

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, MAY 7, 2001  
CITY COUNCIL ROOM  
6:30 P.M.**

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

**ABSENT:** Vassar Curtis

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

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**CALL TO ORDER**

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

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**APPROVAL OF MINUTES OF MARCH 26, APRIL 2, APRIL 9, & APRIL 23**

Rita Balmuth moved and Mark Lawton seconded to approve the March 26, April 2, April 9 and April 23 meeting minutes. Ayes all.

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**BUDGET**

Harvey Fox reported that the only expenditures to date were staff salaries. He said he would have an exact number for the next meeting.

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**OUTREACH PROGRAM**

Margie VanMeter said she had reserved the Saratoga Springs public library meeting room for September 17 and October 22 in order to hold informational sessions with the public. Elio Del-Sette said the September 17 date was not good for him and asked if it could be changed. Denise Polit suggested that one of the dates not be a Monday. It was agreed an attempt would be made to change the September 17 date.

Lee Nelson said there would be an Historical Society meeting on June 28, 7:00 p.m., at the Casino at which there will be time devoted to the Charter Commission and its progress to date. She said the program will be entitled, "Saratoga Springs Charter, Past, Present & Future" She said Martha Stonequist would talk about the past, Harvey Fox about the present and Mark Lawton about the future. She said there are approximately 400 members of the Historical Society and she hoped for a good turnout. She also said a small questionnaire will be provided for the attendees which will allow them to mail in their responses to the meeting.

Margie VanMeter said she was scheduled to speak to the Presbyterians on Wednesday, May 9 and the West Side Neighborhood Association on May 17. Lee Nelson said she had recently spoken to the Urban Heritage Park. Chris Whann reported he would speak to the NAACP in September. Mark Lawton reported that he would make a presentation before the City Center Authority Board this week and the Open Space Project in the near future.

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### **DRAFTING COMMITTEE**

Chris Whann reported that the drafting committee has had several meetings recently and they are moving along quite well. He said he hoped to have all five Council member sections ready this evening, but they were still working on DPW and DPS. He said they would be available at the next meeting. He asked that Commission members review this draft material and respond to the committee with their questions/concerns/modifications in writing by May 14. He said when the DPW & DPS sections were completed they would be mailed out to Commission members.

Harvey Fox asked about the time line and how the Commission stood at this point. Tony Izzo said the committee had nearly completed the core sections of the charter. He said once those are completed the rest will flow more easily. Harvey Fox said he hoped there would be a draft document available by the end of June for the public. Chris Whann said they hoped to have the bulk of the work done by May 15 and he believed they were on schedule. It was further agreed that rather than waiting until the document was complete, the completed portions would be forwarded to Barbara Samel for her review. It was agreed that Helen Edelman would review the document before Barbara Samel.

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### **NEXT MEETING**

Commission members agreed there would be no regularly scheduled meeting on May 14 but rather a drafting committee would meet. It was agreed the May 21 meeting would be devoted to discussion of the draft.

C-24 -- Restrictions Upon Council Members

Mark Lawton distributed information on restrictions upon elected officials. Tony Izzo pointed out that Section 13 of the code was devoted to ethics. He asked whether Commission members wanted to move that section from the code to the charter. He then reviewed Section 13 of the code. He said there were issues such as not accepting gifts in excess of \$75, financial disclosure statements, investment conflict, private employment. Lew Benton asked Mark Lawton how he developed his draft of C-24. Mark Lawton said he used official New York State documents. Lew Benton said the Commission previously decided that C-27 was problematic and similar language was now in this draft.

Denise Polit said the real issues were: a) do we incorporate this language into the charter; and b) general direction to the drafting committee on crafting the language. Mark Lawton said the general language needs to be sharpened and agreed that chapter 13 of the code needs to be reviewed.

Margie VanMeter said she believed that chapter 13 should be added to the charter because it was more likely to be read if included in the charter. She suggested that the drafting committee review both chapter 13 and C-24.

Commission members agreed to review Mark Lawton's proposal for section C-24.

It was agreed that section c-24 should be entitled, "Ethics".

Paragraph 1: It was agreed that the proposed first paragraph should be eliminated.

Paragraph 2: Elio Del-Sette said he would prefer to see a time limit of one year rather than three. Denise Polit asked if this would apply to new positions only. She also agreed that three years seemed quite long. Commission members agreed this would be for compensated positions only; that first preference is for one year, second preference for three years and third preference for two years; and that the language in C-27 be replaced with this language.

Paragraph 3: Commission members agreed to delete paragraph 3.

Paragraph 4: It was agreed these would be compensated positions. Margie VanMeter said she would like to get a copy of chapter 13 of the code.

Denise Polit moved and Elio Del-Sette seconded to create an ethics section C-24 in the charter that will incorporate and replace the existing C-24 and which will specifically detail the City's code of ethics.

Harvey Fox asked if C-24 would supercede Section 13. Tony Izzo said not necessarily. Lew Benton said perhaps language would need to be added to C-24 with a recommendation to remove Chapter 13.

Ayes all.

Elio Del-Sette moved and Chris Whann seconded to send C-24 to the drafting committee to compare C-24, Chapter 13 and Mark's proposal. Lew Benton said he opposed sending this to the drafting committee at this time. He said it was the role of the drafting committee to craft language on items that have been agreed to by the full Commission. He said the full Commission should compare the documents, otherwise, it was the drafting committee that was setting policy. Chris Whann agreed.

Mark Lawton said the official state report that he used was about 100 pages long. He said he could make that document available.

Ayes all.

#### C-25 Employees and Compensation

It was noted that a newer version of this had been presented.

#### C-27 Holding Another Office

Previously deleted.

#### C-28 Removal from Office

Tony Izzo said there might be a state law which supercedes this section. He said the state law could be incorporated by reference.

Margie VanMeter moved and Denise Polit seconded to incorporate by reference the state law in regard to removal from office. Ayes all.

#### C-29 Vacancies

Tony Izzo again said there might be a state law which supercedes this section. Margie VanMeter said she would like to see some language in the charter that if someone should leave office within their first three months, a special election should be held. Tony Izzo said the Council could appoint an individual with a not to exceed date.

Elio Del-Sette said he would like assurance that the position would be filled within 30 days of the vacancy. Lew Benton suggested that Commission members wait until the state law could be reviewed. Elio Del-Sette agreed that Tony Izzo should do some research first.

It was agreed this should be added to the May 21 agenda.

#### C-39 Transfer of Surplus Funds

Mark Lawton suggested that this section be moved to the Finance section.

#### C-71 Franchises

Tony Izzo said this was meant for businesses with an exclusive agreement with the City to perform their business in the City. He said this section simply addresses the legal publication. Elio Del-Sette asked if this section was obsolete. Denise Polit asked for an example of a franchise. Tony Izzo said the cable company is a franchise.

Elio Del-Sette moved and Chris Whann seconded that no franchise agreement or renewal or amendment thereof shall be granted, except upon publication of a notice once a week for three successive weeks prior to the public hearing thereon and the proposed franchise agreement renewal or amendment shall, during the aforementioned three week publication period, be on file with the City Clerk for public inspection. Ayes all.

Harvey Fox asked who should negotiate these agreements.

Mark Lawton moved and Elio Del-Sette seconded that the negotiation of such franchise agreements be placed in the Mayor's office. Ayes all.

#### Parks & Recreation

Tony Izzo distributed Article 13 of New York Code of Rules and Regulations. Mark Lawton asked if we would expand the function to include parks as well as recreation. There was a question as to whether Section 242 could be amended to include parks as well as recreation. There was also the question as to whether the City could vest with a Parks Commission the powers that are vested in the Recreation Commission. Elio Del-Sette said the Recreation Commission has almost full autonomy.

Margie VanMeter asked if all of the Recreation Department employees were civil service. Elio said they are all civil service but the distinction is who creates the position and who appoints. He said the Recreation Commission has that full and absolute authority to do so.

Elio Del-Sette said one option is to create a Parks and Recreation Commission by eliminating this law and place it under the Mayor for direct daily operations. He said it was clearly stated in the auditor's report that the current Recreation Commission is not doing their job. Elio Del-Sette said it would be his choice to dissolve the Recreation Commission, create the Parks and Recreation Commission and place it under the Mayor. He said it should be an advisory commission.

Mark Lawton noted that John Irving said he would support an expanded role. He said he believed the Recreation Commission's role should be incorporated into a larger Department of Parks rather than abolished. Mark Lawton suggested that Tony Izzo look at Parks Department which have Recreation Commissions within them. He said Parks Department normally would handle such items as planning needs analysis and passive recreation i.e., Open Space, etc. He said it was quite common to have a Recreation Commission as part of a Parks Department.

Elio Del-Sette said the Charter Commission is restricted by the existing law.

Denise Polit said she supported having the Recreation Commission as an advisory commission. She asked what was so different with the Recreation Commission that it was completely autonomous. She said that they need to be accountable.

Elio Del-Sette asked what was the distinction between a Recreation Commission and Parks Department. Mark Lawton said a Parks Department would likely be more involved in identifying and/or purchasing open space and/or passive recreation areas. Elio Del-Sette asked if there would be a conflict with DPW on maintenance of such lands. He said if the Commission is fully independent, then they could likely choose to not use DPW for their maintenance. Tony Izzo said currently DPW has the power to say what can and cannot be done with buildings and lands and that power could not be overwhelmed by this proposal.

Lew Benton said he did not want to see a Recreation Commission with open space integrated. He said this is already a volatile issue and if the Charter Commission proposes language to abolish the Recreation Commission it might be difficult to get this charter passed. Lew Benton said he asked John Irving if he would like to see the relationship between the Mayor's Office and the Recreation Commission strengthened and his reply was yes. He said he also asked John Irving if the Recreation Commission should remain in the Mayor's Office and John Irving replied yes. He said he also suggested to John Irving that perhaps a member of the Recreation Commission should sit on the capital program committee.

Denise Polit said she was opposed an autonomous group. Lew Benton said more formal language to strengthen the relationship between the Recreation Commission and the Mayor's Office could be developed. Denise Polit again said she did not want to see autonomous groups.

Margie VanMeter suggested that maybe this was an issue to list as a separate question on the ballot.

Elio Del-Sette said he simply wanted some clarification on how legally some of these proposals could take place. He said the Commission should consider whether the Recreation Commission should be left as is or should it be a department under the Mayor.

Mark Lawton said he asked John Irving if he believed that the City was ready for a an expanded Parks and Recreation Department and John Irving replied yes. Mark Lawton said he thought this issue needs to be resolved in the charter.

Chris Whann said he agreed with Lew Benton in that this is a volatile issue and he did not want this issue to be the demise of the proposed charter. He said he thought that formalizing the relationship and vesting more authority with the Mayor's office was the answer. Elio Del-Sette asked if we could do that under the existing laws.

Denise Polit reminded Commission members that in the survey there were a large number of people in favor of creating a separate department.

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## **ADJOURNMENT**

Chris Whann moved and Rita Balmuth seconded to adjourn the meeting at 9:30 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: