

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
THURSDAY, AUGUST 23, 2001  
CITY COUNCIL ROOM  
5:30 P.M.**

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

**ABSENT:** Margie VanMeter

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

---

**CALL TO ORDER**

Harvey Fox called the meeting to order at 5:30 p.m.

---

**MINUTES**

Rita Balmuth moved and Mark Lawton seconded to note in the record that the August 17 & 20 minutes had been received by members and they are to be adopted at a later date. Ayes all.

---

**EDITORIAL ASSISTANCE**

Harvey Fox welcomed Helen Edelman to the Commission meeting. He also thanked her for the tremendous amount of work she had done on editing the charter. Chris Whann asked that if there were any more changes or clarifications needed to the charter to please contact Helen. Tony asked that letters rather bullets be used.

---

**FINAL MODIFICATIONS TO PROPOSED CHARTER**

Tony Izzo suggested reviewing the memorandum from Barbara Samel. He said in bullet number 2 there was apparently some confusion in the numbering system. Vassar Curtis moved and Elio Del-Sette seconded to split the section as suggested by Barbara Samel and follow her recommendations. Ayes all.

It was then agreed to review the draft charter as submitted by Barbara Samel. It was noted that boxes 1-7 had been previously discussed.

Box 8: Mark Lawton moved and Denise Polit seconded to make the change as recommended by Barbara Samel. Ayes all.

Box 9: Vassar Curtis moved and Elio Del-Sette seconded to make the change as recommended by Barbara Samel. Ayes all.

Box 10: Lee Nelson moved and Elio Del-Sette seconded to delete portions of the text and as add "local laws". Ayes all.

Box 11: Chris Whann moved and Denise Polit seconded that section should read as follows: "No matter shall be finally decided unless and until it has been moved and voted on at an open Council meeting." Ayes all.

Box 12: Vassar Curtis moved and Lew Benton seconded to make the changes as recommended by Barbara Samel. Ayes all.

Box 13: Vassar Curtis moved and Lew Benton seconded that a sentence be added as follows: "Time shall be allotted on the agenda for the public to speak at each City Council meeting." Ayes all.

Denise Polit moved and Elio Del-Sette seconded that the rest of the box remain as is. Ayes all.

Box 14: Denise Polit moved and Elio Del-Sette seconded that no action was needed for this box. Ayes all.

Box 15: Lew Benton moved and Denise Polit seconded that the recommendations of Barbara Samel on this box be accepted. Ayes all.

Box 16: Denise Polit moved and Chris Whann seconded that no changes be made to this section. Ayes all.

Box 17: Denise Polit moved and Elio Del-Sette seconded to delete "advice of Council members". It was also agreed that it should read "City Council or member thereof, may create such ad hoc committees . . .". It was also agreed that in section A1 "is deemed" is removed and replaced with "may be". Ayes all.

Box 18: Elio Del-Sette moved and Chris Whann seconded to remove "the Mayor may also make appointments to other boards." It was also agreed to change "director to "administrator". It was also agreed the last sentence would remain as is. Ayes all.

Subsection L: Elio Del-Sette moved and Rita Balmuth seconded to make minor modifications to this section including the deletion of Civil Service Commission. Ayes all.

Denise Polit moved and Mark Lawton seconded that throughout the entire document, Human Resources Director be changed to Human Resources Administrator. Ayes all.

Box 19: subsection M: Denise Polit moved and Mark Lawton seconded to make minor modifications to this section. Ayes all.

Chris Whann moved and Denise Polit seconded that the sentence in connection with the makeup of the committee should include: "chair of the Recreation Commission." Ayes all.

Box 20: Lew Benton moved and Denise Polit seconded to make no changes to this section. Ayes all.

Box 21: Elio Del-Sette moved and Denise Polit seconded that the term "reside" be replaced with another word. Ayes all.

Elio Del-Sette moved and Lew Benton seconded to use the text from the memorandum from Civil Service Commission for the paragraphs as outlined in that memo entitled "paragraphs 2, 3 & 4". Ayes all.

Box 22: Lew Benton moved and Denise Polit seconded that the "manual shall be approved by the Council". Ayes all.

Box 23: Elio Del-Sette moved and Denise Polit seconded that "civil service law" is to be added to this section. Ayes all. Denise Polit moved and Rita Balmuth seconded that the word "modification" be added at the end of the first sentence. Ayes all.

Elio Del-Sette moved and Rita Balmuth seconded that the text in the memorandum from Civil Service so noted as "page one/paragraph one" is to be used. Ayes all.

Box 24: Elio Del-Sette moved and Denise Polit seconded to make no changes to this section. Ayes all.

Page 14: last paragraph: Lew Benton moved and Elio Del-Sette seconded to use the language from the memorandum from Civil Service. Ayes all.

Page 16: second paragraph: Elio Del-Sette moved and Mark Lawton seconded to use the text from the memorandum from Civil Service. It was further agreed that "with the approval of the City Council" should be deleted. Ayes all.

Page 16: It was noted that the code administrator function is now in DPS and a sentence had been added that records are to be shared.

Boxes 26 & 27: Elio Del-Sette moved and Lew Benton seconded that there be no changes made to boxes 26 or 27. Ayes all.

Box 28: Chris Whann moved and Elio Del-Sette seconded to adopt this section as presented.

Box 29: Chris Whann moved and Elio Del-Sette seconded to adopt this section as presented. Ayes all.

Box 30: Elio Del-Sette moved and Chris Whann to adopt this section as presented. Ayes all.

Box 31: Lee Nelson moved and Rita Balmuth seconded the text be changed from "review and approval" to "approval and modification". Ayes all.

Box 32: Elio Del-Sette moved and Lew Benton seconded that "chapter 708" be removed and "section 39" be added. Ayes all.

Box 33: Rita Balmuth moved and Denise Polit seconded that this section be adopted as presented. Ayes all.

Box 34: paragraph A: Denise Polit moved and Lee Nelson seconded to adopt this paragraph as presented. Ayes all.

Box 35: Lee Nelson moved and Rita Balmuth seconded the text "proposals" be added. It was also noted that the Commissioner of Finance shall certify the City payrolls. Ayes all.

Box 36: Mark Lawton moved and Rita Balmuth seconded that this section be adopted as presented. Ayes all.

Box 37: Chris Whann moved and Denise Polit seconded that this section be adopted as presented. Ayes all.

Box 38: Elio Del-Sette moved and Lew Benton seconded that the text "resolution" and "judgements against the City" be added. Ayes all.

Box 39: Elio Del-Sette moved and Lew Benton seconded that the changes made to box 38 also be made to box 39. Ayes all.

Box 40: Mark Lawton moved and Chris Whann seconded that the text "roll call vote" be replaced with "resolution". Ayes all.

Box 41: Mark Lawton moved and Chris Whann seconded to adopt this section as

presented. Ayes all.

Box 42: Mark Lawton moved and Chris Whann seconded that the following text be added, “no transfers of monies from or to an account for payroll or employee benefits shall be approved by the City Council unless such transfer has been submitted and approved separately from other transfers.” Ayes all.

Box 43: Chris Whann moved and Denise Polit seconded to adopt this section with a few minor modifications. Ayes all.

Box 44: Lew Benton moved and Elio Del-Sette seconded that the text “gutters” is to be deleted and the text in the brackets is to be used. Ayes all.

Box 45: Chris Whann moved and Denise Polit seconded to adopt this section with a few minor changes. Ayes all.

Box 46: Chris Whann moved and Denise Polit seconded that “for city residents” is to be removed. Ayes all.

Box 47. Lee Nelson moved and Rita Balmuth seconded to adopt this section is presented. Ayes all.

Pages 31 & 32 section 2.6.4B: Elio Del-Sette moved and Denise Polit seconded to use the text as so noted in the memorandum from Civil Service Commission. Ayes all.

Box 48: Vassar Curtis moved and Denise Polit seconded that the following text be used: “There shall be a City Engineer who shall be appointed by the Commissioner of the Department of Public Works”; “The Office of the City Engineer shall be located in the Department of Public Works” and; “The Office shall provide engineering services to all departments and entities.” Ayes all.

Box 49: Chris Whann moved and Mark Lawton seconded that “there shall be a health officer who shall be appointed by the Commissioner of the Department of Public Safety and the Animal Control Officer shall also be appointed by the Commissioner of the Department of Public Safety.” Ayes all.

Box 50: paragraph C: Denise Polit moved and Mark Lawton seconded that “the Chief of Police shall be appointed by the Commissioner of the Department of Public Safety and shall have immediate direction . . .” Ayes all.

Box 51. Page 35: Elio Del-Sette moved and Rita Balmuth seconded to use the same language that was previously used for the Chief of Police. Ayes all.

Box 52. Chris Whann moved and Mark Lawton seconded that in paragraph c “for their

approval or modification” be added and further noted it should be City Clerk and not City Council. Ayes all.

Box 53: Denise Polit moved and Mark Lawton seconded to adopt this section with a few minor modifications. Ayes all.

Box 54: Elio Del-Sette moved and Chris Whann seconded to adopt this section as presented. Ayes all.

Box 55: Denise Polit moved and Mark Lawton seconded to use the bracketed text. Ayes all.

Box 56: Mark Lawton moved and Denise Polit seconded to use the bracketed text NYS General Municipal Law Section 104-b. Ayes all.

Box 57: Elio Del-Sette moved and Lew Benton seconded to use the text as so noted in the memorandum from the Civil Service Commission. Ayes all.

Boxes 58 & 59: Mark Lawton moved and Denise Polit seconded that in paragraph B “Deputies shall be in the exempt class under Civil Service Law” shall be deleted and the entire paragraph C shall be deleted. It was also noted that it should be Human Resources Administrator. Ayes all.

Box 60: It was noted that this is discussed under 2.2

Page 42: 2.12: Elio Del-Sette moved and Lew Benton seconded that this section be approved as presented. Ayes all.

Box 61: Elio Del-Sette moved and Lew Benton seconded to adopt the section with a few minor modifications including: “The City Attorney’s compensation shall be established by the City Council.” There were also other minor modifications. Ayes all.

Box 62: Chris Whann moved and Mark Lawton seconded that A . . . pursuant to this section.” be deleted. Ayes all.

Box 63: Chris Whann moved and Mark Lawton seconded that “The City may acquire or lease property for public purposes in any lawful manner including proceedings under the eminent domain law.” Ayes all.

Box 64: Chris Whann moved and Mark Lawton seconded to adopt this section as presented. Ayes all.

Box 65: Lew Benton moved and Elio Del-Sette seconded to adopt this section as presented. Ayes all.

Box 66: paragraph A: All ordinance enacted by the city Council shall be in writing and shall contain an enactment clause beginning with the words "Be it ordained . . . . ."

Paragraph B: Ordinances may be introduced by any Council member at any meeting of the City Council. No ordinance shall be passed, by the City Council until a public hearing thereon has been had before the City Council. Such public hearing shall be on at least five days public notice, and said public notice shall be published at least two times in the City's designated newspaper(s). Said public notice shall indicate that a copy of the of the introduced ordinance shall be available for public review in the city clerk's office."

Elio Del-Sette moved and Lew Benton seconded that this section be adopted with these changes. Ayes all.

Box 67: Lew Benton moved and Elio Del-Sette seconded to adopt this section as presented. Ayes all.

Box 68 & 69: Elio Del-Sette moved and Mark Lawton seconded to adopt this section as presented. Ayes all.

Box 70: Mark Lawton moved and Rita Balmuth seconded to adopt this section as presented. Ayes all.

Box 71: Elio Del-Sette moved and Lew Benton seconded to adopt this section as presented. Ayes all.

Box 72: Rita Balmuth moved and Lee Nelson seconded to adopt this section as presented. Ayes all.

Box 73: Chris Whann moved and Denise Polit seconded to adopt this section as presented. Ayes all.

Box 74: Lew Benton moved and Chris Whann seconded to adopt this section with the changes as presented. Ayes all.

Box 75: Lew Benton moved and Elio Del-Sette seconded to adopt this section s presented. Ayes all.

Box 76: Chris Whann moved and Lew Benton seconded to adopt this section as presented. Ayes all.

Box 77: Chris Whann moved and Denise Polit seconded to adopt this section with the proposed modifications. Ayes all.

Box 78: Lew Benton moved and Chris Whann seconded to adopt this section noting that the effective date is January 1, 2004. Ayes all.

Boxes 81-84: Denise Polit said that she would review boxes 81-84.

---

## **ASSIGNMENTS**

The following assignments were made:

1. "Resides" (Denise)
  2. Review of e-mail and letters that have not been addressed. (Lee)
  3. Review of glossary terms (Mark)
  4. Page 17, Barbara Samel text (Chris)
  5. Rationale document (Chris)
  6. Transition language-- Box 77 (Mark)
  7. Review of Helen Edelman's text modifications. (All)
  8. Fiscal Document (Vassar)
- 

## **NEXT MEETING**

It was agreed the next meeting would be held on Sunday, August 26 at 4:00 p.m.

---

## **FINAL DOCUMENT**

Harvey Fox said a final document needed to be ready and submitted to Kathy by September 4.

Elio Del-Sette moved and Rita Balmuth seconded that a final document be adopted at the August 26 meeting. Ayes all.

---

## **ADJOURNMENT**

Elio Del-Sette moved and Lew Benton seconded to adjourn the meeting at 10:30 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: