

COUNTY OF CLINTON)  
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STATE OF NEW YORK)

August 10, 2017

Stenographer's minutes of the Regular Session of the Clinton County Legislature held Wednesday, August 9, 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, Area 1, Chairperson  
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 7:00 p.m.

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

Legislator Dyer motioned to accept the minutes of the July 26, 2017 Regular Session, seconded by Legislator Keenan. Carried (10-0-0).

Chairperson McManus stated tonight there was a second of three public hearings regarding the Clinton County County-Wide Shared Services Plan. He asked the Clerk of the Board to read the notice of public hearing.

Legislator Rosenquest motioned to open the public hearing at 7:02 p.m., seconded by Legislator Hall. Carried (10-0-0).

Denise Nephew of Plattsburgh, New York stated she was concerned with Shared Services. Ms. Nephew works for the City of Plattsburgh, and she has dealt with the Clinton County Personnel Department for years and stated she has not received any assistance. She stated she had to bid out of her department in order to receive an upgrade. She asked the Legislature to make sure everything is on the “up-and-up” and make sure that the numbers are true to value. Ms. Nephew has read the report and does not understand why it will cost more to provide assessing services. She asked that City employees not be forgotten.

Rosemary Redmond of Plattsburgh, New York stated she was in favor of shared services. She appreciates this initiative as a taxpayer.

There being no further speakers to address the Shared Services Public Hearing, Legislator Dame motioned to close the public hearing at 7:05 p.m., seconded by Legislator Keenan. Carried (10-0-0).

Chairperson McManus stated he would now go the public portion of the meeting. In an effort to increase efficiency, a sign-up sheet for speakers had been distributed throughout the Chambers and the hallway. The time limit for each speaker will be five minutes, and at the four minute, thirty second mark, he will remind people they have 30 seconds remaining. Chairperson McManus asked that opinions be respected, and the decorum of the meeting be upheld. The Legislature will hear from anyone who wishes to speak.

Phil Stenglein of Ballston Spa stated he represents 30 sheet metal workers of the Local 83, that live and would like to work in Clinton County. He stated many of the “so-called” facts of those against the Project Labor Agreement (PLA) are outright lies. Opponents have said if you vote for a PLA, 90 percent of the workers will come from out of the area. This is exactly opposite of the truth. The very premise of a local Union is to hire local workers. There are specific rules in their contracts that say this. If you bring in a contractor from outside the jurisdiction, he can only bring two people to run the job, and he must hire the rest of the people from the local Union hall. If you do not have a PLA, you almost certainly open it up to an outside workforce. He stated CVPH has had a Vermont contractor in and out of CVPH over the last fifteen years. The Adirondack Medical Center in Saranac Lake recently began a \$24 million project with some New York State taxpayer

money. There was no PLA, there is a Vermont contractor. There was 13,800 hours of sheet metal work going out-of-state which equates to seven men for one year. The same out-of-state contractor was recently awarded a contract for the Center for Well Being on Route 3. There was no PLA, no local workers. The National Guard Barracks adjacent to the Clinton County Fairgrounds had a \$1 million metal roof job done by a Buffalo roofing company. No PLA, no local workers. RSI is another big roofing company out of Watertown who gets a lot of jobs at SUNY Plattsburgh. The workforce comes from Watertown, not Plattsburgh. They just completed a large job in Ray Brook. No PLA, no local workers. Last week, he was at the Hobby Lobby at the mall in Plattsburgh, there was no PLA, no local workers. There was a contractor from New Jersey doing the sheet metal. He also saw some Texas license plates in the parking lot. The Texas Roadhouse had a Vermont contractor. These are just some of the recent jobs he can state that when there is no PLA, they will bring in workers from all over the country. He stated the Legislature should vote yes on the PLA. With a PLA, you will have a skilled workforce.

Jim Haak, of Morrisonville, New York stated he is a Union sheet metal worker who recently retired. He has spent the last five years working in Albany. He can look around the room and see many people that have spent many hours in Malta, driving back and forth to work, not seeing their families. You can go look at local projects and see Vermont Mechanical plates all over the place. When you are a construction worker and see this going on in your back yard while local workers have to travel three or four hours away to work to feed their families. It's not fair. He stated when Legislators go by construction sites, they should look at license plates.

Derrick Spitzer of the Local 773 Plumbers and Pipefitters Union stated about seven years ago, he exited the military after completing six deployments. When he returned home from the military, he found himself in a nerve-racking situation going from receiving steady checks and medical benefits while in the military, then having to start over and look for a new career. The Plumbers and Pipefitters International, as well as other Unions, have programs for veterans to learn a new trade. He feels very fortunate for this opportunity.

Jeff Schiff of Saranac, New York (and a member of the Local 773 Plumbers and Pipefitters Union) asked the Legislature to vote yes on the PLA. He stated he has spent five years traveling to Malta, New York for work because companies out of Vermont were working on local projects. He believes the PLA would be beneficial to the County and would save a lot of money. Mr. Schiff stated he came from a non-Union contractor in Plattsburgh (with no health insurance or benefits, making \$15 per hour). The Local 773 provided him with a five-year apprenticeship program and now he makes a very good salary and has benefits. He believes Clinton County needs a PLA for the Airport projects. Local workers are tired of having to travel out of the County to obtain work.

Megan O'Brien, a resident of the Town of Ausable and a Union member representing over 1,000 Unionized educators and school employees in Clinton County, stated she cares very much about education and training. The Unions provide training for skilled work in this region. The PLA will allow apprentices to work on this project and continue to bring in a trained workforce from Clinton County. PLAs offer a safe environment to work on jobs. The economic development money that is given to Clinton County should be used in a way that it would benefit everyone and not just a privileged few.

Kim Hartsworn, President of the Local 2190 and a member of Local 749 spoke in support of the PLA. He stated when a project is bid under a PLA, it puts all contractors on an even playing field as they are all playing under the same labor rules. He stated a person in the construction trade is always very proud to drive by a project and say they worked on it. He stated that pride manifests itself in in quality and efficiency on projects. PLAs almost always bring projects in on time and under budget with high quality and craftsmanship. He urged the Legislature to vote in support of the PLA and the concept of PLAs in general.

David Curry of Plattsburgh, New York, spoke on behalf of the Northeast Central Labor Council. He stated he is a member of two local Unions, the United University of Professionals and the New York State Nurses' Association. He stated a feasibility study has been done and it shows the County could save \$3 million, and he feels it is the Legislature's fiduciary responsibility to vote yes on the PLA.

Ted Luck, President of Luck Brothers, Inc. stated he has been in business in Plattsburgh, New York for 43 years. He stated if this PLA is voted in, his 150 workers, plus the hundreds of non-Union workers will be excluded from this project because they are not Union. They would be excluded in bidding on a project in their own back yard. This will affect everyone--friends, families, suppliers, etc. He stated the Legislators' constituents are the people who voted them in office, not Governor Cuomo. Mr. Luck questioned if the Union workers in attendance were even Clinton County residents. He does not believe there will be a savings with a PLA. Governor Cuomo has made public promises on numerous occasions that every project in New York State will be done with Union contracts. He stated if the Legislature wants to exclude 80 percent of the majority of the workers in New York State who are not Union contractors, shame on them. He asked the Legislature to vote no on the PLA. He stated the project could be bid both ways. He stated the Legislature will save money, the money will stay in here in Clinton County, and the Legislators can count on their re-election.

Josh Reape of the Associated Buildings and Contractors stated that with a PLA, non-Union contractors would not be able to work on the project. He feels the report done by Mr. Seeler is a rubber stamp in comparison to other studies Mr. Seeler has done, and he does not feel the Legislature got their money's worth for the study. When it comes to the WICKS Law, there is talk of a propoorted \$3 million savings. Mr. Reape stated in Mr. Seeler's report, he cites three studies, one of which was done thirty years ago. The ten percent savings that is claimed by it, you need to analyze the Cost Benefit Analysis. Mr. Reape stated he feels there is no reason you cannot bid this two ways. He stated he was discouraged to read comments in the newspaper talking about the State is saying, "we're giving you funding, and if you want funding in the future, you need to do a PLA." He stated Governor Cuomo did not elect those Legislators in this room. The voters in the County did. Mr. Reape encouraged the Legislature to bid the project both ways.

John Donoghue stated it was not long ago, he stood before the Legislature to request a PLA for a prior project at Plattsburgh International Airport, and he was told there was not time to conduct a feasibility study. Now, a feasibility study has been done for this project, and it has shown there will be a cost savings. The last time there was no PLA at the airport, all of the work was done by Vermont contractors. He urged the Legislature to vote yes on the PLA.

Jeff Stark of Montgomery County stated he represents seven trades and fifteen different Locals. He believes 190 Union workers were present tonight at the meeting, and approximately 170 of those individuals are residents of Clinton County. Eighty percent of these individuals are registered to vote, they are constituents and taxpayers who own property, and they deserve the right to work here. Without PLAs, there are multiple Board of Labor violations. The PLA ensures this won't happen as there is a strong labor management consultant.

Denise Nephew, a resident of the City of Plattsburgh, stated she is a County taxpayer. She urged the Legislature to vote yes on the PLA and to help support keeping the money in our community.

Devin Luck reported he has worked for Luck Brothers, Inc., a family business, for the past five years. He stated the main thing that would bother him as an employee, would be if they were to bid the job as a non-union worker, he would have to pay in twice for his benefit packages--once to Luck Brothers, Inc. for the normal retirement program, and then again for the retirement program through the Union. He stated he feels this is discriminating against non-union workers. There was a study conducted by the Jefferson County Board of Legislators on the cost for a PLA for the construction of their Courthouse Building. It was estimated it would cost them more than \$955,000 (seven percent of the total budget). Under the Bush Administration, from 2001 to 2008, PLAs were not allowed on projects that used federal funds. There are 23 states that ban the requirements of PLAs for state-granted money, and eight states that promote them. He stated the majority of workers will come from out of the area as we do not have sufficient Union workforce for this project.

Carson Arnold stated he believes the project should be split 50 Union, 50 open shop. This would keep both parties honest.

Chairperson McManus stated that completed the list of people who had registered to speak. He asked if anyone present wished to address the Legislature.

Michael Cashman, Supervisor of the Town of Plattsburgh, stated this is a situation where the Legislature will have push and pull from constituents. There will be some people that are in favor of the PLA and some opposed to the PLA. He asked that the Legislature put the needs of Plattsburgh first and vote yes on the PLA.

Chairperson McManus asked if there was anyone further who wished to address the Legislature.

Ken Delafrange from Champlain, New York, addressed the Legislature regarding his support of Shared Services regarding canine enforcement. He stated he feels there is an inefficient use of buses and perhaps this could be investigated further. Mr. Delafrange stated Clinton Community College has once again requested an additional increase of \$175,000 in the sponsor share. He noted the importance of lowering tuition for students. He suggested cutting the cost of tuition which would attract additional students to Clinton Community College.

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 met earlier. James Cleveland, the Superintendent of Buildings and Grounds, updated the Committee on the second floor renovation project at 130 Arizona Avenue and the Emergency Services' Window Replacement Project.

Resolution #599 has been placed on the agenda upon the recommendation of the Committee.

The next Buildings and Grounds Committee meeting is scheduled for Wednesday, September 13<sup>th</sup> at 5:15 p.m.

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

Legislator Waldron reported the Children and Family Services Committee meeting scheduled for Tuesday, August 1<sup>st</sup> was cancelled.

The Committee was polled on Resolutions #600 through #606.

The next Children and Family Services Committee meeting is scheduled for Tuesday, September 5<sup>th</sup> at 6:15 p.m.

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

Legislator Rosenquest reported the Economic Development and County Operations Committee met earlier. Resolution #607 will authorize payment of membership dues for the Weights and Measures Department.

Rodney Brown, the Planning Director, was present to discuss Resolutions #608 through #610 on tonight's agenda.

Martine Gonyo, the Director of Real Property, discussed shared services charges and full assessing charges.

Barbara Foster, the Director of Information Technology, was present to discuss the County IT service.

The next Economic Development and County Operations Committee meeting is scheduled for Wednesday, September 13<sup>th</sup> at 6 p.m.

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

Legislator Dame reported the Finance Committee met Wednesday, August 2<sup>nd</sup>.

Lumsden and McCormick presented their audit findings.

Clinton Community College presented its 2017-2018 budget request. Resolution #611 will authorize the public hearing on the College budget which will be held Wednesday, August 23<sup>rd</sup> at 7 p.m. in the Legislative Chambers.

Resolutions #612 through #614 have also been placed on the agenda as a result of the Committee's recommendation.

The next Finance Committee meeting is scheduled for Wednesday, September 6<sup>th</sup> at 6:15 p.m.

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

Legislator Beach reported the Health Committee met Tuesday, August 1<sup>st</sup>.

Jerie Reid, the Director of Public Health, was present.

Resolutions #615 through #622 have been placed on the agenda as a result of the Committee's recommendation.

The next Health Committee meeting is scheduled for Tuesday, September 5<sup>th</sup> at 5:15 p.m.

### **Human Services Committee - Legislator Keenan**

Legislator Keenan reported the Human Services Committee meeting scheduled for Wednesday, August 2<sup>nd</sup> was cancelled.

The Committee was polled on Resolution #623.

The next meeting is scheduled for Wednesday, September 6<sup>th</sup> at 5:15 p.m.

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

Legislator Dyer reported the Personnel Committee met at 5:15 p.m. on August 7<sup>th</sup>, 2017 and reviewed 24 items. There are 23 resolutions on the agenda that reflect the Committee's recommendations.

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

Legislator Hall reported the Plattsburgh International Airport Committee was polled on Resolution #626 which is on tonight's agenda.

The next Plattsburgh International Airport Committee meeting is scheduled for Wednesday, August 23<sup>rd</sup> at 5:15 p.m.

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

Legislator Conroy reported the next Public Safety Committee meeting is scheduled for Monday, August 14<sup>th</sup> at 6:15 p.m.

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

Legislator Timmons reported the next meeting of the Transportation Committee is scheduled for Monday, August 14<sup>th</sup> at 5:15 p.m.

## **Liaison Reports**

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

Legislator Beach reported the July Board of Health meeting was cancelled. Jerie Reid, the Director of Public Health, will be retiring at the end of September. The search for a new director has begun.

### **Chamber of Commerce – Legislator Rosenquest**

Legislator Rosenquest reported the next Strategic Tourism Planning Committee meeting will be held Friday, August 11<sup>th</sup> at which time they will be reviewing the Marketing Plan. The Chamber of Commerce will be presenting the Marketing Plan to the Finance Committee on Wednesday, September 6<sup>th</sup> at 6:15 p.m.

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

Legislator Conroy reported the Community Services Board will meet Tuesday, August 15<sup>th</sup> at 4:30 p.m.

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

Legislator Timmons reported the next meeting will be held Tuesday, August 15<sup>th</sup> at 7 p.m. The Agricultural Tour will be held Friday, September 8<sup>th</sup> from 8:30 a.m. to 2:30 p.m. Legislator Timmons requested Legislators call Cooperative Extension to RSVP.

### **Soil and Water – Legislators Dyer and Timmons**

Legislator Timmons reported the next meeting will be held Thursday, August 17<sup>th</sup>. Legislator Dyer reported the tire collection has been going well.

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

Legislator Rosenquest reported the next Workforce Development Board meeting will be held Friday, September 8<sup>th</sup> in Saranac Lake.



## STAFF REPORTS

### County Attorney – James Coffey

James Coffey, the County Attorney, requested an Executive Session to discuss litigation regarding the Gerald Guay Estate.

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

Resolution #597 titled, “Authorizing Project Labor Agreement for Upstate Airport Revitalization Initiative Projects at Plattsburgh International Airport” was moved by Legislator McManus and seconded by Legislator Hall.

Discussion: Legislator Dame reported the Legislature has a moral and fiduciary responsibility to make the best decisions they can and make them without interference and consideration of personal political ambitions for the politics of our State Capitol. Legislator Dame stated the Legislature should follow the motto, “the greatest good for the greatest number of citizens.” He feels this proposed Project Labor Agreement violates this motto. It violates the Legislature’s fiduciary responsibility; it is anti-free market and treats 80 percent of our local construction workers as third class citizens. He urged his colleagues to vote no on the Resolution.

Legislator Timmons stated he agrees with Legislator Dame. He conducted research and does not agree the County will save \$3 million with a PLA. PLAs could cost 12-15 percent more on a project.

Legislator Conroy stated they did work hard to get a one-to-one ratio. He stated the Legislature needs to keep in mind they have approximately one year to complete the projects, there will be Union and non-union working on the projects. He wants to partner with New York State in the long-term and do what’s best for the economic development of the County. He stated due to the \$3 million in savings and the timeline, he will vote yes on the resolution.

Legislator Waldron stated the local non-union contractors would be doing a huge disservice to their employees if they chose not to bid on the project. This is the time to leave antiquated, adversarial philosophies behind and begin to work together cohesively. Last time, our Union labors lost. They have to travel to go to work. It’s time that they get to work home. She stated she will be voting yes.

Legislator Dyer stated he agrees with most of what Legislator Dame has said. He stated last week, they were under the impression the ratio would be one to one. The study shows the ratio will be two to one. He feels the project should be bid both ways.

Legislator Beach stated he agrees with everyone who has spoken. The one-to-one concept would have been nice. The Legislature needs to keep in mind there are a lot of powers that be that are influencing everything. It is an extraordinarily difficult decision. He stated he is still debating the issue. It's important to keep in mind the goals are all the same, they all want the County to benefit with this project and the future.

Legislator Hall stated he is very much in favor of the PLA. He will be voting yes on the Resolution. He urged all contractors Union or non-union to bid on the project. He believes there is enough work at the Airport for both Mr. Luck's employees, as well as the Union employees. For the past two years, he has seen change order after change order. He is willing to give the PLA a chance. He believes the Union employees deserve the chance.

Chairperson McManus stated he has done a lot of reading on the PLA. He believes this particular PLA is in the best interest of the County, he will vote yes.

Legislator Dame motioned to lay Resolution #597 temporarily on the table, seconded by Legislator Dame. The slow roll call vote to set aside failed by a vote of 3-7 as follows:

Area One (McManus) – no  
Area Two (Beach) – no  
Area Three (Dyer) – yes  
Area Four (Conroy) – no  
Area Five (Keenan) – no  
Area Six (Waldron) – no  
Area Seven (Timmons) – yes  
Area Eight (Dame) – yes  
Area Nine (Rosenquest) – no  
Area Ten (Hall) no

The roll call vote on Resolution #597 was adopted by a vote of 7-3-0 as follows:

Area One (McManus) – yes  
Area Two (Beach) – no  
Area Three (Dyer) – yes  
Area Four (Conroy) – yes  
Area Five (Keenan) – yes  
Area Six (Waldron) - yes  
Area Seven (Timmons) - no  
Area Eight (Dame) - no  
Area Nine (Rosenquest) - yes  
Area Ten (Hall) - yes

Resolutions #598 through #630 were approved.

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

Resolutions #631 through #654 were approved.

Legislator Rosenquest motioned to enter into Executive Session at 8:55 p.m., seconded by Legislator Waldron. Carried (10-0-0).

Legislator Dame motioned to exit Executive Session at 9:02 p.m., seconded by Legislator Keenan. Carried (10-0-0).

There being no further business, Legislator Hall motioned to adjourn the meeting at 9:03 p.m., seconded by Legislator Waldron. 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