

CHARTER REVIEW COMMISSION MEETING

The sixth meeting of the Charter Review Commission held on Wednesday, August 19, 2015 at 6 p. m., in the Legislative Hearing Room, Sullivan County Government Center, 100 North Street, Monticello, New York.

Meeting called to order by Co-Chair Paul Burckard.

Pledge of allegiance.

Co-Chairman Paul Burckard introduced two new members, Fred Harding and Norman Sutherland.

Roll call

Members present: Steve Altman, Paul Burckard, Bruce Ferguson, Sandra Johnson Fields, David Forshay, Fred Harding, Peg Harrison, Bill Liblick, Ray Nargizian, Larry Richardson, Norman Sutherland, Ken Walter.

Members absent: Brian McPhillips.

Also present: Cora Edwards, County Legislator, Josh Potosek, County Manager, Nancy Buck, County Treasurer, Sam Yasgur, County Attorney, Joseph Todora, Acting Commissioner of Health and Family Services/Director of Community Services, Edward Homenick, Director of Real Property Tax Services.

Motion moved to accept and approve the minutes from the May 20, 2015 and the June 17, 2015 Charter Review Commission meeting. Motion moved by Larry Richardson, seconded by David Forshay, motion carried with Fred Harding and Norman Sutherland (new members) abstaining, motion carried, ten ayes, two abstentions.

Co- Chairman Paul Burckard introduced the first speaker Joshua Potosek, County Manager.

Joshua Potosek, County Manager said Paul has asked me to talk about the current Administrative Code and some of the issues that have been modified from time to time and the Code has been updated with the budget process. As I was doing that I refreshed myself on the Charter to re-educate myself about the Charter and I saw a couple of things that you may want to discuss, not the high level stuff, more of the operational things that could pose a problem, not inconsistencies but things that need to be looked at, to have some deliberations amongst your group. Josh handed out a packet on the Charter and the Administrative Code. He said as I am going through this, feel free to ask questions.

Josh Potosek's comments and recommendations start on page 8 of the Charter on the right hand side of each page. A copy of the Charter is attached and made a part of these minutes.

Peg Harrison asked Josh to explain how you go about changing the Code verses changing the Charter?

Josh said the Charter gives you the duties of the Legislature, the County Manager, the elected officials, the County Treasurer, and the appointed County Attorney. This is the basic structure, deals with the County Manager form of government, the County Legislature, powers and duties of the two, separation between the two, who is responsible for what. The code gets into this broad painted structure of a government. The Code deals with day to day, how we are really going to run. How Committees are going to be shaped. What jurisdiction does each Committee have. What are the Departments responsible for. The form of government underneath the County Manager. How the Division, the Commissioners, it gets more granular, a more detailed document than the Charter. The Charter is from a high level, whether it is County Manager or Exec, term limits, those types are very broad things. The Code gets into how we want government to look, this is not how it is going to operate on a day to day basis.

Peg Harrison said so when we change the Charter, do we do it by a vote by the people and the Code is a vote by the Legislature?

Josh said I would defer to Sam, but I think certain things require a vote. If you are going to diminish powers of an elected officials, I think that has to go to a public referendum. It depends on what you are doing in the Charter. If you have specific questions, I would defer to Sam Yasgur, County Attorney. It depends on what you are doing. Some changes require a simple public hearing and a vote, a local law. Some may require a public referendum, like going to a County Exec for instances.

Peg Harrison asked going back to the one budget issue, if we changed it that the County Treasurer did have the responsibility, would we have to go to a vote of the people or just a public hearing?

Sam Yasgur, County Attorney said as far as a local law, you always are going to have to have a Public Hearing on any change in the Charter no matter what it is. Some of the changes to the Charter may require, after a Public Hearing, Permissive or there could be a situation that would require a Mandatory Referendum. So what would happen is after you submit your recommendations for what you want to do, you would ask the Law Department, the Legislature would certainly ask the Law Department, would this change require gratification in a referendum context, either Permissive or Mandatory. If it is a Permissive Referendum, then the components of that change go out and get signatures. The same way you go out to get signatures to run for office and there are statutory requirements for how many signatures you need. There are statutory periods of time and if you don't accomplish either of those within that time that is the end of it and the board's vote counts. If that number of signatures comes up then there is a referendum on whether the board's vote on that particular item should be sustained by the General Electors. It is a somewhat complicated process every time you amend the Charter but

that is not unique to the Charter. Anytime we amend a local law or propose a new local law, we have to go back and analysis that local law, whatever it is under the State law provision or Municipal Home Rule to see whether the enactment of that particular local law is subject to any referendum requirements. That would be different in each case because that is now it is spelled out in State law.

Bill Liblick said we are discussing let's say, County Executive, term limits and staggered terms. Those are three issues. So if it does become a mandated referendum, those would be three different issues on the ballot, correct? Sam Yasgur said if that amendment to the Charter is done at the same time, and if they are mandatory, I am not sure that they are, they would all be on the same ballot but as three separate issues. If they weren't all mandatory, let's say Permissive they would only be on the ballot if sufficient signatures were obtained. We have had at least one local law and it was subject to Permissive Referendum and there weren't sufficient signatures obtained to force the referendum so that amendment went exactly as the board voted.

Bill Liblick said when you say petitions, you are saying that you have to get whatever number to get on the ballot box?

Sam Yasgur said if it is a Permissive Referendum opposed to Mandated, it is a hard concept for a lot of people to grasp the first time. If it is Permissive, you need a certain number of signatures, usually tied to a percentage of the last vote for the Governor of the State of New York. It is a very complex form, usually about 12,000. Just to get that proposal on the ballot box. What happens is they pass it first and in passing it they say, this will only become law, subject to a Mandatory Referendum if it is mandatory. Or subject to a vote on a Permissive Referendum, if it is permissive and they get enough signatures to put it on the ballot.

Bill Liblick said who would go out and get the signatures? Would it be independent people, workers, political parties?

Sam Yasgur said it could be anybody. Discussion resulted regarding who gets the signatures for Permissive Referendum to be placed on the ballot.

Paul Burckard said just to clarify, the 2007 changes to the Charter, there were about six or seven of them that were done, they were subject to Permissive Referendum. Sam said I don't remember if they all were or not. Paul goes on to say there were no petitions filed timely and they automatically became law.

Ken Walter said are they always subject to a Permissive Referendum provided that the Legislature ok's our recommendations? Sam said yes. Ken Walter said so it has to go through two hoops. One has to be ok'd and passed by the Legislature. If they don't do it, it is dead.

Sam Yasgur said there is no point in trying to go out on the street, if the Legislature doesn't want to consider it in the first place.

Paul Burckard said except, except, if this Charter Commission, and we need to get this clarified, right now. If this Charter Commission felt so strongly about an issue and if the Legislature chose not to put it up for a vote, we can go out and do it by petition, which will force it to go on to the ballot. So it is not ended if the Legislature says no.

Joshua Potosek, County Manager distributed a copy of a portion (32 pages) of the Administrative Code with his comments on the right hand side of each page. He pointed out that he is reviewing line departments and committees, not the entire Administrative Code. Josh's first comment starts on page 5. A copy of this presentation is attached and made a part of these minutes.

Bruce Ferguson said I agree with Steve, to get a flow chart since a lot of what you (Josh) recommend is shifting responsibilities and it would be very useful to combine them. My question concerns, going back to the discussion with Sam back in April. One of the big questions we are looking at is Executive versus County Manager. There was a lot of discussion at that time. There seemed to be often, with the County Manager, a misunderstanding of where the power lays whether it is with the Legislature or with the Manager. There were several examples given of discussion of whether Legislators should be permitted to talk to Department Heads and so on. Alan Sorenson was there and he thought it was appropriate. Sam, I don't speak for him, but he thought that there is some misunderstanding on the Legislators' part on what the role of County Manager is. I just wonder where do you (Josh) see the division between Legislators and County Manager and also whether having a County Executive would clarify the authority?

Josh Potosek said Cindy Gieger had handed out recommendations on Charter Commission and what to look at and right in that document it talked about three forms, County Administrator, Legislative form or County Exec form and right in the one paragraph it talks about the County Manager form where that individual is responsible for the day to day operations of the government. So if there is conversations being had that they are not aware of and they are responsible for running the County government, it becomes you are operating in the dark sometimes if you don't know exactly what is going on all of the time. Not that Legislators can't talk to Department Heads but it gets down to day to day operations or policy that is where..., have the conversation but it needs to get back to the County Manager or Commissioner level. Not that they can't talk to them but it has to be, here is what was discussed and here is where we are headed, this is what we want to do. I think if you read that document it basically says everything should be funneled through the County Manager. I am not necessarily saying that, it has to be relayed back up the food chain so to speak. The person responsible for running the government knows what is going on. Would the Exec help that? The Exec would have a better ability to tell the Legislative incumbents to not talk to departments. I think that could be beyond the board, depends on what swings, rather than communicate. It would be you are not talking to my Department Head without me or my deputy there. I think that is what you would potentially see with an Executive if they didn't like what was happening, kind of clamp down and say there is no communication with the Legislative Branch. You report to me. You talk to me.

Much discussion ensued regarding Legislators talking directly to Department Heads, whether the residents of the County are served better by electing a County Executive who reports to the people or by nine elected Legislators who have oversight of Commissioners/Department Heads through their Committees, whether job descriptions/ functions would change going from County Manager to County Executive, a statement by Josh Potossek that an elected Executive would still be charged with running the day to day operations of County government and that doesn't change that function except for veto power and more staff in an Executive office, whether the current Charter/Code/Strategic Plan needs to be strengthened to make the County Manager's position function better, the additional cost of an elected County Executive office with an estimated cost of \$100,000 plus which would include additional staff and Legal Counsel for both Executive and Legislature Departments and discussion of an example given by Legislator Cora Edwards regarding Ed Diana's proposal to close Valley View Nursing Home and the fact that an elected Executive does not need a Legislative body for authorizations and a County Manager feeds information to the Legislature so they can navigate through the information to help them make a policy decision.

Co-Chair Paul Burckard thanked County Manager Joshua Potossek for his presentations. Josh said if there is anything else I am just down the hall, so if you need anything else, invite me back. I would be happy to come back.

Co-Chair Paul Burckard asked Joe Todora, Acting Commissioner of Health and Family Services/Director of Community Services if he could give his presentation at the September 16, 2015 meeting. Joe Todora said yes, I can do it on September 16th. Nancy Buck, County Treasurer said I think Angela Chevalier, County Auditor and I could speak and we could speak an hour each on October 21, 2015.

Bill Liblick said you know about the Ethics charges, you know they were dropped. But we were all asked as Charter Review Commission members to sign this agreement that we are County officials. I foiled (FOIL) a list of all the volunteer groups in Sullivan County and they all have to sign the exact same disclosures that we signed. If they refuse they are supposed to be taken off of the boards. They have not been. Sullivan County Partnership, they met and are very upset over signing it and they are writing a strong letter to the Legislature, the members contacted me. I have a list of the boards and I am going to keep on insisting, if we have to sign, to say we are County officials then everyone else who is on a board, if they are not signing it, just like we were told we would be removed, they also have to be removed. Or the Legislature, we should notify the Legislators that they should look that part over and say that these are volunteers. This agreement, in signing to make them County officials to wipe out the ethics is not being (could not hear what word Bill said) of the Ethics Law. That is a very important part of this. I just wanted everyone to know that there are fifteen boards that have to sign this disclosure, members, and if they do not they are supposed to be taken off of the boards. I have the list, I have the entire list and I went to the last Legislative meeting last month. I read the entire list of boards and members and they sent me some FOILs with about twenty people, which include us, thirteen

members, and people are refusing. They are saying well the boards didn't meet yet. So when they meet, they won't be able to attend the meetings. I just wanted to update. I cannot go to the meeting tomorrow otherwise I would bring it up again. You were there Ken, when I read the entire list of every board that is on the list and no one had any comments.

Co-Chair Paul Burckard said we have two new members here Fred and Norm, so Fred, I will give you the floor for a minute to introduce yourself and why you wanted to be on the Commission.

Fred Harding said my wife Cindy and I live at Yankee Lake. We have two dogs, three cats, six alpacas, nineteen chickens, I like to hunt, fish, hike. I was a Supervisor in the Town of Mamakating, a MBA from Rutgers, a Veteran, run many manufacturing companies as either owner or CEO, currently serve as CFO/Corporate Planner for Gillander Glass of Port Jervis, NY. If you haven't been there, I suggest you go. It is an interesting tour . A little advertising. It is the oldest glass manufacturing company in the United States. Charlie Gillander, the owner is six generation owner. If you fly and when your see all those red and blue lights on the runway that is all glass on top of the fixtures, fifty percent of that glass in the world comes from Gillander Glass in Port Jervis.

Norm Sutherland said I was asked by JJ Hanson to fill the spot on the Commission and I said sure. I am 34 years old and I own my own business, an excavating company. I have about six employees. We are one of six companies that are bonded within the County. We do anything from house excavating, we did the addition on the Shoprite in Liberty, all of the excavating work there, the paving. I have a degree in Civil Engineering. I have four rental houses.

Co-Chair Paul Burckard said I need two Co-Chair's. I think you, Peggy said you would volunteer to do it. Peg Harrison said yes, I said I would volunteer to do it.

Motion moved to appoint Peg Harrison as second Co-Chair to the Sullivan County Charter Review Commission. Motion moved by Ken Walter, seconded by Larry Richardson, motion carried unanimously, 12 ayes, no nays.

Motion moved to appoint Larry Richardson as third Co-Chair to the Sullivan County Charter Review Commission. Motion moved by Bruce Ferguson, seconded by Ken Walter, motion carried unanimously, 12 ayes, no nays.

Co-Chair Paul Burckard said I am already starting to work on finding places to meet. The Town of Highland is willing to host us. We could try that to see how it works.

Larry Richardson said I also volunteer the Town of Cocheton. They have a terrific new Town Hall.

Discussion by members regarding places for the Charter Review Commission to meet, increasing the salary of the Legislators to attract a pool of potential candidates, staggered terms, the

problem with running a business with part-time employees, making the Legislative positions full-time, term limits, the term of the County Manager's contract, the term of the Veteran Services Director in relation to the term of the Legislature, a suggestion to have the staggered terms four/five years after two years with the first four, and a suggestion to send out a Press Release regarding the scheduled meetings of the Charter Review Commission.

There being no further business, a motion was moved to adjourn, motion moved by Ken Walter, seconded by David Forshay. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Terri Waverla