

# Sullivan County Charter Commission | Meeting Minutes

**Date:** June 3, 2026

**Location:** Government Center, Legislative Hearing Room

**Call to Order:** 4:06 pm by Acting Chair Bill Liblick

---

## I. Attendance & Administration

- **Members Present:** Bill Liblick (Acting Chair), Paul Barnett (by cell phone), Moreen Lerner, Camille Johnston, George Rose, John Conway, Ken Walter.
- **Members Absent:** Kaylee Roebuck
- **Recording:** It was noted that the proceedings were recorded for the public record.
- **Approval of Minutes:** Motion to approve previous minutes by Moreen Lerner; Seconded by Ken Walter. **Motion Carried.**

## II. Operational Discussions

- **Open Meetings Law & Hybrid Access:**
  - Lorne Green voiced concerns with regard to items outlined in the memorandum dated June 2, 2026 from Jennifer Nigro, Assistant County Attorney, titled “Use of Videoconferencing for Commission Meetings.” Said concern was that he must have staff dedicated to address technology concerns is public participation that would be permitted remotely (regardless of when the time of the meeting commences) if the Charter Review Commission was to implement use of Zoom meetings. This not only leads into a cost factor for the County due to the use of County resources and an IT staff member, but opens up the meeting to a member of the public displaying something inappropriate on video if the video function is not turned off. Mr. Green stated that he would happily dedicate staff with Legislative approval.
  - In that vein, there was significant discussion on how Zoom meetings could be implemented for the Commission meetings and limit public participation by only allowing the public to observe, but not speak, in said meetings. Inquiry was raised with regard to the practice of the Town of Thompson, wherein Ms. Johnston stated that the video for the public is turned off and microphones are muted, and the ability to control these aspects of the meeting is generally controlled by a member of the Commission. Mr. Walter stated that there are proper steps that must be taken in order to effectuate the implementation of Zoom meetings, i.e., a resolution and public hearing. If the Charter Review Commission meetings are to be held via Zoom, it must be advertised in the agenda, and the public has a right to speak during public comment if there is public comment at home base. Mr. Liblick suggested we take out public comment from the agenda. Per Mr. Green, per the memo there must be written procedures to cover member and public attendance that must be published.
  - Mr. Liblick posed the question of implementing the public listening to an informal Commission meeting through an application, such as Member Paul Barnett was doing this meeting - through WhatsApp - because the Commission is researching

and doing fact-finding, not making legislation or voting like the Legislature. At the end, there may be proposals or recommendations made where the Open Meetings Law would apply. Mr. Conway asked what the law was and suggested we ask Mr. Bashjawish, Deputy County Attorney, who was present in the meeting. Mr. Bashjawish stated that based upon the reading of the memo of Ms. Nigro, he could opine that the Open Meetings Law would govern and the interpretation is correct as it is being read by Mr. Green. The interpretation of the term “videoconferencing” was brought up if people are only observing, but not participating. Mr. Bashjawish urged the Commission, that while its meetings are informal, that it be considered “formal” because the mechanics of the Commission is to make recommendations to the Legislature.

- Mr. Liblick pointed out that the public is not permitted to comment by Zoom during the Legislative meetings, even if they’re voting on legislation, and the Charter Review Commission is not voting on legislation. Mr. Bashjawish noted the distinction and commented that the Open Meetings Law may have some sort of distinction outlined therein but cannot say with certainty at that moment. Mr. Walter stated that in the past accountants and others were permitted to participate by Zoom in Legislative and Board meetings, why would there need to be different equipment for the Charter Review Commission. Mr. Green stated that the Legislative and Full Board meetings are broadcast of a Legislative meeting on the Legislative website. It’s only for legislative actions. Mr. Liblick posed the question to Mr. Green how the Commission could do its own Zoom meeting. Members would be sitting at the table in front of the dais, and questions of the public being able to hear. Mr. Liblick considered taking out the public comment from the Commission agenda, publish a Zoom link, and reach out to ITS when public comment would be needed when the Commission gets to the final stage. Mr. Walter stated that if public comment is taken out of the agenda, and members of the public are at the meeting, they will not be able to speak. **After additional concerns were voiced regarding public access, participation, and policy, Legislator Rajsz asked if the Legislative body could set up a policy and adopt same? Mr. Walter confirmed. Legislator Rajsz stated she will speak with the County Attorney’s Office and IT to try to come up with a resolution.**
- Mr. Rose pointed out that name plates for the members, with large enough print to be seen on video, must be procured (which is also outlined in Ms. Nigro’s June 2, 2025 memo stating that Commission members must be able to be identified during any videoconferencing).

### **III. History of the Sullivan County Charter**

Mr. Conway provided a background of the current form of Sullivan County government, through the history of the County of Sullivan, which is summarized as follows:

- Sullivan County was formed in March 1809 with approval by the New York State Legislature and originating with five Towns at inception (15 currently);
- A history of the Board of Supervisors (1809-1995). All Town supervisors sat on the Board and were given a single vote regardless of population. The weakness of the Board was that each supervisor’s primary responsibility and priority was to their respective Town, not to the County;

- January 1844 fire destroyed County buildings;
- How Monticello became the County seat due to being on the Newburgh-Cochecton Turnpike;
- Population shifts into the center of the County with the incoming railroad;
- In 1965, Kurt Shilbury sued the Board of Supervisors arguing that each Supervisor got an equal vote regardless of population, which violated the principle of one person, one vote and disenfranchised large numbers of County residents. Judge Cooke found for Shilbury. Mr. Conway provided typewritten summaries entitled “Retrospect, June 24, 2022: and Retrospect, December 6, 2024;”
- Weighted voting arrived in Sullivan County, which caused other issues;
- An overview of a bicameral legislature (House & Senate) was given; and
- A 9-member Legislature was elected to take office in January 1996.

#### IV. Discussion of County Charter and Code

- **County Charter & Code** – Mr. Bashjawish spoke to the Commission regarding the County Charter and County Code and the purpose thereof. Mr. Bashjawish read the purpose of the County Charter, which states, “It is the legislative intent of this Charter to provide for the orderly government and management of the County of Sullivan effective, accountable, inclusive, open, and environmentally and fiscally responsible. Consistent with this intent, this Charter allocates duties and responsibilities in County Government.” Mr. Bashjawish encouraged the Committee to think of the County Charter as the Constitution of the County that defines the function of the Legislature – form of government, lists the powers and duties, and appoints the County Manager. The County Code lists and expresses the day-to-day operations, functions, and powers of the departments. New York has 62 counties and it is believed that some counties still have a Board of Supervisors.
  - **Mr. Liblick asked Mr. Bashjawish if it was possible to get a copy of the changes and permissive referendum to the Code since the last Charter Review Commission 10 years ago? Mr. Liblick thought it would be helpful to the current Commission. Mr. Bashjawish stated that he would see what he could find.**

#### V. Reading and Discussion of Charter

Mr. Liblick began to read the Charter starting with **§C1.00. Title** until **§C1.05 Revision of the Charter – [Amended 9-8-1994 by L.L. No. 6-1994<sup>13</sup>]** when Ms. Lerner questioned why 10 years for reviewing and revision to the Charter by the appointed Charter Review Commission - There have been several elections for Legislators. Could there be a review every few years? Mr. Liblick responded that there could not as the Legislators can make motions to change the Code and parts of the Charter, and have to go through permissive referendum. The Charter is reviewed every 10 years. The current Charter Review Commission is the third.

#### **§C2.01 Membership [Amended 1-23-2003 by L.L. No. 2-2003].**

- **Mr. Conway thought that this should be revisited, questioning if 9 legislators is the correct number.** Mr. Walter’s opinion is that there should be 11 Legislators to give the more rural areas of the County more input. Mr. Liblick questioned where the additional funds would come from considering the current fiscal condition of the County. Regarding redistricting, Mr. Conway stated that is done every 10 years through the census. There should be a provision that the Legislature should be required to present to the public a

minimum of three redistricting options, or more if practicable. There should be multiple choices.

- Mr. Barnett questioned what improvements could be expected with an increase, or decrease, in the number of Legislators, and how would we know that it was a good idea to increase the number? Mr. Walter stated that presently, committees are made up of 5 people. They could still have 5 people but would not be a majority of the Legislature. It would make committees four. When asked if Monticello or Liberty have their own, Mr. Walter stated 3 or 4 have the same area. It gives more influence to the more rural parts of the County.
- Ms. Lerner mentioned that the population in Bethel increases three fold, and changes the complexity of the Charter. How do we account for the population increase? Mr. Walter stated we wouldn't know what the population is going to be in 10 years, and is another reason why he feels it would be beneficial to have another two Legislators. Ms. Johnston stated that they must be a resident for a certain period of time. Mr. Liblick stated Election Law sets the guidelines for who can vote where. Mr. Rose stated that "primary" residence should be the standard. Mr. Liblick stated that the Commission cannot make those determinations – Federal. Ms. Johnston asked if it could be written that it say "primary" instead of just "residence." Mr. Walter reminded that the Election Law governs.

### **§C2.02. Powers and Duties.**

- Sub-Section K, regarding the contract with a Certified Public Accountant. A question arose as to how many times a CPA can be used. "Arias" has been the County's accountant. Questions arose about how CPAs are obtained - by bid? Can the Legislature mandate it be changed? How do you get around that? Can it be made to change every 3 or 5 consecutive years? Mr. Rose questioned how the CPA is appointed. Mr. Walter stated it goes through the RFP (Request for Proposal) process.
- Sub-Section M regarding strategic plans. A question was asked if anyone has ever seen a strategic plan. Mr. Walter stated in open meetings, but the Legislature does not adhere to it.
- Sub-Section N regarding a standing committee. Mr. Liblick stated this could be one of the things that was changed.

### **VI. Assignments & Future Planning**

- Finish Charter
- Discuss guest list
- Finalize Zoom/video conferencing – Legislator Rajsz to discuss a resolution with the County Attorney's Office and IT and follow-up at the July 1, 2026 meeting.
- Khalid Bashjawish to (1) research Open Meetings Law, and (2) look into changes made to the previous Charter.

### **VII. Adjournment**

- **Motion to Adjourn:** Moreen Lerner; Seconded by Ken Walter. **Motion Carried. Meeting adjourned at 6:00 pm.**
- **Next Meeting: Wednesday, July 1, 2026, at 4:00 PM.**



Robert H. Freehill  
County Attorney

Kristin L. Hackett  
Assistant County Attorney  
Managing Attorney - DSS

Steven E. Goldberg  
Assistant County Attorney

Jennifer Nigro  
Assistant County Attorney

**SULLIVAN COUNTY**  
**DEPARTMENT OF LAW**  
COUNTY GOVERNMENT CENTER  
100 NORTH STREET, PO BOX 5012  
MONTICELLO, NY 12701  
TEL. (845) 807-0560  
(845) 807-0498 DSS Legal  
FAX (845) 807-0574  
[CountyAttorney@sullivanny.gov](mailto:CountyAttorney@sullivanny.gov)  
(SERVICE BY FAX OR E-MAIL NOT ACCEPTED)

Khalid Bashjawish  
Deputy County Attorney

Sharon L. Jankiewicz  
Assistant County Attorney

Andrew L. Lessig  
Assistant County Attorney

Kevin T. McDermott  
Assistant County Attorney

Date: June 2, 2026

TO: Members of the Sullivan County Charter Review Commission

FROM: Jennifer Nigro, Assistant County Attorney

CC: AnnMarie Martin, Clerk to the County Legislature, Robert H. Freehill, County Attorney,  
Lorne Green, ITS Commissioner and Chief Information Officer

RE: Use of videoconferencing for Commission meetings

---

The use of videoconferencing for meetings of a local public body, which, for purposes of this memo, includes the Charter Review Commission, is permitted under § 103-a of the Public Officers Law. Section 103-a was enacted in 2022, primarily in response to the COVID pandemic. Section 103-a was set to expire on July 1, 2026, **but has been extended by the State Legislature through July 15, 2028.**

The Commission may use videoconferencing to conduct meetings provided that a minimum number of members are present to fulfill the Commission's quorum requirement in the same physical location where the public can attend, **and**

- The County Legislature has adopted a local law or the Commission has adopted a resolution, following a public hearing, authorizing the use of video conferencing (i) for itself and its committees or subcommittees, **or** (ii) specifying that each committee or subcommittee may make its own determination.
- Written procedures that cover member and public attendance must be established and posted on the County's website – specifically, the Commission's webpage: [Charter Review Commission | Sullivan County NY](#)
- Members of the Commission who are not physically present at any meeting can only appear via videoconference due to "extraordinary circumstances" as defined by the resolution authorizing use of videoconferencing and the written procedures established by the Commission. Extraordinary circumstances include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes the member's physical attendance.

- The Commission may determine through its written procedures to allow for any member with a disability (as defined in §292 of the NY Executive Law)<sup>1</sup> to use videoconferencing to participate in meetings, notwithstanding the in-person quorum requirements.
- With the exception of executive sessions, the Commission must ensure that members can be heard, seen and identified while the meeting is being conducted.
- Minutes of meetings involving videoconferencing must identify which members participated remotely and must be available to the public.
- Public notice of Commission meetings must inform the public that (i) videoconferencing will be used, (ii) where the public can view or participate in the meeting, (iii) where documents and records will be posted or available, and (iv) identify the physical location where the public can attend the meeting.
- Each meeting conducted using videoconferencing must be recorded and the recordings must be posted or linked to the County’s website – specifically, the Commission’s webpage: [Charter Review Commission | Sullivan County NY](#) – within 5 business days following the meeting, and remain available for at least 5 years thereafter. Recordings must be transcribed upon request.
- Each meeting conducted using videoconferencing must provide the opportunity for members of the public to view the meeting via video and participate in real time where public comment or participation is authorized. In short, the public must be able to access and participate in the meeting virtually if videoconferencing is being used.
- The Commission must maintain an official website (which it already does through the County).

The foregoing requirements do not apply during state disaster emergencies declared by the governor or a local state of emergency declared by the chief executive of a county.

---

<sup>1</sup> The term “disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

## RETROSPECT

by John Conway

June 24, 2022

### SHILBURY V. BOARD OF SUPERVISORS

It was June of 1965, and Judge Lawrence H. Cooke was about to render a decision that would have a profound impact on Sullivan County government, and ultimately its politics, as well.

From the time it was officially organized in March of 1809 until December 31, 1995, Sullivan County was governed by a Board of Supervisors.

In those years, each of the county's towns—five when it was originally formed, 15 by the time this form of government was abandoned--- elected a supervisor to a two-year term, and the supervisor not only served as the executive officer of the town, but as a legislative officer on the county level. And for much of that time, each of the members of the county Board of Supervisors had just one vote.

Whether a supervisor represented one of the county's more populous towns, say Thompson or Liberty, or one of its least populous, such as Lumberland or Forestburgh, he or she wielded the same voting power on the county level.

That all changed in 1965.

Kurt Shilbury was a farmer and real estate agent from Hortonville, and a vocal critic of the Board of Supervisors. He was particularly outspoken about the manner in which the Board conducted business, and often criticized the long-established law that provided each of the Supervisors with equal power.

In 1965, Shilbury filed suit in New York State Supreme Court, asking for "a declaratory judgment that article 4 of the County Law is unconstitutional and void, that it is the duty of defendant Board of Supervisors of said county to formulate a system under which the vote of each Supervisor would be proportionate to the number of persons represented by him and for such other and further declaration of the legal rights of the parties as shall be necessary and proper. "

In other words, Shilbury asked the Court to put an end to the way the Sullivan County Board of Supervisors had operated since its inception in 1809.

The case came before Judge Cooke in June, with Monticello attorney Louis Tieger representing Shilbury and County Attorney Milton Levine appearing on behalf of the defendants.

In essence, Shilbury's argument was that allowing each Supervisor an equal vote regardless of the size of the town he or she represented violated the long established principle of one person - one vote, and in effect disenfranchised large numbers of county residents. For example, the towns of Thompson (8,792), Liberty (8,676) and Fallsburg (6,748) together comprised considerably more than half Sullivan County's population according to the 1960 census, and yet the Supervisors of those towns could never carry a majority vote on their own, representing only three votes out of fifteen, well short of the eight votes required. And it was possible in some matters that eight

Supervisors representing about 20% of the County's population could prevail over seven Supervisors representing 80%.

The County did not argue the facts in the matter, but instead maintained that Shilbury did not have standing to bring the suit, since as a resident of the town of Delaware, with its population of 2,141, eighth largest in the County and less than 1/15<sup>th</sup> of the total population, he was not disenfranchised at all, but actually benefitted from the system.

Judge Cooke did not concur.

"The argument overlooks the fact that there are seven towns with populations less than Delaware but which have representation equal to it on the county board and in this respect the votes in Delaware **have been** diluted and undervalued," Judge Cooke wrote. "As stated in Reynolds v. Sims (377 U.S. 533, 563, supra): 'Overweighting and overvaluation of the votes of those living **here** has the certain effect of dilution and undervaluation of the votes of those living **there.**'"

Judge Cooke found for the plaintiff, Shilbury, and submitted a judgment that "the present apportionment of members of the Sullivan County Board of Supervisors violates the equal protection clause of the Fourteenth Amendment of the United States Constitution and sections 1 and 11 of article I of the New York State Constitution."

His decision ordered that "commencing January 1, 1966 and continuing until a constitutionally acceptable method of apportionment becomes effective, the Supervisor of each town to be selected at the election of 1965, and any successor chosen to complete his term of office, shall be entitled during his term of office to cast at the meetings of the Board of Supervisors of Sullivan County, a number of votes equal to the quotient in whole numbers obtained by dividing the number of inhabitants of the town from which he has been elected, as determined by the latest Federal Census covering all towns in the county, by five hundred, except that and providing further that no Supervisor shall have less than one vote."

Judge Cooke ordered that a "valid plan of apportionment" be adopted in time to take effect for those Supervisors elected in November of 1967.

Weighted voting had arrived in Sullivan County.

***John Conway is the Sullivan County Historian. Email him at [jconway52@hotmail.com](mailto:jconway52@hotmail.com).***

## RETROSPECT

by John Conway

December 6, 2024

### THE ONGOING DEBATE OVER A COUNTY EXECUTIVE

The Sullivan County Board of Supervisors had many issues to deal with in December of 1969, and the hotly debated topic of reforming the County Charter to transfer power to a County Executive and a Legislature serving on a district basis was among the most contentious.

Although that November's election had given county Republicans control of the Board of Supervisors, that change had not actually become official until well after election day, when a close race in the Town of Bethel was finally decided in favor of George Neuhaus, a Republican who reclaimed the Supervisor's office he had relinquished two years before. His slim victory over incumbent Daniel Amatucci was largely due to a backlash against the Woodstock festival, and it put the GOP in the majority for 1970. Nonetheless, it was nearly impossible to calculate the votes for or against revising the Charter.

In fact, that the division over whether or not to amend the Charter was not strictly along party lines, so the assumption of power by the Republicans did not necessarily promise to move this controversial issue along, and as the new Board organized in January of 1970, it continued to languish in committee as it had since the Charter Review Commission had submitted its findings the previous March.

Local newspapers—and there were still a number of them in the County at the time—kept the issue on the public's mind, and civic groups and service organizations sponsored debates that were often spirited and typically well attended.

Among the most vocal proponents of abandoning the Board of Supervisors in favor of a Legislature was Hortonville farmer and realtor Kurt Shilbury, the man who a few years earlier had sued the Board of Supervisors over their voting system and whose victory in court had brought weighted voting to the County.

Shilbury traveled the County throughout 1969 and '70 speaking out about the need for a modern Charter that would do away with the Board of Supervisors, the form of government that had been in place since the formation of the County in 1809.

Another vocal proponent of Charter reform was Livingston Manor businesswoman Evelyn Haas, who had served on the Charter Review Commission chaired by Tri-Valley High School principal Edward T. Condon. She spoke to numerous groups about the wisdom of adopting a new Charter, and engaged in several debates on the topic, as well.

Among those most actively opposing the change in government was Liberty High School science teacher Sondra Bauernfeind of Mongaup Valley, who was a leader in the Sullivan County Conservative Party and of the Bethel Taxpayers Association. She was often joined in debates by Lumberland Supervisor Edward Bisland, who once described the proposed changes to County government as like "taking a Mack Truck to go grocery shopping in a super market."

“Bisland, a defender of the status quo, has repeatedly indicated his satisfaction with things as they are and has indicated that a little tinkering by adding perhaps an administrative assistant, auditor, and purchasing agent, will do the trick of bringing Sullivan into the space age,” the Liberty Register newspaper reported in its February 5, 1970 edition. The article went on to describe a recent debate conducted before a small audience at the Monticello Jewish Community Center, in which Bisland squared off against Woodridge attorney Seymour Krieger, the Executive Director of the Catskill Resort Association, “an avowed and vigorous supporter of charter reform and the creation of a small full-time county legislature, serving only the county.”

The Register reported that Krieger had “characterized the present system as ‘disorganized, disjointed, and confused’ with town supervisors also serving at the county level giving their first loyalty to their particular towns and sections, unable to look at the county as a whole, lacking professional training or competence to run a \$15 million business, trying to do it part-time, with no executive head to give direction.”

As the public was getting educated in the pros and cons of the issue, Supervisors continued to avoid voting on the recommendations of the Charter Review Commission, and local papers speculated on just where each Board member stood on the issue, and how many weighted votes either side could likely muster when the showdown eventually occurred.

Fallsburg Supervisor Mortimer Michaels, Liberty Supervisor Francis “Stretch” Hanofee and Neversink Supervisor Joe Raffa were known to support change. Rockland’s Cecil Stewart was also believed to be in favor. Bisland, Tusten’s Carl Behling, and most of the Supervisors of the smaller towns, were opposed. Two of the largest weighted voting blocks—those wielded by Neuhaus and Thompson Supervisor Ralph Meyer—were the wild cards, as no one seemed quite sure where they stood.

In the end, despite the tireless efforts of charter review proponents throughout the county, the measure failed, and the Board of Supervisors, with some minor tweaking, continued to govern the County until 1995, when a new nine member Legislature was elected to take office in January of 1996.

***John Conway is the Sullivan County Historian. Email him at [jconway52@hotmail.com](mailto:jconway52@hotmail.com).***