

COUNTY OF CLINTON)
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STATE OF NEW YORK)

May 18, 2015

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, May 13, 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
Melody Lemieux, Principal Stenographer

Chairperson Dyer called the meeting to order at 7:00 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. All Legislators were present.

Legislator Hall motioned to accept the minutes of the April 22nd Regular Session, seconded by Legislator Keenan. (Carried 10-0-0).

Chairperson Dyer proclaimed the month of May, 2015 as Mental Health Month. Chairperson Dyer called upon all Clinton County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness; reducing stigma and discrimination and promoting appropriate and accessible services for all people affected by mental illness. Chairperson Dyer presented a copy of the proclamation to Shawn Sabella, Chair of the Anti-Stigma Coalition of Clinton County.

Shawn Sabella, Licensed Clinical Social Worker and Director of the Behavioral Health Services North, Inc.'s (BHSN) Psychiatric Rehabilitation Program, expressed his sincere appreciation for the proclamation. Mr. Sabella reported they are conducting a County-wide campaign to reduce stigma that all too often makes people afraid to seek treatment for fear of what others might think. Mr. Sabella noted that one in five American adults will suffer from a diagnosable mental health condition within any given year.

Two individuals receiving services from BHSN spoke regarding the need to break this stigma and discussed how the programs and services they receive from BHSN have helped them.

Chairperson Dyer asked if anyone wished to address the Legislature.

Robert Babbitt, President of McDonald Transit Associates, Inc. of Fort Worth, Texas introduced himself and expressed interest in providing management services to Clinton County Public Transit (CCPT). Mr. Babbitt introduced Richard Ticehurst who would be the permanent General Manager if McDonald Transit Associates, Inc. were chosen. Mr. Babbitt reported the company started in 1972 in one city, and they have grown to 32 cities. Mr. Babbitt stated it would be a pleasure to become a part of the community.

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 prior to Regular Session and discussed the progress on the Human Services Center First Floor Renovation Project. Mr. Read reported the Project had a twenty-week timeline, and the Project is ahead of schedule. The Committee will be provided with a brief tour of the site at its next meeting which is scheduled for Wednesday, June 10th at 5:15 p.m.

Children and Family Services Committee – Legislator Waldron

Legislator Waldron reported the next meeting of the Children and Family Services Committee is scheduled for Thursday, June 4th at 6:15 p.m.

County Operations Committee – Legislator Read

Legislator Read reported the Committee met earlier this afternoon. Resolutions #312 and #371 have been placed on the agenda as a result of the Committee's recommendation.

John Zurlo, Clinton County Clerk, was present to discuss E-Commerce Initiatives. The Committee may be presenting a resolution for consideration to reduce the amount of information the New York State Department of Motor Vehicles sells to third party retailers.

The next meeting of the County Operations Committee is scheduled for Wednesday, June 10th at 6 p.m.

Finance Committee – Legislator Dame

Legislator Dame reported the Finance Committee met Wednesday, May 6th. Resolutions #313 through #316 have been placed on the agenda as a result of the Committee's recommendation. In addition, the Finance Committee was polled on Resolution #317 on tonight's agenda.

The next Finance Committee meeting is scheduled for Wednesday, June 3rd at 5:15 p.m.

Health Committee – Legislator Beach

Legislator Beach reported the Health Committee met Thursday, May 7th.

Jerie Reid, the Director of Public Health, presented Resolutions #319 through #324 and reviewed Quarterly Grant Reports for January through March, 2015; 2014 Annual Reports for the Health Department; the Director's Report and the Health Department Report for the Board of Health for March, 2015.

Peter Trout, the Director of Community Services, presented Resolutions #318 and #325 which are included on the agenda upon the Committee's recommendation. Mr. Trout reviewed Account Receivables for 2014 and 2015. He discussed staffing and transportation concerns. Mr. Trout reported the Clinton County Community Services Board Annual meeting is scheduled for Tuesday, May 26th. All Legislators are invited to attend.

The next meeting of the Health Committee is scheduled for Thursday, June 4th at 5:15 p.m.

Human Services Committee – Legislator Keenan

Legislator Keenan reported the Human Services Committee met Wednesday, May 6th.

Crystal Carter, the Director of the Office for the Aging, reported on the Long-Term Care Ombudsman Program and the Caregiver Resource Center Grant. Resolutions #326 through #329 have been placed on the agenda upon the recommendation of the Committee.

Steve Bowman, the Director of the Veterans' Service Agency, reviewed monthly statistics. He discussed a decision by the U.S. Court of Appeals for Veterans' claims for Navy Veterans. He is working with local Veterans' Service Organizations to organize a reunion for the North Country Platoon.

Wendie Bishop, the Nursing Home Administrator, reported E-Prescribing was extended for one year. The County Nursing Home would like to have this in place by the fall of 2015.

The next meeting Human Services Committee meeting is scheduled for Wednesday, June 3rd following the Finance Committee meeting.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported the Personnel Committee met at 5:15 p.m. on Monday, May 4, 2015 and reviewed 28 items. There are 27 resolutions on tonight's agenda that reflect the Committee's recommendations from this meeting and a poll conducted on Friday, May 8, 2015.

One of the 27 resolutions, a Request for Reclassification of a permanent, full-time Account Clerk/Typist to a permanent, full-time Senior Account Clerk/Typist for the District Attorney's Office was approved as a backfill as Account Clerk/Typist and not a reclassification.

One of the 28 items was denied, a New Position Request for a permanent, full-time Supervising Public Health Nutritionist for the Health Department.

There are three resolutions for Reclassification Requests, five resolutions for New Position Requests, one resolution for a Replacement Request and 17 resolutions for Backfill Requests.

There is one request for the annual temporary, on-call payment for Environmental Health Staff for Rabies and West Nile Virus Epidemic for the Health Department.

The next Personnel Committee meeting is scheduled for Monday, July 6th at 5:15 p.m.

Plattsburgh International Airport Committee – Legislator Langley

Legislator Langley reported the next meeting of the Plattsburgh International Airport Committee is scheduled for Wednesday, May 27th at 5:15 p.m.

Legislator Langley reported Evelyn Martinez has been hired as the new Director of the Airport District Office (ADO). Ms. Martinez worked with Plattsburgh International Airport in 2006 when the County was working with Precision Jet Management (PJM). Ms. Martinez is very supportive of Plattsburgh and remembers us well. Legislator Langley reported he called to congratulate her on her new position and provided her with an update on the progress at Plattsburgh International Airport.

Public Safety Committee – Legislator Hall

Legislator Hall reported the next meeting of the Public Safety Committee is scheduled for Monday, June 8th at 6:15 p.m. The Public Safety Committee was polled on Resolutions #358 through #361. Resolution #311 will authorize the Clerk to advertise for a public hearing to allow for common, safe items to be excluded from the Dangerous Fireworks Definition as permitted by New York State Penal Law Section 405 (b). Dave Marcoux, the Probation Director, was present to answer questions regarding the Firearms Policy which is addressed under Resolution #370.

Transportation Committee – Legislator McManus

Legislator McManus reported the Transportation Committee met Wednesday, May 6th. Four proposals for the management of Clinton County Public Transit (CCPT) were received. Of the four proposals, two were found to be qualified. Legislator McManus stated representatives from both firms (First Transit, Inc. and McDonald Transit Associates, Inc.) were present at this evening's meeting. Legislator McManus reported the Transportation Committee has recommended the proposal be awarded to McDonald Transit Associates, Inc.

The next meeting of the Transportation Committee is scheduled for Monday, June 8th at 5:15 p.m.

Liaison Reports

Chamber of Commerce – Legislator Read

Legislator Read reported he recently attended a Workforce Investment Board (WIB) meeting and a Strategic Tourism Planning Committee meeting. The Workforce Investment Board discussed the new statutes and regulations they will be required to follow. The Strategic Tourism Planning Committee discussed ongoing marketing efforts.

Clinton Community College – Legislator Dame

Legislator Dame reported Spring Commencement exercises will be held at Clinton Community College on Friday, May 15th at 6 p.m. All Legislators are invited to attend.

Community Services Board – Legislator Beach

Legislator Beach stated as he mentioned earlier under the Health Committee Report, all Legislators are invited to attend the Community Services Board annual meeting on Tuesday, May 26th.

Intercounty – Legislator Waldron

Legislator Waldron reported Clinton County hosted the Intercounty Legislative Committee of the Adirondacks meeting on Thursday, April 23rd at the Champlain Wine Company in Plattsburgh. Legislator Waldron thanked Legislator Read for his presentation regarding Clinton County vineyards. The meeting was well attended.

The next meeting will be held Wednesday, May 28th in Warren County.

Grievance Committee – Legislator Gallagher

Legislator Gallagher reported the Grievance Committee will meet Monday, May 18th at 9:30 a.m.

Staff Reports

County Attorney James Coffey requested an Executive Session to discuss: the Castine litigation, the potential purchase of real property by the County and potential litigation regarding a request for change in specifications at Plattsburgh International Airport.

Mr. Zurlo reported all Legislators have been invited to the Foster Parent Dinner which will be held Thursday, May 28th at the Plattsburgh Elks Lodge.

Financial Disclosures are due to the Legislative Office by Friday, May 15th.

Mr. Zurlo reported Monday, June 1st is the deadline to submit the Tax Freeze Efficiency Plan to the State of New York.

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

Resolutions #311 through #332 were approved.

Resolution #333 titled, “Approving Creation of a Temporary, Part-Time Registered Professional Nurse Position (PCN TBD) – Health Department” was moved by Legislator Gallagher, seconded by Legislator Hall.

Discussion: Legislator Dame noted this position will be created for a period of three months. Carried (10-0-0).

Resolution #334 titled, “Approving Creation of a Permanent, Part-Time Public Health Educator Position (PCN TBD) – Health Department” was moved by Legislator Gallagher, seconded by Legislator Waldron.

Discussion: Legislator Dame noted this position is 100 percent Grant funded. Carried (10-0-0).

Resolutions #335 was approved.

Resolution #336 titled, “Approving Creation of a Permanent, Full-Time Mental Health Clinician II Position (PCN TBD) – Mental Health and Addiction Services” was moved by Legislator Gallagher, seconded by Legislator Langley.

Discussion: Legislator Dame noted this new position will replace a position that will be vacated in the near future. Mr. Zurlo stated with all of the requested actions by Peter Trout, the Director of Community Services, there is an increase of one Full-Time Equivalent (FTE). The revenue generated by the increase in FTE will more than cover the cost of the position. Legislator Gallagher stated Mr. Trout did a tremendous job during his presentations at the Personnel and Health Committee meetings in explaining revenue streams and the necessity to get appropriate staffing in place. Mr. Trout also made some very positive comments about the satellite offices and indicated there will probably be a need for additional sites. Carried (10-0-0).

Resolution #337 titled, “Approving Creation of a Permanent, Full-Time Correction Officer Position (PCN TBD) – Sheriff’s Department” was moved by Legislator Gallagher, seconded by Legislator Hall.

Discussion: Legislator Gallagher noted this item has been placed on the agenda as a result of the New York State Commission of Correction’s determination that the total number of staff at the Jail must be at ninety-six which would require the creation of an additional position.

Mr. Zurlo stated regardless of the perceived need of this position, Clinton County no longer has the ability to contest the Commission of Correction on this personnel item.

Legislator Langley stated that is the problem, and this is just another example of the State uses the “cookie cutter” approach to having a problem in one place and spreading it around to everyone else.

Legislator Hall asked what would happen if this action were fought. Mr. Zurlo replied the State would take away potential variances, shut down pods and deny additional revenues.

Mr. Zurlo stated this request by the Commission has been on the table for one and one half to two years.

Legislator Dame stated he fully recognizes manning levels at the Clinton County Jail are mandated by the State Department of Correction. He stated Sheriff Dave Favro has done a good job in negotiating and postponing filling some of these positions because he felt the positions weren’t necessary. Now, the County is at the point where it has to do this.

Legislator Dame stated his issue is with regard to the cost of the whole Sheriff's Department (which includes both the Deputy Division and the Correction's Division). He stated if the County is going to have an increase in expenses on the Correction's side of the ledger, he feels the County should have a reduction in costs in the Deputy Division to make this action "expense-neutral." Legislator Dame stated the County has full discretion (with no mandates) from the State regarding the Deputy Division. While he recognizes the important services the Deputy Division provides, he also recognizes that the Sheriff's Departments' costs have increased well beyond the rate of inflation for the past several years. He stated he would vote against this resolution until the Department can reduce the other side of the operating costs.

Legislator Gallagher called the question. The resolution was adopted by a vote of (9-1-0) with Legislator Dame voting no.

Resolutions #338 through #341 were approved.

Resolution #342 titled, "Approving Backfill of a Permanent, Full-Time Correction Sergeant Position (PCN 3502) – Sheriff's Department" was moved by Legislator Gallagher, seconded by Legislator Keenan.

Discussion: Legislator Gallagher noted this position has been vacant for quite some time. Carried (10-0-0).

Resolutions #343 through #369 were approved.

Resolution #370 titled, "Adopting Clinton County Department of Probation/Alternatives to Incarceration Firearms Policy and Procedures" was moved by Legislator Hall, seconded by Legislator Keenan.

Discussion: Legislator Dame stated he felt this Policy was not necessary at this time as there have not been any life-threatening incidences in Clinton County. To the best of his knowledge, the seals on packages or cans of mace have not been removed by anyone in the Probation Department.

Legislator Dame stated he feels there are also possible unintended consequences where it could be detrimental to Probation Department staff. Many probationers have been put on probation due to drug-related issues. They were not put on probation because of violent offenses. He stated there is, however, a need for more drug treatment for offenders.

Legislator Dame stated the Department already has a Policy in place where if a Probation Officer goes into a home and the Probation Officer senses a situation will escalate, they leave and come back to the residence with a police escort.

Legislator Dame stated he respects the thought and work that was put into the Policy, however he does not feel it is needed at this time.

Legislator Read concurred with Legislator Dame's comments and noted this has become a national issue. By not arming our Probation Officers, the County may be making an effort to protect their long-term mental health because if anything did escalate, it would be on their conscious for the rest of their lives. He agreed if a violent situation arises, the Probation Officer should leave immediately.

Legislator Beach stated this Policy has been under discussion for well over a year. If the situation looks threatening, the Probation Officer doesn't enter. If the situation turns threatening, the Probation Officer knows to leave. If they don't have the opportunity, and the situation is going to get more threatening, mace is their first option. They are also investigating the use of Tasers as another option. If the situation escalates to the point where a Probation Officer has to draw its weapon, the options end up being mental health issues because of post-traumatic issues, or a casket. The Probation Officers will be provided with extensive training, they need to be comfortable carrying the weapon and meet certain criteria.

Legislator Waldron stated with the increased amount of highly-addictive drug use in the area, there may be situations where retreat by Probation Officers will not possible, it may be too late. Legislator Waldron believes it is time to approve the Policy.

Legislator Hall stated the Public Safety Committee has worked very hard on this issue. Drug abuse has become a very big problem in Clinton County. Probation Officers go to the probationer's house, and they may not be there alone. This is a deterrent to prevent someone from getting hurt. Legislator Hall stated he wholeheartedly supports the Policy.

Legislator McManus asked how many counties in New York State has adopted similar policies, and what kind of feedback has been received.

Probation Director Dave Marcoux reported 34 out of 58 counties in New York State allow their Probation Officers to carry firearms. There are four counties (including Clinton County) that are currently considering this practice. Several counties have always carried arms. Mr. Marcoux stated Probation is State mandated, and each county makes the decision whether or not to arm their Probation Officers. Some Probation Officers are armed as soon as they get in office or in the field, and they have power of arrest under Criminal Procedure Law and the Penal Law. Mr. Marcoux stated Clinton County is looking at this as a measure to prevent deadly physical force against staff. Legislator McManus stated the Committee has spent a lot of time on this, and stated he would vote yes on this Policy.

Chairperson Dyer stated this issue has been discussed for quite some time, and he encouraged Legislators to vote how they feel about this issue.

Legislator Keenan stated he serves on the Public Safety Committee and has heard the pros and cons. He has been in law enforcement all of his life, and he has complete confidence that Mr. Marcoux will provide us with well qualified and well trained officers. He stated he believes this is a program the County really needs.

Legislator Langley congratulated the Public Safety Committee on all of its work regarding this issue. He stated some people are not aware of how long this issue has been studied by Clinton County. He stated the Legislature needs to give the department heads the tools they need to conduct their job effectively. Legislator Langley stated he has known Mr. Marcoux for many, many years, and he has full confidence in him. He stated he is in full support of the Policy.

A Roll Call Vote on the resolution was taken (8-2-0). Legislators Dame and Read were recorded in the negative. The resolution passed.

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

Resolutions #371 and #372 were approved.

Legislator Gallagher motioned to enter into Executive Session at 8:14 p.m., seconded by Legislator Hall. (Carried 10-0-0).

Legislator Gallagher motioned to exit Executive Session at 8:43 p.m., seconded by Legislator Beach. (Carried 10-0-0).

Resolution #373 was approved.

There being no further business, Chairperson Dyer entertained a motion from Legislator Gallagher to adjourn Regular Session at 8:44 p.m., seconded by Legislator Hall. (Carried 10-0-0).

Respectfully submitted,



Melody Lemieux
Principal Stenographer