

Charter Review Commission

Meeting Minutes

February 17, 2011

7 p.m.

Attendees

Members in Attendance:

Charles Woodard (Chair)

Isaac Diggs

Pauline Dillard

Brigidanne Flynn

Tom Murphy

Jack Penney

Barbara J. Smith

Susan Smith

Mary Ann Prokosch

Members Absent:

Decora Sandiford

Hhans Sandiford

Barbara Simon

Consultants:

Jonathan Drapkin, Director, Pattern for Progress

Prof. Gerald Benjamin, SUNY New Paltz

Staff:

Acting City Manager Richard F. Herbek

Corporation Counsel Bernis Nelson

Administrative Assistant Ann Kuzmik

Other Guests:

Roxie Royal, NAACP

Phyllis Woodard

Janet Gianopoulos, Mount Saint Mary College

Summary:

Chair Charles Woodard opened the meeting and led the group in the Pledge of Allegiance. The minutes of the 2/3/2011 meeting were unanimously approved.

Acting City Manager Richard F. Herbek made a presentation on the City's organizational chart, and handed out copies of that and other reference materials to the members. He explained how he had re-organized City departments to create a more manageable span of control- that when he first arrived, he had 14 different people reporting to him, now he has 8.

For example, the Records Management officer who formerly reported to the City Manager is now in the City Clerk's Department. Code Compliance was moved back under Fire Department jurisdiction as outlined in the Charter, and the Comptroller was named Director of Finance, and given responsibility for IT, Data Processing, the Assessor, and the Collector.

The City is looking to outsource services, including Recreation, which has only a few full-time employees, the majority being funded under the 21st Century Program. Mr. Herbek said if he had his way there would be a full Recreation Department offering programs for all ages as he had in Croton on Hudson, however, the City's finances preclude this. He said there were no funds for the pool or day camp, and only one response to the RFP for running these programs, from a company in Georgia.

Although it is not provided for in the Charter, Mr. Herbek stated that a goal of his would be to put the City Engineer in charge of the Water Treatment Facility and Distribution and the Sewer Plant. The City already outsources operation of the Sewer Plant, and there is a Water Superintendent responsible for day-to-day operations of the Water Treatment facility and distribution, and having the City Engineer oversee them made sense, he said.

Discussion followed about a Human Resources Department. Mr. Herbek explained that the City Council appoints a Civil Service Commission, which in turn appoints a Civil Service Administrator who also works for the School District. Some of the Civil Service Administrator's duties were previously expanded to include some human resources functions, he said, and both the Civil Service Administrator and Assistant Corporation

Counsel had been very helpful to him in personnel matters. Corporation Counsel Bernis Nelson pointed out that the Civil Service Commission is governed by State Law.

Thomas Murphy asked the group to adhere to the two-hour meeting schedule they had approved at the last meeting. Mr. Drapkin said with that in mind he would like Prof. Benjamin to make his presentation.

Chair Charles Woodard said he would like Brigidanne Flynn to look at the charter and the current organizational structure- that it is necessary for the commission to understand where they are and where they must go.

Prof. Benjamin said he would show a power point on Alternate Government Structure, including Weak Mayor, Strong Mayor, Council Manager, and Commission, and that next time he would discuss the ward system in more detail. He outlined the different forms of government as well as the powers of each official.

Susan Smith asked if a person with ambition was in a position (of power) could they be influenced by an outside source- that she has seen elected officials who started out being for the people and ended up being out for personal gain. Prof. Benjamin said all systems have their strengths and weaknesses.

Barbara Smith asked that if the Commission liked the current system, would it require a Charter change to 'tweak' it, for example, make minor changes to the powers of the City Manager. Prof. Benjamin said for example, the group might want to look at the current provision in the City Charter which provides that the City Manager serves at the pleasure of the Council- that they might want to specify a term. He said they might also want to define credentials for the City Manager in the Charter. He also pointed out that many government structures are hybrids, with changes having been made to Charters over the years.

Mary Ann Prokosch commented that she has talked with a lot of people when she was on the Governance Committee for the Master Plan and that it seems they should stay with the City Manager form, but it needs tweaking. She said that elected officials seem to want to effect change, but the revolving door in the City Manager's office makes it difficult. She said Council needs to feel like they have more ownership.

Mr. Herbek said the Council/Manager form of government has not worked here as intended, that it has to be a partnership the Council and the Manager, but predominately the power and fiduciary responsibility has to be with the Council.

Isaac Diggs said he feels there needs to be more teamwork among the Council, and that the division on the Council is not necessarily reflective of the electorate. Brigidanne Flynn said, going back to governmental structure, that many voters don't understand the system in place, for example, the role of the Mayor.

Mr. Woodard said he would like Mary Ann Prokosch to chair a subcommittee on the governmental structure of the City. Ms. Prokosch said that her mind was pretty much made up, and she didn't think she should be chair of such a committee. Barbara Smith commented that it is premature to establish a sub-committee to make a presentation on the government structure not yet voted on by the committee. It is the whole body that determines the form of government it deems best suited for the City of Newburgh.

Discussion followed on how the Commission should proceed- whether or not a subcommittee should be formed to look at governmental structure. Bernis Nelson defined the 2 main issues raised by the group- how the executive power should be exercised, and how the legislative power should be elected. She suggested that the group focus on the first issue in preparation for the next meeting when Prof. Benjamin will also make a presentation on the ward system. Isaac Diggs made a motion that the Commission as a whole prepare for and discuss the question of executive power at the next meeting, as well as hear presentation from Prof. Benjamin at the next meeting, if time permits, on the ward system. Brigidanne Flynn seconded, and the motion was passed unanimously.

The meeting adjourned at 9 p.m.

The next meeting will be on Thursday, March 3 at 7 p.m. in the City Council Chambers, City Hall, 83 Broadway. The public is welcome and encouraged to participate.