

COUNTY OF CLINTON)
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STATE OF NEW YORK)

July 22, 2024

Stenographer's minutes of the Regular Session of the Clinton County Legislature held
Wednesday, July 17, 2024 in the Legislative Chambers, 137 Margaret Street, Plattsburgh, New York.

PRESENT: David Bezio, Area 4
Calvin Castine, Area 1
Robert Hall, Area 10
Mark Henry, Chairperson, Area 3
Wendell Hughes, Area 8
Joshua Kretser, Area 9
Francis Peryea, Area 2
Kevin Randall, Area 5
Patty Waldron, Area 6

EXCUSED: Rob Timmons, Area 7

ALSO PRESENT: Michael Zurlo, County Administrator
Kim Kinblom, Deputy County Administrator
Jacqueline Kelleher, County Attorney

Chairperson Henry called the meeting to order at 5:15 p.m.

Michael Zurlo, the County Administrator, conducted roll call. Legislator Timmons asked to be excused.

Legislator Hall motioned to accept the minutes of the June 26, 2024 Regular Session, seconded by Legislator Bezio. Carried (9-0-1).

Chairperson Henry asked if anyone wished to address the Legislature.

Geoffrey Barker of Plattsburgh, New York spoke on the Lake Champlain vessel sanitary situation. He is requesting assistance to help prevent boaters from releasing their waste holding tanks into Lake Champlain. His presentation has been attached and made part of the minutes.

Jennifer Jewett, of 11109 State Route 9, Champlain, New York expressed her frustration with the lack of assistance from Legislative members regarding the proposed Dog Tethering Law.

There being no one else who wished to address the Legislature, Chairperson Henry moved onto the Committee Reports.

Buildings and Grounds Committee – Legislator Bezio

Legislator Bezio stated the Buildings and Grounds Committee meeting scheduled for Wednesday, July 10th was cancelled.

Resolutions #556 and #557 were polled and placed upon the agenda.

The next Buildings and Grounds Committee meeting is tentatively scheduled for Monday, August 12th at 4:00 p.m.

Legislator Bezio also provided the Legislature with an update on current projects of the Building and Grounds Department.

Children and Family Services Committee – Legislator Peryea

Legislator Peryea stated the Children and Family Services Committee met on Tuesday, July 2nd.

Commissioner of Social Services Christine Peters was present to discuss several resolutions including, “Authorizing Various Contracts for Instructional Swim Programs” and “Authorizing Supervision and Treatment Services for Juveniles Plan Funds Grant Application and Acceptance.”

She also discussed water damage, the Eligibility Verification Assistant (EVA), homelessness statistics, warming center updates, staffing updates, monthly statistics and mobile text alerts.

Resolutions #558 through #563 were placed on the agenda upon the recommendation of the Committee.

The next Children and Family Services Committee meeting is tentatively scheduled for Tuesday, August 6th at 5:15 p.m.

Economic Development and County Operations Committee – Legislator Waldron

Legislator Waldron stated the Economic Development and County Operations met earlier.

Shannon Thayer, the Planning Department Director, was present to discuss several resolutions including, “Authorizing the Planning Department to Apply for the 2024-2025 Snowmobile Trail Program Grant Funding” and “Authorizing NYSERDA Clean Mobility Program Grant Application.” Ms. Thayer also discussed the Saranac River Trail Expansion and Easements.

Molly Ryan, the Economic Development Director, provided updates on the County of Clinton Industrial Development Agency (CCIDA), BOCES and TDC.

Sherb House was also present to discuss having an economic study done of the Great Chazy Watershed.

Resolutions #564 through #567 have been placed on the agenda upon the recommendation of the Committee.

The next Economic Development and County Operations Committee meeting is tentatively scheduled for Wednesday, August 14th at 3:00 p.m.

Finance Committee – County Administrator Michael Zurlo

On behalf of Legislator Timmons, Mr. Zurlo reported the Finance Committee met on Wednesday, July 3rd.

Kimberly Davis, the County Treasurer, and Rebecca Murphy, the Deputy County Treasurer, were present to discuss 2024 Sales Tax Charts and the 2024 In Rem Auction.

The Committee also discussed Amending Local Law #1 of 2013.

Resolution #568 was placed upon the agenda upon the recommendation of the Committee as well as, Resolution #624, which was polled.

The next Finance Committee meeting is tentatively scheduled for Wednesday, August 7th at 5:15 p.m.

Mr. Zurlo stated the Legislature received the updated sales tax figures and the second payment will bring the County back to where the County thought they should have been.

Health Committee – Legislator Hughes

Legislator Hughes stated the Health Committee met on Wednesday, July 3rd.

Richelle Gregory, the Director of Community Services was present to discuss the resolutions, “Authorizing Systems of Care (SOC) Implementation Support Grant Extension” and “Authorizing Contract with Plattsburgh City School District.”

Jeff Sisson, the Director of Public Health, was also present to discuss several resolutions including, “Authorizing Contract Amendment with Palmer’s Veterinary Clinic” and “Authorizing Contract with Creative Commynunities Planning, LLC.”

Resolutions #569 through #576 have been placed on the agenda upon the recommendation of the Committee.

The next Health Committee meeting is tentatively scheduled for Wednesday, August 7th at 4:00 p.m.

Human Services Committee – Legislator Randall

Legislator Randall reported the Human Services Committee met on Tuesday, July 2nd.

Kevin LeBoeuf, the Director of the Veterans' Service Agency, was present to discuss monthly statistics.

Darleen Collins, the Director of the Office for the Aging, was also present to discuss several resolutions including, "Authorizing New York State Creative Aging Grant Application and Acceptance" and "Authorizing Payment of Membership Dues."

Resolutions #577 through #579 have been placed on the agenda upon the recommendation of the Committee.

The next Human Services Committee meeting is tentatively scheduled for Tuesday, August 6th at 4:15 p.m.

Personnel Committee – Legislator Henry

Legislator Henry stated the Personnel Committee met on Monday, July 1st.

Resolutions #580 through #594 have been placed on the agenda upon the recommendation of the Committee. Resolution #595 was polled and has also been placed on the agenda.

The next Personnel Committee meeting is tentatively scheduled for Monday, August 5th at 5:00 p.m.

Plattsburgh International Airport Committee – Legislator Hall

Legislator Hall stated the Plattsburgh International Airport Committee held a special meeting on Friday, July 12th to further discuss the Essential Air Service proposals.

The Plattsburgh International Airport Committee also met earlier.

Chris Kreig, the Airport Director, was also present to discuss several resolutions including, "Authorizing Acquire Continuous Friction Measuring Equipment (CFME) Project Grant Acceptance" and "Authorizing Contract with Bulldog Fire Apparatus." Mr. Kreig also provided an airline and tenant update, as well as, discussions on property value and Ground Support Equipment.

Resolutions #596 through #600 have been placed on the agenda as a result of the Committee's recommendation.

The next Plattsburgh International Airport Committee meeting is tentatively scheduled for Wednesday, August 14th at 4:00 p.m.

Legislator Hall stated Beta Technologies, Inc. will present at the next Committee meeting.

Public Safety Committee – Legislator Castine

Legislator Castine stated the Public Safety Committee met on Monday, July 1st.

Eric Day, the Director of Emergency Services, was present to discuss several resolutions including, “Authorizing 2024 Statewide Interoperability Communications Formula-Based Grant Application” and “Authorizing Emergency Management Performance Grant (EMPG) Application and Acceptance for Federal Fiscal Year 2024.”

Resolutions #601 through #612 have been placed on the agenda upon the recommendation of the Committee, as well as, polled Resolutions #613 and #614.

The next Public Safety Committee meeting is tentatively scheduled for Monday, August 5th at 4:00 p.m.

Additionally, Legislator Castine inquired of the County Attorney on how a local law can be brought to the Legislature even when it does not come out of Committee. She will comprise a report.

Transportation Committee – Legislator Kretser

Legislator Kretser stated the Transportation Committee meeting scheduled for Monday, July 8th was cancelled.

Resolutions #615 through #617 have been polled and placed on the agenda.

The next Transportation Committee meeting is tentatively scheduled for Monday, August 12th at 5:15 p.m.

LIAISON REPORTS

Chamber of Commerce – Legislator Kretser

Legislator Kretser stated the Chamber helped to generate letters of support to the U.S. Transportation Department for Contour’s Essential Air Service Proposal from Federal and State officials, regional tourism partners including Roost in Lake Placid and a number of area businesses. The Chamber hosted a tourism development roundtable on Tuesday, July 9th with Tourism Development Chair Johnathan Riviera, Assemblyman Billy Jones and Clinton County Chairperson Mark Henry. Mr. Kretser noted active economic development work continues on several fronts with the collaboration of the County of Clinton Industrial Development Agency (CCIDA) including the marketing of Novabus, support for pending major expansion plans by Schluter Systems among others. The Chamber also conducted two red-carpet workshops for manufacturers considering our area as a location. On the tourism front this year’s jam-packed schedule of major Lake Champlain fishing tournaments continues with strong success. Mr. Kretser stated the summer marketing campaign in Montreal and Ottawa is well underway including television ads. He reported, once again funded by the State, the Chamber is exhibiting at the Farnborough International Airshow July 22nd - 25th, the world’s largest gathering of aerospace and transportation equipment companies. As in years past, the Chamber’s team has been included in all Quebec’s marketing events during the show as part of their partnership with Quebec Government and Aéro Montreal.

Intercounty of the Adirondacks – Legislator Randall

Legislator Randall stated the next meeting Intercounty meeting will be held on Thursday, July 25th in Indian Lake, New York. He noted the meeting will include consideration of the June 27th meeting minutes and an Adirondack resolution opposing Senate bill S4545 and Assembly bill A3069 which is the consolidation of the 109 Industrial Development Agencies. He plans on attending and will apprise the Committee accordingly.

Lake Champlain/Lake George Regional Planning Board – Legislators Kretser and Hughes

Legislator Hughes stated the Board met in Clinton County on Tuesday, July 9th. He reviewed the actions of the meeting with the Committee.

Soil and Water – Legislator Bezio

Legislator Bezio stated the meeting scheduled for Thursday, July 18th has been rescheduled due to a lack of a quorum. It has been rescheduled for Thursday, July 25th at 5:00 p.m.

STAFF REPORTS

County Attorney – Jacqueline Kelleher, Esq.

Ms. Kelleher requested an Executive Session for the purpose of discussing the sale of real property and to provide legal advice. She also reviewed with the Legislature a 28-page document on local laws and what you have to do for a local law. She encouraged those interested to reach out to her and she will provide where it can be found on the New York website. She stated in order to adopt a local law; a local law needs to be drafted that is compliant with the powers available to a local government such as county government under the Municipal Home Rule Law. She reviewed the process and criteria of creating a local law with the Legislature. Legislator Castine inquired if a local law can be put forth if it does not come out of Committee. Ms. Kelleher indicated that at the first meeting of the year, the Legislature adopts its Rules of Order on how the Legislature conducts its public business at each and every meeting and there is nothing in the Rules of Public Order that requires that something be forwarded by a Committee; there are requirements as to when you must bring it forward and when you must file it with the clerk etc.

County Administrator – Michael Zurlo

Mr. Zurlo did not have a report.

Chairpersons Report

Chairperson Henry did not have a report.

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

Resolutions #555 through #570 were approved.

Resolution #571 titled, “Authorizing Contracts with Various Preschool Tuition Contractors” was motioned by Legislator Hughes and seconded by Legislator Waldron. Carried (9-0-1).

Discussion: Mr. Zurlo stated this resolution includes the addition of a school district into this book of business, which explains why that new contract is in existence.

Resolutions #572 through #607 were approved.

Resolution #608 titled, "Authorizing 2024 Statewide Interoperability Communications Formula-Based Grant Application" was motioned by Legislator Castine and seconded by Legislator Hughes. Carried (9-0-1).

Discussion: Chairperson Henry stated he spoke with Emergency Services Director Eric Day to check if any funding from this Grant could be utilized to a conduct an overview of the Dannemora, Lyon Mountain and Chazy Lake area due to a communication issue. Chairperson Henry believes it is a discussion item for the Public Safety Committee.

Resolutions #609 through #622 were approved

Resolution #623 was withdrawn.

Resolution #624 was approved.

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

Resolution #625 was approved.

Legislator Kretser motioned to enter into Executive Session at 6:13 p.m., seconded by Legislator Randall. Carried (9-0-1).

Legislator Hall motioned to exit Executive Session at 6:53 p.m., seconded by Legislator Peryea. Carried (9-0-1).

Resolution #626 was approved.

There being no further business to come before the Legislature, Legislator Hall motioned to adjourn the meeting at 6:55 p.m., seconded by Legislator Bezio. Carried (9-0-1).

Respectfully submitted,



Toni M. Moffat
Executive Secretary to the County Administrator

:TM

My name is Geoffrey Barker of Plattsburgh NY. I am bringing to your attention and asking for your help in ensuring the high quality of our Lake Champlain waters.

Most large vessels have on-board marine sanitation devices known as a head or toilet. In accordance with New York State law these units are required to be sealed and unable to be dumped overboard into our lake waters. Attached below is a printout of the NY law for you to read as well as further guidance in other available printings.

However, currently there is no apparent inspection or enforcement to ensure compliance. As the law indicates many governmental agencies have jurisdiction to ensure this compliance such as the Sheriff's Department, NYS Police, USCG, DEC, and Forest Rangers. Being an avid long-time boater on this lake I state that there should be enforcement. This situation is like posting a reasonable speed limit without enforcement expecting vehicle operators to comply. A vessel I am aware of had the "Y" sanitation device not secured but simply able to be moved from a pump on-board to the holding tank or to pump overboard by simply moving a lever. Additionally, the electric macerator pump could easily be turned on to dump the entire waste holding tank contents into our lake. This situation would be a violation of NY law.

The situation is complicated with the many counties two states and two countries that border our lake. A recent conversation with the Burlington based USCG indicates that they are understaffed and could use the help of other government agencies which is why I am speaking to you. Additionally, the situation is aggravated here with the shutdown of the state Peru Dock free pump out station and shuttering of the Snug Harbor Marina.

If enforcement is stepped up, it would also be interesting to inspect the several vessels on our lake that are not registered to any state or Canadian province or have a proper USCG required naming. No documentation. In the event of an incident there is no way to positively trace or track down said vessels.

Enforcement is required. I will be giving a copy of this reading and package to the Clinton County Administrator.

Thank you.


Geoffrey B. Barker

4079 State Route 9
Plattsburgh, NY

17 July 2024

MARINE SANITATION "Y" value
NOT locked

Discharge from TOILET



This hose to onboard holding tank.

This valve is open to allow discharge into lake IF "Y" is moved to the right

Note both ends of over-board hose are permanently capped. Physically impossible to dump overboard.

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To overboard (ake)

Normal pump-out hose for Marina use

From Holding Tank



Electric Macerator pump to pump holding tank into lake.



The above is same situation but with macerator pump permanently disconnected

SECTION 33-E

Marine sanitation devices aboard vessels in vessel waste no-discharge zones

Navigation (NAV) CHAPTER 37, ARTICLE 3

§ 33-e. Marine sanitation devices aboard vessels in vessel waste no-discharge zones. 1. Any waters of the state of which the commissioner has received an affirmative determination regarding the adequate availability of marine sanitation device pump-out or dump station facilities pursuant to the Federal Clean Water Act, are hereby designated as vessel waste no-discharge zones.

2. It shall be unlawful for any operator or person in control of a vessel being operated upon any waters of the state designated as vessel waste no-discharge zones to discharge sewage from marine toilets into such waters. Any marine sanitation device on board any vessel being operated in such waters must be secured to prevent any marine sanitation device discharges to such waters. In accordance with federal requirements, any marine sanitation device aboard any vessel being operated upon any waters within such vessel waste no-discharge zone shall be secured by closing the seacock and padlocking, using a non-releasable wire-tie, removing the seacock handle or locking the door to the "head" while such vessel is being operated upon waters within vessel waste no-discharge zones. If a marine sanitation device on any such vessel provides a means of discharging sewage directly to such waters, the discharge valve must be secured in a readily visible manner and closed position while the vessel is being operated upon such waters.

Use of a padlock, heavy non-resealable tape, wire-tie, or the removal of the valve handle are adequate methods of securing the device. The method chosen shall be one that presents a physical barrier to the use of the valve. It is unlawful for any person operating or in control of a vessel with a marine sanitation device on board to operate or control such vessel in a vessel waste no-discharge zone when the marine sanitation device is not secured in the manner described herein.

3. The provisions of subdivision two of this section, requiring that marine sanitation devices be rendered inoperable, shall not apply while the wastes from the marine sanitation device are being lawfully disposed of in an approved marine sanitation device pump-out or dump station located within a vessel waste no-discharge zone.



4. Any vessel being operated upon waters of the state that have been designated as vessel waste no-discharge zones may be boarded and inspected by the department or health department or any lawfully designated agents or inspectors thereof, acting pursuant to their special duties in accordance with subdivision nine of section thirty-three-c of this article for the purpose of determining whether such vessel is being operated in compliance with this section.

5. Failure to comply with the provisions of this section shall be a violation punishable by a fine not to exceed five hundred dollars. Any subsequent failure by the same operator or person in control of a vessel to comply with the provisions of this section shall be a violation punishable by a fine not to exceed one thousand dollars.

county country

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