

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

December 18, 2012

Stenographer's minutes of the Regular Session of the Clinton County
Legislature held Wednesday, December 12, 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, Deputy Chairperson, Area 4

ALSO PRESENT: Michael Zurlo, County Administrator
Rodney Brown, Deputy County Administrator
William Favreau, County Attorney
Melody Lemieux, Principal Stenographer

Chairperson Langley called the meeting to order at 7:02 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 November 28, 2012 Regular Session, seconded by Legislator Dyer. (Carried 10-0-0).

Chairperson Langley stated there was a public hearing on proposed Local Law #4 of 2012 titled, "Regulating the Use of Tobacco Products Upon Real Property Owned or Leased by Clinton County." Mr. Zurlo read the notice of public hearing.

Legislator Rowden motioned to open the public hearing at 7:05 p.m., seconded by Legislator Beach. Carried (10-0-0). Chairperson Langley asked if anyone present wished to address the Legislature. There were no speakers who wished to address the Legislature. Chairperson Langley asked if any Legislators had any questions or comments regarding this Local Law.

Legislator Dyer stated it was his understanding this Local Law would prohibit all tobacco use on County property. Deputy County Administrator Rodney Brown clarified that there would be no tobacco on County property, except for the Clinton County Fairgrounds, the Landfill, Clinton Community College and a designated area at Plattsburgh International Airport. Mr. Brown also stated tobacco products will be allowed on County roads and in private vehicles on County property. All other tobacco use on County property will be prohibited.

Legislator Dame asked if he could address this issue at this time. County Attorney William Favreau replied that is correct, or the Legislature could discuss this item when the Resolution is presented for discussion. Legislator Gallagher motioned to close the public hearing at 7:06 p.m., seconded by Legislator Butler. Carried. (10-0-0).

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

There being no one who wished to do so, Chairperson Langley called for standing committee and liaison reports.

Committee Reports

Buildings and Grounds Committee – Samuel Dyer

Legislator Dyer reported the Buildings and Grounds Committee will meet Thursday, December 13th at 5:15 p.m.

Children and Family Services Committee – Robert Heins

Legislator Heins reported the Children and Family Services Committee meeting scheduled for Monday, December 3rd was cancelled. The Committee was polled on Resolutions #941 through #951 on the agenda.

County Operations Committee – Mark Dame

Legislator Dame reported the County Operations Committee meeting scheduled for Tuesday, December 4th was cancelled. The Committee was polled on Resolutions #952 through #957 on the agenda.

Finance Committee – Sara Rowden

Legislator Rowden reported a public hearing on the 2013 Recommended County Budget was held Wednesday, December 5th at 7 p.m. She stated the current budget contains a tax levy of \$28,248,430. The increase to the tax levy is 1.3 percent. The current tax rate is currently \$6.07 per \$1,000 of assessed value, or an increase of .3 percent. Resolution #939 on the agenda will adopt the 2013 County budget.

The Finance Committee was polled on Resolutions #958 through #960 on the agenda.

Health Committee – Jonathan Beach

Legislator Beach reported the Health Committee meeting scheduled for Thursday, December 6th was cancelled. The Committee was polled on Resolutions #961 through #967 on the agenda.

Human Services Committee – Pete Keenan

Legislator Keenan reported the Human Services Committee meeting scheduled for Tuesday, December 4th was cancelled. The Committee was polled on Resolutions #968 through #972 on the agenda.

Personnel Committee – John Gallagher

Legislator Gallagher reported the Personnel Committee met prior to the Regular Session at 6 p.m. Resolutions #994 through #1007 have been placed on the agenda as a result of the Committee's recommendation.

Plattsburgh International Airport Committee – Robert Heins

Legislator Heins reported the Plattsburgh International Airport Committee was polled on Resolutions #973 through #976 on the agenda. The next meeting is scheduled for Thursday, December 27th at 5:15 p.m.

Public Safety Committee – Robert Butler

Legislator Butler reported the Public Safety Committee met Monday, December 10th at 6:15 p.m. Resolutions #977 through #981 and #992 and #993 are included on the agenda as a result of the Committee's recommendation.

Transportation Committee – Harry McManus

Legislator Butler reported Legislator McManus had asked him to chair the Transportation Committee meeting on Monday, December 10th. James Bosley, Planning Technician, had several discussion items. The Committee reviewed Resolutions #982 through #985 which are on the agenda for the Highway Department.

Liaison Reports

Chamber of Commerce – Sara Rowden

Legislator Rowden reported the Strategic Tourism Planning Committee met Friday, December 7th. She reported there are interesting events coming to Clinton County as a result of the Visitors' Convention Bureau's efforts. A wind surfing competition will be held in September. The Plattsburgh-North Country Chamber of Commerce also held its Centennial Celebration at the West Side Ballroom on Thursday, December 6th.

Clinton Community College – Mark Dame

Legislator Dame reported Clinton Community College will hold its Winter Commencement on Friday, December 14th at 6 p.m.

Mr. Zurlo reported the Finance Committee had discussed repairing Clinton Community College's roof on the Forrence Building. He stated Resolution #1008 on the agenda would address this issue.

Lake Champlain/Lake George Regional Planning Board – Mark Dame

Legislator Dame reported the Lake Champlain/Lake George Regional Planning Board's bi-annual meeting would be held Thursday, December 13th in Lake George.

Soil and Water – Samuel Dyer, Sara Rowden

Legislator Dyer reported Soil and Water will meet Thursday, December 20th.

Staff Reports

Mr. Zurlo requested a brief Executive Session to discuss a matter of potential litigation and the sale or lease of real property.

There being no further business, Chairperson Langley moved on to Resolutions. The following Resolutions were approved unless otherwise noted:

Resolution #938 titled, "Adopting the 2013 Budget"

The motion was offered by Legislator Rowden and seconded by Chairperson Langley.

Discussion: Legislator Butler thanked Messrs. Zurlo, Brown, Department Heads, staff and employees for working together on what he thought was to be a very fair budget. Legislator Butler stated he feels an increase of \$.02 per thousand of assessed value is very conservative and places Clinton County in a good position.

Legislator Gallagher stated this budget reflects a lot of teamwork on the part of County administration, employees and the Legislature and reflects a very small tax increase. This unfortunately is not the case with other counties or the nation.

Legislator Dame stated he would vote to pass the budget although there were several items included in the budget which he did not agree with. He felt there was a cursory review of the budget and felt the Legislature did not spend as much time on the budget as he had hoped it would. He stated he does appreciate the work administration and staff has done.

Chairperson Langley stated there would be no issue whatsoever if any Legislator wished to sit in with Mr. Zurlo while going through any or all departmental budgets next year.

Legislator Dyer stated this was a learning process for all four new Legislators. He commended Mr. Zurlo and his staff for their work on the 2013 County Budget.

Legislator Beach stated he found Mr. Zurlo extremely helpful in guiding him through the budget process and thanked Mr. Zurlo and his staff.

Carried (10-0-0)

Resolution #939 titled, "Adopting Local Law #4 of 2012 titled, "Regulating the Use of Tobacco Products Upon Real Property Owned or Lease by Clinton County – Legislature." The motion was offered by Legislator Rowden and seconded by Legislator McManus.

Discussion: Legislator Dame stated that although he supports the concept of trying to protect people from second-hand smoke, he could not support this Local Law as he felt it went too far in infringing upon people's freedom. He does not feel it is up to the County Legislature to dictate what people do with their lives and felt it was over-reaching government.

Counties receive zero Tobacco Settlement funding because that would mean no one is smoking. However, there is no connection between accepting Tobacco funds and this Local Law.

Legislator Rowden stated she does not feel this is hypocritical. The high costs in health care are attributed to smoking.

Chairperson Langley requested a full Roll Call Vote:

Legislator McManus – Yes
Legislator Beach – Yes
Legislator Dyer – No
Legislator Rowden – Yes
Legislator Keenan – Yes
Legislator Butler – Yes
Legislator Langley – Yes
Legislator Dame – No
Legislator Gallagher – Yes
Legislator Heins – Yes

Carried (8-2-0).

Resolutions #940 through #965 were approved.

Resolution #966 titled, “Awarding Bid for Clinical Services – Health Department”

Chairperson Langley offered a motion to approve the resolution, seconded by Legislator Rowden.

Discussion: Legislator Gallagher requested a full Roll Call Vote:

Legislator McManus - Yes
Legislator Beach - No
Legislator Dyer - Yes
Legislator Rowden - Yes
Legislator Keenan - Yes
Legislator Butler - Yes
Legislator Langley - Yes

Legislator Dame - Yes
Legislator Gallagher - Yes
Legislator Heins – Yes

Carried (9-1-0).

Resolutions #967 through #974 were approved.

Resolution #975 titled, “Rejecting Bids for Snow Removal Equipment, Emergency Generator Project and Nose Dock #6 Rehabilitation Project – Plattsburgh International Airport”

Legislator Heins offered a motion to approve the resolution, seconded by Legislator Rowden. Carried (10-0-0)

Discussion: Legislator Dame asked if these bids were rejected because the County did not receive grant funding. Mr. Zurlo replied Legislator Dame is correct. Legislator Dame asked what would happen if the County found it needed the equipment. Mr. Zurlo reported these Projects were included on the Capital Improvement Program which means that they potentially could be eligible for Federal Aviation Administration (FAA) funding. If there is a request for a piece of equipment or a desire to proceed with one of these projects, the County would have to re-bid the project(s). Mr. Brown reported the Emergency Generator Project will be included in the Terminal Expansion Project.

Resolution #976, “Rejecting Bids for Snowplowing, Snow Removal, Salting and Sanding of the Economy Parking Lots – Plattsburgh International Airport”

Legislator Heins offered a motion to approve the resolution, seconded by Legislator Dyer. Carried (10-0-0).

Discussion: Legislator Heins asked the reason why the bids were being rejected. Mr. Brown replied there is a provision in the CSEA contract that does not allow the County to contract with private entities for duties that have historically been done by County employees. Because plowing has been done in the past by County employees, the Airport is unable to use the services of the low bidder in this case.

Resolutions #977 through #991 were approved.

Resolution #992 through #1008 were approved.

Chairperson Langley asked if there was anything further to come before the Legislature.

Legislator Gallagher motioned to enter into Executive Session at 8:15 p.m. to discuss an on-going litigation matter, seconded by Legislator Dyer. Carried (10-0-0).

Legislator Gallagher motioned to exit Executive Session at 8:28 p.m., seconded by Legislator Heins. Carried (10-0-0).

Chairperson Langley stated the Chairmanship of the Clinton County Legislature will expire December 31, 2012. He stated he was more than willing to serve as Chairperson again, but Legislators should not feel obligated to reappoint him in 2013. He stated it has been a great pleasure to have served in this capacity, and it has meant a lot to him.

There being no further business, Chairperson Langley entertained a motion from Legislator Gallagher to adjourn the meeting at 8:29 p.m., seconded by Legislator Heins. Carried (10-0-0).

Respectfully submitted,



Melody Lemieux
Principal Stenographer

:ML