

COUNTY OF CLINTON)
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STATE OF NEW YORK)

May 28, 2015

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, May 27, 2015 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: Jonathan Beach, Area 2
Mark Dame, Area 8
Samuel Dyer, Chairperson, Area 3
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 E. Zurlo, County Administrator
Rodney Brown, Deputy County Administrator
James Coffey, Esq., 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 Michel Zurlo conducted roll call. All Legislators were present.

Legislator Hall motioned to accept the minutes of the May 13th Regular Session, seconded by Legislator Read. (Carried 10-0-0).

Chairperson Dyer reported on the agenda this evening is a public hearing regarding a proposed Local Law titled, "Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 405(b)." Mr. Zurlo read the Notice of Public Hearing. Chairperson Dyer entertained a motion from Legislator Hall to open the Public Hearing at 7:02 p.m., seconded by Legislator Keenan. There being no one to address the Legislature regarding the proposed Local Law, Chairperson Dyer entertained a motion from Legislator Gallagher to close the Public Hearing at 7:06 p.m., seconded by Legislator Beach. Carried (10-0-0).

Chairperson Dyer asked if anyone wished to address the Legislature. He stated the Rules of Order will be suspended this evening for two speakers who will be addressing the Legislature and will be speaking longer than the allotted five minutes.

Chairperson Dyer recognized John Seiden who resides in the City of Plattsburgh. Mr. Seiden thanked the Legislature on its hard work for a host of items. Mr. Seiden stated he is here with regard to the safety aspect of First Responders regarding the oil tankers coming through this community and Clinton County. He stated in 2006, the Federal Railroad Administration (FRA) made it possible for communities to petition the FRA for a "Quiet Zone." Mr. Seiden stated throughout the early morning hours, the trains blow their horns throughout the City when approaching the train crossings. He provided information to the Legislature for a one-month period which lists communities and counties who have petitioned the FRA for a "Quiet Zone." Mr. Seiden also provided website information and a sample "Quiet Zone" application submitted by Rockland County. Mr. Seiden stated he knows the City of Plattsburgh has initiated this process and is hopeful with the City of Plattsburgh and Clinton County joining forces, this might happen a little quicker. He stated we need to make the quality of life better for this community and Clinton County.

Mr. Zurlo stated a few individuals have been invited to speak with the Legislature this evening. He stated he has provided Legislators information from the New York State Association of Counties (NYSAC) regarding the Compassionate Care Act (Medical Marijuana). The two individuals addressed the Board providing insight with respect to each application. Mr. Zurlo indicated the deadline for submission of applications to New York State is June 5, 2015.

Chairperson Dyer recognized Steven Podd, the owner of Northstar Technology Center, located at the former Pfizer Research Facility in Chazy, New York. Mr. Podd distributed material to the Legislature. He stated he wished to discuss current activities underway at the facility. Mr. Podd stated since acquiring the facility, it has been developed into a multi-tenant facility. A tenant has signed a lease with a medical-marijuana producer who is applying with the New York State Department of Health as a Registered Organization. The former research space within the facility is well suited for the production of medical marijuana. The tenant is currently involved in this industry in Colorado, New Jersey and Illinois. They have developed it into a bio-tech company, producing the finished product in forms such as pill, mouth spray and vapor. Approval has been received from the Clinton County Planning Board to locate at this site, as well as from the Town of Chazy. There is also the support of the community and with Assemblywoman Janet Duprey and Senator Betty Little. Mr. Podd stated he is requesting the County's

support to bring their tenant to the facility and to help them receive a license. He requested endorsement from the Clinton County Legislature in support of their application.

Mr. Zurlo asked if the tenant is also proposing a dispensary location in Clinton County. Mr. Podd replied yes, it would be located in the Town of Plattsburgh.

Mr. Zurlo reported five licenses will be awarded throughout the State. Each has the ability to also have a dispensary. Seven percent of the revenue generated will go into a special pot of money, and of that 7 percent, 22.5 percent will go to the County in which the facility is located. An additional 22.5 percent will go to the County in which a dispensary is located. Mr. Zurlo noted if one of these applications is approved, and each envisions a dispensary in the County, there is the potential revenue stream attached to the manufacturing and dispensing medical marijuana.

Legislator Beach asked what percentage of the facility will be utilized. Mr. Podd replied 150,000 square feet of space in the facility will be used which is 50 percent of the total space. Legislator Beach asked if this process would fill the facility. Mr. Podd replied this would fill the research space. He stated the tenant is also planning to patent a vaporizer if this application is approved. Legislator Beach asked how many employees Mr. Podd anticipates. He replied the tenant is anticipating 100 employees in the first year of production; for the vaporizers, possibly a maximum of 12 employees.

Legislator Read asked if this is a Startup NY initiative. Mr. Podd replied this venture is not eligible for the Startup NY program.

Mr. Zurlo asked if the awarding of this prevents or limits the ability to lease the remaining space in the facility. Mr. Podd replied it would not impede development issues at the facility. The area is highly segregated and secured.

Legislator Dame asked if the tenant is still being held in confidence. Mr. Podd replied yes and stated a press release is scheduled for Friday, May 29th naming the tenant. Mr. Podd noted he is only asking for the County's blessing for this activity, not the tenant.

Legislator Beach asked who will be employed. Mr. Podd replied some of the former employees of Pfizer at the Chazy location will be considered as they have laboratory experience.

Chairperson Dyer thanked Mr. Podd for his presentation.

Chairperson Dyer recognized Doug Butdorf. Mr. Butdorf distributed information to the Legislature. He stated Mr. Podd has a wonderful facility for someone to rent and do what he has been trying to do for the past six months -- develop a business plan that incorporates the requirements of State regulations. Mr. Butdorf stated his group has partnered with an equity partnership in Burlington, Vermont, which works with two of the four licensed medical marijuana companies in Vermont. Mr. Butdorf reported the facility, if approved, would be located in the City of Plattsburgh at the former Imperial Paper Mill which is being developed with new technology for growing and extracting marijuana plants. He has been working with the New York State Department of Labor to identify talents from staff who were employed at Wyeth Pharmaceuticals in Rouses Point for key members for their staff. Mr. Butdorf stated he looks forward to bringing jobs and opportunities to Clinton County. He hopes the Legislature will support both of the proposals presented this evening.

Mr. Zurlo asked Mr. Butdorf if he plans to locate a dispensary in Clinton County. Mr. Butdorf replied yes, and stated one would be located in the Town of Plattsburgh, Gouverneur, Clifton Park and Utica. He stated this is something new and exciting for the North Country, and it will specifically target

patients in the North Country by allowing the opportunity to provide the kind of products and care they need for therapy.

Legislator Read asked Mr. Podd if the Plattsburgh-North Country Chamber of Commerce or Empire State Development was used as a resource in this process. Mr. Butdorf replied their tenant has received support from the area, and they are helping them to locally get the components they need to complete their application.

Legislator Gallagher asked if there is any reason why both applicants cannot be endorsed by the County. Mr. Butdorf replied no, and stated they have not worked as a Startup NY project, however, this group has contacted and has begun working with the Shipley Center for Innovation at Clarkson University. They have utilized resources to develop some of their patent-pending projects. He also stated they have prepared an application for the Economic Development Zone as part of the consolidated application process.

Legislator Langley conveyed a personal story explaining the value of medical marijuana on a severely ill patient.

Legislator Langley also stated, as far as the County was concerned, the Chazy facility was going to be demolished. Through the efforts of the Industrial Development Agency, The Development Corporation and the State of New York the facility is still there. Legislator Langley thanked Mr. Podd for acquiring the building and keeping it up. If this facility could work out and be used and create jobs, it would be wonderful.

Legislator McManus asked if the resolution needs to be dated before the application deadline of June 5th. Mr. Butdorf replied a resolution could be added as an addendum to the application, or supplemental information could be added after the deadline. Mr. Podd stated the application process is going to be extremely expedited. Although it would be positive to have a letter or resolution from the County Legislature, he believes it would be “after the fact” to include past the deadline. Legislator Dame asked if a resolution could be done at Finance Committee. Legislator Hall stated the Legislature should support both proposals, noting the Legislature is here to help as much as possible. Mr. Zurlo stated the Legislature cannot pass a resolution at Finance Committee; however, the Legislature could authorize a letter of support. He further stated if the Legislature doesn’t pass a resolution this evening, the next Regular Session is scheduled for June 10th, after the application deadline. Legislator Gallagher stated the authorization of the County Legislature to write a letter of support could take place under Other Business this evening. Legislator Read stated the Legislature could come up with a title and pass a resolution this evening. Legislator Langley asked what would look better for the State. Mr. Butdorf replied resolutions in support of the applications were passed by both the City and Town of Plattsburgh. He further stated a resolution might hold more power than a letter. Legislator Gallagher stated he would like to pursue a resolution this evening. Legislator McManus asked if the Legislature would need to adopt one or two resolutions. Legislator Gallagher replied one resolution for both applicants should suffice. Mr. Butdorf thanked the Legislature for the opportunity to bring this to the attention of the Legislature this evening.

Legislator Dyer thanked both parties for addressing the Legislature this evening.

There being no one else who wished 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 next meeting of the Buildings and Grounds Committee is scheduled for Wednesday, June 10th at 5:15 p.m. at the Human Services Center to see the progress of the construction.

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported Resolution #375 is included on the agenda upon the Committee's recommendation. She stated the Foster Parent's Dinner is scheduled for Thursday, May 28th at 5:30 p.m. at the Elks Club in Plattsburgh. The next meeting of the Children and Family Services Committee is scheduled for Thursday, June 4th at 6:15 p.m.

County Operations Committee – Legislator Read

Legislator Read reported the next meeting of the County Operations Committee is scheduled for Wednesday, June 10th at 6 p.m.

Finance Committee – Legislator Dame

Legislator Dame reported the next meeting of the Finance Committee is scheduled for Wednesday, June 3rd at 5:15 p.m. Resolution #377 is included on the agenda as a result of a poll of the Committee.

Health Committee – Legislator Beach

Legislator Beach reported the next meeting of the Health Committee is scheduled for Thursday, July 2nd at 5:15 p.m.

Human Services Committee – Legislator Keenan

Legislator Keenan reported the next meeting of the Human Services Committee is scheduled for Wednesday, June 3rd at 6:15 p.m.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported Resolutions #378 and #379 are included on the agenda as a result of a poll of the Personnel Committee.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported the Plattsburgh International Airport Committee met this evening. He reported there are several resolutions on the agenda regarding renovations to Building 2774 and authorizing a consulting contract for the Homeland Security Project. There were discussions regarding the Federal Inspection Service (FIS), Essential Air Service and Republic Parking. An update was also provided regarding the status of the Terminal Building Expansion Project.

The next meeting of the Plattsburgh international Airport Committee is scheduled for Wednesday, June 24th at 5:15 p.m.

Public Safety Committee – Legislator Hall

Legislator Hall reported the next meeting of the Public Safety Committee is scheduled for Monday, June 8th at 6:15 p.m. He stated with regard to the comments made by Mr. Seiden at the public comment period at the beginning of this meeting, he has met with Town of Plattsburgh officials, and the County is working on this issue.

Transportation Committee – Legislator McManus

Legislator McManus reported the next meeting of the Transportation Committee is scheduled for Monday, June 8th at 5:15 p.m. Rodney Brown, the Deputy County Administrator, reported the transition from First Transit, Inc. to McDonald Transit Associates, Inc. for the management of Clinton County Public Transit (CCPT) is effective July 1, 2015. Mr. Brown stated a contract has been submitted to the company for review. He stated he has secured a space for McDonald Transit Associates, Inc. in the FBO building during the week of June 1st to conduct employment interviews. First Transit, Inc.'s existing employees will have an opportunity to complete contracts, as well as go through the drug-testing process.

Liaison Reports

Clinton Community College – Legislator Dame

Legislator Dame reported as a result of a poll of the Finance Committee, Resolution #393 is included on the agenda under Waive Rule 13.2 for Clinton Community College. The resolution is regarding a Memorandum of Agreement between the College and the Faculty Association. Mr. Zurlo reported Fred Smith, the Interim President of Clinton Community College, is here and will be able to answer any questions the Legislature might have when the resolution is brought to the floor.

Intercounty – Legislator Waldron

Legislator Waldron reported the next meeting of the Intercounty Legislative Committee of the Adirondacks is scheduled for Thursday, May 29th in Warren County.

Soil and Water – Legislator Read

Legislator Read reported he attended a meeting of the Soil and Water Conservation District Board on Thursday, May 21st. He reported recruitment efforts have been positive towards filling the vacant District Technician position.

Grievance Committee – Legislator Gallagher

Legislator Gallagher reported a grievance hearing was recently held regarding a grievance submitted by the Nursing Home. The Grievance Committee met following the presentation from both sides. The grievance was partially sustained.

Workforce Investment Board – Legislator Read

Legislator Read reported he is working closely with Sylvie Nelson, the Executive Director of the Workforce Investment Board, with regard to transitioning to the next set of regulations for the Workforce Investment Board (WIB). He stated Mr. Zurlo has scheduled a meeting for Monday, June 1st at 11 a.m. to meet with Ms. Nelson. Mr. Zurlo stated the transition to the Workforce Innovation and

Opportunity Act (WOIA) from the previous Workforce Investment Act will be discussed. Mr. Zurlo noted there will be many changes with the transition. He indicated the County's Chairperson will need to sign local elected officials' document for the participating Counties in the near future. He noted Clinton County acts as the fiduciary to receive and dispense funds for the WIB.

Staff Reports

County Attorney James Coffey requested an Executive Session to discuss: Castine litigation, the potential purchase of real property by Clinton County, potential litigation regarding a current Airport contract and the work history of an employee of Clinton County.

Mr. Zurlo reported the County's Efficiency Plan has been submitted to New York State. He stated for the County's portion and for the Clinton County taxpayers, the County must comply with a tax cap in 2016 (which includes school districts and municipalities). Mr. Zurlo reported eleven Towns, three Villages, the City and the County were included in the Plan. He stated Clinton County exceeded the amount of efficiencies required by the statute.

Legislator Read thanked Mr. Zurlo for his participation in the monthly meeting of Town Supervisors. He stated County taxpayers will be very happy with Mr. Zurlo's efforts in this regard.

There being no further business, Chairperson Dyer moved on to resolutions. The following resolutions were approved unless otherwise noted.

Resolutions #374 through #390 were approved.

Resolution #391 titled, "Authorizing the County Treasurer to Increase Appropriation from the Probation Department's Alternatives to Incarceration (ATI) Reserve Account – Probation Department"

Legislator Dame motioned to approve the resolution, seconded by Legislator Waldron.

Discussion: Mr. Zurlo indicated to Legislator Dame that this action was referenced in the previous Regular Session minutes to pay for the referenced equipment. Carried (9-0-1). Legislator Dame voted no.

Resolution #392 was approved.

Legislator Hall motioned to Waive Rule 13.2, seconded by Legislator Beach. (Carried 10-0-0).

Resolution #393 titled, "Concurring with Clinton Community College Board of Trustees' Recommendation to Execute Memorandum of Agreement between Clinton Community College and the Clinton Community College Faculty Association – Clinton Community College"

Legislator Dame motioned to approve the resolution, seconded by Legislator Read.

Discussion:

Legislator McManus asked what the duration of the contract is. Mr. Smith replied it is a three-year contract.

Legislator Dame noted the contract closely mimics the Civil Services Employees' Association and moves up retirement and health insurance from 10 years to 15 years of service. Mr. Zurlo agreed

there are some similar clauses. Carried (10-0-0).

Resolution #394 titled, "Amending Appointments to the Clinton-Essex-Franklin (C-E-F) Library System Board"

Legislator McManus motioned to approve the resolution, seconded by Legislator Hall.

Discussion:

Mr. Zurlo stated this resolution will amend these terms of appointments in an effort to rectify records at the C-E-F Library Board System. Legislator Hall asked why Legislators make appointments for a longer period than they are in office. Mr. Zurlo replied all boards to which the Legislature appoints members have their own bylaws which are not in step with legislative terms. Carried (10-0-0).

Resolution #395 titled, "Supporting the Medical Marijuana Statute and Locating a Processing and Dispensing Facility within Clinton County – Legislature"

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

Legislator Gallagher motioned to enter into Executive Session at 8:03 p.m., seconded by Legislator Keenan. (Carried 10-0-0).

Legislator Gallagher motioned to exit Executive Session at 8:22 p.m., seconded by Legislator Hall. (Carried 10-0-0).

There being no further business, Chairperson Dyer entertained a motion from Legislator Gallagher to adjourn Regular Session at 8:23 p.m., seconded by Legislator Hall. (Carried 10-0-0).

Respectfully submitted,



Katherine A. Brown
Senior Stenographer