated a Discipline Review Committee meeting will be scheduled in the near future. The Committee is waiting for the Union to provide the names of individuals who will be participating.

### **Staff Reports**

#### **County Attorney – William Favreau**

County Attorney William Favreau reported Judge McGill signed the final judgment of foreclosure and recognized Local Law #1 of 2013 which was adopted to give the 45-day extension to the final date for redemption. However, Judge McGill signed it four days earlier than anticipated;

therefore, instead of Friday, March 15<sup>th</sup>, he signed it Monday, March 11<sup>th</sup> which would bring the final date to pay/redeem property to Thursday, April 25<sup>th</sup>. Properties are being posted and final notices are being mailed out this week. There are approximately 80-85 parcels that have still not been redeemed, and this includes approximately 40-45 residences.

### **County Administrator – Michael Zurlo**

Mr. Zurlo requested an Executive Session to discuss a matter of pending litigation, collective negotiations and the sale or lease of real property.

There being no further reports, Chairperson Langley moved onto resolutions. The following resolutions were unanimously adopted unless otherwise noted.

Resolution #174 through #183 were unanimously adopted.

Resolution #184 titled, “Approving Creation of Six Permanent, Part-Time Deputy Sheriff Positions – Sheriff’s Department” was moved by Legislator Gallagher and seconded by Legislator Butler.

Discussion: Legislator Dame stated he is concerned with having \$160,000 in overtime in the Sheriff’s Department’s Patrol Budget and \$80,000 of overtime in the Airport’s Security Budget. He stated he feels they need to address the problem of why there is so much overtime. There is \$108,000 in payroll security costs at the Airport and \$80,000 of overtime. Seventy percent of the payroll budget is going towards overtime, and he doesn’t understand that type of staffing as that would not be a normal operating procedure from many business standpoints. He stated the Sheriff’s Deputies’ Patrol Unit has grown 113 percent in 10 years, and the inflation rate has been 28 percent. A projectory like that in local government is unsustainable, and property taxpayers are not going to be able to afford it. He feels the Legislature will have to make some decisions as to what services will need to be reduced because it is going to be unsupportable. Some of the services the Deputies are performing, in particular, road patrols, traffic violations, etc. is a duplication of services with the New York State Police. He stated he could not support this resolution. The Resolution was adopted by a vote of 8-1-1. (Legislator Dame voted no; Legislator Heins was excused). Carried.

Resolutions #185 through #204 were unanimously adopted.

Resolution #205 titled, “Opposing the Process of Enactment of the New York Secure Ammunition and Firearms Enforcement Act (NY SAFE Act) and Certain Provisions Contained Therein” was moved by Legislator Butler and seconded by Legislator Beach.

Discussion: Legislator McManus stated that during his six-year tenure on the Clinton County Legislature, the Legislature has listened to citizens’ input and tried to forge a consensus in its decision making. Governance is always about trying to work together, even if everyone doesn’t agree. More specifically, on the issues the Legislature is trying to influence representatives in Albany, it is most desirable to speak with one voice. The Clinton County Legislature is made up of five Republicans and five Democrats. During the last ten years, the Legislature has never had a partisan vote. The Legislature felt there would be a greater chance of the Resolution being taken seriously if it was voted upon unanimously by all members. The County Legislature met with the County Clerk, the County Sheriff and the Director of Mental Health and Addiction Services before



drafting this Resolution. Public comments received at the Monday, March 11<sup>th</sup> Public Safety Committee and again at tonight's Regular Session were also taken into consideration in drafting this Resolution to call for repeal or amendment of the SAFE Act. He personally had numerous problems regarding the SAFE Act, from poorly-worded definitions of assault weapons and clips to major impediments to our medical health care system, to unfunded mandates, and the list goes on. He does believe in the Second Amendment as interpreted by both the Heller and the McDonald decisions by the Supreme Court in the last five years. The SAFE Act does contain some measures that are positive and help in the fight to combat senseless and indiscriminate killing.

Legislator Keenan stated he believes this Resolution is a good compromise.

Legislator Dyer stated he has spoken to a great number of people regarding the SAFE Act. He was very pleased to hear from the public on this important issue, and it really helped in drafting a Resolution that everyone can support.

Legislator Rowden stated that this is her 13<sup>th</sup> year serving as a County Legislator. She too noted there have been no party line votes during her tenure. The citizens who spoke here tonight are not the problem, they are law-abiding people, and have the right to have guns. She stated she personally supports gun regulation—not gun control. Her biggest concern with this law is how it deals with the issue of mental health. She personally worked in the mental health field for many years, and she sees this law as problematic in that it will be a deterrent for many people to seek mental health services. People coming back from war with Post Traumatic Stress Disorder are going to be reluctant to seek mental health services. It is not the individuals that have been diagnosed with mental health problems—the problem is with those who have gone undiagnosed. Further, it stigmatizes mental illness. Legislator Rowden stated this Resolution was a compromise. It was her personal opinion that the SAFE Act should be not repealed, it should be amended. Good legislation is the art of compromise. She hopes New York State lawmakers will go back, talk to the citizens, County Clerks, mental health professionals, law enforcement professionals, etc. to make amendments to the legislation and not punish law-abiding citizens.

Legislator Butler thanked all those in attendance this evening. He stated this legislation was passed without citizens' input and was passed during the middle of the night. He stated the best laws are those that have input from citizens and professionals. Government should not tell people, "This is the way it's going to be and that's it." That's not the American dream—that's not the way government is supposed to run—it's a very poor way of doing things. The County Legislature changed the language of the Resolution in response to comments received at the Public Safety Committee meetings, and he thanked everyone for coming out to speak.

Legislator Butler stated he urges the repeal of the SAFE Act. If the State does not vote to repeal this, he believes the State should make amendments to the legislation. He stated the Clinton County Legislature hears what their constituents say, they respect what they have to say, and they don't want to take guns out of the hands of law-abiding citizens.

Legislator Beach thanked all those who came to communicate their feelings on this very important issue tonight, as well as those who participated at Monday's Public Safety Committee meeting. He feels this is a communication Albany clearly missed in passing this law. He stated he was elected last year to serve this community, and it's this communication that is the most important aspect of relationships with constituents. If legislators don't know what its citizens want, what good

are they? He stated the willingness everyone has shown to speak out on this issue is outstanding. He encouraged people to attend the Clinton County Legislature's Regular Sessions each second and fourth Wednesday of the month, or any committee meeting. If citizens have an interest or concern, he invited them by all means to come out and be a part of it. This is how the Legislature learns. At Monday's Public Safety Committee meeting, somebody pointed out this law has the potential for having negative impacts on our veterans. He thanked all veterans, first of all, for their service and their hard work. He stated he would do anything he could to protect their rights as they have worked so hard and given up so much to protect us. Legislator Beach thanked his legislative colleagues for gathering to listen to the public (something Albany failed to do), come back together and reconsider and make some changes to the Resolution. He agreed with Legislator Butler that the Democrats and Republicans on the County Legislature are coming together as a unit to say get rid of this law, or at least fix it. There are many parts of this law that are not acceptable. This demonstrates legislation WITH representation which is something Albany missed. He hopes we can all go forward and build a community and a nation that we all love.

Legislator Gallagher stated it is such a pleasure to serve as a Legislator in Clinton County. Education is the key for educating gun safety. He noted the importance of going after criminals' guns. If that were done, he feels there would be a significant impact on the violence. He agreed with his colleagues--the SAFE Act does not solve the real problem.

Legislator Dame stated he has a major problem with the way Albany conducts their government. What happened here tonight is direct democracy; and that's a beautiful thing . . . people being involved. When there is a clear, large majority of individuals that feel a certain way, he is obligated to go that way. If his conscious conflicts with his constituents too many times, then he really shouldn't be running for the office. Legislator Dame stated he respects residents' rights, he respects their voices. The people have spoken, and he has listened.

Legislator Langley thanked everyone in the audience and his fellow legislators. Legislator Langley noted the importance of compromise. He does not feel we should just send the Resolution to Albany, we should also send the minutes of the meeting. There have been other issues which dealt with Constitutional rights for several years, they did not give this issue any time, they just rushed it through. That in and of itself is too much.

Resolution #205 was unanimously adopted.

Resolutions #206 through #214 were unanimously adopted. Carried (9-0-1).

Resolution #215 titled, "Approving Application for Correction of Errors – Town of Plattsburgh" was adopted by a vote of 8-0-1-1. Legislator Dame abstained.

Resolution #216 was moved by Legislator Butler and seconded by Legislator Dyer

Discussion: Legislator Dyer stated this is a big problem, not just about the employee; it's about the employer as well. He would like to see the Saranac Lake site close as it handles less people than the Plattsburgh location. Legislator Butler stated people shouldn't have to travel such a distance when many already have medical issues that make it difficult to travel. Discussion ensued on the issue, but it was decided to vote on the Resolution in front of the body. Carried (9-0-1).

Resolutions #217 through #229 were unanimously adopted.

Legislator Gallagher motioned to enter into Executive Session at 9:26 p.m. to discuss a matter of pending litigation, collective negotiations and the sale or lease of real property, seconded by Legislator Butler. Carried (9-0-1).

Legislator Dyer motioned to exit Executive Session and return to Regular Session at 10:55 p.m., seconded by Legislator Rowden. Carried (9-0-1).

Legislator Keenan motioned to adjourn the meeting at 10:56 p.m., seconded by Legislator Butler. Carried (9-0-1).

Respectfully submitted,



Melody Lemieux  
Principal Stenographer

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