

COUNTY OF CLINTON)
:SS
STATE OF NEW YORK)

June 14, 2015

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, June 10, 2015 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: Jonathan Beach, Area 2
Mark Dame, Area 8
Samuel Dyer, Chairperson, Area 3
John Gallagher, Area 9
Robert Hall, Area 10
Pete Keenan, Area 5
James Langley, Jr., Area 7
Harry McManus, Area 1
Colin Read, Area 4
Patty Waldron, Area 6

ALSO PRESENT: Michael E. Zurlo, County Administrator
Rodney Brown, Deputy County Administrator
James Coffey, Esq., County Attorney
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. All Legislators were present.

Legislator Gallagher motioned to accept the minutes of the May 27th Regular Session, seconded by Legislator Keenan. (Carried 10-0-0).

Chairperson Dyer asked if anyone wished to address the Legislature.

Keith Perry from Ausable Forks, New York, requested the property he purchased at the Clinton County Tax Auction be rescinded. Mr. Perry stated the full market value of Lot 42 is \$11,200. There was a fire at the property, and the building has been condemned. He realizes it is his duty to investigate the property but stated he did not feel the County was honest about the condition of the property. He stated the cost to demolish both buildings is more than both properties are worth. Mr. Perry asked to be excused from the bid.

Legislator Dame asked if Lot 42 is a property that was sold for less than the delinquency. Mr. Zurlo replied the property sold for less than the delinquency, and Lot 42 is included in Resolution #405 on tonight's agenda.

Legislator Hall asked Mr. Perry how much he paid for the property. Mr. Perry replied \$1,200. Legislator Hall asked Mr. Perry if he had visited the property. Mr. Perry replied he did not visit all of the properties he was interested in.

Mr. Perry suggested the County demolish the buildings on the properties. Legislator Waldron asked Mr. Perry if the building was condemned. Mr. Perry replied yes, a condemned sign was posted on the building.

Kimberly Davis, the County Treasurer, reported on her prior discussion with Mr. Perry. She stated she told Mr. Perry it is the decision of the Legislature whether or not to accept the bid. Ms. Davis reported she had asked Mr. Perry if he had seen the property, and Mr. Perry replied he had not seen the property. Ms. Davis reported the tax auction is public information, and Mr. Perry could have seen the property.

Ms. Davis reported Mr. Perry had told her he did his research on-line. She stated the Haroff Auction & Realty, Inc. website, as well as the auction brochure, states "Prior to the auction, bidders should make such inspection and investigation as they deem appropriate. If you have not made a prudent inspection and investigation regarding the auction, we ask that you do not bid at today's auction." Ms. Davis stated Mr. Perry has admitted that he went to the property, and it was posted "condemned." She stated if Mr. Perry had done his due diligence, he would have seen the property was condemned at that time.

Mr. Perry told Ms. Davis his research revealed the fire on the property took place in December, 2014. He stated the County was aware of the fire. Ms. Davis stated the County was not aware of the fire. It is not the County's responsibility to investigate the parcels. The County does not condemn buildings; it is the Town Code Enforcement Officer that condemns buildings. It is inaccurate to say the County knew about the fire. Ms. Davis stated that is not true. Ms. Davis stated when Mr. Perry did on-line research, the assessment of \$11,200 is what the County goes on when it takes possession. The County took possession after 45 days. She stated the tentative roll for 2015 is published May 1st, well ahead of the auction. At that time, the assessment decreased to \$1,900.

Ms. Davis stated granting Mr. Perry's request would set a very bad precedent for the County. Ms. Davis stated she told Mr. Perry he does not have to complete the sale if the Legislature chose to accept his bid; however, he would lose the \$1,000 deposit and will not be able to bid again at an auction. She suggested Mr. Perry list the building for sale.

Legislator Dame reported assessed value from the Town does not establish market value. He asked Ms. Davis if the market value could be considerably higher than the assessed value. Ms. Davis replied yes, that statement was correct.

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

Committee Reports

Buildings and Grounds Committee – Legislator Read

Legislator Read reported the Buildings and Grounds Committee met earlier at the Human Services Center to tour the progress of the Human Services Center Rehabilitation Project. He reported it is set to be complete late August or early September, 2015. Resolution #396 has been placed on the agenda upon the recommendation of the Committee.

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported the Children and Family Services Committee meeting scheduled for Thursday, June 4th was cancelled. Resolutions #397 through #402 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Thursday, July 2nd at 6:15 p.m.

County Operations Committee – Legislator Read

Legislator Read reported the County Operations Committee met earlier. Reports were presented from Information Technology and the Board of Elections. Resolution #403 has been placed on the agenda for the Board of Elections upon the recommendation of the Committee, as well as Resolution #439 regarding coordinating the various Primary Elections over the summer. Legislator Read reported there was discussion with Information Technology in regards to proceeding on grant funding that will allow the County to provide broadband access to adjoining buildings.

Mr. Zurlo reported Resolution #439 has been placed on the agenda under Waive Rule 13.2. The Resolution has been recommended by the New York State Board of Elections and is supported by both Commissioners of the Clinton County Board of Elections.

Finance Committee – Legislator Dame

Legislator Dame reported the Finance Committee meeting scheduled for Wednesday, June 3rd was cancelled. Resolutions #404 and #405 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Wednesday, July 1st at 5:15 p.m.

Legislator Dame reported after hearing earlier comments from the County Treasurer, he has changed his opinion of deleting the property Mr. Perry referred to from Resolution #405 or giving it special treatment.

Health Committee – Legislator Beach

Legislator Beach reported the Health Committee meeting scheduled for Thursday, June 4th was cancelled. Resolutions #406 through #409 are included on the agenda as a result of a poll of the Committee.

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

Human Services Committee – Legislator Keenan

Legislator Keenan reported the Human Services Committee meeting scheduled for Wednesday, June 3rd was cancelled. Resolutions #410 through #413 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Wednesday, July 1st following the 5:15 p.m. Finance Committee meeting.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported the Personnel Committee was polled on Resolutions #414 through #420 which are included on the agenda.

The Monday, July 6th Personnel Committee meeting has been rescheduled to Monday, June 29th at 5:15 p.m.

OTB Scholarship Committee – Legislator Gallagher

Legislator Gallagher reported the OTB Scholarship Committee met Wednesday, May 27th. The Committee reviewed the names of 18 students being considered to receive \$500 scholarships. He reported 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 graduations. Legislator Gallagher reported the scholarships are paid after the students have successfully completed one semester of college.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported the Plattsburgh International Airport Committee had a tentative meeting scheduled before the Regular Session which was cancelled at the last minute. He thanked the County Operations and Buildings and Grounds Committees for allowing the Airport meeting to be scheduled between their meetings and apologizes for any inconvenience the cancellation may have caused.

The next meeting is scheduled for Wednesday, June 24th at 5:15 p.m.

Public Safety Committee – Legislator Hall

Legislator Hall reported the Public Safety Committee met Monday, June 8th. He reported Frank Mercier, the Traffic Safety Coordinator; Dave Marcoux, the Director of Probation; and Kelly Donoghue, the Assistant Director of Emergency Services attended the meeting. He reported Resolution #421 is included on the agenda for the Probation Department, Resolution #425 is included on the agenda for Emergency Services and Resolution #437 is included on the agenda for Assigned Counsel.

The next meeting is scheduled for Monday, July 13th at 6:15 p.m.

Transportation Committee – Legislator McManus

Legislator McManus reported the Transportation Committee meeting scheduled for Monday, June 8th was cancelled. Resolutions #426 and #427 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Monday, July 13th at 5:15 p.m.

Liaison Reports

Chamber of Commerce – Legislator Read

Legislator Read reported the Strategic Tourism Planning Committee met and discussed the Destination Master Plan.

InterCounty – Legislator Waldron

Legislator Waldron reported Intercounty met Thursday, May 28th in Warren County. A steamboat tour was provided of Lake George. Katie Hohman from the New York State Association of Counties (NYSAC) provided the NYSAC update. She reported Governor Andrew Cuomo is attempting to make the tax cap permanent.

Soil and Water – Chairperson Dyer

Legislator Read reported the Soil and Water Committee is scheduled to meet Thursday, June 11th.

Workforce Investment Board – Legislator Read

Legislator Read reported the Workforce Investment Board is scheduled to meet Friday, June 12th. He reported Chairperson Dyer, Mr. Zurlo and he met with Executive Director Sylvie Nelson to discuss the transition of the new set of regulations. Mr. Zurlo reported Resolution #436 will authorize the signing of the Multi-Jurisdictional Local Elected Officials Agreement.

Staff Reports

County Attorney James Coffey requested an Executive Session to discuss the Castine litigation, the Narrows Bridge Road litigation and mediation, the purchase of real property by Clinton County, the possible litigation regarding the Airport Project and Mr. Perry's purchase of auctioned property. Mr. Zurlo reported the auctioned property is a potential item for discussion.

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

Resolutions #396 through #409 were approved.

Resolution #410 titled, "Authorizing Expansion and Enhancement of Existing NY Connects Program Grant Application and Acceptance - Office for the Aging"

Discussion: Mr. Zurlo reported this resolution was part of the funding discussion Information Technology Director Barbara Foster discussed earlier in the County Operations Committee meeting. (Carried 10-0-0).

Resolutions #411 through #436 were approved.

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

Resolution #437 titled, "Awarding Request for Proposals (RFPs) for Attorney Mentoring Program – Assigned Counsel/Legislature"

Discussion: Legislator McManus asked the reason the hourly rate increased from \$150 per hour to \$175 per hour. Mr. Zurlo replied two bids were received, one for \$758 per month and one for \$600 per month, with an additional fee of \$175 per hour and \$150 per hour. Mr. Zurlo reported he and Justin Meyer, the Assigned Counsel Administrator, felt both attorneys should be paid the same rate for monthly office hours as well as any additional hourly fee that may be required. He reported the cost for the Mentoring Program is paid through a New York State Grant. Legislator McManus asked if the County was required to bid the Mentoring Program. Mr. Meyer replied yes.

Legislator Gallagher reported three respondents for the Request for Proposals (RFPs) were anticipated for the Mentoring Program; however, there were only two that responded. Mr. Zurlo reported the per month rate is a fixed cost; an hourly cost may not have to be used. He reported mentoring may be handled in the monthly cost, and the additional per hour cost may not come into play. (Carried 10-0-0).

Resolutions #438 and #439 were approved.

Chairperson Dyer asked if there was anything further to come before the Legislature.

Legislator Gallagher wished to publicly state his support for the law enforcement throughout New York State in search for the inmates who escaped from Clinton Correctional Facility.

Legislator Langley reported a number of parcels of property were sold at the Clinton County Tax Auction. At one point in time, individuals paid taxes on these properties. However, the Indians in Altona, New York have never paid any taxes on property. Legislator Langley reported there are compacts with the Oneidas, the Senecas and the Mohawks. The County is receiving money from the Mohawks; however, the Ganienkabs are still not paying. He reported the County has won its case in court. He feels the State representatives need to use the same method to acquire the compacts from the large Indian tribes as with the smaller tribes. Mr. Zurlo reported the court decision that was in the County's favor has been appealed, and the County is awaiting a decision. Legislator Beach reported it has been requested the Indians do no destruction and/or improvements to the property, and they have ignored this request. Mr. Zurlo reported the assessment value has increased on these properties which affects the Northern

Adirondack School taxes. Legislator Beach reported it is an issue for the Area 2 Legislative District because payment of taxes makes the County whole. The County obtains any profit if the properties are foreclosed upon.

Ms. Davis presented the results of the Clinton County Tax Auction. There were 138 registered bidders (including four internet bidders). There were 57 parcels available and 55 parcels were sold. She reported the two parcels that did not sell are not buildable. The delinquent taxes owed were \$339,323.49. The County netted \$437,626.51; however, not all of that amount is profit. Nine properties had Department of Social Services' (DSS) liens. Ms. Davis reported the profits go to New York State if DSS sells those properties on their own. The net is \$78,702 for the nine properties. She reported the amount of \$325,000 was budgeted for the 2015 Tax Auction. Seven properties had already been in the County Tax Auction two years ago, and there were never any taxes paid on the properties since that time. There were six properties in and out of foreclosure for several years. There were 17 properties that sold for less than the taxes owed.

Legislator Dame asked the lien amount for the nine properties owned by DSS. Ms. Davis replied \$471,000. Mr. Zurlo reported when Medicaid pays for a recipient in an adult care facility, a lien is placed on their property in the amount that Medicaid paid for.

Ms. Davis reported the auction brochure states no one can access property until title is transferred and the sale is complete. There have been two instances where the New York State Police have been called because people went into properties they did not own. Ms. Davis feels the properties need to be secured.

Legislator Langley asked how long after the resolution is approved before the deeds are signed by the Chairperson. Ms. Davis replied the sale needs to be completed within 30 days. Mr. Zurlo reported the Chairperson signed the deeds this evening that do not require approval by the Legislature and were sold in excess of delinquency. Legislator Langley reported the quicker titles can be given to property owners, the owners can secure the properties themselves.

Legislator Gallagher motioned to enter into Executive Session at 7:50 p.m. to discuss the above-mentioned matters, seconded by Legislator Hall. (Carried 10-0-0).

Legislator Gallagher motioned to exit Executive Session at 8:08 p.m., seconded by Legislator Hall. (Carried 10-0-0).

Resolution #440 titled, "Authorizing Settlement Agreement with County Employee – Legislature"

Discussion: Mr. Coffey reported the document to be signed is an Agreement Regarding Settlement. Mr. Zurlo reported the resolution authorizes the County Administrator to execute the Settlement Agreement with Susan Castine. Mr. Coffey reported Towne, Ryan & Partners, Attorneys for the Defendants, are authorized to sign the Agreement on behalf of Clinton County.

Legislator McManus asked if there would be a separate vote on rescinding the Local Law #1 of 2000. Mr. Zurlo replied yes, that is a separate issue.

A roll call vote was taken on the resolution, "Authorizing Settlement Agreement with County Employee." (Carried 8-2-0). Legislators Beach and Langley voted no.

Legislator Gallagher motioned to adjourn Regular Session at 8:11 p.m., seconded by Legislator Hall. (Carried 10-0-0).

Respectfully submitted,

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

Jeanene Bell
Senior Stenographer