

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, APRIL 23, 2001
CITY COUNCIL ROOM
6:30 P.M.**

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

ABSENT: Chris Whann

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

BUDGET

Harvey Fox reported that this year approximately \$7,000 had been expended on staff salaries. Margie VanMeter suggested that projected expenditures be developed. Harvey Fox said he and Mark Lawton would work together on that issue.

OUTREACH PROGRAM

Harvey Fox reported that he recently spoke to both the Rotary and Lions Clubs. He said he also did an interview with a representative from *The Post Star* today and later this week he would make a presentation to the YMCA. He also reminded Commission members that the radio program needed to be rescheduled and has not yet been done so.

Mark Lawton said the committee is working on developing short pieces to go into newsletters for local organizations. Margie VanMeter said information had been sent to the Waters Edge Homeowners Association and the West Side Neighborhood Association. She said a presentation was scheduled for May 9 at the Senior Citizens Center. She said presentations are also scheduled with the Open Space Project and the City Center representatives. Mark Lawton said a photo opportunity would be set up with the students from the Participation in Government class and Commission representatives. He said the results from the survey will be compared to the students' responses. Mia Mouzon said she will be appearing before the PTAs throughout the

district.

DRAFTING COMMITTEE

Margie VanMeter reported that the drafting committee will meet again on Saturday, April 28 at 10:00 a.m. She said they hoped to have a document ready for presentation to the Commission by May 7.

Mark Lawton said they are currently working on the preamble, Mayor, Commissioners, Human Resources, Civil Service, etc. sections.

Elio Del-Sette said when reviewing the newly drafted sections, he would like Commission members to review them side by side with the existing charter. Commission members agreed.

CITY ENGINEER

Harvey Fox said he received, this evening, a memorandum from Commissioner Bernard Mirling concerning the City Engineer's Department. He said Commissioner Bernard Mirling recommended that the City Engineer's Department be placed in DPW. He asked Commission members to review that memo for details.

Harvey Fox said he met with Mayor Kenneth Klotz today and discussed the Mayor's thoughts on the City Engineer's Department. He said the Mayor was noncommittal on where the City Engineer's Department should be placed. He said the Mayor had initially thought it should go to DPW, however, he was now interested to hear what the Commission's thoughts were on this matter. Harvey Fox introduced the idea to the Mayor of DPW hiring their own engineer. Elio Del-Sette said there is an economic issue to deal with and if another engineer was hired (where would the funds come from to support that staff, etc.)

Harvey Fox reminded Commission members that he had asked all Council members for their thoughts on this matter. He then asked Commission members for their thoughts.

Lew Benton said he would like to see the Planning Department, Community Development Department and Building Inspector left in the Mayor's office. He said he would also recommend that Code Enforcement be brought into the Mayor's office. He said the Engineering Department, as it currently exists, should be in DPW.

Rita Balmuth said she was undecided at this point on where the City Engineer function should be placed.

Lee Nelson said in her conversations with representatives from DPW, she has been told that the City Engineer's Department currently holds up the process because they are not located in DPW.

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She said she was not sure exactly how much the City Engineer serves the rest of the City and further wondered how much the City Engineer's Department could concentrate on work other than DPW related if they were located in DPW. She wondered if they could do both.

Denise Polit said she agreed with Lew Benton to a certain extent in that much of the City Engineer's Department work is done for DPW. She said though that if this function is placed in DPW, she would like it made clear that they continue to serve all departments. She asked if there was a position description available for the Director of Utilities.

Vassar Curtis said he was not sure of the percentage of work that the City Engineer does for the other departments, but thought the function should be vested where they are most used.

Margie VanMeter wondered if the duties of the City Engineer could, to a certain extent, be included in an engineering position in DPW. She said perhaps there should be some thought given to having some engineering functions placed in the Planning Department.

Elio Del-Sette said transferring the City Engineer's functions to DPW was the correct way to handle this situation. He said perhaps there should be some thought given to an engineering specialist placed in the Planning Department, but the City Engineer's Department belongs in DPW. Elio Del-Sette said there is the possibility that the Assistant City Engineer's position could be vacated soon and perhaps that position could be reviewed and modified to accommodate the Planning Department.

Mia Mouzon asked if the Senior Engineering technician would also be transferred to DPW. Harvey Fox said yes.

Lee Nelson asked who would coordinate all of the engineering functions.

Margie VanMeter asked if the City Engineer would still be available to work with developers if the function was placed in DPW or would developers need to deal directly with the Planning Department.

Mark Lawton said he believed that Commission members were confusing the City Engineer title with the functions. He said the function must be citywide and it must be so written in the charter that the services are to be provided citywide. He said it was his personal feeling that the City Engineer should report to all five Council members; and if it needed to be linked to a Council member, it should be linked to the Mayor. He said it should function somewhat like the City Attorney's office.

Denise Polit said the Mayor's Office is not the only office that has citywide functions reporting to it. She said she wondered how this function originally became vested with the Mayor's Office. Mark

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Lawton said he suspected it was placed there because it serves multiple departments. Elio Del-Sette said it was an illegitimate move to the Mayor's Office. Mark Lawton disagreed.

Mark Lawton said the City Engineer currently provides services to DPS and wondered if there would be a problem with DPS still obtaining those services. Lew Benton said he was not sure and strongly recommended that language be incorporated into the charter that the City Engineer >s Department serves all departments.

Margie VanMeter said she believed that if this function is placed in the Mayor's Office, it sends a message to the other Council members that this is a citywide function. She too agreed that clear and specific language needed to be crafted.

Elio Del-Sette moved and Lew Benton seconded that the City Engineer's Department functions, as described by Civil Service, be placed in DPW and that the drafting committee craft the appropriate language.

Harvey Fox asked how coordination between the departments might work. Elio Del-Sette said the chain of command should be followed. Lee Nelson asked who would set the priorities. Elio Del-Sette said that would be done through the department in conjunction with the staff.

Margie asked who a developer would see when they need to speak to someone about a new development. Lew Benton said they currently begin with the City Planner by filing site plan or subdivision applications. He said the City Engineer could continue to review projects through a routine process such as currently exists. He said he hoped that some day there would be a concept that community development is not an engineering driven.

Mark Lawton said he believed the City Engineer functions need better definition. Lew Benton agreed and further noted that there were other functions that also need better definition.

Vassar Curtis asked how the Commission could vote on sending this to the drafting committee without having clearly defined the responsibilities. He said this Commission should be concerned with how these functions serve the City.

Elio Del-Sette moved and Lew Benton seconded that the motion be amended to include a statement that the role and function of the City Engineer and its relationship in services that it provides to other City departments is to be clearly defined in the charter. Ayes all.

Vote on original motion as amended. Ayes: seven; Nays: none; Abstentions: three. Motion carried.

BUILDING INSPECTOR/CODE ENFORCEMENT

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Lew Benton said it was his recollection that the Building Inspector had thought that the Code Enforcement Department should be incorporated with the Building Department. He suggested that perhaps Commissioner Thomas Curley be contacted on his opinion. He said there is a need to coordinate these functions. Harvey Fox said Commissioner Thomas Curley had been asked for his input, but he had heard no response. Lew Benton said it would be his recommendation that Code Administration and the Building Department be integrated.

Margie VanMeter asked about the Fire Inspector and if that function should be incorporated. Lew Benton said the Fire Inspector does play a great role but that function probably worked more closely with the Accounts Department. Tony Izzo said it would be more difficult to move the Fire Inspector function from that department to the Building Department. Lew Benton agreed saying it would become a labor contract issue. Rita Balmuth asked if the Fire Inspector could simply work a few hours per day with the Building Inspector. Lew Benton said the Fire Inspector currently works with both the Building Department and the Accounts Department and it would be his recommendation to leave it as is.

HEALTH OFFICER

Margie VanMeter asked about the health officer position. Lew Benton said that position is appointed and serves at the pleasure of the Commissioner of DPS. He said he would suggest leaving that position as is. He said the functions of the health officer are defined by state health law. Mark Lawton suggested that there be a bit more definition added.

FIRE INSPECTOR

It was agreed there should be more definition given to the Fire Inspector function in the charter.

CODE ENFORCEMENT

Lew Benton moved and Elio Del-Sette seconded that the Code Administration Office and the Building Inspector's Department be integrated and vested with the Mayor and that the drafting committee craft the appropriate language. Ayes all.

DEPUTY MAYOR

Elio Del-Sette said it was his recollection that Commission members agreed that the Mayor should be allowed to appoint a deputy. Tony Izzo said the section of the charter relating to this issue was being drafted to allow that to happen.

FULL TIME MAYOR

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Margie VanMeter said she did not want a full time Mayor.

Elio Del-Sette asked if was possible to provide a salary to allow the Mayor the ability to perform the function on a full time basis. Tony Izzo said there is the ability to allow additional staff, however, he thought that perhaps a referendum was required to increase the salary. Lew Benton disagreed saying a salary increase required a simple majority vote. He said it would be subject to permissive referendum. Lew Benton also pointed out that on one hand the City claims that these positions are part time, however, for reporting to the state retirement system, they are classified as full time.

Lew Benton said the issue is whether this should be full time or part time. He said with a two year term the pool of candidates is limited.

Mark Lawton asked why the Commission was considering this issue. Lew Benton suggested that the Commission was discussing this issue prematurely.

Harvey Fox moved and Elio Del-Sette seconded that the discussion on a full time Mayor be tabled. Ayes all.

SALAR Y INCREASE B COUNCIL MEMBERS

Margie VanMeter moved and Rita Balmuth seconded that there be no change to the salary of the Council members beyond what is existing.

Lew Benton said the existing salary is \$14,500, although in the charter says \$11,500. He said the Council has the ability at any time to increase their salaries and recommended that Commission members leave this alone. Commission members agreed.

Ayes all.

TERMS

Denise Polit reminded Commission members that they reviewed this issue several months ago and seemed to come to some agreement at that time. She pointed out that in the survey, there was strong support for term limit (61 percent).

Elio Del-Sette suggested this be left as is. Harvey Fox said he liked the idea of four years. Elio Del-Sette pointed out that Congressional seats are only two years. Mark Lawton said in the survey only 25 percent of the respondents wanted term lengths changed.

Harvey Fox asked if there was any support from Commission members on increasing the terms to four years.

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Elio Del-Sette moved and Margie VanMeter seconded to maintain two year terms. Ayes all.

TERM LIMITS

Margie VanMeter suggested that perhaps the term limit issue be a separate vote in November.

Harvey Fox asked what Commission members would like to see for term limits. Margie VanMeter said if the terms were two years, she would like to see a four term limit. She said "consecutive" would be the key.

Lew Benton asked what was the perceived problem with the existing no limit terms. Harvey Fox said he assumed it was that people wanted to see more turnover. Lew Benton reviewed with Commission members the amount of turnover among Council members over the last several years. He said it seemed that turnover was doing quite well.

Harvey Fox asked if term limits would serve any purpose. Denise Polit said there is a perception that there is a problem.

Elio Del-Sette moved and Lew Benton seconded to stay with the status quo on terms limits. Ayes: six; Nays: two; Abstentions: two. Motion denied. Lew Benton pointed out that since there is no language in the existing charter on this subject it did not matter that this motion failed. Harvey Fox said if someone felt strongly on this issue, it could be brought back at a later date for further discussion.

NEXT AGENDA

Harvey Fox reminded Commission members that John Irving and Linda Terricola would attend the next meeting, April 30, for further discussions on the Recreation Department.

Mark Lawton said the following sections of the charter should also have some discussion: C-29 Vacancies; C-9 Substantial Performance; C-28 Removal From Office; C-27 Holding Another Office; C-24 Restrictions Upon Council members; C-71 Franchises; C-10 Definitions; C-16b Connolly Plan; C-25 Employees and Compensation; and C-39 Transfer of Surplus Funds.

ADJOURNMENT

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Vassar Curtis moved and Elio Del-Sette seconded to adjourn the meeting at 9:00 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: