St. Lawrence County Operations Committee
Board of Legislators Monday, July 18, 2011
Board Room Immediately following Services Committee

Members Attending: Mr. Peck, Mr. Acres, Mr. Akins, Mr. Arquiett, Ms. Brothers, Mr. Burns, Mr. Bunstone, Mr. Lightfoot, Mr. MacKinnon, Mr. Morrill, Mr. Paquin, Mr. Parker, Mr. Putman, Mr. Putney, and Mr. Sutherland left at 7:12 p.m.

Others Attending: Karen St. Hilaire, Ruth Doyle, Chandra Coffey, Chris Rediehs, Sue Hathaway, Nancy Robert, Ruth Ayen, Sheriff Wells, Mike Cunningham, Joanne Sevick, Bill Dashnaw, Chris Boulio, Ed Gauthier, Joe Gray, Mark Hall, Jim Dawson, Phil Wagshaw, Kevin Lynch, and Media Representative Martha Ellen– Northern New York Newspapers

1. CALL TO ORDER AND APPROVAL OF AGENDA – Chair Peck called the meeting to order at 6:29 p.m. Mr. Brothers moved to approve the agenda as presented, seconded by Mr. Burns and Mr. Arquiett, and carried.

2. APPROVAL OF MINUTES – Mr. Morrill moved to approve the minutes from the June 13, 2011 meeting, seconded by Mr. Arquiett, Mr. Bunstone, and Mr. Burns, and carried.

3. MASSENA AIRPORT RUNWAY EXTENSION PROJECT – TOWN OF MASSENA SUPervisor JOSEPH GRAY – Chair Peck introduced Mr. Gray, Supervisor for the Town of Massena and Mr. Dawson, Supervisor for the Town of Brasher. Chair Peck stated Mr. Gray and Mr. Dawson are not here to ask for money but perhaps for a letter of support after a period of time. Mr. Gray said we presented at a recent Economic Enhancement Committee regarding the possible expansion of the Massena Airport. He said it will benefit the County if at some point we come together to make a decision on one regional airport. He said the Airport is easily expandable and already has several newer upgrades. He believes that if they widen the runway about 50 feet and extend it by 1000 feet it will allow for 75 passenger planes to utilize the Airport. He said it will take ten to fifteen million dollars to do that. He added that there is, at times, Federal money available for expansion. He said they could attract more Canadian travelers, as it is much cheaper to fly from a U.S. destination to a U.S. destination. He reported that Plattsburgh Airport has a significant number of planes and passengers and is similar to what we could do.

Mr. Dawson said he saw a report from 2008 that Plattsburgh Airport had 200,000 outgoing flights, 80% of which were from Canada going to New York City or Florida. He said if we can get $150,000 to $200,000 coming into St. Lawrence County by having an airport that people could fly out of, it would be significant. He said the people using the Airport may spend the night or shop here spending their dollars creating sales tax revenue. He said this is an exciting concept and is a doable concept. He said he spoke with people from the State asking for help. He said the Casino may benefit by bringing in some high rollers, adding that they may contribute funds.

Mr. Gray said the DOT recently reported on the willingness of Canadians to come to the U.S. He said we may be able to attract a major airline with the expansion for those southern destinations.

Ms. Brothers supports and applauds the effort. She and her husband regularly go to Plattsburgh for flights. She asked if the FAA will approve the permits necessary to have those types of jets coming in. Mr. Gray said the FAA will want to see the need, and if we have our ducks in a row
we think we can get that approval, adding the Engineers think we can make the case.

Mr. Morrill asked how Cape Air is doing. Mr. Gray said better, adding that each year it is getting better. He stated there is an increase in ridership.

Mr. Arquiett supports this concept and agreed that this is not necessarily just a Massena project but a St. Lawrence County endeavor.

Mr. Acres asked how many people are leaving the Massena Airport currently. Mr. Gray said there were about 6,000 seats and will push for 9,000 this year. He said his target, if we are able, is to increase to 10,000 seats per year. He said the subsidy would go from thousands per year to a million per year. Mr. Acres asked if there is enough land to extend 1,000 feet. Mr. Gray said yes, the Airport has the land necessary, but if we chose to expand 2,000 feet we would have to purchase land.

Mr. Burns said the idea behind this as well as the business plan is worthwhile to attract Canadian residents to come to St. Lawrence County and would encourage spending dollars here. He said the way the Airport is situated in Ogdensburg it is bogged with State Highways on both side. He does not think the OBPA is willing to build under or over the Highway and maybe there is another niche for the Ogdensburg Airport to be used and still be used as a regional carrier. He said to have a plane for those that wish to travel is worth looking into and we should look at the concept. He said our infrastructure here is in need of improvement; the highways and airports in particular. He said Massena has room for expansion and is in close proximity to Canada. He said it seems to be where we have to move as a County to bring in others. He supports moving forward with this project, and looking at the airports in Plattsburgh and Burlington it appears St. Lawrence County could get a piece of the pie.

Mr. Putney said this is a great idea to encourage more Canadians to come to St. Lawrence County. He suggested this could bring in those from south of the County as well. Mr. Gray said Franklin County and Malone area. He said Saranac Lake goes to Boston through Cape Air and Watertown has a direct flight to Chicago, but the potential is there. Mr. Gray reiterated that they all need to make decisions as community.

4. NORTH COUNTRY TECHNOLOGY SYMPOSIUM – ST. LAWRENCE COUNTY IT ADVISORY BOARD – Mr. Phil Wagschal of SLIC network introduced himself and Kevin Lynch of Clarkson University. He recognized the other members of the group that were present. He said the group has been able to work with the folks at Newton Falls to bring in grant money to establish a fiber connection, and with that today there are 58 consumers that have broadband that would otherwise never have. He said they worked through the RFP on the phone system for the County and the County’s website. They worked with business leaders and created a Strategic Plan from an IT perspective. He said they are available to look at issues for non profits, government issues, et al. He said we look to simplify issues, adding that one of their major achievements is the Technology Symposium.

Mr. Lynch said there was a need for a regional conference, and this was their second year hosting. He reviewed the stats provided in the folders found on Legislators’ desks, and said it has been a great way to promote the County. He said we will have over $35 million in technology infrastructure, and that will make St. Lawrence County one of the most wired counties in the State. He said we need to make sure everyone knows that. He reviewed the program information provided in the packet.

Mr. Putney asked how SLIC’s wiring project is progressing. Mr. Wagschal said it is a three year
project. He said they are also constructing fiber in Franklin County. Mr. Putney said this seems like a great thing as those in really rural areas will have access. Mr. Lynch agreed, saying this fiber line will also provide an alternate path for some existing internet customers.

Mr. Burns asked if part of the Grant was to “light up” the industrial parks. Mr. Wagschal said part of the grant was to serve the unserved. He said SLIC has built two industrial parks as part of the grant money, and they are currently in Canton and Massena and coming to the Ogdensburg park. He said they are also servicing a Potsdam park. Mr. Burns asked when they will be in Ogdensburg. Mr. Wagschal said in a couple of months. Mr. Burns verified that Canton, Potsdam, and Massena are all “lit”.

Mr. Morrill said the people at Newton Falls would not agree that it is done. Mr. Wagschal agreed with Mr. Morrill saying it is not operating. Mr. Morrill said they are looking for partners. He said they will be presenting at the Rangers School soon, adding that there is a glimmer of hope that they will find partners and reopen.

Mr. Acres asked if the proceedings from the Symposium are available on the web. Mr. Lynch said he will make sure that they are. Mr. Lynch said the group is there to help the County and want to be used as a support system to the County.

5. HUMAN RESOURCES – CHRIS BOULIO

A. Vacancy Tracking (Info to be handed out during Committee) – Mr. Boulio pointed out that the information can be found on Legislators’ desks. He reviewed the spreadsheets. Ms. Brothers asked why some of the numbers were bolded. Mr. Boulio said those are the positions that have maxed out on savings.

Mr. Akins asked why some of the numbers are negative. Mr. Boulio said some may come in at a higher rate then what was budgeted, in other words the 2011 Budget shows 2008 salaries and those would show as negative because it is actually hire now.

Ms. Brothers pointed out that the numbers do not include fringe. Mr. Boulio agreed, adding that if you added fringe the savings would be more. Ms. St. Hilaire said the Emergency Measures will require the 26 positions shown remain vacant.

Mr. Morrill said if we have 40 fewer employees than health insurance would be affected at some point. He asked if the $1.178 million estimate includes the hard freeze. Mr. Boulio said yes. Mr. Morrill pointed out that this shows that we saved $600,000 in the first half of the year, but will save less than twice that over the next 6 months (with the hard freeze), that is questionable.

Mr. Boulio was thanked by several Board members for bringing the information forward.

6. PROBATION – ED GAUTHIER

A. Approval of Bad Debt Write Off for the Probation Department (Res) – Mr. Bunstone moved to forward this resolution to the full Board, seconded by Mr. Lightfoot. Mr. Morrill said it seems we take funding from programs, but when someone doesn’t pay we just write it off. He asked if the County ever gets judgments on these people. Mr. Gauthier said no. Mr. Lightfoot asked what the total amount was billed in 2010 compared to what is being written off. Mr. Gauthier pointed out that the amount being requested to write off is for prior to 2010. He will look into how much was billed last year for these three different categories. He added that the charges are not ordered by the Court, but were established by this Board as a way to get revenue.
Mr. Lightfoot asked what Supervisory Fees are. Mr. Gauthier said that is for DWI Supervisory fees. Mr. Lightfoot said there is no hammer for those that do not pay their service fee. Mr. Gauthier replied not a heavy one.

Mr. Sutherland left at this time.

Mr. Lightfoot asked Mr. Gauthier if it is his feeling that we are collecting most of the money. Mr. Gauthier said we are collecting some, but not from the frequent flyers. Mr. Lightfoot asked if we can do more to try to collect these fees or do you have any ideas on how to increase the collections. Mr. Gauthier said they need a big enough hammer; there is no pain resulting from non-payment. He said that those that pay are usually the ones that we don’t see again.

Mr. Acres asked if they have considered selling the bad debt. Mr. Gauthier said we use a collection agency and they collect for a percentage of the proceeds. Mr. Acres said there are agencies that buy debt. Mr. Crowe will look into it. Mr. Gauthier added that the frequent flyers are not prone to pay, nor are they prone to buy a house.

Ms. Brothers said in Community Services we wrote off bad debt that was six years old. She said the solution could be what Mr. Akins has suggested, adding that we are in a municipal situation and she is not sure if we can do anything about it.

Mr. Acres said you could raise the fees. He asked what happens if the Probationer fails the drug test. Mr. Gauthier said if they are not in treatment they could be referred to treatment and if they are in treatment, the treatment could be altered. He said there is an assessment done as to whether the drug has impact on the offending behavior. Mr. Acres mentioned that one of his employees (some time ago) seemed to have no apprehensions of failing the drug test, as if there were no real consequences. Motion carried with two (2) no votes (Akins and Morrill).

B. Authorizing the Chair to Sign the Alternatives to Incarceration (ATI) Service Plan Contract (Res) – Mr. Bunstone moved to forward this resolution to the full Board, seconded by Ms. Brothers. Mr. Burns asked if we have an estimation of how much this plan saves us and do we have research or a study on this as opposed to incarceration. Mr. Gauthier said no, but to give an idea we had 664 people that could otherwise be in jail which would be costly. Mr. Burns said this program is well worth the cost.

Mr. Acres asked how many of the 664 people successfully complete the program and how many end up in Jail anyway, and how many staff are involved. Mr. Gauthier could not reply to the first question, and said there is a Probation Assistant in the Jail that works with new arrivals, a Senior Probation Officer and three (3) Assistants. Mr. Acres asked if these all non violent offenders. Mr. Gauthier said no, adding that the Courts will release offenders regardless of what we think. He mentioned that there are preliminary hearing requirements if not met the offender is released. Ms. Brothers said we all know the cost of Indigent Defense. She said it may be less expensive to bring the Home Monitoring back then to have people incarcerated. Mr. MacKinnon said the Indigent Defense Committee has come close to completing the analysis and will be coming forth soon with a report. Motion carried.

7. SHERIFF – KEVIN WELLS

A. Modifying the 2011 Sheriff’s Office Budget to Accept a 2009 Byrne Justice Grant (JAG) from the New York State Division of Criminal Justice Services (Res) – Ms. Brothers moved to forward this resolution to the full Board, seconded by Mr. Parker and Mr. Putney. Sheriff
Wells said this will allow for visits to be done via video conferencing and there is a possibility of revenue here from outside attorneys and the families of inmates.

Mr. Parker asked if this will be an alternative to transporting inmates. Sheriff Wells said New York State law leaves it up to the inmate to decide whether they go to Court in person and believes that most inmates will opt to take the trip, but there is the idea of an incentive to choose to use video conferencing, like commissary offerings. He urged everyone to keep in mind that the local Courts will not be able to participate as they do not have the same equipment. Mr. Parker said this could be looked at (allowing the inmate to choose) as another State mandate. He would like to have the State language altered. Sheriff Wells said the State Sheriff’s Association has this item at the top of their list.

Mr. MacKinnon said we discussed this during the Indigent Defense Committee meetings. He said there are some that are looking into this, but this is a real good first step, adding that the possibilities are significant and some of the possibilities will require a change to current law. 

**Motion carried.**

**8. COMMITTEE ON APPOINTMENTS TO POLICY MAKING BOARDS – SALLIE BROTHERS AND DON PECK**

A. Recommendations for Modifications to Appointments to Policy Making Boards (Info) – Ms. Doyle reviewed the information provided in the packet, pointing out that the onus will be on the Board member serving on the Advisory Board.

Ms. Brothers thanked Ms. Doyle and Mr. Peck for participating in this process. She said this Policy looks at who the advisors are that we appoint to these boards. She stated that the Board of Legislators appreciates the volunteerism that the Advisory Board members contribute. She thinks it important that the subcommittee (mentioned in the Policy) interview the candidates and make a recommendation. Mr. Peck pointed out that this is information only and a resolution adopting this policy will be presented at Finance Committee.

Mr. Morrill asked about those that wish to serve when a reappointment comes forward. Ms. Doyle said the subcommittee could make recommendations. Ms. Doyle mentioned that the team welcomes suggestions even though the Finance Agenda is complete and in mailboxes. She said changes can be made.

**9. COUNTY ADMINISTRATOR – KAREN ST. HILAIRE**

Ms. St. Hilaire said Mr. Hall is present to assist with a J and L update. Ms. St. Hilaire said the County paid Camp Dresser and McKee (CDM) for work that was done, and the County turned around and submitted to the New York State Department of Environmental Conservation (DEC) for reimbursement. She said the information that went to the DEC did not meet the criteria set forth for reimbursement. (Information was distributed providing a time line and the payment amounts.) Ms. St. Hilaire said our County Attorney and the Environmental Attorney, Gary Bowitch, will work on this.

Mr. MacKinnon said the County tax payers paid $654,000 to CDM, but DEC is saying their work is eligible for reimbursement in the amount of $215,000. He said they should sue somebody over this. Ms. St. Hilaire said they met with CDM to discuss this and told them that we would work with them to bill the DEC. She said the DEC said the appeals are over and that this is it. Mr. MacKinnon asked if CDM works for the DEC now. Ms. St. Hilaire said they are listed as a provider approved by the DEC adding that she cannot say that they work for DEC.
Ms. Brothers said this seems like major fraud. She said there are signed papers which were submitted to St. Lawrence County saying that certain services were provided that were not, and that is fraud. Ms. St. Hilaire said our County Attorney has asked that she wipe the “F” word out of her vocabulary. She said the DEC has done a great job of identifying what was and was not done.

Mr. Akins pointed out that this goes back five (5) or six (6) years, and is all up to the Attorneys now, but it is up to us to make sure that this does not happen in Massena or any future contracts.

Mr. Acres asked if the company disputes DEC’s interpretation of the bills. Ms. St. Hilaire said they believe that what they did for each task was what should have been done but the DEC has a different interpretation. Mr. Acres asked if the tasks were placed in the contract. Ms. St. Hilaire said yes. She explained that when she first came to the County CDM would say it was the DEC not paying what they should be paying, so she called Judy Drabicki and her staff. She met with them (DEC) and reviewed the billings that were submitted by CDM after that we met with CDM. She said they have tried to work with CDM to get the maximum amount paid that we could. Mr. Acres asked if there is another step between where we are now and suing the company. Ms. St. Hilaire said yes, we are going to go back to CDM and ask them how this can be fixed.

Mr. Bunstone asked what the time frame is. Ms. St. Hilaire said she will work with Mr. Zimmerman and compile information and set up a meeting including CDM, our County Attorney and the Environmental Attorney and should have this complete within a month.

Mr. Peck said if CDM is saying the problem is the interpretation of the work necessary, then there must be other entities hiring them to do the same kind of work where there must be other problems like this. Ms. St. Hilaire said she believes this is an unusual situation.

Mr. Acres asked if this situation comes down to one individual at CDM. Ms. St. Hilaire said yes, and that person has transferred to another unit.

Mr. Morrill stated that we have looked for a Record of Decision from the DEC for some time. He urged we need to talk to CDM before August 8th. He said he will choose his words carefully, but the public does not have to. He said fingers were being pointed here; the DEC was pointing at St. Lawrence County for not doing diligence and our due diligence was to look at making sure the employees were receiving a certain dollar amount per hour for certain job titles. He said to make that possible to determine would have required a time clock at J and L. He said we need to hold CDM’s feet to the fire; we can’t wait another six (6) years for J and L. He added that this is the first time we have seen this dollar amount, six years later.

Mr. Parker said we could apply pressure through the Governor’s Office to have them removed from the DEC’s approved provider list. Ms. St. Hilaire said she has discussed this with the DEC and they probably would not be opposed. She would like to give them the opportunity to step up and take care of this.

Mr. Morrill reminded everyone that there is another $300,000 to $400,000 worth of work to do. He stated J and L is just sitting, year after year. Ms. St Hilaire said she will be on the phone tomorrow morning with CDM.

Mr. Hall said he represents a frustrated community. He said this is a quagmire of everything that can go wrong. He said over two hundred people from the Clifton/Fine community came to a
Board of Legislators meeting showing their support for this. He said we thought we had progress at that time, but since then we have had people pointing fingers. He warned the Board that there will probably be a couple hundred people at the meeting in Star Lake. He said what he is hearing tonight is that people are frustrated. He said it has been a while since there was communication with CDM. He believes this is a gem in the Adirondack Park with great potential; there is rail there (which is not currently operational). He said we cannot market the site now, as it is. He appreciates that the Board is coming to Star Lake to see this site. He said we need to go after CDM, and get the investigation complete to move onto the clean-up phase to make this marketable.

Chair Peck said the meeting has been moved to the High School in Star Lake, to accommodate attendance.

Mr. Peck said we have talked about taking County buses, is there interest in doing that. There were several Legislators interested in riding the bus from Canton. Chair Peck said they will leave Canton at 4:30 p.m., have the Operations meeting at 5:30 p.m. at the High School, go to J and L for an organized tour, and leave for Canton by dark.

A. Budget Transfer (Discussion) – Ms. St. Hilaire said she authorized $66 to be moved to three (3) departments for microfilming services.

Ms. St. Hilaire said she spoke with the Chairs about her understanding of the filling of vacancies, and wanted to share her understanding with the whole Board. She verified that everyone understands that we will fill positions that are 100% funded. She suggested moving positions that are less than 100% funded to those 100% funded positions, if we find that we can do that. She said this is an attempt to not bring new bodies in. There were no objections.

Mr. Acres asked if the 100% funding includes all fringe costs. Ms. St. Hilaire said yes. Ms. St. Hilaire said staff will bring those vacancies that are deemed absolutely necessary forward. Mr. Akins clarified that this includes those positions that create more revenue then the positions cost. Ms. St. Hilaire agreed.

Ms. St. Hilaire said she had a conversation with our County Grant Writer and directed her to try to find funds for current programs that the County offers. Chair Peck asked if this is for towns and villages too. Ms. St. Hilaire said she will focus on St. Lawrence County currently. Chair Peck urged everyone to communicate that to their perspective towns and villages. Ms. St. Hilaire said the Grant Writer will continue to notify everyone of the grants.

Ms. St. Hilaire notified everyone that Budget sessions will begin later this week, meeting with each department and go through their Budget, line by line. She invited Legislators to join them.

10. OLD/NEW BUSINESS

Mr. Burns said the RVRDA has attempted to settle the contract with NYPA and the State of New York for the allocation of the 20 megawatts of power. He said he read a recent article that quotes the outgoing Chairman, Michael Townsend, of the New York Power Authority's Board of Trustees who said the geographic restrictions on the North Country's low cost power allocation were arcane, and in a way, it's ironic, but the only money for economic development is through the Power Authority, but it's limited because of these arcane geographic restrictions to 30 miles within Niagara Falls and three counties in the north country. He said the story was printed in the Ogdensburg Journal. He said Mr. Townsend is saying what he thinks of us, adding that it was disappointing to hear the head of the Power Authority saying that. He encouraged everyone by
saying we still have former Judge Nicandri serving on that Board, representing our interest.

Mr. Burns said we were notified that the International St. Lawrence Boarder Control, who controls the water level on Lake Ontario and the St. Lawrence River, were going to release more water into the system which will result in lower River levels. He said there are many people keeping an eye on water levels. He said the safe boating level is 246 feet, at preset it is 245.2 feet, which is below safe boating levels. He said those that enjoy the River by boating will not be about to get their boats out of the River as there will not be enough water at the docks in October. He said at some point this Board needs to make a stand to the Control Board to stop letting such a large amount of water out of the system.

Mr. Arquiett informed everyone that Mr. Townsend’s law practice represents the IDA of Rochester. He also said that he recently went out on the St. Lawrence River and he believes the water levels will effect the tourists’ spending, and he supports Mr. Burns’ comments.

11. EXECUTIVE SESSION – Mr. Morrill moved to go into Executive Session at 8:24 p.m. for the discussion of personnel, negotiations, and appointments to Advisory Boards (including those from Operations Committee), seconded by Mr. Putman, and carried. Mr. Paquin moved to return to Open Session at 9:19 p.m., seconded by Mr. Bunstone, Mr. Burns, Ms. Brothers, and Mr. Morrill, and carried.

12. ADJOURNMENT – Chair Peck adjourned the meeting at 9:19 p.m., as there was no further business.