

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, NOVEMBER 20, 2000  
CITY COUNCIL ROOM  
6:30 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 6:30 p.m.

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**APPROVAL OF NOVEMBER 6, 2000, MEETING MINUTES**

Margie VanMeter moved and Vassar Curtis seconded to approve the November 6, 2000, meeting minutes with a few corrections. Ayes all.

**APPROVAL OF NOVEMBER 13, 2000, MEETING MINUTES**

Chris Whann moved and Margie VanMeter seconded to approve the November 13 meeting minutes with a few corrections. Ayes all.

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**SUBCOMMITTEES**

Elio Del-Sette asked for a list of subcommittees of the Commission. Harvey Fox said there currently exists a Survey/Focus Group (Whann, VanMeter, Mouzon, Lawton & Polit) and an Educational Group (VanMeter & Mouzon). Mark Lawton said at this time there are no official committees. He said the existing groups have been acting on an ad hoc basis.

**GENERAL DISCUSSION**

Harvey Fox listed suggested topics of discussion for Commission members as follows:

1. Identify some of the specific problems and issues.
  - a. Identify items that are not addressed in detail or at all in the charter.
2. Can the above issues be improved/corrected in the current form?

**City of Saratoga Springs Charter Review Commission Meeting Minutes  
Monday, November 20, 2000**

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- a. Administrative, legislative or change in charter
3. Identify and remove archaic or obsolete language.
4. Issues outside the current charter
  - a. Partisan/nonpartisan elections
5. Other mitigating factors
  - a. Public perception
  - b. Realistic chance of change
  - c. Political fabric of the community (current elected officials, past elected officials, civic/business leaders, union officials, other political leaders)

Harvey Fox asked where Commission members wanted to go from here.

Mark Lawton said his document entitled Protocol Statements was a neutral document which only lists in a summarized form, statements made by people appearing before the Commission. He suggested that two possibilities: the Commission go through the charter title by title dealing with the issue that have been presented or review the topics and how they relate to what had been presented to the Commission. He suggested that if the latter is selected that the easier items be dealt with first. He said the issues should be grouped, i.e., administrative, legislative. Elio Del-Sette agreed that they should go through the charter and add/delete what is necessary. Mark Lawton said some issues need to be researched by Tony Izzo before adding or deleting from the charter. Margie VanMeter said she thought there would be some agreement from Commission members on streamlining. She said once streamlining had been addressed then perhaps we should go back and add items.

Lew Benton agreed there were issues that probably the Commission could come to an agreement on. He said those issues should be identified and resolved. He said there will also be some issues that should wait until later to be discussed. He said one difficult issue was how can we give more administrative control without compromising the charter form of government. He said perhaps some basic core issues should be discussed and some consensus before moving too far. He said human resources was an issue that there seems to be some agreement on, however, where would it be placed within the existing form of government was somewhat more difficult.

Rita Balmuth suggested starting with section C-15, Mayor's Office. Denise Polit said she had some difficulty starting there when she did not know what that office would look like in the end. Rita Balmuth said it could be adjusted in later discussions. Lee Nelson agreed that we should start with the beginning of the charter. She said there are certain issues in the Mayor's Office that could likely be addressed sooner rather than later.

Mia Mouzon said in previous charter commissions much of the same things that this Commission is discussing were discussed then. She said perhaps that information should be reviewed.

Vassar Curtis suggested that the Commission discuss some of the common major issues that are

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Monday, November 20, 2000**

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easily identified, i.e., human resources, mayor's office, budget process, etc.

Rita Balmuth said there had been some discussion on extending terms from two years to four years.

Commission members agreed to review the easier items first and then move onto the more complicated issues. Harvey Fox asked how the Commission should review these issues on whether they can be addressed within the current framework of the existing charter.

Elio Del-Sette suggested that first item of discussion should be moving the Engineering Department to the Department of Public Works. Commission members all agreed that was not an easy topic.

#### Human Resources

Lew Benton asked where that function might be vested. He said Human Resources includes: health insurance management, personnel files, pension plan, benefits, payroll management and Employee Assistance Program, training, etc.

Elio Del-Sette reminded Commission members that the City has the ability to have a Civil Service Commission consisting of three members. He said the Human Resources Department should be separate from the Civil Service Commission or the City could risk losing control of the Civil Service Commission. Lew Benton said the issue was where to vest this office within the existing form. Tony Izzo said it is possible to create an entity that is an interdepartmental office.

#### Civil Service Commission

Lew Benton suggested that this Civil Service Commission continue to operate as it currently does. Margie VanMeter asked if it needed to be identified in the charter. Lew Benton said yes because it details how the members are appointed and the length of their terms. Elio Del-Sette suggested that the Civil Service Commission could handle civil rights issues, affirmative action and recruitment. It was thought that perhaps affirmative action would be better served through the Human Resources Office. It was agreed the exact structure of the Human Resources Office would not be discussed this evening.

#### Contract Negotiations

Margie VanMeter said there was some concern expressed by Commissioner Thomas McTygue and Thomas Curley on the amount of time spent by their departments on this matter. Tony Izzo explained that when an employee is accused of incompetence or misconduct there must be a hearing. He said the employee has many rights that must be addressed and much discussions/negotiations

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Monday, November 20, 2000**

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are involved. Margie VanMeter asked where contract negotiations should be vested. Lew Benton suggested the Mayor conduct all negotiations or be able to delegate it to someone else. He said a three tiered system: mayor, civil service and personnel could be developed through this process.

Lew Benton said each Commissioner should continue to be the appointing official for his/her department and the Commissioner would also still be responsible for disciplinary actions. He said though that Commissioners could seek advice from the Human Resources Office. Lew Benton said the City Attorney's office also needs to be a part of the negotiation process.

Waive of Bid

Elio Del-Sette said consideration should be given to raising the waive of bid limit from the existing \$1,000 limit. He said there seemed to be some agreement that it should be consistent with state law. He said, though, that research should be done by Tony Izzo to ensure that the City does not lose its ability to waive bids if we raise the limit. Tony Izzo said some language in the charter needs to be retained under this category which exempts the City from the Wicks law. He said it could likely be done through noting that the language enacted prior to 1949 in Section C-38 must be retained.

Mark Lawton moved and Elio Del-Sette seconded that the \$1,000 threshold for waive of bids be increased to be consistent with state law with the caveat that the increase not affect the 1949 ability to exempt the City from the Wicks law or other similar state restrictions. Ayes all.

Capital Budget

Margie VanMeter asked if some language could be added to the charter that states if the designated official does not complete an assigned task that another Commissioner could then have the authority to complete the task, i.e., capital budget. Mark Lawton said the existing charter allows for unlimited transfers between funds within budgets. Lew Benton suggested that the capital budget rest with the Mayor's office. He then read the following:

The Mayor shall act as chair of the Capital Program Committee, which shall also consist of the City Planner, the City Engineer and the Chair of the City Planning Board. The Capital Program Committee shall annually prepare and submit to the City Council a capital program consistent with Section 99-g of the General Municipal Law. In preparing the capital program, the Capital Program Committee shall consult with the City Commissioners, department directors and such others as it shall deem appropriate and necessary. On or before the first regularly scheduled City Council meeting of November of each year, the Mayor shall present a proposed capital program to the Council and the public and a public hearing thereon shall be scheduled. The proposed capital program shall be made available for public inspection at least five calendar days prior to the public hearing and at places convenient for public review.

Tony Izzo pointed out that Lew Benton's suggested text says there should be a committee and the Mayor shall chair that committee. Elio Del-Sette noted that the text also states that departments may be consulted in developing this plan. Margie VanMeter said Commissioners would

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Monday, November 20, 2000**

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have the ability to make suggestions at the Council table. Denise Polit suggested it be called the Long Range Planning Committee rather than the Capital Program Committee. Commission members agreed that long range planning was a separate issue.

Mark Lawton asked about an inventory of infrastructure. Lew Benton said that should be the responsibility of the Engineering Department. Mark Lawton said information on the condition, age, use, depreciation should be included in that inventory. Chris Whann asked if Mark Lawton wanted to see the control of these assets centralized. Mark Lawton no, however, some of the infrastructure is apparently on the verge of collapse. Tony Izzo suggested a line be added to Lew Benton's text that the capital program shall include items such as property owned by the City.

Lew Benton pointed out that any suggested text changes are subject to review by Tony Izzo. Commission members agreed.

Mark Lawton moved and Chris Whann seconded the following:

The Mayor shall act as chair of the Capital Program Committee, which shall also consist of the City Planner, the City Engineer and the Chair of the City Planning Board. The Capital Program Committee shall annually prepare and submit to the City Council a capital program, including an asset inventory, consistent with Section 99-g of the General Municipal Law. In preparing the capital program, the Capital Program Committee shall consult with the City Commissioners, department directors and such others as it shall deem appropriate and necessary. On or before the first regularly scheduled City Council meeting of November of each year, the Mayor shall present a proposed capital program to the Council and the public and a public hearing thereon shall be scheduled. The proposed capital program shall be made available for public inspection at least five calendar days prior to the public hearing and at places convenient for public review.

Ayes all.

Operating Budget:

Lew Benton read the following:

The Commissioner of Finance shall act as chair of the Operating Budget committee which shall consist of the members of the City Council. On or before October 1 of each year, the Commissioner of Finance, as chair of the Operating Budget Committee, shall issue a budget call to the Mayor and the Commissioners of Accounts, Public Safety and Public Works who shall send to the Commissioner of Finance a detailed estimate of the revenues from all sources, exclusive of real property taxes, and liability of each department of City government under their respective administrative control and supervision. Said budget shall also serve as a means to allow the members of the City Council to propose personnel and program changes and submit justification thereof.

As soon as possible thereafter, but no later than the second regularly scheduled City Council meeting in October, the Finance Commissioner shall present a preliminary operating budget to the City Council for review. The preliminary operating budget shall be accompanied by a budget message prepared by the Finance Commissioner and detailing

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Monday, November 20, 2000**

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changes made, if any, in estimates previously submitted by the Operating Budget committee members and the reasons therefor. The budget message shall also include any recommendations regarding requested personnel or program changes.

The preliminary budget shall include all anticipated City revenues and anticipated expenditures for all general fund, recreation, water, sewer, City Center, special assessment, community development and debt service accounts. Said preliminary budget shall also be made available for public inspection in the Finance Department the City Public Library and such other places convenient to the public and designed to encourage public review.

The Finance Commissioner shall chair all meetings of the operating Budget Committee and conduct the public hearings on the proposed operating budget. The Budget Committee shall schedule and conduct at least two public hearings on the proposed operating budget prior to its adoption. A true and complete copy of the proposed operating budget which shall be subject to public hearing shall be made available for public inspection in the Finance Department, the City Public Library and such other places convenient to the public at least five calendar days prior to the date of the scheduled hearing.

Lew Benton said it is extremely difficult for a member of the public to review the City's budget.

Margie VanMeter said the budget message is the key to the process. Lew Benton said the only thing he is suggesting in this text is a more disciplined approach and that the public be given ample opportunity to review the document.

Tony Izzo informed Commission members that through FOIL requests, pre-decisional documents are exempt. Lew Benton agreed but said if there is a draft budget and there is a public hearing to be held on that draft budget, it must be made available to the public.

Margie VanMeter again stated that the budget message is the key in this process.

Elio Del-Sette asked about the quarterly reports. Mark Lawton asked why they were needed and their ultimate purpose. He said there is some relevancy for quarterly reports, however, it must be made clear why they are needed. Lew Benton said there should be quarterly revenue/expenditure reports from the Finance Department.

Mark Lawton noted that there are some funds, i.e., recreational and publicity that are listed in the charter that need to be reviewed. He said there should also be some consideration in limiting the ability to transfer funds on an unlimited basis between line items and functions. He said perhaps 10 percent be considered. He said because of the amount of transfers, it is extremely difficult to reconcile the budget to what was originally approved. Lew Benton agreed that the Commission wants to empower the Council but at the same time make them accountable. Mark Lawton said limiting the transfers could would make Commissioners more accountable. He said, of course, there would be some emergency transfers. It was agreed that the current maximum level for transfer at the state level would be researched. Vassar Curtis asked what this would do to the budget

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Monday, November 20, 2000**

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process. Mark Lawton said this simply adds some discipline. Vassar Curtis said he was concerned about making the budget process more difficult. Mark Lawton said this is an accountability issue. He said this would force Commissioners to craft a true budget. He said limiting transfers could change the Commissioners' behavior. Mark Lawton said he agreed that the administrator of the budget should have some flexibility, however, accountability also needs to be assured.

Mark Lawton said another issue of importance was the Connolly plan. Margie VanMeter said she was concerned with this limit because it limits the City's ability to bond large projects. She said there are areas of the City that need infrastructure improvements and the Connolly Plan limits the City's ability to do so. She said the absence of a capital plan and the bargaining that takes place between the Commissioners also prohibits this work from being done. Mark Lawton said the real issue is whether the Commissioners are happy with the one percent bonding limit. Lew Benton suggested the Commission ask the Commissioners. There was then some discussion on how close the City was to its limit.

Tom Lewis, from audience, said the City has a bonding limit of approximately \$12 million and about one year ago the City was at nearly \$11 million. He said that since that time because of someone time revenue sources the \$11 million had been reduced to about \$10.5 million. He said it was his understanding that the City is about \$1.5 million short of the \$12 million at this time. It was agreed that the Finance Department would be asked for the exact figures.

Harvey Fox said if the Commission chooses to address the Connolly plan, it could be perceived by the public that taxes would be raised. He said it is an issue that the Commission needs to think about before acting on.

Elio Del-Sette pointed out that even if the Commission was to tackle this issue and raise the limit, there was no guarantee that the Council would use that ability to fund infrastructure projects. He said the Commission should consider not addressing this issue and letting the Council address it.

Lew Benton said in his opinion the Connolly Plan should be repealed, but agreed that Harvey Fox made a good point.

Margie VanMeter asked if the Council could repeal the Connolly Plan. Tony Izzo said he would do some research.

Mark Lawton suggested this issue be added to the Commissions' inventory list. He said perhaps the Commission should inform the public on this matter and let them decide. Chris Whann said perhaps this could be an item that the Commission would have a separate referendum on.

Harvey Fox said he thought the Council should make the final decision on this matter. Tony Izzo said the Council has, over the last few years, approved a few special assessment districts as a way to fund projects. He said property owners within a special assessment district are taxed for improvements for services that benefit the property owners of that district. Tony Izzo said the

**City of Saratoga Springs Charter Review Commission Meeting Minutes**  
**Monday, November 20, 2000**

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Connolly plan does not include special assessment district budgets and expenditures.

**NEXT MEETING**

It was agreed the following items would be discussed at the next meeting: Finance, county supervisors, Mayor, and City policies and procedures.

Lew Benton said he would like to see some language added to the charter on accountability, i.e., when a Commissioner does not do as directed by the charter, how can that individual be forced to or to have the duty shifted to another Commissioner.

Lew Benton said he would also like some information on the inside/outside district matter.

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**ADJOURNMENT**

Lee Nelson moved and Chris Whann seconded to adjourn the meeting at 9:20 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: