

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, SEPTEMBER 18, 2000  
CITY COUNCIL ROOM  
6:30 P.M.**

**PRESENT:** Harvey Fox, Chair                      Mia Mouzon  
                 Rita Balmuth                              Lee Nelson  
                 Lew Benton                                      Denise Polit, Vice Chair  
                 Vassar Curtis                                      Mark Lawton  
                 Margie VanMeter

**ABSENT:** Elio Del-Sette                              Chris Whann

**STAFF PRESENT:** Anthony J. Izzo, Assistant City Attorney

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**CALL TO ORDER**

Harvey Fox, chair, called the meeting to order at 6:30 p.m.

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**APPROVAL OF SEPTEMBER 11, 2000, MEETING MINUTES**

Margie VanMeter moved and Rita Balmuth seconded to approve the September 11 meeting minutes as written. Ayes all.

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**OUTREACH PROGRAM**

Mark Lawton distributed a proposed time line for the outreach program. He said he had identified three volunteers (Helen Edelman, Len Prazych and Beth Hershenhart) who are willing to assist the Commission in this outreach program. He said Charles Morrison had also volunteered his services. He asked that if Commission members knew of any other individuals who might be interested in helping out the Commission, please forward those names to him.

Mark Lawton said the outreach program should inform the public, encourage their input and involvement and update them on the Commission's progress. He said the Commission needs to have a final product by September 2001. Mark Lawton suggested that the Commission do at least three

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newsletters which should be mailed to every house and civic organization throughout the community. He suggested that the first newsletter go out in October 1999 with basic information. He said that document is in the process of being drafted. Harvey Fox suggested that a subcommittee review that document when completed. Denise Polit said she would be willing to review the material. Mark Lawton suggested that in March 2001 a progress report be distributed and then in August or early September 2001 a final report mailed.

Mark Lawton suggested that a story be done in *The Saratoga Business Journal* sometime before January and perhaps another in *The Saratogian* before the end of February. He said an insert for *The Saratogian* should be considered for May. He said the open public forums should also be considered (maybe two this year and three next). He said outreach should be done through local business groups, chamber, schools, service clubs neighborhood associations, etc. He said it had been suggested by Margie VanMeter that Commission members pair off by two and visit a select number of organizations to discuss the work of the Commission.

Lee Nelson said a dialogue with the community was needed and suggested that perhaps "neighborhood coffees" be considered. Margie VanMeter suggested that groups such as the rotary, chamber, etc., be visited and perhaps 10 to 20 minutes be spent explaining what the Commission is doing and asking for input from those groups on what they think the city needs to do that could be addressed in the charter. Margie VanMeter said we need to go to these organizations because they will not come to us.

Denise Polit said a common protocol/guideline was needed before going out to the community. Vassar Curtis said groups such as the rotary would appreciate the opportunity to have a member of the Commission make a presentation.

Harvey Fox asked if we would be educating the public or would they be educating us. Lee Nelson and Margie VanMeter said it would work both ways.

Harvey Fox asked Denise Polit about the survey. Denise Polit said she was still drafting that survey. Denise Polit said it seems as if the proposed timeline for outreach is driven more by simply keeping the public informed rather than an actual work plan.

Margie VanMeter said she contacted the school district to inquire as to whether they might be interested in doing a unit on municipal government. She said when students get involved in these topics, parents become more involved. Lee Nelson said there might be an opportunity to work with Skidmore College and an intern.

Harvey Fox encouraged Commission members to establish relationships with the schools and said we will finalize these discussions at a later date. It was agreed that Margie VanMeter would continue her discussions with the Middle School and Lee Nelson would continue to talk to Skidmore. Harvey Fox also suggested that groups such as the rotary, lions, soropomist be contacted to see

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if there is any interest in allowing a member of the Commission making a presentation.

**OTHER**

Lew Benton said he would be remiss if he did not mention the recent death of Edward Valentine, former Commissioner of Accounts who died on Sunday. He said he recently visited Ed in the hospital to discuss the charter. He said it was no secret that Ed was a proponent of the existing charter. He said Ed brought two virtues to the Council -- common sense and common decency. He said Ed had a deep commitment to this community and will be greatly missed.

**INTERVIEW B ERWIN LEVINE**

Harvey Fox welcomed Erwin Levine. He said Erwin Levine had served on the 1965 Charter Review Commission, appointed by Mayor Art Kearny.

Erwin Levine said in 1965 all members of the Commission were predisposed to changing the form of government. He said the 1965 Commission operated somewhat differently than this Commission. He said they felt the form of government at that time was not efficient and had no accountability. He said at that time there were nonpartisan elections. He said there were no subcommittees and the meetings were not held publicly. He said they did have an occasional guest speaker. He said in 1965 there were two democrats and three republicans on the Council and they all opposed changing the government. He said there were no discussions on how to "sell" this charter revision to the public.

Erwin Levine said they felt at that time that the existing form of government did not have the separation of powers (administrative and legislative) and, therefore, lacked accountability. He said the administrative heads of the departments are not really accountable to legislative body because they hold both positions. He said at that time there was also the feeling that the City was doing fine and "if it ain't broke, don't fix it". He said that is a bad analogy because all things require preventive maintenance. He said he felt this government could be run better and be more accountable. He said though that generally speaking commissioners will say they are held accountable; and if the citizens of the community don't like what they are doing, they could be voted out of office. Erwin Levine said in 1965, they had the strong support of *The Saratogian*. He said they had quite a bit of coverage and *The Saratogian* did a good job in educating the citizens.

Erwin Levine said in 1965 they had a choice to have the referendum with the general election or a separate vote, however, they decided to have the referendum with the general election. He said the charter revision referendum lost by 228 votes. He said the constituencies are different now than in 1965, with more and different kinds of organizations throughout the City. He pointed out though that they are not this Commission's constituencies. He said Council members have constituencies though.

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Erwin Levine said they had a difficult time in 1965. He said it was a lengthy process and was difficult to put together a package that could be "sold" to the community. He said it was not "sold" to the Council.

Margie VanMeter asked what the effective date of the proposed changes were if the referendum had been successful. Erwin Levine said if it was successful, the effective date was one year from then.

Denise Polit asked if the Commission reconvened after the vote. Erwin Levin said no. Tony Izzo said one charter commission did meet after.

Erwin Levine said the main thrust of that Commission was to change the form of government. He said they recommended that the Council approve all appointments but to also give the Mayor veto power. He said they recommended that there be an odd number on council not including the Mayor. He said their goal was to change the form of government. Denise Polit asked if there had been any thought given to restructuring departments. Erwin Levine said no. He said they discussed a strong Mayor and strong Council and also considered the use of a city manager. He said they did meet with city managers from other communities and often felt that those city managers were just as political as the Council members.

Harvey Fox asked Erwin Levine about community input/involvement. Erwin Levine said it was likely that there would not be much input from community until this Commission tells them what it is that you want. Harvey Fox asked how the 1965 Commission dealt with the perception that a strong Mayor might be too powerful. Erwin Levine said the current Mayor has little power with little influence. He suggested that if there was an odd number on the Council, not including the Mayor, with the Mayor having veto powers, the Mayor could be overridden. He said because of the existing form of government the Council is more interested protecting their turf.

Erwin Levine said this is a very different City than from 1965. Harvey Fox agreed that it would be difficult to argue with success. Erwin Levine said the Commission needs to identify what it is they want from the government. He said if it is accountability that the Commission wants, the Council has good arguments that they are accountable. Erwin Levine said in 1965 there were no neighborhood organizations based upon geography. He said that is very different from today.

Denise Polit asked if the 1965 Commission was selected based on their predisposition to change. Erwin Levine said no.

Margie VanMeter said this Commission had spent time reviewing the existing charter and had some concerns because the county supervisors duties had not been addressed. Erwin Levine said they did not review that item specifically in 1965. He pointed out that the supervisors are elected to

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represent the City not the City Council. Margie VanMeter asked if they should be given the authority to hold public hearings. Erwin Levine said many times the representatives to the counties are elected officials from the towns and they have constituencies. It said it might be possible that the County Board of Supervisors might not be receptive to giving them such authority. He said the supervisors are accountable to the County Board and to those who elected them but not the City Council.

Lew Benton said this Commission has not yet arrived at a consensus. He said they are somewhat concerned though about squandering an opportunity to reform the existing system. He said there have been too many charter review commissions that have not been successful. Lew Benton asked Erwin Levine if he knew what motivated Art Kearny to establish a charter commission. Erwin Levine said he thought Art Kearny wanted to do something with city planning and growth. Lew Benton said this is a different City than from 1965 B we are economically better off, more housing starts, etc. He said it was difficult to know whether the City has been successful because of this form of government or in spite of it. He said because the City is in good shape it is a good argument for not changing the charter.

Erwin Levine said accountability seemed to be the issue. He said it would be difficult to sell the principal of separation of administrative/legislative powers. He pointed out that some items could be changed in the charter without a referendum.

Harvey Fox asked if there was any discussion at that time on cost/tax increase in connection with charter revision. Erwin Levine said no. Harvey Fox asked if there was any discussion on increasing salaries. Erwin Levine said no.

Vassar Curtis asked if there were any discussions on full time versus part time Council members. Erwin Levine said if the referendum was successful there would have been a full time Mayor.

Erwin Levine said the City is doing well now. He said some members of the community say it is doing well despite the government. He pointed out that generally it is not the Council that brings things to Saratoga but rather the local organizations such as the chamber, community organizations, etc.

Mark Lawton said with this type of government there are unavoidable costs. He said this type of government is uncoordinated and inconsistent. He said there is a struggle in the community on how big the City should be, where are we going, etc.

Mia Mouzon said she was concerned with the lack of long range planning. Erwin Levine said that Art Kearny had a long range plan but there was no way for him to implement that plan. He agreed there is no long range planning in this government. Lew Benton pointed out that there has not been a capital register since A.C. Riley. He said there are also no consequences to that lack of action. Erwin Levine agreed there should be some penalty. Mark Lawton said there are many things in the charter that are simply ignored. He wondered how the Council could be encouraged to carry out

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their prescribed duties. Erwin Levine said with this type of government Council members are on their own.

Denise Polit asked for guidance on how to approach the community. Erwin Levine said if the Commission should come forward with a plan it might be difficult to persuade community members; however, it could be just as difficult to try to find out what exactly the community wants.

Harvey Fox thanked Erwin Levine for his presentation.

**NEXT MEETING**

It was agreed that A.C. Riley would make a presentation at the September 25 meeting at 7:00 p.m. It was also agreed that Mark Lawton would set up meetings with Frank Mauro (October 2) and Frank Thompson (October 16). Margie VanMeter also asked about setting up a meeting with Geoff Bornemann to discuss the relationship between the Boards and the process. Harvey Fox said he would set up a meeting with Geoff Bornemann.

Margie VanMeter said the Commission should start to make a list of what needs to be in the charter and what needs to be removed.

Denise Polit asked for clarification from Tony Izzo on what was required to go to referendum. Tony Izzo said generally speaking those items that change the powers of a Commissioner would require a referendum.

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**ADJOURNMENT**

Margie VanMeter moved and Lee Nelson seconded to adjourn the meeting at 8:20 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved:

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