

1 **GREENBURGH CAMPAIGN FINANCE COMMISSION**
2 **MEETING MINUTES – MARCH 17, 2000**
3 **(approved April 25, 2000)**
4

5 Present:

6 Jo Brill, Elizabeth Daniel, Andrew Goodman, Catherine Lederer-Plaskett, Claire Lee, Harriet Leib,
7 Erin Malloy, Rev. Wilbert Preston, Charlotte Schienberg, Ervin Schliefer, Francis Sheehan, Mary
8 Tobias
9

10 Invited Speaker: Westchester County Legislator George Latimer
11

12 Observers: Stephanie Bellino, Ella Preiser
13

14 Absent:

15 Susan Mancuso, Mike Reynolds, Sally Schaad, Lester Steinman
16
17

18 The fourth meeting of the commission was called to order at 8:38am in room 121, at Rochambeau
19 School, 228 Fisher Avenue, White Plains. An agenda was distributed. Copies of the February 3 and
20 February 18 meeting minutes as approved March 02, 2000 were also distributed, along with copies of
21 the draft March 02, 2000 meeting minutes that were previously faxed to each commission member.
22

23 Co-Chair Catherine Lederer-Plaskett said that Westchester County Legislator George Latimer is first
24 on the agenda. Since he was detained, Elizabeth Daniel, listed next on the agenda, was asked to
25 discuss her handouts.
26

27 Elizabeth Daniel distributed two handouts, one entitled "Outline" and another entitled "Public
28 Financing at the Local Level: Data from the Most Recent Complete Election Cycle". She said that she
29 is available to help the commission in any way possible. The commission has much to accomplish in a
30 short time period. The subcommittees need a very clear understanding of the direction they will
31 pursue. The three primary areas of concern seem to be politicians taking money from those doing
32 business with the town, cable access that is unfairly administered, and more general campaign finance
33 issues. The Ethics Subcommittee seems to have appropriate direction working with the proposed
34 Ethics Law revision written by Francis Sheehan. There may be legal issues involved but it is a good
35 place to start. Similarly, the Cable Subcommittee seems to have good focus on the cable access
36 problems in Greenburgh and has a direction to remedy the problems. A related issue involves
37 prohibiting incumbents' use of town mailings during election season. These issues have been clearly
38 defined.
39

40 Ms. Daniel said the main area still requiring direction is the more general concept of campaign finance
41 reform. Referring to her outline, she said the first objective should be to investigate the current
42 situation, i.e., what is actually happening in Greenburgh. What is the maximum contribution allowed?
43 How much is typically spent on a Town Council campaign? What are the sources of the contributions,
44 if decipherable from the filings? Are the amounts contributed corrupting or could they lead to the
45 perception of being corrupting? On what was the money spent? For a candidate with few
46 expenditures, was the candidate's costs borne by another candidate on the ticket? The commission
47 needs to determine overall campaign costs in Greenburgh, preferably tracking expenditures over
48 several election cycles. It is important to determine if the cost of running a campaign in Greenburgh
49 dissuades potential candidates.
50

51 Ms. Daniel said the key aspect of any campaign finance reform initiative is the proposed regulatory
52 structure. There must be one. Greenburgh does not have an "election board" so a decision needs to be

53 made regarding who will provide the needed oversight. The county's Election Board may be one
54 option. Another option is expanding the powers of the Town Clerk or some other local official;
55 however, such a proposal may raise legal issues and create new conflict of interest concerns, contrary
56 to what the commission is trying to accomplish. Creating a local campaign finance board, either
57 volunteer or part-time, is another option that can be explored. The commission needs to look at the
58 legal issues and feasibility of each of these options before deciding how any adopted reform proposal
59 will be monitored. An Independent Auditor is strongly recommended regardless of the option selected.
60

61 Ms. Daniel said that, in addition to regulatory structure, the commission needs to decide what kind of
62 system is preferred. Local governments are preempted by New York State law from imposing
63 campaign contribution restrictions. Therefore any system proposed must induce voluntary
64 participation and compliance. Voluntary restrictions might include lowering the maximum
65 contribution limits; barring specific sources of contributions, such as those from developers; enhancing
66 the disclosure laws to include disclosure of all contributions or internet-accessible filings; and limiting
67 the amount that may be expended during a campaign.
68

69 Ms. Daniel said contribution limits must be voluntary. Candidates can be asked to pledge not to accept
70 "interested" contributions but pledges have their own problems. Any enhancement disclosure or
71 spending limits must also be voluntary.
72

73 Ms. Daniel explained that incentives could be offered to entice voluntary compliance. Government
74 matching funds can get expensive or appear expensive. Increased cable access time or newspaper
75 coverage is less costly and commonly used. Shame is another significant factor to encourage
76 candidates to volunteer. Each incentive has its own problems but some municipalities use them with
77 some success. Regarding a referendum, the four attorneys on the legal subcommittee are looking into
78 the possibility. It is a complicated issue. If a referendum were to be recommended, it would have to
79 be recommended soon to be on the November ballot. The commission should talk to as many
80 informed people as possible. The NYC Campaign Finance Board's system is so large, it is not a good
81 model for Greenburgh. She brought five copies of the NYC regulations. Catherine Lederer-Plaskett,
82 Harriet Leib, and Francis Sheehan each accepted a copy. She said the commission should talk to
83 Boulder, CO representatives. Kathleen Rutherford, who attended an earlier commission meeting, is an
84 excellent source. There is no need to reinvent the wheel. She is also willing to provide counsel on any
85 of these issues.
86

87 Harriet Leib asked if including contribution limits in the Ethics Code would raise legal issues.
88

89 Elizabeth Daniel said that it might. She wants to look into it. It may also be a home rule issue.
90

91 Catherine Lederer-Plaskett said she had spoken to Lester Steinman and he said the commission can't
92 limit the contributor but might be able to get the candidate to agree not to accept the contribution. She
93 said there is no benefit to betting on a horse if the track won't accept the bet. Similarly, if a candidate
94 refuses the contribution, there is no benefit to the contributor.
95

96 Elizabeth Daniel said you cannot mandate contribution thresholds different from those set by federal
97 regulations.
98

99 Rev. Wilbert Preston asked what advantage there is to having a referendum.
100

101 Elizabeth Daniel said referendums made the decision look more independent. It avoids incumbents
102 looking as though they want to raise money for themselves. Also, more people get involved in a
103 referendum issue. Candidates are less likely to be concerned about the appearance of taking public

104 money if the majority of voters approved the referendum. The alternative is adopting a local ordinance
105 to address some of these issues, which places local officials on the spot.

106
107 Andrew Goodman said another issue to consider is that a local ordinance can be changed by the Town
108 Council any time in the future, which is not the case with an adopted referendum.

109
110 Catherine Lederer-Plaskett said that the commission has repeatedly heard from its legal representatives
111 that there are major problems trying to hold a referendum on these issues in NYS. If a referendum
112 could be held, it would be good to include a cable access incentive in it, if possible.

113
114 Elizabeth Daniel said increased local cable access time is the primary non-tax related incentive used to
115 gain voluntary compliance in many localities. Those that sign on to the reforms are given more time.
116 She understands there are other problems related to cable access in Greenburgh that need to be
117 addressed before the increased time incentive would be effective.

118
119 Catherine Lederer-Plaskett said the commission needs to pin down exactly what has happened to cable
120 access in Greenburgh. A fact-finding mission is needed.

121
122 Claire Lee said she thought someone from cable would be at this meeting.

123
124 Catherine Lederer-Plaskett said Alfreda Williams, the Greenburgh Town Clerk, was invited since she
125 is responsible for cable access in Greenburgh but she could not attend this meeting.

126
127 Francis Sheehan said her absence is understandable since she has been quite ill.

128
129 Catherine Lederer-Plaskett thought Ms. Williams might be able to make the commission's April 11th
130 meeting, or one shortly thereafter.

131
132 Catherine Lederer-Plaskett introduced George Latimer who was a member of the Singer Commission
133 and is currently the chair of the Westchester County Board of Legislators.

134
135 Harriet Leib said that she asked Mr. Latimer to attend so that he could give the commission members
136 his perspective and insight why the Singer Commission recommendations were not adopted. She also
137 asked him to address what the commission should consider at the local level to avoid some of the
138 pitfalls previously encountered by the Singer Commission at the county level.

139
140 George Latimer apologized for being late. He said the commission needs to consider the structure of
141 Greenburgh politics. Applying county politics to Greenburgh reforms is not productive. The
142 commission has a much different environment in which to work, in many ways a more favorable
143 environment. There are a significant number at the county level ready to embrace campaign finance
144 reform but many are still not ready to do so. Any change in the status quo comes with a difficulty
145 level.

146
147 Mr. Latimer said the Singer Commission was useful even though it appeared unsuccessful in obtaining
148 the reforms recommended. He noted that, after a year had passed, Legislator Thomas Abinanti asked
149 what happened to the Singer Commission report. Mr. Latimer explained that the Singer Commission
150 report was a campaign finance reform proposal involving the use of public money for candidates. He
151 did not "count heads", the number of legislators willing to sign on to the tax-increase-related
152 recommendations. He failed to recognize early on that support for the Singer Commission's
153 recommendations fell off sharply due to the provisions involving public financing.

154
155 Mr. Latimer said that the Singer Commission created a climate for reform. It was like the nose of a
156 camel getting a peek under the tent. For example, the legislators have adopted a rule that prohibits any

157 legislator who is a candidate for an elected county office from mailing legislative newsletters. The
158 legislative newsletters are informative. Even though they do not specifically say “vote for me”, they
159 could be considered campaign literature paid for at taxpayer expense. The legislators ended that
160 practice for any legislator who has submitted his/her designating petition to the Board of Elections.
161

162 Mr. Latimer said that legislators also banned legislators who are candidates from distributing “Golden
163 Apple” pins that are produced and paid for by the County if those pins are attached to something
164 identifying the legislator and his/her district. It was a nice gesture on the part of a legislator to hand
165 out a pin on a card with the legislator’s name on it but the practice is no longer acceptable while the
166 legislator is a candidate.
167

168 Mr. Latimer said another reform the legislators are working on, which has not yet become effective, is
169 the prohibition of taxpayer-financed public service announcements involving a legislator-candidate’s
170 name, voice, or likeness. For example, he said, a public service announcement consisting of, “Hi, I am
171 George Latimer, come to Rye Parkland,” would be prohibited, as would household cleanup schedules
172 containing the names of the legislators. Any posting, broadcast, or other means of circulating the
173 public service announcements with the name, voice or likeness of the legislator-candidates would be
174 illegal from the last day to turn in candidate designation petitions until the general election.
175

176 Mr. Latimer said another law that the legislators adopted was computerization of campaign records.
177 These kinds of legislation pass unanimously because no public funds go to candidates. With the
178 Singer Commission report he did not realize that the inclusion of funds for candidates as incentives to
179 obtain their voluntary compliance with the proposal campaign reforms significantly changed the
180 amount of support among the legislators. The Singer Commission recommendations died on
181 procedural votes. The procedural votes were a clear signal to him of what would happen if the
182 proposal was submitted for a full vote. He pulled the proposal rather than have it recorded as defeated
183 legislation. In retrospect, it was a mistake not to create a commission similar to that called for in the
184 report before submitting the remainder of the proposal to the legislators. Others had urged him to do
185 so in order to work out some of the issues. He did not believe splitting the proposal was the best way
186 to proceed but in hindsight not splitting the proposal was the wrong way to go. It was a judgment call
187 and he simply miscounted the votes and underestimated the loss of legislator-support for using public
188 funds as an incentive for candidates to participate.
189

190 Mr. Latimer said the Singer Commission recommendations applied to the County Executive and the
191 County Legislators. The County Clerk and the District Attorney were excluded because they were
192 considered state offices. The Legislators were willing to go along if it only applied to the County
193 Executive. Some Democrats said it took a long time becoming the majority party, why change the
194 rules now? A catch-22 developed because the County Executive would not vote for the reforms if only
195 his office was affected.
196

197 Mr. Latimer said he lives in a world of sound bites. This is “welfare for politicians” makes a great
198 sound bite. The pro-reform side could not overcome that one phrase. The issues involved in reform
199 were too complex to counter in one pro-side sound bite. Ultimately, “welfare for politicians” won the
200 media battle. Greenburgh needs to decide what needs to be done locally and how best to accomplish it.
201

202 Mr. Latimer said he understands the concern regarding taxpayer-financing at the county level, with 17
203 legislator seats, potentially 3 or 4 candidates per race, every 2 years, with primaries, the cost could be
204 quite significant. On the other hand, since compliance with reforms must be voluntary, the financial
205 incentives must be good enough for a candidate to sign on. If someone can easily raise one million
206 dollars, why agree to a \$250,000 cap. It is not realistic. It just won’t happen without attractive
207 incentives. A check off box on the income tax forms was not an option for the county. The financing
208 must come from the property tax. How many in the county feel that an urgency exists for Campaign

209 Finance Reform that a property tax increase is warranted? Generally interest follows some incident.
210 Without a "smoking gun" incident, residents will not make Campaign Finance Reform one of the top
211 five issues. Incumbents are aware that no one has lost an election because of taking a position against
212 Campaign Finance Reform. He heard that statement many times. He learned a lot from the Singer
213 Commission report approval process.
214

215 Mr. Latimer said the ultimate issue for this Commission is whether Greenburgh residents are willing to
216 support public financing of campaigns. The residents must decide if campaign issues in Greenburgh
217 warrant reform and if public financing is a way to achieve those reforms. Many of Greenburgh's
218 campaign issues involve land-use issues. Greenburgh may be able to do what the legislators at the
219 county level were unable to accomplish. If climate changes at the county level, further reform may be
220 possible.
221

222 Harriet Leib asked if any of the commissioners had any questions. Hearing none, Ms. Leib asked if
223 there had been any problems with enforcing the legislative newsletters ban or any other of the reforms
224 implemented.
225

226 Mr. Latimer said there has been no effort by any legislator to violate the newsletter ban. Similarly, the
227 supply of "Golden Apples" is centrally located and someone would have reported an attempt by
228 legislator-candidates to obtain or use them. Computerization of the campaign finance reports is in the
229 works. The Board of Elections wants more staff and capital equipment to proceed. The legislators
230 want to see more will on the part of the Board of Elections for computerization. The Board of
231 Elections operation is run based on political affiliation-- two Democrats and two Republicans. A
232 commitment by the Board of Elections to implement the computerization legislation is still needed.
233

234 Mary Tobias asked which of the reforms mentioned were in the Singer Commission report.
235

236 Mr. Latimer said the literature ban; the name, voice, and likeness proposal; and the "Golden Apples"
237 ban were not part of the Singer Commission's recommendations. The computerization of the
238 campaign financial records legislation was related to the Singer Commission's work.
239

240 Mary Tobias asked Mr. Latimer if he thinks the Singer Commission prompted the reforms.
241

242 Mr. Latimer said the Singer Commission raised the issue of reform and the legislators did not want to
243 appear against reform, just taxpayer payments to candidates. These lesser reforms were adopted
244 because there was an atmosphere for reform created by the Singer Commission. The County will be
245 looking to the League of Women Voters for direction regarding future reform initiatives.
246

247 Mary Tobias said the reforms adopted may not be as significant as those proposed by the Singer
248 Commission but they are important nevertheless.
249

250 Mr. Latimer agreed.
251

252 Catherine Lederer-Plaskett asked if the literature ban restricts legislator-candidates from writing
253 individual letters.
254

255 Mr. Latimer said it does not. They had considered the term "direct mail" but it was too broad. Instead
256 they settled on the wording contained in the legislation, which he read: "a general purpose newsletter
257 prepared, financed, and mailed by the Board on behalf of all its members for the purpose of
258 communicating Board activities and achievements to residents of such member's legislative district."
259 A violation of the ban would invoke Ethics Code penalties. The ban does not affect the County Clerk
260 or the District Attorney. How do you stand in the way of the most-wanted list being mailed out during
261 campaign season?, he said. Similarly, a mailing regarding Indian Point evacuation plans must be

262 mailed out regardless of a campaign. It made sense to exclude these two offices from the restriction.
263 The legislation does not constrain him from responding to a letter received from a constituent and
264 copying other residents in the area.
265

266 Harriet Leib asked if legislators send mailings to voters or do they target property owners.
267

268 Mr. Latimer said that constituents, voters, are targeted.
269

270 Harriet Leib asked Mr. Latimer if he thought public financing of county elections could be resurrected
271 at some point.
272

273 Mr. Latimer said public financing of campaigns to induce voluntary compliance with reform measures
274 is possible with a specific proposal and a change in the current climate. Public acceptance must grow.
275 Public awareness of the need is critical to its future success. In 1989, the County Executive candidates
276 did not exceed one million dollars in expenditures. In 1993, the cost still wasn't too bad. The last
277 County Executive election highlighted the need for change. The amount spent on the next County
278 Executive election may be what ultimately leads to widespread calls for reform.
279

280 Catherine Lederer-Plaskett thanked Mr. Latimer and said that copies would be made of the two county
281 laws he brought-- the newsletter ban and the name, voice, likeness proposal. She said commission
282 members received copies of the legislation involving computerization of Board of Election filings at a
283 prior meeting.
284

285 Harriet Leib said the next item on the agenda is the approval of the March 2, 2000 Meeting Minutes.
286 She said a typo needs to be corrected. Claire Lee moved the minutes be adopted as corrected. Harriet
287 Leib seconded the motion, which was approved unanimously.
288

289 Elizabeth Daniel said the commission needs to start considering a public hearing. Proposals are
290 needed from the Cable, Ethics and Public Financing Subcommittees, but the proposals do not have to
291 be polished. If the proposals are too polished, the public will feel as though they have been excluded
292 from the process. Basically, a general overview is needed. The Legal Subcommittee does not need to
293 draft a proposal prior to holding a public hearing, but must be ready to answer questions that may be
294 asked at the hearing. The commission needs to gather as many facts before the hearing as possible.
295

296 Catherine Lederer-Plaskett said that she would check the availability of Town Hall to hold the public
297 hearing in early May. The next meetings of the commission will be March 30th and April 11th. A
298 representative from Gannett cannot attend a morning meeting due to childcare issues. He will be here
299 on April 11th, along with Yorktown Councilman Nick Bianco. The commission is also planning to
300 hear from Alfreda Williams regarding Greenburgh Cable Access. Ms. Lederer-Plaskett asked for
301 suggestions regarding other speakers.
302

303 Harriet Leib said that Catherine Lederer-Plaskett and she decided the March 30th meeting should be
304 used for subcommittees to hold their meetings, but there may be a scheduling problem since some
305 members serve on more than one subcommittee.
306

307 Claire Lee thought the idea of dedicating the meeting to subcommittees was a good one.
308

309 Charlotte Schienberg suggested letting the subcommittees work out their own meeting times.
310

311 Catherine Lederer-Plaskett said Elizabeth Daniel will be out of town on March 30th. If, on March 30th,
312 the Ethics Subcommittee meets at 8:30 a.m. and the Cable Subcommittee meets at 9:15 a.m., there
313 would not be overlapping. The Public Financing Subcommittee can meet via a conference call at
314 another time.

315
316 Erin Malloy said the commission is scheduling too much on April 11th-- the Gannett representative,
317 Nick Bianco, and the Town Clerk.
318
319 Catherine Lederer-Plaskett said the Town Clerk will likely not be able to make it on April 11th.
320
321 Harriet Leib suggested an additional meeting date-- Tuesday, April 25, at 7:30 p.m., at Rochambeau
322 School. She said April 19-23 are holidays.
323
324 Catherine Lederer-Plaskett agreed with the date and said the commission needs to obtain facts in the
325 interim. It will be difficult to track Greenburgh campaign contributions but we need to try to obtain
326 the data.
327
328 Claire Lee asked if the Singer Commission report is "dead in the water".
329
330 Harriet Leib responded that it was.
331
332 Claire Lee said that perhaps the commission could get something out of the report.
333
334 Catherine Lederer-Plaskett asked if copies were available.
335
336 Jo Brill said she is trying to decipher all the different drafts of the report. She also has summaries of
337 the comments made at the public hearings. She read the names of those who testified at the hearings.
338 At the Yonkers public hearing, John Feerick, Alfred DelBello, Tom Abinanti, Harriet Leib, Fran
339 MacEachron, and Helen Auerbach testified; at the White Plains public hearing, Andrew O'Rourke,
340 Andrew Greenblatt, Nicole Gordon, Edward Elkin, Paul Feiner, Helen Auerbach, and Chuck Lesnick
341 testified; at the Mount Kisco public hearing, Richard Kirsh and Blair Horner were the only speakers.
342 With one exception, all the speakers at the public hearings were well-known. The Singer Commission
343 meetings were not well publicized. This commission needs to attract a broader speaker pool.
344
345 Jo Brill said the Singer Commission report consisted of two parts-- it established a board and it
346 established a system. The copies are voluminous. Five copies will be made to pass around. She is not
347 sure the final report is easily locatable, but the agendas may suit the commission's needs.
348
349 Jo Brill said she thinks computerization of candidates' financial filings will happen. She agreed with
350 Mr. Latimer's description of the current state of reform at the county level. However, she believes
351 reform likely will not occur at the county level until after the next County Executive election.
352
353 Mary Tobias asked how many members were on the Singer Commission.
354
355 Catherine Lederer-Plaskett, reading from the documents received from Ms. Brill, responded that there
356 were eleven members and the chair, Cecile D. Singer. The members were Michael R. Edelman, David
357 Ford, Herman Geist, Harriet Goldberg, George Latimer, Lloyd King, Paul Noto, Marc Oxman, Amy
358 Paulin, Irving Schleifer, and Carolee Sunderland.
359
360 Harriet Leib said the next commission meeting will be held on April 11th, 2000, at 7:30 p.m. at
361 Rochambeau School, 228 Fisher Avenue, White Plains. The Ethics and Cable Subcommittees will
362 meet on March 30th, at 8:30 a.m. and 9:15 a.m., respectively.
363
364 The meeting was adjourned at 10:06 a.m.
365
366
367 Respectfully submitted,
368 Francis Sheehan, Commission Secretary