

COUNTY OF CLINTON)
):SS
STATE OF NEW YORK)

May 24, 2012

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, May 23, 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
Katherine Brown, Senior Stenographer

Chairperson Langley called the meeting to order at 7:02 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 May 9, 2012 Regular Session, seconded by Legislator Dyer. (Carried 10-0-0).

Chairperson Langley asked if anyone wished to address the Legislature.

Chairperson Langley recognized Russell Pray of Keeseville, New York. Mr. Pray stated he has been in contact with the County Treasurer's Office regarding his property which is being foreclosed on due to unpaid taxes. He was told the only way he could get the property back was to go to the auction and purchase the property. Mr. Pray stated he never received a letter from the Treasurer's Office regarding his property. He was told by the Treasurer's Office that his daughter had signed for the letter. Mr. Pray stated his daughter was home visiting from college, and to date, he has not seen the letter. Mr. Pray stated he was shocked to see his property up for auction. He stated he has been a businessman for thirty years in this community and employs people. Mr. Pray stated he has been behind on taxes, but has always paid his taxes. Mr. Pray asked the Legislature to look at his situation and allow him to purchase his property by paying all penalties, fees and fines. Mr. Pray stated this property is part of his retirement plan. He does not owe any money on the property, nor is there a lien on the property. Mr. Pray stated he was told there are courtesy calls; however, he did not receive a courtesy call. Mr. Pray stated he is here to pay his taxes with a certified check. Mr. Pray stated he was told the Legislature has the right to accept his payment. Mr. Pray stated the County should not try to benefit from someone's loss. Chairperson Langley informed Mr. Pray this issue will be discussed in executive session this evening. He further stated he would call Mr. Pray tomorrow to tell him what he can do outside of executive session. Chairperson Langley noted Mr. Pray came here this evening to be symbolic and to let the Legislature know he has the funds and means to pay what he owes. Mr. Pray stated he would like the Legislature to look at the rules and regulations of the taxes. He does not understand why the County needs to make money off the poor people.

Legislator Dame asked County Attorney William Favreau if there is a reason why this issue has to be discussed in executive session. Mr. Favreau replied it must be discussed in executive session because there is a potential for litigation over this matter, and potential liabilities may arise. Legislator Dame stated for the record, as a Legislator, he would support any taxpayer who had their property foreclosed on, giving them the ability to come up to the minute of the auction to redeem their property. He stated this has not been the County's policy, and he would like to see if the County could rearrange that. He further stated the Legislature's job is to protect the taxpayers. Legislator Dame stated everyone here has good morals and ethics. He also understands that people can make a mistake. As a government, the County is not entitled to take people's wealth and equity above and beyond what they owe.

Chairperson Langley recognized Joe Gittens, a bus driver for First Transit, driving for Clinton County Public Transit (CCPT). Mr. Gittens stated he is here to discuss the proposed cuts to the bus routes. He stated some of the drivers' hours would be reduced to the point where they would not be able to make a reasonable living. The cuts would total 2,028 driver hours annually. Mr. Gittens also stated students from Clinton Community College rely on CCPT. He suggested the County look at an extended system rather than cutting back its present system. He requested the Legislature consider tabling the resolution for further review.

Chairperson Langley recognized Joanne Baker, a bus driver for First Transit, driving for CCPT. Ms. Baker discussed the proposed cuts and stated it would leave ten people on her route without a ride.

She stated these are people from Clayburg, Cadyville, Lyon Mountain, and Morrisonville who have arranged their schedules to ride the bus to get to work. They depend on CCPT and cannot afford to pay taxi fares to get to and from work. Ms. Baker stated some drivers may have to leave First Transit if the cuts are implemented because they cannot live on 17 hours per week for work. She strongly suggested the Legislature research this issue further before approving the proposed cuts.

Chairperson Langley recognized Mary Lou Leavitt of Plattsburgh, New York. Ms. Leavitt recognized the outstanding service provided by CCPT. She stated it would be a disservice to the passengers impacted by the proposed cuts.

Chairperson Langley recognized Charles Sturdivett of Cadyville, New York, a bus driver for First Transit, driving for Clinton County Public Transit. Mr. Sturdivett stated CCPT needs to serve the people and be more proactive. He requested the Legislature table the resolution.

Chairperson Langley recognized Patricia Weymer of Montcalm Avenue, Plattsburgh, New York. Ms. Weymer asked if any Legislators ever rode a First Transit bus; no Legislator had. She stated due to high gas prices, it is more economical and essential for bus service. She also stated many of the people who utilize this service do not have another mode of transportation.

Chairperson Langley recognized Justin Meyer, Esq., One Cumberland Avenue, Plattsburgh, New York. Mr. Meyer is representing Russell Pray. Mr. Meyer stated last year he had similar discussions with the Legislature regarding this same subject. He indicated the County Treasurer's Office had stated only the Legislature can give back the property to the owner once the County takes title.

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 Department has been busy cleaning the grounds for the Memorial Day holiday. Shrubs and flowers have been planted, mulch has been laid and bushes have been trimmed. He stated six red maple trees will be planted to replace the decaying trees located adjacent to the Government Center and the Supreme Court Library.

The next meeting of the Buildings and Grounds Committee is scheduled for Thursday, June 14th at 5:15 p.m.

County Operations Committee – Legislator Dame

Legislator Dame reported Resolutions #369 is included on the agenda as a result of a poll of the County Operations Committee.

The next meeting of the County Operations Committee is scheduled for Tuesday, June 5th at 6:15 p.m.

Finance Committee – Legislator Rowden

Legislator Rowden reported the next meeting of the Finance Committee is scheduled for Wednesday, June 13th at 5:15 p.m.

Health Committee – Legislator Beach

Legislator Beach reported he and Legislators Dyer and Keenan attended the annual staff recognition dinner for Behavioral Health Services North, Inc. on Monday, May 21st at the Plattsburgh Elks Lodge.

The next meeting of the Health Committee is scheduled for Thursday, June 7th at 5:15 p.m.

Human Services Committee – Legislator Keenan

Legislator Keenan reported the next meeting of the Human Services Committee is scheduled for Tuesday, June 5th at 5:15 p.m.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported the next meeting of the Personnel Committee is scheduled for Monday, June 4th at 5:15 p.m.

Plattsburgh International Airport Committee – Legislator Heins

Legislator Heins reported the Plattsburgh International Airport Committee met this evening. Representatives from SheltAir Aviation discussed the Fixed-Base Operator (FBO) service. Discussion was held regarding the status of the County's effort to sell the former Clinton County Airport.

Resolutions #374 through #381 are included on the agenda as a result of the Committee's recommendation.

The next meeting of the Plattsburgh International Airport Committee is scheduled for Wednesday, June 27th at 5:15 p.m.

Public Safety Committee – Legislator Butler

Legislator Butler reported Resolutions #382 through #392 are included on the agenda as a result of a poll of the Public Safety Committee.

The next meeting of the Public Safety Committee is scheduled for Monday, June 11th at 6:15 p.m.

Transportation Committee – Legislator McManus

Legislator McManus reported the Transportation Committee met Monday, May 14th at 5:15 p.m.

Resolutions #394 through #397 are included on the agenda for the Highway Department. Al Rascoe, the Highway Superintendent, discussed the Complete Streets Program and Safe Routes to School Program. There is \$27 million available in grant funding that would cover 100 percent of New York State Department of Transportation project costs in this region.

Rodney Brown, the Planning Director, reported ridership levels increased during the first quarter of the year as compared to the same time period last year due largely to an increase in use of the system by college students. The Committee discussed the possibility of a new transportation and advertising

contract with College Suites, a private apartment complex located off from the State University of New York (SUNY) at Plattsburgh campus.

Legislator McManus stated with regard to the proposed cut in routes for Clinton County Public Transit (CCPT), the Committee reviewed and approved all of the routes. He asked Mr. Brown to comment on the issue. Mr. Brown stated many people aren't aware of how revenue works for the CCPT transportation system; the County makes very little revenue through fares. When the State and Federal Government reduces the amount of funds to operate the system, the County has little means to expand the system to get more funding. If the bus service is expanded and more passengers are picked up, it would cost more for the County and would put the County further in the red. The only way to save money is to reduce the service being provided. Mr. Brown stated he is aware people will be disadvantaged by the cuts; however, the cuts selected had the fewest number of people to be impacted. He stated almost \$100,000 a year will be saved by making the proposed cuts. Legislator McManus stated if the system remains as is, the County will have to include more money from the taxpaying base to offset these revenues. He further stated these are tough decisions and he understands. Legislator McManus stated he does not know how the rest of the Transportation Committee feels, but indicated the Committee was not provided with any of this information prior to both meetings, and this passed at the last meeting. Legislator McManus stated as Chairperson of the Transportation Committee, he is willing to do what the majority would like to do. However, the Committee started out with the premise that money needed to be saved in the system due to State and Federal cutbacks, and it was done based upon the lowest number impacted in the County. Legislator McManus stated if there is other information the Committee would like to look at, it can; however, at this point, this has been researched. Unless, there is information the Committee did not know, he would go with the Committee's original recommendation.

The next meeting of the Transportation Committee is scheduled for Monday, June 11th at 5:15 p.m.

Liaison Reports

Chamber of Commerce – Legislator Rowden

Legislator Rowden reported the next meeting of the Strategic Planning Tourism Committee is scheduled for Friday, June 1st.

Clinton Community College – Legislator Dame

Legislator Dame reported he attended Clinton Community College's commencement ceremony on Friday, May 18th. Legislators Beach, Heins and Keenan also attended the ceremony.

Cooperative Extension – Legislator McManus

Legislator McManus reported the Cooperative Extension met Tuesday, May 15th. He reported the Better Building Grant was awarded to the Cooperative Extension. Grant funding will be used for energy programs. Legislator McManus reported 4-H is initiating a Biggest Losers Teen Program throughout the County to promote better nutrition.

The next meeting of the Cooperative Extension is scheduled for Tuesday, June 26th.

Intercounty - Legislator Dame

Legislator Dame reported he attended an Intercounty Legislative Committee of the Adirondacks meeting on Thursday, May 17th in Fulton County. An update from the New York State Association of Counties was provided.

Soil and Water Conservation District – Legislator Dyer

Legislator Dyer reported the plastic baler is moving around the County. Legislator Rowden stated besides Soil and Water's regular programs (i.e., tiling, soil testing), it is taking a new direction to include such items as storm water drainage and water quality.

Grievance Committee – Legislator Gallagher

Legislator Gallagher reported the Grievance Committee did meet, and the level-three finding has been appealed.

Staff Reports

County Attorney William Favreau requested an Executive Session to discuss a matter of pending litigation and a potential litigation matter.

Mr. Zurlo reported on the status of the sale of the Health Department's Home Care license to HCR of Rochester. HCR's application was before the Public Health Council's Standing Committee earlier today and was unanimously passed. The Public Health Council will vote on the application on Thursday, June 7th. Mr. Zurlo stated assuming this is successful, the hope is that by the beginning of August, everything will be finalized. Legislator Rowden stated she recently met a former employee of the County's Home Care Unit who is now employed by HCR who stated she loves her new position and everything is working well.

There being no further business, Chairperson Langley moved onto resolutions.

The following resolutions were approved unless otherwise noted.

Resolution #368 titled, "Authorizing the Clerk of the Clinton County Legislature to Advertise for a Public Hearing on Local Law #2 of 2012 titled, "Regulating Distribution of Tax Auction Proceeds – Legislature" was withdrawn.

Resolutions #369 through #392 were approved.

Resolution #393 titled, "Authorizing Specified Changes to Clinton County Public Transit (CCPT) Bus Routes – Clinton County Public Transit (CCPT)"

Discussion:

Legislator Gallagher remarked on the public comments made earlier this evening regarding this issue. He stated he is not a member of the Transportation Committee and generally, the Legislature counts on the Committees to make recommendations to the full Legislature. He stated Legislator McManus' comments are well taken. He further stated the problem does not lie with the necessity for having some of these routes, the problem lies with the State's funding of this service. He asked if the Transportation Committee and Clinton County Public Transit (CCPT) could study other services that

might be provided. Legislator Gallagher referenced a dial-a-bus service offered in Otsego County which operates within a geographic area servicing disabled individuals; this could be done with a taxicab in the City of Plattsburgh. Mr. Zurlo stated CCPT does offer a paratransit service for the disabled individuals. Mr. Brown indicated this service is required under the Americans with Disabilities Act.

Legislator McManus requested clarification that the Legislature go ahead with the resolution and at the next Transportation Committee meeting, it take a look at other potential alternatives. Legislator Gallagher noted these changes are going to be implemented relatively soon. It is important to look at other ways to enhance the system.

Legislator Beach stated in the recent past, several individuals have addressed the Legislature regarding high gas prices, and the County is being forced by the State to reduce these routes. He agrees with Legislator Gallagher that we need to look at other alternatives.

Legislator Dame asked the amount of money that would be lost if the routes were not changed. Mr. Brown stated it is anticipated for the current year, the County will be \$50,000 in the red. This proposal would result in a savings of about \$85,000. It is expected that if the State continues their current practice, the number will continue to grow. By making these changes above the \$50,000 will hopefully forestall any future changes for a few more years. Legislator Dame asked if the State had reduced funding per mile, per passenger or a lump sum. Mr. Brown replied the State's formula is based per passenger and per mile. However, this formula has not been changed since 2000. Legislator Dame stated he empathizes with the individuals who spoke here this evening, but stated people do comment regarding some of the buses that operate at half or less than half capacity. He asked if reduced-sized buses had been considered. Mr. Brown replied different sized buses have been used and are in the fleet; however, the gas mileage is very similar.

Legislator Dyer stated some of the bus runs are for a small number of people and the amount being saved is huge dollars per person. Mr. Brown noted that no one from the Transportation Committee wanted to make cuts whereby people would receive less in services. Unfortunately, this situation, as in many other areas, is due to how much money this costs and what the Legislature can do to make any savings whatsoever. It is not always easy to realize a savings and not have an impact.

Legislator Rowden stated she believes all Legislators would like to see a healthy public transportation system for all of the reasons stated here this evening, both economically and environmentally.

A roll call vote was taken. Carried (10-0-0).

Resolution #394 titled, "Awarding Bid for the Lake Champlain Transportation Company Ferry Slip Construction and Rehabilitation Project – Highway Department"

Discussion:

Legislator Gallagher stated he has been approached a few times on this issue and people still do not understand the County's role in this Project; the County is a conduit of these funds. Legislator Dame stated the funds are public funds. Mr. Zurlo stated this is Federal money made available to go to ferry companies. The resolution is very explicit on how the costs are appropriated. Legislator Dame asked if there are any funds to initiate or help a start-up ferry company. Legislator Rowden replied the ferry company has the rights to that passage which was established a long time ago. Legislator Dame asked where the right came from. Legislator Rowden was unsure, but stated the ferry company started back in the 1930s. Carried (10-0-0).

Resolutions #395 through #407 were approved.

Legislator Heins offered a motion to Waive Rule 13.2, seconded by Legislator McManus. Carried (10-0-0).

Resolution #408 was approved.

Chairperson Langley asked if there was any other business to come before the Legislature this evening before executive session.

Mr. Zurlo noted there is a matter of collective negotiations to discuss in executive session.

Mr. Brown requested a brief meeting of the OTB Scholarship Committee upon meeting adjournment.

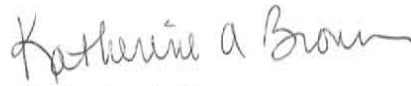
Chairperson Langley entertained a motion from Legislator Gallagher to enter into Executive Session at 8:05 p.m. to discuss matters of potential litigation and collective negotiation, seconded by Legislator Butler. Carried (10-0-0).

Legislator Gallagher offered a motion to adjourn Executive Session at 9:17 p.m. and return to Regular Session, seconded by Chairperson Langley. Carried (10-0-0).

Chairperson Langley asked for a motion to accept Russell Pray's check in the proper amount and to redeem his property, as well as any other person in a similar situation. A motion to accept or second the action was not acted upon by the Legislature.

There being no further business, Chairperson Langley entertained a motion from Legislator Gallagher to adjourn Regular Session at 9:22 p.m., seconded by Legislator Butler. Carried (10-0-0).

Respectfully submitted,



Katherine A. Brown
Senior Stenographer