

WESTCHESTER COUNTY CHARTER REVISION COMMISSION
MINUTES

NOVEMBER 29, 2012

Members in Attendance: Richard Wishnie, Jeff Binder, Alfred Gatta, Herman Geist, Florence McCue, Paul Meissner, Jane Morgenstern, Bertrand Sellier, Paul Windels, Ronald Volino, Gary Zuckerman

Absent Members: Raymond Belair, Julie Killian, Derickson Lawrence, John Mattis, Steve Mayo, Anne McAndrews, David Menken, Matthew Thomas, Guy Parisi, Vincenza Restiano, Sam Zerka

County Staff in Attendance: Justin Adin, Chris Crane, Melanie Montalto

Commission Counsel: Lester Steinman

Guests: Ralph Butler, Former Commissioner, Department of Public Works
Peter Eschweiler, Former Commissioner, Department of Planning

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Chairman Wishnie called the meeting to order at 7:24 PM.

Chairman Wishnie introduced Peter Eschweiler, former Commissioner of the Department of Planning, and former Chair of the Westchester County Flood Action Task Force, who gave a brief history of his tenure with the County.

Mr. Eschweiler stated that one of the primary issues the planning department was tasked with was to address critical housing and health issues within the County. The department handled this by signing the County onto several federally funded programs and studies over the course of the next decade, laying the conditions for the needs of the housing market.

Mr. Eschweiler said they looked to see if there was a link between poor housing and poor health within a population. They determined that higher income on average equated to better health.

Mr. Eschweiler discussed a legal case in New Castle the 1970s which looked at municipal planning regarding housing and the subsequent decision, which essentially compelled municipalities to strongly look at the housing needs of their respective areas and provide different types of housing such as apartments.

He also discussed various land use systems, such as the Geographic Information Systems, the Airport Advisory Board, the Flood Action Task Force which later evolved into the Stormwater Advisory Board, the Citizens' Advisory Board, and the cooperation between departments which enabled the success of these various programs. He briefly described the history and functions of each of these systems.

He went on to state the inner workings of the Planning Department and the relationship between the County and the municipalities. Initially there was no formal County policy with regard to funding municipal projects, although this later changed as projects grew larger and more complex. A reconnaissance plan looked at the problem, several proposed solutions, and the most efficient way at implementing said measures.

Mr. Eschweiler opened the floor for questions, to which Mr. Gatta commented on the Stormwater legislation which in essence forced the County and municipalities to work together for an overall watershed plan to prevent municipalities from competing and to streamline the process. The incentive is potential 50% county funding for projects.

Mr. Steinman asked Mr. Eschweiler to comment on the relationship between the County Planning Board and local municipal planning and how that has worked out in his opinion. Mr. Eschweiler stated that the County Planning Board has review authority over certain municipal zoning actions or site plan approvals along property touching various County owned properties or facilities, the municipality can't take action until a review by the County Planning Board has been conducted and their findings have been made known.

Mr. Meisner asked if they had jurisdiction over municipal projects, to which Mr. Eschweiler replied that they did not, nor did they have the power to veto. If the County Planning Board gave a negative review of the project's impacts, the municipality could "override" their recommendation with a majority vote.

Mr. Gatta asked what the Planning Board's role was in the Capital Projects Process. Mr. Eschweiler described the review role the Board has over projects submitted by other County Agencies.

Mr. Zuckerman asked if Mr. Eschweiler sees increased possibilities for County involvement in local stormwater management issues. Mr. Eschweiler stated that he believed the County could.

Chairman Wishnie thanked Mr. Eschweiler for his time and asked if he would be open to coming in further down the road and helping out the committee.

Chairman Wishnie introduced Ralph Butler, Former Commissioner of the Department of Public Works who gave a history of his tenure with the County.

Mr. Butler discussed the capital projects process along with the various types of capital projects the department could undertake. He discussed the responsibilities of the Public Works Department, which in essence boiled down to maintaining County infrastructure.

His department had to look at a “wish list” of capital projects of all of the County Departments, along with their potential costs and benefits, weeding out projects that wouldn’t be feasible for the County in the long run and giving the go ahead to sound projects.

Chairman Wishnie asked Mr. Butler to discuss the Capital Projects Committee. Mr. Butler stated that there were three levels to the committee, describing the structure and functions of each; the first being the working committee, the executive committee, and then finally the actual Capital Projects Committee.

Mr. Butler further explained the planning process and method behind the capital projects budget. He stated that you have to plan five years ahead for capital projects before any funding became available, and that when funding did become available it was only guaranteed for the first year of the projects.

Mr. Butler explained that every project undergoes intense scrutiny to make sure they were being well thought out and the funding went to the right projects at the right time. Chairman Wishnie noted that the point was that there are rigorous controls in place in the Capital Planning Process. Mr. Butler went on to reinforce this point stating that the County likes to maintain “level” debt year to year and avoid large fiscal surprises. Certain projects under certain circumstances necessitated projects being expedited, as was the case after 9/11 with numerous security projects being fast-tracked.

Mr. Binder asked if Mr. Butler agreed with the time constraints to the Board of Legislators in regards to Board additions to the Capital Projects Budget. Mr. Butler stated that in the past, the Board had a specific period of time to add or delete projects. Chairman Wishnie referred to the upcoming Monday which would be the only time the Board has to add to the Capital Projects schedule. Mr. Butler stated that there was never any argument as to the time frame when he was Commissioner.

He went on to answer the Commission’s question as to whether he treated the Board of Legislators as another County Department or Agency to which he replied he did not, but at the same time, he reiterated that there was a set process in place. Mr. Butler stated that he agreed that the Board was the Check and Balance to the Administration’s power and should in fact have the final say on projects.

Mr. Butler described the functions and inner workings of Public Works, along with the evolution of the relationship between Public Works and the Board of Acquisition of Contract.

Finally, Mr. Butler briefly discussed various changes he would implement with the Professional Prequalification Board and the Professional Selection Board.

Chairman Wishnie thanked Mr. Butler for his time and went on to state that it is extremely important that the steering committee meet very soon, possibly next week.

The Commission discussed the focus group reports and the upcoming deadline at the end of the year.

Chairman Wishnie stated that the next meeting will be on December 20th, 2012, however Committee staff will poll members for attendance.

With a motion by Florence McCue seconded by Gary Zuckerman the Charter Revision Commission adjourned at 8:33 pm.