

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, JANUARY 8, 2001  
CITY COUNCIL ROOM  
6:30 P.M.**

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

**ABSENT:** Vassar Curtis

**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. Harvey Fox informed Commission members that Vassar Curtis' mother had died over the holidays. Board members offered their condolences.

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**MINUTES**

Harvey Fox asked that in the future all changes/modifications to the minutes be submitted in writing to Kathy. He said too much time is being spent at the meeting on making these changes.

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**MEETING SCHEDULE**

Harvey Fox commended Commission members for their efforts to date. He said we have been meeting weekly since July 10. He said he had thought a great deal about the suggestion to meet every other week, however, felt that there was still a lot of work to be done. He said he would rather continue the weekly meetings now and find that they complete their job early rather than not have enough time at the end. Because of the holiday next week though, it was agreed to not meet on January 15 and resume weekly meetings on January 22.

**BUDGET**

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Harvey Fox distributed the final figures for the 2000 budget. He reminded Council members that \$15,000 had been authorized by the Council for the Commission last year and the Commission expended approximately \$9,700 of that \$15,000. He said the Council has approved a budget of \$26,000 for 2001. He said based on his conversations with the Mayor he was optimistic that if the Commission exceeded \$26,000, there might be the opportunity to request additional funding. Lew Benton said he hoped the Commission could stay within the budget. Denise Polit said she was not sure if \$26,000 would be enough. She said she anticipated that a good deal of the attorney's time would be needed towards the end. Tony Izzo said he did not anticipate that he would require a lot of time for drafting.

Mark Lawton said he did not believe that \$26,000 was enough. Lew Benton said this amount is consistent with what the Commission requested. He suggested that at this time it was premature to talk about whether this budget is adequate. Elio Del-Sette said the Commission should be very careful about going back to the Council to request more funding. He said the Commission should take the time now to set aside the funds they felt would be necessary. He said it would be embarrassing to go back to the Council to request additional funding. Elio Del-Sette said he was also concerned that the Commission had only about 50 responses to the Fact Sheet. Denise Polit pointed out that the Fact Sheet was just that B an informational/educational tool for the public. She said there was an area for citizens to respond if they so desired but the Fact Sheet was not specifically designed to enlists responses. Mark Lawton said he that the Fact Sheet had a great impact for the public on educating them on what the Commission was doing. Harvey Fox said he would continue to work with Mayor's office on the budget.

### **PARTISAN/NONPARTISAN**

Margie VanMeter distributed information concerning partisan/nonpartisan elections. She said she had been informed that since the City revised the charter and it now states that the state election laws would be followed, and because of that 1982 change, the City cannot go back to it's own laws. She said we were "grandfathered" until the change was made. Tony Izzo said he would like to do some research in that area. She said elections for the City Judge must follow state election law.

Margie VanMeter explained that in 2002, 442 signatures would be required to get on the ballot as an independent. She said the chief disadvantage of running as an independent was in obtaining the required signatures. Margie VanMeter suggested that some language be considered to encourage candidates without party affiliation to run for office.

Harvey Fox suggested that Commission members take this material home, review it and be prepared to discuss it at the next meeting.

Lew Benton said since the City cannot usurp state law, the real issue is to determine whether we

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should go back to nonpartisan elections. Margie VanMeter said prior to the 1982 elections the two top vote getters advanced to the general election. Lew Benton said he would like to see a system which allows candidates the freedom to exercise the will of the community. He said perhaps the Commission should take the time to discuss the pros and cons of partisan/nonpartisan elections.

Elio Del-Sette asked what was the Commission's objective. Lew Benton said it seemed to him the issue was whether the City should retain partisan or go back to nonpartisan elections. He said it also appeared there is ample opportunity within the existing law to do either. Commission members reviewed the anticipated filing dates for primaries and found that candidates must almost simultaneously run for both a party and independent if they are trying to gain access to the ballot.

Lew Benton said the Commission seems to be concerned with the lack of candidates. He said some of that is because of the current political leadership and how they operate.

Elio Del-Sette said the issue is not whether we are partisan/nonpartisan, but what process would allow for the greatest number of candidates to participate in the election.

Lee Nelson said the Commission can do what they desire, however, they also need to keep in mind what is realistic.

### **COUNTY SUPERVISOR POSITION**

Tony Izzo said he had done some research on whether a Council member may also hold the position of County Supervisor. He said it appears the answer is yes as long as one official is not the supervisor of the other official. He said it appears an individual may hold an office and/or be on the same ballot at the same time. He noted though that any county elected officer cannot hold another elected office. Chris Whann asked if the charter could be crafted so that one of the positions is held by the Mayor. Harvey Fox said it would then follow that any other Council member could run for the supervisor position. Denise Polit said perhaps some thought should be given to making the Mayor full time and including these duties in that position. Tony Izzo said he would research whether the charter could be crafted to designate the Mayor as one of the supervisors.

### **SURVEY**

Denise Polit distributed a draft of the survey. She asked that Commission members review this draft and get back to her by the end of the week with any comments.

Elio Del-Sette questioned whether one of the items fell in the random description. Denise Polit said that some of the information will simply characterize the sample. She said it was descriptive information and will show whether they got a biased sample.

Harvey Fox commended Denise Polit for her work on developing this survey. He asked how many

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would be included in the survey. Denise Polit said it would be mailed to 624. She said there are reasons to expect that some people more than others, (e.g., Skidmore students) might not reply; however, a post card would be mailed to these individuals approximately seven days after the initial mailing. She said she also hoped to work with an organization such as the League of Women Voters on telephoning these individuals.

Elio Del-Sette asked for a time line. Denise Polit said the mailing would go out around January 31, a reminder post card around February 7 and telephone calls to begin around February 12. She said she hoped to present the findings in mid-March.

Lew Benton suggested that the questionnaire/survey be shared with Council members when it is distributed. Harvey Fox said he would share the final draft copy with the Council.

Denise Polit also shared with Commission members a summary of items that Commission members reviewed/discussed/approved/disapproved, etc. over the last several months. Lew Benton said this sheet in conjunction with Margie's sheet and Mark's sheet would be good resources for the Commission. Elio Del-Sette suggested that this sheet be used for public stimulation. Harvey Fox said he did not believe the public was ready to see this kind of document at this time. It was agreed the drafting committee would maintain this list.

### **COMMITTEE REPORTS**

**Drafting Committee:** Chris Whann will chair the drafting committee.

**Public Education Committee:** Mark Lawton will chair the Public Education Committee.

**Executive Committee:** Harvey Fox will chair the Executive Committee

Harvey Fox said those committees should be organizing. Denise Polit reported that the Survey Subcommittee has decided not to do the focus groups.

Mia Mouzon said while watching the news recently there was a politician who stated that there must be "agitation" on an issue before it is brought to the forefront. Harvey Fox agreed by saying that is exactly what the two individuals from Albany had stated to the Commission. Mia Mouzon said we need one issue to get the public involved. Elio Del-Sette said it could be the partisan/nonpartisan issue.

### **DUTIES AND RESPONSIBILITIES OF THE COUNCIL MEMBERS**

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Lew Benton distributed copies of his November 20 memorandum to which he had added information. He said this memo is not quite complete in that he has not addressed the Commissioner of Accounts.

**MISC.**

Margie VanMeter suggested that perhaps some thought be given to adding two more Council members. Harvey Fox said the Commission decided awhile ago that they would, at this time, work within the framework of the existing charter. Margie VanMeter said perhaps some consideration should be given to expanding the Council. She said she would like to see a Commissioner of Fire Safety and a Commissioner of Traffic and Police Safety. She said perhaps some consideration should be given to moving the vital records from the Department of Public Safety to the Accounts Department.

Elio Del-Sette said he would be concerned about the budget impact of creating new commissioners. He pointed out that new commissioners would require staff. Lew Benton said the question of the budget was a secondary issue. Denise Polit agreed but said it was relevant. Lew Benton asked what was driving Margie VanMeter's suggestion to expand the Council. Margie said the lack of enforcement on traffic issues was of great concern. Denise Polit said although traffic is a hot item now it might not be in 50 years. Margie VanMeter said there needs to be a rationale way to address the issues. Margie VanMeter said she was frustrated at the lack of long range planning.

Elio Del-Sette said this Commission has come up with some good suggestions and it seemed to him that the Commission was on its way to working within the framework of the existing charter. He said he did not want to see propositions added to the referendum that might destroy its success. He said he would like to see this Commission be successful and by doing so it should probably be as less controversial as possible.

Harvey Fox said there is the ability to have two deputies in a department. Denise Polit asked why Accounts & Finance were separate. Mark Lawton said it was likely due to auditing. Mark Lawton said there is the possibility though of rearranging some of the responsibilities.

Mark Lawton said Commission members need to think about what Elio Del-Sette said. Lew Benton said this Commission has the opportunity to advance a proposal with that will serve the community, however, the Commission needs the support of the Council. Elio Del-Sette said there is great concern by the civil service community in City Hall concerning their positions. Margie VanMeter said this Commission is not trying to reduce the number of employees in City Hall but rather to strive for accountability. She said there were mixed feelings from City Hall employees on whether to retain or abandon this form of government. She said there does not appear to be any unanimity.

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Harvey Fox asked how other Commission members would like to proceed.

Lee Nelson said Council members have great constituencies which was evident at Ed Valentine's funeral. She said this Commission needs to develop its own constituency. She said she did not want to see this referendum defeated and perhaps through educating citizens a better understanding by the community could be achieved.

Rita Balmuth said although she would like to see a change in the form of government, she felt the Commission needs to bring forth something that can be supported.

Mia Mouzon said because there are no big issues out there for the public it is difficult. She said she wanted the public to be educated on this issue. She said we need to find an issue to agitate the public. She said we need to be realistic and to show the citizens that this is good for them.

Mark Lawton said there was no doubt that we need to do two things: do as little harm as we can but perhaps give them something that is shocking. He said it is possible that the agitator might be so controversial so as to kill the process. He said we also need to think about fashioning something that fits the community. He said it seems there is some consensus to work within the existing form of government. Denise Polit disagreed that such a consensus had yet been achieved.

Elio Del-Sette said if the Commission does no harm, we could be winners.

Lew Benton said it was very likely the political leadership would scrutinize the Commission's final document. He said it needs to be politically palatable. He said it could also be likely that they might look for something that would divide the community. Lew Benton said he would like to see the charter changed but realized it was better to address the issues within the framework of the existing charter. He said this is an opportunity the Commission should not squander.

Chris Whann said the best should not be the enemy of the good. He said that he expected to get feedback from the community during the drafting stage and perhaps some lightning rod issues would be brought forth then. He said the Commission needs to get some information out there so the community can talk about the issues. He said he did not want the Commission to be too controversial. He said that perhaps this Commission could set the stage for the next group that reviews the charter.

Denise Polit said the existing form of government is inadequate. She said she was concerned about looking "cowardly". She said she was concerned that since there is no crisis, would the people come out to vote. She said perhaps the information from the survey would help the Commission to understand how the public feels. She asked if it might be possible to draft two charters and put them up to voters.

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Lew Benton said he was somewhat concerned that there are some individuals out there who are defining this Commission as a partisan group. He said he hoped that the Commission would not fall into that trap. He said it is possible for this Commission to attain accountability and discipline and be more responsive to the needs of the community.

Tony Izzo reminded Commission members that there is a dark side of agitation. He said every Commission before this one had a great deal of opposition. He said it was possible that the Commission would see the agitation and controversy when the document is complete. He said the Commission's recommendations will likely be the agitator. He said it would also be difficult for the current leadership to not support some of the recommendations.

Margie VanMeter said she would like to see this form of government abandoned, but it was likely that the commission would need to be satisfied with the lesser approach. She said though she wanted to see the City speak with one voice to the County, developers, etc.

Chris Whann said he did not believe the Commission was acting cowardly.

Harvey Fox thanked Commission members for the comments. He said he originally came to the Commission thinking that the charter needed to be changed but was now convinced that the modifications could be managed within the existing form of government. He agreed that perhaps this was not the right time to take the whole leap and change the charter.

Denise Polit asked what would Commissions do if the survey comes back showing that there is an outcry for change. Margie VanMeter said she would lead the charge.

Harvey Fox again thanked Commission members for their candidness. He said the Commission has done a good job so far. He asked everyone to review the information distributed this evening and be prepared to discuss the issues at the January 22, 2001 meeting.

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**ADJOURNMENT**

Lew Benton moved and Margie VanMeter seconded to adjourn the meeting at 8:50 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: