

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, DECEMBER 4, 2000  
CITY COUNCIL ROOM  
6:30 P.M.**

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

**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 NOVEMBER 20, 2000, MEETING MINUTES**

Elio Del-Sette moved and Rita Balmuth seconded to approve the November 20, 2000, meeting minutes with some minor corrections. Ayes all.

**APPROVAL OF NOVEMBER 27, 2000, MEETING MINUTES**

Rita Balmuth moved and Chris Whann seconded to approve the November 27, 2000, meeting minutes with some minor corrections. Ayes all.

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**MISC.**

Elio Del-Sette asked everyone to look over the information received in the weekly packet concerning Civil Service. He said the misuse of terminology has been a problem during these meetings and this information should clear that misuse up.

Elio Del-Sette asked if it could be reported to Commission members expenditures to the Charter Commission's budget. Harvey Fox said expenditures to date have been: printing --\$865.00; labeling -- \$550; postage -- \$1,600.00; Kathy \$1,200 with another anticipated \$700 and Tony Izzo \$4,600.00 with more yet to come. He said the Commission had an adopted budget of \$40,850.

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Chris Whann said it was clear that the Commission has spent little to date on this project. Harvey Fox said it was his understanding that the City has funded the Commission through next year's budget in the amount of \$25,000. Mark Lawton suggested that a reaffirmation from the Mayor on that item be sought.

Elio Del-Sette said he was somewhat concerned with the proposal last week of utilizing outside funding. He said he thought it would make the Commission look a little suspect.

Harvey Fox said also included in the mailing packet was the debt limitation information. He asked that Commission members review that information. It was pointed out that there is apparently a typographical error on that information and that error should be cleared up with Deputy Commissioner Christine Gillmett.

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**TERM LIMITS & LENGTH OF TERM**

Term limit: Tony Izzo read from C-15 of the charter on what currently exists for length of terms. Tony Izzo said this is an issue that, if changed, is required to go to the voters. He said it does not have to be listed separately though. Tony Izzo said he had done some research on this issue for the late Ed Valentine, Commissioner of Accounts. Chris Whann asked if that research could be shared with Commission members. Denise Polit asked if previous Charter Commissions had reviewed this issue. Mia Mouzon said in 1941 it was discussed. Lew Benton said in 1984 there was discussion on two years terms and in 1965 there was discussion of the Mayor having a four-year term and council members two years.

Harvey Fox asked for Commission members feelings on this subject. After some discussion, Commission members agreed to leave this item as it is.

Length of term: Elio Del-Sette said there is no compelling reason to change the length of term. Margie VanMeter suggested that if members agree to stay with the commission form of government she would like to see four year terms. She suggested that with four years terms it might make Commissioners more efficient and/or congenial. Vassar Curtis said the two years terms are the ultimate check and balance though. Lew Benton said with two year terms, Commissioners are constantly running for office. He said with four year terms it simply allows for more time for the Commissioners to posture for the next election. Denise Polit said longer terms could allow for more long range planning.

Elio Del-Sette said he would rather see the term lengths stay at two years. Lew Benton said he would be inclined to support two years but more so if the City was to return to a nonpartisan form of government. Harvey Fox suggested that those two items should not be tied together. Lew Benton said nonpartisan elections would need to be dealt with eventually. Tony Izzo suggested that perhaps the "either/or" alternative could be offered to voters. Commission members agreed the vote should be kept simple.

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Mark Lawton asked if the current length of term is related to an issue or problem in the current form. Harvey Fox said there is the issue of Commissioners constantly running for office as well as accountability. Mark Lawton asked if the public's work is being done now and could we be assured that it would be done with four year terms. Lew Benton said there are sacrifices made now because of posturing. Mark Lawton asked if lengthening the terms would stop that posturing.

Chris Whann said long range planning is difficult with two year terms but said four year terms would not guarantee it either. Chris Whann said he would like to see consideration given to lengthening the terms. Elio Del-Sette said if the wrong person is elected four years was a long time. Chris Whann agreed but said the opposite could also happen.

Margie VanMeter said if the Commission was to recommend that the size of the Council be changed, perhaps this issue could be revisited. Harvey Fox said Commission members agreed to discuss all items within the context of the current framework of the existing charter.

It was suggested that three years terms be considered. Chris Whann said he did not believe the City could do three years terms. Tony Izzo said he would research that issue. Mark Lawton said perhaps four-year terms that overlap should be considered. Chris Whann said that would put those not running on notice and also allowed for some accountability.

Harvey Fox asked for Commission members final thoughts on this matter:

Vassar Curtis: two year terms with this form of government.

Denise Polite: four year terms, staggered.

Margie VanMeter: four year terms, staggered

Lee Nelson: two year terms for Commissioners and a different length for the Mayor.

Rita Balmuth: four year terms, staggered

Mia Mouzon: two year terms

Mark Lawton: four years terms

Elio Del-Sette: two year terms

Chris Whann: four year terms, staggered

Lew Benton: four year terms, undecided if they should be staggered.

Harvey: four year terms, staggered.

Lew Benton said if Commission members are seriously considering four year terms, the mechanics of making that happen need to be worked out.

Harvey Fox said at this time it appears the Commission would like to see four year terms, staggered. He said this issue can be revisited at a later date if need be. It was also agreed there would be no term limits recommended.

Elio Del-Sette asked about the supervisors. There was consensus from Commission members that supervisors should remain at two years with no term limits.

**NONPARTISAN/PARTISAN ELECTIONS**

Tony Izzo reviewed the existing charter with Commission members on this subject. He said it states in the charter that the election law of the State of New York will be followed. He noted that the positions of the supervisors were also designated at seat A and B in this section of the charter.

Denise Polit said before 1982 the City held nonpartisan elections and asked Tony Izzo to do some research on what the charter said at that time in this section. She wondered if it specifically stated nonpartisan elections. Margie VanMeter said it was her recollection that the two top voters getters in the primary were eligible for the election. She said though that prohibited anyone from getting on the ballot in between the primary and the election. She said because of that she felt there was limited access in getting on the ballot. Lew Benton pointed out that it is not possible to get on the ballot now after September. Lew Benton said we do not have to go back to what we had before. He said it could be written so that as many people who could attain the appropriate amount of signatures could be on the ballot.

Mark Lawton asked what was the issue here. Lew Benton said a change might attract more candidates. He said if we return to a nonpartisan form of government it might allow for greater freedom and possibly less control by the political leadership.

Margie VanMeter asked how could the person with no party backing raise money. Lew Benton said in this day, if you are a credible candidate backing would follow.

Mark Lawton pointed out that going to nonpartisan elections does not mean that politics would not be involved. He said it appeared that Commission members were considering removing the reference to election law and writing our own. Lew Benton said he believed major party leadership would still have a role but it would create some interesting dynamics. He said it is difficult to get candidates to run for office because of partisanship.

Mark Lawton asked if it would truly make a difference in revising this section of the charter. Chris Whann said Remegia Foy said she was convinced that there would be more competition. She said more people contested more seats before 1982 than now.

Elio Del-Sette said he felt that the parties were weakening because the older individuals are not as involved. He said the new people in these parties often create better candidates.

Mark Lawton wondered if there is a set of replacement conditions that could satisfy all. Margie VanMeter said she would be satisfied with whatever the charter said before 1982 with some modification to fit what the Commission is currently looking for. She said she simply wanted to allow for greater access on the ballot.

Chris Whann said he did not believe that there is significant ideological differences on issues such as trucks and sewers. He said elections at this level in this City should be run on issues and

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performance. He said it appears that Commission members agree that ballot access is an issue but also as important is the commitment to discussing issues and accountability.

Harvey Fox asked for final thoughts on this issue. Lew Benton said returning to nonpartisan elections lies with the ability of the candidates to not be controlled by the parties. He said he was concerned with political leadership making deals that place the elected officials in difficult positions. Harvey Fox asked if nonpartisan elections could avoid that problem. Lew Benton said yes.

Mark Lawton asked how. Lew Benton said if the elected official was to not support an issue that the political leadership wanted, there was the chance that elected official might not be supported by that party. He said the difference is that in nonpartisan elections, the elected official is not encumbered with that situation. Mark Lawton said the elected official would still be accountable to their party. He said nonpartisan does not make it nonpolitical. Mark Lawton asked where the behavior might change. Lew Benton said in a nonpartisan election, anyone could sign a petition to get someone on the ballot. He said true nonpartisan elections encourages everyone to become involved.

He said this could allow for other viable candidates. Lee Nelson said the City has a nonpartisan board that often cannot find candidates to run -- the school board.

Margie VanMeter suggested that no decision be made this evening on this issue and it be revisited at a later date.

Denise Polit asked if the Commission was considering changing this section of the charter to accommodate greater ballot access through nonpartisan elections. Lee Nelson said she did not believe that would happen.

### **NEXT MEETING**

Margie VanMeter agreed to do some research on the nonpartisan/partisan matter and report back to the Commission at the January 8 meeting.

Margie VanMeter suggested that the Commission consider meeting every other week. Harvey Fox said he would think about that suggestion.

Harvey Fox asked if the subcommittees would meet during December. Denise Polit said the executive committee will meet to work on the summary.

Harvey Fox asked that all Commission members draft some notes for the January 8 meeting concerning the duties and responsibilities of the Council members

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### **ADJOURNMENT**

Elio Del-Sette moved and Vassar Curtis seconded to adjourn the meeting at 8:45 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:45 p.m.

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Respectfully submitted,

Kathy Moran  
Clerk

Approved: