

COUNTY OF CLINTON)  
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STATE OF NEW YORK)

January 17, 2012

Stenographer's minutes of the Regular Session of the Clinton County Legislature held  
Wednesday, January 11, 2012 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., Chairperson, Area 7  
Harry McManus, Area 1

EXCUSED: 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 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. Legislator Rowden asked to be excused.

Legislator Butler offered a motion to accept the minutes of the January 4, 2012 Organizational Meeting and the January 11, 2012 Regular Session, seconded by Legislator Dyer. (Carried 9-0-1). Legislator Rowden was absent.

Chairperson Langley asked if anyone wished to address the Legislature.

Chairperson Langley recognized Kenneth Varin of Route 374, in the Town of Dannemora. Mr. Varin stated he is dealing with contaminated wells. He has brought this issue to the attention of the Clinton County Board of Health, who referred him to the New York State Department of Transportation (NYSDOT) located on Route 374, who in turn, referred him to the NYSDOT Regional Office in Watertown, New York. Mr. Varin stated that the well water was tested by Upstate Laboratories of Syracuse, New York. The findings showed contamination by sodium chloride.

Mr. Varin stated he is aware this is a State route; however, this is a concern for a County resident, and not only himself, but for four additional residences near him. Mr. Varin asked for support from the County, and financial assistance from the State of New York to correct the problem. Legislator Butler commented that he understands Mr. Varin's concern, noting a similar contamination problem he experienced in the past which did not work out for him. Chairperson Langley stated he will provide Mr. Varin's contact information to Senator Elizabeth Little and Assemblywoman Janet Duprey so they may discuss this issue with him.

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

### **Committee Reports**

#### **Buildings and Grounds Committee – Legislator Dyer**

Legislator Dyer reported the Buildings and Grounds Committee has not met this year. James Cleveland, the Superintendent of Buildings and Grounds, did provide him with an update as of January 10<sup>th</sup>. As part of the 2011 Master Plan, three air conditioning coils will be ordered for the Government Center with work to be done in-house.

#### **County Operations Committee – Legislator Dame**

Legislator Dame reported the next meeting of the County Operations Committee is scheduled for Tuesday, February 7<sup>th</sup> at 6:15 p.m.

#### **Personnel Committee – Legislator Gallagher**

Legislator Gallagher reported the Personnel Committee meeting scheduled for Monday, February 6<sup>th</sup> at 5:15 p.m. has been cancelled and rescheduled to Tuesday, February 14<sup>th</sup> at 5:15 p.m.

#### **Plattsburgh International Airport Committee – Legislator Heins**

Legislator Heins reported the next meeting of the Plattsburgh International Airport Committee is

scheduled for Wednesday, January 25<sup>th</sup> at 5:15 p.m. A decision will be made regarding the Airport's Essential Air Service.

Mr. Zurlo reported all Legislators have been provided copies of the proposals received as a result of the Request for Proposals (RFPs) for Essential Air Service. He will distribute additional information later this evening, which consists of comments from one of the three bidders. Mr. Zurlo stated that prior to Tuesday, February 7<sup>th</sup>, the community, defined as the County Legislature and the City of Plattsburgh, will make a formal choice regarding Essential Air Service for the Airport. Mr. Zurlo stated that he, Deputy County Administrator Rodney Brown and Airport Manager Chris Kreig will discuss this issue further later this evening.

#### **Transportation Committee – Legislator McManus**

Legislator McManus reported that he and Al Rascoe, Highway Superintendent, would like to schedule a general meeting at the Highway Department so the new Legislators serving on this Committee can take a look at the Highway Department and be available to discuss any issues. Mr. McManus will schedule this meeting for next week and will provide information to the Legislators serving on the Committee.

The next meeting of the Transportation Committee is scheduled for Monday, February 6<sup>th</sup> at 5:15 p.m.

#### **Liaison Reports**

##### **Intercounty - Legislator Dame**

Legislator Dame reported the next meeting of the Intercounty Legislative Committee of the Adirondacks is scheduled for Thursday, January 19<sup>th</sup> in Washington County.

##### **Workforce Investment Board – Legislator Gallagher**

Legislator Gallagher stated a liaison is needed for the Workforce Investment Board and suggested that both a primary and alternate member could be assigned. He reported the Board meets bi-monthly at 7:30 a.m. at OneWorkSource, 194 US Oval, Plattsburgh. Legislator Gallagher indicated that he does serve on the Youth Board, but he can no longer “call in” via telephone for their meetings if he is unable to attend the meeting.

#### **Staff Reports**

County Attorney William Favreau requested an Executive Session to discuss pending litigation. Mr. Zurlo stated that he also would like to discuss a matter of collective negotiations.

Mr. Zurlo referenced his memo provided to each Legislator in their packet this evening regarding the 2012 NYSAC Legislative Conference in Albany on January 30<sup>th</sup>, 31<sup>st</sup> and February 1<sup>st</sup>. He asked Legislators to contact Kathy Brown in the Legislative Office by Wednesday, January 18<sup>th</sup> if they plan to attend.

Chairperson Langley stated the Wednesday, February 1<sup>st</sup> Finance Committee meeting has been rescheduled to Wednesday, February 15<sup>th</sup> at 5:15 p.m. due to Legislators returning from the NYSAC Legislative Conference in Albany that day.

There being no further business, Chairperson Langley moved onto resolutions. He briefly explained the roll call procedure for the draft resolutions on the agenda.

The following resolutions were approved unless otherwise noted.

Resolution #16 was approved.

Resolution #17 titled, "Authorizing Contract with ProAct, Inc. – Social Services"

Legislator Heins offered a motion to approve the resolution, seconded by Legislator Gallagher.

Discussion: Mr. Zurlo stated in each Legislator's mailbox is a spreadsheet showing how ProAct, Inc. has saved the underinsured and uninsured in Clinton County. This resolution will reauthorize the Discount Prescription Drug Card Program for the period February 23, 2012 through December 31, 2015. Carried (9-0-1).

Resolutions #18 through #27 were approved.

Resolution #28 titled, "Authorizing the County Treasurer to Establish Appropriation from the Sheriff's Seizure/Custom Treasury Reserve Account – Sheriff's Department"

Legislator Heins offered a motion to approve the resolution, seconded by Legislator Butler.

Discussion: Mr. Zurlo stated these are accounts that receive their funding through many sources, most of them through seizures. These are off-budget/off-levy purchases. Carried (9-0-1).

Resolution #29 titled, "Approving Inmate Telephone Account Purchase – Sheriff's Department"

Legislator Butler offered a motion to approve the resolution, seconded by Legislator Gallagher.

Discussion: Mr. Zurlo stated these vehicles are not additions to the Department's present fleet. During the budget process, Mr. Zurlo asked that these vehicles be funded off-budget from this account; these are not levy dollars. Legislator Heins asked what will be done with the two vehicles being replaced. Mr. Zurlo replied the vehicles will be sold at auction. Legislator Dame asked if these were funded in the 2012 budget. Mr. Zurlo replied no, and stated that funding is from the Inmate Telephone Account through the Sheriff's Department. He then explained the process. Legislator Dame asked if the funding from the Inmate Telephone Account could be general revenue for the budget. Mr. Zurlo replied no, and stated there are certain guidelines for expending these funds; a general fund offset is not an allowable use. Carried (9-0-1).

Resolution #30 titled, "Authorizing the Country Treasurer to Establish Appropriation and Corresponding Revenue for Clinton County Employment and Training Administration (CCETA) - Employment and Training"

Legislator Heins offered a motion to approve the resolution, seconded by Legislator Butler.

Discussion: Mr. Zurlo stated this type of resolution is drafted by the Treasurer's Office when grant funding is received or when less grant money is received than originally anticipated. This resolution authorizes the transfer of funds and allocates it specifically to the proper program and budget line. Carried (9-0-1).

Resolutions #31 through #34 were approved.

Mr. Zurlo suggested the discussion take place regarding Essential Air Service. He introduced Airport Manager Chris Kreig. Mr. Zurlo stated the Federal Department of Transportation has received three bids for Essential Air Service. The proposals were from Pen Air, Sovereign Air, Inc. and Air Choice One. Mr. Zurlo stated that he and Mr. Kreig have done some due diligence. He further stated that included in the information Mr. Brown distributed this evening are comments submitted by Pen Air in response to their competitors' bids. Mr. Brown stated they did a great job outlining the deficiencies that exist in both the Sovereign Air, Inc. and Air Choice One proposals.

Mr. Kreig reported that Pen Air is proposing 12 flights per week to Boston, Massachusetts on SAAB 340's, which Colgan Air currently operates on that route. Sovereign Air, Inc. is proposing flights to Boston, Massachusetts on two aircraft types. The problem with this proposal is Sovereign Air, Inc. is not a Part 121 Passenger Carrying Certified Aircraft and with no standing with the Federal Aviation Administration or the Federal Department of Transportation. Therefore, this is not a bid that can be considered. The Air Choice One proposal is proposed to fly Cessna Grand Caravans (9 passengers) with an interior more polished than the Cessna 402s that originally flew the Essential Air Service route. Their proposal is to fly the route from Plattsburgh International Airport to Portland, Maine; however, Portland is a "small hub" airport. The Request for Proposals (RFPs) from the Federal Department of Transportation indicates that the proposed route must be to a medium or large hub Airport; this does not meet the requirements of the RFP.

Mr. Zurlo stated at this time, there is one proposal before the Legislature. Mr. Zurlo stated that he was comfortable with Pen Air's proposal through a teleconference conducted through the Plattsburgh-North Country Chamber of Commerce in December. Mr. Kreig stated Pen Air is interested in providing service. They are the only carrier of the three proposals that actually reached out to the County regarding their RFP. He also stated that Pen Air's Vice President of Maintenance did stop at the Plattsburgh International Airport on Friday; however, he was unable to meet with him, but they did meet with a representative from SheltAir Aviation to discuss service at the Airport. Mr. Zurlo stated the Plattsburgh-North Country Chamber of Commerce has started putting together a marketing plan for the company should they be the successful bidder. Mr. Zurlo indicated that far more details are included in the documents he mailed to Legislators. Mr. Zurlo stated that Pen Air's proposal is contingent upon receiving bids from Bar Harbor, Maine and Presque Isle, Maine. Mr. Brown stated Pen Air has been around for approximately 60 years. Mr. Zurlo stated they have numerous interline agreements and are a member of the Sabre System, the most common airline reservation system.

Legislator Gallagher questioned if their security gate would be close to another airline gate. Mr. Zurlo stated he did not know, and stated this question will be answered prior to making a decision.

Legislator McManus asked if Pen Air would be actively seeking a code share. Mr. Zurlo replied yes, and stated they currently had a full code share with Alaska Airlines. However, there is not much demand for Alaska Airlines out of Plattsburgh International Airport, but because of the code share, you would get frequent flier miles on all Alaska Airlines' partners; and there are several.

Mr. Brown stated a discussion was held previously regarding the issue of interline versus code sharing. He stated the advantage of a code share with a major airline is that you can go on a website and book a flight out of Plattsburgh. If there is only an interline agreement, you would not be able to do that. Mr. Zurlo noted that 90 percent of the flights are done through the Sabre System and not through the actual airline's website. The disadvantage of having a code share is they would have some say on the prices to be established out of Plattsburgh. In an interline agreement, there is more flexibility in establishing their rates.



Legislator Heins asked what the flight schedule would be. Mr. Zurlo replied this was brought up at the teleconference call. It was made clear that we wanted to maximize connections out of Logan International Airport in Boston, Massachusetts. Legislator Heins asked if it was too early to discuss fares. Mr. Zurlo replied Pen Air did not indicate what the fares would be; however, we can ask what the fare range will be.

Legislator Gallagher stated he reviewed the materials he received from Mr. Zurlo and asked when the Legislature had to make a decision. He further stated he must be excused from the February 25<sup>th</sup> Regular Session, but wanted to voice his comments regarding this issue. Legislator Gallagher also stated that the Legislature probably doesn't need to discuss this much as this is the only proposal out of the three that qualifies. Mr. Zurlo pointed out that he does not want it to appear that the County is stuck with an airline because there is only one proposal that qualifies; he is pleased with the submission as it exists. Mr. Zurlo stated that if anyone has any questions for the airlines, Mr. Kreig could reach out to the airlines.

Legislator McManus asked if the new Essential Air Service provider would be required to provide the same service and guarantee as obligated by Colgan Air. Mr. Zurlo replied yes, and stated the new service provider would have to.

Legislator Heins asked when the new service would take effect. Mr. Brown replied the last time, it took approximately three months.

Mr. Zurlo stated that he has sent City of Plattsburgh Mayor Donald Kasprzak all of the information he has received, as well as provided the Federal Department of Transportation with Mayor Kasprzak's contact information in case they wish to contact him directly.

Legislator Dame asked if this decision will ultimately be the Federal Government's choice. Mr. Zurlo replied yes, and stated it is the choice of the Federal Department of Transportation, regardless of the community's input. Legislator Dame also asked if any input had been received from Pen Air regarding the other two airline proposals. Mr. Kreig stated the proposals from the other two airlines were brought up to him earlier today in his conversation with Pen Air; they are aware of our concerns.

Chairperson Langley entertained a motion from Legislator Gallagher to enter into Executive Session at 7:52 p.m., seconded by Legislator Butler. Carried (9-0-1).

Chairperson Langley entertained a motion from Legislator Gallagher to adjourn Executive Session at 8:41 p.m. and return to Regular Session, seconded by Legislator Heins. Carried (9-0-1).

Chairperson Langley asked if there was any further business to come before the Board. There being no further business, Chairperson Langley entertained a motion from Legislator Gallagher to adjourn Regular Session at 8:42 p.m., seconded by Legislator Heins. Carried (9-0-1).

Respectfully submitted,



Katherine A. Brown  
Senior Stenographer