Roll Call

Present: Vince DeLeonardis, Chairman
   Deputy Commissioner Michael Sharp, Vice Chairman
   Deputy Commissioner John Daley, Secretary
   Commissioner John Franck – via video conference Wells, Maine
   Commissioner Michele Madigan
   Commissioner Peter Martin
   Deputy Commissioner Maire Masterson – via video conference 90 Pilgrim Spring Road, Wellfleet, MA
   Commissioner Skip Scirocco
   Deputy Commissioner Joseph O’Neill
   Deputy Mayor Lisa Shields

Absent: None

Recording of Proceeding

The proceedings of this meeting were recorded for the benefit of the public and the secretary. Because the minutes are not a verbatim record of the proceeding, the minutes are not a word-for-word transcript.

Call to Order

Chairman DeLeonardis called the meeting to order at 2:58 PM. Attorney Robert McLaughlin was in attendance.

Public Comment

Chairman DeLeonardis opened the floor up for public comment.

Bonnie Sellers, Saratoga Springs. Several people have come up to them to ask what’s going on with the 2 At-Large members. One of the things people are concerned about if they are going to have two options on the ballot. One box would be the efficiencies that are done and one box for the 2 At-Large. People have said that they want the option or do you have to have just one question?

Richard Sellers, Saratoga Springs. He said the research was professionally done. His background is a research professional for 40 years and he ran market research companies under him. It suggests a plurality in favor of the 2 At-Large members. It does not give any indication of it if it goes against a strong mayor or city manager and if you go down into the details it strongly suggests, relative to the 2018 election, that adding the 2 At-Large reduce the votes for your work by 4-10 points. Commissioner Martin asked Mr. Sellers for more detail on why it suggests that. Mr. Sellers continued by saying if you go into more detail the strongly positive strongly negative column rather than the total you find a large negative for the change among those who voted no in the last referendum. And those people who would be most likely affected by this, have the most concern about it and if you do the math of those, it suggested a 4 to 10
percent negative vote for the change if it includes the 2 At-Large. Deputy Sharp asked if based on the number you are eluding to, the 45% of the no voters from 2017 will strongly oppose the addition? Mr. Sellers said if you go farther in and look who voted using the cross tabs it will get you to the ballpark. Not precise. Deputy Sharp indicated that the poll was in response to the issues that were identified to respond that they were heard. Chairman DeLeonardis said that this is a fairly new idea and to expect people to have a strong opinion at this time is somewhat unrealistic. The education of the concept will be up to the Commission to provide to the public. He also commented on Bonnie’s question by saying that he does believe it is within the right to have an alternate proposal on the Ballot. Attorney McLaughlin commented by saying that there are two options. You can have a proposal to vote on all the amendments that have been made separately and the summary of the provisions that have not changed. The other option is to say this is the new Charter and vote yes or no.

End of public comment.

Discussion Items

Chairman opened the meeting with a continuation of the discussion from the public comment. Tony Izzo cited section 36 5c, Alternate charters/alternate provisions. It is allowable. The charter can be submitted in 2 or more parts and also submit alternate charters or amendments or alternate provisions for the ballot. Chairman DeLeonardis asked how that works? Attorney McLaughlin said he wanted to discuss this further with Tony.

Commissioner Madigan asked if the Public Comment period could be re-opened because some attendees of the meeting did not get an opportunity to speak.

Public comment was re-opened at 3:10 PM.

Tim Hilker, Assistant Superintendent Saratoga Springs City School District and Dr. Patton from South Glens Falls wanted to comment on their experience with the Civil Service Commission. Mr. Hilker has worked with both the City and County Civil Service Commissions and the competitive pool of candidates makes hiring very difficult. They need better qualified and more applicants than they are receiving. Many people don’t even know about or are aware of the City’s Civil Service. Commissioner Martin asked for more detail specifically - is the mechanism flawed, what doesn’t work and why is the County better in terms of structure? Mr. Hilker advised that the process is more laborious working with the City. The City has fewer titles than the County. For example over the years the Account Clerks positions, which is a title we share with the City, have evolved and now the positions don’t match the requirements. They have difficulty trying to meet the guidelines. Commissioner Madigan asked if they experienced delays in the back and forth? Mr. Hilker said yes, it has improved with the new personnel, but still limited by the City. Deputy Sharp asked him how he can compare it to the County. Mr. Hilker said that the County is more familiar with their needs because they serve all school districts. They have titles that are more compatible with the school’s needs. Deputy Shields asked how they currently interact with the County. Mr. Hilker said that they don’t, he is speaking from past experience. Commissioner Madigan asked if any part of the School District fall outside of the City Civil Service Commission? Mr. Hilker said no. Commissioner Martin asked if there was a choice for them to move to that County? Mr. Hilker said they have to follow what the City chooses. Commissioner Madigan said that due to time constraints that this would
have to be brought by referendum in the future. The information provided is valuable and the County’s requirements had not previously been considered. The City has discussed a Personnel Director but time is late and this will be a consideration for future discussion with all parties involved. Mr. Hilker said that the school district has over 400 employees. Chairman DeLeonardis thanked Mr. Hilker for his time and information.

End of public comment.

**Approval of Minutes**

Chairman DeLeonardis made a motion to approve the minutes of August 14th, 21st and 22nd, 2018. Second: Deputy Mike Sharp. Vote: Ayes – 10  Nays – 0  Motion: Passed

**Discussion Items Continued**

Chairman DeLeonardis continued the meeting and said that there are 10 days to file the draft of this Charter. He commented that Deputy Shields had done research regarding the staff to the Civil Service Commission. The Executive Secretary to the Civil Service Commission is set up in the Rochester Charter. (copies attached). The position is appointed by the Mayor but serves the Commission. He asked Attorney McLaughlin to comment. Attorney McLaughlin said that the issue is once the person is appointed they serve the Civil Service Commission and can’t then also serve the Mayor. This is not different from the way the City is currently set up. Chairman DeLeonardis asked if we had something similar to Rochester then the Council could appoint someone to serve as the secretary and HR and serve a dual roll? Attorney said that it appears that way but more research is needed. Chairman DeLeonardis asked assuming Rochester’s model is lawful, is there any momentum to add this to the Charter in 10 days? Commissioner Martin said that with 10 days to file, we shouldn’t hold up the document. This could be changed next year by referendum. Commissioner Scirocco said that there is a benefit to have HR with the Commission and take HR out of the Mayor’s office. HR and the Commission need to work as a team to offer better service. Commissioner Madigan said that Rochester’s model language is ok but time is an issue. Deputy Shields pointed out that there is no reference to HR in Rochester’s Charter but the website confirms that the woman who is in charge of HR is also the secretary to the Civil Service Commission. Attorney McLaughlin previously provided a memo addressing Civil Service but Rochester was not one of the cities they researched but having one person serve two masters is inconsistent with General City Law. Chairman DeLeonardis said that time is running out and the Civil Service component of the document could be excluded and voted on at another meeting but a vote is needed on the document. He asked, separate from Civil Service, has everyone had a chance to review the edits that have been made to the Charter? Attorney McLaughlin commented that section 5a of the Municipal Home Rule Law says that the Commission can issue a report with changes and you can vote on specific issues so you can go question by question. The alternative is to vote on the document as a whole. Chairman DeLeonardis asked if there could be two drafts to vote on – one with the 5 members and one with 7? Attorney McLaughlin said before he answers that question, regardless of what you do, because you are changing the voting – 5 members to 7 members, that issue must be a separate question because your changing the voting requirements. Chairman DeLeonardis asked if two documents need to be filed with the County showing all the changes? Attorney McLaughlin said yes, and the voting questions. Chairman DeLeonardis continued to review the changes made to the draft. In the Preamble, the second bullet added “sustainability”. Section 2.1 – no person
shall hold more than one office in the City. Section 2.6 Vacancies – small change – Council makes the appointment and there is no need for a special election since terms are 2 years so the next general election will address a vacancy. For Risk and Safety, a policy manual has been specified and added the section for IT who also has a policy manual. Commissioner Martin would like to add two words under Public Safety to the 2nd paragraph after Code Administration the words “Traffic Safety”. That is an important function and needs to be called out. The Commission agreed to add this. He said he appreciated the poll and the efforts that have been taken. Decisions should not be based on a poll but changes should be made with the best interest of the City in mind. He would like to reexamine the concept of having the two additional At-Large members be County Supervisors. He felt the question on the poll was not representative of the advantages of having the Supervisors serve and that once those are identified it will have the public support. He would like the Commission reconsider the County Supervisors for the 2 At-Large positions. Chairman DeLeonardis said he appreciated Commissioner Martin’s perspective. The 2 At-Large were specifically added to address the difficulty to run. Having the County Supervisors serve as the At-Large members does not address that concern. A discussion continued. Commissioner Madigan said conflict and recusal could still be a problem. Commissioner Franck said that having the supervisors serve doesn’t address the problem of difficulty to serve while also having a full-time job and the supervisors are already at the meeting. Commissioner Madigan sees the benefit of the supervisors serving but that doesn’t address attracting more people to run. Chairman DeLeonardis agreed. He sees the merit but it doesn’t address the concern. Deputy Shields was concerned that the 2 At-Large addition would be a backlash vote against the charter but having a separate question on the ballot to address the addition is good. Commissioner Scirocco said that the last thing he would have wanted to do as Supervisor would be to wear two hats so it is not a good idea. He doesn’t think that it would increase the pool, he thinks it would decrease the pool. He also said the At-Large position is still a very difficult, hard working position. He said the poll was pretty positive but he doesn’t know any other place that had this. Not sure it would increase the pool of candidates but not opposed to it. The Charter as it stands now is working pretty well. The changes that are being proposed are positive and the form of government is not the problem but rather the people in the seats. We have come together to address the current issue and are working very well. Adding the At-Large is not a bad idea he just wished there was more time to research the question. He previously served on the Rec Commission then as County Supervisor and now as Commissioner of DPW. That is the best way to understand government. Commissioner Madigan said that she likes the idea of the separate question for the At-Large addition so that the whole Charter doesn’t go up or down based on that question and it has a chance to succeed. Attorney McLaughlin said that what Hodgson Russ would recommend would be to go under 5a of MHRL and indicate what are the specific changes that are being made and call out each for a vote. There would be several questions. Chairman DeLeonardis suggested two questions to avoid confusion. Commissioner Franck agreed that there should be two questions: 1) 7 members & 2) Document. He is also not seeing a big push for the Supervisor to be the At-Large members. No one in the past has ever taken advantage of that opportunity. Deputy Masterson said the 2 At-Large members would be just about City business but the Supervisors may have other concerns. There was no appetite to make the Supervisors the At-Large members. Chairman DeLeonardis said that the only other thing to discuss before the vote, excluding section 2.7 - Civil Service, is section 20.3 the question of the effective date of the Charter. He suggested 1/1/19 for all changes except 1/1/20 for the 2 At-Large members. Commissioner Madigan said that a year for the transition would be needed so the document should take effect 1/1/20. Commissioner Martin agreed. He said financial reports, financial information, and change of departments requires time so 1/1/20 would be best.
Chairman DeLeonardis advised that the effective date of 1/1/19 would still allow for the changes to be made. For example, other than a budget, making HR independent right away would allow for that budget to be presented in 2019 to be effective 2020 and making the change right away is not a monumental task. Commissioner Madigan said that Benefits would be a monumental task. Deputy Sharp said that making the effective date 1/1/19 would allow for the Department head or supervisor to make any transition necessary. Chairman DeLeonardis said that the Charter would be in effect 1/1/19 but there would be a transition over time. Salaries for example. The effort to change salaries would be made in 2019 but not take effect until 2020. If the effective date is 1/1/20 that effort could not be undertaken. More discussion continued and it was decided that the effective date would be 1/1/19. Chairman DeLeonardis advised Commissioner Franck and Deputy Masterson that there was previous discussion regarding Civil Service and Attorney McLaughlin will do some additional research on the question so that section of the document will be excluded from this vote and an additional meeting will be necessary to address that question separately.

Chairman DeLeonardis continued by saying that they are going to vote on the document as a whole with the exception of section 2.7 Civil Service and with the friendly amendments to include adding Traffic Safety to Title 6 as recommended by Commissioner Martin and adding in section 20.3 the effective date of 1/1/19 and 1/1/20. So with that, the document that has been uploaded on the website available as of yesterday, he will make a motion: To approve the draft of the Charter of the City of Saratoga Springs as written with those caveats in section 2.7, section 20.3 and the one change to Title 6. Second: Deputy Mike Sharp.

Roll call vote: Chairman DeLeonardis – Yes
             Deputy Commissioner Sharp – Yes
             Deputy Commissioner Daley – Yes
             Commissioner Franck – Yes
             Commissioner Madigan – Yes
             Commissioner Martin – Yes
             Commissioner Scirocco – Yes
             Deputy Commissioner Masterson – Yes
             Deputy Commissioner O’Neill – Yes
             Deputy Mayor Shields - Yes

The motion passes.

Attorney McLaughlin committed to finalizing the requested research by close of business on Thursday and provide ballot questions for review. Chairman DeLeonardis also requested a separate discussion with Attorney McLaughlin to understand exactly how the documents need to look for filing. The next meeting will be on Friday August 31st to vote on the Civil Service question. Commissioner Franck and Deputy Daley will attend via video conference. Chairman DeLeonardis asked the commission to be thinking about educational outreach, financial summary and the report documents that will be the next actions to undertake and discussed on Friday.

Chairman DeLeonardis opened the floor public comment.

Public Comment
Bonnie Sellers, Saratoga Springs – Remind everyone that in 2006 & 2012 – the vote was 1 box, yes or no. And this last one was yes or no. People are used to looking at multiple boxes and voting on the Charter as a whole. They are used to looking at redline and changes. People are pretty sophisticated and it would be very cumbersome with 12 boxes and that would be too much. She suggested no more than 2.

Richard Sellers, Saratoga Springs. Asked the lawyers in the room – In 2017 proposed Charter had no more than a paragraph about Civil Service which said no more than it would be in keeping with the Law? Is that feasible? Chairman DeLeonardis said that if we call it out in our Charter or don’t, we have a Civil Service Commission that was duly established and any change to that would be subject to referendum.

Jane Weihe, Saratoga Springs. Wanted to thank and commended the Commission. She has sat on City panels since 1971 and she can’t think of any that has worked smarter, with more civility, more congenially. It is just awesome to listen to you guys talk.

End of public comment.

Next meeting on 8/31/18 @ 10:00 AM

Chairman DeLeonardis adjourned the meeting at 4:22 PM.

Respectfully submitted by Trish Bush.
PART B: Commissions

§ 12-11 Off-Track Betting Commission. (Reserved)
[§ 1, L.L. No. 1-1972; repealed by L.L. No. 13-1974]

§ 12-11 Municipal Civil Service Commission.

A. Civil Service Commission. There is hereby establish a Municipal Civil Service Commission to be known as the “Civil Service Commission of the City of Rochester” (hereinafter referred to in this section as the “Commission”). Such Commission shall be comprised of five members, one of whom shall serve as Chair. The Chair of the Commission shall be elected annually by majority vote of the members. The appointments of such members of the Commission shall be by the Mayor, subject to confirmation by City Council, for terms of six years, except that for members first appointed, the terms shall be as provided by law. Not more than three of such members shall at any time be adherents of the same political party. The members of the Commission shall not be removed from office, except for cause determined after public hearing as required by law. The Commission shall have all the powers and shall perform all the duties which may be conferred or imposed upon it by or pursuant to law.

B. Executive Secretary to the Civil Service Commission. There shall be a position of Executive Secretary to the Civil Service Commission, who shall be appointed by the Mayor. The Executive Secretary shall, on behalf and under the supervision of the Commission, have the responsibility for the administration of the Civil Service Law and the establishment of a merit system, including competitive examination, for positions in the classified service under the jurisdiction of the Civil Service Commission of the City of Rochester. The Executive Secretary may appoint, with the approval of the Mayor, and to the extent provided within the operating budget, such subordinates and assistants as may be required to perform the responsibilities of the office, and, with the approval of the Commission, such examination proctors as may be required to supervise the conducting of examinations. The Executive Secretary shall perform such additional functions as determined by the Mayor.

[1] Editor’s Note: This local law was approved at referendum 11-6-1984 and took effect 1-1-1986.

§ 12-12 Rochester Environmental Commission. [1]

A. The name of Commission and purpose. There is hereby created an Environmental Commission to be known as the “Rochester Environmental Commission” (hereinafter called the “Commission”) to enhance the environment of the City of Rochester.

B. Membership; appointment.

(1) The Commission shall consist of seven members who shall be residents of the City of Rochester. Members of the Commission shall be appointed by the Mayor, subject to confirmation by City Council.

(2) The Commission shall elect its Chairperson.

(3) The members of the Commission shall receive no compensation for their services but shall be entitled, to the extent of available funds appropriated therefor, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

C. Term of office; vacancies. The term of office of each member shall be three years. Vacancies on the Commission shall be filled by appointment by the Mayor, subject to confirmation by City Council, for the balance of the unexpired term.

D. Operations. The Commission shall meet as business requires, and these meetings shall be open to the public. The Commission shall adopt rules and procedures for its meetings and shall keep accurate records of meetings and activities. An annual report shall be filed by the Commission with the City Council on or before December 31 of each year.

Upon acceptance of this report by the City Council, the report shall be forwarded to the State Department of Environmental Conservation. Prior to January 1 of each year, the Commission shall submit to City Council for its approval a proposed work program for the next year.

E. Responsibilities. The Commission shall have the following responsibilities:

(1) Environmental advisor. The Commission, upon specific request from the President of the Council, the Mayor, the City Council or any City board or commission, shall act as an environmental advisor to those specific matters contained in those requests.

(2) Open space inventory and map. The Commission shall prepare and maintain an inventory and map of all open space areas within the City as prescribed in Article 12-F of the New York State General Municipal Law. Such open space areas shall include but not be limited to shorelines, marshlands, drainageways, other wetlands, areas of unique plant or animal life, scenic sites and areas of steep slope within the City.

(3) Environmental impact statements. When the City is reviewing and commenting upon a draft environmental impact statement which was prepared by a governmental agency other than the City, the Commission shall review the draft environmental impact statement and submit its comments to the agency responsible for preparing the final environmental impact statement. The Commission may also present its comments at a public hearing on the draft environmental impact statement. When any approval by the City of an action is required for an action proposed by a governmental agency other than the City, and when that action is the subject of a draft environmental impact statement, the Commission may make a recommendation to the City body responsible for approving that action as to whether or not the action should be approved. This recommendation shall be deemed advisory only.

When any City department is preparing a draft or final environmental impact statement, the Commission may, upon the request of that City department, aid or assist in the preparation of the environmental impact statement. The Commission shall hold a public hearing on any draft environmental impact statement for which the City is responsible, as indicated under the Rochester Environmental Review Ordinance. The Commission shall submit a report to the City department which will prepare the final environmental impact statement summarizing all comments on the draft environmental impact statement and containing a recommendation for the disposition of each comment.
ABOUT THE DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

Contact Us:

- Civil Service Exam Questions: (585) 428-7454
- General Human Resource Questions: (585) 428-7115

The Department of Human Resource Management is comprised of six organizational units: Administration, Exam Administration/Civil Service, Labor Relations, Staffing Services, Benefits and Training and Safety. We develop, implement and maintain human resource policies for all City employees.

**Administration** directs, manages and sets policy for the Department and develops and implements human resource policies for the entire organization. It coordinates the Department’s activities with those of other City departments. Within Administration, Information Services enters personnel transactions into the Personnel/Payroll System that controls payroll, time banks, payroll deductions and benefits. This activity produces specialized personnel management reports for City departments, is responsible for the maintenance of central personnel records and completes information requests from the New York State Retirement System, mortgage institutions and a host of other organizations.

**The Benefits unit** administers benefit programs for City employees and retirees including: Group Health Insurance, Group Dental Insurance, Annual Open Enrollments, Group Life Insurance, Parking/Transit Reimbursement Account, Cafeteria Benefits Plan, Flexible Spending Account, Health Reimbursement Account, Domestic Partner Coverage, Long Term Disability and Wellness Programs.

**The Exam Administration/Civil Service** function supports the City of Rochester Civil Service Commission in a variety of activities. Services include developing and administering examinations for competitive class positions, maintaining eligible lists of qualified candidates, hearing appeals and interpreting the law and rules as they apply to appointment, promotion, discipline and discharge. The Civil Service Commission is comprised of five members appointed by the Mayor for six-year terms. The Commission oversees the administration of Civil Service Law and Rules for City government and the Rochester Housing Authority. The four Civil Service Commissioners are: John Feola (Chair until May 31, 2017), Alan Caine, Sally Partner and Ferman Cepero.

**Labor Relations** negotiates and administers collective bargaining agreements with City employee unions. It processes grievances, represents the City in arbitration proceedings and legislative hearings, and represents the City in conferences and hearings before the Public Employee Relations Board. It advises the Mayor and department heads on contract matters and conducts related research. This unit holds regular labor-management meetings in departments to identify and address various labor issues. It also advises and trains supervisory and management personnel in contract interpretation and administration, manages the Employee Assistance
departments, arranges advertisements, interviews and referrals, and administers posting, bidding, and layoff procedures in accordance with City policies and collective bargaining agreements. This unit is also responsible for monitoring and implementing the employment aspects of the City's Affirmative Action Plan. Staff meets with departmental representatives during all phases of the employment process.

**The Training and Safety unit** provides workforce development through the design, delivery and measured evaluation of training and through the administration of the Tuition Assistance Program. It also promotes safe work habits by performing safety inspections and investigations of injuries and accidents, recommending remedial actions. It oversees Workers’ Compensation Administration and the Occupational Medical Contract for non-uniformed employees.
10:35:33 AM

Subject: RE: Civil Service Reporting Structure

Miriam,
At the City of Binghamton, we have a commission and myself as the HR Director, Assistant HR Director and a Program Assistant. Both positions report directly to me and I report to the Mayor. We do not have people who just handle civil service or who report to the Commission. I work with the Commission on issues related to civil service.

Trish Keppler
HR Director
City of Binghamton

From: nysapcsoc@googlegroups.com
[mailto:nysapcsoc@googlegroups.com] On Behalf Of Miriam Dixon
Sent: Wednesday, March 21, 2018 10:28 AM
To: nysapcsoc@googlegroups.com
Hi Miriam,

I head up the personnel department and answer to both the mayor and Commission. There are two full time employees in the department, and I serve as secretary to the Commission while the others focus largely on benefits and clerical tasks.
To: "Miriam Dixon"
<miriam.dixon@saratoga-springs.org>
Cc: nysapcs0@googlegroups.com
Sent: Wednesday, March 21, 2018 10:36:45 AM
Subject: Re: [nysapcs0] Civil Service Reporting Structure

There is a Niagara Falls Commission where the HR Director acts as the Secretary for the Commission. All staff report to the HR Director for civil service, personnel and EEO functions. The HR staff of 4 plus the Director supports approximately 650 City employees, including civil service, labor, exempt, management and elected officials.

Ruby A. Pulliam, MA, CAAP, MCHR
Director of Human Resources/Personnel
Equal Employment Opportunity Officer
City of Niagara Falls
745 Main Street, Room 16
(716) 286-4327 Direct Line
(716) 286-4397 Fax
Reporting Structure

Hi Miriam,

In Schenectady County, there is a Commission where the HR Director (me) serves as the Secretary for the Commission. All 9 staff report to me for civil service, human resources, employee health and safety, and affirmative action/EEO functions. We oversee over 5,000 employees relative to Civil Service jurisdictions. In terms of HR specific to our County, we are just over 2,000 with full-time, part-time and retirees.

Thanks,

Jackie

Jackie Falotico