

Local Government - County Government Focus Group Report

WESTCHESTER COUNTY CHARTER REVISION COMMISSION

LOCAL GOVERNMENT-COUNTY GOVERNMENT RELATIONSHIP GROUP

REPORT JANUARY 2013

Focus Group Members:

Vincenza A. Restiano, Chair
David A. Menken, Vice Chair
Raymond W. Belair
Julia P. Killian
Derickson K. Lawrence
Anne McAndrews
Florence McCue
Paul Meissner
Jane Morgenstern
Randy Sellier
Matthew P. Thomas
Dr. Ronald Volino
Gary J. Zuckerman

Mission of the Focus Group:

At the meeting held on February 23, 2012, Chair Restiano asked for a motion to incorporate in the minutes the “Mandate of the Local Government and County Government Relationship Group”. Motion by Gary Zuckerman and seconded by David Menken.

- To study the County relationship with Local municipalities for services as it relates to the charter and determine what kinds of improvements and efficiencies are appropriate.
- To review Westchester 2000 and include a discussion of Westchester 2025 as it pertains to towns and villages as a means of aiding in the improvements and efficiencies of services.
- To study the costs involved and determine savings to local governments and any additional cost to the County with the improvements and efficiencies that are appropriate.
- To study issues pertaining to planning and assessment.
- To study sales tax issues.
- To determine services that the County requires local governments to maintain.
- To review burden shifting of non-collection of county taxes from the municipalities to the County.
- To review areas of common ground to facilitate shared services.

Meeting Dates and Names and Titles of Persons Interviewed:

The minutes of the following meetings are attached as an appendix. The focus group met on the following dates:

November 17, 2011	May 31, 2012
Decembers 15, 2011	June 28, 2012
February 23, 2012	October 25, 2012
March 29, 2012	December 20, 2012
April 23, 2012	January 10, 2013.

The following people were interviewed by the focus group:

Drew Fixell, Mayor of Tarrytown and President of the Westchester Municipal Officials Association (“WMOA”)

Anne Janiak, Executive Director of WMOA

Luisa M. Iadeluca, Ed.D candidate

Michael Blau, Tarrytown Village Administrator

John Pierpont, Village of Pelham Manor Village Manager

Charles Strome III, New Rochelle City Manager

Steve Altieri, Mamaroneck Town Administrator

Richard Slingerland, Mamaroneck Village Manager.

The focus group notes that many of the speakers who made presentations to the full Commission provided valuable information concerning our areas of inquiry.

Issues Discussed:

The subjects of the first meetings focused on: 1) Agreeing on a mandate, 2) Arriving at the method of acquiring information, 3) Selection of speakers that we could interview and provide information, and 4) Obtaining documents from the County itself.

At first we discussed that members of the group could meet with elected and appointed individuals from local governments and county governments. We later invited speakers to meet with us and this proved to be very helpful.

The second meeting (December 15, 2011) with Mr. Fixell and Ms. Janiak focused on: 1) As stated in the minutes, “many informal shared services among municipalities, such as equipment sharing (e.g., jet-vac, fire department equipment, etc.) and through inter-municipal agreements (IMAs).” 2) Mandated services, and 3) Taxes.

At both the first meeting (November 17, 2011) and the third meeting (January 23, 2012) the issue of the current requirement for municipalities to guarantee tax revenues was discussed. At the January meeting a list of questions was considered that could be used for discussion with City/Village Mayors and Supervisors.

At the February 23, 2012 meeting the Mandate of the Focus Group was voted on (see above). It was at this meeting that discussion led to considering the option of inviting managers and administrators to come and speak. The group also agreed that it would be beneficial to invite Luisa Iadeluca to the March meeting.

Ms. Iadeluca presented to the group her Dissertation Defense *Investigation on Shared and Consolidation of Services in Westchester County School Districts and Municipalities to Reduce the Property Tax Burden*” Copyright©2011, Luisa M. Iadeluca, Researcher. It seems from her research that more people were interested in shared services than a consolidation of services.

At the April 23, 2012 meeting, Lester Steinman gave us insight into State law that allows us to share services without needing to change charter. Plans were made to invite managers and administrators (see list above) to our May meeting and afford them the opportunity to have the questions prior to the meeting.

The May 31, 2012 meeting proved to be so informative that our issues and recommendations began to solidify. Those minutes are attached. A methodical review of the minutes is necessary to understand how the group arrived at the issues that follow.

Subsequent meetings concentrated the issues that we would be considering and reporting on. Throughout the deliberations we were provided with information from staff on the Charter, the various County offices, and the 1988 Charter Revision Study Commission Report which proved to be immensely beneficial.

Issues Considered:

1. Communication between local governments and the County at a managerial and administrative level.

During our discussions, it became clear that the managers and administrators of local governments sometimes encountered difficulties communicating and dealing with County agencies. In order to address this concern, we believe that a charter amendment along the following lines should be considered.

The Charter should be amended to create a new position titled Intergovernmental Relations Liaison (the "Liaison"). The function of the Liaison will be to act as an ombudsman and to facilitate communications on a managerial and technical level between the appropriate County personnel and municipal administrators and managers. The Liaison shall be appointed by, and serve at the pleasure of, the County Executive. The Liaison shall have at least ten years of experience working in local or county government in a managerial or administrative function. In addition to providing technical advice to local governments and assisting with coordination between County personnel and local administrators and managers, the Liaison may, upon request, provide mediation or arbitration services to help resolve intermunicipal disputes. The Liaison will also be available upon request to facilitate and encourage the implementation of shared services on voluntary basis using intermunicipal agreements, and intermunicipal participation in capital projects. In particular, we believe that the Liaison could be useful in encouraging intermunicipal cooperation in areas such as public safety, sanitary and storm sewers and similar environmental issues, land use planning and infrastructure. See Michael Blau, Tarrytown Village Administrator, Responses to Questions attached to the May 31, 2012 focus group minutes.

2. Communications between local governments and the county at the elected official level.

During our discussions, it became clear that despite the various existing organizations, it would be useful to have a more formal and regularized procedure to facilitate communication and consideration of relevant issues among elected officials at the municipal and county level. In order to address this concern, we believe that a charter amendment along the following lines should be considered.

The charter should be amended to create a Council of Westchester Governments (the "CWG"). The members of the CWG should be the County Executive, the Chair of the Board of Legislators (the "BOL"), and all of the elected mayors and supervisors in the County. The CWG should meet on a quarterly basis. The agenda for CWG meetings should be set by a Steering Committee consisting of the County Executive, the Chair of the BOL, and three members representing the elected municipal officials as selected by

those officials on an annual basis. The purpose of the CWG is to facilitate intermunicipal cooperation and communication, and the regular presentation of diverse perspectives on matters of Countywide interest as selected by the Steering Committee. The CWG will also provide a vehicle for the informal exchange of ideas and information among elected officials who might not otherwise regularly interact.

3. Municipal guaranty of County taxes.

The focus group believes that this is an important topic that would merit consideration by the full Commission. However, it is our understanding that the Budget and Finance Focus Group has explored this topic and determined that amendments to State law would be required to address this issue.

Westchester County Charter Revision Commission –

County & Local Government Relations Focus Group

Meeting Minutes – November 17, 2011

Meeting was called to order by Co-Chairs Vinnie Restiano and David Menken.

In attendance: Co-Chair Vinnie Restiano, Co-Chair David Menken, Raymond Belair, Chris Crane, Julie Killian, Derickson Lawrence, Anne McAndrew, Paul Meissner, Jane Morgenstern, Randy Sellier, Matt Thomas, Dr. Ronald Volino, Gary Zuckerman

At the beginning of the meeting focus group member introductions were made and meeting agenda was circulated.

Chair Restiano opened the meeting by asking the members what should be the mandate of the focus group?

There were the following responses:

Gary Zuckerman – Mandate should be wide open and include a review of the relationship/ dynamics of school districts. Also the group should consider the concepts of shared services, status/future of County roads, health departments. In summary there are some things the County should be doing and some things the County should not be doing.

David Menken – David asked the question “what kind of consolidation should there be (beyond shared services?)

Julie Killian – Julie asked the question of how the focus group can be educated on exactly what are the municipalities of Westchester with the idea in mind that with home rule there is a fair amount of confusion about town, village and city jurisdictions.

Julie also inquired if there was an inventory of in-force IMA (inter-municipal agreements) between the County and local municipalities to review.

Randy Sellier – Randy stated that he strongly supported investigating the efficacy of the County Charter involving itself development powers with various local municipalities. He raised a key point of whether the County Planning Board should have advisory powers / legal authority over cross-jurisdictional development projects. He drew a deep contrast between this question and developing provisions within the County Charter addressing powers to oversee municipality mergers (something he would not be in support.)

Derickson Lawrence – Derickson’s general response to the question of what the focus group’s mandate was to keep an open mind and keep everything on the table as the group is so early in the process. David Menken reiterated the same sentiments.

Anne McAndrews – Anne pointed to the recent storm water management legislation / efforts as an example to look to for County/local municipalities working together. But also noted that this was not the first example. She pointed to current County-wide waste management and sewer district policies and infrastructure as other examples.

Vinnie Restiano – Vinnie posed a second question to the group on whether or not the as a basic premise should the focus group look at the relationships of small municipalities to the County and the relationships of the large municipalities under different lenses? Are the relationships unique enough to be study separately?

She used the issue of the County's AAA Rating and how each Westchester-based municipality is responsible for paying the property tax bill in full whether or not their local residents had made the individual municipalities whole by paying their taxes in full and on time. Is it fair for small and/or large municipalities to have to pay the carry cost of the unpaid property tax?

Derickson Lawrence – Derickson suggested further that the group may want to look at reasonable combinations but cautioned the group to appreciate the difference between "shared services" and municipal mergers.

Julie Killian – Julie asked a logistical question of which County Depts. Directly touch the local municipalities on a regular basis.

Vinnie Restiano - Vinnie suggested that the group do a study of existing local municipality relationships for mutual aid, shared services, etc...

The idea was raised to do a robust study with a cross-section of town managers to speak before the group about the nature / efficiency of the status of shared services, mutual aid and related issues in the municipalities. This concept quickly morphed into doing a "field study" with prepared questions with a variety of identified town managers / supervisors (Derickson Lawrence, Ray Belair and Vinnie Restiano)

Gary Zuckerman suggested the basic premise of the questions attempt to answer the simple questions – How does the County "help" your municipality? How does the County "hurt" your municipality? He also suggested reviewing the website <http://westchester2025.westchestergov.com/>

Paul Meisner – Paul suggested reaching out to Drew Fixell and Anne Janiak from the Westchester Municipal Officials Association.

Meeting "Take-aways"

Randy Sellier was assigned the responsibility to collate possible field research questions. Randy's email address is rsellier@vanfeliu.com.

The next meeting was set for December 15, 2011 at 8am at David Menken's office - McCarthy Fingar LLP 11 Martine Avenue, 12th Floor White Plains, NY 10606-1934.

Westchester County Charter Revision Commission –

Local Government - County Government Relationship Focus Group

Meeting Minutes – December 15, 2011

In attendance: Members - Chairwoman Vincenza Restiano, Vice-Chair David Menken, Randy Sellier, Matt Thomas, Dr. Ronald Volino; Guests – CRC Chairman Richard Wishnie, Drew Fixell, Anne Janiak (Westchester Municipal Officials Association, WMOA); Staff - Chris Crane.

Chair Vinnie Restiano and Vice-Chair David Menken called the meeting to order. Chair Restiano recognized CRC Chairman Richard Wishnie. She also recognized guests Drew Fixell, current Westchester Municipal Officials Association (WMOA) President and Tarrytown mayor, and Anne Janiak, WMOA Executive Director. Mr. Wishnie provided a brief overview of the Charter Revision Commission (CRC) and noted that CRC is seeking a one-year extension to complete its activities.

Mr. Fixell briefly described WMOA. Members and guests then commenced discussion on services and relationships among County and local governments. Mr. Fixell and Mr. Selliers noted the many informal shared services among municipalities, such as equipment sharing (e.g., jet-vac, fire department equipment, etc.) and through inter-municipal agreements (IMAs). Mr. Fixell said he believed many people in the County are not familiar with the various County services.

Discussion turned to mandated services. Mr. Fixell questioned what portion of County taxes is used for mandated services versus discretionary services. Ms. Restiano asked how County mandates affect individual municipalities. Mr. Selliers inquired what services or obligations are presently mandated by the County upon local governments. It was noted that understanding the breakdown of mandatory and discretionary services is important and should be developed.¹ Mr. Menken inquired whether municipalities formerly or presently collect taxes/fees that are provided to other governments. He noted that an analysis of amount expended versus amount of services received would be useful.

Mr. Wishnie mentioned local municipalities share sales tax revenue, which prompted further discussion on sales taxes. Mr. Fixell said the distribution of sales tax revenue is disconnected from the demographics of the County, such as population, which negatively impacts business development in municipalities. Using Tarrytown as an example, he explained the proceeds of sales tax collected by Village businesses will not proportionally return to the Village, because of the Village's smaller population. Mr. Sellier noted that villages are precluded from imposing sales tax. Mr. Fixell suggested evaluating new options for sales tax distribution, such as the County releasing its sales tax revenue to municipalities to be applied to local capital projects. Mr. Wishnie and Ms. Restiano expressed interest in further studying sales tax distribution.²

Members concluded discussion with Mr. Fixell and Ms. Janiak and thanked them for their attendance. Discussion then turned to review of the County/Local Government Focus Group 'mandate' and the discussion questions for mayors and supervisors. Ms. Restiano expressed preference for the term 'improvements and efficiencies' instead of 'consolidation'. Mr. Menken noted the Westchester 2025 master plan/website should be considered in conjunction with the Westchester 2000 report. He also suggested that other subject areas for discussion include housing, economic development, and land use/zoning. It was suggested that the order of questions be revised to facilitate discussion with municipal staff. Ms. Restiano noted she would update the documents with the revisions discussed.

The next focus group meeting was set for January 17, 2011 at 8 am³ at David Menken's office - McCarthy Fingar LLP 11 Martine Avenue, 12th Floor White Plains, NY 10606.

¹ A description of mandatory and discretionary services in the County budget is available at <http://westchesterlegislators.com/Resources/RoleOfCountyGovernment.pdf> . See chart of page 2 of document.

² The 1984 City/County Task Force Report and 1985 County/Town/Village Task Force Report included discussion and recommendations on sales tax collection and distribution. These reports are available in the DropBox, under 'Reports'. The NYS Office of State Comptroller website provides periodic reports on sales tax collections and trends. <http://www.osc.state.ny.us/localgov/index.htm> .

³ Meeting time later switched to 7 pm.

Final As Amended

WESTCHESTER COUNTY CHARTER REVISION COMMISSION LOCAL GOVERNMENTS FOCUS GROUP MINUTES February 23, 2012

Attendance: Richard Wishnie, Raymond Belair, Derickson Lawrence,
Anne McAndrews, Florence McCue, Paul Meissner,
Vincenza Restiano, Gary Zuckerman

County Staff in Attendance: Christopher Crane

Guests: Lester Steinman

MINUTES

Focus Group Chairwoman Restiano called the meeting to order at 5:45 PM.

V. Restiano reported that David Menkin, Focus Group Vice-Chair, was out of town and that after he returned, the finalized questions for local government officials would be distributed.

V. Restiano reported that she had spoken with Maria Luisa Iadeluca who is available to intern with the focus group. Maria had completed a dissertation on local governments and consolidations to relieve tax burdens. The group agreed that hearing from Maria would be very helpful. Her attendance will be sought for our next meeting.

V. Restiano led us in editing the wording of the **Focus Group Mandate** (Mission.) It was decided to make the following changes:

1. Change the second bullet to read: “to study which level of government is most efficient in producing services.” A discussion was had as to whether efficiency is the only goal to be sought.
2. Change the third bullet to add the word *county* after *to* and before *planning*, and add *the potential for* between *and* and *assessment*.
3. Change *determine* in the fifth bullet to *identify the*.
4. The sixth bullet was discussed at length, ie. the burden county tax collection by local municipalities.
 - i. Local municipalities are required to borrow (bond) any county tax portion they are unable to collect. They are required to submit to the county 100% of the taxes billed regardless of whether they are actually collected.
 - ii. The focus group thought it was important to determine how much has to be borrowed by each of the municipalities in order for them to pay the county tax bills in full.
 - iii. It was agreed that CRC Chairman Wishnie would send a letter to each municipality requesting this information.

Final As Amended

The Focus Group Mandate was approved as amended.

Motion to incorporate Mandate in minutes by Gary Zuckerman and seconded by David Menken.

Mandate of the Focus Group

- To study the County relationship with Local municipalities for services as it relates to the charter and determine what kinds of improvements and efficiencies are appropriate.
- To review Westchester 2000 and include a discussion of Westchester 2025 as it pertains to towns and villages as a means of aiding in the improvements and efficiencies of services.
- To study the costs involved and determine savings to local governments and any additional cost to the County with the improvements and efficiencies that are appropriate.
- To study issues pertaining to planning and assessment.
- To study sales tax issues.
- To determine services that the County requires local governments to maintain.
- To review burden shifting of non-collection of county taxes from the municipalities to the County.
-
- To review areas of common ground to facilitate shared services.

The Focus Group discussed its next task, which is to take our amended list of questions and to visit a variety of local government officials to obtain information. It was decided that Village/City Managers, rather than the chief executives, would be the best one to interview in each location.

The following Managers will be contacted and asked if they will attend a focus group meeting: New Rochelle, Mamaroneck, Tarrytown, Pelham, New Rochelle, Scarsdale. It was decided to invite them one at a time.

The intern, Luisa Maria Iadeluca, will be invited to the Focus Group's March Meeting and Chuck Strong, New Rochelle City Manager will be invited to the April meeting.

Final As Amended

Gary Zuckerman brought up the County/Village Report as well as the Westchester 2000 Report and encouraged us to review them. They are located in the dropbox.

Chris Crane provided us with a current list of IMAs. (Inter-municipal Agreements from the county database) These are agreements entered into between an individual municipality and the county. There are 43 municipal and 2 town/village agreements represented in this list of IMAs.

Chairwoman Restiano stated that the next meeting of the Focus Group will be on March 22nd, 2012 at 5:30 pm on the 8th floor of the county office building.

Focus Group meeting adjourned at 6:55 pm.

Respectfully submitted,
Florence McCue

Westchester County Charter Revision Commission
Local Government—County Government Relationship Focus Group
March 29, 2012

In attendance: Chair: Vincenza Restiano, Vice-Chair David Menken, Anne McAndrews, Jane Morganstern, Matt Thomas, Florence McCue, Randy Sellier, Dr. Ronald Volino, Gary Zuckerman, Paul Meissner.

Guests – CRC Chairman Richard Wishnie, Lester Steinman.

Absent: Julia Killian, Raymond Belair, Derickson Lawrence, Bert Sellier

The entire meeting was turned over to our guest speaker who presented to the group her Dissertation Defense during the meeting that had taken place on November 22, 2011:

Investigation on Shared and Consolidation of Services in Westchester County School Districts and Municipalities to Reduce the Property Tax Burden

She stated the problem: NY has the highest local taxes in America and Westchester ranks first with the nation's highest property tax at the estimated median of \$9,945.

She proceeded to explain how she conducted her investigation on shared and consolidated services in Westchester County. The shared and consolidated services would be between school districts and municipalities...the goal was to reduce the property tax burden.

She proceeded to present the research questions.

Defined the terms: Shared Services and Consolidation of Services.

The population defined; methodology explained.

Findings discussed. It seems that more people were interested in shared services than a consolidation of services.

The group had questions after her presentation and we decided that we would continue our discussion at the next meeting to see how we should proceed based on her findings from her study.

WESTCHESTER COUNTY CHARTER REVISION COMMISSION
LOCAL GOVERNMENT/COUNTY GOVERNMENT RELATIONSHIP FOCUS GROUP
MINUTES
April 23, 2012

Members in Attendance: Vincenza Restiano, Richard Wishnie, Steve Mayo, Paul Meissner, David Menken, Bertrand Sellier, Matthew Thomas, Gary Zuckerman, Raymond Belair

Commission Counsel: Lester Steinman

MINUTES

Chair Restiano called the meeting to order. Discussion took place about the shared services and consolidated services. Lester gave us insight into State law that allows us to share services without needing to change charter.

Discussion proceeded to take place as to about the benefit to interview various municipal leaders to get their insight as to what they are responsible for that can be done by the County; and, what in turn can be returned to a local government. A liaison might be needed.

It was determined that we:

- 1) Invite some leaders here to a two or three hour meeting.
- 2) We should invite managers from various municipalities in the County.
- 3) There would be a panel format.
- 4) Hold the meeting here and invite:
 - a. Michael Blau
 - b. Stephen Altieri
 - c. Charles B. Strome, III
 - d. John Pierpont
 - e. Richard Slingerland
 - f. Jerry Faiella
 - g. Al Gatta
- 5) Date discussed—since there was a third Thursday in May 31, 2012 was chosen.
- 6) Discussion of questions took place again
- 7) Chairman Wishnie would draft a letter and questions would be distributed ahead of time so the panel could prepare answers.

Meeting was adjourned.

WESTCHESTER COUNTY CHARTER REVISION COMMISSION
LOCAL GOVERNMENT/COUNTY GOVERNMENT RELATIONSHIP FOCUS GROUP
MINUTES
May 31, 2012

Members in Attendance: Vincenza Restiano, Richard Wishnie, Herman Geist, Steve Mayo, Paul Meissner, David Menken, Jane Morgenstern, Bertrand Sellier, Matthew Thomas, Gary Zuckerman

County Staff in Attendance: Stacey Dolgin-Kmetz, Chris Crane, Melanie Montalto

Commission Counsel: Lester Steinman

Guests: Michael Blau, Stephen Altieri, Charles B. Strome, III, John Pierpont, Richard Slingerland,

MINUTES

Chairwoman Restiano called the meeting to order at 5:45 PM and proceeded to ask everyone to introduce themselves. Michael Blau, Steve Altieri, Charles Strome III, John Pierpont all gave a brief history on themselves. Michael Blau is presently Village Administrator in Tarrytown and has been involved with municipal administration for 30 years. Steve Altieri is presently Town Administrator in Town of Mamaroneck and has worked in local government for 35 years. Chuck Strome is currently City Manager of New Rochelle, and he has been manager for the last 10 years and with New Rochelle for 23 years altogether. John Pierpont is presently Village Manager of Pelham Manor and has been involved with municipal administration for 30 years.

Mr. Sellier asked what the differences are between the positions of administrator and manager. Mr. Blau replied that an administrator was the chief administrative officer for a municipality, whereas a manager was the chief administrative and chief executive officer. In contrast to a manager, an administrator normally does not have authority to hire and fire personnel. A brief discussion ensued. Richard Slingerland joined the focus group meeting. He noted he is Village Manager of the Village of Mamaroneck and has worked in local government for 25 years.

The guest administrators proceeded with their presentation to the focus group, responding to questions previously forwarded by the group. Mr. Blau described the relationship between Westchester County and local municipalities, along with the sharing of services. Mr. Blau read his response to Question No. 1. Mr. Steinman asked that a copy of his responses be made available for the record, and a copy of the questions along with Mr. Blau's responses is attached.

Mr. Blau indicated that he was finished answering Question No. 1 and asked if any of his fellow administrators or managers had anything to add. Mr. Strome followed up by stating one of the reasons that the question was so difficult to answer was because of how much things vary by municipality. He cited New Rochelle's own civil service commission, along with Community

Development Block Grant (CDBG) funding (which it pursues on its own), and Legacy projects resulting in the City's takeover of all County roads.

Mr. Pierpont addressed the other end of the spectrum, discussing Pelham Manor and shared services between them and the County. He underscored the panels' consensus that certain services are handled very well by the County, such as solid waste and recyclables management. To Mr. Menken's inquiry on the size of Pelham Manor, Mr. Pierpont stated that the Village has approximately 5,500 residents and the Village employs 27 police officers, 17 in fire department, 12 in DPW, and 5 in administration. Mr. Strome said that New Rochelle's population is 78,000, with 160 police officers (40 lost in attrition), 150 firefighters (20 lost in attrition), 120 DPW workers (previously at up to 200), and 2 in administration. Mr. Pierpont discussed certain services and how in many cases it was more efficient for the County to handle those. These include sewage treatment systems, emergency management and training services. He said the County's role succeeds in such instances because the County is not the "first responder" in service, and this applies regardless of the size of the municipality.

Mr. Zuckerman inquired whether there are area(s) where the county could provide more in relation to services, along with areas where the County should do less. He questioned whether property assessment (but not revaluation) could be handled differently. He also asked if the County has forced services upon the municipalities, such as road maintenance with the Legacy program. Mr. Strome felt that regionalization of fire services could be very useful. He said the City's assumption of County roads through a recent Legacy project (affordable housing) was feasible, partly because the City already plows snow on the County roads in the City.

Mr. Altieri thought that this varies on a case-by-case basis and depends on the situation. A threshold question is whether the County can perform the service more efficiently and would residents have the same 'closeness' with a government organization on essential services. Mr. Pierpont described a recent example in which it was concluded that the County would be more efficient than individual municipalities in reducing infiltration into sewers and such tasks were not an essential service. He also identified mosquito control as a good partnership example between the County Health Department and municipalities. He felt the County must remember the municipality is an equal partner in such efforts (rather than a junior partner).

Mr. Zuckerman asked the panel whether the Charter or code could be amended in order to make it easier for the municipalities to choose which services the County delivers, specifically in a way that it was optional. The group further asked about optional services for municipalities. Mr. Altieri thought such amendments could be helpful in producing collaboration. Mr. Blau agreed that in theory this would improve efficiency, but that a fiscal analysis had to be done beforehand.

Mr. Steinman asked if there are provisions in the charter that make it difficult when working with the county (obstacles to collaboration). Mr. Slingerland responded affirmatively, and that it was at both the County and State level. He noted that the problem with shared services is that at the local level, people tend to prefer familiar faces in the essential service positions. He also said there were also issues with enforcing local laws, which can vary in their reach among urban or rural areas (e.g., urban centers are more highly regulated).

Chairman Wishnie brought up the issue of shared police services and preference for local employees, specifically mentioning Town of Ossining. He discussed the current arrangement in which Ossining contracts for County police. He believes the Town is obtaining better police service under this arrangement, especially because the Town is typically limited by constraints such as sick leave, and vacation. He noted that the same County officers are working in the community, allowing residents to know their officers. Mr. Slingerland commented that services from higher levels of government often have higher technical proficiency (training). In addition, service delivery to larger populations allows for economies of scale (higher per capita ratio per officer). Specialized services are typically handled better at higher government levels (e.g., police detectives). Mr. Strome commented that larger municipalities are challenged with providing benefits, and a contract for County police services in New Rochelle was very unlikely.

Ms. Restiano asked whether regionalization of sewer services in exchange for local ownership of roads was worthwhile. Mr. Blau said that the “Legacy” model in exchanging roads could be feasible, but he said there must be adequate evaluation of the road condition to produce a fair exchange. Mr. Steinman mentioned a previous task force of the Westchester Municipal Officials Association (WMOA) to evaluate this subject, and the outcome that the County could not dedicate resources and withdrew from discussions. Mr. Altieri suggested a Charter requirement that the County and municipalities periodically evaluate which level of government should deliver service(s).

Mr. Menken observed that the Charter does not appear to designate an individual or office for municipalities to work with on evaluating services and their delivery. The panelists agreed that an ‘office of local governments’ or ‘local liaison’ in the County would be helpful for municipalities.

As this subject related to Mr. Strome’s responses, he noted he would respond to Question Nos. 7 & 8. The obligation for municipalities to guarantee tax payments to the County is a challenge, and it creates a cash flow problem. The obligation for municipalities to collect taxes for the County is not a problem. Mr. Strome said there is no counterpart in County government to their position as administrators and managers, and this creates a communication gap. As appointees, the County department commissioners are closely tied to the County Executive, which creates a political tone in all discussions with the commissioners. While the political decisions by elected officials are necessary, he believes that productive discussions on administrative matters could be achieved at a ‘manager level’, in preparation for later decisions by elected County and municipal officials.

Ms. Restiano asked how such individual or office could be established (e.g., ombudsman, liaison), given that transition to a manager form of County government seems unlikely. Mr. Strome noted that tension between branches of County government and the appointment process would complicate the viability of this position. Chairman Wishnie noted that the position could have a finite term of office, preventing an early termination. Mr. Strome suggested specifying credentials in the Charter to limit purely political appointments. Mr. Altieri commented that municipalities don’t want to work with one branch of County government and then alienate the other branch (Executive, Legislative). Mr. Strome said the ombudsman/liaison needs a degree of

independence from both branches of government. Mr. Mayo questioned whether an ombudsman/liaison is consistent with a strong executive (strong mayor) form of government.

Chairman Wishnie asked about the council of governments with the County Executive and whether this should be a mandatory meeting that should be built into the Charter. Mr. Blau noted that specificity in the Charter was important for this to succeed, and both County branches of government must ‘buy-in’ to the concept. Mr. Altieri said that previous County representatives had effectively served this role as ‘Executive Officers’, even though they had political ties, because they also understood the managers’ function/role and this enhanced communication. Mr. Sellier asked the panelists what kind of specifications they would like to see in such a position. Mr. Strome suggested that the commission look at the New Rochelle Charter and further suggested having a clause where people can only be discharged “for cause” to address the issue of partisanship. (Mr. Strome later forwarded Article VI, City Manager, of the New Rochelle Charter, which is attached to these minutes).

Mr. Blau continued by addressing Question No. 2 put forth by the group on shared services. He said the Charter should be amended to clearly specify which programs and services are to be provided by the County government to its residents. If not designated to the County, then it would be presumed that the municipality would provide the service(s). Concerning the cost sharing in Question No. 3, Mr. Blau noted there are many intermunicipal agreements (IMAs) that exist for a variety of services between County and local governments (example - organic yard waste disposal), as well as among local governments (example – library shared between adjacent villages). As such, sharing of services between governments is already established.

The threshold criterion is whether the shared services via IMA are cost-effective in such circumstances. In the example of organic yard waste transfer, the County presented this program to the municipalities, and it has been effective. However, there are other County services which may not be similarly effective. A discussion on the County Board of Election ensued, contrasting the much larger size of County election staff versus municipal election staff. Mr. Altieri expressed the challenges occurring with an impoundment of election machines, requiring County police rather than local police. He said the election administration could be accomplished with less staff at the municipal level. Ms. Dolgin-Kmetz said the changes in federal law required the County to conduct the election administration. Mr. Strome noted there is apprehension that turning services over to the County would unnecessarily increase the administration and staff levels. Ms. Restiano acknowledged this concern, while also stating that the County Board of Elections must have staff from both political parties.

Mr. Pierpont commented that the concept of aggregation in the private sector to reduce unit costs (economies of scale) does not necessarily translate to the public sector. On the contrary, the aggregation can add waste into the process, thus increasing unit costs. These characteristics cause municipalities reluctance in having the County deliver services. He said over time the municipalities have observed an expansion of County administration and regulation in various areas, which has been accompanied by larger staffs.

Mr. Pierpont addressed Question No. 4 concerning issues that arise in developments between adjacent municipalities and need for more input. He stated that such situations are usually settled

amicably. In such cases, administrators or managers can communicate with their counterparts in the adjacent municipality. Also, the procedures in the State Environmental Quality Review Act (SEQRA) can further dialogue on issues of concern (e.g., development of Environmental Impact Statements, EIS). Local governments have legitimate authority to make land use decisions after conducting a 'hard look' in its review procedures. He said sometimes intractable situations arise. He noted the availability of judicial review of local determinations [Article 78 proceeding].

Although there are plenty of structural opportunities in place for comment and dialogue, Mr. Pierpont thought a county review is worthwhile, as is currently performed by the County Planning Board. He felt the Planning Board's review is generally limited to a technical evaluation of project impacts. Upon query by Mr. Steinman, the panel didn't think that the County Planning Board should have a stronger role in reviewing projects (e.g., local supermajority necessary to override, as is the case in other NY counties). The panel did not suggest any changes to the present County review process. Mr. Pierpont thought that using the County as a mediator couldn't hurt.

Mr. Meissner inquired whether formalizing a mediation process in the Charter for land use disputes would be helpful. Mr. Strome related his experiences with different large retail projects, one near Pelham Manor and one near Mamaroneck. In the case of the first project, communication with the other manager resolved the concerns. For the other project, intermunicipal concerns were larger and involved municipal legislative bodies, and the dispute became more entrenched. Mr. Strome said a mediation process involving a County representative might have been useful in that situation and could generally be helpful for mediating intermunicipal disputes.

Ms. Restiano asked whether the ombudsman/liaison might facilitate this mediation. Mr. Strome thought it could and said Planning Department staff should be available to provide technical comment and assistance in such cases. Mr. Meissner said this mediation could be within the County Planning Department, but this would be separate from the liaison function discussed earlier on operational issues. Mr. Menken confirmed that the County Planning Department works closely with the County Planning Board in project evaluation. Following up on his earlier question, Mr. Steinman asked whether, in cases of intermunicipal dispute on a project, the County Planning Board should have authority to provide comments that are binding upon the municipality unless over-ridden by a supermajority vote. Mr. Strome disagreed, saying he preferred a referral of disputes to the County for mediation, prior to litigating the dispute in court. Mr. Piermont said nothing should preclude the County from being involved in such mediation, but this should not be mandatory and the County should not decide such disputes.

Mr. Sellier related a previous disagreement between Pelham Manor and Mount Vernon concerning a project, in which the Mount Vernon mayor insisted on proceeding with the project despite the intermunicipal disagreement and despite the County Planning Board's advisory comments that opposed aspects of the project. Court(s) later upheld the Mount Vernon mayor's decision. Mr. Sellier asked whether this experience illustrates what is contemplated. Mr. Strome thought the final decision rests with the host municipality, but the process should include the availability of mediation procedures, which may introduce areas of compromise.

Mr. Zuckerman inquired whether the County Planning Board and Department were available for consultation or mediation in this particular dispute, and panelists said the County would not have taken on this role for this dispute. Mr. Strome stated he does not support any supermajority requirement, particularly because the municipality's residents are better situated to make these determinations. Mr. Pierpoint said, when evaluating and negotiating, it is important for all affected communities to understand that home rule authority is paramount for determinations. Mr. Steinman noted that the courts, WMOA, and municipal associations have all researched solutions for such disputes, and they are difficult to resolve. The group identified numerous examples of such disputes, such as the General Motors site (Sleepy Hollow/Tarrytown), Pepsi, (Somers/North Salem), Ridge Hill (Yonkers/Greenburgh), Bowman Ave. (Rye/Rye Brook), Home Depot (Port Chester),

The group moved to Question No. 5, in which Mr. Pierpont stated it is difficult to judge whether and which municipalities obtain 'fair value' for County services, particularly because different services vary among municipalities (e.g., Legacy opportunities). He said the panel agrees that fair value can be obtained when services are cost-effective and adhere to Charter requirements, and the evaluation of organization, cost, and service delivery needs to continuously occur.

Mr. Altieri then addressed Question No. 6 concerning County mandates upon municipalities. The first mandate he discussed was the municipalities' obligation to collect and guarantee their share of county taxes. He described the magnitude of the obligation they faced along with an issue with the time frame. For example, Mamaroneck Town has a \$31 million annual budget, but the Town has a tax liability of approximately \$140 million, not including its own taxes (altogether about \$160 million). It usually requires 2-3 years to complete the tax collections for a single fiscal year. In response to Mr. Wishnie's question, Mr. Altieri said that municipalities do obtain some interest on the tax collections ('float'), but this is only meaningful when interest rates are substantive and municipalities still need to maintain reserves of the collected funds to 'carry' the float. He acknowledged the County's Triple-A bond rating which is related to the tax guarantee. He said municipalities may be more comfortable with the tax collection obligation if an accommodation can be made that the municipality is only required to submit the funds it has been able to collect by the October 15 date (rather than the entire tax liability by Oct. 15). He also mentioned Putnam County, in which the County collects taxes on behalf of the municipalities but charges the municipalities a 1% fee.

The second issue was the civil service mandate. Mr. Altieri described the increasing paperwork burden for municipalities, which is exacerbated if there is substantial hiring of seasonal employees. For example, municipalities must conform their reporting format with the County format. While acknowledging that NY State may dictate some reporting requirements, he said the municipalities would welcome opportunity to explore possible changes with the County. Mr. Strome commented that New Rochelle's civil service commissioner might be willing to conduct some of the County's role, assuming this is permissible under NY State law, and may be able to provide the function more efficiently, as many of the City's employees are similar positions to other municipalities.

Mr. Slingerland noted that, in his experience, the civil service system becomes a barrier for individuals to obtain jobs because, despite qualifications and willingness to work, such persons

might not have taken a particular test or be on a particular list. If a municipality has prescribed requirements for a particular job, the requirements and corresponding list of individuals become fixed, which precludes any chance for a hiring board to deviate from the list, notwithstanding a given applicant's qualifications, etc. He suggested allowing each hiring board freedom to set its own hiring criteria, when new (successor) boards become established. Mr. Slingerland acknowledged this would require change to NY State law.

Ms. Restiano said the County could be an advocate to gather these various issues from the municipalities and negotiate modifications with the State on their behalf, and this might be a role for the previously discussed ombudsman/liaison. Mr. Slingerland commented that the County still would be an enforcement agent. Ms. Restiano noted the civil service structure, while problematic, was originally established in order to correct previous problems. Mr. Altieri observed that some tweaks, rather than complete revision, could be productive (e.g., a rule of 'ten' instead of rule of 'three'; making some positions exempt rather than competitive). Mr. Wishnie said Westchester's delegation to the NY Legislature would be the appropriate officials to contact for initiating these discussions with the State.

Mr. Slingerland initiated discussion on Question No. 9 regarding abolishing County government. At the outset, it depends on the types of services that the County would be relinquishing and which level of government would pick up the service (local or State). The simplest, overall response to Question No. 9 is 'No', but as discussed earlier, certain direct services may be more appropriate for municipalities to provide, and some services, such as indirect services, may be more appropriate for the County to deliver. It seems apropos right now to consider re-assigning services to the appropriate level of government. Mr. Slingerland also gave an example of the regionalization of parks, in which a cooperative network of parks facilities could enable useful sharing of facilities but avoid overuse of some popular facilities. Upon his observation that this might not require a Charter revision, Ms. Restiano commented that the Commission also intends to forward suggestions which do not require a Charter amendment.

Mr. Slingerland stated that the evaluation of services requires a balance of local needs against regional perspectives. He identified the Mamaroneck stormwater management project at Gardens Lake, as an example of shared funding and scope of capital projects [the project benefited both Town and Village of Mamaroneck and involved funding from the municipalities, the County, and others]. Intermunicipal and regional participation on capital projects is worthwhile and may require Charter revision to effectuate more thoroughly. Such approaches can lower unit costs and leverage economies of scale (example – catch basin cleaning). Mr. Slingerland strongly agreed that local services should be scalable. Using fire service as an example, he contrasted the benefit of this approach for the City of New Rochelle with the prohibitive costs of such an approach in Mamaroneck Village, in which volunteers provide fire service. Mr. Steinman noted that certain benefits (e.g., property tax, insurance) would accompany regionalization of fire services and Pace [Michaelian Inst.] had researched this. Mr. Slingerland thought regionalization of sewer and stormwater services would be worthwhile and recommended further evaluation.

Ms. Restiano inquired whether unions would accept regionalized fire services. Mr. Strome said there would probably be some union acceptance, and union acceptance would be critical to

making any changes and would require significant discussions. Ms. Restiano observed that mutual aid already occurs widely, thus supporting a regional approach. Mr. Mayo said the correlation between personnel levels (employees) and overall service is indicative of whether a regional approach is feasible, and he contrasted sewer services (less employees) with fire services (more employees). Mr. Slingerland replied that the current EPA consent order for Sound Shore municipalities underscores regional aspects associated with this service (sanitary sewers, stormwater).

Mr. Sellier questioned whether the County is expanding its role on sewage services and why the delineation of local and County role is confined to whom owns the infrastructure. Mr. Blau remarked that this inquiry is well-suited to an evaluation of costs. In considering a take-over of municipal sewer infrastructure, the County had declined to assume a larger role simply because County sewer district costs would increase. However, assigning this role to the County may have been sensible, when viewed on a unit cost basis. Mr. Strome noted that overall municipal budget balancing affects the analysis (choosing whether to lay off fire/police versus stormwater staff). Mr. Steinman said that obtaining municipal participation on regional approaches can be difficult when the member municipalities feel others are not equally contributing, and he cited the experiences with the LISWIC stormwater intermunicipal group as an example.

At the conclusion of the discussion, Ms. Restiano thanked the panelists for their participation. Chairman Wishnie also thanked the panelists and expressed his admiration for their service. Mr. Mayo noted the importance of including County legislators in these meetings and to try and get more public input into the charter revision process. Chairman Wishnie noted that measures are being taken to address these concerns. The meeting adjourned at 7:28 PM.

Questions for Discussion with City/Village Mayors and Supervisors
May 31st, 2012 at 5:30 p.m.

1. Please Comment on your relationship with the county with respect to each of these functions:
 - a. Assessment
 - b. Parks/Recreation
 - c. Highways/Bridges
 - d. Sanitary Sewers
 - e. Public Health
 - f. Planning
 - g. Land Use & Zoning
 - h. Housing
 - i. Economic Development
 - j. Infrastructure
 - Water
 - Solid Waste/recycle
 - Storm Water Management
 - k. Emergency services
 - Law enforcement/Police
 - Fire
 - Ambulance
 - Dispatch
 - Disaster
2. Are there charter changes or policies, procedures laws or regulations that you would like to see enacted so that you may better perform your local functions. Are you aware of any specific provisions of the county charter, or policies, procedures laws or regulations that you believe make it more difficult to do your job
 - a. If so, please explain the problem
 - b. What do you see as the main impediment to change?
3. What opportunities, if any, do you see for cost savings from sharing of services with other governments? Do you see any role for the county with respect to shared services?
4. Do you believe that there is a need for more input from local communities that are affected by developments in adjacent communities? Do you see an enhanced role for the county in these circumstances?
5. Do you think the citizens of your community receive fair value for the county taxes they pay?
6. What mandates concerning provision of services are imposed on you by the county? Do you have any concerns about the impact of those mandates on the functioning of your operations? What if anything would you change?

7. How does the guarantee of payment of county taxes affect your community? Would you want that changed?
8. What is your level of communication with county decision makers?
9. Do you believe that abolishing county government in New York would be cost-effective? Why/why not?
10. Which stakeholders are critical to the implementation of a shared and/or consolidation of services delivery models?*
11. What barriers, legal, policies, etc. impede the implementation of a shared and/or consolidation of services delivery models?*

*See Iadeluca, L.M. (2011). Investigation on Shared and Consolidation of Services in Westchester County School Districts and Municipalities to Reduce the Property Tax Burden (Unpublished doctoral dissertation). St John Fisher College, Rochester, NY

Response to Question No. 1 (Village Administrator Michael Blau)

Different sized communities have different relationships with the County in terms of utilization of county services. The larger municipalities have larger staffs that handle some of the functions that the smaller communities utilize with the County, such as the Department of Human Resources. The four large cities serve as their own civil service entity. The other municipalities in the County utilize the County for civil service purposes.

Assessment – the local municipalities serve as the assessing authorities in Westchester County. This function is provided by all cities and towns and some of the villages. Some villages have turned over assessment authority to the Town in which the Village is located. The County provides minimal assessment services and the services provided serve strictly the County's purposes and not the local municipalities.

Parks and Recreation – The parks and recreational facilities and programs serve to compliment the programs and facilities provided by the local municipalities. The County facilities often provide recreational opportunities that the local governments cannot provide, either due to funding or due to various reasons, such as insufficient open space for the creation of a golf course. Another example is the County's swimming pool facilities that complement local municipal facilities by providing larger venues

Highway/Bridges – Historically, County roads were created to provide connections among communities. At the time the County roads were constructed, the connections made sense and the local governments either were not in a position to construct the connector roads or such connections would only extend to the municipal boundaries. Currently, the County maintains the roads and bridges on County roads and contracts with the local municipalities for snow and ice removal on the County roads in the winter months. The County has been attempting to convey the County roads to the local municipalities, often through the Legacy program which provides funding for park projects and the local municipalities agree to take ownership of the County roads. There can at times be distinct differences in the level of maintenance of county roads and adjacent local roads. In the case at hand, the County has to provide incentives to the local municipalities in order for the local municipality to consider accepting the ownership, which includes the ongoing maintenance of the road or bridge.

Sanitary Sewers – The responsibilities associated with sanitary sewers and wastewater management are split between the County and the local governments. The County owns and operates the wastewater treatment plants throughout the County via the County sewer districts. The County also maintains and operates the truck lines that transmit the sanitary sewage to the treatment plants. The local municipalities are responsible for the local collection system, which feeds into the trunk lines. The plants and trunk lines are paid for through county property taxes. The local municipalities have proposed in the past that the entire sanitary sewer system, from collection through treatment, be a County function to be paid from the property taxes paid to the sewer districts, but the County is not supportive of this concept. This would be an good example of regionalization of a critical municipal service.

Response to Question No. 1 (Village Administrator Michael Blau)

Public Health – The County has full responsibility for public health and this service has worked out well for the local municipalities. This is a government function that is performed well on a larger scale as opposed to the smaller governments attempting to provide a similar service with a lesser budget.

Planning – The primary contact that the local towns, villages and small cities have with the County in regards to Planning is through the Community Development Block Grant program. Westchester County is considered an urban county and as such, receives a CDBG grant entitlement. Those grant funds are used to fund primarily projects, but also services to local communities via an Intermunicipal agreement known as the Urban County Consortium. The Planning Department also serves as a resource for the local governments, providing maps, studies and other services.

Land Use and Zoning – The local governments can request assistance from the County's Planning Department in regards to development and land use proposals. The County does not have any authority in regards to local land use decisions. The County has established a guide for development throughout the County, known as Patterns for Westchester, and by law, land use and development proposals must be submitted to the County Planning Board for review of the proposals. However, due to the fact that New York State is a strong home rule state, the County has no authority in this area.

Housing – The County provides funding to assist in the development of fair and affordable housing, but similar to decisions regarding Land Use and Zoning decisions, the County has no authority in regards to the development of housing in a local municipality. The County can and does provide assistance when requested, but only when requested.

Economic Development – The County's involvement in regards to economic development is significantly different based upon the size of the community. The larger cities have their own economic development entities, while many of the smaller local governments work through the County and the County's Industrial Development Agency. The County can serve as a facilitator, but has no direct authority in regards to local economic development decisions. In fact, the IDA, which can provide property tax breaks for economic development purposes, will not pursue such incentives until the local government agrees to the concept.

Infrastructure

Water – The County is responsible for the provision of water to certain water districts in the County. Other municipalities that have local municipal water departments, work through a consortium of communities such as the Westchester Joint Water Works or are provided water from a private water company. The County has taken a lead role in regards to obtaining water from the New York City Delaware Aqueduct, coordinating the project for a County Water District and a number of municipal water purveyors. In addition, the County Health Department takes a lead role in coordination with the New York City Department of Environmental Protection when addressing both planned and

Response to Question No. 1 (Village Administrator Michael Blau)

emergency shut-downs of DEP aqueducts. The Health Department is ultimately responsible to assure that potable water is provided to County residents, but the Health Department must work with and through all of the various water suppliers in order to fulfill this responsibility. This is another example of a municipal service better delivered on a more regional basis than by individual communities.

Solid Waste/Recycle – This is one function where the County has taken the lead on behalf of its local governments and has provided a product that is widely used and effective in its operation. The local governments in the County provide solid waste and recycling collection, but once the garbage and recycling is collected, the waste product must be disposed of by the municipality. The County has provided, through Intermunicipal Agreements with local governments in the County Solid Waste District, a means to dispose of the garbage and recyclables. The garbage is trucked to the burn plant in Peekskill for disposal. The recycling is hauled to the Material Recovery Facility in Yonkers. The garbage disposal and transfer activity is partially paid for from a County property tax specifically for that purpose as well as a tipping fee paid for by the local governments with an IMA with the County. There is no tipping fee associated with the recyclables delivered to the Material Recovery Facility. In the case of solid waste and recycling, the County and the local governments saw a need for the County to take the lead to address an issue and the County has created an operation that works for the residents of the County.

Storm Water Management – The responsibility for storm water management rests with the local governments and not the County. Stormwater management is a regional problem and not a localized matter, since the stormwater travels across municipal boundaries. Westchester County has mapped the stormwater basins and it is clear which municipalities are located in particular stormwater areas. There is currently a model of regional cooperation among municipalities in the Long Island Sound stormwater basin known as LISWIC. That regional model was established by the local municipalities in that area of the County without the assistance of the County government. However, there is a role for the County in regards to stormwater. First, to assist the municipalities in the development of a financing tool to pay for intergovernmental stormwater management; and second, to demonstrate to municipalities in other stormwater basins the value of cooperative planning. The County government has recently adopted new storm water legislation that will hopefully provide the framework for the county to assist local governments with this regional issue.

Emergency Services

The manner in which many of the services are provided to the local municipalities by the County in regards to emergency services presents a preferred model of cooperation among the County and the cities, towns and villages, as well as the fire districts. The local governments provide the direct services to the residents of their respective communities and the County provides support services to those first responders in the local governments. Oftentimes, the support services are specialized and it proves to be most cost effective to fund these services through the County government since the services are used infrequently by the individual municipalities. But when the provision of

Response to Question No. 1 (Village Administrator Michael Blau)

the service is considered on a county-wide basis, the service delivery makes sense. In addition, the County coordinates the mutual aid programs among the local municipalities.

Law Enforcement/Police –The County provides specialized services and equipment to the local police departments at the request of the local police. Examples of services include SWAT and accident investigation and a bomb squad. The County also operates the Police Academy on behalf of the local governments. Examples of equipment include helicopter service. The County has also contracted with a few local governments to provide police services. Obviously it is a local decision to contract with the County for direct police services but it is questionable whether such service is more cost effective or the level of service is equal to what is provided by a local police department.

Fire – The County provides the fire training center for the ongoing training of firefighters throughout the County. The County also coordinates regional fire services through battalions, whereby the various fire departments in a battalion meet and discuss issues of regional concern in the provision of fire and emergency services. The County has specialized services for fire purposes, such as a hazardous materials response team and a technical rescue team.

Ambulance – The County coordinates ambulance services through an entity known as the Regional Emergency Management Support Council or REMSCO. REMSCO has obtained funding to provide trunk radios for the ambulance corps to communicate with each other on the same frequency. They have also purchased supplies for the local corps (smart triage kits). REMSCO provides monthly training programs which is available to all local corps as well as mass casualty drills. REMSCO also reviews all call reports issued by the local corps.

Dispatch – The County provides dispatch service known as 60-control should a local municipality make the decision to opt into the system. Mutual aid call-outs are also handled through County dispatch. The requesting community contacts County dispatch to request mutual aid and the protocols established as to which communities will be contacted for mutual aid purposes are then instituted. County dispatch also serves as a back-up dispatch service for the local fire departments and ambulance services should their pager system become inoperable. This system has proven to be very effective.

Disaster – The disaster assistance provided to the local municipalities by the County has been extremely beneficial in the overall management of the disaster by the local governments. The County provided twice daily telephone conference calls to update the municipalities on the status of utility restoration and county recovery assistance. The conference calls provided a forum for all municipalities to convey their needs and to obtain assistance that was being coordinated at the County level. The County operates an Emergency Operations Center which provides the local governments a centralized location to seek assistance during and after a disaster event. The County also provides pre-disaster services such as the provision of emergency shelter supplies. The county was also instrumental in assisting local government with communications with Con Edison, utility services, and the Red Cross.

The Council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance (except as otherwise provided in Sections 29 and 33 of this local law or in the Local Finance Law) to be voted upon at any general city election or special election called for the purpose, and should a majority of the votes cast at such election favor such proposition, such ordinance shall be enacted, repealed or amended accordingly.
[L. 1943, c. 710 (Title 34).]

Section 38. Later action by Council on matters that have been passed upon by a vote of the electors.

An ordinance which has been repealed by vote of the electors shall not in any substantially similar form be again adopted by the Council within one year, unless such ordinance is an "initiated ordinance," without the same being approved by the electors.

ARTICLE VI City Manager

Section 39. Appointment and qualifications.

The Council shall appoint a City Manager who shall be the administrative head of the city government. He shall be chosen by the Council solely on the basis of his executive and administrative qualifications. During the first three years after this Charter shall have become effective, the Council shall appoint no one as City Manager (except as a substitute to serve temporarily in the absence or disability of the regularly appointed Manager) who has not had three years' service as City Manager. No person elected to the Council shall, during the time for which he is elected, be chosen as City Manager.

Section 40. Term and removal.

The City Manager may be appointed for an indefinite period to serve at the will of the Council. When appointed for an indefinite period, before the Manager may be removed he shall, if he so demands, be given a written statement of the reasons alleged for his removal and shall have the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. The action of the Council in suspending or removing the Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension and removal in the Council. Until the City Manager is chosen, or in the event of his disability or suspension, the Council may designate someone to perform the duties of City Manager during such period.

The City Manager may be appointed for a definite term not to exceed two years, at the expiration of which term the City Manager may be reappointed from time to time in the discretion of the Council, but in no event shall any one period of appointment be for more than two years.

The Council may employ a City Manager for a definite term not to exceed two years under a written contract of employment, which contract shall contain such

terms and conditions as may be specified by the Council. Such contracts of employment may be renewed from time to time in the discretion of the Council but no one renewal period shall be for a period in excess of two years.
[Enacted by Local Law No. 8-1940 (December 2, 1940).]

Section 41. Responsibility of Manager; powers of appointment and removal.

The City Manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge, and to that end, subject to the civil service provisions of this Charter, and except as otherwise provided herein, he shall have the power to appoint and remove all department heads and such officers and employees in the administrative service of the city as may be assigned by law.

The City Manager shall have the power to appoint and remove a Deputy City Manager, who shall perform such duties as he shall direct. He shall designate the deputy or a department head to undertake the responsibilities and powers of the City Manager and have the title of Acting City Manager during his absence or disability. During the period of a vacancy in the position of City Manager, the Acting City Manager shall have the responsibilities and powers of the City Manager and perform his duties under the title of Acting City Manager, until such time as the City Council may remove him and appoint an Acting City Manager or until such time as the City Council may appoint a City Manager.

Appointments made by or under the authority of the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term, unless for temporary service not to exceed 60 days.
[Amended by Local Law No. 3-1982 (May 18, 1982); Local Law No. 10-1997 (July 16, 1997).]

Section 42. Removals.

Except as otherwise provided in this Charter and except as may be required by the Civil Service rules if applicable thereto, any officer or employee of the city appointed by the City Manager or another appointing authority may be laid off, suspended or removed from office or employment by the respective appointing authority. Verbal or written notice of layoff, suspension or removal personally given to an officer or employee or written notice mailed by certified mail return receipt requested to such person's usual place of residence shall be sufficient to put any such layoff, suspension or removal into effect. If the civil service rules apply, then the officer or employee sought to be removed shall receive such notice and hearing as such civil service rules require, and all further proceedings therein shall be pursuant to such civil service rules. The decision of the Manager or other appointing authority in any such case shall be final. A copy of the written statement of reasons given for any layoff, suspension or removal, and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the Manager or other such authority, shall be filed as a public record in the office of the Manager.

[Amended by Local Law No. 10-1997 (July 16, 1997); Local Law No. 2-1998 (January 20, 1998).]

Section 43. Council not to interfere in appointments or removals.

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office or employment by the City Manager or any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with that portion of the administrative service for which the Manager is responsible solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the city, either publicly or privately.

Section 44. Duties of Manager.

It shall be the duty of the City Manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced, except as otherwise in this Charter provided; to sign all contracts, deeds or leases that may be authorized by the Council; to make such recommendations to the Council concerning the affairs of the city as may seem to him desirable; to keep the Council advised of the financial conditions and future needs of the city; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council.

Section 45. Rights of Manager.

The City Manager shall be entitled to a seat in the Council but shall have no vote therein. He shall receive notice of all meetings of the Council and shall attend the same. He shall have the right to take part in the discussion of all matters coming before the Council, other than those relating to his own removal or suspension.

Section 45A. Additional powers of the City Manager.

Where there is a vacancy in the office of the department head of any department or during the absence or disability of any department head, the City Manager may perform all the duties and assume all the powers of such department head. Notwithstanding any provisions of this Charter to the contrary, the City Manager may from time to time and for such period as the City Manager deems necessary during the vacancy, absence or disability of a department head designate a city employee or a city officer, other than an elected officer, to act as a deputy in any administrative department. However, an increase in salary shall not be granted to such employee or officer by reason of designation unless such increase is authorized and fixed by the Council.

[Enacted by Local Law No. 1-1941 (February 17, 1941); amended by Local Law No. 1-1951 (February 19, 1951); Local Law No. 2-1998 (January 20, 1998).]

ARTICLE VII
Administrative Departments

Section 46. Departments and department heads.

**Westchester County Charter Revision Commission
Local Government-County Government Relationship Focus Group**

June 28, 2012

Agenda

- 1) Attendance
- 2) Minutes of last two meetings
 - a. April 23, 2012
 - b. May 31, 2012
- 3) Discuss meeting with managers.
- 4) Discuss how to proceed with information from the manager's panel discussion.
- 5) Adjourn

WESTCHESTER COUNTY CHARTER REVISION COMMISSION
LOCAL GOVERNMENT/COUNTY GOVERNMENT RELATIONSHIP FOCUS GROUP
MINUTES
June 28, 2012

Members in Attendance: Vincenza Restiano, Richard Wishnie, Derickson Lawrence,
Florence McCue, Jane Morgenstern, Paul Meissner, Gary
Zuckerman,

Commission Counsel: Lester Steinman

MINUTES

Chair Restiano called the meeting to order. Acknowledged minutes done by Chris Crane and inter Kerry Ann Stout for a job well done. Minutes from April 23, 2012 were reviewed. Motion to accept as written by Gary Zuckerman and seconded by Derickson Lawrence.

Minutes from May 3, 2012 were reviewed and there were corrections on pages 2, 3 and 6. The following corrections were submitted:

Mr. Steinman asked if there are provisions in the charter that make it difficult when working with the county (obstacles to collaboration). Mr. Slingerland responded affirmatively, and that it was at both the County and State level. He noted that the problem with shared services is that at the local level, people tend to prefer familiar faces in the essential service positions. He also said there were also issues with enforcing local laws, which can vary in their reach among urban or rural areas (e.g., urban centers are more highly regulated).

Chairman Wishnie brought up the issue of shared police services and preference for local employees, specifically mentioning Town of Ossining. He discussed the current arrangement in which Ossining contracts for County police. He believes the Town is obtaining better police service under this arrangement, especially because the Town is typically limited by constraints such as sick leave and vacation

Mr. Steinman noted that the courts, WMOA, and municipal associations have all researched solutions for such disputes, and they are difficult to resolve. The group identified numerous examples of such disputes, such as the General Motors site (Sleepy Hollow/Tarrytown), Pepsi (Somers/North Salem), Ridge Hill (Yonkers/Greenburgh), Bowman Ave. (Rye/Rye Brook), Home Depot (Port Chester), Home Depot (Port Chester).

Mr. Strome commented that New Rochelle's civil service commissioner might be willing to conduct some of the County's role, assuming this is permissible under NY State law, and may be

able to provide the function more efficiently, as many of the City's employees are similar positions to other municipalities.

Motion to accept minutes as amended Gary Zuckerman and seconded by Derickson Lawrence.

Discussion took place concerning:

- 1) Assessments
- 2) Municipal requirement to pay County taxes whether they are collected or not
- 3) When County wants to take over various functions there should be a method to do that
- 4) There are Charter provisions that make it difficult to make changes and some require a referendum that allow a consensual IMA between the Local government and the County.
- 5) Gary Zuckerman said we need to back up what we send as a referendum item (i.e. assessment items). We should separate out items that can be changed with or without a referendum.
- 6) Recommendations from the May meeting need to be studied. Derickson Lawrence will work with Lester Steinman and work out a methodology to distill the findings. This will be up from discussion at the next meeting.
- 7) Once we know some items it was suggested that we could then air them out at a Municipal Officials meeting.
- 8) It was decided that we should go through with interviews with officials in local governments as was discussed at the onset of these meetings.

Next meeting was set for July 26, 2012.

Respectfully submitted,
Vincenza Restiano

**WESTCHESTER COUNTY CHARTER REVISION COMMISSION
LOCAL GOVERNMENT/COUNTY GOVERNMENT RELATIONSHIP FOCUS GROUP
MINUTES
September 27, 2012**

Members in Attendance: Vincenza A. Restiano, Richard Wishnie, Herman Geist, Derickson Lawrence, Randy Sellier, Dr. Ron Volino, Gary Zuckerman, Anne McAndrews, Jane Morganstern, Paul Meissner, Matt Thomas

Commission Counsel: Lester Steinman

Minutes:

Meeting was called to order at 5:15 am by Chair Restiano. Minutes of the last meeting were reviewed. Motion to approve by Gary Zuckerman and seconded by Dr. Volino.

Lester Steinman explained the proposed methodology by Derickson Lawrence.

Discussion took place for the need to identify particular issues to present to the whole CRC committee. Gary Zuckerman commented that we should present no more than five issues to deal with but it would be better to have three or four. Richard Wishnie explained we still have a year and that we need not limit ourselves. Randy Sellier commented that we should concentrate on the charter.

It was decided that we need to review all the previous meetings and that each member should come up with a list that can be presented to the whole CRC committee. All acknowledged that help would be needed with this and that we are fortunate to have Lester Steinman assisting us. Melanie Montalto would be asked to send to the LGCG Relationship Focus Group members a set of all the minutes so they would have them readily available. Lester would attach a schedule.

There was a motion to do adjourn by Gary Zuckerman and seconded by Anne McAndrews.

**WESTCHESTER COUNTY CHARTER REVISION COMMISSION
LOCAL GOVERNMENT/COUNTY GOVERNMENT RELATIONSHIP FOCUS GROUP
MINUTES
October 25, 2012**

Members in Attendance: Vincenza A. Restiano, Richard Wishnie, Randy Sellier, Gary Zuckerman, Jane Morgenstern, Julia Killian, Steve Mayo

Commission Counsel: Lester Steinman

Minutes:

Meeting was called to order at 6:30 pm by Chair Restiano. Minutes of the last meeting were reviewed. Corrections to the minutes by Lester Steinman. Motion to approve as corrected by Gary Zuckerman and seconded by Jane Morgenstern.

Issues for further examination that can be presented to the whole CRS were discussed. Randy Sellier was the only member of the focus group to have submitted a list. That list is attached and was reviewed by the focus group. During the meeting, Gary Zuckerman emailed the attached list of issues and those issues were briefly discussed by the focus group. Gary Zuckerman came prepared to review his issues and that list was reviewed as well.

There was a motion to do adjourn by Gary Zuckerman and seconded by Jane Morgenstern.

Westchester County Charter Revision Commission
Local Government—County Government Relationship Focus Group
December 20, 2012 & January 10, 2013

The Focus Group met on both of these dates at 6:00 pm to discuss the recommendations to make to the full Commission in the Focus Group Report.