

COUNTY OF CLINTON)

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STATE OF NEW YORK)

July 24, 2014

Stenographer's minutes of the Regular Session of the Clinton County Legislature held on Wednesday, July 23, 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
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

EXCUSED: John Gallagher, Area 9

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 Gallagher asked to be excused.

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

Chairperson Dyer entertained a motion from Legislator Read to open the public hearing at 7:04 p.m. regarding a Local Law titled, "A Local Law in Relation to the Sale, Application and Disposal of Waste Associated with Oil and Natural Gas Exploration, Extraction and Storage Activities." The motion was seconded by Legislator Waldron. (Carried 9-0-1). Mr. Zurlo read the Notice of Public Hearing.

Mary Dufore from the League of Women Voters in Plattsburgh stated that the Local Law demonstrates the commitment of the Clinton County Legislature to both present and future citizens in Clinton County and to New York State politicians. She thanked the Legislature for its diligence and effort in adopting this critical law.

Michael Kelley, Plattsburgh City Councilor, stated the City recently passed a similar resolution in regards to hydrofracking. He stated that hydrofracking and disposal of waste is a dangerous process and is concealed in secrecy. The ingredients in the process are unknown, and the companies involved in this activity are not required to show the ingredients. He stated that if this resolution is adopted, it will send a very strong message to Governor Andrew Cuomo and New York State representatives that citizens of New York State are opposed to hydrofracking and the by-products of the waste. He encouraged the Legislature to adopt the Local Law.

(Name Unknown) encouraged the Legislature to adopt the Local Law. She thanked the Legislature for bringing this matter forward.

Mary Alice Shemo from 29 Champlain Street, Plattsburgh, stated that the County needs to work towards energy efficiency and more renewables.

Paul Risetto from 43 Ron Craig Road, Saranac, asked if there was any connection with the legislation versus the comments being made by Champlain Gas and Oil with regards to Black Brook and mining rights. Mr. Zurlo replied he does not believe that there is any connection.

Chairperson Dyer entertained a motion from Legislator Read to close the public hearing at 7:13 p.m., seconded by Legislator Hall. (Carried 9-0-1).

Chairperson Dyer asked if anyone else wished to address the Legislature.

Paul Risetto from 43 Ron Craig Road, Saranac, asked if there would be any anticipated action from the Legislature regarding Executive Session or public session after Executive Session. James Coffey, County Attorney, stated that the Legislature intended to have an Executive Session. Mr. Zurlo stated there may be a resolution to come out of Executive Session.

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 month and have prioritized Master Plan Projects. Resolutions #483 and #484 have been placed on the agenda upon the recommendation of the Committee.

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported that the next Children and Family Services Committee meeting is scheduled for Thursday, August 7th at 6:15 p.m.

County Operations Committee – Legislator Read

Legislator Read reported that Resolution #485 has been placed on the agenda upon the recommendation of the Committee.

Finance Committee – Legislator Dame

Legislator Dame reported that the Finance Committee met Wednesday, July 16th. Kimberly Davis, County Treasurer, provided an update on sales tax receipts. Ms. Davis reported the County is approximately \$600,000 ahead of budgeted sales tax projections.

Legislator Dame reported that representatives from Clinton Community College presented the College's 2014-2015 budget request. The College is requesting a sponsor increase slightly over \$89,000. A public hearing on the budget will be held at the Wednesday, August 13th Regular Session at 7 p.m.

Legislator Dame reported that Purchasing Agent Kimberly Currier also attended the meeting to discuss minor revisions to the County's Purchasing Manual.

Legislator Dame reported that Resolutions #486 through #488 have been placed on the agenda upon the recommendation of the Committee.

The next Finance Committee meeting is scheduled for Wednesday, August 6th at 5:15 p.m.

Health Committee – Legislator Beach

Legislator Beach reported that the next Health Committee meeting is scheduled for Thursday, August 7th at 5:15 p.m.

Human Services Committee – Legislator Keenan

Legislator Keenan reported that the next Human Services Committee meeting is scheduled for Wednesday, August 6th at 6 p.m.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported that the Plattsburgh International Airport Committee met earlier. The entire Legislature was present to discuss awarding the bids for the Passenger Terminal Building

Expansion Project. Resolutions #489 through #494 have been placed on the agenda upon the recommendation of the Committee.

Chairperson Dyer thanked Legislator Langley, the Plattsburgh International Airport Committee, Mr. Zurlo and Rodney Brown, Deputy County Administrator, for doing such a great job on and behind the scenes with the Airport. He stated he didn't know how much the Legislature realizes what Legislator Langley does for the County and for the Airport. Legislator Langley stated that it is a team effort and that no one person can take the credit. He thanked Mr. Zurlo and Mr. Brown for doing an outstanding job on presenting the bids.

Public Safety Committee – Legislator Hall

Legislator Hall reported that the Public Safety Committee met Monday, July 14th at 5:15 p.m. Dave Marcoux, Director of Probation/ATI, presented Resolution #495 which is included on the agenda. Mr. Marcoux reported that discussions continue regarding the proposed Firearms Policy.

Sheriff Dave Favro presented Resolutions #496 through #498 which are included on the agenda.

Eric Day, Director of Emergency Services, presented Resolutions #499 and #500. Mr. Day reported Resolution #499 will authorize the acceptance of grant funding to be used for the replacement of hardware for the Department's 911 telepathy system. Mr. Day discussed the \$185 million in State and Federal Homeland Security Grants awarded to municipalities across New York State and, in particular, what was awarded to Clinton County.

Richelle Gregory, Director of the Child Advocacy Center, presented Resolutions #501 through #503 which are included on the agenda.

Resolution #505 is also included on the agenda for the District Attorney's Office. The Committee reviewed the June, 2014 Public Safety Report. Resolution #504 will appoint two members to the Clinton County STOP-DWI Advisory Board.

Legislator Hall reported that the next Public Safety Committee meeting is scheduled for Monday, August 11th at 6:15 p.m.

Liaison Reports

Chamber of Commerce – Legislator Read

Legislator Read reported that the Strategic Tourism Planning Committee meeting for July, 2014 was cancelled and expected to be rescheduled for August, 2014.

Community Services – Legislator Beach

Legislator Beach reported that the Community Services Board meeting for July, 2014 was cancelled and is scheduled to meet in August, 2014.

Cooperative Extension – Legislator McManus

Legislator McManus reported that Cooperative Extension met Tuesday, July 22nd. He reported that State cuts require that two and one-half positions be eliminated at Cooperative Extension. Grant programs will be explored to make up the difference.

Legislator McManus reported on local produce being shipped directly from the farms to local supermarkets versus local produce being shipped out of the area. Legislator McManus encouraged the citizenry to ask at the supermarkets if the produce is local. Chairperson Dyer reported that it sometimes takes the public to speak to store managers to get issues resolved.

Board of Health – Legislator Beach

Legislator Beach reported that the Board of Health met Monday, July 21st at 7 p.m. There was discussion and presentation on the Syringe Exchange Program which is being formed with a fixed site through the AIDS Council of Northeastern New York. There are long-term plans to have a mobile unit to drive through areas in rural Clinton and Franklin Counties to allow for syringe exchange for clients. A resolution was brought forward to produce a letter of support from the Board of Health which did pass 7-1.

Legislator Beach reported that there was a PHAB Committee update which included the historical building's security and handicapped access. Jeri Reid, Public Health Director, has met with Mr. Zurlo and Mr. Brown and has a very good plan to improve signage, accessibility and security.

Intercounty – Legislator Langley

Legislator Langley reported that the Intercounty Legislative Committee of the Adirondacks will meet in Herkimer County on Thursday, July 24th.

Lake Champlain/Lake George Regional Planning Board – Legislator Langley

Legislator Langley reported that the Lake Champlain/Lake George Regional Planning Board had its semi-annual meeting Wednesday, July 16th. He reported that millions of dollars pass through this very small contingency workforce. The Board began with \$1 million 15 years ago, and \$65 million has passed through since that time. The Board had a clean audit once again. Mr. Zurlo asked if there was more opportunity outside of Warren and Washington Counties. Legislator Langley replied the Board has submitted application for a \$10 million project which includes Clinton County and another for a \$50 million project. The Board makes counties aware of grant awards once received. Mr. Zurlo asked if the Executive Director of the Board could speak to local community groups or the Plattsburgh-North Country Chamber of Commerce to let it be known if an opportunity may become available for small businesses in Clinton County. Legislator Langley replied that he would ask the Executive Director.

Soil and Water – Legislator Dyer

Legislator Dyer reported a Soil and Water Conservation meeting is scheduled for Thursday, July 28th.

Workforce Investment – Legislator Read

Legislator Read reported that the Workforce Investment Board is scheduled to meet in August, 2014.

Staff Reports

County Attorney James Coffey requested an Executive Session to discuss a matter of litigation regarding Castine vs. Zurlo and issues regarding the potential purchase and sale of real property.

Mr. Zurlo reported that he received an email from Jennifer Jachym of SolarCity indicating there was a successful bid on Clinton County's behalf. Staff at SolarCity is aware of the requirements at the Plattsburgh International Airport. Airport Manager Chris Kreig forwarded the requirements to the Federal Aviation Administration (FAA) who will be sure to adhere to those requirements.

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

Resolution #481 titled, "Adopting Local Law #1 of 2014 titled, "A Local Law in Relation to the Sale, Application and Disposal of Waste Associated with Oil and Natural Gas Exploration, Extraction and Storage Activities – Legislature"

Discussion: Legislator McManus thanked the League of Women Voters for making the Legislature aware of the issue of hydrofracking. He reported that hydrofracking could affect Clinton County. This issue went through three Committees and compromises were made. He is pleased that this issue was initiated by the citizenry. (Carried 9-0-1).

Resolutions #482 through #493 were approved.

Resolution #494 titled, "Awarding Bids for Passenger Terminal Building Expansion Project – Construction (Phase II) – Plattsburgh International Airport"

Discussion: Mr. Zurlo reported that the five alternates do not include the addition of Alternate One (additional jet bridge), it does include the deduct of the temporary structure to house the baggage handling, it does not include the addition of the permanent structure to handle the baggage handling, it does not deduct the construction of the security doors (remains in base bid) and it does include Alternate Five which is the allowance for the construction of the Federal Inspection Station (FIS) shell which would include and house the temporary baggage handling system until such time as it goes overhead of the fully-constructed FIS.

Legislator Dame reported that the Legislature is very pleased that the bids came in approximately \$6 million under the Engineer's estimate. He is more than pleased that three of the four General Contractors are from Clinton County. He thanked Mr. Zurlo and Mr. Brown for all of the work they have done with the Terminal Building Expansion Project in keeping the Legislature informed. He thanked the Engineering Firm for providing very informative material which allowed the Legislature to make informed decisions.

Legislator Langley reported that he will not be on the Legislature when the Passenger Terminal Building Expansion Project is complete. He commended the Legislature for doing such a good job. He is pleased that the Legislature has been able to feel comfortable in the decisions that have been made. He feels that the County will continue to do well, and the Airport will be a good jewel for Clinton County.

Mr. Zurlo reported that he received a telephone call from former Legislator Robert Heins congratulating the Legislature on receiving such good bids for the Project. Legislator Hall reported that he met with Legislator Heins after he was elected to discuss the Plattsburgh International Airport. He stated that it has been an honor and a privilege to work with Legislator Langley. He stated that Legislator Langley has taught him so much that he did not know about the Airport. He stated that Legislator Langley, Mr. Zurlo and Mr. Brown have done a tremendous job in working with the Airport.

Chairperson Dyer commended the Legislature in doing such a great job with the Airport. He reported that the tour of the Airport was very helpful to the Committee. He also thanked Mr. Zurlo and

Mr. Brown for all that they have done. (Carried 9-0-1).

Resolutions #495 through #497 were approved.

Resolution #498 titled, "Authorizing Fiscal Year 2014 Community Oriented Policing Services (COPS) Hiring Program (CHP) Funding Application"

Discussion: Mr. Zurlo reported that this resolution authorizes the application for the Community Oriented Policing Services (COPS) Hiring Program (CHP). There has not been a decision if the County will accept the Grant or if there will be County funds associated with the cost. (Carried 9-0-1).

Resolutions #499 through #516 were approved.

Resolution #517 titled, "Authorizing the County Administrator to Execute a Memorandum of Agreement by and between the County of Clinton, the Civil Service Employees' Association, Inc. Local 1000/AFSCME, AFL-CIO, and Clinton County Units 6450 and 6466 of Local Law 884"

Discussion: Mr. Zurlo reported that there were questions on the language in the contract related to reimbursement for mileage. Mr. Brown reported there was clarification for travel from the workplace to a work site rather than from home to a work site and how that should be reimbursed for mileage. (Carried 9-0-1).

Legislator Hall motioned to Waive Rule 13.2, seconded by Legislator Beach. (Carried 9-0-1).

Resolutions #518 and #519 were approved.

Resolution #520 titled, "Complying with New York State Comptroller Regulations by Establishing Standard Work Day and the Reporting of Retirement Credit for Elected and Appointed Officials – Legislature"

Discussion: Legislator Dame requested a roll call vote be taken. (Carried 8-1-1). Legislator Dame voted no. He feels that the work week as established in the resolution is disingenuous and excessive. He feels the Legislators are part-time public servants and, although he respects the work of each Legislator, the benefit bestowed for retirement and other compensation is unwarranted. He reported that the resolution states Legislators are full-time employees, and he does not feel they really are.

Mr. Coffey reported that in terms of his position as County Attorney, he has tracked his hours over a three-month period. He stated if it looks like he has worked 35 hours per week as reflected in the resolution, that is not so. Mr. Zurlo reported that is not how it works. A formula is used. Everyone with the letter "N" by their name under Record of Time has submitted to Mr. Zurlo a Record of Activities which has been fully audited and meets the criteria outlined by the Comptroller's Office. It is required that these records be retained for ten years.

Chairperson Dyer reported that being a Legislator may be a part-time job, but it doesn't take long for the hours to add up.

Legislator McManus motioned to enter Executive Session at 7:53 p.m. to discuss Castine vs. Zurlo and issues regarding the potential purchase and sale of real property, seconded by Legislator Hall. (Carried 9-0-1).

Legislator McManus motioned to exit Executive Session at 8:34 p.m., seconded by Legislator Dame. (Carried 9-0-1).

Resolution #521 was approved.

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 Hall to adjourn Regular Session at 8:35 p.m., seconded by Legislator Keenan. (Carried 9-0-1).

Respectfully submitted,



Jeanene Bell
Senior Stenographer