

**WESTCHESTER COUNTY CHARTER REVISION COMMISSION
MINUTES**

October 24, 2013

Members in Attendance: Richard Wishnie, Jeff Binder, Alfred Gatta, Derrickson Lawrence, John Mattis, Steve Mayo, Jane Morgenstern, Guy Parisi, Vincenza Restiano, Matthew Thomas, Paul Windels III, Gary Zuckerman, Dr. Ronald Volino, Herman Geist

Absent Members: Raymond Belair, Julie Killian, Anne McAndrews, Florence McCue, Paul Meissner, David Menken, Bertrand Sellier

County Staff in Attendance: Justin Adin, Chris Crane, Stacey Dolgin-Kmetz, Anand Singh

Commission Counsel: Lester Steinman

Commission Consultant Dr. Gerald Benjamin

MINUTES

The meeting of the Charter Revision Commission was called to order at 6:12 PM. Chairman Wishnie thanked the commission members for coming and briefly went over the agenda for the evening.

Chairman Wishnie indicated they would begin by discussing the additional suggested resolutions from Dr. Benjamin. Dr Benjamin opened with the resolution regarding the estimated operating costs of pending and proposed capital projects. He summarized the resolution and outlined a supporting rationale for consideration by the Commission. Chairman Wishnie added that this essentially called for the annual operating costs of current and proposed capital projects to be factored in by the Capital Projects subcommittee. He also referenced the concerns of the Board of Legislators' (Board) fiscal staff that inflation wasn't currently addressed in addition to current inconsistencies with different fiscal projections being done by different agencies. Mr. Gatta believed the differences in cost would be negligible and didn't believe this needed to be included. Mr. Zuckerman believed it was a good idea, but hadn't been vetted enough by the Focus Groups, with too many unknowns to make an informed decision. Mr. Parisi asked if this would also be subject to the potential issues that arose when estimating sales tax, such as initial low estimates to entice a project's onset but then leaving them in a potentially unfavorable situation later on. Chairman Wishnie asked for a motion to include this proposal in the final report, but no one made such a motion.

Dr. Benjamin then moved onto the next proposed resolution that called for resilience and sustainability of capital projects to be looked at during the initial planning for Capital Projects, giving his reasons why he believed such issue should be considered. He presented information on the additional criteria to be factored in by the County Planning Department before moving on a capital project, along with criteria used by several other counties. He cited a study by the Mid Hudson Regional Sustainability Plan that projected the possibility of increased water levels and subsequent flooding that could see parts of Westchester under water by the year 2080. He also showed a list of facilities in Westchester that could be affected. Chairman Wishnie voiced his support for the resolution and Mr. Gatta asked whether the term ‘priority’ warranted inclusion. Dr. Benjamin expressed his belief why it should and stated that people needed to be aware this should become a value, among others, that people need to consider. Mr. Thomas asked if it would become redundant since most capital projects covered by SEQRA. Mr. Steinman cited the section of the charter in question, and stated that the terms resilience and sustainability could simply be added to the existing language. Mr. Windels voiced his concerns with the issue and after some discussion a consensus was reached. With a motion by Mr. Mayo, seconded by Ms. Morgenstern, the resolution was adopted as amended to add the terms ‘resilience’ and ‘sustainability’ to the existing list by a margin of thirteen to one with Mr. Windels voting in the negative

Dr. Benjamin moved onto the final proposed resolution regarding a sunset provision for new and existing projects in the five year capital plan. Chairman Wishnie voiced his, along with Mr. Binder’s opinion that this wasn’t in the best interests of the County, stating that it could cause a worthy project to be cancelled simply because it wasn’t a priority for those years. Mr. Gatta stated that as a manager he believed this made sense, although as an elected official he liked being able to have a ‘wish list’ of projects that he could convey to constituents were still underway in some fashion. Mr. Mayo asked for an example of how this would change things, to which Dr. Benjamin stated that if there was a project that is slowly put further and further on the backburner with no realistic completion date, it would eliminate it, along with the potential for the project to be politicized. Mr. Zuckerman asked what the downside of keeping a project on the list was along with the provision of needing a formal action to keep it on the capital plan. Chairman Wishnie asked for the staff’s opinion regarding the current practices and Mr. Crane stated that he had noticed some projects being removed over the years and Mr. Adin stated that if a project hadn’t reached the secondary phase or later and wasn’t funded for a number of years then it could be removed. Mr. Geist asked about changing the language to amend it to end of fiscal year versus end of calendar year to which Chairman Wishnie asked for the Commission to take action on this item. With little interest in this proposal, no such motion was made.

Chairman Wishnie then asked that they move to the approval of the minutes. The commission members reviewed the minutes and two amendments to the minutes from the September 24, 2013 meeting by Mr. Thomas and Mr. Windels were noted and recorded. With a motion by Mr. Mayo, seconded by Mr. Zuckerman, the minutes were unanimously adopted as amended

Chairman Wishnie thanked the Commission members and the Board's staff for all of their help over the past two years and in putting together the final report. He stated that the cutoff for comments and a minority report for inclusion in the final report would be by next week on October 30, 2013. A discussion on the formatting of the report ensued along with potential areas where the report could be improved or altered to better convey the ideas of the commission. A question was raised by Mr. Windels regarding the inclusion of discussion of the state law considerations and need to amend state law regarding countywide assessment. Mr. Steinman responded that the bill Mr. Windels referenced, vetoed By Governor Pataki, and was not the same as the legislation that is the subject of the resolution that was voted on by the Commission. Mr. Windels agreed but felt that it should be set out more clearly so as to give a very clear frame of reference. Mr. Gatta didn't want the resolution to be confused or associated with re-evaluation. A discussion ensued on constitutional home rule along with other issues that would arise from Mr. Gatta's concerns Chairman Wishnie asked Mr. Windels to email his comments, and asked if anyone else had comments.

Chairman Wishnie reviewed the future plans for the Commission regarding the planned public hearing, along with a press release to raise awareness about it. Based on the comments they receive at the Public Hearing a Steering Committee meeting may be held to iron out the details of the Final Report. He went over how the final report would be approved by members before the December 15, 2013 deadline along with how a minority report would be included. Mr. Windels expressed his concern that he needed adequate time to review the report, which had only just been circulated in order to decide whether to issue a minority report. Chairman Wishnie respectfully requested that Mr. Windels write and submit his report as soon as possible. In response to Ms. Morgenstern's question, the next meeting could be a meeting of the Steering Committee; otherwise the next full gathering of the Commission would be at the public hearing on November 20, 2013. Dr. Benjamin stated he would prepare the required materials for presentation. With no other issues before them and with a motion by Mr. Thomas, seconded by Mr. Mayo the meeting of the Charter Revision Commission was adjourned at 7:00 PM.