

Charter Review Commission

Meeting Minutes

January 19, 2011- 6 p.m.

Attendees

Members:

Charles Woodard (Chair)
Isaac Diggs
Pauline Dillard
Brigidanne Flynn
Tom Murphy
Jack Penney
Mary Ann Prokosch
Decora Sandiford
Hhans Sandiford
Barbara Simon
Barbara J. Smith
Susan Smith

Consultants:

Jonathan Drapkin, Director, Pattern for Progress
Prof. Gerald Benjamin, SUNY New Paltz
Lester Steinman, Municipal Law Resource Center

Staff:

Mayor Nicholas Valentine
Acting City Manager Richard F. Herbek
Corporation Counsel Bernis Nelson
Administrative Assistant Ann Kuzmik

Summary:

Mayor Valentine welcomed the group, gave a brief history of Charter Review Commissions. He said that everyone who applied, with the exception of a non-resident, was appointed to the Commission. He turned the meeting over to the 2011 Charter Review Commission Chair, Charles Woodard, who served on the previous Commission.

Mr. Woodard said that he felt the last Charter Review Commission did a reasonable job, but the Council did not see fit to send their recommendations to the voters. Since then, he

said he had spoken with a couple of people who gave him some ideas of what was done wrong, and he is hopeful they can make those things happen right this time.

Members of the Commission then introduced themselves and shared some reasons why they wanted to serve on the Commission.

Isaac Diggs said he is very excited about being on the Commission, but also curious about why the previous Charter Review effort failed, and what has changed that makes the Commission believe this one can be successful.

Mary Ann Prokosch said she had some questions about the last Charter revision effort, and thought some improvements could be made, so she decided to sign up for this commission. Also she thinks they need to delve further than the election process.

Barbara Smith said she also had a voice in the last Charter Review, and that she had questions about the Commission not paying enough attention to the mechanics of the Charter. She said she is extremely impressed with the people who came out for this particular Commission, and that she is very impressed with the Charter of the City of Newburgh, but there are things that should be changed, and things that should remain.

Ann Kuzmik, Administrative Assistant to the City Manager, said she had served as liaison to the previous Commission, and she would also serve this one, keeping the minutes and acting as a link to Department Heads. Acting City Manager Richard Herbek noted that the minutes of the Commission meetings would be on the website.

Susan Smith, Community Voices Heard, said she would like to see Newburgh grow, and some old laws changed that should have been changed years ago. She said she is hoping the commission can come up with some good strategies to put Newburgh back on the charts and improve and redevelop the City.

Tom Murphy, an attorney in the City of Newburgh, since the 1980s, said he would like the Commission to get from Counsel what the options are if the Council does not approve a referendum and whether the Commission can get a referendum going without Council.

Lester Steinman, Director of the Municipal Law Resource Center at PACE University, said their area of specialty is providing legal research assistance to local governments, that they have participated in a number of Charter revision efforts in various cities and counties, and that his job is to assist the Corporation Counsel and the Commission.

Prof. Gerald Benjamin is a professor of political science and heads a research center at SUNY New Paltz. He has served on commissions appointed by Governor Spitzer, former Governor Mario Cuomo, and most recently the Transition Committee on Local Government appointed by Governor Andrew Cuomo. He also advised during the process of revising the New York City Charter, and he wrote the new Ulster County Charter. His main focus will be on the Charter, what the Commission wants to look at, the timeframe, and helping the Commission make decisions in an informed way.

Pauline Dillard said she is a lifetime resident, has a love for the City, and that this might be one of the best ways for the City to move forward.

Decora Sandiford said he is a spoken-word poet, and an urban farmer.

Jack Penney is a retired City of Newburgh firefighter, Chair of City of Newburgh Republican Committee and Secretary to the City of Newburgh Industrial Development Agency. He asked that the Commission follow Robert's Rules of Order, there should be no cross-talk, and members should raise their hands to be recognized before speaking.

Jonathan Drapkin, President of Pattern for Progress, is a former Sullivan County Manager. He spoke about the two distinct elements of the Local Government Efficiency Grant, revising the Charter if that is what the Commission chooses to do, and exploring service delivery and whether certain services could be shared, structured differently, or

consolidated. It is the Commission's task to determine what direction the City would like to go. The consultants will help them to determine how to go about making any changes, whether through charter change or local law. In response to Barbara Smith's question as to whether the consultants would be steering the Commission in a particular direction, he noted that the consultants have no agenda here, only to advise. He added that no matter what came of this effort, he would like it to have a positive result.

Mr. Woodard said if the current Commission decides to go to the "meat" of the Charter, the process could go on to the next election cycle. If the Commission chooses to be more involved, it could go to the cycle after that. The most important task is for the Commission to decide if they want to see a change, and if so, what is it? The timeline will be determined by the extent of the task.

Isaac Diggs said it is important to find out what the issues were when the 2007 proposal for a referendum was presented to City Council. He is concerned that this will be a wonderful exercise that won't go anywhere, that there will be a breakdown in process when a proposal is brought to Council again, and the people won't get a chance to vote.

Discussion followed on why the resolution for a referendum was defeated. Brigidanne Flynn, who also served on the 2006-2007 Commission, explained that the Commission recommended to Council that they put a referendum on the ballot to go to a ward system. The specifics could not be determined because the wards are out of balance, and after the 2010 Census, the City would have asked Orange County to redistrict. This would determine the number of wards and representation. City Council defeated the motion to put the referendum on the November ballot 4-1, and the Commission did not get a chance to go on to the next step.

Mr. Woodard then asked if any of the Commission members had any objection to meetings being recorded. None were voiced.

Pauline Dillard said that the referendum was not approved by Council because of concern that there was not enough time for community teaching before the referendum would go on the ballot.

Mr. Woodard said that one of the things that bothered him about the last Commission was that they held bi-monthly meetings, but in all that time, only two people came. One was a student who needed to attend a meeting to satisfy a class requirement.

Bernis Nelson, Corporation Counsel spoke about the history of the ward system in the City of Newburgh. The City was created as a village in 1800. In 1836 the Village Charter provided for 7 Trustees at large. In 1865, the Village became a City, with 4 wards, a Mayor at large, and 2 aldermen in each ward, adding up to 9 total on the Council. In 1895, the 4 wards were increased to 6 wards, with 2 alderman in each ward, and with a City Council President elected at large, for a 13 member Council. In 1917, the Charter we have now, there were originally six wards for the sole purpose of electing County Supervisors, with a Mayor and four Council people all elected at large for a 5 member Council, and with a City Manager appointed by the City Council. In 1952, the number of ward was increased to 9, only for the purpose of electing County supervisors, but kept with the election of Mayor and four Council people at large.

Prof. Benjamin asked the Commission to read the Charter and background material, and come up with five key issues to discuss at the next meeting, so he knows what the Commission cares about. The Commission raised no objection.

Barbara Smith asked why so few people attended the last Commission meetings, if they were not advertised or open to the public. Mr. Woodard said they were open and publicized. Mr. Herbek reiterated that this process will be as open as possible; meeting notices and minutes will be on website.

Mr. Woodard noted the following tasks:

- 1- look at Charter as it exists and note in some order what should be worked on;
- 2- decide how often they are to meet
- 3- Looking at 2 time schedules- one if they want to have recommendations available for next general election. If this is chosen, they can only look at the top 5 items. the Commission chooses to wait for next voting cycle (2 years from November) they can go into more depth.

The time frame depends on the Commission. He said it is their task to determine what to do, what should be changed, and what should be added in the Charter and that he is not sure we are ready to do that now.

Susan Smith said she was in agreement with the two year process. She is looking at items in the Charter- for example, budgets for fire department and necessary services in order to get idea of what they need to work on and what they need to change in the Charter.

Isaac Diggs said it is premature to determine the time frame until the issues are determined, and suggested the group meet in 2 weeks with their top issues.

Brigidanne suggested the group go chapter by chapter so as not to get bogged down. She pointed out the Council needed the proposal in June, and it had to be to the Board of Elections in September if a referendum is to go on the ballot. She suggested going up to Chapter 4 by the next meeting.

Mary Ann Prokosch asked if only the question of whether to go with a ward or at-large system could be presented to the voters in November, so the voters could decide what kind of system they want. Whatever they decide, there will be more participation, she said.

Corporation Counsel Bernis Nelson suggested that she and Mr. Steinman bring information to the next meeting on process so the Commission can understand the possibilities of how to present a referendum.

Jack Penney said that the Board of Elections has said there will be a very high cost to change the ward system in the City, so before anything is put on the ballot, the Commission should find out how much it would cost the taxpayers to make a change.

The Committee expects to meet twice a month. The next meetings will be Thursday, Feb. 3 and Thursday, Feb. 17 at 7 p.m. in City Council Chambers, City Hall, 83 Broadway. The public is welcome and encouraged to participate.

Following approval of a motion by Barbara Smith, seconded by Jack Penney, the meeting adjourned at 7:40 p.m.