

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, MAY 21, 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
 Vassar Curtis Margie VanMeter (left at 9:00 p.m.)

ABSENT: Mia Mouzon

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

PRESENTATION

Charles Morrison said there have been some problems with the Recreation Commission in accountability, long range planning, oversight, etc. He said these are organizational problems that perhaps the Charter Commission should consider when making their recommendations. He said since the Charter Commission had apparently decided not to abolish the Recreation Commission, he was going to suggest that the budgetary functions be brought together with historic preservation and long range planning, but because of the recent events taking place at the Recreation Commission he strongly urged the Charter Commission to consider abolishing the Recreation Commission altogether.

Charles Morrison also suggested that the Charter Commission consider adding a statement to the preamble that states that the City holds park lands in trust for the City residents. Margie VanMeter asked if that statement should be in the preamble or in the charter. Charles Morrison said he thought it should be in the preamble, however, it could go in either place.

NEXT MEETING

It was agreed the next meeting would be held on June 4, 2001.

BUDGET

Harvey Fox reported that \$4,000 had been appropriated for the clerk's salary and to date \$1,400 had been expended and \$8,000 had been appropriated for the Attorney and to date his charge is at \$8,775. Tony Izzo pointed out though that he had not yet submitted a voucher to the City for payment for his services. It was agreed that Tony Izzo should submit a voucher quarterly.

Margie VanMeter said she would like to see the executive committee estimate a budget for the year and then present that budget to the Council. She said there should be an estimate for items such as printing, mailing, editing, etc.

Chris Whann asked if the City could charge for copies of the proposed new charter. Margie VanMeter said no because it is an issue that would be voted on. Margie VanMeter said there is quite a bit of frustration from some residents on the inability to get this information. She said she would like to see approximately 1,000 copies of the charter printed for distribution. Chris Whann suggested that perhaps ten copies be left in about five good locations. Lew Benton suggested that Barbara Lombardo, *The Saratogian*, be contacted to see if there was any interest on their part in printing this document. Harvey Fox said that was a good suggestion. Harvey Fox said that perhaps ten copies could be left in the City Clerk's Office that could be signed out. He said the executive committee would work on developing a revised budget and contacting *The Saratogian*.

There was some agreement that printing and mailings would likely be done twice. Elio Del-Sette said he wanted to be sure that the information gets out to residents. Denise Polit said she wanted to be sure that a professional looking document was prepared.

Harvey Fox said it appears that the Commission will require funds for editing, Barbara Samel, two mailings and a "statement stuffer".

Margie VanMeter asked about the rationale statement/document. Tony Izzo said rationale statements are required and there will be one larger document with that information that will be forwarded to the Department of State. He said each section will require a rationale statement.

Harvey Fox said the executive committee will develop a revised budget, bring it back to the Commission before going to the Council.

Margie VanMeter moved and Chris Whann seconded that the executive will develop a revised budget and bring it back to the Commission at the June 4 meeting. Ayes all.

Harvey Fox said if acceptable to the Commission, he would request that the City Council consider at the June 19 meeting a budget amendment for the Charter budget. Harvey Fox reminded

everyone that last year the Commission was budgeted \$15,000 but spent only \$9,700. Harvey Fox said he would also ask for an update from the Mayor on whether funds had been included in the state budget for reimbursement to the City for this review.

OUTREACH PROGRAM

Mark Lawton said at this time there was not much to report. He said when a schedule had been developed he would distribute it to members. He said there would be mailings explaining the changes to the charter and two public hearings in September.

Harvey Fox said he would do the "Open Mike" program with J. Michael O'Connell on June 15. He said the program would air on June 17.

DRAFTING COMMITTEE

Chris Whann said he distributed several draft sections of the charter on May 7 and asked for feedback by May 7. He said he recently e-mailed the DPS and DPW sections to Commission members and asked that they read it over and get back to him.

Human Resources Director

Elio Del-Sette said he had sent information to the drafting committee concerning the Human Resources Department and Human Resources Director. He said it is clear, according to the state, that the seven-year time period should be eliminated. He suggested that the position description from the state be reviewed and a new section be added (perhaps C17n) stating that the Human Resources Department would reside in the Mayor's Office and the Human Resources Director shall be management confidential or noncompetitive.

Margie VanMeter said she was not sure if the state's position description included everything that the Commission wanted. She suggested that the Commission needed to create the department.

Chris Whann said we also need to create the framework. Elio Del-Sette said he believed that all of this information did not belong in the charter but could be referenced by adding another section.

Margie VanMeter agreed. Elio Del-Sette said the Commission also needs to be somewhat cost conscientious at this time in creating new departments/positions. He suggested that perhaps a dollar value needed to be stated somewhere. Chris Whann said this was a cost neutral recommendation. He said the Commission had been cautious in crafting language so that it is not an expensive undertaking. Harvey Fox pointed out that the Council members supported this idea in their presentations several months ago.

Elio Del-Sette moved and Denise Polit seconded to send this item to the drafting committee noting that the drafting committee should consider Elio Del-Sette's suggestion to create a new section in the Mayor's section that references 17b and further note that the seven-year term limit be removed.

Margie VanMeter said the County Personnel Director has a term of seven years. Lew Benton said that was because that individual is a Personnel Officer and the County has no Civil Service Commission. He said the Commission is not proposing a personnel officer because we proposed to continue to vest those powers with the Civil Service Commission.

Elio Del-Sette moved and Denise Polit seconded to amend the motion to note that the appointment of the Human Resources Director will be made consistent with state Civil Service Law, the seven-year term will be eliminated and the specific language is to be reviewed with counsel to be sure that it is in accordance with state law. It was also noted that a subparagraph A17n@ is to be added. Ayes all

Ayes all.

Drafting changes

Preamble: Tourist vs. Visitor: It was agreed to use the word "visitor" rather than "tourist".

C-16: Mayor and each Commissioner shall vote when present Rita Balmuth moved and Denise Polit seconded to remove that sentence. Ayes all.

C17c: It was agreed that the City Clerk should be the keeper of the seal.

C18g: It was agreed that instead of repeating some the language below paragraph g it would be placed in C25. It was also agreed that the sentence: "The Commissioner shall ensure quality work" shall be removed.

C22 paragrah 1, last sentence: It was agreed that no two individuals shall be of the same party affiliation.

C21a: It was agreed that the text would be changed to state that "the powers and duties of the Commissioner of Accounts as the City Clerk are hereby enumerated." It was further agreed that the text would be consistent throughout this section.

C17i: It was agreed that the possibility should be left open to include the Chair of the Recreation Commission.

C17a: Denise Polit questioned whether all of this detail was needed. Chris Whann said the drafting committee would take another look at this section.

Lew Benton said when the final draft document was available it was likely that Commission members would find more items to modify. Chris Whann said he wanted to be sure that as much detail as possible was added. Lew Benton said he was not sure that greater definition meant greater detail.

Code of Ethics: Tony Izzo said under Article 18 of the General Municipal law there is information on ethics. He then proposed language on when a Council member could be eligible to hold a position for which that Council member voted to create or increase the salary of during his/her term. Tony Izzo proposed a one year time limit. Chris Whann said he would like to have the language consistent with state law.

Chris Whann moved and Lew Benton seconded that Council members would be further restricted by Article 18 of the General Municipal Law and according to the Code of Ethics which shall be adopted by the City pursuant to Section 806 of the General Municipal Law it was further agreed that the time limitation period would be one year. Ayes: nine; Nays: one.

Real Estate Committee: Harvey Fox asked who appoints the Real Estate Committee. It was noted that members of that committee probably sit on that committee pursuant to their job function in City Hall. It was agreed that Real Estate would be added to the next agenda.

Parks and Recreation

Harvey Fox said it was his understanding the Commission had not yet resolved if there should be a parks and recreation function in the City and how it should relate to the existing Recreation Commission. Chris Whann said John Irving said he would like to see the Recreation Commission's role expanded. Lew Benton noted that John Irving also stated that he would like to see a more formal relationship between the Recreation Commission and the Council. Mark Lawton noted that John Irving was asked if the parks functions should include the recreation function and John Irving replied yes. Margie VanMeter said though that John Irving was not interested in giving up control. Mark Lawton said the Commission asked Tony Izzo to look at other cities and their models to see how it could be incorporated into this City. He asked if we could take the existing Recreation Commission and place it into a larger Parks and Recreation function. Elio Del-Sette said he did not believe so. Elio Del-Sette suggested that the Charter Commission consider creating a Parks and Recreation Function and placing it under the control of the Mayor's Office. Tony Izzo said the Charter Commission has no authority to abolish the Recreation Commission.

Tony Izzo asked if an Office of Parks was created how would that work with the existing Recreation Commission. Mark Lawton said an Office of Parks could undertake passive recreation issues. He

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said that office could do planning for parks, trails, bikeways, passive needs, needs analysis, negotiate for lands, recommendations on land acquisitions, etc. He said the Recreation Commission would work with the Office of Parks much as it currently does with the school district. Mark Lawton asked if the Charter Commission made the recommendation that an Office of Parks be established wouldn't it be required that the Council review and compare that function to the Recreation Commission for overlap. Tony Izzo said they would likely review the matter.

Elio Del-Sette clarified that under the current laws, the charter cannot undo what the Council did. Tony Izzo agreed. Mark Lawton said, though, there is a need for the City to do something on the parks and passive recreation issue.

Chris Whann asked if this might be a formalization of things that are already happening in City Hall. Mark Lawton said yes.

Mark Lawton said he did not want to take on the problems with the Recreation Commission at this time. He said, though, that the other needs are currently being overlooked. He said there is a much larger need than just recreation.

(Margie VanMeter left at 9:00 p.m.)

Tony Izzo suggested that if the Charter Commission did not use the text "equip, operate and maintain" the appropriate language could be crafted.

Mark Lawton said the Recreation Commission needs to report to someone. Chris Whann asked if the Charter Commission could require the Recreation Commission to report to the Mayor. Tony Izzo said the Council cannot have review powers over the Recreation Commission.

Lew Benton said we need to give greater definition and structure to the parks and planning issues rather than to maintenance and upkeep. Mark Lawton agreed. Lew Benton said to a certain extent we already have a parks department in DPW because they do some of the work. He also noted that the Open Space Project also does some of the work. He said open space does not necessarily mean public acquisition. He said there are open space areas such as Yaddo and the race tracks. He reminded Commission members that the Recreation Commission is not the only autonomous department in City Hall. Lew Benton said this Commission needs to divorce itself from the news articles on the Recreation Commission. He said perhaps the problem needs to be removed but the function may not necessarily need to be abolished.

Mark Lawton said the Drafting Committee needs more direction.

Denise Polit agreed that the Charter Commission should not be reacting to the newspaper articles, but said the Recreation Commission needs more supervision.

Lew Benton said the problem was not the absence of policy but rather the lack of adherence to the policy.

Denise Polit said she believed the Recreation Commission was far too independent.

Chris Whann said the Drafting Committee would review the Parks and Open Space issue during their next drafting committee meeting.

Mark Lawton moved and Elio Del-Sette seconded to recommended that the Drafting Committee develop some recommendation on the Parks and Open Space issue. Ayes all.

NEXT MEETING

It was agreed the next meeting would be held on June 4 and the following items would be included on the agenda: C29 Vacancies, Parks and Open Space, Recreation Commission; C56 Real Estate Committee, Length of Terms/Stagger.

ADJOURNMENT

Chris Whann moved and Elio Del-Sette 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: