

# CHARTER REVIEW COMMITTEE MEETING

The fifth meeting of the Charter Review Committee held on Wednesday, June 17, 2015 at 6 p. m., in the Legislative Hearing Room, Sullivan County Government Center, 100 North Street, Monticello, New York.

Pledge of allegiance.

Meeting called to order by Co-Chair Paul Burckard.

Roll call

Members present: Paul Burckard, Bruce Ferguson, Isaac Green Diebboll, Peg Harrison, Sandra Johnson Fields, Nadia Rajs, Bill Liblick, Ray Nargizian, Larry Richardson, Kenneth Walter, Steve Altman.

Members absent: David Forshay.

JJ Hanson resigned.

Others present: Nancy Buck, County Treasurer, Sam Yasgur, County Attorney, and Tom Cawley, Assistant County Attorney.

Paul Burckard is the Co-Chairperson for this meeting.

Co-Chair Burckard said we will have the approval of the minutes from the April 15, 2015 meeting, which everybody has received and has had a chance to read. The May 20th minutes will be held over to our next meeting because we have not gotten those yet.

Motion moved to approve the minutes from the April 15, 2015 meeting, motion moved by Steve Altman, seconded by Bill Liblick, no corrections to the minutes. Motion carried unanimously, all ayes, no nays.

Co-Chair Burckard said Nadia and I, after discussion sent out a meeting notice to cover two things. One to have a discussion to what has recently occurred. I have a couple of opening comments because of something that happened on Saturday that I need to clear the air on. Also, any other issue that was of concern to a Charter Commission member, I made that very clear in the email that I sent out and Nadia agreed and so we sent that out jointly. Because of what happened on Saturday to make sure everybody is up to speed. Wednesday, Thursday, Friday and Saturday for me were extremely hectic because I opened up the Democrat on Wednesday and discovered that instead of having one candidate we actually had three candidates and that has never happened before in Sullivan County. So my first thought was what do I do, how do I handle it, what does this mean. We have the meeting coming up in a very short period of time and in talking to another member of the commission, they made a suggestion. Why don't we

simply ask the Legislature for a four month hiatus and start over again right after the elections are over, clears the slate, removes any questions, makes it easier for the Legislature, the Charter Commission members, the candidates, etc. It seem to me to be a great idea. I tried to reach out to the Chairman of the Legislature to find out what he thought. He had his protocols obviously. So I had all of this going on and I was extremely concerned about doing the right thing and doing the right thing for the Charter Commission and its members. Along with that, we get on either Wednesday or Thursday the letter from Annie with regards to the Ethics Law, with her very specific letter, with regards to timing and then another email regarding forms we had to file. I immediately read the Ethics Law, quickly I admit, but I read it and I picked up on a couple things that might be a problem. Depending on how the question was asked and what the County Attorney's office might rule if they were asked at all and I thought this is another reason why to try to put it aside, go four months, start again, that was another good reason to go with the suggestion that had been made. It was my understanding that the person who suggested it had talked to a few other people. They had agreed it was a good idea as well and I tried to reach out to people etc. A third issue, and I was very much concerned with this because I had tried to set up the agenda for this meeting, a month in advance so that Josh and Joe would be prepared to come. Nancy couldn't, we were aware of that. Joe had agreed to come in and do a full presentation on everything he controls with hand outs. Nancy was then going to come to the next meeting. We had that all squared away and I was extremely concerned that if the Legislature choose to act quickly and to put us in hiatus for four months, then I would be cancelling the meeting with them and I felt that was very unfair to them to be cancelled at the last second, just not right. If the candidates were successful and other people left after the hiatus was over, we would have new people sitting at the Charter Commission table and would have to ask Josh and Joe to come back and do it all over again. I had all of this going on and I thought that people were talking to each other and everything got covered. In the meantime, Saturday talking to Nadia.....

Nadia said that was the first I heard of it. I wasn't in on all of these other conversations but go ahead.

Co-Chair Burckard goes on to say and I was trying to catch you up. I did get you, so as Co-Chair you weren't out there because I didn't have answers. Anyway, somebody called and complained that they had been left out and apparently didn't understand what was happening or didn't have an opportunity to have input. So I thought we had it covered. I just missed that. So I will apologize for that, whoever that was, I am sorry that was my fault and I will take the blame for it. So having said all of that I just wanted to make sure that cleared the air for that person that called.

Co-Chair Burckard said we were going to begin the discussion tonight on the idea of voting to ask the Legislature to agree to pass a resolution to suspend us until right after the election. I think the thought was if we could meet on November 18th., Wednesday, our regular meeting

night and Josh and Joe would pick it up from there, we would go right ahead. Nadia, have I left anything out?

Nadia said no, but for the record I don't want to be lengthy again in my discussion but I just want it noted that I am disappointed that Scott Samuelson, the Chair of our Legislative body is not here tonight even after I had insisted and asked repeatedly for him to be here. He assured me he would.

Bruce Ferguson said I just want to comment on two things. First of all, the resolution that you proposed, but before I get to that, I want to comment on the process that was undertaken to make this decision. I think it was improper for certain members of the committee outside of the commission to be trying to make a decision for the entire commission or for the Legislature. What is the rush? It is June, the election is in November. This is a public meeting. Why on earth should it be cancelled at the last minute. It has been scheduled for one month with certain presenters. What was the crying need to interrupt the process and people take the decision making away from the commission and away from the Legislature and engineer something that was not fully discussed in an open way. I think that was absolutely wrong. I got a call from someone saying the decision had been made.

At this point in the meeting, both Nadia and Paul stated that was not true. The decision was not made. Much discussion ensued regarding the fact that a decision to suspend the commission was not made and that only discussion regarding what should be done took place between the two Co-Chairs and that was the reason for their discussion.

Bill Liblick said there are a lot of boards in Sullivan County. People go on with their lives. God forbid, people die, people get sick. They can't be on boards. We can't predict the future. Every meeting of this Charter Review Commission has been out in the open. There is nothing confidential, nothing disclosed. We all know why we have this now and we know why we are asked to sign that (Ethics Form), so I don't think any of us in this room have to skirt that issue. Everyone goes on with their lives and everyone does different things around this table and they chose to. We are all volunteers. We are not reimbursed for our gas. We are not reimbursed for time, energy, our efforts. We are all sitting around this table because we are committed to Sullivan County and we want the best for it. No one is influencing anyone and we know the issues we are discussing and we haven't even gotten to them yet. Charter Review, whether it be staggered terms, whether it be term limits, whether County Executive or not or changing the Code of this County but to come in the middle, because three people who are in community service has come before us and said they would like to participate in the elected arena in November or September, they are entitled to do that. There is nothing that says that someone cannot run because then nine people, our Legislative body sitting here tomorrow, everyone's seat is up for election. Anything they do can be deemed as being political and anyone who sits there can hear that *ding ding political*, it is the year that they do budgets that is political and that is any Legislative body, whether it be in Sullivan County or in Albany or in Washington DC or the City

of New York or any Town or County. So to say that by three of the people in this room, sitting around this table that it is going to politically influence the Charter Review Commission is a lot of bunk. Every Legislator, they should cancel the process of Sullivan County government from now until November 2nd., whenever Election Day is. So this way the people out there have fair service to listening to correct debate, and that would be a travesty, if we volunteers, the abuse that people around this table have to go through. Myself, it cost me \$30 a month to send out my column. Nobody is paying me for nothing. So I have one interest. My interest is Sullivan County and its future and its viability. That is what I hope everyone around this table interests are.

Nadia Rajsasz said when Paul called me and informed me that this may be a possibility, this is not a done deal. I just want to clarify that. I did tell you at one point in our conversation, which was many times throughout that day that I wanted to call the members and discuss with them. At that point, when Paul and I were speaking, I had no idea that there were conversations going around and people calling each other. I feel like I was one of the last ones to know what the issues were and why the Legislators were going to vote on some resolution. When you told me someone called you that was well before I even knew. I just had that conversation with Paul. So obviously that person already knew that this conversation was going on. I don't want to belabor this but one of the things that I did tell you, originally, when you proposed this, I was not in favor of it entirely because I said, Bill is saying we are in a fact finding arena right now. That is all that we are doing. Just conversing, just listening, we are gathering information. We are not making any decisions nor are we ready to make any decisions for some time. So I was not entirely in favor of this but after listening to you and your reasons, we need to speak to the members and bring it back here. But it was not a done deal, understand that.

Bruce Fergusons said I think it was inappropriate to begin the discussions outside of this room.

Much more discussion ensued regarding discussions on whether the Charter Review Committee should be suspended between certain members of the committee outside of the regularly scheduled meeting and discussion regarding the suggestion made to Co-Chair Burckard that the Charter Review Committee should be suspended for four months.

Larry Richardson said I am committed to this Commission and I am committed to the time but my time is valuable. The way that I see this is, that if the three individuals here are lucky enough to be elected, at that point in time, is it right for them to serve on this commission?

Bill Liblick and Nadia Rajsasz said no, we could not.

Larry Richardson said if that means, if we are going to continue with hearings, the rest of us are going to have to seat through those hearings for a second time to re-orient new people. To bring them up to speed and in my opinion, I think it would be prudent to suspend it and take it up after.

Bill Liblick said whoever replaces JJ Hanson is going to have to go back to when we first met in February.

More discussion resulted between members on this issue.

Co-Chair Burckard said there is another prospective that we are not aware of. I got a call late this afternoon, Sam Yasgur is now here. The County Attorney wishes to speak to the commission because apparently there is another prospective for discussion at the table in that the commission may be able to continue to function and not stop and we don't have to do that. Other considerations that we thought might work if we were to suspend it may not be the case either. So before we go on with our discussion, we should ask.....

Ken Walter said when I opened myself to serve on this board I had no intention of running, circumstances did that. Whoever comes on to fill a seat no matter, they always have the minutes to go back and refer to. We don't have to do the dog and pony show all over again. We all had them to go back and refer to as we go forward in this process. Saving it to November 18th, the Executive and full board will not meet unless they do a special meeting after Election to appoint people to fill out seats. So you are looking at December before you can have a full board of people being brought in. Now, maybe, and this maybe a prudent thing for the Legislature to do is to have some members who are stand by, alternates because nobody knows who is going to drop out. We wind up with three absences because of a health issue or a family issue, we are going to have to replace some people. So if there are people who are willing to make it part of their life to come and sit in the audience and listen, or sit behind us, whatever, so when there is an opening, they can move up that is another way to handle a dropping situation. Look at Isaac, Isaac was never part of the original group, he was coming to the meetings. An opening came up and they appointed him. Then something happened and the next thing we know he is running for office. So there was no plan to bet in this process. So as far as I am concerned the process should go ahead. We don't stop and whoever is lucky enough to move on, fine. They will have the experience of going through this and it is not really going to change the outcome.

Steve Altman said I have another idea for consideration. I think we should all resign. All of us, and let the wisdom of the newly elected Legislature either chose the same people that they had or re-chose.

Co-Chair Burckard said that is open for discussion tonight as well.

Bruce Ferguson said I don't see how a member of the commission can do anything here that would affect the elections in the Fall. That is why I thought this was crazy to rush and try to stop this meeting from happening. That does not seem to be possible, I don't know what a commission member could do that would affect the election, in any way. We are in the fact finding stage, as members come and go, there is always video tapes of every meeting. I missed one meeting. I was back in Town, the first thing I did was sit down and review the meeting. Those are available to everyone. There is no repeating of dog and pony shows here. There is no

need for that. Second of all, this is a public meeting about governance. We are in an election year. What better time to have public meetings to consider how we are functioning as a government. I think we should use this as an opportunity to create public interest in governance and there is no reason what so ever to cancel. Second, to the point of vacancies if people are elected. Nadia faces a primary and then a general election as does Ken. Isaac faces a general election, you have five hurdles to go through. If Ken survives a primary, he is up against an incumbent. Nadia will be up against an incumbent. Isaac is up for an open seat. This is not necessarily a done deal but chances are .....there is no reason to believe that you could have three vacancies. I think a much better way to do it is what Ken said with the alternates. That is a superb way of doing it. We can continue functioning. Frankly, if we shut down business for six months, I think these commission meetings are mandated, are they not and is there a provision for suspending them for six months.

Co-Chair Burckard said there is no provision under the Charter to say when the Charter Commission has to finish its process. We are a creature of the Legislature. If we did nothing and said nothing and they choose to suspend it, they could chose to stop it and start all over. They have all of those rights. We have no authority in any of that, if we did nothing.

Bruce Ferguson said I think we should send our intention to the Legislature and let them act as they will but I am in favor of continuing to meet and I love the idea of alternates.

Nada Rajsz said and this is something that I proposed to you (Paul) alternates because we do this on the Planning Board and the Zoning Board. We have alternates who attend the meetings and are fully aware of all of the conversations and decisions and only vote when there is a vacancy on the board, when someone is out sick, can't make it or there is a conflict.

Bruce Ferguson said I wish you all well but if someone is not elected, these alternates can also serve in other events, in sickness or personal problems whatever, you still have a bench to work from for whatever reason..

Bill Liblick said to sum up quickly (what Bill said before Sam came in) the Legislative body is a political platform as well and they get to continue government as usual so there is no reason that this body not. As volunteers that are non paid, that pay for their own gas to come here, should continue discussing their concerns about Sullivan County.

Sam Yagur, County Attorney said you are no different than an incumbent on the Legislature

Bill Liblick said we are not incumbents. We are now County officials. I understand your interpretation because now we are important people but now every meeting of this body has not been in executive session, has not been private and has been public.

Bruce Ferguson said as Ken said to me there is seven candidates in the Legislature, do we shut it down because there is an election. Ken's point, do we shut that down? Of course we don't that is

silly. I think we are all adults here, I think we can continue. We can do two things at once. We can chew gum and walk and that is what we should do.

Sam Yasgur, County Attorney said I mostly have questions. Let's assume all three of you were to run, do you think it would be appropriate for you to stay on the commission?

Bill Liblick said losers got a voice too.

Sam Yasgur said losers on a County board don't get a voice. I am asking that question because you made a comparison between the commission and the.....

Bill Liblick said no, my comparison was.....

Sam Yasgur said I know what your comparison was, I am just asking a question.

Nadia Rajsz said and I would like to reply to that. I do apply for positions where I work and if I don't get that position and someone else does, I don't just throw up my hands and say I quit and become vindictive. I suppose people could.

Sam Yasgur said if you have ever been involved in a political campaign, losing does not leave a good taste in your mouth. All I am doing is asking a question to understand how members of the commission feel about it. When I walked into the room, somebody said well, members of the County board would not be sitting on this commission, that is not true. They could be sitting as ex-officio members, had they wanted to they could have appointed one, two, or more of themselves to sit here without a vote. They would have had all of the participation. You have Legislators that come to these meetings and they raise their hands and they participate. The one thing that they don't have is a vote. The fact that you are considering a potential suspension and that is why I called Paul this afternoon to say I want to understand what is going on. Makes me think that there are at least some of you who think being a member of this commission at the same time as you are running for elective office is incompatible in some way. Does it give you a special advantage in running or what have you. That is the logic of what I heard. The logic of what I heard was that we should have commission meetings going on while the election is going on. The only possible reason I could come to for that is somehow some incompatibility with having to do those at the same time. I am going to suggest something please don't jump down my throat. Ken Walters asked me what is your idea? I said I thought it is not the County Attorney's official position or anything of the sort. I think it might look better because the last thing that anybody would want is somebody to say that there is an appearance of impropriety. As an attorney all of these years, the appearance of wrong doing is usually worse than the wrong doing. I think you ought to at least consider. I can't suggest it officially. I can't do anything of the sort but I think you ought to consider the possibility of your three current members who are running for elective office transform themselves into ex-officio members by resigning as voting members. They would come to every meeting. They would have the same participatory rights.

They would add to the communication and the conversation in the same way and it really does deal with the issue in a very clean way.

Bill Liblick said I think it is an unclean way. I see it just the opposite, Sam. Because these people were appointed to this commission whether I agree with them on issues that we discussed that we are not even discussing. We haven't even voted on changing the Code. We haven't voted on changing the Charter.

Sam Yasgur said I am not trying to argue. I am telling you and thinking about it, that makes the most sense to me.

Nadia Rajsiz said I would like to say that we should continue meeting and getting information, creating alternates and then when we become elected, we become ex-officio and on that, I end.

Bruce Ferguson said I would like to make a motion that we ask the Legislature to create the process where we can have alternates named to the committee.

Sam Yasgur said but that leaves a different issue. I have no idea what the Legislature would do. That is beyond me. I am trying to tell you. I know that is hard sometimes. I have no knowledge what a Legislator would do. I don't speak to them on a regular bases. They don't speak to me on a regular bases. Could they turn around and say we appointed, we could un-appoint. I would think that they can.

Nadia Rajsiz said not without looking ugly.

Sam Yasgur said I am just being asked could they, yeah. That makes a whole mess out of the whole thing.

Bruce Ferguson said they don't have to do that. Sam, can you tell me or can anyone tell me how a candidacy interferes with the commission? There is the one issue that I understand that Larry raised, yes if people are elected then they are no longer on the commission. That I understand but this sort of unstated notion that somehow merely being a candidate and serving on the commission at the same time you talked about appearance of wrong doing.

Sam Yasgur said no, no, not wrong doing, no, I didn't say wrong doing. Be very careful. Can you use your current position on the County commission as part of your credentials on a campaign?

Bruce Ferguson said like being a seated Legislator.

Sam Yasgur said that one you can never avoid, incumbents will always run. That one you can't avoid. Any Legislative body, where incumbents don't run, unless they reached the term limits.

Bill Liblick said the three candidates can go now and say that they are running and their record shows that they are County officials. They can now say that, so they are County officials. They



can now say that and that is number one. Number two, let's look at this for a second. Ken Walters was appointed by the person who he is running against. Nadia was appointed to this commission by a Legislator who is no longer seeking office. Isaac filled the slot that was appointed by Jonathan Rouis and it was the consensus that they needed someone young, someone who participates in government and Jonathan Rouis appointed for his slot Isaac. So when we analysis this on the County level out there to the public, let's look at the three people we are talking about and where they are coming from.

Sam Yasgur said I am not here to debate. Paul asked me to come. I ran pretty fast to get back from Middletown on time and he just asked me to give you my thoughts. I don't want to debate. You debate among yourselves. I have no official role. I do go back a long way with boards and agencies like this and I am just telling you how it is, period, nothing else.

Steve Altman said my issue was not that you have credentials to brag about an election. My issue was a conflict of interest. That a political person, which I am not, the most political thing that I do was vote, that is it. That someone sitting on this board, if we talked about term limits or salaries, they are influencing how it would affect them and I think that is not kosher.

Sam Yasgur said here is case law that says.....Do you know why you can be on this board as a voting member, if you are a Legislator? Do you know that?

Bruce Ferguson said I don't think the Charter Commission should set salaries for the Legislature, does it?

Someone said no.

Sam Yasgur said do you know why a County Legislator could not be a voting member of this commission? Because you can't be a member of a body over which you have overseeing rights. That is the case law. A County Legislator does have some overseeing rights over the commission. One is not stated in the Charter but I think it is relatively clear that a board that appoints can also remove, so that is an overseeing right. They have the right to audit to the extent any money is spent, something like that. If you were an actual Legislator, it is clear that the State Comptroller and the State Attorney General would say you can't be a voting member of the commission. The logic then to say that up until the time you get sworn into office, you can be a member of the commission. It comes very close, because you are running for an office that has overseeing rights over the commission.

Nadia Rajsz said so you are making the assumption that anyone of us three or all three us will make influential decisions.

Steve Altman said absolutely not. I am making the assumption that there is a possibility. I am not saying anyone of you would do that.

Nadia Rajsiz said we are still in a fact finding arena. We are not making any decisions. Right now we are calling people in and listening to them and getting questions. By the time the election comes around in November, we are still going to be in our fact finding mission. We are not going to be making any decisions. I don't think we are going to be ready by November.

Stave Altman said you still get to influence the other members. You still might have your own private agenda as a politician and that is a possibility on any kind of group like this. I have thought about whether you or Ken or anybody else would go one way or the other. It is just a normal thing that you shouldn't be sitting on a board that is going to recommend something that would affect you.

Bill Liblick said it is going to affect every taxpayer and every resident in Sullivan County.

Bruce Ferguson said then none of us should be on this board. It is going to affect all of us.

Sam Yasgur said that is avoiding the issue a little bit, Bill.

Bill Liblick said but that is not avoiding the issue, Sam.

Sam Yasgur said no, because you are going to be talking about, I will give you one issue that is a direct. I would hope that before the end of this commission's term you are going to be talking about staggered terms, that directly affects Legislators. I would hope you would talk about the issue that is personal. I would hope that you would talk about County Executive, term limits. Those are things that would affect the board directly. Forget the taxpayer even, that would affect the board directly. You can say that this commission is going to be making recommendations on things that will affect the body that oversees the commission or has overseeing rights.

Bill Liblick said we are thirteen members, three running would be three votes. You won't know what the commission will come up with at the end. They won't be discussed until at least next year at this time. It would just be research that anyone can come up to speed with what we are discussing.

Sam Yasgur said Bill, you are talking about practicality, I am talking about something else.

Bruce Ferguson said I would like to bring up a point here that hasn't been brought up yet. I believe it was our last meeting, we talked about the relationships between Town government and County government, Chris Cunningham's presentation. Now, Larry is on his Town Council, right, should he have been thrown off the commission? Because that discussion could influence his being on the Town Council and now we are talking about Town and County governments and how they relate, is that a conflict. I mean, you can slice this down. No one has yet brought up a single fact on how any of these three individuals could do something to shape the election or shape a future County government for their own benefit.

Sam Yasgur said Town Council can't affect and oversee or audit this commission.

Bruce Ferguson said nor will they be able to if they are elected.

Larry Richardson said this is not going to be finished this year. So if these three people are elected, they in fact could be in a position to have influence over this whole commission.

Bruce Ferguson said no because they are gone. Here is one more suggestion we can make to the Legislature. There is no provision for an alternate to be named. We could ask the Legislature. This could be our suggestion to the Legislature. Name three more people. Now, if any of these three are elected, they resign and we are all fully staffed and these people have participated from day one. Another words, we are not down strengthen in January. Appoint them now, this month, three more people to the committee. You don't have to recreate the structure. Let's expand the committee.

Peg Harrison said who makes the appointment?

Bruce Ferguson said the Legislature.

Peg Harrison said which Legislator?

Bruce Ferguson said let them all do that, let them figure that out.

Ken Walter said Tom, does a Legislator have the authority under the Charter to do an alternate system, if they so choose?

Tom Cawley, Assistant County Attorney said in the Charter, Section 1.05, it doesn't specify number, doesn't specify how they are put in, it doesn't designate it, hardly at all. The alternate is actually being place on the board, what you were talking about before, the Town Board, to vote instead of someone who doesn't make an appearance. Not in respect for going forward that they are taking over the position. I did want to say something about the question about the Town official being on this board. What Sam stated before and I have looked into it a bit. We are not saying there is a conflict of interest. You are going to take advantage of it financially but people say there is a conflict between offices. The proper phrase and Sam said if I want to stress it so everyone understands it, incompatibility of offices. I think all three of you would agree that holding the position of Legislator and being on this commission are incompatible. So holding the position here and being on the Town Board are not incompatible because this board is subordinate to the Legislature. It has authority, as Sam said that is why it is incompatible because they can control. It doesn't say about removal but the assumption that Sam said if you can appoint, it doesn't say anything about how it is appointed. How you remove, it doesn't have a term of office, it doesn't have a number, it does nothing like that. It is literally one paragraph. So the question before the board is and I don't take a stand on this ethically, morally or even legally, is the question is, if you are running for an elective office, which is clearly incompatible with a County board that you are currently sitting on, is it proper that you remain on the board?

Bruce Ferguson said do you agree that they are not incompatible until they are elected and take office? Until then, they are not incompatible. We do this all of the time in this country. A Senator runs for President, obviously, you can't be Senator and President. There are mechanisms for dealing with this. Guess what if you are elected President, you give up your Senate seat and someone is appointed to fill it out until a special election. We know in the United States of America, how to deal with these things. There is an orderly way to do it. We don't throw up our hands and say cancel everything, which is the way this thing started out. There was panic mode. It was inappropriate and we can proceed like intelligent, rational, calm people and proceed with the commission. If the Legislature wants to name three more members, just in case they are voted out and these guys are voted in, let them do it. That is there place.

Bill Liblick said if this doesn't get suspended, can we still keep the title of County official until it reconvenes again?

Tom Cawley said if the Legislature agrees to let you take a five month hiatus. If they didn't terminate the board..... An interruption took place. Tom Cawley goes on to say I am going to answer the question properly, not when you think I have. When you ask a question I am going to answer it for you. They have many options. If you present to the board a resolution to seek a suspension of it and they agree to it and make no other terms or conditions on it. The board, like any other board, you just don't meet for six months, there are certain boards that don't meet that often and they didn't seek to terminate any of the appointments. Then you would all be members of the commission until such time as you reconvene. There would be no change. It just means you would meet but there are other things. They have many options to present. They don't have to just rule on what you just present to them.

Steve Altman said why do you want to keep it (the title County official) . I am just curious.

Bill Liblick said O! no, I have ethics charges. I am a County official. Against me.

Steve Altman said so you want it to protect you from ethics charges.

Bill Liblick said no, I have ethics charges against me because I reported on something.

Steve Altman said I don't want to know that story. I just want to know why you want to make sure that you keep your title.

Bill Liblick said I have an ethics charge against me saying I am a County official. So I just want to know that I am still, if they take this hiatus, if we are considered County officials. Did you know that you were a County official?

Steve Altman said I could care less. I am here to help my County get a little bit more modern. Get a little bit more streamlined and do things a little better. I don't care.....

Bill Liblick said did you realize you were a County official?

Steve Altman said no, nor do I care.

Bill Liblick said did you Ray? Did you Larry? Did you Ken? Did you Nadia? Did you Isaac? Did you know Bruce? All but Ken and Nadia said no (they did not realize they were County officials as it pertains to the Ethics Law).

Sam Yasgur said to be clear on that Bill, that term County official relates only to one law. Generally speaking, if that law didn't exist, I would not consider you County officials. I would consider you volunteer members of a County entity. It is the way they define County official in the Ethics Law. You are a County official solely for the purpose of the County Ethics Law not for any other reason, Bill.

Steve Altman said I would like to mention why I would like to talk about salaries. I believe the salary for a County Legislator is something like \$21,000 or \$22,000. It is supposed to be a part-time job but from what I understand it is more than that. To me if we don't suggest a higher salary we eliminate a plectrum of possible candidates who cannot afford to take the job.

Bill Liblick said absolutely, we had someone that was considering running for Legislator and that person did not run for that very reason. That person would have been a dynamic person if elected.

Bruce Ferguson said I suggest if we take up County salaries, we do it next January and not before.

Steve Altman said we are going to take up all of those issues next January.

Larry Richardson said I just have another thought on Ken's suggestion because I really hadn't given the alternate option much thought coming into this and I would think that if there is consensus to suggest that we look at alternates, I would say that they should be maybe three alternates At Large if you will, not tied to those three seats. Anything happens again we have a member who has to resign for some reason, those could step up rather than, I am only here if Ken resigns, for instance.

Nadia Rajsz said it would be alternate one, two and three.

Co-Chair Burckard said you heard what he said. Is that a possibility that they could do that?

Sam Yasgur said as Tom said the current provision in the Charter is something that the Charter Commission should look at. So vague in terms of who gets appointed and how. The only thing that this Legislature and the Legislature years ago, when they appointed the last Charter Commission, seemed to agree on is, that there should be a member of the Charter Revision Commission from each current Legislative District. What they did and that is not in the Charter, the Chairperson of the Legislature asked members of the board, each make a recommendation, that made sure you would at least have nine members from each Legislative District. This time

around you had in one of the discussion, I think Gene Benson wanted one from every Town. So the numbers began to fluctuate. Now, how they finally came up with thirteen, I am not sure.

Discussion resulted regarding how the Legislators picked the current Charter Review Committee members.

Co-Chair Burckard said I would like to clarify something. In the very beginning, I tried to explain my thinking because of my great concern and when the idea was presented to me about simply taking a hiatus. I thought that would eliminate controversy, problems, everything and just make it good. We could move on and let the election come and that would be the end of it. It seemed like terrific rational to me. It seemed like an excellent idea and I couldn't think of any better way to get us from point A to point B without a problem. When Sam called today, he was talking about the commission and it should continue on. It is too long to not be involved. There are some other things that you have to take into consideration. I guess what I didn't realize and you can correct me if I am wrong but I think Tom (Cawley) just clarified it. Even if we went into hiatus and the Legislature did not specifically make a change, just a simple hiatus, doesn't change the status of the members. Correct, interpretation? So if that is the case, then what I thought I was trying to help fix doesn't fix it.

Tom Cawley said to change the status would take an affirmative act of the Legislature.

Bill Liblick said so if you wanted to take the Summer off that is another story.

Tom Cawley said well, actually in the resolution if you did that and you missed three straight meetings, you are out. The only definitive termination of a member of this commission is directly in the resolution appointing all of you. It is if you miss three consecutive meetings or maybe just three meeting as a whole, you could be terminated, immediately. That is considered cause by definition and it is in the resolution.

Sam Yasgur said that actually came out of the by-laws of the previous commission. They also had some problems.

Bruce Ferguson said the Legislature may also want to think about having the commission members sign the document that they will not run for office if they agree to serve on the commission. That could have been done. It wasn't done so we are here, where we are today.

Tom Cawley said I don't think that would done.

Ken Walter said this ex-officio thing, if we had people sitting around the table who were ex-officio they would still be able to be participating in discussion and have all of the rights that everybody else has. So if they were members of the Legislature, they would be no different than somebody running for office. If the three of us should bow out, nothing would preclude us from writing on our campaign material previous member of the Charter Commission. So it is either previous member of the Legislature, or acting member of the Legislature, or you are part of these

things. They all show some involvement in your community and some degree of respect by whoever appoints you to the bodies.

Co-Chair Burckard said technical question to Sam. If they did what you requested, Ken, Nadia and Isaac.....

Tom Cawley said Paul I don't think Sam was requesting. We were merely putting an option on the table.

Sam Yasgur said I have no official role. I hope you understand that.

Co-Chair Burckard said this is an important technical question. If they exercise the option that you suggested and the three resigned from the Charter Commission.....discussion.

Co-Chair Burckard said let me finish. Let me get to the point.

Sam Yasgur said I didn't say resign from the Charter Commission. I said resign as voting members of the Charter Commission as an ex-officio member

Co-Chair Burckard said that is what I am trying to get to so that everybody clearly understands. If they did that does the Legislature have to re-appoint them ex-officio members?

Tom Cawley said you would make a recommendation from this board, whatever it is.

Sam Yasgur said the board would have to replace.

Much discussion took place regarding a statement that the committee is not currently voting on anything except to approve minutes, and to adjourn, and that the board is not ready to vote on anything and just gathering information.

Numerous motions were made without being seconded and therefore those motions are moot and much more discussion continued.

Motion moved to recommend to the Sullivan County Legislature that they appoint three (3) alternate members to the Sullivan County Charter Review Committee as ex-officio members, and who shall abide by the same attendance rules, and who shall become a full board member upon a permanent vacancy. Motion moved by Ken Walter, seconded by Bruce Ferguson, discussion ensued.

Motion moved to amend the above resolution. Motion moved by Ken Walter, seconded by Bruce Ferguson.

**Motion moved to amend the resolution to read that a recommendation be sent to the Sullivan County Legislature to appoint three (3) alternate members, designated as Alternate one, Alternate two, Alternate three to the Sullivan County Charter Review Commission as ex-officio members abiding by the same attendance rules, and who shall**

**become a full board member upon a permanent vacancy. Motion moved by Ken Walters, seconded by Bruce Ferguson, no discussion, the voted was called and Steve Altman abstained, all others voted aye, motion carried, eight ayes, one abstained.**

Steve Altman said I think for the good of the County and not for the good of me or each individual here, which each of us has a right to have their own agenda, I think we should all resign and let the Legislature have the freedom to pick us again or somebody else. Much discussion resulted regarding who should, could or wants to resign and then discussion to inform the Legislature that the Charter Review Commission wishes to continue meeting and the pleasure of this board is that they no longer wish for a hiatus.

Tom Cawley suggested delivering a letter to the Legislature with that resolution by tomorrow for the committee meeting. This is your opportunity to explain in detail to the board that can decide your faith what you think is best for the County.

**Motion moved that after exhaustive discussions amongst members of the Charter Review Commission, the members of the Charter Review Commission are requesting that the members of the Sullivan County Legislature keep the Charter Review Commission intact and that we continue meeting as scheduled, recognizing that the Charter Review Commission is still in a fact finding mode. Motion moved by Bill Liblick, seconded by Nadia Rajsz, no discussion, motion carried with seven ayes and with Steve Altman and Isaac Green Diebboll abstaining.**

Co-Chair Burckard said is there any other issues that a commission member has of concern that they wish to raise.

Ken Walter said I believe when we have the public here, we should be sitting up at the dais, where there is microphones. Because sitting out there, it becomes real hard to hear and people on this side of the table are not heard by the people out there. There is enough microphones and chairs for all of us to speak into a microphone and be heard. Discussion regarding use of the committee room instead of this hearing room by Charter Review and submittal of the resolutions to the committee tomorrow.

Co-Chair Burckard asked does anyone have objection to Ken Walter trying to explain and or clarify if questions arises? Is there any objection from anyone? Co-Chair Burckard said hearing none, Ken, thank you.

Ken Walter said I wouldn't do it, if I didn't have the authorization.

Bill Liblick said as I said before, I want to make it very clear that the Charter Review Commission is open to the public. There is nothing that we have ever discussed that is not in Executive Session. That is not open to public and I just want to make that very, very clear. And



whatever charges that are levied against me personally will be fought whether the Ethics Board or in state court or..... I want to make that very clear.

Isaac Green Diebboll said so if we arrive at another situation like this in the future, say eight months from now, elections are done, do we want to set up a protocol or communication amongst the commission for committee to avoid frustration, for lack of a better word. So that if something were to occur that the protocol might say we all have to come together to discuss something before we have other conversations.

Nadia Rajsasz said I think that is what we finally came to the conclusion of after Paul called me and discussed this, the Chair should discuss and then it should be brought to the full board and that is what occurred this time. So if you want to make that a written protocol.

Discussion regarding general emails between Charter Review members and that sharing information is fine but there is a need to be careful that a decision isn't made between the members discussing an issue.

Motion moved to adjourn by Bruce Ferguson, seconded by Nadia Rajsasz, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Terri Waverla  
Secretary to the Charter Review Commission

