

COUNTY OF CLINTON)

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STATE OF NEW YORK)

December 2, 2013

Stenographer's minutes of the Regular Session of the Clinton County Legislature held on Tuesday, November 26, 2013 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
Sara Rowden, Area 4

EXCUSED: Harry McManus, Area 1

ALSO PRESENT: Michael E. Zurlo, County Administrator
Rodney Brown, Deputy County Administrator
William Favreau, County Attorney
Jeanene Bell, Senior Stenographer

Chairperson Langley called the meeting to order at 7 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. Legislator McManus asked to be excused.

Legislator Butler offered a motion to accept the minutes of the November 13, 2013 Regular Session, seconded by Legislator Dyer. (Carried 9-0-1).

Chairperson Langley asked if anyone wished to address the Legislature.

There being no one to address the Legislature, Chairperson Langley called for standing committee and liaison reports.

Committee Reports

Buildings and Grounds Committee – Legislator Dyer

Legislator Dyer reported that the Surrogate Building Exterior Ramp Project is going well. The Buildings and Grounds Department will be searching for a new architect due to the death of John McKenna.

County Operations Committee – Legislator Dame

Legislator Dame reported that Resolution #899 has been placed on the agenda as a result of a poll of the Committee.

Finance Committee – Legislator Rowden

Legislator Rowden reported that the Public Hearing on the 2014 County budget is scheduled for Wednesday, December 4th at 7 p.m.

Health Committee – Legislator Beach

Legislator Beach reported that Legislators have received an invitation to the “Get to Know Your Local Health Department” scheduled for Monday, December 16th between 4 and 5 p.m. in the second floor meeting room at the Old Courthouse Building. He encouraged all Legislators to attend. Legislator Rowden also encouraged new and existing Legislators to attend this event.

Personnel Committee – Legislator Gallagher

Legislator Gallagher reported that the next Personnel Committee meeting is scheduled for Monday, December 2nd at 5:15 p.m.

Plattsburgh International Airport Committee – Legislator Heins

Legislator Heins reported that the Plattsburgh International Airport Committee met earlier this evening. A telephone interview was conducted with Mark Sixel from Sixel Associates who discussed the Federal Inspection Services (FIS) Facility, explained what the FIS service is, how it is funded, other airports who have had FIS and how Clinton County can obtain Customs and Border Patrol at the Airport.

Legislator Heins reported a request will be brought before the Personnel Committee for a Firefighter position as the current Firefighter will be transferring.

Legislator Heins reported that the Terminal Building Expansion Project Phase I Construction is almost complete. He reported that Airport Manager Chris Kreig wished to thank all Legislators for funding the snow removal equipment for the Airport. The Airport is in the process of purchasing an Airport Rescue Fire Fighting (ARFF) Vehicle. Resolution #956 is included on the agenda upon the Committee's recommendation.

Mr. Zurlo reported that Legislator Heins was interviewed by Hometown Cable in regards to the Terminal Building Expansion Project. This interview can be viewed at hometowncablenetwork.com.

Legislator Heins and Mr. Kreig attended a meeting at the Lake Placid Chamber of Commerce to provide a report on the Terminal Building Expansion Project. The Chamber has been very supportive of the Project. He felt the presentation was well received.

Public Safety Committee – Legislator Butler

Legislator Butler reported that Dave Marcoux, the Director of Probation/ATI, discussed arming Clinton County Probation Officers with the necessary equipment and gear to carry a firearm. The Committee reviewed the "Clinton County Department of Probation/ATI Firearms Policy and Procedures." Resolution #931 on the agenda will authorize the adoption of the referenced Policy and Procedures.

Liaison Reports

Chamber of Commerce – Legislator Rowden

Legislator Rowden reported that the Strategic Tourism Planning Committee is scheduled to meet Friday, December 6th.

Community Services – Legislator Rowden

Legislator Rowden reported that the Community Services Board met earlier this evening. She asked Legislators to read a letter from the Community Services Board regarding the anticipated closure of the St. Lawrence Psychiatric Center and how it will impact the local communities. Legislation is being written on this issue in conjunction with the reinvestment of funds into the community.

Soil and Water – Legislator Dyer

Legislator Dyer reported that the Soil and Water Committee met Thursday, November 21st. He reported on a new program for aerial seeding on crops to keep the ground covered during the winter months. He reported that Casella Waste Systems, Inc. will allow Soil and Water to bring ag-plastic bales off farms to the Clinton County Landfill two to three days per month.

Legislator Dyer reported that the Department of Environmental Conservation and the Army Corp of Engineers is working with the County Highway Department regarding a navigable waterway. More engineering is being conducted with the Town Highway Departments.

Staff Reports

County Attorney William Favreau requested an Executive Session to discuss a matter of litigation and the sale or lease of real property.

Mr. Zurlo requested an Executive Session to discuss the sale or lease of real property. He reported that the Correction Officer contract was approved. Legislators can review documents, and the Labor Relations' Attorney will answer questions at the Wednesday, December 11th Regular Session. Mr. Zurlo asked Legislators to place on their chairs any papers they would like to have recycled.

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

Resolutions #899 through #911 were approved.

Resolution #912 titled, "Authorizing Out-of-State Travel – Emergency Services"

Discussion: Legislator Dame noted that this resolution is after the fact. Legislator Butler stated that this travel request was discussed at the Monday, November 18th Public Safety Committee meeting. Deputy County Administrator Rodney Brown stated that there is no cost to the County for this travel. (Carried 9-0-1).

Resolution #913 titled, "Adopting Clinton County Department of Probation/ATI Firearms Policy and Procedures – Probation Department"

Discussion: Legislator Beach asked if an employee should be determined capable of being a Clinton County employee if that employee should not pass the psychological evaluation and drug screening and deemed not appropriate to carry a firearm. He asked if the County would be held liable if an incident should occur at a later date. Dave Marcoux, Director of Probation/ATI, replied that employees are not required to take psychological evaluations and drug screening. Mr. Marcoux has the authority to issue firearms to Probation Officers. Mr. Favreau reported that Civil Service Law states that an employee has the right to follow further evaluation.

Legislator Heins asked if Probation Officers are Police Officers. Mr. Marcoux replied that Probation Officers are Peace Officers under New York State Criminal Law who require fundamental Probation training and Peace Officer Certification. Probation Officers are required to take a firearms course mandated by New York State.

Legislator Heins asked where the Clinton County Department of Probation/ATI Firearms Policy originated. Mr. Marcoux replied that he wrote the Policy for Clinton County. He reported that other counties have armed officers. He explained that there are different types of offenders today due to drug usage. Mr. Marcoux stated he wants to protect the officers and wants them to be able to defend themselves.

Legislator Dame stated that he is not convinced a gun would make a difference for employee safety. He feels uncomfortable with this Policy. He understands there is violence in the community, but he is concerned a Probation Officer may be put into a situation of inappropriate gun use.

Chairperson Langley asked if pepper spray and tazers are available to be used by Probation Officers. Mr. Marcoux replied pepper spray is available but tazers are not; however, pepper spray has never been used.

Legislator Rowden asked if Mr. Marcoux would determine which Probation Officers would carry a firearm. Mr. Marcoux replied that he would have complete control of the firearms in his Department. He would like to purchase six firearms. A firearm would be given to a Probation Officer before he/she goes into the field. A firearm would not be carried by a Probation Officer at all times.

Legislator Butler stated that if firearms protect Clinton County employees, and because Mr. Marcoux has a good handle and insight on his staff, he endorses Mr. Marcoux's request to allow Probation Officers to carry firearms.

Legislator Beach reported that he does support Probation Officers defending themselves; however, he questions the psychological evaluation and drug screening to determine fitness of an employee. He would like more clarification regarding this issue.

Legislator Butler motioned to table this resolution until the Wednesday, December 11th Regular Session, seconded by Legislator Keenan. (Carried 9-0-1).

Resolutions #914 through #916 were approved.

Resolution #917 titled, "Authorizing Specified Changes to Clinton County Public Transit (CCPT) Bus Routes – Clinton County Public Transit (CCPT)"

Discussion: James Bosley, Planning Technician, discussed the proposed changes to Clinton County Public Transit (CCPT) bus routes.

Resolutions #918 through #943 were approved.

Resolution #944 titled, "Authorizing the Transfer of Funds from the Passenger Facility Charge (PFC) Account to the Plattsburgh International Airport Fund – Plattsburgh International Airport"

Discussion: Mr. Zurlo reported that this resolution authorizes Passenger Facility Charge (PFC) money that was previously tagged to the Plattsburgh International Airport Operations' Projects.

Resolutions #945 through #954 were approved.

Legislator Heins motioned to Waive Rule 13.2, seconded by Legislator Beach. (Carried 9-0-1).

Resolutions #955 and #956 were approved.

Legislator Gallagher motioned to enter into Executive Session at 8:05 p.m., seconded by Legislator Heins. (Carried 9-0-1).

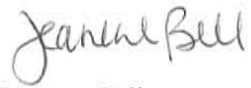
Resolution #957 was approved.

Legislator Gallagher motioned to exit Executive Session at 8:27 p.m., seconded by Legislator Heins. (Carried 9-0-1).

Chairperson Langley asked if there was any further business to come before the Board.

There being no further business, Chairperson Langley entertained a motion from Legislator Gallagher to adjourn Regular Session at 8:28 p.m., seconded by Legislator Heins. Carried (9-0-1).

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeanene Bell".

Jeanene Bell
Senior Stenographer