



Sullivan County Charter Review Commission Meeting

February 17, 2016 at 6:00 PM

- Present:** Paul Burckard, Sandra Johnson Fields, Bruce Ferguson, Fred Harding, Peg Harrison, Michael Levinson, Bill Liblick, Brian McPhillips, Larry Richardson, Norman Sutherland, Ken Walter
- Absent:** Steve Altman, Dave Forshay
- Others Present:** Luis Alvarez, Chairman of the Legislature, Cheryl McCausland, County Attorney, Tim McCausland

The Sullivan County Charter Review Commission Meeting was called to order by Co-Chairperson Paul Burckard at 6:04 pm.

INTRODUCTION OF THE CHAIRMAN OF THE SULLIVAN COUNTY LEGISLATURE:

Co-Chairperson Burckard introduced and congratulated Luis Alvarez, Chairman of the Sullivan County Legislature.

Chairman Alvarez thanked everyone and stated that his office is right around the corner and he is very reachable, if anyone wants to talk or come visit him. He stated not to do it on a Thursday, they have committees going on and it becomes very difficult. He would like to speak to people personally instead of an email, he wants to hear it from you, this way he knows, he likes to listen and he loves doing his research. He does a lot of research before he makes a decision. Mr. Burckard and himself just spoke and he hopes to see more of Mr. Burckard in his Executive meeting so they can share information. He stated again that he is right here.

Co-Chairperson Burckard stated that Chairman Alvarez would like a few of the Charter members to come to the March Executive meeting to bring the Legislature up-to-date with where they are at and what they are looking at, with some idea of where they are going down the road.

Chairman Alvarez responded correct.

Co-Chairperson Burckard stated that he would ask the other two co-chairs Mr. Richardson and Ms. Harrison to join him and any other members of the Commission that would be free to attend.

Chairman Alvarez stated that he appreciates it very much and this way they can share information, he does not like to be blindsided, he really needs to know what goes on and he thinks in all his years of working for the County, he always did a lot of research. He is still going to do that, most of them do not know him as a teacher

but he taught in schools for 18 years and he still has that habit. He likes to talk with his hands, he likes to look at your face and he likes to do the research of what he is going to do. They may have some ideas or some points that he is not aware of and by all means bring it to him and this way they are on the same page. They can work together for Sullivan County which is all he is looking for.

Co-Chairperson Burckard stated that he would ask Chairman Alvarez to extend an invitation to all of the members of the Legislature, they would love to see any or all of them at their future meetings and he thinks that they will find it very interesting.

Chairman Alvarez stated that he appreciates it and he thanked them for allowing him to speak, it was an honor to be here with them tonight.

Co-Chairperson Burckard stated that it was an honor for them as well.

Ms. Huck stated that the next Executive Committee meeting is March 17th, 2016 at 11:30am.

INTRODUCTION OF THE SULLIVAN COUNTY ATTORNEY:

Co-Chairperson Burckard introduced Cheryl McCausland, Sullivan County Attorney. He stated that she and him worked together over the years and he is so happy to see her and congratulate her on becoming County Attorney for Sullivan County.

County Attorney McCausland thanked everyone and stated just by way of background for those of them that do not know her, she started with the County in 1999 as an Assistant County Attorney. A little less than a year and a half, the County had a big fire, shortly after that fire she went home. She stated that her husband is here tonight, they have three children, there were issues with one of her children and she went home for about a year and three months, she came back and has been with the County Attorney's Office since 2007. In her tenure here, she has probably been involved with every department, and elected officials are her primary job here at the County Attorney's Office. She knows that they have had the pleasure of dealing with Sam Yasgur. They represent the County Legislature, County Manager, County Officials and County employees. They are here to render legal advice to issues that impact the County, so going forward she understands that there were issues requested of Mr. Yasgur, Co-Chairperson Burckard did mention it to her when they spoke earlier. She stated that her method of assisting the Charter is best done by, when the Charter has legal issues, she will request that they send them to her. If when they have meetings and a legal issue comes up, email her and she will, to the best of her ability, get them a legal answer at least a week before their next meeting. This way they can digest it and to the extent that there are further questions and she can answer them further she will endeavor to do that so that their meetings can continue to have purpose every month. She then thanked the Charter for having her and stated that she looks forward to working with them.

Co-Chairperson Burckard stated that they look forward to having her here as often as she can be. As she is aware Mr. Yasgur presented to them at the December meeting and they were talking about if they are moving forward with staggered terms and under what section of the law and where they sit as far as a County is concerned with a Charter county and what methodology would be either appropriate or mandated by law in order to go ahead with the staggered terms. He advised them that under Article 4 that they could do that with a permissive referendum not a mandatory referendum even though some of them thought that it would be required to be a mandatory referendum. As they understand what he said, the Legislature if it so choses could

make it a mandatory referendum, they do not have to go with a permissive if they choose to make it mandatory. He stated that his conversation with County Attorney McCausland was that Mr. Yasgur was going to come back in January and follow-up with some answers to questions that they left him with. He did not get back in January and they went on. He wants to give County Attorney McCausland time to take a look at the minutes from the December meeting and also to do research if she feels it is necessary, so hopefully she will be back next month if she can.

County Attorney McCausland stated that for those of you that do not know her, she is literal and she is a purist. She wants to be very clear so there are no misunderstandings. She inquired so she understands that the information that they received from Mr. Yasgur did not totally answer their questions.

Co-Chairperson Burckard stated that he thinks that they were left without being absolutely positive as to how Article 4 applies because Mr. Yasgur emphasized that Article 3 did not but Article 4 did because they are a Charter county and it was a little open ended on what the process would be. It was their understanding that a mandatory referendum was not necessary unless the Legislature determined it to be, it could be a permissive referendum to install and go to staggered terms, so they would ask County Attorney McCausland to review that.

County Attorney McCausland inquired if that was just in regards to staggered terms.

Co-Chairperson Burckard stated correct.

County Attorney McCausland stated that Co-Chairperson Burckard did get her the minutes from December. She continued by stating that is fine and she will be happy to clarify to the extent that it wasn't clear enough but she does want to encourage the members to think about their role here as much broader than that. From her reading of the Charter Commission, they shouldn't concern themselves with how to get things done, they should concern themselves with the big picture and what it is that they would like the Legislature to address. She stated that she doesn't want to interfere with their meetings at all, but it seems to her that it is in the weeds and that is not really their role. Their role is more policy making for the policy makers. They have come up with 3, 5, or 10 major ideas that they want the Legislature to consider, how it gets done should not be their concern. So, she will get the Commission that answer but it is her take on this, if they as a group decide that they want to move forward with, let's say staggered terms, work on finalizing that proposal to the Legislature. Then, they leave it to staff to determine how to best get that done for the Legislature, if and when the Legislature determines to work on it. She assumes that they are looking at staggered terms for the next term of the Legislature, so now they have a 3 ½ year window, but in order for the Commission to make their point, articulate their point and agree on their point. Then, get the point before the Legislature and then work with the Legislature to determine how to best move that forward if the majority of them decide to do that. They really need to back into making that decision and making that known. So the way that she looks at it and just from taking a very brief look at the minutes and looking at the Charter, the Commission's energy might be best spent thinking about those ideas, thinking about how they want to present them, if they all agree on them. How they get it done really should be secondary and from her perspective, she doesn't know that it should be their concern. She really thinks that they are more global, the big picture. If they are curious about that kind of a thing and you want to shot an email to the County Attorney's office. In this case because they are looking at the end of a term and they will have to back into a local law that will amend a Charter and the referendum that is necessary, and she thinks that it is a permissive, they probably want to get that before the electorate if that happens, in the third year of this Legislature. There may be amendments or the Legislature themselves may

come in and say, you proposed this but how do you feel about that. She is not here to tell them what to propose but say the Charter said, 3 year and 4 year terms, the Legislators may have opinions and say what does the Commission think about 3 year and 5 year terms, so allow yourselves the wiggle room to have a discussion, if that is what they choose. If they are looking at the big picture, they are going to make these recommendations globally and then leave it to the Legislature to decide on how they want to handle it, that is the Commission's prerogative. If the Commission really wants to make this more symbiotic to the extent that they can, focus on the bigger picture, focus on the articulating their position. For those of you that work through problem issues, they know while they may start on opposite sides of the situation, with discussion and conversation when people bring in their own experiences and opinions, ultimately your goal would be to have an outcome that everyone appreciates and will move the county ball forward. She continued by stating that she will get the Commission some clarification on the referendum issues. She stated that she wholly admits that since the start of her tenure here in 1999, the Municipal Home Rule Law and Sections 33, 34, and 24 of the Municipal Home Rule Law and the interplay among the type of petition is among the most confusing areas of law that she has had to deal with. So, if the Commission left that meeting not being completely clear as to what was said, it is probably more reflective of the statutes that they are dealing with and the minimal case law that they have to deal with to help guide them collectively as lawyers. She will get that to the Commission but it is her recommendation going forward, have an agenda, pick an issue, work on that, massage it and come to an agreement on it and either present it or put it to the side and come up with the next issue that they would like the Legislature to entertain.

Co-Chairperson Burckard stated that he thinks in general terms they are working towards that and they have a whole host of topics. There feeling is to get the staggered terms done and to the Legislature and they will be talking about that later. The other thing that County Attorney McCausland needs to be aware of, when the County Manager was here he was explicit on a whole host of things that he was recommending be changed in the Charter and the Code, some of which needs to be changed because the County is already operating outside of the technical language of the Charter. The County Manager was also recommending other changes, Mr. Burckard then asked if County Attorney McCausland can go back when she gets time and look at the minutes of the meeting where the County Manager presented to the Commission as well. She may want to take a look at the changes that the County Manager was proposing and give the Commission some guidance on that.

County Attorney McCausland stated she wants to be clear, and Co-Chairperson Burckard and her had a lengthy conversation this morning, it is her opinion that the Commission should not be focused on the Code at all. The Commission's focus is the direction in which they think the county should go, it is up to staff and it starts with the County Manager down, to determine how best to amend the Code to reflect the Charter. She stated that Co-Chairperson Burckard and herself did disagree on it, when you look at the Commission's charge in the Charter it is to look at the Charter and make decisions about the Charter. It is County staff's job to make sure that the Code is reflective of the Charter. It is agreed that things have changed, so there are Code provisions that are outdated, that may be irrelevant, etc., it is not the Commission's concern, it is not the Commission's charge. For example, if the Commission says County Executive Verses County Manager, there would be hundreds of changes to the Code that they would have talk about, that is not the Commission's role. The Commission's role is they would like the Legislature to consider going to an Executive form of Government, if the Legislature decides that's the way they think they should go or they choose to put it out there for vote and it is voted, then that is the County Attorney's job to amend the Code. Would they be working in conjunction with the

Commission or a sub-committee of theirs to formulate that as they go along, perhaps. It is not the Commission's role to be looking at the Code.

Mr. Liblick stated that they are discussing the County Executive issue and they are also discussing, if they bring it to the Legislature as recommended and they decide not to do anything like they have done in the past and they are talking about how there is another route to take, the petition route.

County Attorney McCausland stated that she will not give the Commission an opinion on this. She stated that Co-Chairperson Burckard mentioned it this morning and it is improper for the Commission to ask her legal advice on how to go around the Legislature or the County Charter. She continued by stating that the Commission is absolutely entitled to seek their own legal advice and they have rights as residents of the County and she is not taking away any of those. It is not the County Attorney's position to advise the Commission on that. That is why she said that if they just focus on the Charter and the changes that they wish to have made and considered, put their energy on that, get that before the Legislature. They all heard Chairman Alvarez, he stated that they want to work and be involved with the Commission but they could be around until 2024 working on the Code. She thinks that they are best served with working on identifying the hot spots and then use their time working with the Legislature to see if any of these ideas can come to fruition. So, she does draw the line at that.

Co-Chairperson Burckard stated that he doesn't really think that they disagreed, there was just a difference in how something may be happening. If they were to make a recommendation that there be a change in the government, in that the balance be changed then they would not simply go to the Legislature and say they feel a balance between the Legislature and the County Manager is not correct, go fix that. They would go to the Legislature with specific recommendations on how to change that balance so that would be more thorough than simply the concept. So, that they would address at that time when they get there because they all know that is one of the things that they are taking a look at as they proceed. He does not think that they are really apart it is just how they get there.

County Attorney McCausland stated that and to be clear that was the second question and she stated that she was not going to answer that.

Co-Chairperson Burckard stated that County Attorney McCausland is absolutely correct, she cannot advise the Commission if they go out on their own to do something, they are on their own, they are not the Charter Commission anymore and they all understand that.

The Commission then thanked County Attorney McCausland for coming.

APPROVAL OF JANUARY 20, 2016 MINUTES:

Ms. Johnson Fields made a motion to accept and approve the January 20, 2016 minutes, seconded by Mr. Levinson, motion carried, 11-0 with Mr. Altman and Mr. Forshay absent.

NEW BUSINESS:

Division of Public Works Discussion-

Co-Chairperson Burckard welcomed the Commissioner of Public Works, Edward McAndrew. He stated that Commissioner McAndrew is a Civil Engineer, he was hired by the County back in June, 1998 and he was appointed Commissioner on June 20, 2013, so he is coming up on his third year.

Commissioner McAndrew stated that he is going to start off with a power point presentation that they have done over the years. He stated that they have 15 departments within DPW, they are one of the larger departments in the County. They have a budget of approximately \$35 million, and they are fairly involved, they are involved in many different aspects. He then presented the Commission with the power point presentation (please see attached.)

Co-Chairperson Burckard stated that there is some commentary regarding part of the money and he knows that he deals with contracts with the towns and the plowing of the roads and dealing with those municipal corporations, the state for funding, CHIPS money and also the Federal Government and what they may get for the airport and what maybe the future plans are for that. He inquired how he relates to the various other governments that Commissioner McAndrew has to work with as far as funding is concerned, is that directly through his operation.

Commissioner McAndrew stated that the CHIPS program is an entitlement program, they give them X number of dollars based on their centerline miles and their bridge, they get approximately \$2 million from the CHIPS programs. It sounds like it is some money but when you figure that right now it is costing them \$230,000 a mile to pave, that gets them 8 miles of picking out of the 380, so it is not big money when it comes in. The towns get lessor amounts but they also have lessor infrastructure. The contracts with the towns goes through his office for snow and ice removal on county roads as well as the agreement with the State where the County plows 97 South from Narrowsburg South. They do that section for the State and the towns plow about half of the county roads right now. Some towns do all of them, some do just a few miles, it kicked up a little bit, the Town of Callicoon gave the County back about 10 miles this year, they didn't want to plow anymore, too many callouts for them on that. So, they handle those agreements, they handle the State agreements, the NYS DOT funds money from FHWA through their office if they can get a bridge project. They just completed one over in Fallsburg, it was \$3.2 million, it is almost done now, it will be finished in the Spring. They run through the NYS DOT offices for that. They also handle all the flood moneys that come into the County that they apply for, since he has started working here, the past couple of months is the first time that they do have an active project with FEMA right now. It takes years to finish out projects with FEMA, once you have an event occur that they actual declare they could be at that event for the next four to five years before they are done and wrapped up with FEMA. They are all reimbursement projects, almost every project that they do is a reimbursement project, CHIPS would be the only one that is not reimbursement.

Co-Chairperson Burckard inquired if DPW works with the Federal Government on the airport and if the county gets money from the Federal Government for the airport.

Commissioner McAndrew stated that they have gotten a lot of money from the Federal Government for the airport. The revenue stream is project specific primarily. If they are going to do a project the NYS DOT funds a part of the project and the FAA funds part. FAA funding is usually 95% of project costs and DOT may kick in another 2.5%, so a lot of the major projects that they do out there are .2 cents on the dollar that are the county costs, so they make out very well at the airport. They have a consultant that works for them, they are on a three-

year term and when they renew the contract they RFP the consultant every three years. The one that they currently have is very good with the FAA and very efficient with getting funding for projects for the county.

Co-Chairperson Burckard stated that most people are not aware that the airport can handle DC-9's and 727's. He inquired if there are any plans right now with what is coming for any significant changes at the airport or handling new equipment.

Commissioner McAndrew stated yes, they have been working with the Fixed Based Operator, they have one project on the boards right now for a new hangar. They are debating whether they want to add more money into it, it was with the previous Legislature, it started and they did not finalize that one so it is to the new Legislature now. They have about \$1 million right now to build a new hangar and they can make it substantially larger to handle four G-4 aircrafts, their FBO feels that through them they will be able to lease that out, so that is one thing that they are looking at right now. The runway is adequate right now for any of the traffic that they may anticipate coming in.

Mr. Liblick inquired how active the airport is.

Commissioner McAndrew stated it is quite active actually, people do not realize, they have a lot of general aviation as well but, Bethel Woods brings in a lot and some of the summer camps bring in air traffic. There are certain weekends that they may have 8-10 jets tied down for fueling, they have a lot more in the general aviation like he said. There was something like 20,000 operations, which includes touch and go practice on the GA aircraft as well, every time an aircraft touches wheels and takes off, they were over 20,000 with that number.

Ms. Johnson Fields inquired if Commissioner McAndrew feels in working with the County Manager if he finds that there are things that are hindrances or things that are benefits. They are looking at the form of government that they have and if they should have a County Executive or not, so thinking about that would one be better than the other for the Commissioner in terms of his work.

Commissioner McAndrew stated that he really does not have a basis for that given that he has never dealt with a County Executive ever, he has nothing to compare that to. Since he has been here and that was when the Board of Supervisors had gone out shortly before that, so this is the only form of government that he has worked under. So, to give you a difference as to which one he would prefer, he does not have a comparison for that.

Co-Chairperson Burckard stated that what Commissioner McAndrew may be able to help with because they are looking at many different forms of government, since he handles such a large operation. He inquired of Commissioner McAndrew's current perception of the present form of government, County Legislature and County Manager, does he feel from where he sits that this form of government is serving the county now appropriately as best as it can. Does he think another form would be more appropriate or a different balance between the Legislature and the County Manager.

Commissioner McAndrew stated he does not think that it impacts him in that manner in his department. Their department has to be one of the least political departments out there, they are infrastructure and repairing roads, their biggest thing would be whether or not they get funding. Not too many people jump in on the projects because they have bridges in this condition or roads in this condition and this is what they have to fix. To the extent that someone upstairs can say that is their district would be about as involved as they would get. Getting

someone from upstairs trying to steer what they do or something like that. It is not so much the type of government up here it's whether or not they want to fund the programs that they put forth, that is his biggest interaction upstairs. If they bring up a Capital Plan for \$15 million for the season, do they want to fund that or are they going to get \$5 million and do a 1/3 of what they feel they should be doing. How that would change with a different balance upstairs, he is not sure how that would effect it. It is not so much a policy when they are dealing with this building and does it need new HVAC units, that is not a policy decision from upstairs that is them telling them that this needs to get repaired, and do they want to fund it.

Co-Chairperson Burckard stated that they have had presentations from different elected officials regarding projects that are of interest to them, obviously the County Clerk in storing his records and the Sheriff with the new jail. He inquired if the final decision on infrastructure basically rests on Commissioner McAndrew's department.

Commissioner McAndrew stated yes, to a big extent but there is still input from upstairs because they come up with a capital plan, and recommendations and they could be to an extent that someone can say no, they do not want to do this aspect of it. It is not their final say but these are their recommendations of what should be done.

Co-Chairperson Burckard stated that Commissioner McAndrew works with the Commissioners, Department Heads and Elected Officials in establishing or creating doing whatever they need to the extent that they can.

Commissioner McAndrew stated absolutely.

Mr. Liblick inquired how Commissioner McAndrew's relationships are with the towns, are they equally the same or are some more active than others. He also inquired how he feels the casino will impact the infrastructure in the county.

Commissioner McAndrew stated right now you see Exit 106 under construction, they had a traffic signal there from a project, they delayed putting that intersection in there for a long time trying to see whether the casino was going to happen and they finally said they didn't know whether it was ever going to happen, go ahead and put in a traffic signal. They finished off their project that was years into development and making. The next year it was, hey we got a casino coming now, we need an intersection that can handle this traffic. That particular intersection was not going to survive the traffic coming in and out, so they said that's fine, they had to fund it and fund all the construction. Not only that but they had to give the county an escrow account so they could hire a consultant to oversee their design and make sure it is in compliance with us and not at a cost to the county. Most of our other infrastructure is not showing much traffic coming out of the casino and spreading throughout the county at this point. Unfortunately, most of it is getting right off 17 and going right into the casino are the projections for the traffic. If they come out and go into Monticello they are getting on Route 42, which is a state route, our little section by Wal-Mart would be our only impact in there and that can handle the traffic at this point. They are not seeing a lot as far as road, bridge and building infrastructure which is their primary task of getting impacted by that. Whether or not social services and others get impacted would be different. The hard nuts and bolts infrastructure is not seeing a lot of impact beyond what they are fixing already. He then addressed the question regarding the towns, he stated that the towns are all different, not that it is good or bad. Some towns, Mamakating, Thompson and Fallsburg plow all of the county roads, Town of Cochection does not want to do any of the county roads because they feel that they have enough with what they

have going on and Callicoon is a mix. They have worked with all the towns at one point or another, either with snow plowing or flood work.

Mr. Liblick inquired how the reimbursement is when they plow county roads.

Commissioner McAndrew stated they pay the towns per mile, per year. He thinks that it is somewhere around \$5,700 per mile right now, so if they are plowing 10 miles for the county they get \$57,000 from the county to do that whether it snows or not. They do have a thing where if they get called above 30 times in Livingston Manor they give them an extra \$150 a mile. This year, it is not a bad year to have county roads, last year maybe not as much. It evens out at the end of it all.

Mr. Walter inquired if the reimbursement rate is based on the state formula that the county gets from the state, so it is just a pass through, it is not just something that is picked out of the air.

Commissioner McAndrew stated yes. It used to be negotiated with each and every town, which got crazy when you are dealing with 13 towns. So, the county plows 97 and the state pays the county \$57,000 a year, that will be what the county pays to the towns the following year. Whatever the state pays the county this year, that is what the county pays to the towns the following year.

Mr. Richardson stated that Commissioner McAndrew has a lot under his purview and he inquired if he interacts a lot with the Legislature and if he does, does he think that is appropriate and would he prefer to see some restrictions on Legislators dealing directly with his department or people under him.

Commissioner McAndrew stated that it is not so much that they come to us. If he has an upcoming project, that is usually when he is dealing with the Legislature, he tries to talk to them before they just bring something into committee and he can get a feeling, and he brings it up to the County Manager to let him know what he is doing too. If they have an upcoming project at the airport and there is not support for that than there is not a real reason for him to bring it into committee and have it voted down 6-0. In that respect, he deals with the Legislature, in order to discuss projects before they have to see it for the first time in a committee meeting. That is his primary way he deals with the Legislature, it is more on an informational basis about a project. He got a call the other day from a Legislator asking if we put fracking fluid on the roads, and he responded no we use a salt brine not fracking fluids.

Mr. Ferguson stated that the airport project that Commissioner McAndrew refers to that has not taken place, as he understands it was 90% that was federal money and \$1 million of county money that could have created a larger facility. He inquired if that is something that Commissioner McAndrew's department would generate that idea or was that something that he was asked to handle and it came from another source.

Commissioner McAndrew stated that the Fixed Based Operator was the one that brought that up and he could operate that building. We have a million-dollar project right now on the table that has been approved and we can build that hangar starting tomorrow or at least start the plans for it tomorrow but if they want to build a larger one they can do that too. The new Legislature has not approached that one yet, they have not brought it to them yet, they are still getting their feet wet before they throw that one at them. They do have the grant secured for the smaller hangar and the FAA said that it was fine if they wanted to add more money to build a larger hangar, they will still fund up to the amount that they said.

Ms. Harrison inquired how Commissioner McAndrew interacts with the nursing home, it seems to be an odd thing to be under his area. He has the building.

Commissioner McAndrew stated that they have all the buildings in the county right now, 101 buildings that they are the landlords for, so to speak. They just put a new roof on the nursing home, they oversee all of that.

Ms. Harrison inquired if they oversee the whole building and inside.

Commissioner McAndrew stated the elevators, the fire alarm systems, yes all of that stuff, and the cleaning of it, that is all through DPW staff or contracted through DPW.

Ms. Harrison inquired if he requests the funding for the nursing home or if the administrator does.

Commissioner McAndrew stated for the maintenance, it is under them but anything to do with the staff that works in the Adult Care Center is all the Administrator. To work on the building is all DPW through their capital plan. The administrator runs the building though, it is the same thing they do at the Government Center and every other building in the county.

Mr. McPhillips stated that he doesn't think this has anything to do with the Charter, he is just trying to think financially. He inquired if Commissioner McAndrew handles through the Capital Plan for the jail and all these other buildings, at what point does he present to the Legislature that they need a new jail and they have X amount of money in the reserve, it is either not enough or enough. He continued by stating the last presentation was the jail and they were requesting a jail for X amount of years and each time the cost upped, at what point does the Commissioner interact with them and say this is the cost and this is what it is going to be. At some point by not doing it, it becomes a larger expense to the taxpayer.

Commissioner McAndrew stated that their contact is continual on those kind of projects. The jail they have been involved with, there is actually a consultant that has been on board that has been doing the cost estimates since 2007. Those types of projects do get run through their capital accounts so they work with the consultant, they have done the most recent updates on the current cost estimates of the jail.

Mr. Ferguson stated that he noticed in the presentation that they save 30-40% if Commissioner McAndrew's division can do construction on roads and bridges.

Commissioner McAndrew stated not all of them but particular on a bridge because it relates to prevailing wage. On bridges in particular, if it is a bridge that they can handle, for example the bridge in Fallsburg recently that went for \$3.2 million, that was out of DPW's current abilities. If they can do the smaller bridges, if they can do it as rapidly as a contractor, they don't pay prevailing wage and that makes a big difference, and where you can see a savings. If they are going to do mainline paving and put down 2,000 tons of asphalt a day a contractor can do that cheaper than they can because they do not have the trucking abilities to do that. They can maybe put down 500 tons a day, where they are putting down 2,000 tons a day, they can blow them away on that.

Mr. Sutherland inquired what Commissioner McAndrew's plan is going forward with his employment, the last two years, he thinks they had 23 people that either retired or whatever and so far the last two years, he only hired 6.

Commissioner McAndrew stated that he thinks they have hired more than 6 but they are trying to get people, they actually have all of their postings up now.

Mr. Sutherland stated that there are only like 4 or 5 people on Commissioner McAndrew's bridge crew.

Commissioner McAndrew stated that he will go back 10 years, his department was probably 260 people, they are currently at 150. They have lost almost half of their staff, they used to run 3 full bridge crews and 1 that would be a swing crew, that could replace 2 bridges a piece so that would be 6 full replacements a year. They are currently running with 1 full bridge crew and kind of a swing crew that does some of the other work. The same thing has happened with their road maintenance, they are down well over 100 staff and he would love to build that back up. His plan is to try and do that in time, because the work has actually increased not decreased.

Ms. Harrison inquired if Commissioner McAndrew struggles with the same thing that the District Attorney struggles with that when he has a vacancy he still has to get approval for that vacancy.

Commissioner McAndrew stated that they had an out to that because they had a minimal staffing requirement in LIU, Local 17, they had a minimal staffing requirement of 128, it just recently came out of the contract. So there was no point of going before a vacancy review because in order to be in compliance with the contract, they had to have 128. They only had 129 funded positions but according to the contract they had to have 128, so they have not had to go before the vacancy review in quite a while and they have not changed that on them yet to make them start doing that. They still have a no layoff clause in LIU contract but they do not have the minimum staffing requirement anymore.

Co-Chairperson Burckard inquired if there was anything else that Commissioner McAndrew would like to make the Charter members aware of. He stated that they are looking at all different aspects and forms of county government and he inquired if there was something that Commissioner McAndrew would like to say to them that would help the Commission address that issue.

Commissioner McAndrew stated that he doesn't know that they can do this but it all comes down to funding and if the Commission can find them a form of government that can come up with more funding without impacting the taxpayers all that much.

Mr. McPhillips stated that he tends to go back to budgeting and does Commissioner McAndrew feel that because he has to go back to 9 separate people deciding a budget. If the Commissioner is saying that there is that many open positions but then he is saying that there are \$230,000 a mile to pave and 386 miles that is \$88 million if he was to do every road. The Town of Liberty, they have the same problem, they have 121 miles, it is \$120,000 a mile but they are having a staffing issue. He is trying to show to the Town of Liberty by maybe having more people, they are better utilizing the money that is at their disposal. So, here if you are presenting to the Legislature that he has a \$35 million budget and all these different avenues but he is understaffed by 100 people, it is costing the county more money because they are having to outsource which they can provide cheaper locally and providing jobs locally.

Commissioner McAndrew stated that he is going to be trying to get more staff, whether that gets approved or not, they are putting together a plan downstairs on that right now. There is the salary study and that as well because he has management staff that make more than supervisory staff, which is hard for him to get people to take those positions when it is a cut in pay and more responsibilities.

Mr. Walter stated the process the way that it works is all department heads go to the County Manager and it is the County Manager's office that present the budget to the County. It is not the department heads per say, they do come in and talk to the Legislators at times and they say well the County Manager took that out and they want it to be put back in, that is the time and place that a department head or division head can try and get things put back into the budget. As long as they have that 2% gorilla in the room, no one is moving off of any base because every politician is afraid if they go over 2% they are going to lose their job. It doesn't matter that the roads are falling apart that has become the gorilla in the room that drives what every government agency does.

Mr. Liblick stated that with the casino coming with the revenue stream that they are adding, the argument is very solid that people are going to live here and work in the casino they are going to use the roads. Therefore, he will need to hire more people and they have to acknowledge that they have to give his department more money.

Commissioner McAndrew stated that they went through this cycle once before, they are at a really bad spot with their infrastructure right now that they were in maybe 20 years ago. Then, they invested and they got the roads up, when he first came here the roads and bridges were in good shape, they had a full staff, they were doing really well. DPW is the target cut in the county, they see a big pile of money because they are very expensive, everything they do costs money and there is nothing in that pile that says that this is a state mandate that they have to have.

Ms. Harrison inquired if he manages his own budget.

Commissioner McAndrew stated that they have currently vacant but they have a Fiscal Administrative Officer who reports to the office of Management and Budget but is embedded in his department. He works very closely with them, on a daily basis, and he has 4 clerical staff that work under the FAO to handle their billing.

Ms. Harrison inquired if he loses his money every year or is there a way of sheltering that money back into his reserve.

Commissioner McAndrew stated there are no shelters, the budgets have been stripped down. Their salt budget last year was cut and he had to go back for another \$250,000 before the end of the year.

Mr. Richardson inquired who advocates for Parks and Recreation.

Commissioner McAndrew stated we do.

Mr. Richardson stated to him personally it looks like it might be better served under the Planning Department, they would see more value in Parks and Recreation than DPW.

Commissioner McAndrew stated that it was under Planning at one point in time and DPW does see the value of the Parks and Recreation Department, he has a separate Parks Director that reports to him and she is very good. When they submit their budget it is not like they ask for \$35 million and then they will divide it out, they have a parks budget, road budget, and a buildings budget and they will put as much money into parks as they think they need coming up. It wouldn't be any more than what Planning could do and it actually got moved out of Planning. They actually do a lot of the work in the parks, this way if it is in Planning they are going to have to contact DPW, do an interdepartmental funds transfer, fund DPW staff to do the work in the parks anyway.

Parks is administered by DPW but they also oversee all the mowing, roof work, and anything that needs to be built in the parks. All of that is done in DPW right now, Planning would not have any of that so now you add another layer, they have looked at that and it is not more efficient to do that and that was why it was moved into DPW at one point. Another department that got moved into DPW was transportation.

Mr. Liblick inquired how DPW works with Sullivan Renaissance.

Commissioner McAndrew stated that they do work with Renaissance and actually their Parks Director is on the Renaissance board.

Mr. McPhillips inquired if Commissioner McAndrew is appointed and if he has a term.

Commissioner McAndrew stated that he is appointed and serve at the pleasure in his role as the Commissioner of Public Works, he is also the Highway Superintendent with statutory authority and is appointed and has a term of 4 years.

Co-Chairperson Burckard thanked Commissioner McAndrew for coming.

OLD BUSINESS:

Staggered Terms-

Co-Chairperson Burckard stated that he wants to refresh everyone's memory on the staggered terms discussion and then go around the table for everyone to comment on it. They had generally come to the conclusion that the change be made four years from now at the next general election. They decided that 3-3-3 was not practical but 4-5 was much more practical and helped to keep the politics out as best as possible. So they would do 4 members of the Legislature that would run for a two-year term and the other 5 members would stay with their four-year term. The selection of those members would be by pure random sample anything else creates an argument that will never sell. After the first two years, those 4 members would run again and then their term would be a four-year term. Every two years would be 5 then 4, etc. Mr. Yasgur had pointed out to the Commission that instead of doing 2, we could do 6 but he thinks they generally felt that by doing that it would not be nearly as powerful to the general public. A shorter term seemed to make more sense, however the Legislators themselves may be more comfortable with 6. One of the things that they need to decide is do they just recommend 2 or do they say to them it could be 2 or 6, but they recommend 2 because they feel it is the most appropriate. Co-Chairperson Burckard then continued to go around the room to get each members opinions on their agreement that they make the recommendation to the Legislature with what he just described with the methodology that he just described.

Mr. Richardson stated that he would advocate to do a two-year term, however he is not against, if there is reluctance or pushback against that he would be in agreement to do a six-year term if it gets the job done.

Mr. Walters stated that he prefers the two-year term and the four-year term, and as far as methodology he thinks that they should roll the dice three times and if it comes up even than that's the ones who get the four-year term and odds get the other one and they go by the district numbers, so they know odd is odd and even is even.

Co-Chairperson Burckard inquired if Mr. Walter wanted to do it district by district but a random odd or evens to make a determination as to which way it is going to go to get the first 4.

Mr. Walter stated right.

Co-Chairperson Burckard stated that is slightly different and he inquired if everyone clearly understands what Mr. Walter suggested.

Ms. Johnson Fields stated no.

Mr. Walter clarified what he meant by his methodology.

Co-Chairperson Burckard stated that he thinks they may be better served saying to the Legislature that they recommend that this be done by random sample and let them figure out how they are going to get that accomplished.

Mr. Walter stated that he thinks the best way to go about this is to make a decision on this and throw it in their court because they are going to do whatever they want. Let them pick out a method but at least it has to get done.

Ms. Harrison stated she would do the 2 and 4 as long it is permissive referendum, which she is still not sure if she agrees with that.

Co-Chairperson Burckard stated that the Legislature can say that they do not want this to be permissive they want it to be mandatory, that is their choice. They can also say, as long as they can do it by law, a permissive referendum and that is going to be up to them to figure out the methodology.

Ms. Harrison stated but they are changing the term of an elected official and that is what makes it mandatory.

Co-Chairperson Burckard stated that was what we originally thought but Mr. Yasgur said no last time.

Mr. Ferguson stated that we do not have to decide that though, that is not our call.

Co-Chairperson Burckard stated that is up to them to figure that out.

Ms. Johnson Fields stated that she agrees with the 2 and the 4.

Mr. Harding stated that he joined the group half way through the year, he then inquired if this group has already decided that it was going to be 9 Legislators.

Co-Chairperson Burckard stated that is a different question.

Mr. Harding stated no it is not a different question if you are talking 2 and 4, you have to know how many Legislators. He stated that it doesn't balance if you have 12 Legislators or you only have 7. So he is asking have they already determined that they are going to stay with 9.

Co-Chairperson Burckard stated no that is down the road, they are talking about a methodology of making a recommendation to the Legislature to determine at the next election how they would implement staggered terms.

Mr. Ferguson stated roughly half the Legislators.

Mr. Harding stated that he doesn't have a problem with the 2 and the 4 but he is not sure that he is convinced that they should stay with 9.

Mr. Richardson stated that all they agreed upon is that they need staggered terms, the number of Legislators has not been decided.

Mr. Harding stated he agrees.

Mr. Liblick stated that he wanted to mention that he went to the Executive Board meeting of the Legislature and he told them about the Charter Review Commission and what they were working on. They were all very receptive to them and they would like a relationship with us and he told them about the staggered terms and they all seemed that they were all supportive of staggered terms. He told them that would be one of the first items that they were going to suggest. He then stated that he supports staggered terms and he supports the 2 and 4 years.

Mr. McPhillips stated he is fine with the 2 and 4 years but he agrees with Mr. Richardson, he would be fine with the 6 years just to get it done.

Mr. Ferguson stated he is the same and he wanted to address what Mr. Harding said, since they are talking about the Legislature whether they should put the package together, if they can do it without delaying it too much and that is address the number of Legislators, staggered terms and term limits. Have a comprehensive proposal on how the Legislature functions, that is one whole big piece of what they are working on. If they can do it without delaying the process, it would be very good to get a recommendation in now to put themselves on the radar screen. They have been here for over a year and nothing has come out of this committee. It will get them thinking about us and it is good to give them piecemeal pieces that they can take out rather than give them a whole pile of stuff that they might like some and not others. He feels that term limits and the number of Legislators are part of this package.

Co-Chairperson Burckard stated he thinks it may take more time to determine the number of Legislators and maybe significantly more time on the term limits because the term limits become very complicated and who they apply to. Is it just the Legislature, other elected officials, all the appointed officials as well, how do they make those determinations.

Mr. Ferguson stated that they are talking about the Legislature and they can have a comprehensive package for the Legislature.

Co-Chairperson Burckard stated that when you talk term limits, you cannot get away from talking about everyone else, it is impossible. He doesn't know how they would possibly split that.

Mr. Walter started that he would like to make a recommendation that they stick to what they started out with and the main question. He stated that he is not knocking Mr. Ferguson's concern, he thinks it is a valid concern but that is another discussion item and they should not have that now. Let us take care of this one and then we can move to number 2.

Mr. Sutherland stated that he thinks they should do the 2 and the 4 and see what their reaction is to that first.

Mr. Levinson stated that he is in favor of the 2 and the 4.

Co-Chairperson Burckard inquired if it is alright then if Mr. Richardson, Ms. Harrison and himself work on a resolution, setting this down that they can present at the next meeting and if the vote is positive by all of the Commission to do the limited part. He thinks that the other part is going to get much more complicated and let us get this out to them. Then they will have a resolution in front of them, have a formal vote and they can pass this onto the Legislature. He then inquired from the Commission if that was alright with them.

The members of the Commission stated yes.

Mr. Liblick made a motion for the Co-Chairs to draft a resolution to put on the March, 2016 agenda for staggered terms of the Legislature, seconded by Mr. McPhillips. Put to vote with all in favor, 11-0, with Mr. Altman and Mr. Forshay absent.

Mr. Ferguson then asked if he could see a show of hands on people in favor of term limits and people in favor of the size of the Legislature, just so they can see how much of a discussion there is actually going to be. He has not heard anyone express opposition to term limits at all of their meetings.

Co-Chairperson Burckard stated that to be fair to everyone sitting here, term limits encompasses much more than just the Legislature. You talk to people on the outside, and he did just that with a major person in Sullivan County, as I got into past the Legislators, the question is what do you do with the elected officials. They did not think about that, what do they do with the major department heads and commissioners, should they also be, if they are doing the job, isn't that the choice of the Legislature to hire. The person kept saying that they really had not thought about that. If they are going to do term limits for the Legislature, isn't the Legislature going to say what do you mean you are going to limit me, isn't that up to the voters. He thinks that this gets more complicated.

Mr. Ferguson stated that he thinks that Co-Chairperson Burckard is making it complicated. He would like to know how the Commission feels about term limits and Legislators, that is a question that can be asked and answered. Mr. Ferguson then asked the Commission members if they are opposed to term limits.

Ms. Johnson Fields stated that she is opposed to it.

Mr. Harding stated that he personally thinks that it is another question, how many Legislators and if they impose term limits and they want good Legislators, they need to compensate them, otherwise they are going to get part-time Legislators without experience, without the ability who are going to run for these positions. So if you are going to put a term limit on it and it is two terms you are taking someone out of their business or out of their career for 8 years or 12 years or 10 years, you have to compensate them for that. If they are going to compensate them for that, then you have to decide if you are going to reduce the number of Legislators to generate the funds or are you now proposing to the Legislators that they have to increase the budget substantially in order to compensate the people adequately for taking a period out of their life and their career.

Ms. Johnson Fields stated that she thinks that the public does that, like this particular election, 6 people were out and new people were in. So, she thinks that it is up to the public to determine who they want in and who they want out. It was done in this election and the one before that, people voted people out, so she thinks that the public speaks, they do not have to put a limit on it.

Mr. Richardson stated that he thinks if they move on in the agenda and they discuss the 2007 minutes, he has a handout to go with that. This topic was discussed in length in 2007, so he thinks if they review some of those minutes and then bring up for discussion again, maybe some will have a clearer opinion on it then.

Mr. Walter stated that originally he was for term limits, if they stagger the terms then you do not need the limits. The reason they are talking about staggered terms is you had a tremendous shift in two Legislative elections where you had 6 new people come in with no background at all on our county government. If we have staggered terms, we will at least have an even number of who will have some depth of what is going on.

Mr. Liblick stated that he fully agrees with Ms. Johnson Fields, people vote if they want them in office or they don't want them in office. Term limits sound nice when you talk about it but he does not know that they are very productive, look at New York City Council.

Mr. McPhillips stated no for term limits.

Mr. Sutherland stated he is with Mr. Liblick.

Mr. Levinson stated no term limits.

Co-Chairperson Burckard stated that the one thing that he cannot answer is if a voter comes up to him and says, who are you to tell me when I do not want that person and think they are competent to be in that job anymore, and he has no answer for that.

2007 Charter Committee Minutes:

Co-Chairperson Burckard stated that when he handed out the 2007 minutes, he said that he thought that the members would find them to be enlightening, fascinating and very helpful. All of the feedback that he has gotten from people who have read it, they feel exactly that.

Mr. Richardson handed out to the members a document entitled "Notes of Interest from the 2007 Minutes" and read from this document (please see attached.)

Co-Chairperson Burckard thanked Mr. Richardson for doing this and taking this all done and he would encourage everyone to come back and really read all of those minutes. He then inquired if Ms. Harrison can put that on her agenda for next month and then they can get into a discussion on some of these issues.

Ms. Harrison stated that she certainly will.

Co-Chairperson Burckard stated that one thing he would like Mr. Harding to think about and if Mr. Altman was here he would be arguing on Mr. Harding's side that we should have full-time Legislators and pay the Legislators a full-time salary because he has been arguing that all along. The only question that comes when that happens is this, if you make them full-time and you pay them and they are here and involved and they become more knowledgeable doesn't that also logically lead to them to feel that they want to have a greater say in operation and running it on a day to day basis. If the psychological answer to that is yes, then that forces the reducing of the power of the County Manager because if you do not do that you set up a direct conflict between the two. So, this discussion is a part of what Mr. Harding was talking about if you make them full-time and pay them because this is the psychological result of that.

CHARTER REVIEW COMMITTEE MEMBERS COMMENTS:

Mr. Liblick stated that Kitty Vetter, one of the former Legislators, had called him and said that it is in the Charter that Commissioners have to live in Sullivan County and she thinks that they should look into living in the surrounding area because she feels that the pool of some people would be greater. He stated that he did not necessarily agree with her because he thinks that people should live here but she brought it out.

Ms. Harrison stated that she thinks it is New York State.

Mr. Liblick stated that he is not talking about elected, he is talking about Commissioners.

Co-Chairperson Burckard inquired if Mr. Liblick thinks that is an issue for the Charter Review Commission.

Mr. Liblick stated that apparently it says that.

Ms. Huck stated that there is a resolution that the Legislature passed that in order to be a county employee you have to be a county resident within six months of appointment.

Co-Chairperson Burckard stated that is a policy issue for the Legislature.

Mr. Liblick stated that he agrees, he was just letting them know that Ms. Vetter called him.

Mr. Walter stated that policy has a caveat that they can override that, which they have done twice now with our present Bill Moon from DFS.

OTHER COMMITTEE BUSINESS:

Mr. Richardson stated that he is trying to set-up Mike Hein to present at the April meeting, he has talked to his office twice and again today to a different person and they said that they would have him get back to him soon. He is not sure what soon is because he left a message two weeks ago, he is still holding out some hope. If by next meeting if he has not confirmed, then they need to figure out who else they would like to see for April.

Ms. Harrison stated that for the March meeting, she has set Paul Rouis who was the County Administrator and became the County Manager under the Board of Supervisors. She stated that she thought that he would lend some insight on what the transition is going to be for what he experienced and also he was very knowledgeable on how the Code was created because he was part of creating the Code.

Mr. Liblick stated that Robert Green also said that he would like to come to a meeting. He also thinks that they should extend another invitation to Aileen Gunther and John Bonacic.

Co-Chairperson Burckard stated yes, they cannot extend an invitation to Aileen Gunther without extending one to John Bonacic and he thinks that no one was happy with what happened with Aileen Gunther that she did not show up.

Mr. Harding stated that he would be more interested in hearing the Commission discussing this than hearing presentations that he doesn't think necessarily help them make decisions. He is more interested in what each of the Commission members are thinking and actually having a dialogue and a debate if necessary on these subjects. He continued by stating that this is the group, they all sit here, and it was very interesting tonight but he doesn't think that it helped them make any decisions. He feels that they have done that on several occasions

and he is sorry if he is offending anyone and he doesn't mean to but he thinks that there are some very intelligent people here and he would be interested in hearing what they have to say.

Mr. McPhillips stated that if they do not get ahold of Mr. Hein then maybe they should do that.

Mr. Harding stated that it is Ulster County and everyone knows their form of government, it is fine and it is good and maybe Mr. Hein is a good example but he would prefer to have the dialogue here.

Co-Chairperson Burckard stated that he thinks they have covered all the major elected and appointed officials for Sullivan County but what they get from listening to people from the outside, and what they got in the original Commission was understanding how a County Executive form of government really works. For the Commission to intelligently discuss it they have to know how it really works and there is a hell of a difference.

Mr. Richardson stated that is the importance in having them whether they get Mike Hein or Ed Diana someone who can actually tell them how the experience is different if they go to a County Executive. What he is trying to figure out with the department heads is the relationship with the County Manager and the present form of government and if there is something that needs to be changed.

Mr. Ferguson stated that it is good to hear from the department heads but he does not really know what Aileen Gunther or John Bonacic are going to offer. They are two political candidates come in an election year, they are not involved in county government at all, he does not see what great insights that will be. There will be time better spent talking amongst themselves, they are not involved in county government.

Mr. Liblick stated that they invited Aileen Gunther and she did not show up, they are statewide officials and they have an impact on the government of Sullivan County.

Co-Chairperson Burckard stated in some perspective, he thinks it is more on how this form of government works and relates with those that are up in Albany. They used to be much more active than what they are now.

Mr. Ferguson stated that has been offered in the case for a County Executive.

Mr. Liblick stated that when Sullivan County is announced and they have all the County Executives in Albany, what is the credibility there, so there are a lot of issues to ask our statewide elected officials.

Co-Chairperson Burckard inquired if the Commission was all in favor of pushing them further down the road to give the Commission time to get to the heart of things.

The Commission members were in agreement with that.

Ms. Johnson Fields stated that she agrees with the discussion part, they have seen a lot of people and some have added credence to what they are doing and others really did not, for her it was a waste of a night for her. She stated that she does not know how much credence they are adding to what they are looking at. The County Attorney made a good point, they are not really looking at how, they are looking at the bigger picture so she feels the more they invite the more clouded the picture becomes whereas they have not had a chance to have a discussion yet. Many of us have been meeting for a year now and they have really not had a thorough discussion amongst themselves and if it was not brought up tonight, they would not have been able to air our viewpoints as to where they stand about term limits, if they did not ask about staggered terms. So, they sit here and take in a lot but there is not a lot of interaction among us as the Commission.

Co-Chairperson Burckard stated that there is always a method to his madness and he feels that the 2007 minutes and what Mr. Richardson has started is going to bring the Commission to all of the things that Ms. Johnson Fields want to get to because it is all right there.

Mr. Liblick made a suggestion to either set the meeting in April or May to just have discussions and no presentations. If they are going to have the resolution at the next meeting, then maybe they make the next meeting just for discussions.

Mr. Richardson stated that if he cannot get Mr. Hein to commit to coming in April, he inquired if the Commission wants him to leave that agenda open for discussions or try and seek someone else out.

Ms. Harrison stated that she does not know if anyone caught this but basically County Attorney McCausland said tonight that she does not really support what we are doing here.

Mr. Richardson stated that he did not get that.

Ms. Harrison stated that she said that we were charged with looking at just the Charter and everything else stayed out but what we have learned, she thinks is that the Legislative body as it works right now is ineffective because they are four years passed what the Charter required this committee to do. They already have their answers, so if they had a meeting with Mr. Rouis and kept it quick and then arrived at the talking points that they want to talk about after they do the resolution for the following meeting whether Mike Hein shows up or not. She thinks that they have to come to some talking points that they want to discuss or they will be all over the place.

Co-Chairperson Burckard stated that he thinks what Mr. Richardson did was a great job and it will be very helpful.

Mr. Ferguson stated that maybe the chair of that meeting can come up with the talking points based on the feedback that has come out of the meetings.

Ms. Harrison stated that she thinks they all need to come up with it or eventually someone is going to go off on a tangent.

Mr. McPhillips stated that based on what the County Attorney said, at some point she is representing the Legislature so she is of course going to try and prevent the Commission from making changes to what they do.

Ms. Harrison stated that what she got out of that, is that once they realize that by going to an Executive, they lose their powers and that is what she is going to have to tell them at some point, they might really reconsider everything. When they start looking at the numbers of doing staggered terms and what that represents, that is a whole different numerical power play. The County Executive is picked by two people, the County Republican and Democratic Chair, those are the candidates that they run for. They do not have the numbers here to make it viable, if they were a bigger county, basically the county is run by three towns.

Mr. Ferguson stated that is what the Legislature was supposed to cure.

Ms. Harrison stated but it did not.

Co-Chairperson Burckard stated that how can you say that the towns are running the county, the Legislature runs the Legislature.

Ms. Harrison stated that what she is saying is that everything is run and lost by three towns, look at all the County-wide races, they are won and lost by three towns. There are three towns that come out to vote.

Mr. Liblick stated that is not true.

Ms. Harrison stated that every elected official is a Republican that won their race by having Fallsburg, Mamakating and Thompson.

Mr. Harding inquired if she is talking about the Treasurer.

Ms. Harrison stated the Treasurer, the County Clerk.

Mr. Ferguson stated that Ira Cohen was universally elected.

Mr. Liblick stated that if you look at the enrollment it is heavily Democratic, so maybe it's the parties and some of the candidates that they are coming up with. When Ms. Harrison makes the statement about the Chairs choosing, there are primaries so if someone wants to seek a democratic or republican primary they can do that.

Ms. Harrison stated she does not know if we have the population here to really be as truly democratic as they think they can be and that is her concern.

Mr. Walters stated that he heard what the County Attorney said and it is going to go back to the original charter commission, there was no Code in effect back then and he doesn't think that they dealt with the Code. He thinks the County Attorney is right, the Commission is a policy making group, so they decide they want to have X and they pass it on and they decide yes or no. They have to make it work under the Code if they adopt it, so the Commission discussing the Code is time consuming.

Mr. McPhillips stated that yes they are trying to make decisions to be recommended to the Legislature but they keep diving into some way or another how Code dictates where we are. So, he is looking at the whole picture, he finds himself looking into the Code to why they are where they are today and at what point do they stop.

Co-Chairperson Burckard stated that the Charter is 17 pages and is the overall controlling document, and the Code supplements the Charter and is 43 pages and it gets into more specifics in regards to how the government is actually going to operate. The Charter requires something to be done and the Code puts it in place and makes it happen. So, the County Attorney is right in a way, they are talking about the Charter and making changes and that will automatically dictate changes to the Code and if they are going to assume responsibility then it is off their backs.

Mr. McPhillips stated that he agrees but if they were to make that decision to go to an Executive they have to look at how they are effecting how the Code works that is his opinion.

Co-Chairperson Burckard stated that they will be changing the Charter and then the Code will automatically change. He stated that the County Attorney is coming in late and she is not quite up to speed with all the other various aspects and that is why he said what he said about the control between the Legislature and the County

Manager. That is a specific thing that they are going to recommend and they have to set up the terms of how they would do that, if they do that.

Mr. Ferguson stated that the Legislators that he has spoken, the biggest problem that the last Legislature faced was the dissonance between the County Manager and the Legislature and how they interacted, they never figured it out. We heard people blame the Legislators for being inexperienced and we heard people blame the County Manager, it is the biggest single problem in governance as he can see it.

Mr. Richardson stated that going back to what Mr. McPhillips stated, and he thinks that he is right, to the degree that they are going to recommend moving to an elected County Executive then they have to familiarize somewhat with what the ramifications are of that. It is part of how they come to that decision. He continued by stating that the one thing that he heard from the County Attorney this evening was that if something that they recommend and they feel strongly about and it goes to the Legislature and they do not want to do it, the County Attorney is not going to help them figure out how they go around the Legislature to do that. They do not have money in the budget to hire their own attorneys, she said that we are all individuals and good luck if everyone wants to hire their own attorney or they pool all their money.

Co-Chairperson Burckard stated that the last Charter Commission did not go forward on their own with their recommendations that the Legislature did not go forward with. If this group made a decision to do that, it would be beyond where we are with the Charter Commission but they could do it, it is possible.

Mr. Ferguson inquired if the last Commission made unanimous decisions.

Co-Chairperson Burckard stated that they finalized after he retired, so he cannot say if it was unanimous.

Mr. Liblick stated that they need to have a discussion when they make the recommendations as to what they are prepared to do and how they can go out there if the Legislature does not agree with them, and raise money and get a referendum on the ballot.

Co-Chairperson Burckard stated that he thinks it would be fairly easy to have an attorney do some pro-bono work for them to get some answers.

PUBLIC COMMENT:

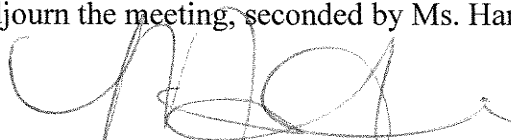
None

NEXT MEETING ANNOUNCEMENT:

March 16, 2016 at 6:00 PM *Legislative Committee Room*

ADJOURNMENT:

Mr. Walter made a motion to adjourn the meeting, seconded by Ms. Harrison, meeting adjourned at 8:24 pm.



Michelle Huck, Secretary

Notes of interest from the 2007 Minutes:

RODNEY GABEL:

One of the things that was created when the Legislative form of government went into effect was the SUPERVISOR'S ASSOCIATION which meets on a monthly bases. And The original concept was that they would meet and they would have a chance to discuss town and or county issues and invite Legislators to those meetings if we chose to attend to share information. In the beginning, it went really well, well-attended meetings. Attendance fell off, that was the formal part of communications between the towns and the county.

The original move behind going to a LEGISLATIVE FORM OF GOVERNMENT was to get representatives to represent the county and county government on county issues that were separate and apart from town issues. One of the issues, to lay it right on the line, there were situations, where it was thought that some of the towns and at one point or another all of the towns, were balancing to a certain extent the town budgets on the back of the county. One of the major moves were to get independent Legislative people to serve as county representatives to eliminate that as an issue.

Chris Cunningham: (LEGISLATORS ROLE) The idea that we represent townships is a misnomer. We don't represent townships. We represent equal districts of approximately eight thousand citizens. There still seems to be the residual effect that somehow the town supervisors still have a role in governing the county. The fact is they don't. We should work with them, we should talk to them but technically they do not have a role in setting policies in Sullivan County.

Chris Cunningham: (OPEN GOVERNMENT) We have tried various things. We had meetings in the evenings when I first got here. As Jodi has said, if you go to meetings at the village or town level, you do not get a lot of attendance. It is hard to get people interested. Apathy is an on-going problem in our society.

JODI GOODMAN: I was always curious as to why the terms were not STAGGERED.

RON HIATT said on the question of OPENNESS-We could be having the meetings video cast. I am told it is not such a major feat to do that.

SHIRLEY FELDER said I am happy to be an outsider. I am the person whom you could not get to a meeting because I think it is boring and stupid and a waste of my time because it does not pertain to me personally.

RODNEY GAEBEL said if you are going to change it, make it smaller. (NUMBER OF LEGISLATORS) What makes it work some times better than others is the people in the positions, not the positions. You have to elect people that are willing to get past that and work together on every issue.

KATHLEEN LABUDA said I fully disagree with that (STAGGERED TERMS).

JONATHAN ROUIS: The other areas to look at are the functions of an ELECTED TREASURER in a county this size. I am not sure how they debated that in the initial Charter but given the size of the county to have the chief fiscal officer not be able to be put in based on pure accounting credentials, I am not sure if that isn't something that this board might want to look at.

RON HIATT: I am thinking in terms of trying to make the county BUREAUCRACY PROOF. It has been my experience from being on both sides of the building that as I understand the theory, the Legislature sets the policy and then the Commissioners and the County Manager are supposed to execute them. That is a nice theory but from what I have seen lots of times it does not happen. Perhaps, a vote of NO CONFIDENCE in that particular Commissioner, might be something that the Legislature can do to have some sort of input other than we hope the County Manager does something. By the same token, if the County Manger, doesn't follow the policies set down by the Legislature, it is rough, if our choice is fire him or don't. It would be nice if there was something in between; whether it would be a fine, or public sanction, something.

CHRIS CUNNINGHAM: (EXECUTIVE FORM) Ron is talking about a little more control over the bureaucratic side of things and the administrative side, if you went the other way to an EXECUTIVE FORM of government you would have even less control than you do now because the Executive would be elected by the people and he would run the government much more heavy handed than some of the complaints that Ron has.

JODI GOODMAN: (TERM LIMITS)(LEGISLATORS ROLE) I believe if you have a really good person, it really bothers me that you would say ok you are used up.

Our ROLE needs to be defined better. When you are an elected official many times a manager, prior management would say to an elected official, you are micro-managing us. What does that mean? If we are - the buck stops here, how can you be guilty of micro-managing? There was once a Commissioner who once said if you are caught talking to a Legislator, you are out. I remember, I had to go to another area, to the third floor because if that Commissioner caught them talking to us, their days were numbered.

LENI BINDER said I am a MICRO-MANAGER from way back, David knows it and so on and I have people come and step back but I don't think giving your opinion is micro-managing.

So I am really against TERM LIMITS whether you want somebody to be here forever that is another problem.

SANDY SCHULTZ said it takes two-thirds (2/3's) or whatever the percentage it is to appoint a manager, why does it only take a simple majority to remove one.

JONATHAN ROUIS: I think the system we have now needs to deal with ONE POINT OF CONTACT.

RON HIATT: They told me under no circumstances are you to go to the Legislature. This was the County Manager that was telling me. I had the fear of the Lord put into me because even though I was a citizen since I was a county employee, I could not talk to the Legislature.

RODNEY GAEBEL: "on that note we do have the ability, if the County Manager is letting something like that happen, we can get rid of the County Manager. So there is a way to get things done. If you go to an elected COUNTY EXEC, you have to hope that the voters down the road figure it out and vote him out."

SAM WOHL (MICRO-MANAGE) if we have the obligations to pass these laws and rules, should we also have the obligation to enforce them? There is nothing we can do except fire a manager.

RODNEY GAEBEL: (NUMBER OF LEGISLATORS) If you are going to change the number of Legislators, don't make it more, make it less. Make it five (5) or seven (7) districts but make it a salary that would attract people on a full-time base and do business and then you will get people who are qualified maybe to have more of a role in running departments and being more involved. Yes, policy making the vast array of backgrounds and experience and for what we are doing now, it works well but if you want to ratchet it up our responsibilities to try and MICRO-MANAGE government then I think you have to look at whether you have qualified people in the positions or the ability to get qualified people in those positions to do that and handle that job.

TOM LAMBERT: (COMPENSATION) We have heard from the Orange County Executive and had indicated that he has his Legislators and each one represents sixteen (16) thousand individuals. They get paid about thirty-five (35) thousand, so that comes to about two (2) dollars and forty (40) cents per citizen. Here we are making a little over \$19,000 for eight (8) thousand citizens that comes to two (2) dollars and fifty (50) cents. So we are priced a little higher per citizen than Orange.

NOEL VAN SWOL: (COUNTY EXECUTIVE) (TERM LIMITS) With respect to the County Manager/County Executive question. Rodney made this point in the media years ago and he said if you have an elected County Executive in effect the nominating process is controlled by the two (2) political County Chairman, Democratic and Republican. Whereas, if you have an appointed County Manager you can recruit nationwide.

Is there any number that could be a balance between what you were saying about the need for people over time to develop the experience to do the job properly and at some point we say ok that is enough, would it be ten (10) years, would it be twelve (12) years, would it be fifteen (15) years, would you be comfortable with anything?

LENI BINDER: (TERM LIMITS) I would give you a maximum and I would say nobody should be here more than twenty (20) years.

PAUL BURCKARD: (NUMBER OF LEGISLATORS) By having a lower number of Legislators to get quorums at the committee meetings they had to attend many committee meetings and it meant that their general knowledge was higher and we had a better more knowledgeable, more efficient form of government.

1. What should be the role of the county legislature?
 - Should the mission be to provide policy and general direction?
 - Should the mission be to micro-manage?
 - Should the legislator have free access to commissioners and supervisors and employees? And if so how does the department run when elected officials with differing opinions try to affect policy?
2. Should the position of county legislator be fulltime or part time?
 - If the position is full time what is a reasonable compensation? What is the average income in Sullivan County?
 - If the position is full time should outside compensation be limited?
 - If the position is fulltime should the person be allowed to work for the government or for vendors following their term in office?
 - If the position is full time will that encourage the officeholder to put reelection above all else?
 - What defines fulltime?
3. Should there be term limits for a county legislator?
 - What would be a reasonable term limit?
4. Should there be more or fewer legislators?
 - A greater number of legislators require a greater number for a majority.
 - Conversely a smaller number of legislators require a smaller quorum. Is it in the best interests of the county to have a smaller number of people making policies when you are trying to have a representative form of government?
5. Should Sullivan County retain the county manager form of government?
 - Should a county manager have greater or lesser authority?
 - Should a county manager be better protected politically?
 - Should it be more difficult to remove the manager?
 - Should the legislature have the option of a "no confidence" vote that could be used in some way to affect compensation for that position and consequently behavior?
6. Should Sullivan County have an elected county executive?
 - What should be the length of term for a county executive?
 - Should an elected county executive have a terms limit?
 - Should the legislature retain some powers in a county executive form of government?
7. Should Sullivan county retain an elected treasurer?