

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

PRESENT: Harvey Fox, Chair
Lew Benton
Mark Lawton
Elio Del-Sette
Vassar Curtis
Rita Balmuth

Mia Mouzon
Chris Whann
Denise Polit, Vice Chair
Margie VanMeter
Lee Nelson

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

FACT SHEET

Mark Lawton distributed a draft fact sheet and asked that Commission members review the information and get back to him by Wednesday, November 1 with any changes. He said approximately 20,000 copies of this would be printed and distributed throughout the City. He also said that comment boxes would be placed strategically throughout the City (Visitor's Center, public library, City Hall, etc.).

UPDATE ON SCHEDULING

Margie VanMeter reported that the following individuals were scheduled for the next meeting: Bob Bristol, Bruce Levinsky, Deane Pfeil, Tom Roohan and Michael Toohey. She said both Bill Dake and Sonny Bonacio have declined the invitation. She said she was still trying to reach a few more individuals (Joe Dalton & Harry Snyder). She said that Charles Wait would come to the November 13 meeting. She said she had extended an invitation to Sean Thompson, City Democratic Chair, but he asked for more time to review the charter before speaking.

Harvey Fox reminded Commission members that the public hearing would be held on November 13 at 7:00 p.m. in the City Court Room. He asked that Commission members arrive at 6:30 p.m. He said both the November 20 & 27 meetings would be important meetings for the Commission. He said it was his hope the month of December would be used for research, task force, reflection, etc.

Denise Polit asked what the Commission was doing to advertise the public hearing. Harvey Fox said letters had been sent to the newspapers, agendas are faxed, etc. Denise Polit suggested that letters be sent to local organizations inviting them to the public hearing. Margie VanMeter said she would do so.

PRESENTATIONS

Harvey Fox welcomed Skip Scirocco, Saratoga Springs representative to the County Board of Supervisors, and City employee.

Skip Scirocco said he had been with the City for close to 25 years and is now a representative to the County Board of Supervisors. He said he would like to see a strong mayor form of government in this city because there needs to be someone in control. He said department managers should also be trained professionals and the Council should be strictly legislative. He said perhaps some consideration should be given to staggered terms. He said the good government needs to be friendly.

Skip Scirocco said in many cases, residents of this community do not understand this government. He said sometimes this government works and other times it does not. He said this government is also not very cost effective. He said that for instance the Chief of Police should be running that department and an engineer should be running DPW. He said in most cases, this government is not user friendly.

Harvey Fox asked what should be the role of the county supervisor. Skip Scirocco said perhaps they should have a seat on the Council. He said currently they attend Council meetings but with a more formal position, they could participate in discussions and inform the Council in an official manner of what is happening at the County level. Harvey Fox asked if the supervisors lack of position on the Council hindered their voting ability at the county. Skip Scirocco said no. He said though the surrounding town representatives wear two hats B representing their respective towns at the county level as well as running their town. Skip Scirocco informed Commission members that the magic number at the county is 20,000. He said once a town hits that number, they are then allowed two representatives. He said once the data from the 2000 survey is made available there could potentially be surrounding towns in the same position as the City B a supervisor without an official seat in their town council.

Skip Scirocco said the county government is a good government and the representatives work together well. He said it is all about building good working relationships with the surrounding towns.

Lew Benton said the fractional weighted voting system at the County could be an issue that will be reviewed in the very near future. Lew Benton asked if Skip Scirocco thought the supervisors should be voting members of the City Council. Skip said he was not sure if that would be legal and was also not sure it would be beneficial for the City. He said that he would probably lean towards the supervisors being nonvoting members of the Council.

Margie VanMeter said it seemed that the County has shown a lack of interest in helping the City concerning the bypass. She asked how the relationship between city /county/towns can be strengthened. Skip Scirocco said the other supervisors run their towns and perhaps if the City had a person representing the City at the county level who had some control, relationships could be built. He said that is an issue that needs to be reviewed.

Lew Benton said he was somewhat confused in that the City is currently entertaining a proposal to allow the Town of Wilton to install a larger sewer line within the City limits. He said projects such as these create an opportunity for the City to negotiate other issues with the town, but it seems as though there is a lack of interest/capacity to do so. Skip Scirocco agreed saying that he does not even have an office in City Hall. He said the surrounding towns are interested in getting all they can get from the County for their town. He said the City needs to work on a good working relationship with the surrounding towns and the county.

Skip Scirocco said it would be most helpful for the City to have a person in control from the City to also be more knowledgeable of what is happening at the county.

Mark Lawton asked what the difference was in "Supervisor A" and "Supervisor B". Skip Scirocco said there was no difference. He said he would not advocate for individuals running for the supervisor position at large, but would rather like to see individuals run against individuals. He said that brings out the issues. Mark Lawton asked if there was anything the charter could do to affect the supervisor positions. Tony Izzo said it seemed likely that the charter could at the very least better explain their duties. He said the charter could not state anything that would be in direct conflict with county duties. Denise Polit wondered whether it was an issue of adding more language or simply making them better connected.

Elio Del-Sette asked if one of the representatives to the county should be the Mayor. Skip Scirocco said perhaps. Elio Del-Sette said supervisors have no responsibility to the city and often run and hide on issues. He said the city supervisors have not offered any assistance on the bypass issue, sales tax, etc. He said there is no mandate in the charter to have the representatives attend Council meetings and thought there should be a mechanism for both the people and the Council to interrogate the supervisors on pertinent issues. Skip Scirocco said a supervisor is elected to represent the City at the county level. Elio Del-Sette asked where was Skip Scirocco's allegiance. Skip Scirocco said with the City. Elio Del-Sette asked for his position on nonpartisan elections. Skip Scirocco said at this time he did not feel that nonpartisan elections would be to any advantage.

Skip Scirocco thanked Commission members for the opportunity to speak and said if Commission members had any further questions, they could reach him at skip019@msn.com.

Harvey Fox thanked Skip Scirocco for his presentation. He then welcomed Tom Lewis, Chair of the Saratoga Springs Republican Committee.

Tom Lewis began by stating that the views he would express this evening were his own and not of the city republican committee as a whole. He said if it was his decision, the City would not have a charter form of government. He said he felt with a different form of government, there could very well be a larger pool of candidates. He said based on his experience of working with council members, it is more than a part time job which makes it difficult to find candidates to fill these positions. He said many times they also decline because of this form of government.

Tom Lewis said under the current form, each commissioner has their own little turf and they are not willing to stick their nose into another department for fear of retribution. He said this creates dissension, which can be both bad and good. He said he found it interesting that many of the individuals that he has supported do not agree with him.

Tom Lewis asked about Elio Del-Sette's statement that supervisors "run and hide" on issues. Elio Del-Sette said supervisors have not been around to help the City on issues at the County level. He said the supervisors need a greater attachment to the City. He said he also felt the supervisors were skewed to the county and not the city. He said they should attend all council meetings and discuss issues with the Council to allow both the Council and the public to know their feelings on issues. Tom Lewis said generally speaking the City does not understand how the county government works if they think the supervisors were hiding on the truck bypass issue. He said the county focuses on intermunicipal issues and it's a matter of building good relationships between the towns/cities/county.

Tom Lewis said he brought up the issue for years on the admissions tax at the track and finally because of some good working relationships, the City now receives more than \$250,000/year in additional revenue from that tax. He explained though that on the bypass issue town supervisors could very well be voted out of office if they were to support letting a bypass run through their town. He said the City needs to make opportunities to negotiate with the towns and needs to build on those working relationships.

Tom Lewis said if the Council was expanded to a seven-member Council the supervisors could sit on the council. He said Clifton Park has a council that has a supervisor who sits on their council.

Lew Benton clarified that Tom Lewis would support nonpartisan elections, abandon the commission form of government and support either a strong or weak mayor. Tom Lewis said yes. He said accountability was a key issue with the government. Lew Benton said in his opinion, the incumbents have created the perception that their jobs are much more than they are. Lew Benton the Commission is struggling with the supervisors roles and how their roles are perceived. Lew Benton said the sales tax issue is a very pertinent issue and he was concerned that it appears that we do not have the capacity to sit down with the county and negotiate on this issue. He said this form of government does not allow for these types of discussions. Tom Lewis said the City really needs two supervisors who work well with the county board. He said in the larger picture, the project needs to make sense to the entire county board in order to get support. He said if the proposal somehow

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affects their town adversely, there would be no incentive on their part to support it. He said the admissions tax issue is a good example of how the City presented its case and the proposal was approved.

Harvey Fox thanked Tom Lewis for his presentation and then welcomed Kenneth King, Chief of Police.

Chief Kenneth King said he had been with the City for 32 years and was here tonight as a department head. He said it was his feeling that the charter should not be abandon, but rather modified. He said it was his feeling that there should be someone in charge in this building who is able to make a decision. He said under the existing system, deputy commissioners do not have the authority to make daily administrative decisions. He said a legislative body and full time credentialed administrators should be hired by the Council. He said those administrators should be hired through limited contracts. He said using these full time administrators might take the politics out of the daily decision making process. He said under the current system, it could be days to get a decision from the commissioners and most times there is a political slant to the answer.

Chief Kenneth King suggested that a personnel department be considered. He said the hiring and firing should rest with the department, however, issues such as health insurance, retirement issues, etc. should be in the personnel department. He said the City recently started a deferred compensation program, however, he wondered if that would have been started years ago if there was a personnel department.

Lew Benton said he was somewhat confused in that Chief Kenneth King said started by saying the charter should not be abandoned but then listed several strong modifications. Chief Kenneth King said some changes are in order. Lew Benton asked if contract negotiations should be included in the personnel department. Chief Kenneth King said no. He said the existing contract negotiation methodology seems to work, although the commissioner wears two hats when going through these negotiations. Lew Benton asked about budget management in the police department. He noted that the Department of Public Safety will spend close to \$1 million this year in overtime which is more by half than what is budgeted. Chief Kenneth King said overtime is an issue in DPS, however, said that Council created that problem by negotiating away so many days off that it is difficult to manage the department when the staff is off so frequently.

Elio Del-Settee suggested that was a management problem. Chief Kenneth King said days off is only part of the problem. He said a deputy commissioner/administrator that had the power to make decisions would also help. He said the existing deputy commissioner positions are very political in nature. He said a credentialed deputy commissioner seemed like the way to go. He said if those positions were under contract, they could then be let go if they did not perform. He said that process would allow for more accountability. Elio Del-Settee suggested that accountability and efficiency could be done through the existing system. Chief Kenneth King said under the current system, it is difficult to get rid of administrators who do not perform. He said if a deputy commissioner/administrator was employed through a contract, they could be let go if they did not

perform.

Tony Izzo asked what other towns and cities do in connection with their police chiefs. Chief Kenneth King said most of the cities/towns in the state have 25 or less employees. He said in many cases, the police chief manage the department, but the town supervisors run the show.

Mark Lawton asked specifically what Chief Kenneth King thought should be changed in the charter to help him do his job more effectively. Chief Kenneth King said the Council should be a legislative body and full time contracted administrators who are held accountable should be utilized.

Harvey Fox thanked Chief Kenneth King and then welcomed Chief Bob Cogan, Fire Department.

Chief Bob Cogan said he has served the City for 25 years, is president of his union and also served on a previous charter review commission. He said his opinion on this form of government has not changed over the years and he believed it should be abandoned. Harvey Fox asked why. Chief Bob Cogan said under the existing form, it is very similar to appearing before five countries when making a request of the Council. He said he felt this government succeeded in spite of itself. He said Commissioners give the appearance of working together but that is really not what is happening. He said there is a lot of finger pointing when things go wrong. He also felt that partisanship does not work with the form of government.

Harvey Fox asked about purchasing in the fire department. Chief Bob Cogan said as has everything else, the cost of equipment has risen dramatically over the years. He said unfortunately, the only time big ticket items are purchased is when there is an emergency. He said there needs to be a capital budget developed and followed. He said it appears in many cases that there is no communication between the Mayor's Office and the Finance Department on this issue. Margie VanMeter asked if the big ticket items are bonded. Chief Bob Cogan said it varies. He said the City needs professional administrators who look at these issues. He said many cities are now going to lease/purchase contracts.

Lew Benton said when he was Commissioner of DPS, there was a six-year capital register. He said for the last four years there has not been one. He said previous budgets were done based on the needs of the city and availability of funds. He said that there is a need for a capital register.

Lee Nelson asked why Chief Bob Cogan did not think the last charter review commission was successful in their recommendations to the voters. Chief Bob Cogan said there were some elected officials who opposed charter revision and it was very likely that the voters listened to those officials. He said this commission can only succeed by educating the public.

Mark Lawton asked what improvements for the City could be realized with a change to professional management under the charter. Chief Bob Cogan said under the current system, all decisions come from the commissioner. He said if there were professionals in City Hall who were allowed to run the departments, decisions could be made quickly and effectively. He said perhaps the

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commissioners should simply develop the budgets and then let the departments control them. He said good long term financial planning is also necessary though. He pointed out that the City now has a surplus and each department is competing for the same piece of the pie.

Elio Del-Sette said the City could have the same problems with another form of government. Chief Bob Cogan agreed but said that City needs to separate the legislative functions from the administrative functions. He said full time professional administrators are also needed. Elio Del-Sette asked if the chief of police and fire departments should be contract individuals. Chief Bob Cogan said many of his contemporaries are contract individuals.

Chief Bob Cogan said the political forces and issues rule the departments in this City. He said many decisions are not made because of politics.

Harvey Fox thanked Chief Bob Cogan and welcomed Lt. John Kirkpatrick, Fire Department.

Lt. John Kirkpatrick said he agreed and disagreed with many of the previous comments. He agreed that the commissioners should hire trained, qualified professionals to see to the daily operations. He said though he felt that this is a good form of government and it was likely that things could be improved through adjustments to the charter. He said in some years the unions have been forced to plead their cases before the Council during the budgeting processes. Lew Benton said there was a commissioner of public safety who artificially deflated his budget and then found himself in trouble.

Elio Del-Sette asked if outside individuals should be hired to run the departments. Lt. John Kirkpatrick said if the chiefs were contracted professionals it could take away from the goals of the individuals in the departments. He said it would eliminate the possibility for someone to move up through the ranks. He said he felt the competency was there within the department and that contracting out for those professionals was not necessary.

Mark Lawton asked what his feelings were on establishing a personnel department. Lt. John Kirkpatrick agreed that was an area that was lacking in City Hall. He said it would be most helpful to employees to have the ability to go to one place for all of their necessary paper work. He also said the City needs a person who specializes in grant writing.

Lew Benton asked what were his feelings on contract negotiations. Lt. John Kirkpatrick said it has been difficult in the past because of the previous labor attorney. He suggested that perhaps negotiations should be done with three of the council members (finance, mayor and the affected commissioner).

Margie Van Meter asked how long are the contracts. Lt. John Kirkpatrick said they are usually two years, but it varies.

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Mark Lawton asked about the use of outside counsel for negotiations. Lt. John Kirkpatrick said it had been difficult recently.

Harvey Fox thanked Lt. John Kirkpatrick and then welcomed Scott Richardson, SEA City Hall Employee unit.

Scott Richardson said unlike the other union leaders, he deals with all of the commissioners. He said the CSEA City Hall unit consists of 75 members from all the departments. He agreed there is a lack of communication in the building and it is often very difficult to get a decision from commissioners. He also agreed that there are deputy commissioners that are not trained professionals and the City would be better served by hiring trained professionals.

Scott Richardson said contract negotiations had become difficult and thought that perhaps dealing directly with the council could save the City large amounts of money in attorney fees.

Denise Polit asked how he felt about a personnel department. Scott Richardson said the City needs a personnel department, however, hiring and firing should remain with the individuals departments.

Denise Polit asked if there was a perception in City Hall among employees concerning their future employment. Scott Richardson said that would depend on what this commission recommended in the end. He said ideally any recommended changes would not affect the employees in City Hall.

Harvey Fox thanked Scott Richardson and then welcomed Joe Carey, President, PBA.

Joe Carey said he had been a member of the union for ten years and had been president for one. He said initially it was his intention to review the charter, but quickly realized that the City is not being run based on the charter. He agreed outside counsel for contract negotiations was unnecessary. He said outside counsel, in the past, has pitted one commissioner against another. He disagreed that outside professionals should be hired to run the departments. He said it takes away from individual goals of promotion potential.

Joe Carey said there are a lot of political pressures and in some cases makes it difficult to get a decision. He said though he felt in some ways it was good to have a civilian commissioner, because he brought the citizens' point of view to the table. He said the PBA opposes lateral appointments but supported the idea of a personnel department. He agreed that a professional grant writer was needed.

Lew Benson asked if this form of government should be salvaged. Joe Carey said yes. He said there are problems, but thought they could be fixed through modification. Joe Carey said he was not sure that hiring professionals to run the departments would solve the problems or simply move them to another level. He said a lot of the differences now are based on personalities. Lew Benton asked about the overtime budgets. Joe Carey said perhaps the overtime budget line should be

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reviewed, but further noted that many times there are emergencies than cannot be predicted in the budgeting process.

Harvey Fox thanked Joe Carey for his presentation.

OTHER

Harvey Fox distributed a memo from Tony Izzo concerning the archaic sections of the ordinance and asked that members review that information.

Harvey Fox then asked Commission members how they felt about maintaining time limits for the speakers. Lew Benton said he felt the environment should dictate the time limitations. Denise Polit said as a courtesy to others a scheduled should be somewhat followed. She also suggested that at times it is the commission members themselves who need to adhere to the time limitations.

Lew Benton said sometimes the questions are more directed to enlightening the commission members. He said he was not here to be disruptive and did not think that commission members should be stifled. Elio Del-Sette said as part of this thinking he believed in some cases the questions should be asked several times. Chris Whann suggested that perhaps the speakers should make their five or ten minute presentation and then a group session question/answer period should be done. Denise Polit said she was somewhat concerned that could open the floor up to debate.

Harvey Fox said the speakers are invited knowing they have only ten or fifteen minutes to speak about their experience with this form of government. Elio Del-Sette said there are, at times, speakers who have more information and more time should be spent asking them questions. He said if we stick to a strict time table, commission members could miss some very important information.

Margie VanMeter moved to have all of the speakers make their presentations and then questions and answers to be done in group format. There was no second.

Harvey Fox said he would do the best he could in maintaining a time table

Tony Izzo asked Commission members to think about two items for future discussion: 1) independent contractors and the parameters which they should work under; and 2) how Commission member see a personnel department functioning in this government.

ADJOURNMENT

Lew Benton moved and Rita Balmuth seconded to adjourn the meeting at 9:50 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: