

COUNTY OF CLINTON)

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STATE OF NEW YORK)

June 12, 2014

Stenographer's minutes of the Regular Session of the Clinton County Legislature held on Wednesday, June 11, 2014 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, County Attorney
Jeanene Bell, Senior Stenographer

Chairperson Dyer called the meeting to order at 7:02 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. Legislator Beach arrived at 7:10 p.m.

Legislator Keenan offered a motion to accept the minutes of the May 28th Regular Session, seconded by Legislator Hall. (Carried 9-0-1).

Chairperson Dyer asked if anyone wished to address the Legislature.

Kimberly Davis, County Treasurer, reported that property taxes are due by 5 p.m. on Friday, June 13th. Payments can be taken in the form of cash, cashier's check, money order and credit card (with a 2.5 percent surcharge fee for credit card payment). Ms. Davis reported that of the 66 remaining properties, of those redeemed were 15 homes, one vacant lot and two commercial business lots. Taxes not paid by the deadline will be sold at public auction on Wednesday, July 23rd.

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

Committee Reports

Buildings and Grounds Committee – Legislator Read

Legislator Read reported that the Buildings and Grounds Committee met earlier this evening. The Department is transitioning to the new engineering firm. There was discussion on prioritizing the 2013 through 2015 Master Plan Projects.

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported that the next Children and Family Services Committee meeting is scheduled for Thursday, July 3rd at 6:15 p.m.

County Operations Committee – Legislator Read

Legislator Read reported that the County Operations Committee met earlier this evening. He reported on the Request for Proposals (RFPs) to unite photocopier operations under one contract which should save the County a significant amount of money.

Legislator Read reported that the County Operations Committee is willing to be responsible for Tobacco Settlement funding requests. The Committee will meet twice each year, more if there are emergencies. Deputy County Administrator Rodney Brown is assisting the Committee in developing criteria and an application form. Mr. Zurlo reported that, after a review of requests for Tobacco Settlement funding, the Committee would make a recommendation to the full Board.

Finance Committee – Legislator Dame

Legislator Dame reported that the Finance Committee met Wednesday, June 4th at 5:15 p.m. A recap on the In Rem Foreclosure process was given by Ms. Davis. There was a presentation on the possibility of using solar energy panels at the Plattsburgh International Airport.

Human Services Committee – Legislator Keenan

Legislator Keenan reported that Resolutions #393 and #394 have been placed on the agenda upon the recommendation of the Committee.

Legislator Keenan reported that the next Human Services Committee meeting is scheduled for Wednesday, July 2nd at 5:15 p.m.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported that the Personnel Committee met Monday, June 2nd at 5:15 p.m. Resolutions #395 through #404 have been placed on the agenda upon the recommendation of the Committee.

The next Personnel Committee meeting is scheduled for Monday, August 4th at 5:15 p.m.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported that the Plattsburgh International Airport Legislative Tour took place on Saturday, June 4th. Resolutions #405 through #423 have been placed on the agenda upon the recommendation of the Committee.

Health Committee – Legislator Beach

Legislator Beach reported that the Thursday, June 5th Health Committee meeting was cancelled. Resolutions #391 and #392 have been placed on the agenda upon the recommendation of the Committee.

Legislator Beach reported that the next Health Committee meeting is tentatively scheduled for Thursday, July 3rd at 5:15 p.m.; however, he is unable to attend.

Public Safety – Legislator Hall

Legislator Hall reported that the Public Safety Committee met Monday, June 9th at 6:15 p.m. Upon the recommendation of the Committee, Resolutions #406 through #408 have been placed on the agenda for the District Attorney's Office, Resolutions #409 through #411 have been placed on the agenda for Emergency Services and Resolution #412 has been placed on the agenda for the Sheriff's Department.

Legislator Hall reported that the next Public Safety Committee meeting is scheduled for Monday, July 14th at 6:15 p.m.

Transportation Committee – Legislator McManus

Legislator McManus reported that the Transportation Committee met Monday, June 9th at 5:15 p.m. Resolutions #413 through #417 have been placed on the agenda upon the recommendation of the Committee.

Legislator McManus reported that the current financial status for Clinton County Public Transit (CCPT) was discussed. A \$115,000 shortfall may exist for the year 2015 due to changes in the New York State formula. Funding typically received in February did not arrive, and there was a change in legislation for Medicaid recipients which allows use of private taxis. Legislator McManus reported that the elimination of routes and rural paratransit would not reflect any savings, and eliminating or expanding

City routes would reflect a shortfall. He reported that the last option was increasing fares, and a 50 percent increase would still reflect a shortfall. It is anticipated that extra revenue will be received from ridership of students attending Clinton Community College and Plattsburgh State University College. Legislator McManus reported that eighty percent of individuals who utilize CCPT use it for essential services (medical appointments, hospital services). Individuals needing this service would be least likely to sustain an increase. Therefore, the Committee decided, at this time, not to recommend to the Legislature an increase in fares, and the program will continue to be monitored. He reported that the estimate of the \$115,000 shortfall may not come to fruition, and the Committee will be notified by February, 2015 if funding will be received. Legislator McManus reported that it was the consensus of the Transportation Committee that this service provided to the citizens is valuable enough to the County to support this system by using a budgetary item.

Legislator Hall asked the current cost of CCPT rates. Legislator McManus replied \$1 for the City of Plattsburgh fare, and \$2 for the rural fare. Mr. Brown reported that there were just under 200,000 passenger trips in 2013. He reported that ridership has decreased each time there has been a fare increase which would reduce the amount of total fares received. Legislator Read reported that fares do not cover the total expenses, much is covered by the subsidy. Legislator Gallagher encouraged the Committee to consider not only school passes for students but bus passes for everyone. He referred to a Letter to the Editor in the Press Republican which supported the bus system, and he feels it is an essential service that should receive more publicity. Legislator Read reported that the fare structure will be monitored and can be changed with a 60-day notice. He reported that there is also an economic development component that exists beyond ridership.

Liaison Reports

Chamber of Commerce – Legislator Read

Legislator Read reported that Legislators should have received an invitation to attend a Waterfront Revitalization Workshop scheduled for Friday, June 20th at the Plattsburgh Town Hall. This is a joint effort from the Town, City and the County to discuss waterfront revitalization. Legislator Read encouraged Legislators to attend.

Intercounty – Legislator Langley

Legislator Langley reported that the Intercounty Legislative Committee of the Adirondacks will meet in Hamilton County on Thursday, June 26th at the Adirondack Museum at Blue Mountain Lake.

Lake Champlain/Lake George Regional Planning Board – Legislator Langley

Legislator Langley reported that documents for the Lake Champlain/Lake George Regional Planning Board have been signed and returned for payment.

Off-Track Betting – Legislator Gallagher

The Off-Track Betting (OTB) Scholarship Committee met Wednesday, May 28th. The Committee reviewed the names of 16 students who were being considered to receive two \$500 scholarships. Two local students were selected to receive scholarships, one for enrollment at SUNY Plattsburgh and the other for enrollment at Clinton Community College. The names of the scholarship winners will be announced at the graduation.

Workforce Investment Board – Legislator Read

Legislator Read reported that the Workforce Investment Board is scheduled to meet Friday, June 13th at 8:30 a.m.

Staff Reports

County Attorney James Coffey requested an Executive Session to discuss a matter of litigation regarding Turtle Island, Lewinsky, Filion and Risetto.

Mr. Zurlo reported that he spoke with Broome and Onondaga Counties in regards to SolarCity. Both speak highly of SolarCity. Both counties opted to go outside of the New York State Association of Counties (NYSAC) preferred contract with their own Request for Qualifications (RFQs) and/or Requests for Proposals (RFPs) and selected SolarCity outside of the recommendation of NYSAC. Clinton County would need to sign its own non-binding Letter of Authorization by Thursday, June 26th. Mr. Zurlo spoke with NYSAC to confirm their communications with SolarCity and with New York State Electric and Gas (NYSEG) who indicated there is no problem with the County entertaining the project. Paperwork has been forwarded to SolarCity from the Federal Aviation Administration (FAA) along with the glare component. Mr. Zurlo reported that solar farms exist on and around airports throughout the country. SolarCity is aware that Clinton County needs FAA approval before the project can move forward. Legislator Dame asked the timeframe involved with the project. Mr. Zurlo replied 2015. Legislator Gallagher noted that an analysis was conducted by the Plattsburgh Air Force Base at one time showed that the Airport had the most amount of direct sunlight in the northeast. It was the consensus of the Legislature to send the non-binding Letter of Authorization.

Mr. Zurlo reported that Resolution #241 dated April 9, 2014 titled, “Supporting E23 Casino Project Located in the City of Albany in Albany County” was approved and supported the E23 Casino Project of which Capital Off-Track Betting (OTB) was a partner. He reported that Clinton County would have a revenue stream attached if the Project would be located in the Capital District of the region selected. Subsequent to the passage of the resolution, the venue was changed to Rensselaer County and not in the E23 site in Albany County. OTB has asked Clinton County to sign a letter stating Clinton County would be supportive of the Project wherever it may be located in the Capital District and not site-specific to the E23 Casino Project. It was the consensus of the Legislature to send the letter to OTB.

Mr. Zurlo requested an Executive Session to discuss the employment history of the Director of Community Services.

Chairperson Dyer reported that he forwarded an email to Legislators stating that the Governor’s Office is presenting the North Country Citizen Preparedness Corps Training Program training on Saturday, June 14th at 10 a.m. at the Angell College Center at SUNY Plattsburgh.

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

Resolution #388 titled, “Authorizing the Purchasing Agent to Solicit Bids for the 2013 Master Plan Project – Buildings and Grounds”

Discussion: Mr. Zurlo reported that this resolution authorizes the last phase of the rehabilitation project at the Department of Social Services which was delayed due to the passing of Architect John McKenna. This resolution authorizes money for the 2013 Master Plan Project. (Carried 10-0-0).

Resolutions #389 through #414 were approved.

Legislator Gallagher reported that the Personnel resolutions are for backfill requests, and Department Heads attended the Personnel Committee meeting to discuss the necessity of the requests. (Carried 10-0-0).

Resolution #415 titled, "Authorizing Contract with Faculty Student Association at Clinton Community College – Clinton County Public Transit (CCPT)"

Discussion: Mr. Zurlo reported that the bottom line does matter on these types of contracts. James Bosley, Planning Technician, reported that Clinton County has been successful in obtaining a 10 percent increase in revenue with ridership from Clinton Community College and Plattsburgh State University College students. (Carried 10-0-0).

Resolutions #416 through #422 were approved. (Carried 10-0-0).

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

Resolution #423 titled, "Authorizing Northern Border Regional Commission (Federal) Grant Application – Plattsburgh International Airport"

Discussion: Mr. Zurlo reported that Clinton County was made aware of funding that would be an offset to the Federal Inspection Station (FIS). Mr. Brown reported that this is the fifth round since the existence of the Grant through the Northern Border Regional Commission which is a Federal agency. He reported that \$1.1 million has been allocated to New York State by the Commission under this Grant Program. Clinton County is requesting 20 percent of that amount. (Carried 10-0-0).

Legislator Gallagher motioned to enter Executive Session at 7:50 p.m. to discuss a matter of litigation regarding Turtle Island, Lewinsky, Filion and Risetto, seconded by Legislator Keenan. (Carried 10-0-0).

Legislator Gallagher motioned to exit Executive Session at 9:35 p.m., seconded by Legislator Beach. (Carried 10-0-0).

Resolution #424 titled, "Approving Backfill of Permanent, Full Time Director of Community Services Position and Establishing Salary for Same – Legislature"

Legislator Gallagher motioned to place a resolution on the June 11th Regular Session agenda, seconded by Legislator Beach.

Legislator Langley reported that a large amount of money is being allocated to an individual who the Legislature is not able to interview for the position of Director of Community Service because the Community Services Board is the appointing authority. Mr. Zurlo reported that a Statewide search was conducted for this position. Legislator Gallagher requested a meet and greet with the candidate. Mr. Zurlo stated that he will schedule this.

Legislator Hall asked the opinion of the Legislature about the law that states a Town Justice cannot work in the Board of Elections. Legislator Gallagher stated the law states a Town Justice cannot serve as Commissioner when running for Town Office. Mr. Zurlo reported that Local Law #1 of 2000 reads, "An employee of the Board of Elections cannot act in that capacity if they are a candidate for public office." He reported that this became an issue in 2010 and the Legislature, at that time, instructed

him to enforce Local Law #1 of 2000. The County was subsequently sued by the Commissioner of the Board of Elections in Federal Court, and the County won. The case is being appealed in Federal Court. Mr. Zurlo stated that if it is the desire of the Legislature to change its view on the issue, it would have to be done via a Local Law.

Legislator McManus reported that at the time that this situation occurred, there were six Republicans and four Democrats on the Board. The four Democrats joined the six Republicans to make it unanimous in hopes that a lawsuit could be avoided.

Legislator Langley reported that he was the Chairperson of County Operations Committee at that time. The Commissioners of the Board of Elections (Michael Brooks and Judith Layhee) approached him in regards to the Local Law. It wasn't until after the election that the Local Law was adopted. Legislator Langley reported that the Commissioners sat in the audience at that time and were asked if they concurred with this. They both concurred. Each wanted to run for Town Justice. Legislator Langley asked both if they would step aside if they were going to run for office. They both replied yes.

Legislator Gallagher stated it is an inherent conflict of interest if a Commissioner is handling petitions and running for office at the same time. Mr. Coffey stated when there is a law, it should be enforced. If the law is not effective, it should be repealed. Legislator Gallagher stated petitions are due by Friday, July 11th. Legislator Langley stated both Commissioners should ask the Legislature for the law to be repealed. Legislator McManus stated the issue is conflict of interest. Legislator Hall stated that after hearing the opinions, the law should remain as the law.

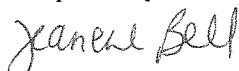
Mr. Zurlo discussed the County's contribution to the Clinton Community College (CCC) Operating Budget. He reported that CCC has reduced its Operating Budget this year. It has reduced expenses by \$706,000. The operating deficit, assuming there are no contributions from the County, is \$190,000. Legislator Dame asked what the \$190,000 represents as a percentage increase of the \$2.5 million given by the County last year. Mr. Zurlo replied approximately 7.4 percent. Mr. Zurlo is advocating a \$89,419 County contribution which is 3.5 percent. He reported that there was a directive last year from the CCC Board of Trustees to not access its fund balance. Mr. Zurlo reported that does not exist this year. Legislator Dame asked if there will be less full-time employees (FTEs) due to decreased enrollment. Mr. Zurlo replied yes. The College had seven vacancies, and three are being filled. It was the consensus of the Legislature to contribute \$89,419 towards the Clinton Community College Operating Budget.

Mr. Zurlo reported that an estimate of \$800,000 has been received on the Forrence Building Roof Project. The College received emergency State approval funding on the 50/50 split in the amount of \$400,000. The County previously approved a repair of the Forrence Building, not the replacement, in the amount of \$75,000. The estimated reduction in the Moore Building Heating Plant Project is going to come in \$400,000 under, and that has been reprogrammed. The Project cost would be \$250,000 of which the County would pay \$125,000.

Chairperson Dyer asked if there was any further business to come before the Board.

There being no further business, Chairperson Dyer entertained a motion from Legislator Gallagher to adjourn Regular Session at 9:52 p.m., seconded by Legislator Hall. (Carried 10-0-0).

Respectfully submitted,



Jeanene Bell
Senior Stenographer