

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, NOVEMBER 13, 2000  
CITY COUNCIL ROOM  
6:45 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 6:45 p.m.

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**FACT SHEET**

Harvey Fox said that because there was some concern expressed by a Council member concerning the Fact Sheet, he had held up distribution of that sheet. He said he had tried to contact Commissioner Thomas McTygue, however, his telephone calls had not been returned. He said if there are any inaccuracies in the Fact Sheet, they would be corrected in the next edition.

Lew Benton suggested that Council members be given a few days to review the next Fact Sheet before distribution.

Margie VanMeter moved and Vassar Curtis seconded to approve mailing the Fact Sheet. Ayes all.

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**OCTOBER 30, 2000, MEETING MINUTES**

Harvey Fox said he had received a letter from Tom Lewis, who appeared before the Commission on October 30, requesting that those minutes be changed to reflect a few inaccuracies.

Elio Del-Sette moved and Rita Balmuth seconded to note the following request made by Tom Lewis: The second paragraph on page 5, reads: "Lew Benton clarified that Tom Lewis would support nonpartisan elections, abandon the commission form of government and support either a strong or weak mayor." What he believed he said was that he would have to look at what the proposed "new" form was and then make a decision. He said he didn't know what the Commission may recommend and he thought that there were different ways of having a "strong or weak mayor". He also said he would like the record to show that he also said "This is one politician who is willing to vote

himself out of a job." Ayes all.

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## PUBLIC HEARING

Harvey Fox stated that this commission was established in July 2000 and has met 15 times over the last four months. He said more than 40 speakers, including union officials, past elected officials, current elected officials, business leaders, etc. and now the community at large, have been invited to make presentations before the commission. He said there are three possible recommendations that the Commission could make: 1) complete revision of the charter; 2) amend the existing charter by eliminating the archaic text and giving greater detail in some areas with better definitions; and 3) no changes at all. He said at this time it is important to see what the public thinks.

Harvey Fox said before opening the public hearing he wanted to inform potential speakers, that there is a five minute time limit, minutes would be kept of the meeting and the Commission welcomes written comments. Harvey Fox then opened the public hearing.

Charlie Morrison, 88 Court Street, said he was pleased to see that this commission was appointed and appreciated the effort by the members. He said he was glad to see that there would be four public hearings and more flyers. He said in his letter of May 7 to Mayor Kenneth Klotz he pointed out that public education is fundamental to this process. He said there is an office, at the state level, and their job it to advise cities on also sorts of issues. He urged the Commission to contact John Barto in the Bureau of Local Government Services office and Rick Hoffman, in the legal department of the Department of State. He also urged the Commission to contact NYCOM. He said in the interest of time, he would submit a written statement. He pointed out thought that over the years, the commission form of government has ceased to exist in all but two cities in New York.

James Lambalot, 53 Joseph Street, said he has had a great interest in local government for many years. He said in his opinion there should be a strong mayor and commissioners that are not responsible to any particular department. He said good people make good government and the commissioners should represent various sections of the city. He said changes to the charter to allow the best people to serve should be considered. He said having administrative functions included under Commissioner's duties is somewhat intimidating for people when considering running. He said longer terms should be considered (three or four years), however, if the terms are lengthened, term limits should also be considered. He said Council members should represent parts of the City. He said with this form of government, Council members do not challenge one another on budget issues, therefore, there is limited accountability. He said he would like to see nonpartisan elections.

Bob Cleary, VanDam Street, objected to being allowed only five minutes to make a presentation. He said it does a disservice to citizens and to the commission by imposing such a time constraint.

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He said he would like to see the supervisors have a vote on the Council. He said there should be a central purchasing department in City Hall to handle all department requests and that department should be in charge of making those purchases. He said there should be a complete inventory of all properties in the city before budgets are reviewed. He said the Mayor should have an assistant. He said, finally, all land and holdings that are owned by City that are sold should have Council approval.

Harvey Fox said that a five minute time limit was established in order to allow all who wish to speak the opportunity to do so. He said if there is time remaining this evening, speakers would be afforded the opportunity to come back to the microphone. He also encouraged anyone to submit written materials to the Commission or to attend any of the Commissions meetings held regularly on Monday evenings.

Peter Tulin commended Commission members for taking on such a task. He informed Commission members that he served two years as assistant city attorney and ten years as City Attorney. He said this is a unique form of government that has served the City well but has been maligned by *The Saratogian*. He said the pertinent questions to be considered are: Does it provide fair representation? Does it delineate and sustain accountability? Is the system fair and/or it efficient? He said this form of government allows for direct representation and further noted that a Council member could be voted out of office if the residents are not happy. He said there are checks and balances in the City, i.e., purchases are made through the Accounts Department; maintenance of City buildings through the Public Works; police and fire through Public Safety and the Mayor has general oversight. He said he was concerned that the charter commission is not representative of the elected officials because the mayor was the only individual who made appointments. He said each Council member should have been given the opportunity to make appointments. Peter Tulin said he was flabbergasted that the Commission has a \$40,000 budget. He said that kind of expenditure seemed excessive and foolish. He said the Commission should reject the \$40,000 budget and rely on the League of Women voters. Harvey Fox clarified that the Commission's budget was \$40,850. Peter Tulin said the charter should be left in tact.

Richard Mullaney reminded Commission members that he had previously appeared before the Commission and thanked them for the opportunity to speak again. He said he was here this evening because of the recent editorial in *The Saratogian*. He said that editorial created the impression that one Commissioner may determine how city lands are used. He said that is not the case. He said the Commissioner of Public Works may only do so as directed by the Council. He pointed out that there are many statutes which must be followed when selling land.

Bob Cleary said that he might have misspoken earlier in that he was aware that the Council must give its approval on the sale of city owned parcels.

Commissioner Thomas McTygue said because of his longevity on the Council it enabled his staff to gather all of the pertinent information concerning the county sewer lines. He said this issue was an example of how the Council worked together. He said this issue did not fall solely under Public Works purview. He pointed out that in his 25 years on the Council he did not recall seeing Barbara

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Lombardo, *The Saratogian*, attend a Council meeting. He said he does protect City property as if it belonged to him but he was working for the community. Commissioner Thomas McTygue pointed out that the Council has control and not him individually. He said the Council can accept or reject any recommendation that he may make. He said there have been instances when he has voted against the sale of a parcel, however, the majority of the Council approved the sale. He pointed out that his department has approved more of Bruce Levinsky's requests than they have rejected. He said if the Council wishes to override his disapproval or make another recommendation they may do so. He said he does not have that much power on the Council to determine how the City's holdings are sold. He pointed out that he objected to the City running a water line east of the Northway, however, the Council, overrode his recommendation and approved that extension. He said the developer and construction manager on The Mill project should be commended for working with the City. He pointed out that the issue of the parking lot is really not an issue. He said the parking lot was placed where there was a lot before. He said that developer sought and gained Planning Board approval on this project. He said the power lies with the people and not the Council.

Remigia Foy reminded Commission members that she had previously spoken before this Commission and thanked them for the opportunity to do so again. She said she would like the Commission to consider nonpartisan elections. She said when this government was nonpartisan, the offices were contested more frequently than they are now. She said uncontested offices makes for an unhealthy democracy. She said supervisors should run at large rather than for position A or B. She said statements by people making presentations to the Commission concerning cost effectiveness and/or no one being in charge were somewhat of concern to her. She said those blanket statements are made with no proof to back them up. She said the City needs to broaden its revenue base by getting its fair share of the race track admissions tax. She said she realized that could not be handled under the charter, but it still affects the City and its government. She said the statements that there is no one in charge and that the City needs to hire professionals were somewhat distressing to her. She said the City has professionals in each department, i.e., a police chief, a fire chief, city engineer, etc. She said, in her opinion, there should just be some fine tuning of the charter and no massive change.

Patty Gray Whann said she too thought that nonpartisan elections should be considered. She said over the years, politics have gotten very partisan. She also suggested that the length of terms be increased to four years.

James Lambalot agreed there should be term length revision and term limits. He said, of course, there are exceptions to every rule, i.e., Commissioner Thomas McTygue and his family, but the City needs new faces and new ideas every once in a while.

Commissioner Thomas McTygue said he too would support nonpartisan elections and supervisors running at large rather than for positions A&B.

Elio Del-Settee clarified with Commissioner Thomas McTygue that Commissioner Thomas McTygue does not have absolute power on determining how city property is sold. Commissioner Thomas

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McTygue said any commissioner may come before the Council with a recommendation. He said it is not up to him, but rather it's up to the Council. He pointed out that the recent sale of the Excelsior Avenue Ice Rink was a group effort. He pointed out that Commissioner Michael Lenz is about to make a recommendation to the Council on the sale of city owned parcels. He reminded Commission members that maintenance of City owned buildings and lands falls under his jurisdiction but the Council determines what gets sold.

Bob Cleary asked about requirements of selling city owned parcels. Richard Mullaney said that the City acquires some of its properties through nonpayment of taxes. He said at any given time, the City may determine that the parcels are no longer needed by the City and they are then sold. He said the sale of City owned parcels is dictated in great part to both general municipal law and City law. He said there are advertising requirements, bidding requirements, etc., that must be followed. He said there are also laws to follow in connection with leasing parcels from the City. He said those decisions are made by the Council and each new Council could change the previous Council's decisions.

Margie VanMeter asked about ownership of the City Center and who is in control of the City Center. Richard Mullaney explained that Mayor Ellsworth Jones initiated the City Center project. He said a public authority was formed and that board is appointed by the Mayor. He said it is the Authority that runs the City Center. He said the Authority has a life span to about 2007, but the City could seek to extend that date. He said the City must petition the New York State legislature to do so. He further explained that when the City Center was constructed there was a sophisticated plan for funding that construction which left the City in excess of \$4 million recently when the sale became final. He said some of those funds have been set aside to go towards the continued operation of the City Center. He said the City Center is not a city property in the classic sense.

Remigia Foy said she would like further clarification on the relationship between the City and the City Center Authority and who exactly is responsible for the City Center's indebtedness. She also asked who controlled the Authority. She pointed out that their budget passes through the City and the Council approves it as well as their purchases. She said that if the Authority is a creature of the City under the auspices of state legislation, the City should be able to exercise a greater degree of control.

Harvey Fox said the City Center issues could be researched. Remigia said there is a fiscal relationship between the City Center Authority and the City and it is has a bearing on the charter. Lew Benton agreed the Commission needs to better understand these relationships. He said it was his recollection that the Council set up the Authority with the proviso that they could exercise some control/oversight because there was an assumed deficit to that budget. He pointed out that the Housing Authority is not set up in such a manner.

Harvey Fox said that he would have Tony Izzo look into this issue.

Bob Chodas said the Commission should consider a human resources department. He also asked who

set the salaries and determines the promotions.

Commissioner Thomas McTygue said there is no human resources department, however, that should be a consideration. He explained that insurance/retirement issues go through the finance department and contracts are negotiated with the Council. He said there are seven unions in City Hall. Commissioner Thomas McTygue said his department spends a great deal of time on disciplinary issues and the City needs a professional person to handle these issues.

Bob Cleary asked for clarification on selling city owned parcels, i.e., Congress Park, High Rock Park, etc. Commissioner Thomas McTygue said those particular pieces of property are protected by the National Historical Register. He said the City is only the steward of those parcels. He said parcels such as the east and west side recreation fields are owned by the school district, however, the City maintains them. He said the north side, south side and Geyser Road recreation fields are owned by the City. He again said it would take Council action, not an individual commissioner, to sell a city owned parcel.

Commissioner Thomas McTygue asked for a moment to promote the new "Dollars for Decorations" program. He said this program is a fundraiser with the funds to be used for the beautification of the downtown area through lighting of major buildings such as, City Hall, Adirondack Trust, Fox Jewelers, Roohan building, etc. during the holiday season. He said there has been a commitment by the Downtown Business Association to fund this project and this fundraiser is part of that commitment. He said a booth would be set up during the Victorian Street Walk on November 30 in front of City Hall to accept donations.

There being no one else wishing to speak, Harvey Fox closed the public hearing.

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## NEXT MEETING

Elio Del-Sette asked for some clarification on where the Commission would be heading at the next meeting. He said he felt the Commission had gathered sufficient information to make a stand on whether there should be a radical change or only amendments.

Margie VanMeter said she thought the issues should be tackled one by one. She said she did not feel they should go around the table to discuss items in some random order but rather an issue should be identified and discussed collectively.

Harvey Fox said he had originally thought that they would simply go around the table. Margie VanMeter said issues need to be identified before going around the table. She said there needs to be some sort of order.

Elio Del-Sette said he felt the Commission needs to figure out which direction they are headed in before identifying issues.

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Tony Izzo suggested that individual commission members could still make a statement at the next meeting if they so desired.

Margie VanMeter said Frank Mauro, one of the speakers, explained that the commission he served on kept a running list of issues. She then distributed a listing of issues that had been identified by speakers. She said Mark Lawton has also worked on a list of issues. She said she did not feel that statements from one another were needed at this time. She said issues such as the supervisors positions need to be discussed. She said she simply wanted some organization.

Chris Whann said there are a number of problematic areas that have been identified and the Commission now needs to determine if they can be solved or not under the existing charter. He said if many of the issues cannot be solved under the current charter than that would drive the Commission to take the next step.

Denise Polit said she thought the Commission needed to determine what recommendations they are going to make on change before discussing issues. She said once that decision is made the issues will fall into place.

Rita Balmuth said she would like to see the issues clarified first.

Mark Lawton pointed out that many of the issues will not be solved by talking about them. He said many of the issues are going to require research to determine if they can be changed. He said these lists (his and Margie's) only offer some commonality that Commission members should consider. He said there will be items that can be changed under the existing charter.

Denise Polit said, for example, term limits and length of terms, she felt could not be resolved until she knew what form of government would be recommended.

Mia Mouzon said she felt the Commission should start with the issues. She said they should review the presentations by the speaker and then work with Tony Izzo on the legal boundaries.

Elio Del-Sette said the Commission should simply pick the system and go with it.

Harvey Fox suggested that Margie's list and Mark's list be mailed to Commission members before the next meeting. He said it could be a good starting point.

Lew Benton said there needs to be some organization to the lists. He said some of the issues are generic in nature, i.e., budget while other issues such as accountability are "soft".

Margie VanMeter stated a few of the items that she had on her list. Elio Del-Sette objected saying that it appeared that Margie VanMeter had taken a position. Margie VanMeter said she had

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not taken a position but rather was only listing the issues as identified by the speakers. Elio Del-Sette said there needs to be some balance. Mark Lawton pointed out that the list could be added to if Elio Del-Sette would like to do so.

Lew Benton said he thought the issues should be divided into two categories: form of government and content/program. He said it makes sense to identify the issues and then determined whether they can be inserted into the existing form of government. He said if the Commission wanted to embrace all of the changes then it might not be possible to do so under this charter.

Elio Del-Setter asked if issues would drive these discussions, then when would they discuss form.

Harvey Fox said Commission members would be provided with both Margie's and Mark's list before the next meeting. He said these issues would simply start the discussions.

Denise Polit asked if they would actually begin to vote on issues at the next meeting. Commission members agreed they would see what happened. If there was an issue they all agreed on, then perhaps voting might take place.

Denise Polit asked Tony Izzo if the Commission could place on the ballot several items listing specific changes/modifications or was it an "all or nothing" approach. Tony Izzo said several items could be placed on the ballot, but often they find that it makes it too confusing.

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**ADJOURNMENT**

Chris Whann moved and Margie VanMeter 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: