

COUNTY OF CLINTON)
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STATE OF NEW YORK)

November 19, 2013

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, November 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
Robert Heins, Area 10
Pete Keenan, Area 5
James Langley, Jr., Area 7, Chairperson

EXCUSED: Harry McManus, Area 1
Sara Rowden, Area 4

ALSO PRESENT: Michael Zurlo, County Administrator
Rodney Brown, Deputy County Administrator
William Favreau, County Attorney
Katherine Brown, Senior 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. Legislators McManus and Rowden had asked to be excused.

Legislator Butler motioned to accept the minutes of the October 23, 2013 Regular Session, seconded by Legislator Dyer. (Carried 8-0-2).

Chairperson Langley asked if anyone wished to address the Legislature.

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

Committee Reports

Buildings and Grounds – Legislator Dyer

Legislator Dyer reported the Buildings and Grounds Committee meeting scheduled for this evening was cancelled. Resolution #839 is included on the agenda as a result of a poll of the Committee. The work is partially completed on the Surrogate Building Exterior Ramp Project.

Legislator Butler asked if there are still problems with the Government Center's elevator as it seems to still have a delay. Legislator Dyer replied maintenance was performed. He will bring this to the attention of Buildings and Grounds Superintendent, James Cleveland.

County Operations Committee – Legislator Dame

Legislator Dame reported the County Operations Committee meeting scheduled for Tuesday, November 12th was cancelled. Resolution #849 is included on the agenda for the Board of Elections and Resolutions #850 through #852 are included on the agenda for the Planning Department as a result of a poll of the Committee.

The next meeting is scheduled for Tuesday, December 3rd at 6:15 p.m.

Health Committee – Legislator Beach

Legislator Beach reported the Health Committee meeting scheduled for Thursday, November 7th was cancelled. Resolutions #855 through #857 are included on the agenda for Mental Health and Addiction Services, and Resolutions #858 through #863 are included on the agenda for the Health Department as a result of a poll of the Committee.

Legislator Beach stated New York State Department Commissioner Dr. Nirav Shah reported Jerie Reid, Director of Public Health, has completed all her necessary course requirements for her position.

The next meeting is scheduled for Thursday, December 5th at 5:15 p.m.

Human Services Committee – Legislator Keenan

Legislator Keenan reported the Human Services Committee met Tuesday, November 12th. Resolutions #864 through #866 are included on the agenda for the Nursing Home and Resolutions #867 through #872 are included on the agenda for the Office for the Aging.

Legislator Keenan reported there are no new tax levy dollars in the Nursing Home's 2014 budget request due to an influx in Intergovernmental Transfer (IGT) funding.

Legislator Keenan reported the Disabled American Veterans (DAV) recently held a fundraiser which raised \$18,000. He stated Bill McBride Chevrolet of Plattsburgh, New York made a generous donation of \$14,000.

Legislator Keenan reported the McDonough family of Plattsburgh, New York has donated 35 acres of land on Cumberland Head for a Veterans' Cemetery, providing the soil meets testing requirements. Mr. Zurlo stated if this is approved, it will be a lengthy process. Legislator Keenan stated Steve Bowman, the Director of the Veterans' Service Agency, has applied for State funding for the soil testing.

Legislator Keenan reported Resolution #853 on the agenda will authorize the County Treasurer to appropriate and transfer \$30,000 from the Tobacco Settlement Reserve Fund to the North Country Honor Flight.

The next meeting is scheduled for Tuesday, December 3rd at 5:15 p.m.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported the Personnel Committee met Wednesday, November 6th. Four candidates will be interviewed for the Personnel Director position on Monday, December 16th and Tuesday, December 17th from 5 p.m. to 7:30 p.m.

Resolutions #873 through #877 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Monday, December 2nd at 5:15 p.m.

Plattsburgh International Airport Committee – Legislator Heins

Legislator Heins reported Resolutions #878 through #881 are included on the agenda as a result of a poll of the Committee.

Legislator Heins reported Airport Manager Chris Kreig will address the Plattsburgh-North Country Chamber of Commerce at its annual meeting in Lake Placid, New York later this week. Mr. Kreig will discuss how the Airport arrived to its present state and what future plans exist.

Liaison Reports

Intercounty Legislative Committee of the Adirondacks – Legislator Dame

Legislator Dame reported the next meeting of Intercounty Legislative Committee of the Adirondacks is scheduled for Thursday, November 21st in Herkimer County.

Soil and Water – Legislator Dyer

Legislator Dyer reported the next meeting for Soil and Water is scheduled for Thursday, November 21st. He stated operations are back on schedule after the recent Government shutdown.

Staff Reports

County Attorney William Favreau requested an Executive Session to discuss pending litigation regarding the sale and lease of real property. Mr. Zurlo stated he would like to discuss a matter of collective negotiations.

Legislator Butler reported Legislator McManus' knee replacement surgery went well, and he is in good spirits.

The following Resolutions were approved unless otherwise noted.

Resolution #837 titled, "Authorizing the Clerk of the Clinton County Legislature to Advertise for a Public Hearing on the 2014 County Budget – Legislature"

Chairperson Langley motioned to approve the resolution, seconded by Legislator Beach. Carried (8-0-2).

Discussion:

Mr. Zurlo reported he will be distributing 2014 budget documents to the Legislature this evening. The budget sessions are scheduled for November 20th, 21st and 25th, 2013 at 5:15 p.m.

Resolutions #838 through #852 were approved.

Resolution #853 titled, "Authorizing the County Treasurer to Appropriate and Transfer Funding from the Tobacco Reserve – Treasurer's Office"

Chairperson Langley motioned to approve the resolution, seconded by Legislator Heins.

Discussion:

Legislator Gallagher stated this item was discussed at the November 6th Finance Committee from which he was excused. Legislator Rowden has discussed this issue with him, and he offers his support for the resolution. Carried (8-0-2).

Resolutions #854 through #865 were approved.

Resolution #866 titled, "Authorizing an Increase in Room and Board Rates for Skilled Nursing Facility Residents – Nursing Home"

Legislator Keenan motioned to approve the resolution, seconded by Legislator Heins.

Discussion:

Legislator Dyer asked how these rates compare to neighboring facilities. Mr. Zurlo replied the County's rates are lower. Mr. Zurlo stated these rates are for the Nursing Home's private-pay population. He further stated Medicaid rates are the same for all facilities. Mr. Zurlo stated that traditionally, there is an increase in room and board rates each year than the County's rates are the neighboring facilities.

Legislator Dyer asked if the lower rate is to draw business. Mr. Zurlo replied no and stated we try to keep up with increased costs. The Nursing Home Administrator mentioned the CVPH Medical Center is the one facility she was unable to verify the private-pay rate, but she will verify it. Legislator Dyer stated he believes the County's cost is \$85 less than CVPH. He believes the County should consider charging the private-pay population as much as possible.

Legislator Heins stated he disagrees with increasing the County's private-pay rate. He stated we should try to keep health care costs down.

Legislator Keenan stated the increase proposed is \$10 per day. Mr. Zurlo stated the increase for semi-private and quad room and board rates would be \$10 per day. The increase for a private room is also \$10 per day.

Legislator Dame asked if the Nursing Home has any openings. Mr. Zurlo replied traditionally no, but stated one opening currently exists.

Legislator Heins stated he thought there are only a couple of private-pay residents. Mr. Zurlo stated the population at the Nursing Home is less than ten percent private pay; most are at the Medicaid rate which is \$160 per day.

Legislator Butler stated the Nursing Home is usually at full capacity all of the time. Chairperson Langley stated year-to-date, the Nursing Home is 99.9 percent full.

Legislator Dame stated irrespective of 2014 budget figures and sales tax, what effect does it have on the tax levy. Mr. Zurlo replied it has no effect. He also stated in the past, it has resulted in an A Fund contribution; for 2014, it is \$0. Legislator Dame stated there are many neighboring counties suffering with this. Mr. Zurlo replied Clinton County is not at the crisis point.

Legislator Butler discussed the IGT funding impact. He stated for the next few years, the Nursing Home is in good shape with regard to financial reimbursement from the Federal government. In the past, there have been delays in the reimbursement process. Mr. Zurlo indicated by March of 2014, the County will go back to FY2013 which will result in income for the Nursing Home and no A Fund contribution. Carried (8-0-2).

Resolutions #867 through #877 were approved.

Resolution #878 titled, "Authorizing the Purchasing Agent to Solicit Bids to Purchase One Used Aircraft Rescue Fire Fighting (ARFF) Vehicle – Plattsburgh International Airport"

Legislator Heins motioned to approve the resolution, seconded by Legislator Dyer.

Discussion:

Rodney Brown, Deputy County Administrator, stated New York State law requires competitive, sealed bids for purchasing commodities over \$20,000. Despite the fact this is a used vehicle, it is over \$20,000. The County is obligated to go out to bid. Mr. Brown anticipates there are very few dealers for this particular used vehicle, and the County probably has already talked to them. Carried (8-0-2).

Resolutions #879 through #897 were approved.

Chairperson Langley entertained a motion from Legislator Dyer to Waive Rule 13.2, seconded by Legislator Heins. Carried (8-0-2).

Resolution #898 titled, "Authorizing the County Treasurer to Appropriate and Transfer Funding from the Occupancy Tax Reserve Fund – Legislature"

Chairperson Langley motioned to approve the resolution, seconded by Legislator Butler.

Discussion:

Mr. Zurlo stated at the November 6th Finance Committee meeting, the initial amount discussed was \$10,000. However, Legislator Dyer motioned to increase the amount to \$15,000. Carried (8-0-2).

Chairperson Langley entertained a motion from Legislator Gallagher to enter into Executive Session at 7:35 p.m. to discuss a matter of collective negotiations and the sale and lease of real property, seconded by Legislator Dyer. Carried (8-0-2).

Chairperson Langley entertained a motion from Legislator Gallagher to exit Executive Session and return to Regular Session at 8:30 p.m., seconded by Legislator Heins. Carried (8-0-2).

There being no further business, Chairperson Langley entertained a motion from Legislator Gallagher to adjourn Regular Session at 8:30 p.m., seconded by Legislator Dyer. Carried (8-0-2).

Respectfully submitted,



Katherine A. Brown
Senior Stenographer