

COUNTY OF CLINTON)  
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STATE OF NEW YORK)

September 18, 2017

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, September 13, 2017 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: Jonathan Beach, Area 2  
Simon Conroy, Area 4  
Mark Dame, Area 8  
Samuel Dyer, Area 3  
Robert Hall, Area 10  
Pete Keenan, Area 5  
Harry McManus, Chairperson, Area 1  
Christopher Rosenquest, Area 9  
Rob Timmons, Area 7  
Patty Waldron, Area 6

ALSO PRESENT: Rodney Brown, Deputy County Administrator  
James Coffey, Esq., County Attorney  
Jeanene Bell, Senior Stenographer

Chairperson McManus called the meeting to order at 7:03 p.m.

Following the pledge of allegiance to the flag, Deputy County Administrator Rodney Brown conducted roll call.

Legislator Hall motioned to accept the minutes of the August 23, 2017 Regular Session, seconded by Legislator Keenan. Carried (10-0-0).

Chairperson McManus reported there is a public hearing for the purpose of hearing public comments on the Clinton County Community Development Block Grant (CDBG) applications for the 2017 program year.

Legislator Dame motioned to open the public hearing at 7:06 p.m., seconded by Legislator Dyer. Carried (10-0-0).

Chairperson McManus asked if anyone present wished to address the Board regarding this issue.

Mr. Brown reported the CDBG assists individuals in purchasing their first home. He reported the Grant helps with interest rates, mortgage principal amounts, financing acquisition of housing, guaranteeing mortgage financing and assisting with down-payment and closing costs. Mr. Brown reported five grants have been received by Clinton County previously and, if successful, this will be the sixth Grant Clinton County will be administering.

There being no speakers, Legislator Dame motioned to close the public hearing at 7:07 p.m., seconded by Legislator Hall. Carried (10-0-0).

Chairperson McManus reported there is a second public hearing for the purpose of hearing public comments in considering the replacement of Clinton County Public Transit (CCPT) paratransit service with deviation of regular CCPT routes. He asked the Deputy Clerk of the Board to read the notice of public hearing.

Legislator Rosenquest motioned to open the public hearing at 7:09 p.m., seconded by Legislator Timmons. Carried (10-0-0).

Chairperson McManus asked if anyone present wished to address the Board regarding this issue.

Robert Poulin, Executive Director of the North Country Center for Independence, stated the opposition to the elimination of paratransit does not have anything to do with fear of losing the service. He stated it isn't that the disabled want their own special bus. The disabled believe very strongly in integration that is a core principle of independent living. Paratransit exists under the Association for the Disabled (ADA) for specific reasons. It understands that in certain locations (cities, in particular) it is difficult to run a bus system on time that gets students to school, people to work and to doctors' appointments on time. Mr. Poulin stated the original plan put forth in May, 2017 was a disaster. He stated under paratransit, you can limit the number of people using the system by tightening the eligibility standards. There is concern that seniors with disabilities will need to spend much more time using the deviation. Under paratransit, they will not need to transfer buses to their destinations. Mr. Poulin stated the financial issue disappoints him. The federal and state governments provide almost \$1million, and the County does not have to pay a lot of money. Many other counties do not serve the rural population that is expensive as well. Mr. Poulin stated he sees on resolutions on tonight's agenda the amount of \$140,000 for the Chamber of Commerce, \$57,000 for the transit authority and \$800,000 for the Sheriff's Department. Public transportation serves all communities. He stated he does not want to be mean, but he

wishes that a higher power could give all decision makers in the County a disability to live with the next two weeks and, when the time comes to vote, money would not be a thought. Mr. Poulin stated paratransit gives people a chance to get to places in a way that allows them to be independent and part of the community.

Thomas Maglienti from Morrisonville stated he is in support of the paratransit system. His daughter uses the paratransit service. Because of where she lives in the City of Plattsburgh, she will have to transfer buses in order to get to her work destination. Mr. Maglienti stated that because of scheduling, his daughter is being forced from the paratransit system and into taxi cabs. Using a taxi cab is one hour and 15 minutes' worth of her work time each way. He stated paratransit has been a tremendous asset for her. Mr. Maglienti stated that in yesterday's newspaper, it reported the savings by going to a deviation service is \$100,000 per year (3/10 of one percent of the budget). Given that requests for additional funds are on tonight's agenda (well in excess of that amount), this is a very tiny piece. Mr. Maglienti stated there are only five rural paratransit systems throughout the State, which has been used as a reason saying paratransit is expensive. He stated this County shows it can serve its disabled population, and it is a jewel this service works, even if you have to fund it with additional funds.

Legislator Rosenquest motioned to close the public hearing at 7:25 p.m., seconded by Legislator Waldron. Carried (10-0-0).

Chairperson McManus reported he would now allow questions to be asked.

Mr. Poulin asked if it would be okay to provide a written statement for the Legislature. Mr. Brown replied yes, the statement can be provided any time but would need to be provided by Friday, September 15<sup>th</sup> to be on the public record.

Mr. Maglienti asked how the deviation service will be evaluated after the three-month trial period. Mr. Brown replied the trial period could be less or more than three months, depending on how it is functioning. He reported if the service is not functioning well (if it has become very unreliable), the trial period will be less than three months, and it will be determined what can be done prior to that time. If there are small problems, it will be determined if those problems can be corrected. Mr. Brown reported the primary focus is the system working for those trying to access the system.

Mr. Maglienti stated the reliability of the system will determine if the change remains, rather than an inconvenience in service to the disabled population. Chairperson McManus replied input from the individuals using the system will be taken every time the system is used. He reported it will be based upon the amount of time it takes and the punctuality of the trip.

Mr. Brown reported there is value at looking at the number of people requesting deviation service who are being required to transfer to one or more buses as opposed to how many can get there on one bus. He reported the Legislature will want to know how many people are using one bus or more than one bus.

Mr. Maglienti reported his daughter will not be able to use the bus system because the necessity of using two buses makes it impossible for her to use it. She cannot get to where she needs to be at the time she needs to be there if she has to use two buses. Mr. Maglienti stated in asking how many people use the system, you may miss those who have opted out because it no longer functions for their needs. Mr. Brown reported the Planning Department has the records for those eligible for paratransit, and it is known who has used it over the last year. The records can be checked to determine how many are no longer using the system.

Mr. Brown reported he will provide a public meeting for those who are no longer able to use the service and hear from others in the same position.

Mr. Maglienti asked if there will be a time when the trial period will end and the change will become permanent. Mr. Brown replied yes. Mr. Maglienti asked if, prior to that time, there will be additional public meetings offered so that they can voice their concerns again before the Legislature makes its final decision. Mr. Brown replied that is a reasonable request, and it will be fulfilled.

Legislator Dyer reported he was under the impression that when this process started, the deviations would allow (for those using the service now) people to continue to use it. He asked Mr. Maglienti if he has seen a schedule that does not work for his daughter. Mr. Brown reported the system is not workable for Mr. Maglienti daughter's situation. Mr. Maglienti stated the schedules do not work so that she can get to work on time. James Bosley, the Planning Technician, reported it is a possibility a run can be made a 7 a.m. to assist those with schedules. He reported it will involve a transfer at the Government Center. Legislator Dyer reported he is in support of deviation because he was told it would accommodate those using the system.

Legislator Conroy reported the deviation system seems to be working in the rural areas, and we want to see if this can be done in the City of Plattsburgh. He reported there will be more discussions about schedules and trying to improve the system. There have been discussions in the past about needing more buses and drivers and the County managing the CCPT system. Legislator Conroy reported we want an affordable, reliable system that works for everyone. He reported Mr. Bosley wants to hear from those who have specific issues.

There being no one further who wished to address the Legislature, Chairperson McManus moved on to Committee Reports.

### **Committee Reports**

#### **Buildings and Grounds – Legislator Timmons**

Legislator Timmons reported the Buildings and Grounds Committee met earlier. James Cleveland, the Superintendent of Buildings and Grounds, updated the Committee on 130 Arizona Avenue, the Emergency Services' Window Replacement Project and the Clinton County Nursing Home Roof Replacement Project.

The next Buildings and Grounds Committee meeting is scheduled for Wednesday, October 11<sup>th</sup> at 5:15 p.m.

#### **Children and Family Services – Legislator Waldron**

Legislator Waldron reported the Children and Family Services Committee met Tuesday, September 5<sup>th</sup>. John Redden, the Commissioner of the Department of Social Services, discussed the July, 2017 statistics, a mobile home park closure and Raise the Age. He updated the Committee on Substance Abuse Prevention and Recovery of Clinton County (SPARCC). Resolution #697 has been placed on the agenda upon the recommendation of the Committee.

The next Children and Family Services Committee meeting is scheduled for Tuesday, October 3<sup>rd</sup> at 6:15 p.m.

## **Economic Development and County Operations – Legislator Rosenquest**

Legislator Rosenquest reported the Economic Development and County Operations Committee met earlier. Melissa McManus, the Director of Economic Development, updated the Committee on The Development Corporation (TDC)/Clinton County Industrial Development Agency (CCIDA)/Clinton County contractual arrangement. She also discussed the status of the Regional Waterfront Grant. Resolutions #698 and #764 (under Waive Rule 13.2) have been placed on the agenda upon the recommendation of the Committee.

Martine Gonyo, the Director of Real Property, discussed shared services charges and full assessment charges.

The next Economic Development and County Operations Committee meeting is scheduled for Wednesday, October 11<sup>th</sup> at 6 p.m.

## **Finance – Legislator Dame**

Legislator Dame reported the Finance Committee met Wednesday, September 6<sup>th</sup>. Garry Douglas, the President and CEO of the Plattsburgh-North Country Chamber of Commerce, and Kristy Kennedy, the Vice President of Marketing, Plattsburgh-North Country Chamber of Commerce provided a presentation on the 2018 Marketing Plan. Kimberly Davis, the County Treasurer, discussed sales tax and reported on the Compassionate Care Act. Resolutions #699 and #700 have been placed on the agenda upon the recommendation of the Committee.

The next Finance Committee meeting is scheduled for Wednesday, October 4<sup>th</sup> at 6:15 p.m.

## **Health – Legislator Beach**

Legislator Beach reported the Health Committee meeting scheduled for Tuesday, September 5<sup>th</sup> was cancelled. Resolutions #701 through #705 have been placed on the agenda upon the recommendation of the Committee.

The next Health Committee meeting is scheduled for Tuesday, October 3<sup>rd</sup> at 5:15 p.m.

## **Human Services – Legislator Keenan**

Legislator Keenan reported the Human Services Committee meeting scheduled for Wednesday, September 6<sup>th</sup> was cancelled. Resolutions #706 and #707 have been placed on the agenda upon the recommendation of the Committee.

The next Human Services Committee meeting is scheduled for Wednesday, October 4<sup>th</sup> at 5:15 p.m.

## **Personnel – Legislator Dyer**

Legislator Dyer reported the Personnel Committee met on Monday, September 12<sup>th</sup> and reviewed 31 items. There are 30 resolutions included on the agenda that reflect the Committee's recommendations. Legislator Dyer reported the resolution was withdrawn for the reallocation of seven Mental Health Clinician I positions. There was discussion on the appointment of the Director of Public Health and the backfill of the Director Engineer of Environmental Services.

The next Personnel Committee meeting is scheduled for Monday, October 2<sup>nd</sup> at 5:15 p.m.

### **Plattsburgh International Airport – Legislator Hall**

Legislator Hall reported Resolutions #708 and #709 have been polled and placed on tonight's agenda.

The next Plattsburgh International Airport Committee meeting is scheduled for Wednesday, September 27<sup>th</sup> at 5:15 p.m.

### **Public Safety – Legislator Conroy**

Legislator Conroy reported the Public Safety Committee met Monday, September 11<sup>th</sup>. Sheriff Dave Favro reviewed Resolutions #710 through #714; Dave Marcoux, the Probation Director, reviewed Resolution #715; Resolution #716 has been placed on the agenda for Assigned Counsel; Jami Rock, the Administrative Assistant at the Child Advocacy Center, reviewed Resolutions #717 through #719 and Eric Day, the Director of Emergency Services, reviewed Resolution #720. Mr. Day discussed address changes being issued for Route 9 in the Town of Champlain and future address changes for Route 22 in Town of Mooers.

The next Public Safety Committee meeting is scheduled for Monday, October 16<sup>th</sup> at 6:15 p.m.

### **Transportation – Legislator Timmons**

Legislator Timmons reported the Transportation Committee met Monday, September 11<sup>th</sup>. Al Rascoe, the Clinton County Highway Superintendent, presented Resolutions #721 and #722 which are included on tonight's agenda. He discussed the Town of Altona's request to be released from the snow and ice contract for the upcoming 2017-2018 snow and ice season. Mr. Rascoe updated the committee on recent discussions relative to the Mill Hill Bridge located in the Town of Ausable.

Rodney Brown, Planning Director, and James Bosley, Clinton County Planning Technician, presented Resolutions #723 through #727 which are included on tonight's agenda. Mr. Brown reported the draft resolution to replace paratransit service on the Clinton County Public Transit (CCPT) system with route deviation service will be placed on the agenda for the September 27<sup>th</sup> Regular Session so that Legislators will have time to fully review the comments made at the two public hearings which were held today.

The next Transportation Committee meeting is scheduled for Monday, October 16<sup>th</sup> at 5:15 p.m.

## **Liaison Reports**

### **Board of Health – Legislator Beach**

Legislator Beach reported the Board of Health has been conducting interviews for the Director of Public Health.

### **Chamber of Commerce – Legislator Rosenquest**

Legislator Rosenquest reported the Plattsburgh-North Country Chamber of Commerce met Wednesday, September 6<sup>th</sup> at which time the yearly marketing plan was presented. The next meeting is scheduled for Friday, October 6<sup>th</sup>.

### **Clinton Community College – Legislator Rosenquest**

Legislator Rosenquest reported he met with President Ray D’Pasquale, the President of Clinton Community College (CCC). He encouraged Legislators to schedule time with the President to receive a broader scope of the plan he has for CCC. He reported the grand opening of the Advanced Manufacturing Institute (AMI) is scheduled for Thursday, September 28<sup>th</sup>. Legislator Rosenquest invited all Legislators to attend and will ask the Board of Trustees to forward an email to Legislators.

### **Community Services Board – Legislator Conroy**

Legislator Conroy reported the next Community Services Board meeting is scheduled for Thursday, September 14<sup>th</sup> at 4 p.m.

### **Cooperative Extension – Legislator Timmons**

Legislator Timmons reported the next meeting of Cooperative Extension is scheduled for Tuesday, September 19<sup>th</sup>. He thanked those Legislators who were able to attend the Agricultural Tour.

### **Intercounty – Legislative Waldron**

Legislator Waldron reported the next meeting of the Intercounty Legislative Committee of the Adirondacks is scheduled for Friday, September 15<sup>th</sup> at the New York State Association of Counties (NYSAC) Conference in Syracuse.

### **Lake Champlain Lake George Regional – Legislator Keenan**

Legislator Keenan reported the Lake Champlain Lake George (LCLG) Regional Planning Board met Thursday, August 31<sup>st</sup> in Lake George. He reported the Revolving Loan Fund has 12 organizations and townships. There were 40 to 50 grants announced including \$50,000 which will go towards the City of Plattsburgh for Urban Forestry and a \$250,000 grant for the Town of Plattsburgh’s water and sewer system.

### **Soil and Water – Legislator Timmons**

Legislator Timmons reported the next Soil and Water Committee meeting is scheduled for Thursday, September 14<sup>th</sup>.

### **Workforce Development Board – Legislator Rosenquest**

Legislator Rosenquest reported John Bernardi of the United Way discussed the United Way Alice Report which is a 300 page document. The next meeting is scheduled for Thursday, October 5<sup>th</sup>. Legislator Rosenquest reported the WDB is hosting a business and education forum at the Westside Ballroom in October.

### **Staff Reports**

Mr. Coffey requested an Executive Session to discuss opioid litigation.

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

Resolutions #697 through #713 were approved.

Resolution #714 titled, "Authorizing the County Treasurer to Increase Appropriation and Corresponding Revenue for the Jail Budget – Sheriff's Department"

Discussion: Legislator Dame asked if this request is to find ways to spend money that were not budgeted in the beginning of the year. He reported the vehicles at the Sheriff's Department are fully equipped. The Sheriff's Department has some of the best equipment in the State. He asked if there are restrictions as to what can be done with this money. Legislator Dame reported the taxpayers fund the Sheriff's Department. He reported the extra \$800,000 in revenue should alleviate the contribution by the taxpayers. Legislator Conroy provided detailed information for the requested items (two fully-equipped correction vans, one fully-equipped patrol car, various pieces of equipment, practice ammunition, mattresses, shackles, smoke and gas masks, renovations to the training room and replace corrections uniforms) and dollar amounts included in the resolution. He reported a lot of the additional revenue received is directly connected to housing inmates from St. Lawrence County.

Legislator Hall asked if the money can only be spent at the Sheriff's Department or if the money could be placed in the General Fund. Legislator Conroy replied the money can be placed in the General Fund. Legislator Hall asked if the money can be applied towards paratransit. Legislator Beach reported the remaining money can be placed in the General Fund. He reported Sheriff Favro is requesting permission for the funding to replace vehicles with over 200,000 miles. Legislator Beach reported Sheriff Favro has never had to use taxpayer money to purchase a vehicle. He reported whether it is paid with the funding coming from housing, or it gets placed in the budget, it is something that needs to happen. Drugs are taking over the County and are becoming a major legal and medical issue at the Sheriff's Department. Legislator Beach reported Sheriff Favro is looking for incoming excess funds instead of going in to the budget.

Legislator Timmons reported smoke and gas masks are being requested to be used when entering drug-related homes. He reported it will be paid out of the 2018 budget or by extra income of the jail.

Legislator Hall reported he approves of the requested items included in the resolution; however, he would like \$200,000 of the \$800,000 revenue applied towards paratransit.

Legislator Dame reported if the equipment was necessary, it should have been requested in the 2017 budget presentation. He reported these items should be presented for the 2018 budget. Legislator Dame encouraged anyone to go the Sheriff's Department to see the Patrol Division's equipment and cars. He reported there are fully-equipped cars that are in good shape with the highest technical equipment that can be obtained in law enforcement.

Legislator Beach reported if you are going to use a car to transport an inmate for medical purposes, two officers are in one car as opposed to two officers and two inmates in one van. Therefore, there is more overtime.

Legislator Dame asked what vehicle is being used at this time for transports. Legislator Beach replied vans are being used for transports.



Legislator Conroy reported the Sheriff's Department has not purchased a new vehicle with County tax dollars in 15 years. He reported the Asset Seizure Account has had less value. He reported in order to have inmates housed and cared for at the jail, inmates are transported for unanticipated drug issues. Legislator Conroy asked why not use a portion of the additional revenue to pay for additional expenses connected to the new revenue.

Legislator Waldron reported services were being provided to inmates housed at the jail for treatment, and she asked how that was progressing. She reported if inmates were receiving in-house treatment, there may be additional money for paratransit. Legislator Conroy replied treatment is going well. Legislator Beach reported mental health treatment is going very well at the jail. He reported it is imperative, by law, the County provides medical treatment to the inmates. He reported should the \$800,000 not be fully used that it should be applied towards paratransit or anything else in the County. Mr. Brown reported the resolution requests the use of \$204,000 from the \$800,000 of projected additional revenue.

Legislator Conroy reported there will be a large sum of money that is going into the Fund Balance at the end of the year, and that money can be used for any number of items.

Legislator Hall asked if the requested items are a necessity that cannot wait until the 2018 budget presentation. Legislator Conroy replied these are the items that Sheriff Favro would like to have now, and during the budget presentation there will be other items requested. He reported Sheriff Favro would like these items to keep the operation going well. There will be other items requested in the 2018 budget such as software for mental health and drugs at the jail.

Legislator Beach reported that being on a meth lab raid with the SRT, he found that a two liter bottle that is being used in a meth lab can destroy one block in the City of Plattsburgh. He stressed that to send our employees in without the proper equipment is ridiculous. Although he cannot speak for all of the requested items, Legislator Beach reported some items were needed yesterday. Legislator Hall responded by stating if there is any item that is needed at this moment, Sheriff Favro could call any Legislator for approval, but he does not approve of bringing this request before the Legislature two months before the 2018 budget presentation.

A slow roll call vote was taken. The vote passed 8-2-0. (Messrs. Dame and Hall voted no.)

Resolutions #715 through #730 were approved.

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

Resolutions #731 through #740 were approved.

Resolution #741 titled, "Approving the Backfill of a Permanent, Full-Time Director Engineer of Environmental Health Position (PCN 3540) – Health Department"

Discussion: Legislator Dyer reported the Personnel Committee had a lengthy discussion in regards to the backfill. It was determined the backfill should have the same or similar work ability as the present Director Engineer of Environmental Health, someone who is not regimented and is accommodating.

Resolutions #742 through #751 were approved.

Resolution #752 titled, "Approving the Reclassification of a Permanent, Full-Time Account Clerk/Typist Position to a Permanent, Full-Time Administrative Assistant Position (PCN 4011) - Plattsburgh International Airport"

Discussion: Legislator Hall reported he does not feel the reclassification was handled correctly. He feels more interviews should have been conducted for those on the Civil Service list.

Legislator Dyer reported he disagrees with Legislator Hall. He feels the Personnel Department has done its due diligence. He feels the process was conducted correctly.

The vote passed 8-2-0. (Messrs. Hall and Rosenquest voted no.)

Resolutions #753 through #764 were approved.

Chairperson McManus asked if any Legislator had anything further to come before the Legislature.

Legislator Dame asked if the Clinton County Sheriff's Department is receiving reimbursement for the props used for the filming of "Escape from Dannemora." Mr. Brown replied yes, reimbursement will be paid by the company. Legislator Beach reported Resolution #712 dated September 13, 2017 authorized Possible Productions, Inc. c/o Kaufman Astoria Studios for supplemental traffic control detail(s) and other technical assistance.

Chairperson McManus reported there was another person in the audience who wishes to speak. He reported the normal methodology used would be to enter Executive Session, have a discussion, and exit Executive Session at which point he would ask if anyone else wishes to speak. Chairperson McManus asked the Legislature how they wished to proceed. The Legislature approved to allow the individual to speak before Executive Session.

Debra Buell from Plattsburgh requested to read a formal impact statement which is attached to the minutes. Chairperson McManus advised Ms. Buell that she would be allowed ten minutes to speak.

Chairperson McManus advised Ms. Buell that ten minutes had expired.

Legislator Dyer stated a comment made by Ms. Buell bothered him. He stated he listens to everyone, and the comment she made about protecting the administrators was not necessary.

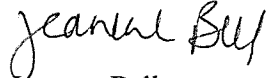
Chairperson McManus stated his silence does not and should not construe any concurrence with what Ms. Buell just said.

Legislator Hall motioned to enter Executive Session at 8:45 p.m., seconded by Legislator Rosenquest. Carried (10-0-0).

Legislator Dame motioned to exit Executive Session at 9:13 p.m., seconded by Legislator Dyer. Carried (10-0-0).

There being no further business, Legislator Hall motioned to adjourn the meeting at 9:14 p.m., seconded by Legislator Rosenquest. Carried (10-0-0).

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeanene Bell".

Jeanene Bell  
Senior Stenographer

## Public Hearing on the Clinton County Deviation Design Plan: September 13, 2017

### North Country Center for Independence Formal Impact Statement

The Clinton County Public Transit Website, in reference to this public hearing, made the public statement: "Clinton County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provisions of services" This is a false statement.

In the past several months, NCCI and many disabled citizens have reported incidents and statements by the county planning office that would meet the legal standard of the definition of discrimination. For years, prior to the intensity of these past few months of meetings on the proposed deviation design plan for public transit, incidents of discrimination, differential treatment, disparate impacts, preferential treatment and environmental injustices were reported to Planning Office and then either denied, discredited or ignored.

In public statements to the media and in documents prepared by the planning department staff and administrator, discriminatory statements and declarations have been made that target and steer the community to blame people with disabilities for public transit system problems or losses that are a result of mismanagement. The statements made do not stand alone as the only acts of discrimination towards people with disabilities.

For years, the county has made a pattern and practice of denying and discrediting paratransit rider's reports that they could not get a ride. When Ms. Barie was the planning staffer in charge of CCPT, she wrongly labeled this as a missed trip which caused reporting of trip denials to not even be done. She did not take the initiative to instruct herself or the contractor on the laws and requirements for a paratransit operation. She allowed and encouraged prioritizing some riders while denying the right to ride to others. This caused "capacity constraints" which means some people got rides and others did not and could not. This happened even though this was and is a federally funded public transit program that requires equal treatment towards and for all people.

During the time period that Mr. Bosley has been the CCPT Technician, he spent one full year stating that "we have only had one trip denial in the past 12 months". One place where he did this was in a February 2015 public meeting after having heard numerous paratransit riders and NCCI report many trip denials per person per month. It was as if the people sitting in front of him and speaking out loud to him simply did not exist. They were invisible. These two stories of staffer discrimination and indifference towards the rights of people with disabilities are a tiny speck on the globe full of transgressions here in Clinton County.

Yes, Clinton County did and does still practice discrimination.

Deputy County Administrator, Rodney Brown, is currently assigned to three Civil Rights oversight positions. They include: 1) Americans with Disabilities Act Coordinator, 2) Title VI Coordinator and 3) Fair Housing Officer. Mr. Brown, over his years of inaction and lack of oversight in the public transit system alone, has proven that he deserves neither the ADA or

**Title VI Coordinator positions. We have a county full of inaccessible housing and new builds that perpetuate the lack of accessible housing every year. Mr. Brown does not deserve to keep his position as Fair Housing Officer. Mr. Brown has routinely stated that he has no jurisdiction in other municipalities within the county that ALSO have patterns and practices of violating the ADA, Title VI or Fair Housing. The United State Dept. of Justice would disagree with him about that and has done so in site reviews, settlement agreements and litigation throughout our nation.**

**The North Country Center for Independence, in an email sent on August 11, 2017 to 5 legislators, gave the Clinton County Legislature a "heads up" that the Planning Office had to cease and desist with its most recent discriminatory and inflammatory statement mantra: "Paratransit is killing the whole system." In that same email, we made it clear that Mr. Brown has not served, in any way, to protect the rights and freedoms of people with disabilities whether in his position as Deputy County Administrator or in the three positions he holds where protecting Civil Rights is exactly what he is charged to do. In that August 11 email, we gave the county some time to voluntarily and privately resolve this matter of dismissing Mr. Brown from his Civil Rights positions. The county has taken no action to do this nor made any notification of their intent to do this.**

**More recently, via an email sent on August 6, 2017 and one sent on September 4, 2017, we have noted fare discrepancies between rural senior citizen riders and city senior citizen riders. This discrepancy can be traced back more than a decade. It includes a discrepancy between what rural paratransit riders using the deviation means of paratransit and what city paratransit riders using complementary paratransit paid for the same types of service. The bottom line is that rural senior citizens get free rides in many instances while city seniors must pay half fare. The rural paratransit discrepancy, traced back to 2006, was the same type of fare discrepancy scenario where rural paratransit riders using deviation service got their rides for free and city paratransit riders paid twice what city fixed route riders paid. These examples represent age and disability discrimination, preferential treatment and environmental injustice. Where you live should not dictate that you get a discount, a free ride or privileges and preferences that others do not get.**

**We hold that Clinton County, contrary to statements made on the CCPT website and in the Clinton County Title VI Plan written in 2015, does practice and promote discrimination by allowing any person to be unable to equally access, equally pay for or receive for free the right to equally benefit from all programs and services. In addition, the Clinton County website provides no means for any person with a disability to learn about and file an ADA Grievance or complaint. This was brought to the attention of Legislators and Mr. Brown more than once in the past several years with a recent discussion by email. Today September 13, 2017, this remains an issue that has been ignored.**

**State and Federal Laws require that notices be posted prominently to notify citizens of their Title VI rights and their Americans with Disabilities Acts rights. On an August 21, 2017 visit to the Government Center photos were taken of every area where the Clinton County Title VI**

Plan claimed, when written in 2015, that notices would be posted. No notices were posted in any of the areas cited in the Title VI Plan. The lack of notices being posted has also been a many years long discussion with no action until, possibly a recent email opening the discussion again may have led to one change. In a visit to the Government Center, I did notice one new sign posted near the elevators on the first floor. It was so high and had such small print, the only thing I could read were the very large print letters ADA. These notices, a low cost legal requirement have been required since 1964 under Title VI and 1992 until the Americans with Disabilities Act. That new sign took 25 years to get posted and it is posted too high for short people or people in wheelchairs to read.

Installing a wheelchair accessible bathroom in the Government Center took 20 years past its due date of 1995.

The Clinton County Legislature has never posted any legal notices, community calendar listings, public service announcements, held a press conference or paid for advertising that would advise people with disabilities about how they can request a reasonable accommodation. In a legislative newsletter, sent by email to "the insiders" who know how to ask for and get on that email list, at the header of recent newsletters;+ we are now seeing the following statement: "In compliance with the Americans with Disabilities Act, special accommodations, within reason and upon request at least 48 hours in advance of the meeting, will be provided to persons with disabilities." While NCCI finds that this is, at least an acknowledgment of the responsibility of the county to provide reasonable accommodations, this is pitched at an audience full of mostly government officials and a handful of citizens. This does not meet the legal requirements to post notices of how to request and receive reasonable accommodations.

In another recent email, dated 9/4/2017 and sent to the entire legislature, we pointed out that senior citizens with mobility impairments, cardiac issues, amputations, recent strokes, weakness or difficulty in using limbs, blind or severely visually impaired were not able to equally benefit from free swimming programs, for senior citizens, paid for by the Office for the Aging. This is because the Office for the Aging has chosen to have these programs presented at the YMCA where there is no lift to assist people with movement, grip or strength difficulties to get into and out of the pool. They could have chosen to include all senior citizens in this wonderful free opportunity by simply presenting the programs at the CVPH Wellness Center Pool. The thematic throughout this particular email was that people with disabilities seem to be invisible to our county department managers and administrators. If the county is employing managers and administrators that do not see the thousands of people with disabilities in this county, then those managers and administrators cannot or will not be able to properly advise the legislature about what the county needs to do to "catch up" with the 1992 and 1995 requirements of the Americans with Disabilities Act that were noted in a 1992 self assessment, then largely, but not completely ignored.

Today, I spoke with Justin Ihne, CEO of the Plattsburgh YMCA. Mr. Ihne related to me that as a partner to the Office for the Aging, he is very interested in making the "Y" a place for

everyone. He stated that, if he had the money for a pool lift, he could order it and have it installed within days to one week because he already has relationships with pool supply vendors that could sell and install the lift. He stated that he is looking for any and all partnership, grant or charitable donation opportunities that would empower the YMCA to be a place for everyone. Mr. Ihne is aware of all of the areas of the YMCA that have accessibility issues and wants to work to correct them.

The North Country Center for Independence is calling on all Clinton County Legislators to represent all of the citizens of this county, not just the ones that county managers, administrators and even some legislators are used to favoring and entitling with privileges not extended to people with disabilities.

In an email dated September 9, 2017, some of the deviation design plan updates and a long history of failing to comply with state and federal laws in transit and paratransit were discussed. Outreach, training and education was provided for years when the transit system was first established and was mostly used by able bodied rural riders, and starting in 1987, able bodied city and rural riders. In the resolutions for tonight, the county is going to vote to buy software to help with transit. This outreach was done with paid advertising and regular educational written news columns in the Press Republican. This was accessible, well written and good education provided to new riders of the time period.

The county, in the provision of equivalent services for people with disabilities cannot make the claim that any similar efforts of outreach were ever made in educating paratransit riders, the whole community, drivers of paratransit, contractors or fixed route vehicles about disability issues, needs, rights AND responsibilities. Had the program started off with proper oversight, management and efficiency of operations, more than one person at a time would have normally been put on the paratransit bus or buses and would have ridden that bus for a time equivalent to fixed route services. Education and outreach when people with disabilities were finally FULLY able to access the fleet whether on fixed routes or paratransit would have allowed us all to have a more sustainable system that was not a roller coaster ride of new chaos and shortages every year.

In the Clinton County Corporate Compliance Plan, the Clinton County Ethics and Disclosure Law amended in 2011 and the Clinton County Title VI Plan, some county managers, administrators and employees fall short in areas that affect people in the protected classes of Title VI and the Americans with Disabilities Act. Since our concerns in these areas are lengthy and not all related to this hearing, we will prepare a formal statement on these areas at another time for presentation to the legislature.

However, we want to make sure that the legislature is aware that, when you sign your grant contracts, you are certifying that you are compliant with all of the listed assurances each state agency provides in their contract certifications and assurances pages. Then, these state level contracts have clauses that bind you to compliance with all federal certifications and assurances even if they are not directly listed in the pages before you. Lastly, the state

has a binding clause in all of its contracts that holds it subrecipients responsible for knowing and abiding by all of the laws. The state holds you responsible for checking to insure that you are compliant or that you have a plan for compliance.

The 2014 NYSDOT Site Review found several areas of noncompliance that were not limited to Civil Rights issues. These matters rightly concern all citizens and should not be deflected or minimized. In this formal impact statement, we include the list of deficiencies found by NYSDOT as a matter of record. The public has a right to know.

<b>Problems Found in New York State DOT Review of CCPT 2014</b>	
Twelve (12) Review Areas:	Deficiencies
1. Program Management (Legal, financial & technical capacity)	X
2. Satisfactory Continuing Control (On-going administration/oversight)	X
3. Procurement	X
4. Title VI (Civil Rights)	X
5. Disadvantaged Business Enterprise (DBE)	X
6. Equal Employment Opportunity (EEO)	
7. Charter Bus	
8. School Bus	
9. Americans with Disabilities(ADA)	X
10. FTA Alcohol and Drug Program	Not Reviewed
11. System Safety Practices	X
12. Asset Management and Maintenance Practices	X

<b>New York State DOT Site Review Participants 2014</b>		
<u>Review Participants</u>		
Agency	Agency	Representative
Clinton County	Planning Technician	Mr. James Bosley
Clinton County	Deputy County Admin / Planning Director	Mr. Rodney Brown
Clinton County	Finance Manager	Mr. Greg Bell
First Transit	General Manager	Mr. Melvin Desrocher
NYSDOT	NYSDOT-PTB	Mr. Michael Labello, ITS
NYSDOT	NYSDOT-PTSB	Mr. John Fabian, ITS
NYSDOT	NYSDOT-PTSB	Mr. Gregory Buff, ITS

The North Country Center for Independence states, for the record, that discrimination is a problem in our county whether done by ignorance, related to the "invisibility factor" or done deliberately as has been the case this year with public statements. We are harmed by the acts of discrimination no matter how they come about. We are witnesses to the discrimination no matter how it comes about. We are limited by barriers that are physical and those based on stereotypical beliefs, attitudes or discrimination.

We believe in the community values of partnership and cooperation, but, we have waited 27 years for our county to see us, and then treat us as equal and equally worthy human beings. We will not let another generation go by waiting for those around us to wake up.



**NCCI is a consumer based, consumer run agency that will support and defend any person with a disability to the best of our abilities. The time has come for action and inclusion. Once again, the North Country Center for Independence is calling on all Clinton County Legislators to represent all of the citizens of this county, all of the citizens of this county, all of the citizens of this county with equal thought, decision making, work, privileges and pleasures. In our pursuit of happiness we are still trying to reach the year 1990. Thank you.**

**North Country Center for Independence  
Robert Poulin, Executive Director  
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Plattsburgh, NY 12901**

**518-563-9058**