



Sullivan County Charter Review Commission Meeting

November 18, 2015 at 6:00 PM

Present: Steve Altman, Paul Burckard, Peg Harrison, Bill Liblick, Brian McPhillips, Larry Richardson, Norman Sutherland, Ken Walter

Absent: Bruce Ferguson, Sandra Johnson Fields, Dave Forshay, Fred Harding

Others Present: James Farrell, District Attorney, Nancy Buck, County Treasurer, Michael Levinson

The Sullivan County Charter Review Commission Meeting was called to order by Co-Chairperson Paul Burckard at 6:03 pm.

APPROVAL OF OCTOBER 21, 2015 MINUTES:

Mr. Richardson made a motion to accept and approve the October 18, 2015 minutes, seconded by Mr. Altman, motion carried, 7-0 with Ms. Harrison abstaining due to her absence at the October 18th meeting.

OLD BUSINESS:

Budget Request Response:

Ms. Harrison handed out to committee members a string of emails that went back and forth between the County Manager and herself, they asked for \$35,000 and they ended up getting \$10,000.

Mr. Altman stated for what it's worth Ira Steingart said that they would get rest of the money.

Ms. Harrison stated that the response was that the County Manager only included \$10,000 in the Legislative line and the secretary is between \$3,000-\$6,600 so that would only leave us with about \$4,000 to do any presentations.

Mr. Altman stated that if Ira said we were going to get it then we should request it again.

Co-Chairperson Burckard stated that they could reallocate.

Mr. Walters stated that the way the process works is the County Manager makes up the budget and then it goes to the Legislature, and the Legislature adopts a modified budget. They will modify the budget over the next 30 days or so before they adopt it, so there is time for the Legislature to change that number. If the Legislature agrees to it, the problem will be if they are going to rob Peter to pay Paul, where are they going to take it from if they are trying to stay within the cap.

Mr. Altman stated that based on what Mr. Walters is saying that the Committee should really request it as soon as possible before the guard changes.

Ms. Harrison stated that her suggestion would be that one of them attend the Budget meeting and go on record at the hearing of the budget because this is a response from the County Manager not a response from the Legislature. The most important thing is that they do have a line item, so we at least now have an allocation but she does suggest that they attend the Public Hearing and go on record.

Mr. Liblick stated that he agrees. The Legislative body is going to meet at a few more meetings and he believes that they should get these Legislators to vote for this. Some of them who decided not to run or lost an election proves that a mandate from the people, which we will discuss later, but I believe we should have the people who are exiting as well as the people who are remaining here on record of supporting this Commission. Are we going to be looked at as people who just meet every ten years or are they going to look at us and legitimately hear what we say. He continued by saying that he sees that the County Treasurer comes to meetings, the press doesn't take what we do seriously, other elected officials do not take them seriously because of past performance of the Charter Review Commission and how the Legislators have reacted towards them and they have to make a point to change this.

Co-Chairperson Burckard stated that he has asked all the members to call their Legislators and he has done that and he was assured that whatever they needed they would get one way or another. How that is going to play out, they will have to see. We realize as we get to end of next year, we will be out in the field, and depending on where they are at and what they depend on doing regarding something that Mr. Altman is going to discuss later. We may need to be looking to get compensation to make us whole for the time and effort and mileage, etc. It may not take the whole \$35,000 this year, but maybe more the following year however there has to be a commitment one way or the other from the Legislature. We are the Legislature's creature; we are different from any other organization around because we are created by them to perform a function that is required under the Charter. They have a responsibility to reasonably fund it. It just sticks in his paw for us to have to go over to a Legislative Hearing to ask for money that they should be putting in there to do what they should be doing right up front, that bothers him.

Mr. Liblick inquired when the budget hearings are.

Mr. Walters stated that there is one evening one and one during the day in the beginning of next month if he remembers correctly. Most of the Legislators are normally present and in the past, there are very few people who ever speak at them.

Mr. Altman stated that each one of us should communicate with the Legislator that appointed us.

Co-Chairperson Burckard inquired if the members think that they should attend a hearing.

Mr. Liblick stated that if he is here he would go. Ms. Harrison stated that she thinks it is important to go to a hearing and be on record and in the minutes. Mr. Walters stated that he feels it would be much more of an advantage to speak at the Executive Committee meeting tomorrow and there is also the Full Board meeting in the afternoon. To get something done in a governmental situation, the more lead-time they give them to think about it, the better chance they have. If we do it at a Public Hearing, they are going to be pretty much passing

this shortly after that. The timeframe has to be enough for them to get their bills printed, and the town's tax bills have to be printed for the first of January.

Ms. Harrison stated that she would hope that this was not an increase and just an allocation; \$35,000 should not be an increase in the tax rate.

County Treasurer stated that she would highly recommend what Mr. Walters is saying. The sooner you get to speak to the Legislature the better. The members should consider the Executive or Full Board meeting tomorrow, or both and plead your case. By the time they get to the Public Hearings, they pretty much have their minds set. \$35,000 is not a lot of money when you talk about the budget but they still have to figure out where it is coming from.

Mr. Walters stated that with this budget there is not a lot of wiggle room between what they budgeted, so they are trying to stay under the cap so they do not know how it is going to play out.

Co-Chairperson Burckard inquired if Mr. Walters was going to be here tomorrow.

Mr. Walters responded yes.

Co-Chairperson Burckard inquired if it would be alright with the Commission members if they asked Mr. Walters speak on their behalf at the Executive Committee meeting tomorrow and ask them to consider what they requested for the budget. What they were originally thinking with the original budget request was at the time they were very active in the field they would need more than when they were just having regular meetings. If they had an understanding from the Legislature that they would fund more when it is needed, that would be better than just saying no, they are not going to do anything. It is fine for the group that is here to say whatever they want to say but that does not mean that after the first of January they are going to play the game.

Mr. Richardson stated that when you look at the numbers, they originally had \$15,000 for the secretary but now no matter how many meetings they have, that number will be considerably reduced.

Co-Chairperson Burckard stated that they do want to get into the field after they get through most of the major people in the County. They want to start moving the meetings around. Co-Chairperson Burckard then inquired again if there is any opposition to Mr. Walters speaking on the committee's behalf. No members had any opposition to this.

RESOLUTION:

Mr. Richardson made a motion for a resolution for Mr. Walters to speak on behalf of the Charter Review Committee at the Legislative Executive Committee meeting, tomorrow, November 19, 2015, seconded by Mr. Altman, put to a vote and unanimously carried 8-0.

NEW BUSINESS:

District Attorney Presentation:

Co-Chairperson Burckard introduced District Attorney James Farrell and thanked him for coming. He stated that Mr. Farrell started out as an Assistant District Attorney in 1995 and then after 14 years ran for office and took over as the District Attorney on January 1, 2010.

District Attorney James Farrell stated that he has been at it for a while and he feels that his time as an Assistant District Attorney serves him extremely well now as his term as District Attorney, as a different role but he has not gone away from prosecuting cases. He is still active in the courtroom. He will give an overview of what they do, he does feel that many people do not understand what they do, and many people feel that they are some sort of police force and they are not. The police bring us the lions share, 90-95% maybe 98% of the cases that they prosecute are brought to them by the police agencies. Someone makes a complaint and alleges that a crime has been committed, a police agency does the investigation and then it is ultimately results sometimes in an arrest and sometimes not. Much of what they do is in the courtroom but much of what they do is outside of the courtroom as well. To give everyone a sense of what types of cases are brought to them; their caseload can range from 3,300-4,000 at a high. Those are the cases being brought by police agencies or the lion's share of them. Of those cases between 550-700 are serious and are felonies and then they take that number and they then decide what makes the cut, what makes it to court, what makes it to a grand jury and what doesn't. Some are reduced because the defendant may not be guilty or because there is not enough evidence to convict them. They look at cases in terms of what can they prove, not probable cause. A police officer arrests on probable cause more likely than not that the person did this. When it gets to his office, his ADA's are looking at it as what do they have as evidence that is admissible in court, that is credible that they can therefore prove their case beyond a reasonable doubt as opposed to more likely than not. Quite a few cases of those 550-700 do not make the cut. In any given year, they go from 250-350 in terms of those cases that make the cut, which is about 50% give or take on any given year, 50% of those felonies are being reduced for trials in justice court or plead. Of that 550-700 they do about 130-180 in violent felonies and those are the ones that they are focused on most intently and that the criminal justice system is focused on most intently. They have been very successful in locking up violent offenders and when we lock up violent offenders for long periods of time we know that are community is safer. District Attorney Farrell continued by stating that his budget currently in 2016 is \$1.9 million and there is a couple of caveats to that, about \$330,000 of that is dedicated to his fraud unit, setting aside fraud, he is about \$1.6 million. Looking at the \$1.9 million before any revenue, that is less than 1% of the entire County expenditures. So what do you get for that less than 1%, they have 7 Assistant District Attorney's that go out to courts throughout the County, every town and village, except the Village of Liberty and Jeffersonville who have justice courts, which are the local municipal courts. They handle the misdemeanor cases, which are the vast majority of the cases that we did last year. Out of the 3,300 cases and 570 felonies, we can do the math; most of the cases are misdemeanor. Those cases are heard at local justice courts in the evenings, for the most part; local justice courts hold their sessions in the evenings, so the ADA will work a full 9-5pm day in the office and potentially are out to justice court. The 7 ADA's go out and cover those justice courts; they also cover the County court. The County court has a drug court part, which is a separate part of the County court and handles cases with people that have drug addiction problems and those drug addiction problems have led them down the road to criminal activity, which is non-violent. If it is violent, it is out, DWI, it is out, no violent or DWI offenses go to drug court. We are very careful with drug court because many times people claim they have drug problems just to get out from under the charges that they are facing, so they have to be very careful on how they decide who is going to drug court. They have two judges; they service Judge LaBuda who handles $\frac{3}{4}$ of the criminal calendar and Judge McGuire who handles $\frac{1}{4}$. Generally, Judge McGuire holds his court on Wednesdays and Judge LaBuda holds his court Monday –Friday. There are two calendars on Wednesday and one calendar the rest of the week. In addition, his ADAs appear in front of a Grand Jury every Wednesday; they have a Grand Jury that sits for eight weeks, except the Grand Jury that is picked in December they sit for four weeks. They are let go at the end of December and start the New Year

with a new Grand Jury. They present cases to the Grand Jury, cases that are felonies, which cannot be resolved through a plea. The evidence goes in just as it would at a trial but without any sort of cross-examinations. It is the prosecution's burden to show that the person has committed a crime and produce evidence to establish that. I have one ADA that is assigned to the Fraud Unit. They are into their second year with the Fraud Unit; the Legislature moved the fraud investigative piece to the DA's Office. Jerry Dietz was the Director of Fraud in a civil capacity and was moved over into his office under his direction and supervision along with two other investigators. Of those investigator positions, the three of them and one ADA, are dedicated to fraud; that is all they do, they only do fraud cases. This is any fraud involving the government, social services, employee type of things going on, anything involving the government. It does not just include our government, it also includes the Federal and State government and the reimbursement for that depends on what type of mix of the cases they have. For example, if they are doing a Federal case they are getting Federal money back, they receive Federal reimbursement. That is how those positions are funded.

Mr. Richardson inquired if it is a dollar for dollar reimbursement.

District Attorney Farrell stated that it does not depend on the amount of money, it depends on the percentage of work that is being dedicated, another words the amount of hours the person is working on the Medicaid case or food stamps case. That is what gets the payment. He continued by stating that the County share on that fluctuates, when he initially started the Fraud Unit, he was told that the County share would be somewhere around 18% maybe even less, and now he is told that it may be about 25-26%. The three investigator positions are what he would consider relatively inexpensive positions because they are generally people who are retired from a police position and they get a pension, so it is a straight salary, it is less than what they would have to pay someone as a full-time investigator. We pay \$50,000 to start for those positions.

Mr. McPhillips inquired if that is out of the \$330,000.

District Attorney Farrell stated that is the \$330,000, which represents the three investigators and the ADA. Unfortunately, because of the turmoil associated with some of this and some of the bad press that was engendered I have been unable to fill two investigator positions and the ADA position, I in fact had people leave because of it. There is one man standing in fraud right now and that is Jerry Dietz, he is the last man standing.

Mr. Sutherland inquired how much money they got back last year.

District Attorney Farrell stated that he could tell you that he does not have the total amount but he thinks it is in the neighborhood of \$300,000. One person wrote a check for \$98,000. The other thing that happened with the fraud unit was that when the message was out there that they were not open for fraud ...he continued by saying that he understands where people are coming from when they say that they are making it hard for people. No, we are just asking that everyone follow the same set of rules, and if you follow the rules and you are entitled, you get them and if you do not, you lie, and you try to steal it then you do not. It discourages people from coming in and trying to get over on the system because they know we are not going to be that county. Unfortunately, before the initiative this county had a reputation of come to us it is all free, that was the word on the street. You want a free ride, go up the highway past Orange. Orange had a reputation of being pretty tough, go to Sullivan and they will hand it to you.

Mr. Liblick stated that they had people here that said that was not true because I raised that issue.

District Attorney Farrell stated that the people that they are prosecuting are the same people that are at Social Services. The names that they saw in the first two years and I think we were at 90 arrests for the first two years and before that, we had zero, we did not arrest anyone. No one can look me straight in the face and tell me that there is no fraud at social services, they cannot do it, it is not believable. If we did have a case, he is going to be brutally honest, they have robberies, robberies with homicides attached to them and unsolved homicides. Someone stole from social services, that is put on hold in the back on someone's desk in a pile, it is dealt with when it can be dealt, and that was the way that it was.

Mr. Altman inquired what the judgments are he sees in the public record bulletin with people from social services.

District Attorney Farrell stated that many times they would work out payment plans. They were not arresting everyone. There were many people who were being caught and the threshold did not meet the amount and they were entering into civil compromises, so they were agreeing to pay it back and a judgment was being entered into, they had a separate list of those folks. They took a very hard line on child support because there are a lot of people in this county that do not support their children and they hide the assets in order to avoid paying for their children. They went after these folks and when they did, what they saw was those folks that thought they were next on the list began to show up with money to make themselves current. It caused people to come forward and pay and those numbers have taken a turn for the worst because a lawyer took the position that they could not charge that, and a judge bought it and dismissed all the cases. There were 55 of them and that is now pending before the County court and he has a feeling that they will get dismissed there too, and then he is going to a Court of Appeals where he might get a fair hearing.

Co-Chairperson Burckard inquired what the grounds were for the dismissal.

District Attorney Farrell stated that they did not have jurisdiction to charge them.

Co-Chairperson Burckard stated that she had to make that decision based on something.

District Attorney Farrell stated that they do not believe that it is based in law.

Mr. Richardson stated that they heard from a previous presenter that the threshold now is \$1,000.

District Attorney Farrell stated that is correct.

Mr. Altman stated that every time he signs paychecks he is sending money off to the Sheriff and child support, there is a State mechanism there.

District Attorney Farrell stated absolutely if the person is working on the books, if the person is working off the books than there is no mechanism. Since the court decision came out and made the news, since then, child support payments have gone back to where they were before they started the initiative. That deterrent has all been undermined.

Co-Chairperson Burckard stated that Mr. Farrell stated that their budget request was \$1.9 million, he inquired if Mr. Farrell has a rough idea if he took everything, with the money he gets back from the fraud unit and money

that comes back from the State and Federal Government, drug forfeitures, etc. and put it all together what percent are you bringing back in of the 1.9 of your request. It must be a significant percentage.

District Attorney Farrell stated that he feels it would be, if you add up all the money from social services. The forfeiture depends on the cases that are ongoing, some years we have forfeitures that are high and some years they have some that are not, they average about \$100,000 a year in forfeiture.

Mr. Altman inquired in past years with the budget, when Mr. Farrell asks for a number, what does he usually get.

District Attorney Farrell stated that is an interesting question, when he first came six years ago, we had to eliminate a position, so they eliminated an ADA position. They eliminated that until the fraud unit started. When Steve Lungen was here they had 8 ADAs that worked the entire caseload, when he took office, they cut him back to 7, which has severally affected his ability to get the job done.

Mr. Altman inquired what the reason was.

District Attorney Farrell stated it was budget crisis everyone had to give. He not only gave that but he gave a full-time stenographer for the Grand Jury, he then hired a part-time stenographer and saved the county thousands of dollars. I think the total savings to the County per year was about 10% of his budget.

Mr. Liblick stated that he sat in this room four years ago and Cindy Geiger as the Health & Family Chairwoman decided to get tough on welfare fraud. Everyone was applauding her and then they create the fraud unit and all of a sudden, Cindy was too tough, she was out of control. The politics of this Legislature that we are discussing right now was so underhanded and it was so clear that it was politically motive by some of the Legislators and one particular Legislator that lost was taking a personal vendetta against the District Attorney's Office. Whenever the District Attorney would come in to defend for the people because of politics would say no and they made Jerry Dietz and the fraud unit into making fun out of people, having clowns on doors and not doing the work of protecting the tax payer of Sullivan County with fraud. Then you saw the Randy Parker situation. Randy Parker was fired and they saw what happened so we are sitting here today listening to the District Attorney talking about numbers, prosecutions, about fraud in this county and trying to stop fraud. We are listening the people saying that they came here on the bus, got shelter and how to come here. Then we on the other hand as the Charter Commission listened to Legislators, County Manager, Chairman and the head of Health & Family Services telling us a different story. The HEAP thing, they used that as a big scandal and now everything is going fine with HEAP. So this shows where our job as the Charter Review Commission is even more important because we need to stop this politic game that is going on and have leadership in the County. You are not a democrat or a republican but they are here to represent the people of Sullivan County and get the best for the money. A thing that we have witnessed since even the Charter Review Commission has begun. To see what happen at the fraud unit to take the fraud unit that was created, ethics charges against Cindy Geiger that was put on by a Legislator that was not re-elected that has an awful lot of power and to see Cindy decide not to run again. To force her out and Cora Edwards was disgusted as the Chair of Public Safety to say she has had enough and is not running any longer.

Mr. Altman stated that maybe Mr. Liblick should stop the name-calling.

Mr. Liblick stated that it is not name-calling; I am talking about two Legislators that decided not to run again. They were the biggest supporters on record in the Legislature of what Mr. Farrell is talking about and saying that we have to have this fraud unit and then you saw these Legislators not run again. The people out there should know about that and it is not political, these two people were democrats with a democratic Legislature.

District Attorney Farrell stated in his mind it was not political of where he got the support. It was not his idea and he does not want to take any credit for it, he thinks it is a good idea but it was not his. It was the idea of a bi-partisan group of Legislators that came forward and said they want to do something about this.

Mr. McPhillips stated that there is a new group of Legislators coming in and he inquired when the budget is approved.

Co-Chairperson Burckard stated December 20th.

Mr. McPhillips stated that the new Legislators are working the first year on a budget that half the Legislators approved that are no longer a part of. This point is for staggered terms if you had something that is a \$1.9 million hit to the budget and then you are getting money back for what he is able to produce out of that \$1.9. Maybe you have a board that was limiting that \$1.9 by not having fraud, etc., now the next year you have this board not recouping money back to the County.

Mr. Liblick stated but the budget changes every day, it is a continual budget, so the new Legislators could come in and change it.

Ms. Harrison stated that they can allocate differently they cannot change it.

County Treasurer Buck stated they can do budget modifications, they do it every month.

Mr. McPhillips stated that he understands them doing budget modifications but there is also a tax cap that they are trying to stay below, so there are areas that they are recouping money back that aren't being used to the best potential that maybe the money that he is using to get under the tax cap is being used elsewhere.

Ms. Harrison stated that they do not really know that until August or September, you run it through and then you really know where your holes are, and where you are under and over. Ms. Harrison then inquired from Mr. Farrell when they were going through this and they had all these cases, just by virtue of nature of your DAs and your investigators, you saw some issue in Family Services. She inquired if he has a mechanism going back and saying, this section has to have more documentation; did you ever have a recap with them.

District Attorney Farrell stated yes he did, he thought that they needed training and lots of it.

Ms. Harrison inquired if that was followed up on.

District Attorney Farrell stated that he does not know. He remembers specifically having a conversation with Randy about some of the paperwork that he was seeing and telling him that they needed training. He thinks that he was asking for some sort of training position or Cindy was asking for a training position, but the folks up there needed training and it would not just benefit them in prosecution, it would also benefit them in how they do their business. This way they do not put someone in jeopardy because of a mistake or an error because someone is not clear. They saw a couple of specific cases where vendors weren't being clear, he then said that they need to make this clear because the paper is saying one thing that they are signing but they are being told

by the person that's sitting with them something entirely different. They were able to show and establish that the person was not lying that this actually happened. They cannot do that either, that is not fair, so they have to train people to make sure that they are doing a proper vetting of all these issues when people do come.

Ms. Harrison inquired if the Commissioner did not respond to Mr. Farrell where would his next step have been.

District Attorney Farrell stated well he was removed. He does not know where he would have gone he could not answer that. He would hope that when he goes to a Commissioner that they take action on that but he does not run the Department of Social Services nor does he want to. District Attorney Farrell continued with his presentation by stating that he has three investigators that are assigned to Fraud that are in Social Services. They have been moved out of the fraud unit together with the civilian staff under the new administration and they have been put on a second floor apart from the civilian staff, so they have been separated. The whole purpose of having a unit and working together has kind of been undermined by them having their offices moved. They are on his payroll and he gets a chargeback from DFS. He continued by stating that he has one investigator that is assigned to the Family Violence Response Team who works out of Liberty as well. The Family Violence Response Team was created in the aftermath of the Christopher Gardner homicide and it puts Social Workers and Police Officers together on a multi-disciplinary team, they work together to get to the heart of child abuse, serious child abuse and child sexual abuse. They work hand in hand, so when a hotline call comes in from the state central registry, they will go out with a social worker to interview the kids and interview witnesses and suspects, to figure out what is going on. They work together to make sure that the kid does not get asked 16,000 times by 16,000 different people what happened and have to tell them that many times. That is what they were doing before so now they do it together, that team has been very, very, very successful. They recently got a conviction in a very serious child abuse case, right here in Monticello, it happened right here at this bus station where a little boy was beaten probably within three inches of his life if a stranger hadn't called it in and gotten their team involved. If they did not get him medical attention, he would have died. She was convicted and is probably going to spend the rest of her life in a State penitentiary where she belongs. That unit was understaffed for many years. The Sheriff pulled out of the unit, he believes before the new Legislature took over because he knows that Leni Binder was involved in the discussion to try to get them to stay and he said he could not because he was being cut and he had to cut that position. He doesn't fault him for that but it was dormant for many years, so he went to the Legislature and asked them to fund him to put an investigator in this unit, they did, it was unanimous. They arrested today, a teacher for having sexual relations with one of his students at Tri-Valley school. It is a team that is working constantly and you do not even see it. Sometimes there are allegations of child abuse and they look at it and it is cleared but you do not hear about those things but that takes time, energy and resources. He continued by stating that he has two investigators onsite that help him, that help with the day to day running of the office in terms of trials, witnesses, getting witnesses from place to place, sometimes witnesses don't have transportation, they make sure that they get to court. They also run our Ignition Interlock Program, which is anyone that is convicted of a DWI and is not put on probation, the DA's office monitors that person's Ignition Interlock device that is put on that individual's vehicle. They also run his evidence locker, which is onsite that they have outgrown and need more space. They have file boxes in their hallways; there is no place for storage. He has moved to scanning everything but that is a work in progress and he does not want anything destroyed until they know they have everything. They have three support staff, one confidential secretary, and three legal secretaries and they used to have seven so that is down to four. They pay their legal secretaries to start barely a poverty wage; he thinks it is like \$24,000. They handle all their appeals in house, they do not farm any of it out. He has hired temporarily because he has one assistant who is

in the Army Reserves and she was assigned to Guantanamo Bay, Cuba and she will be returning after a nine-month deployment in January so he did hire a per diem person to handle appeals while she was out because she is his appellate lawyer. People do not have a certain amount of time to appeal something, there is a mechanism called a 440 and if you bring a 440 motion, you can bring it 20 years after you have been convicted. People appeal, they wait to appeal when they feel that their evidence has been destroyed or thrown out, which is another issue, he has to keep evidence because if someone is in prison he is not throwing the evidence out. He has been in that position, they had a case with a very serious robbery of a pharmacy and thousands of pills were taken, they got destroyed, he FOIL the State Police, he found out the pills were destroyed and as soon as he found out the pills were destroyed, he appealed. He also does not want to be in a position where someone is wrongfully convicted and he does not have the evidence. He wants to be able to test it, if someone comes back with a claim of actual innocence; he wants to be able to do that. You go home at night from this job and the nights that he has a problem sleeping is that thought that you have convicted someone who is innocent. If anyone thinks that is what they try to do, it is what they try 100% not to do, does it happen from time to time, it does, thankfully, they have never had one here. He does not ever want us to have one here, so they have to look, check and double-check to make sure that they are doing everything right and they have to keep things. A lot of what they do, as he said in the beginning is what the police bring them. They then have to figure out if it makes what they need, does it meet their standard of proof, if it does they go forward, if it doesn't they try and find an alternate solution; plea bargain, dismissal, etc., and a lot of times they clear people.

Mr. Altman stated that Mr. Farrell mentioned the two judges and that one worked five days a week and one worked one, he didn't really understand that balance.

District Attorney Farrell stated that the County Court judge is elected and the primary county court position is 75% of the court calendar, the secondary county court position is a majority assignment to Family Court. Judge McGuire for 75% of his time is in Family Court and he is up on a criminal calendar once a week. If he has a trial in County Court, then he is up there the entire time he has the trial.

Mr. Altman stated that we are going to have a casino and hopefully it is going to be a success, and conventional wisdom says that it is going to bring more crime.

District Attorney Farrell stated he feels that statement could be true; he feels that it is going to bring more calls for service; they are going to have more people and the police responding to more things. Whether it increases our prosecutions or not is something that remains to be seen.

Mr. Altman stated that the taxes from that casino should help every department.

District Attorney Farrell stated that there should be a plan for the expansion of those departments that wills the expansion and I do not know that there is, he knows that he has never been asked.

Mr. Altman stated that Mr. Farrell would need more assets and the Sheriff would need more assets.

District Attorney Farrell stated presumably, he feels that the numbers are going to be driven by the amount of people that come to live here, by our year round population. Orange County has 50 something prosecutors but they have 340,000 people.

Mr. Altman stated that Mr. Farrell is still understaffed compared to them.

District Attorney Farrell replied correct.

Mr. Richardson stated that he would hope that the Legislators looking down the road; you can look at trends; you cannot see solid numbers obviously, because we do not know how many people are going to come with a casino or how many people are just going to work at the casino. So you can see trends and then that should alert the Legislators, he would hope to say they need to address this. Mr. Richardson also inquired when Mr. Farrell stated that his office along with the State go out and investigate child abuse, who's priority really is that.

District Attorney Farrell stated that it is split; there is a divided priority on that because they may not be able to take the criminal case but they may be able to take a family court case. They have to work together to determine if they have enough for a criminal prosecution or are they short of that and pursue this in family court. Those conversations are had to determine the best way to move forward. If there is a problem in the home they want to make sure that they deal with it, they want to be able to prosecute that and many times they can't because they can't get enough evidence to prove the case. Family Court usually goes whether they do a criminal prosecution or not, we usually work that out. That is why they are together so they can put their heads together and work that out, they can confer with a lawyer from his office that is assigned to the team and a lawyer from DFS that is assigned to the team and they decide their best way forward. It is balancing and a delicate balance.

Mr. Liblick stated that they are obviously looking at the Charter here. He inquired if Mr. Farrell has any issues with the current Charter that he would like to see some changes. Three things that they are looking into are County Executive, term limits and staggered terms. He inquired if Mr. Farrell felt that a District Attorney would work better with a County Executive and a Legislative body or better with a Legislative body and a County Manager and does Mr. Farrell support term limits and staggered terms.

District Attorney Farrell stated I do not rightly know if I would work in a better capacity with an elected County Executive or the County Manager. He feels that in either situation you are dealing with politics. He stated that he does not know what the best way forward is, he feels it needs to be studied, and he thinks that is what the Charter Commission is doing. He continued by stated that he does think that the terms of the Legislature should be staggered, it absolutely should and this way they have some continuity. One day the Legislature could be nine new people; I think that is just bad for business. Philosophically he is in favor of term limits. The District Attorney cannot be term limited, as that position is a constitutional office, in the constitution of the State of New York.

Co-Chairperson Burckard stated that presently at this point, we have a County Manager and Legislature form of government, Mr. Farrell at this point has worked with this government for 20 years. He inquired if Mr. Farrell feels comfortable with this form of government.

District Attorney Farrell stated that he is comfortable with it.

Co-Chairperson Burckard inquired if the balance of power was changed and they have the ability to do that, weaken the Legislature and strengthen the County Manager or the reverse, does he have an opinion on that. He also stated that what is also coming out of the woodwork is the option of go from County Manager to County Administrator and greatly strengthen the Legislature.

District Attorney Farrell stated he feels that he would like a stronger County Manager. The County Manager has to have some autonomy, he dealt with this in Monticello, the problem with John LiGreci was that he was always running around trying to get the number of Trustees to figure out which way the wind was blowing and that is what gets you in trouble. If there was a strong person that did not have to worry about being fired the next day that would be better for governance.

Mr. Liblick inquired with what Mr. Farrell just went through with the Fraud Unit; do you feel with a stronger County Manager Dietz would still be over at DFS and things would be different. Did you discuss what was going on with the County Manager.

District Attorney Farrell stated he does not know, maybe. The County Manager seemed to be in favor of fraud team but then a Legislator gets to him and changes his opinion and then everything goes haywire.

Mr. McPhillips stated that he does not understand how moving the fraud unit out of DFS is a financial recoup because the fraud unit has more money that comes back into the County, why would they limit that.

Mr. Walters stated that when you have an elected official like the District Attorney or the Sheriff it is a totally different animal than with DPW and so on. What an elected official has to deal with is they get the amount of funding that the government agency gives them that is where their money is coming from. If you go back to 2007-2008, that is where they had the crush on budgets all around here. People got laid off and that is why many of these offices are short staffed. He continued by stating that he needs some clarification on some things that Mr. Farrell said. If he remembers the history, the Fraud Unit was solely under for DFS and then an MOU was moved over to the DA's Office, all the funding is reimbursed by DFS because all this money comes back from the Feds, State and the County. Training is a key issue in every division in this institution, there should be training on personnel issues, and training on ethics, there should always be training. He stated that he thought Probation had something to do with the Interlock System.

District Attorney Farrell stated yes they do for those probationers that have the Interlock System but there are many people that do not get probation.

Mr. Walters stated that white-collar crime could be on the increase with the advent of the casino, the racing and wagering board could have a lot to do with that.

District Attorney Farrell stated that he asked the board to give him a new position for assignment to the FBI's White Collar Crime Task Force, the County Manager cut that out of his budget and the Legislature has not yet ruled they seemed to be receptive when he went to the Public Safety Committee.

Mr. Walters stated that everything all comes down to the cap what that money will do is be income and they will see their tax rate reduced, if they stay under the cap. Everyone is trying to spend this pie, and it is being overspent. The tax cap is the big bug-a-boo right now until Albany finally realizes that it was a big mistake. That is always the driving force between every decision going forward with this budget process. Mr. Farrell wants something, how is it going to effect the cap. Someone else wants something, how is it going to affect the cap.

Mr. Liblick inquired how many years the cap has been in effect.

Mr. Walters stated that the cap was...Mr. Liblick stated only three years and how long has Mr. Farrell been here for. Mr. Walters continued by saying that people feel that if they go over the cap, they are a bad person. In Sullivan County, the cap will give you approximately \$10 for every \$100,000 of the assessed valuation. Instead of giving the County the whole thing, if someone is STAR or Enhanced Star they get the money. So, it is a con to buy votes.

Mr. Altman stated then you have a budget that is under the cap because he wants to hold his job.

Ms. Harrison stated that they got a copy of the Strategic Plan, which stopped in 2010; it has not gone forward in three years and has not been looked at since it was adopted. There was no mechanism in place to revamp any of these departments back up after they cut you in 2009. She inquired from Mr. Farrell how many positions are in his budget that are not staffed.

District Attorney Farrell stated two in Fraud are not staffed and the ADA, so three.

Mr. Richardson stated that is not because they are not funded.

District Attorney Farrell stated yes they are funded. The ADA started to see what was going on and she looked for a job elsewhere, she found one and she left. The two investigators that were there saw their cases starting to shrink; they can only do what is referred to them by the folks in the fraud on the civil side. Unlike what was reported, his investigators are police officers, they do not sit and interview people who come in for DFS, they do not do it. That is done by a front-end employee that works for DFS, his people only get involved when the DFS employees say wait a minute, we have a problem here. People were not coming in for HEAP and SNAP and meeting with a cop that was not happening. The accusation was that the cops were doing that and scaring people off. That was not happening and whoever says it is a liar.

Ms. Harrison stated that mechanically what happens is that Mr. Farrell works with the County Manager who works with the Legislature. She inquired if Mr. Farrell ever has the opportunity to go directly to the Legislature.

District Attorney Farrell stated yes he does have the opportunity to talk to the Legislators.

Ms. Harrison stated that happens year after year though; there is no strategic plan in place.

District Attorney Farrell stated no, there is no strategic plan in place and there definitely is not one in place for when the casinos come.

Ms. Harrison stated that what she has observed is that with a CEO in private and in public is that someone who is in private and is a CEO, they know they are going to eventually lose their job. They are going to do whatever they need to do and they are going to lose their job and move on. In the government it is more about retaining their job because there is no place else to go here. She thinks that is part of it and something they need to consider. The people that are actually doing the work are always going to be subject to that, I want to keep my job.

Mr. Altman stated that they want to keep their retirement benefits.

Ms. Harrison stated that the retirement benefits for the older group is much more than it is now with the newer group. It is much more in line with what the public is offering.

County Treasurer Buck stated that Tier 5 after so many years does not have to pay into their retirement and with Tier 6, they have to always pay into the retirement there is no cutoff.

Mr. Richardson stated that he does not understand what Ms. Harrison's question is.

Ms. Harrison stated that her point is with a CEO their mentality is that they are there to do this job and they are going to do whatever it takes to do it. When you have someone who is a County Manager an employee basically, they want to keep their job that is their goal. It is something that they have to consider.

Mr. Richardson stated that this is government and some people have a different perspective in government. Some go into government to make it their career, and they want to do a good job.

Mr. McPhillips addressed the fraud issue, he stated that if he were to go for assistance and each individual was to get \$10 and of that \$10 x amount goes to the individual and y amount is going to the County, so if you have one part trying to eliminate the overuse of that, it is going to diminish the need of DFS. If Mr. Farrell's Fraud Unit comes in and says this person is abusing the system, now the County then sees a diminished amount of money coming in.

District Attorney Farrell stated that Mr. McPhillips has just hit on exactly what the problem is. He studied this when he starting getting into fraud. No one cares because it is not their money, it is coming from the State or Federal government but we pay State and Federal taxes. If someone were going to cut fraud out, then perhaps our tax bills would be less. The conversation that he heard here was that his fraud unit would be recouping money for the federal and state government, we don't care about that, we want county money, which are the safety netters. You cannot get the Medicaid money unless you do these investigations but no one cares and that is why it is run amuck. So the federal government says we are going to give you all this Medicaid money, take it, if we find out there is fraud in it then we have to give it back. Until states and counties say no more, we should not allow this to go on.

Mr. McPhillips stated that is his point if DFS notices that they are going to be lack of need, their funding in staffing and whatever budgets they need is going to go way. Therefore, let's not push this because they want the money.

District Attorney Farrell states that the federal law says that every state must have a Medicaid Inspector to look at Medicaid fraud. Look up how many people are employed by the Medicaid Inspectors office; you would be disgusted.

Mr. Walters stated that when everyone talks about government they talk about the private sector. Private sector has one objective, that is to make a profit, and government is there to provide services that the private sector will not even touch. One of the things that he has seen that really bothers him like with the DA, Sheriff or DPW they have a policy in place that every time they have a vacancy they have to walk through the door and beg to fill it even though it is budgeted. If someone leaves and there is not a meeting for 3 or 4 weeks, they cannot even start the process of looking for someone. He stated that he finds this process to be not good business and this is one of the things they can consider. One of the things they can do in the Charter is make the divisions able to work within their budget, unless the super majority claims that they need to come before the Legislature. Then you take it away from the Legislature playing their games.

District Attorney Farrell stated that he absolutely agrees a thousand percent with that statement.

Co-Chairperson Burckard stated that you then create a situation where the elected and appointed managers, commissioners and department heads would be semi-autonomous to a certain extent.

District Attorney Farrell stated no not really because the Legislature would be telling them, this is your budget; this is what you have to spend.

Mr. Richardson stated that on the town level that is how they treat Highway Superintendents, they provide a budget, there are certain limits on expenditures that Highway Superintendent can do what he wants.

Co-Chairperson Burckard stated that they could fix that because they can put that power with the County Manager and take it away from the Legislature.

Mr. Altman inquired what Mr. Farrell's dreams and wishes are for his own department.

District Attorney Farrell stated he has lots of dreams and wishes but many of them he has done with forfeiture money. For example, before he took office, they did not record interrogations with suspects. He had a case where a police officer interviewed a little girl who was sexually abused and he taped her, he walked across the street to interview the suspect and he did not tape the suspect, the suspect gave a written confession about how he had sex with this little girl. So they went to trial and they thought they had a good case, they had a written statement and it came out that the little girl had been taped but when he went across the street he did not tape the suspect and the jury acquitted the guy. So he said they have to do something about this and he offered every single police department in the county with forfeiture money with audiovisual recording, so when a suspect comes in from beginning to end, they are on tape.

Mr. Altman stated that what he is asking is a list of things that could be changed for his department to run smoother, like let me go to the County Manager to get staff instead of the Legislature.

District Attorney Farrell stated yes he feels that would work better, also more space for his evidence, which he thinks is in the capital plan.

Mr. Walters stated that when they build the new jail they could use the old jail for storage and space.

Mr. Altman stated that the Legislature would not agree to heat the building to the temperature needed to keep the storage.

Mr. Liblick inquired if Mr. Farrell would be okay to put in the Charter about the funding that it does not have to go through the Legislature.

District Attorney Farrell stated absolutely.

County Treasurer Buck stated that everyone has the same problem. If her office lost someone and had to wait three months to fill the position, they would be in trouble.

Co-Chairperson Burckard inquired if any members had anymore question for Mr. Farrell. Members then thanked District Attorney Farrell for joining them and being so candid.

Presenters for December Meeting:

Co-Chairperson Burckard inquired who Ms. Harrison has as speakers for the December meeting.

Ms. Harrison stated that she does have Assemblywoman Aileen Gunther and Dan Briggs, Sullivan County Clerk.

OTHER COMMITTEE BUSINESS:

Election Results/Impacts:

Co-Chairperson Burckard stated that with Joseph Perrello getting in today that makes six new Legislators.

Mr. Liblick stated that regarding Perrello, Judge McGuire allowed today for the ballots to be opened, they opened the ballots at 3pm, there were 47 ballots voting for Amanda Ward and Joey Perrello. These students never voted before in Sullivan County. They were contested based on absentee ballots and they are being appealed, and yet to be determined what is going to happen with those absentee ballots. If Gene Benson wins the appeal, he will be the Legislator and if the appeal is lost, Joe Perrello will be the Legislator. Those were a block vote of 47 students that get funding from an outside county to come here. The question is because they voted and the law says you can vote but this was not a federal election or a state election, this was a county election. Where is their tuition coming from that is going to pay for them after? As it stands now you have only three incumbents that are returning to the Legislature, Scott Samuelson, Alan Sorensen, and Ira Steingart. Kathy LaBuda is going to be replaced by Nadia Rajsz who was on this committee and she was forced to leave this committee because of some politics that went on as well. Jonathan Rouis lost the election to Catherine Owens who happens to be the wife and confidential secretary to the Supervisor of Mamakating Bill Hermann; she ran under her maiden name not her married name. Cora Edwards decided not to run again so Luis Alvarez was elected, he beat out Miranda Behan by about 70 votes. Alan Sorensen won re-election by a huge margin against Alita Gomez who was a trustee in the Village of Monticello. Ira Steingart won a huge election from Jeff Siegel. Gene Benson we just discussed with Joe Perrello. Kitty Vetter who is the Vice-Chair of the Legislature lost to Mark McCarthy the outgoing Town of Neversink Supervisor. Cindy Gieger who decided not to run is being replaced by Terri Ward, the former head of the Chamber of Commerce. Isaac was also on this board and resigned, Ken who decided to stay on this board and not run for Legislator. He continued by stating that this election was not a democrat, republican election it's the people outside who live in Sullivan County are expressing some sort of disgust with the government. This stresses how important the Charter Commission is and we need to express that to the new Legislators and the old Legislators because people want to change their government. You do not know what would have happened if Scott Samuelson faced an election against someone. Scott is telling people that he has the votes to remain as Chair, people are lobbying already for certain positions, Louis wants to be head of Health & Family Services, Terri Ward wants to be head of Public Safety and she is lobbying to be Vice-Chair. What they are talking about now is not going to be concrete come December 31st. He thinks that they need to get out to all people that they are seriously looking at staggered terms and term limits.

Mr. Altman inquired if they were going to ask them to come to a meeting and all at once or one at a time.

Mr. Liblick stated that he feels that they should send a letter to all of the new Legislators because the new ones probably do not even know what the Charter does. He feels like they should start informing them on what the Charter Review Commission is and what they are doing and what the intent is.

Co-Chairperson Burckard stated if they are going to be a Legislator come January 1st they should have read the Charter, the Code, and the rules of the board.

Mr. Liblick stated the only one that he can tell them that knows about the Charter and what they are doing is Nadia because she was part of it. He thinks that they should invite them all to come here and also the outgoing Legislators to see if there is something else that they would like to tell them. He does think that they need to invite them one at a time, we should go to them during an Executive Session to tell them that they would like to have a joint sit-down with them.

Mr. Richardson stated that he disagrees; he thinks that sometime after they are seated after January, he thinks they should invite them to a meeting. It should not be a meeting where they have other presenters, a meeting where they can just share what their mission is, as they understand it and make sure they are on board with them.

Co-Chairperson Burckard stated that the first thing they are going to talk about is staggered terms, if we can make a decision on staggered terms and a methodology that they will recommend to the Legislature in order to implement that. If we make a decision on that, then they get to timing that would give them something positive to talk about. The Charter Commission acts as a whole, no one can go out and act on behalf of it, without the authorization from the Commission as a whole. So, timing would be important as to how they play that out.

Mr. Liblick stated that maybe they should wait but they have to figure out how to inform them of their mission and what they are meeting about.

Co-Chairperson Burckard stated that nothing prevents any of them from talking to our elected representatives.

Staggered Legislative Terms:

Co-Chairperson Burckard stated that they have heard from just about everyone including the present Legislature and he thinks this was the one thing that they wanted the Charter to do was staggered terms. Assuming that they are all in play on that, there had been a presentation talked about by the old Charter Commission of 3-3-3 that fails in reality because it puts constant turmoil for the Legislators sitting at the table making decisions. If there were, a way to do it as stably as possible that would be a lot smarter. There are nine Legislators and at the next general election, you take 4 by random sample and those 4 would run for a two-year term and the remaining 5 would run for a four-year term. Two years from then those same 4 run for a four-year term, this is the least disruptive and maintains 5 without a change and then every two years you have 4 one time and 5 the next. He feels this creates a greater stability at the least cost and the least disruption. He continued by stating, thinking about that for a moment, he inquired if there are any members of the Charter that are opposed to staggered terms and has a better suggestion of what he just described.

Mr. Walters stated he believes in staggered terms.

Mr. Richardson stated he believes in staggered terms.

Ms. Harrison stated that she believes in staggered terms.

Mr. McPhillips stated he believes in staggered terms.

Mr. Liblick stated he believes in staggered terms.

Mr. Sutherland stated that he believes in staggered terms.

Mr. Altman stated that he believes in staggered terms.

Mr. Walters stated that you get one die, throw it three times and if it comes up two out of three that is the one that gets the long term and the one that doesn't get it gets the two term. Do not leave it up to a vote or up to anything; leave it totally up to chance.

Mr. Altman stated that the Legislature said that they want this so they are willing to take a chance of having a two-year term.

Co-Chairperson Burckard stated that they are talking about the sitting Legislature though, that is why they are saying that timing is everything here.

Mr. Altman stated that instead of waiting 2-3 years and give them the whole list, let's put the staggered terms in as soon as possible to see how serious they are and how much they respect what they are doing.

Co-Chairperson Burckard inquired if anyone disagrees with Mr. Altman's position.

No members verbally disagreed.

Ms. Harrison stated that the issue they are going to have with staggered terms is that when you start breaking them up, there are going to be some elections with the Treasurer and the County Clerk and then you are going to have some with the District Attorney and the Sheriff running, so now they have nine districts. She inquired how they are going to break up the districts to run with these two, so you get a whole different group out. How are you going to get the people out, how are they going to break it up so district 2, 3, and 4 where all the people are, how do they break up the Legislative elections.

Mr. Liblick stated that there are also town elections every two years and councilmen and judge elections that happen every two years.

Mr. Richardson stated that he doesn't think that is their responsibility.

Co-Chairperson Burckard stated the reason why he made the suggestion of doing a random selection the odds of the three out of the four being the major are low. He stated that Ms. Harrison is right, there are going to be major elections and others small, they can't address all the issues, it is impossible. They are either going to bite the bullet and do it or they are not. Four years from now which would be the first time that those people would run, he inquired who runs at that time, who comes up.

Mr. Liblick stated the exact same as now, except the County Treasurer will not run.

Co-Chairperson Burckard stated that in theory it would be as stable as it is now.

Mr. McPhillips stated that he feels that they should get them on the councilman terms.

Co-Chairperson Burckard stated they would because every two years there will be an election. Let's say we all agree on yes on staggered terms and yes on doing it the way he suggested, they go to the Legislature and do what Mr. Altman suggested and do it now. The Board of Elections, some of the Legislators and the County Attorney are going to come in and say what they are advocating for is a mandatory referendum, this county to

run on one issue and then they may come back two years from now and have another mandatory referendum. This is a mandatory referendum, it is not permissive because they are changing the term of an elected official and they have to be cognizant of that. They may say if they want this done, this is a cost, they may want us to go out and sell it but so do the Legislators because this is their idea too, this is going to be a joint effort down the road.

Mr. Altman inquired when this referendum would be out there.

Mr. Liblick stated it could be by next November.

Mr. McPhillips stated that if staggered terms are a heavy thing that everyone agrees with but there are some ideas that they might come up with that might not have enough backing. Would we want it as one package presented where people will look at the staggered term piece and we get to slide the things in that people might not be so supportive of.

Mr. Altman stated that even if everything is bundled all together they are still going to pick it apart and say no to some and yes to some.

Mr. McPhillips inquired when it goes for a referendum, is it individualized.

Mr. Altman stated that if there are things that the Legislature will not approve, they want money from them to go out and run our own referendum.

Co-Chairperson Burckard stated that if the Legislature does not want to support something they are promoting, they have the power to go out with the power of petition on their own and get that on the ballot whether they want it on the ballot or not. One thing that we have to remember is that if we are drastically redrafting the government for example the County Executive and they go out for that vote that automatically in that vote ties into other changes in the Charter and the Code because it changes the whole operation.

Mr. Liblick stated that is different but he does not think that staggering the Legislative terms does.

Co-Chairperson Burckard stated it does not but it is still a mandatory referendum.

Mr. Walters inquired if everything they come up, that is considered a mandatory referendum, a separate thing on the ballot.

Co-Chairperson Burckard stated that the ballot could be crafted in a way that they can make their decision on a case-by-case basis as long as a no vote or a yes vote is not interconnected with another item in the change of how the government is going to change, that has to be tied together. They cannot make two dissecting things, one goes one-way and one goes the other way that is not going to work.

Mr. Walters stated that the reason why he asked that was because if you bundle and some vote yes and some vote no, and then you have more no's, if we separate staggered terms and nothing to muddy the waters.

Co-Chairperson Burckard stated that one of the things that the lawyers are going to have to do at the end is to sit down and look at the law as to how the ballot would be crafted so it does not conflict with itself.

Mr. Richardson stated that he does not think that it would be in our interest to bundle all this stuff and have a yes or a no vote because they may be happy with some of it but not happy with the other, and it go down. There are an awful lot of changes that could be made that do not require a referendum. When the County Attorney spoke, he stated that this was created by a local law and much of the charter can be changed without going to the public.

Co-Chairperson Burckard stated that they did most of their changes by permissive referendum. They never got the petitions so they never had to go out and vote.

Mr. Liblick inquired when they added the Sheriff's patrol into the Charter, was it on the ballot.

Co-Chairperson Burckard stated that he thinks that was a permissive referendum. He continued by stating that those of us that are here are saying that they agree that they should recommend staggered terms and do it the way that is the least disruptive to the process. Four, four years from now randomly selected, five stay and two years from then those five run for four-year terms and then they are automatically into the cycle. Unless someone can come up with better suggestion, do it randomly because as soon as they get away with anything that is not random, you get into the arguments. He then inquired from the Commission if everyone agreed that this is a game plan.

Mr. Walters stated that the only issue would be how to do the random selection. He stated that they need a map to look at.

Mr. Liblick stated that he does not think they need a map; this is not like the Board of Supervisors.

Mr. Richardson stated that if we look at the map someone is going to say that they are working this from a political angle.

Mr. Altman stated that if they presented the 4 and 5 to them, if they say they want 3-3-3 we might even agree with that. The give them the option as long as it is the least disruptive.

Mr. Richardson stated that he would not give them the option; we should give them our presentation. He stated that he brought up the 3-3-3 and he has not found one person that thinks that makes any sense.

District Attorney Farrell stated that he thinks that the Legislature may want 3-3-3 because that is even. He thinks what the Charter Commission is proposing is pretty smart.

Mr. Liblick inquired if anyone knows the percentage of Legislators in Ulster and Orange because they have staggered terms.

Co-Chairperson Burckard stated that he did not know. One of the problems that counties have found over time is that very large Legislatures don't work very well and they are trying little by little to shrink them in size. He would like everyone to go home and sleep on this issue. He asked Ms. Harrison to place it on her agenda next month and take a vote and make a decision, also since they have four major players that are not here, they need to get the minutes and make them aware.

Mr. Richardson stated that he thinks that Co-Chairperson Burckard should reach out to the individuals that are not here and express that they need to read the minutes carefully so we do not spend the whole time discussing everything that they just went through tonight.

Term Limits:

Co-Chairperson Burckard stated that a couple of weeks ago he ran into one of our leading business people in the County and he said that he should stop into the Charter Commission and tell everyone what he thinks. He said first of all you have to have staggered terms. The next thing he said was you have to have term limits for the Legislature. Co-Chairperson Burckard asked him how many. The businessperson answered two terms for the Legislature. He inquired how about the County Treasurer, the County Clerk, the Sheriff and the District Attorney. These are all elected officials as well, why would there not be term limits there and if they did would they have a longer-term limit. Let's say that they are doing a great job, should they say that is only going to be two; the businessperson replied maybe make the other officials three or four terms. Co-Chairperson Burckard inquired what are you going to say to the Legislator coming to them and say hold it, it takes them two years to figure out how this government runs before I can even remotely be effective and you want to limit it to two terms for me; justify that. The businessperson looked at him and said that they did not think about any of that. He listened to those commentators the night of the election and some things that were said, he was ready to jump into the radio. He then asked for comments from the members of the Charter Commission on term limits.

Mr. Walters stated they should not be less than 3 terms for the Legislature and he would not touch the other elected officials.

Mr. Richardson stated he has not come to a conclusion on this but he is in agreement with term limits, he thinks that if he went with term limits he would want them to be uniform.

Ms. Harrison stated that she thinks it depends on if they change to an Executive or not. If they change to an Executive, she would say not and if they do not and stay with a County Manager, she would think that they need term limits.

Mr. McPhillips stated no term limits for anyone, he believes the people are elected for the people, by the people and if they do not want you in, they will vote you out.

Mr. Liblick stated that he agrees, he never did support and never will support term limits. For an example, Kathy LaBuda was a twelve-year incumbent they voted against her, Jonathan Rouis was an incumbent and they voted against him, Leni Binder was an incumbent and they voted against her. At the end of the day, the people are going to decide if they want their incumbent to stay there or they do not. When they did this in NYC with what Bloomberg did, it was outrageous they set limits. He knows some very effective city council people that have to not run for re-election, sometimes you need some people there who are able to perform and if the voters in their district are happy with them there should be no term limit.

Mr. Sutherland stated that he does think there should be term limits.

Mr. Altman stated that he is with Mr. Walters, 12 years.

Co-Chairperson Burckard stated that in his opinion Mr. McPhillips was right because the voters are going to say to them, that is their decision, they will vote them out if they are not doing their job, it is not up to the Charter to decide.

Mr. Richardson stated that one thing that would come out of term limits is, they will get people to step up to run who will not run now because they think they can't get elected because the other person has been there forever and can't get defeated. If that person had run out their limit, someone else would be running.

Mr. Altman stated that some elected officials get very comfortable but what is more important to him is where are the fresh ideas.

Mr. McPhillips stated that his fresh idea was that the Legislative meetings should be at 6pm so that they can get more of a crop that is not just someone who runs their own business or is retired, so they can have say in it. He stated that he wanted to run but he could not because he has a job and a family to provide for, had their meetings been at 6pm he would have run.

Mr. Altman inquired how much time does Mr. McPhillips think a Legislator puts in a week for \$21,000.

Mr. McPhillips stated probably 10-15 hours a week.

Mr. Altman stated that he bets they give much more than that, they have other responsibilities other than going to meetings.

Mr. Walters stated that having a meeting at night is a waste of taxpayer's money. School Boards do not get paid and they go at night and no one shows up. When you only have one real meeting a month where you vote on all the resolutions, there are about 10 committees that all those resolutions come from they can take any place from a half hour to an hour and a half. He inquired if they are going to hold them at night too, if that is what you want the fresh ideas for then you will have them. Whether it is a town or a school board, people do not show up because most of them do not care unless they have an ax to grind. For example, the night they had a 4pm meeting in the other room and the room was full because of the Safe Act. That is the only time he ever saw that room full. If you want open meetings and to have our electorate to be informed all meetings must be on camera like they do in the State and they are archived. People can watch it at their leisure if they want to see what is going on, but they are archived. Right now, there is no political will to do it. It is a heck of a learning curve for the Legislators could you imagine what it is for the general public. A lot of people do not know how the governance works and the best way for them to do that through a Charter is to make it so they are all videotaped.

Mr. McPhillips stated that the Town of Liberty meetings are at 4pm and 7pm; Mr. Walters mentioned that the Safe Act meeting was at 4pm, he could guarantee if that meeting was at 11am that room would not have been as full. Whether the meetings room is empty or not, you still give the taxpayer the better opportunity to represent themselves by attending that meeting without having to take off work.

Mr. Liblick stated that the thing is the pool, if they pay more they will get more people to come to the pool. You get more educated with a certain degree saying they want to run and this is their experience and what they bring to the table. Just like the District Attorney said, he has legal secretaries that make \$24,000 a year and if they worked in the private sector, they would be making much more money with benefits too.

Co-Chairperson Burckard stated that people want to go to a County Administrator, weaken the CEO, and have full-time Legislators so that is part and parcel of what some people think about.

Mr. Altman stated that he thinks the salaries should be tripled but lower the benefits.

Speakers on Other Forms of Government:

Co-Chairperson Burckard inquired if the members felt that they were getting to the point that they can start to bring in outside speakers like Mike Hein some Legislators and if they start to do that, they need to do it in the spring when the weather gets good. They will start to look at that because it may take months to get them scheduled.

County Treasurer Buck thanked the Charter Commission for allowing her to interject.

District Attorney Farrell thanked the Charter Commission for having him.

PUBLIC COMMENT:

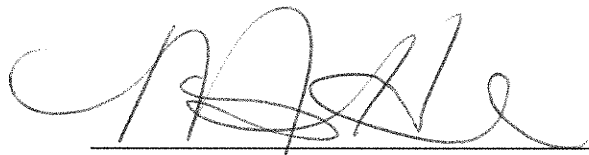
None

NEXT MEETING ANNOUNCEMENT:

December 16, 2015 at 6:00 PM *Legislative Committee Room*

ADJOURNMENT:

Mr. Walter made a motion to adjourn the meeting, seconded by Mr. Sutherland, meeting adjourned at 8:25 pm.



Michelle Huck, Secretary