

COUNTY OF CLINTON)  
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STATE OF NEW YORK)

April 2, 2012

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, March 28, 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  
Sara Rowden, Area 4

ALSO PRESENT: Michael Zurlo, County Administrator  
Rodney Brown, Deputy County Administrator  
William Favreau, County Attorney  
Melody Lemieux, Principal 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. All legislators were present.

Legislator Butler offered a motion to accept the minutes of the March 14, 2012 Regular Session, seconded by Legislator Dyer. (Carried 10-0-0).

Chairperson Langley asked if anyone present wished to address the Legislature.

Chris Jackson, City Councilor and resident of 56 Oak Street, Plattsburgh, New York addressed the Legislature to request if the County would consider reducing the sales tax on gasoline due to the continuous rising gasoline prices. County Administrator Michael Zurlo stated five years ago, the County exempted sales tax on home heating fuel oil. With respect to gasoline, back in 2006, the State of New York capped the sales tax based on the price per gallon (not the price at the pump) at \$2. That same piece of legislation allowed County governments to opt in at either \$2 or \$3, so there is no other threshold that the County could create as a trigger to stop collecting sales tax. The break even price is that the pump price would have to be \$3.32; so, if the County capped it at \$3, the County would essentially be losing revenue. Clinton County's budget was formulated when gas prices were beyond \$3.30. Legislator Heins asked why State Legislators haven't thought of raising the cap to \$4 or \$5 as gas prices are anticipated to reach the \$5 mark. Mr. Zurlo stated he was not aware of any pending legislation that would allow counties to go beyond \$3.

Chairperson Langley called for standing committee and liaison reports.

### **Committee Reports**

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

Legislator Dyer reported the Nursing Home's Fire Alarm Panel Upgrade Project will be completed by the second week in April. The Nursing Home's Sprinkler Project is approximately 90 percent complete. Phase 2 of the Government Center's air conditioning Coil Replacement Project is complete. The last phase of this Project will be done this year with 2011 Master Plan funds. Legislator Dyer also reported that the Buildings and Grounds Committee was scheduled to meet Thursday, April 12<sup>th</sup> at 5:15 p.m. This meeting has been rescheduled to Wednesday, April 11<sup>th</sup> at 6 p.m. prior to the 7 p.m. Regular Session.

#### **Children and Family Services Committee – Robert Heins**

Legislator Heins reported he will be meeting with Commissioner Jay LePage. The Children and Family Services Committee meeting scheduled for Monday, April 2<sup>nd</sup> has been cancelled. The next meeting is tentatively scheduled for Monday, May 7<sup>th</sup> at 5:15 p.m.

### **County Operations Committee – Mark Dame**

Legislator Dame reported the next County Operations Committee meeting is scheduled for Tuesday, April 3<sup>rd</sup> at 6:15 p.m.

### **Finance Committee – Sara Rowden**

Legislator Rowden reported the next Finance Committee meeting is scheduled for Wednesday, April 4<sup>th</sup> at 5:15 p.m.

### **Health Committee – Jonathan Beach**

The Health Committee had been scheduled to meet Thursday, April 5<sup>th</sup> at 5:15 p.m. This meeting has been rescheduled to Thursday, April 12<sup>th</sup> at 5:15 p.m.

Mr. Zurlo reported the transition of the Home Health Care to Health Care of Rochester (HCR) is going well. HCR has been very good to work with, and everyone has been working diligently for a smooth transition.

### **Human Services Committee – Pete Keenan**

Legislator Keenan reported the next Human Services Committee meeting is scheduled for Tuesday, April 3<sup>rd</sup> at 5:15 p.m. Last week, Mr. Keenan met with Steve Bowman, Director of the Veterans' Service Agency and town officials from the Town of Schuyler Falls regarding the proposed 50-acre State Veterans' Cemetery. The New York State Department of Environmental Conservation owns approximately 1,700 acres of State land off the Norrisville Road. Assemblywoman Janet Duprey has been very supportive of this project.

### **Personnel Committee – John Gallagher**

Legislator Gallagher stated the Personnel Committee has not met, but a poll was conducted on Resolution #236 which is on the agenda this evening. Mr. Zurlo stated this item is necessary to complete the transition of the Home Health Care Agency. The next meeting is scheduled for Tuesday, April 17<sup>th</sup> at 5:15 p.m.

### **Plattsburgh International Airport – Robert Heins**

Legislator Heins reported the Plattsburgh International Airport Committee met prior to Regular Session this evening. Representatives from the Plattsburgh-North Country Chamber of Commerce were present to discuss marketing efforts at Plattsburgh International Airport. Mr. Heins reported the Committee also discussed the bids that were received for the demolition of the Pratt Whitney hangar; the sale of excess equipment; parking rate increases and the impact of Direct Air. Legislator Heins reported the Airport Manager presented a study from the New York

State Department of Transportation regarding the direct economic impact Plattsburgh International Airport has had on our economy. According to the report, 373 jobs have been created, and over \$15 million in direct and \$32 million in indirect economic value have resulted from Plattsburgh International Airport

Deputy County Administrator Rodney Brown reported that the Committee has been working on the demolition of the former Pratt Whitney hangar which suffered significant damage during July, 2010 storm event. The Legislature has decided the best route to take is to solicit bids for the demolition of this hangar. Nine bidders submitted bids on the project. The lowest four bids would provide money to the County as the scrap steel could be sold. The salvage value of steel is very high, and the steel in the buildings is of very high quality. The lowest bid is being scrutinized and may be thrown out due to the fact that the company apparently does not have a license for hazardous materials handling in New York State which is required in the bid. Mr. Brown hopes a resolution to award the bid will be forthcoming for the next Regular Session.

The Chairperson provided a brief report on the Direct Air situation. He stated that Direct Air losses have been most heavily borne by the credit card processors and the jet fuel suppliers. The credit card processors are required to refund monies paid by consumers for flights that were subsequently cancelled for which Direct Air was obligated to place the revenues in an escrow account. Unfortunately for the credit card processors, no funds have been released from the escrow account, and it appears that insufficient funds exist in the account to meet all the obligations of the airline. Also, the Chairperson pointed out that when Direct Air was purchased by new owners last fall, the previous owners were retained as managerial staff. However, the new owners appear to have been making all decisions regarding the payment of bills, or in the case of many debtors, the non-payment of bills. The Chairperson summarized by stating that while Clinton County is in an unfortunate position on the matter, we are not nearly as impacted as others caught in the Direct Air bankruptcy.

#### **Public Safety Committee – Robert Butler**

Legislator Butler reported the next meeting of the Public Safety Committee is scheduled for Monday, April 9<sup>th</sup> at 6:15 p.m.

#### **Transportation Committee – Harry McManus**

Legislator McManus reported the next meeting of the Transportation Committee is scheduled for Monday, April 9<sup>th</sup> at 5:15 p.m. The Transportation Committee will be discussing proposed cuts to Clinton County Public Transit (CCPT) bus routes as expenditures are expected to exceed revenues in 2012. Legislator McManus invited all Legislators to attend the next Transportation Committee meeting to discuss this matter. He anticipates the low occupancy routes will be eliminated. He asked that Legislators provide input from their town supervisors.

## **Liaison Reports**

### **Clinton Community College – Mark Dame**

Mr. Zurlo reported that as a result of passage of the New York State Budget, there is an increase in the Full-Time Equivalent (FTE) rate which will greatly assist Clinton Community College.

### **Cooperative Extension – Harry McManus**

Legislator McManus reported on a new program, “Cooperative Extension in the Schools” which targets 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> grader students. This program focuses on trying to encourage students and their parents to pack lunches using reusable items (washable, plastic containers vs. disposal brown paper and plastic baggies). In the program, the teacher takes an average lunchbox or lunch bag and puts out all of the things that are recyclable and those that are not. Legislator McManus felt this was very effective and stresses the importance of trying to utilize items in an effort to try and cut down on the amount of garbage. Amy Ivy, Executive Director of Cornell Cooperative Extension, continues to work on more grant funding for the Lake Champlain Basin Program.

### **Board of Health – Jonathan Beach**

Legislator Beach reported the Board of Health met Monday, March 19<sup>th</sup>. Legislator Beach has been actively working with the issue of salt water contamination in wells in the Town of Dannemora. A meeting was held with members of the Vocational and Educational Services for Individuals with Disabilities (VESID), the New York State Department of Transportation (NYS DOT), the New York State Department of Environmental Conservation (NYS DEC), residents, Town Supervisors and officials from Clinton Correctional Facility to establish a plan to help the nine families that have had their wells contaminated from salt storage facilities. In addition to having undrinkable water, the salt has destroyed their dishwashers, washing machines etc. The Department of Health has requested a State of Emergency. The major concern is supplying potable water to these residents. A 500 gallon Water Buffalo Tanker is currently being used. The long, short-term plan which has been coordinated between Eric Day, the Director of Emergency Services, and John Kanoza, the Director of the Environmental Health, was getting the State Emergency Management Office’s (SEMO) 5,000 gallon Water Buffalo tanker from Albany which has been done by the NYS DOT. Once the unit has been disinfected and water quality tests have been conducted, the tanker will be filled by Clinton Correctional Facility and will be parked on Clinton County property. Mr. Zurlo reported the NYS DEC is leading the investigation as to the cause of the contamination.

### **InterCounty Legislative Committee – Mark Dame**

Legislator Dame reported he attended the last InterCounty Legislative Committee meeting at the Saratoga Race Track on Thursday, March 15<sup>th</sup>. He stated the agenda was very light. The Committee did receive an update from a representative of the New York State Association of

Counties. The update was similar to those provided by Mr. Zurlo's office. The next meeting will be held in Lewis County on Thursday, April 19<sup>th</sup>.

### **Lake Champlain/Lake George Regional Planning Board – Mark Dame**

Legislator Dame has received some information from the Lake Champlain/Lake George Regional Planning Board. He is waiting for the quarterly meeting to be scheduled.

### **Soil and Water Conservation – Samuel Dyer, Sara Rowden**

Chairperson Langley apologized that he had left Legislator Rowden off as liaison to the Soil and Water Conservation Committee. Legislator Dyer reported that the Soil and Water Conservation Committee met Thursday, March 22<sup>nd</sup>. It was District Manager Steve Mahoney's last meeting. There will be significant staffing changes. Legislator Rowden reported that Mr. Mahoney received the highest award that can be given for the recognition of his work in this field.

### **Staff Reports**

County Attorney William Favreau stated he would like to request a brief Executive Session to discuss the sale or lease of real property and a matter of pending litigation.

Mr. Zurlo reported that NYSAC's outline of the New York State budget has been provided to all Legislators. There are a couple items contained in the budget that will somewhat assist County governments. Many of the mandate relief proposals were not adopted. Clinton County will not see any drastic mandate relief that will help in this budget. Part of the budget was the creation of the new pension Tier 6 which will ease the burden on all municipal governments going forward, but it will not have any short term effect. Many of the items surrounding Pre-K and Special Education that were in the original proposal were eliminated at final passage.

Mr. Zurlo reported the Household Hazardous Waste Collection Day will be held Saturday, June 2<sup>nd</sup> from 8 a.m. to 3 p.m. at the Schuyler Falls landfill.

Chairperson Langley reported he participated in a teleconference with Governor Cuomo, Senator Little and Assemblywoman Duprey announcing Bombardier has been awarded a contract for 300 railcars. This is a \$600 million package that will keep jobs in our area. This will be the first time the entire railcars will be built start-to-finish in New York State. All rail cars are to be delivered by 2016.

There being no further business, Chairperson Langley moved onto resolutions. The following resolutions were approved unless otherwise noted.

Resolutions #236 through #244 were approved.



Chairperson Langley entertained a motion to Waive Rule 13.2. The motion was offered by Legislator Butler, seconded by Legislator Rowden. Carried (10-0-0).

Resolution #261, "Approving Appointment of Susan R. Castine as Board of Elections Commissioner" was approved. Carried (10-0-0).

Resolutions #245 through #248 were approved.

Resolution #249 was withdrawn (as it was a duplicate of Resolution #247).

Resolutions #250 through #260 were approved.

Legislator Gallagher motioned to enter into Executive Session at 7:55 p.m., seconded by Legislator Dyer. Carried. (10-0-0).

Legislator Gallagher motioned to exit Executive Session at 8:26 p.m., seconded by Legislator Heins. Carried (10-0-0).

Legislator Gallagher motioned to adjourn the meeting at 8:27 p.m., seconded by Legislator Keenan. Carried (10-0-0).

Respectfully submitted,



Melody Lemieux  
Principal Stenographer

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