

COUNTY OF CLINTON)  
:SS  
STATE OF NEW YORK)

October 2, 2017

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, September 27, 2017 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: Jonathan Beach, Area 2  
Simon Conroy, Area 4  
Mark Dame, Area 8  
Samuel Dyer, Area 3  
Robert Hall, Area 10  
Pete Keenan, Area 5  
Harry McManus, Chairperson, Area 1  
Christopher Rosenquest, Area 9  
Rob Timmons, Area 7  
Patty Waldron, Area 6

ALSO PRESENT: Michael Zurlo, County Administrator  
Rodney Brown, Deputy County Administrator  
James Coffey, Esq., County Attorney  
Melody Lemieux, Principal Stenographer

Chairperson Harry McManus 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. All legislators were present.

Legislator Hall motioned to accept the minutes of the September 13<sup>th</sup> Regular Session, seconded by Legislator Keenan. Carried (10-0-0).

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

Robert Poulin, Executive Director of the North Country Center for Independence, addressed the Legislature regarding Resolution #777 titled, "Authorizing Replacement of Clinton County Public Transit Paratransit Service with Route Deviation Service." He stated he feels there will be unintended consequences if the Legislature decides to replace the Paratransit Service with a Route Deviation Service. Mr. Poulin stated the bus system is a vital part of the community. People use the bus system to get to work, to access local businesses, grocery stores and doctors' offices. He stated ninety percent of the cost of the program is covered by the Federal and State government, and the County's share is ten percent. He stated for what it means to the community, he feels this is a relatively small price to pay. Deviating to people's houses to pick them up can work, they know there are potential problems. He fears the buses will not be able to run on time, and it will result in many inconveniences with many people missing doctor appointments. He stated there is a likelihood of increased emergency room visits and hospitalizations. People who are having difficulty using the system will be moving to Medicaid rolls. He believes cutting any part of the system will be detrimental to the economy, and it will not end up saving money.

There being no one further who wished to address the Legislature, Chairperson McManus moved on to Committee reports.

### **Buildings and Grounds Committee - Legislator Timmons**

Legislator Timmons reported the Buildings and Grounds Committee was polled on Resolution #767 which will authorize a contract amendment with Titan Roofing Co., Inc. for the Nursing Home's Roof Replacement Project.

The front steps of the Government Center have been repaired. Paver bricks at the rear entrance of the Government Center are being re-set to rectify potential tripping hazards.

The next Buildings and Grounds Committee meeting is scheduled for Wednesday, October 11<sup>th</sup> at 5:15 p.m.

### **Children and Family Services Committee - Legislator Waldron**

Legislator Waldron reported the next Children and Family Services Committee meeting is scheduled for Tuesday, October 3<sup>rd</sup> at 6:15 p.m.

### **Economic Development and County Operations Committee - Legislator Rosenquest**

Legislator Rosenquest reported Resolution #768 will approve two appointments to the Clinton County Planning Board. If approved, the appointments will result in full membership on the Board.

The next Economic Development and County Operations Committee meeting is scheduled for Wednesday, October 11<sup>th</sup> at 6 p.m.

### **Finance Committee - Legislator Dame**

Legislator Dame reported the next Finance Committee meeting is scheduled for Wednesday, October 4<sup>th</sup> at 6:15 p.m.

Representatives from Motorola will be present to discuss the potential upgrade to the County's 911 Emergency Communications System.

### **Health Committee - Legislator Beach**

Legislator Beach reported the next Health Committee meeting is scheduled for Tuesday, October 3<sup>rd</sup> at 5:15 p.m.

### **Human Services – Legislator Keenan**

Legislator Keenan reported the next Human Services Committee meeting is scheduled for Wednesday, October 4<sup>th</sup> at 5:15 p.m.

### **Personnel Committee - Legislator Dyer**

Legislator Dyer reported the Personnel Committee meeting scheduled for Monday, October 2<sup>nd</sup> at 5:15 p.m. has been cancelled. Committee members will be polled on several items.

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

Legislator Hall reported the Plattsburgh International Airport Committee met earlier.

Chris Kreig, the Airport Manager, was present to discuss Resolutions #769 through #774 and several resolutions which appear under Waive Rule 13.2.

The third phase of the terminal rehabilitation construction project is underway, and it is anticipated the project will be completed in May, 2018.

The next Plattsburgh International Airport Committee meeting is scheduled for Wednesday, October 25<sup>th</sup> at 5:15 p.m.

### **Public Safety Committee - Legislator Conroy**

Legislator Conroy reported the Public Safety Committee met Monday, September 11<sup>th</sup>.

Resolutions #775 and #776 have been placed on the agenda as a result of the Committee's recommendation.

The next Public Safety Committee meeting is scheduled for Monday, October 16<sup>th</sup> at 6:15 p.m.

### **Transportation Committee - Legislator Timmons**

Legislator Timmons reported the Transportation Committee met Monday, September 11<sup>th</sup>.

Resolution #777 titled, "Authorizing Replacement of Clinton County Public Transit Paratransit Service with Route Deviation Service" has been placed on the agenda as a result of the Committee's recommendation. This topic has been the subject of several discussions and formal public meetings and hearings. A decision at this time will allow sufficient travel training in advance of the January 2<sup>nd</sup> start date if the Legislature elects to make the change.

The next meeting of the Transportation Committee is scheduled for Monday, October 16<sup>th</sup> at 5:15 p.m.

## **Liaison Reports**

### **Board of Health – Legislator Beach**

Legislator Beach reported the next Board of Health meeting is scheduled for Monday, October 2<sup>nd</sup>.

### **Clinton Community College – Legislator Dame**

Legislator Dame reported the ribbon cutting ceremony for the Institute of Advanced Manufacturing at Clinton Community College will be held Thursday, September 28<sup>th</sup> at 11 a.m.

### **Cooperative Extension – Legislator Timmons**

Legislator Timmons reported final items are being delivered and installed for the teaching kitchen. The Expanded Food Nutrition Program Grant has been renewed for 2017-2018. The 4-H Program has an additional staff person assigned to work on stem program curriculum and development. The Agricultural Tour held on Friday, September 8<sup>th</sup> was a success. Clinton County's annual meeting will be held Tuesday, October 16<sup>th</sup> at the Valcour Brewing Company. There is a new full-time grape specialist and fruit tree specialist. Accreditation has been completed. Mary Breyette, the Executive Director, has been appointed for an additional four-year term.

Mr. Zurlo reported Resolution #765 titled, “Urging the State of New York to Increase Support for Cornell Cooperative Extension County Associations” has been placed on the agenda this evening.

#### **Community Services Board – Legislator Conroy**

Legislator Conroy reported the next meeting will be held Wednesday, October 4<sup>th</sup> at the Mental Health and Addiction Services Office.

#### **Discipline Review – County Administrator Mike Zurlo**

Mr. Zurlo reported the directive from the most-recent Discipline Review Committee was the directive for the Labor Management Committee to review the Sick Watch Policy. Two meetings have been held, and they are making progress.

#### **Intercounty Legislative Committee of the Adirondack – Legislator Waldron**

Legislator Waldron reported the Intercounty Legislative Committee of the Adirondacks met recently at the New York State Association of Counties (NYSAC) Conference on Thursday, September 15th. The New York State Department of Environmental Conservation (NYSDEC) provided a presentation on grants that are available to municipalities who are in need of salt sheds. Legislator Waldron reported she has applications, and if any municipality needs an application, they may contact her.

#### **Soil and Water Conservation – Legislator Timmons**

Legislator Timmons reported the vacuum truck is now in service and can be used by any municipal Highway Department. All Highway Departments have been notified this is available.

Legislator Dyer reported Soil and Water is picking up the ag plastic that is baled at farms and are transporting the bales to the Clinton County Landfill for recycling.

#### **Workforce Development Board – Legislator Rosenquest**

Legislator Rosenquest reported the Workforce Development Board will meet Thursday, November 2<sup>nd</sup>. Email invitations have been sent to all Legislators.

### **STAFF REPORTS**

#### **County Attorney – James Coffey, Esq.**

County Attorney James Coffey requested an Executive Session at the end of the Regular Session to discuss four items: Opioid Litigation, Clinton County vs. the Estate of Gerald Guay, the Champlain Centers Tax Assessment Litigation and an issue regarding a property which was pulled shortly prior to the auction for foreclosure.

**County Administrator – Michael Zurlo**

Mr. Zurlo reported departmental budgets are being audited, and he has begun meeting with Department Heads to review 2018 budget requests.

There being no further business to come before the Board, the following Resolutions were unanimously adopted unless otherwise noted:

Resolutions #765 through #768 were approved.

Resolution #769 titled, “Authorizing Contract with Clinton Machine Center – Plattsburgh International Airport”

Discussion: Legislator Dyer inquired why a similar Resolution was not adopted last fall for this service. Mr. Zurlo surmised something may have arisen at the Airport, and the Airport Manager perhaps felt it would be better to have a contract in place for this service with a “not to exceed” cost for the period October 1, 2017 through December 31, 2018.

The Resolution was adopted by a vote of 10-0-0.

Resolutions #770 through #776 were approved.

Resolution #777 titled, “Authorizing Replacement of Clinton County Public Transit Paratransit Service with Route Deviation Service” was moved by Legislator Timmons, seconded by Legislator Beach.

Discussion: Legislator Hall motioned to amend the resolution to change the effective date from January 1, 2018 to May 1, 2018 so that the change could be effectuated during warmer weather months. On a related matter, Legislator Hall stated he has personally been involved with the McDonald Transit Associates, Inc. and Rodney Brown, the Deputy County Administrator regarding this controversial proposal. Legislator Hall stated when he sees things being written against Rodney Brown, he takes much exception to this. Mr. Brown has done nothing but try to save the bus system, and he has done nothing to work against it. Mr. Brown has never done anything detrimental, he has done nothing but try to help.

Legislator Waldron seconded the motion to amend the Resolution to change the effective date to May 1<sup>st</sup>.

Discussion on the amendment: Legislator Conroy stated he was in support of changing the Paratransit Program with a Route Deviation Service, effective May 1<sup>st</sup>.

Legislator Waldron reported she spoke to both Rodney Brown and Planning Technician James Bosley earlier in the day. There are still issues popping up with Route Deviation, and she feels it could use a little more time.

Legislator Rosenquest agreed it would be better to wait until better weather. However, he feels it is unfortunate the County is talking about eliminating this service for people who really need the service more than any population that is served. The public bus system has been having ongoing problems. In previous years, rural routes and rural paratransit routes have been cut. He stated it seems like this is the most convenient service to cut now. Even though the deviated service is a solution for paratransit issues, introducing a change to the system without introducing some type of support for that change is an inconvenience. He suggested the County try to find a way to make the system better.

Legislator Dame stated he sympathizes with the trials and tribulations of the disabled community. To say this is not a well thought-out system is an insult to the Planning Department. They have been working on this for months. There have been numerous public meetings and public hearings. He does not agree with delaying implementation until May. The plan is not cutting a service, it is changing a service. There will still be a door-to-door service. The regular routes will still run, the schedules will change. We have been through this for weeks and months. He would like to try it, and if it doesn't work out, the County can go to "plan B." To petition our Planning Department to come up with a new plan is merely busywork. Until we try it, we won't know if it works. He asked if anyone knew what the cost would be if the County was to wait until May to implement the change. Mr. Zurlo replied it would cost approximately \$34,000.

Legislator Keenan stated Mr. Brown has stated if this doesn't work, we could change it back as quickly as possible.

Legislator Timmons thanked everyone that has been involved with this proposed change. He feels this new plan is worth trying to see if it will work for Clinton County. He was on a trial run for Deviation, and it worked. He suggested maybe the County could build covered shelters for the transfers. He agreed with pushing implementation off until May.

Legislator Dyer stated the Planning Department has been working on this issue for several months, and they will not know if it will work or not until they try it. He does not feel the County should wait until May 1<sup>st</sup> to implement the change in service.

Legislator Dame stated he understands Chairperson McManus would like to have Messrs. Brown or Bosley speak to this issue under discussion on the main resolution. Legislator Dame stated it would be helpful for him to make his decision if he could receive Messrs. Brown and Bosley's input if they think it would be a problem implementing the change during the winter months.

Chairperson McManus stated he first heard about the May 1<sup>st</sup> implementation date earlier in the day. He stated in light of the harsh North Country winters, it may be better to wait. He would like to hear Messrs. Brown and Bosley's input. Chairperson McManus asked Mr. Brown if he would like to offer any comments on the amendment.

Mr. Brown stated by changing the date from January 1 to May, 1, it would extend the start time by four months. One negative aspect of the delay would be the increased cost. On the positive side, delaying the start until the weather is warmer will result in a reduced amount of time taken for people requesting deviation to get to the bus from their front steps thereby easing transition to Deviation Service. Mr. Brown stated additionally, starting the service after the winter months would provide the staff with a much better idea on the number of people congregating at the bus stops where the transfers will be located, so they would have a better idea by the middle-to-end of the summer if there are steps they would need to take to increase the size of the shelters. Lastly, the delayed start would also provide more time to conduct travel training.

All Legislators voted in the affirmative to change the effective date on the resolution to May 1, 2018.

Chairperson McManus asked if there were any further comments on Resolution #777 as amended.

Legislator Conroy stated the bus system is vital to the County. He stated Route Deviation has worked in rural areas, and he believes it can also work in the City of Plattsburgh. He believes this change will help make the bus system be more sustainable.

Legislator Rosenquest stated there has been an ongoing declination in the bus service over the years. Right now, it seems to him that Paratransit is the most convenient piece to cut. There have been ongoing problems with the bus system. The County has to take a real close look at what is going to make this system work. It will require taking an authentic look at uprooting the entire system and talking with the State to see what kind of support we can get. He stated he would vote no on the resolution.

Legislator Dame stated the County is not cutting our costs, they are trying to stymie a massive increase. A few years ago, the bus service cost taxpayers zero, that was because of the massive amount of money we received from the State and Federal governments to help fund the bus system. He stated if there is an alternative, he would like to hear it. Clinton County is a rural area, buses are not filled with fare-paying passengers. It will always be a subsidized service. If the County can change something without affecting the disabled community and save taxpayers some money, it would be irresponsible not to try this. The experts in the County (Messrs. Brown and Bosley) have been in consultation with other transit systems throughout the state and have studied this issue considerably.

Legislator Dyer stated part of this problem leading to this decision includes an increase in trip denials . . . the County has to do something. He doesn't believe there is an easy fix, but we have to try something.

Legislator Timmons stated the County is not cutting services, they are changing the system in the hopes that it will work better for everyone. Many bus systems in New York State have the choice of Paratransit or Deviation, and many have decided to go with Deviation. They still have Deviation, and it works. The County will not know if it will work until we try it. He stated he is in favor of trying Deviation.



Chairperson McManus stated the Legislature has a fiduciary responsibility to taxpayers. This requires the Legislature to analyze every single item that we spend money on. This is a result of an analysis. It is a trial to see if it is workable.

Resolution #777 was adopted by a vote of 9-1-0 with Legislator Rosenquest voting no.

Resolutions #778 through #786 were adopted.

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

Resolution #787 titled, "Awarding Bids for Renovation of Aircraft Rescue and Fire Fighting (ARFF) – Plattsburgh International Airport" was moved by Legislator Hall and seconded by Legislator Dame.

Discussion: Legislator Hall inquired if the County receives only one bid for the general contract, if they were obligated to award the bid to the sole bidder. County Attorney James Coffey replied the County can reject any and all bids.

Legislator Dame stated this particular project was not part of the Upstate Airport Initiative Projects and therefore, there isn't so much of a time constraint to complete the project.

Mr. Brown stated there was a time constraint from the Federal Aviation Administration (FAA) in keeping the grant alive. Legislator Dame inquired if the County were to reject the bid and resolicit bids in the hopes of receiving additional competitive bids, is that a process that would take too long and would harm the project.

Mr. Zurlo stated that due to the anticipated work over the next several months, the bidding environment is going to get worse due to the number of construction projects at Plattsburgh International Airport.

Legislator Dame stated he would be in favor of rebidding. Legislator Conroy stated with all the work at the Airport, he feels the Legislature should move forward with awarding the bid. Legislator Timmons stated with only one bid, you have nothing to compare it to and not knowing if it is a good price. Mr. Zurlo stated the County cost will be negligible. If the project cost goes down, the federal government will give the County less money for the project.

Chairperson McManus requested a slow roll call vote on the Resolution:

Legislator McManus – Yes  
Legislator Beach – No  
Legislator Dyer – No  
Legislator Conroy – Yes  
Legislator Keenan – No  
Legislator Waldron – No  
Legislator Timmons – No  
Legislator Dame – No  
Legislator Rosenquest – Yes  
Legislator Hall – Yes

The Resolution failed by a vote of 4 yes, 6 no.

Mr. Brown stated Airport Manager Chris Kreig will contact the FAA to inquire if the County has sufficient time to go back out to bid and do the process over again. Mr. Brown explained the FAA has already allocated money towards this project. If the bids come in higher, the FAA may say the County no longer has a project because they don't have enough money or require the County to cover the cost increase. If bids come in lower, we may be able to go forward.

Legislator Dame asked Mr. Brown if the County could expand the potential bidders list somehow. Mr. Brown stated there is a contract reporter that we could contact. There is a cost associated with this.

After listening to Mr. Brown's comments, Legislator Waldron motioned to reconsider the Resolution, seconded by Legislator Beach. The motion to reconsider Resolution #787 passed by vote of 10-0-0.

Legislator Dame did not wish to second Resolution upon reconsideration. Legislator Rosenquest seconded the reconsidered resolution.

Chairperson McManus requested a slow roll call vote on the Resolution:

Legislator McManus – Yes  
Legislator Beach – Yes  
Legislator Dyer – No  
Legislator Conroy – Yes  
Legislator Keenan – Yes  
Legislator Waldron – Yes  
Legislator Timmons – Yes  
Legislator Dame – No  
Legislator Rosenquest – Yes  
Legislator Hall – Yes

Resolution #787 was adopted by a vote of 8-2-0.

Resolution #788 and #789 were approved.

Resolution #790 titled, “Authorizing Agreement with McFarland-Johnson, Inc. for General Engineering-Related Services for the Upstate Airport Initiatives Projects” was moved by Legislator Hall and seconded by Legislator Waldron.

Discussion: Legislator Dame stated his opposition to this as the engineering costs is \$119,000 for a \$400,000 project. He feels the consulting fees are too high. He stated he is getting tired of getting fleeced.

Legislator Hall asked if the Legislature voted against this, what would happen. Mr. Brown replied that the County would have to go back to McFarland-Johnson, Inc. to see if they would accept a lower price. If they are unwilling to do so, the County would have to go to the New York State Department of Transportation (NYSDOT) to see if they would support the County working with another engineering firm. This is the engineering firm which was accepted for the Upstate Airport Initiative. Mr. Brown stated these prices come out of specific requirements that the state and federal government impose upon engineering firms for these types of projects. Costs are typically higher.

Legislator Dyer stated this is almost 40 percent of the project price, and he does not feel it is right.

Legislator Hall stated he would vote in favor of this. The engineer, Turner Bradford, explained the reason for the increase. The engineering company has to report to New York State on every single thing they do.

Legislator Rosenquest asked what the original estimate was on this project. Mr. Brown stated preliminary engineering estimates were \$100,000.

Chairperson McManus requested a slow roll call vote on the Resolution:

Legislator McManus – Yes  
Legislator Beach – Yes  
Legislator Dyer – Yes  
Legislator Conroy – Yes  
Legislator Keenan – Yes  
Legislator Waldron – Yes  
Legislator Timmons – Yes  
Legislator Dame – No  
Legislator Rosenquest – Yes  
Legislator Hall – Yes

Resolution #790 was adopted by a vote of 9-1-0.

Resolutions #791 was approved.

There being no further business to come before the Legislature, Legislator Hall motioned to enter Executive Session at 8:30 p.m., seconded by Legislator Waldron. Carried (10-0-0).

Legislator Hall motioned to exit Executive Session at 9:37 p.m., seconded by Legislator Waldron. Carried (10-0-0).

There being no further business, Legislator Rosenquest motioned to adjourn the meeting at 9:38 p.m., seconded by Legislator Timmons. Carried (10-0-0).

Respectfully submitted,

A handwritten signature in cursive script that reads "Melody Lemieux". The signature is written in black ink and is positioned above the printed name and title.

Melody Lemieux  
Principal Stenographer

:ML