

COUNTY OF CLINTON)
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STATE OF NEW YORK)

August 16, 2013

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, August 14, 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., 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
Melody Lemieux, Principal Stenographer

Chairperson Langley called the meeting to order at 7:03 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 July 24th Regular Session, seconded by Legislator Dyer. (Carried 9-0-1).

Chairperson Langley asked if anyone in the audience wished to address the Legislature. He asked that individuals raise their hand and state their name and address for the record. In accordance with the Rules of Order, all speakers were limited to five minutes.

Cheryle Saltmarsh addressed the Legislature regarding the salt contamination in Chazy Lake in the Town of Dannemora. A copy of Ms. Saltmarsh's remarks are attached and made part of the minutes.

Mary Ann Stone of Cumberland Head addressed the Legislature on several miscellaneous issues; however, there were no requests for immediate action.

John Farley, Accessibility Consultant of the North Country Center for Independence, expressed concern regarding recent construction on the platform that is used for disabled citizens at the Clinton County Fairgrounds. (A copy of Mr. Farley's concerns are also attached and made part of the minutes). Mr. Zurlo explained to Mr. Farley that the County leases the fairground property to the Clinton County Fair, and the County has no jurisdiction over this. He suggested Mr. Farley schedule a meeting with the Fair Board members to go over his concerns.

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

Committee Reports

Buildings and Grounds Committee – Samuel Dyer

Legislator Dyer reported one elevator in the Government Center is still in disrepair. The transformer at the Government Center has been rebuilt. This was covered under the 2009 Master Plan Project on an emergency basis. Bids were received for the Surrogate Building Exterior Ramp Project. Mr. Zurlo reported some 2012 Master Plan Projects came in higher than what was anticipated.

A Buildings and Grounds Committee meeting has been scheduled for Thursday, August 22nd at 5:15 p.m. to discuss this matter.

Children and Family Services Committee – Robert Heins

Legislator Heins reported the Children and Family Services Committee meeting scheduled for Monday, August 5th was cancelled. Resolutions #567 through #570 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Thursday, September 5th at 6:16 p.m.

County Operations Committee – Mark Dame

Legislator Dame reported the County Operations Committee met Tuesday, August 6th. Real Property Director, Martine Gonyo, discussed fees for Assisted Services for the Real Property Office. Resolution #574 has been placed on the agenda as a result of the Committee's recommendation. Resolution #571 has been placed on the agenda for Weights and Measures. Resolution #572 has been placed on the agenda for the Legislative Office, and Resolution #573 has been placed on the agenda for the Planning Department.

The next County Operations Committee meeting is scheduled for Tuesday, September 3rd at 6:15 p.m.

Health Committee – Jonathan Beach

Legislator Beach reported the Health Committee meeting scheduled for Thursday, August 1st was cancelled. Resolutions #577 through #580 are included on the agenda as a result of a poll of the Committee.

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

Human Services Committee – Pete Keenan

Legislator Keenan reported the Human Services Committee met Tuesday, August 6th. Crystal Carter, the Director of the Office for the Aging, presented Resolutions #581 through #585 and #587 to the Committee. Steve Bowman,

Director of the Veterans' Service Agency, reviewed the Monthly Report of Contacts and Services for July, 2013. Mr. Bowman discussed the Veterans' Cemetery. He reported the Veterans' Counselor has resigned. Wendie Bishop, Nursing Home Administrator, presented Resolution #586 to the Committee.

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

Plattsburgh International Airport Committee – Robert Heins

Legislator Heins reported enplanements continue to surpass last year's figures. All Legislators are invited to the next Plattsburgh International Airport Committee meeting which is scheduled for Wednesday, August 28th at 5:15 p.m. Representatives from Spirit and Allegiant will be present.

Public Safety – Robert Butler

Legislator Butler reported the Public Safety Committee meeting scheduled for Monday, August 12th was cancelled. Resolutions #617 through #626 are included on the agenda as a result of a poll of the Committee.

The next meeting is scheduled for Monday, September 9th at 6:15 p.m.

Transportation – Harry McManus

Legislator McManus reported five legislators and County Highway Superintendent Al Rascoe met on Friday, August 9th to discuss the Outback Riders All-Terrain Vehicle (ATV) Club's request to utilize four miles of Clinton County roads from Lyon Mountain to Standish. According to Vehicle and Traffic Law Sections 2403 and 2405, the County must show that it is otherwise impossible for ATVs to gain access to trails adjacent to the highway. The ATV group will be reviewing all other options and will get back to the Legislature in the near future.

Liaison Reports

Chamber of Commerce – *Sara Rowden*

On behalf of Legislator Rowden, Mr. Zurlo reported the Chamber of Commerce will be presenting their annual funding request at the Finance Committee

meeting scheduled for Wednesday, September 4th. Two binders with the Chamber's marketing materials have been delivered to the Legislative Office and are available for review.

Cooperative Extension – Harry McManus

Legislator McManus reported Cooperative Extension will meet Tuesday, August 20th.

Board of Health – Jonathan Beach

Legislator Beach reported the Press Republican will be featuring an article on the Board of Health on an upcoming issue.

Intercounty Legislative Committee – Mark Dame

Legislator Dame reported the next Intercounty Legislative Committee meeting will be held during the Fall NYSAC Conference in Saratoga Springs. Mr. Zurlo reported he will be attending the NYSAC Conference and plans on attending the meeting.

Soil and Water – Sam Dyer

Legislator Dyer reported Soil and Water will meet Thursday, August 15th.

Staff Reports

County Administrator – Mike Zurlo

Mr. Zurlo reported there are six candidates for the Executive Director position at the Workforce Investment Board. Thirty to forty applications had been received. Interviews will be taking place in the near future.

Chairperson Langley noted that 1,000 people applied for 25 positions at Lenny's Shoes and Apparel.

Mr. Zurlo reported a Department Head meeting was held earlier in the day. Budget packets for 2014 were distributed.

The tax base growth factor is now at 1.66 this year compared to last year's 2 percent. As such, the allowable cap number will be lower this year. The goal remains to propose a budget that does not exceed the statutory cap.

Mr. Zurlo requested an Executive Session to discuss a matter of collective negotiations.

Mr. Zurlo reported that the State Department of Health has agreed to advance payments to providers under the Early Intervention Program to address the problems the statewide fiscal agent has had in processing commercial insurance claims, rather than having counties do it as they recently proposed. The Department of Health is meeting with Early Intervention providers in Albany to explain how this process of state advance payments will work.

There being no further reports, Chairperson Langley moved onto Resolutions. The following Resolutions were unanimously adopted, unless otherwise noted:

Resolutions #566 titled, "Authorizing the Clerk of the Clinton County Legislature to Advertise for a Public Hearing on Local Law #2 of 2013 titled, "Clinton County Best Value Contract Award Law" was moved by Legislator Dame and seconded by Legislator Beach.

Discussion: Mr. Zurlo reported copies of the proposed Local Law had been placed on all Legislators desks earlier this evening. Carried (9-0-1).

Resolutions #567 through #598 were approved.

Resolution #599 titled, "Approving Backfill of a Temporary, Part-Time, On-Call Motor Equipment Operator (MEO) III (PCN 3985) – Solid Waste" was moved by Legislator Gallagher and seconded by Legislator Langley.

Discussion: Legislator Gallagher stated the Landfill has been looking for interested people to fill this position for quite some time. Carried (9-0-1).

Resolutions #600 through #612 were approved.

Resolution #613 titled, "Approving Funding of an Assistant District Attorney Position (PCN 3969) – District Attorney" was moved by Legislator Gallagher and seconded by Legislator Butler.

Discussion: Legislator Dyer questioned if this was a new Assistant District Attorney position. Mr. Zurlo replied this is not a new position. This particular Assistant District Attorney position is funded through a variety of grants. It has been difficult to keep this position filled because there is no guarantee that the position will remain if grant funding is not available to pay for the position. This Resolution will guarantee funding for the position if funding from the current grant or other sources becomes insufficient to fund the position.

Resolutions #614 through #624 were approved.

Resolution #625 titled, "Authorizing Contract with Michael Boulé, D.D.S. – Sheriff's Department" was moved by Legislator Butler and seconded by Legislator Beach.

Discussion: Mr. Zurlo reported this is not a new service. Following an audit, New York State wanted the County to have an executed contract in place for this service. Carried (9-0-1).

Resolutions #626 through #646 were approved.

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

Resolution #647 titled, "Resolution of the County Legislature of the County of Clinton Increasing Taxes on Sales and Uses of Tangible Personal Property and of Certain Services, and on Occupancy of Hotel Rooms and on Amusement Charges Pursuant to Article 29 of the Tax Law of the State of New York" was moved by Legislators Langley, Heins, Dyer, Dame, McManus and seconded by Legislators Gallagher, Butler, Keenan, Beach.

Discussion: Mr. Zurlo stated this Resolution will reauthorize the additional 1 percent sales tax for Clinton County. Carried (9-0-1).

Resolution #648 was approved.

Legislator Gallagher motioned to enter into Executive Session at 8:03 p.m. to discuss a matter of collective negotiations, seconded by Legislator Dyer. Carried (9-0-1).

Legislator Gallagher motioned to exit Executive Session and return to Regular Session at 9:04 p.m., seconded by Legislator Beach. Carried (9-0-1).

Legislator Gallagher motioned to adjourn the meeting at 9:11 p.m., seconded by Legislator Heins. Carried (9-0-1).

Respectfully submitted,



Melody Lemieux
Principal Stenographer

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COUNTY MEETING – August 14th, 2013

Hi, my name is Cheryle Saltmarsh and I would like to introduce William Chase, Town of Dannemora Board Councilman, Ken Brassard, Town of Dannemora Board Councilman and we represent the committee for the Salt Contamination of Chazy Lake Residential Wells, appointed by the Town of Dannemora Board.

I have been asked to come here tonight to update the County Legislators on the Salt Contamination in Chazy Lake, Town of Dannemora.

I know that DOT has been in contact with Mike Zurlo and others in regards to this issue, but what I don't understand is why the County has yet to stand behind the residents of this county and put all your support behind us?

I am totally baffled that DOT keeps saying it is a County or Town problem and yet you both are not coming together to form a unified front to say it is the State of New York's problem and they need to fix it.

So far, Jeff and I and the residents, along with help from Senator Betty Little, Congressman Bill Owens, John Kanoza, Morris Coolidge, and Dr. Jonathan Beach, have been able to secure 2.4 million for the construction of a new water line but only to the people who are getting bottled water deliveries from the state and along 374. They are not going down the rest of Plank Road to the Town line or the Wilfred King Road and say those are the responsibility of the Town and County to get the funding and provide a water line there. However, they did go down Dubrey Road, which is a Town road, to supply the water line to 1 resident there who is contaminated. So they have no rhyme or reason as to who is included and who isn't except if they are getting bottle water delivered then they can't leave them out. They also say that if we want the extension to their plan & design to include the rest of the residents on Plank Road and Wilfred King Road, we stand a chance of losing this grant, and the project could

be stopped – sounds like blackmail to me. So do we leave our neighbors who don't have good drinking water out and hope the state has enough money to put in the water line to only the ones they propose? That is even questionable, the estimate they are capping us at is very low, we have been told independently it would be about 3-5 million. The state has already come to us with 2 estimates - the first one was 1.7 million and we sent them home to do more work. They did, and came back with 2.4 million. While the contamination is spreading to even more homes in those expansion areas, they won't recognize it because they are using a different set of contamination levels than those that NYS Health Department has set. How can DOT just set their own rules and NO ONE but us is challenging them? There are several other areas in NYS that are also having the same problems as us with the contamination by DOT Sheds.

Along with this contamination is an unacceptable level of cyanide, used as an anti-caking agent in road salt. Last year, we asked Supervisor Ves Pivetta to call the County to declare this a state of emergency area; he did so, and was told NO by Eric Day. We have elderly citizens and children living here with cyanide in our water. Why has the County not declared this area a state of emergency area?

There are anywhere between 19 and 90 homes affected, depending on whose standards are followed, and we feel more will be affected as the plume in the aquifer moves - it seems to be moving to the town line on the Plank Road and will soon be in the next town ... even more so when we all stop using our water (one resident, Doug, just below us had good water a year ago and now that we are not using 250 gals of water a day for our barn the plume has moved to him and he now has salt & cyanide also). Nothing is being done to correct the problem or put pressure on DOT to move that shed. DEC made DOT make some changes a year ago and they were supposed to be submitting reports and DEC was supposed to be checking on them. Well, when I called DEC offices, no one had any record of reports being turned in or anyone making a site visit to

make sure they were trying to contain the salt and it still sits unprotected today. So the contamination will continue, and no one is doing anything about it.

We know DOT is playing games - they now say to do a little extra add on to cover the rest of the residents it will cost \$700,000 but the whole project they have estimated will cost 2.4 million to complete. No core drilling has been done, no plan designs have been done and estimates still have to go for bid. They say they will only give us 2.4 million and anything above that the County, Town and residents of the water district have to come up with. My question is why are we being capped at 2.4 million? If it takes 10 million, they created this mess and have ignored it for more than 16 years and they need to fix it, and we NEED YOU AS OUR COUNTY TO STAND BEHIND US AND SUPPORT US IN THIS MEASURE.

Just keep in mind you have other towns in this area that you will be working with eventually with this same issue, and what you do here will only help with those areas... unless you let the State push you around and do as they please. Maybe you should have acted on this when you were approached by Kenny Varin instead of telling him you couldn't do anything to help him – sounds like you didn't want to be bothered. I wonder - if the residents of Chazy Lake could get 2.4 million *without* the help of a lawyer, the Town Board or our County Legislature, how much could have been done if you did what we elected you to do? Or what if this was your house or your mom's house and she had to carry these jugs and put them on the coolers? Or better yet, she had to haul water from the spring at the top of the mountain which is untreated. Or your young kids were drinking and bathing in water with cyanide in it and you have no idea of what this will do to their health until years later. You will have to be the ones to tell these people it is okay that DOT contaminated their water and you didn't do anything to help them. We are not living in the 1800's having to haul water. What about the Clean Water Act – isn't it supposed to be for everyone or just a select few?

So, with that being said I would like to ask you to help us, the residents of your county, to clarify the sodium levels set by DOH and ask the county to enforce these levels and not let DOT use their own standards and levels to determine who will be able to hook on to the water line. We ask that they do uniform testing for all – not some in winter – some in spring. We would like more accountability of DOT for the salt shed & more monitoring of the new SPEEDES permit DOT was issued by DEC. We want - no NEED - more effort to be made to find out where it is coming from, and put an end to the contamination. We look forward to more involvement and cooperation from you and with the new Legislators in the future.

Thank You

Clinton County Fair

(Deck)

1. Platform has been decreased from 10' wide to 5'
2. Removed Rear emergency exit And Ramp
3. made a step on the Platform (Deck) for Access to Grand Stand. (So now you have to wait for Grand Stand People to file out and Down the Access Ramp)
4. They Allow Empty Strollers to Park on Deck along the Railing. That leaves About 1' Between to walk Through the Deck Area to the Ramp. leaves no Room for A wheelchair to Come or go once ~~you~~ they are in
5. No Roof. Grand Stand People ARE Protected from the elements

I witnessed a frail older man have to get out of his wheelchair at the far end of the deck ~~to~~ because he had to go to the rest room and was not able to take his chair because of blocked access to ramp.

my son would not have been able to, once in you were not ~~moving~~ moving.

A ~~Police~~ Sheriff came over to us and said - "Don't worry this will be the first place I come in an emergency"

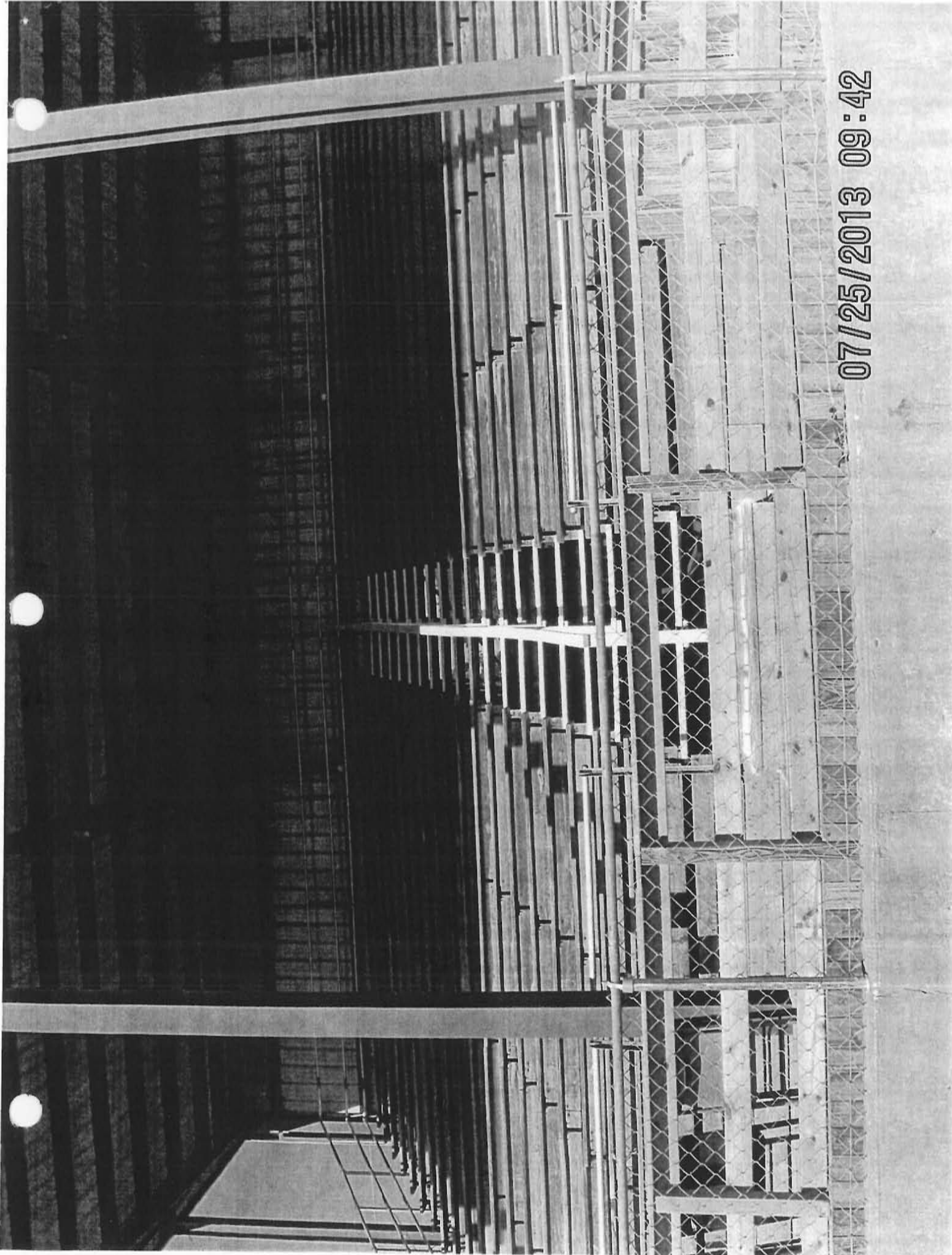
it was not comforting.

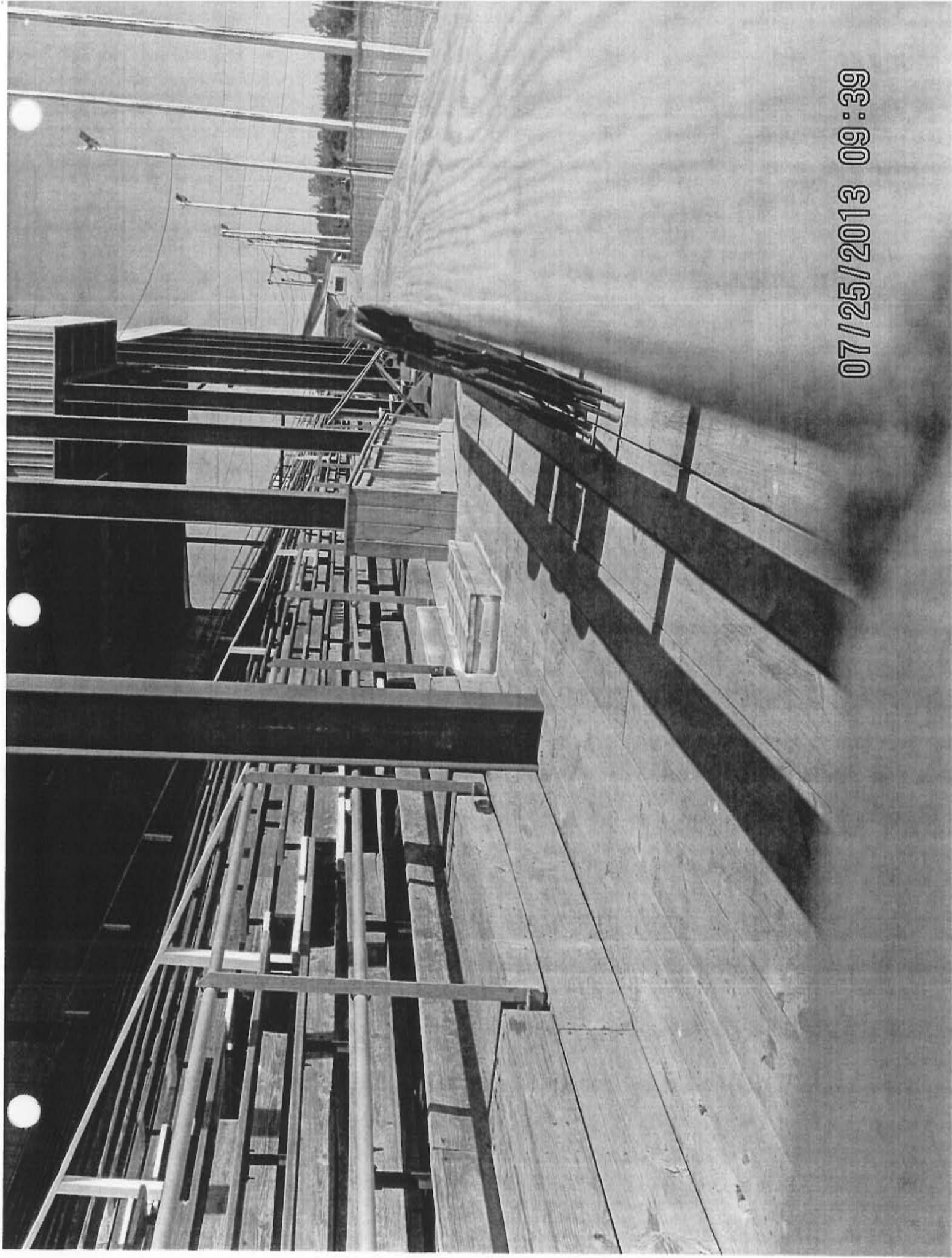
I felt helpless and panicky like I was sitting in the bottom of a bottle.

I will not go back

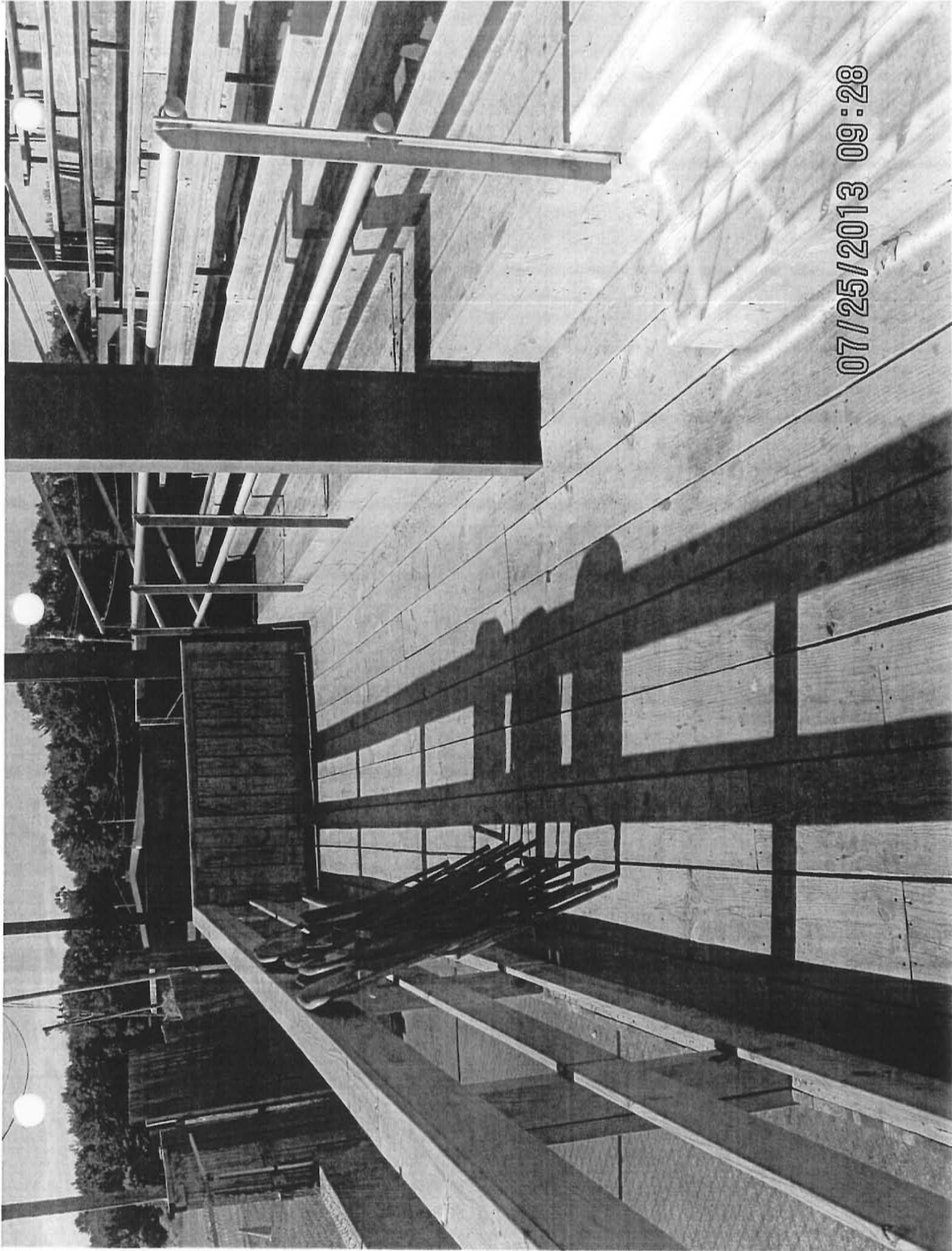
I think they did this because of the emergency exit, it had a 1019 ramp, and some inspector probably felt it was a congestion point in an emergency. But there has to be a better way

07/25/2013 09:42





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07/25/2013 09:28