

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, JANUARY 22, 2001
CITY COUNCIL ROOM
6:30 P.M.**

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

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

MINUTES

Harvey Fox reminded Commission members that corrections to the minutes should be given to Kathy Moran before the meeting.

PARTISAN/NONPARTISAN

Margie VanMeter said she had recently spoken to NYCOM and they have told her that there are no nonpartisan cities in the state. She said though there are a few villages that are non partisan. She also said that NYCOM informed her that there are independents on councils and some independent mayors. Margie VanMeter said she felt it would be too difficult to return to nonpartisan.

Harvey Fox informed Commission members that an e-mail was received today from Shawn Thompson, Chair, Democratic Committee saying he was not in favor of nonpartisanship. He said if Shawn Thompson appeared this evening he would be given the opportunity to speak.

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Elio Del-Sette said that it was his understanding that Tom Lewis, Chair, Republican Committee, had retracted his statement about supporting nonpartisan politics and now said that he would support partisan politics. Lew Benton said he did not get that impression from Tom Lewis' letter.

Elio Del-Sette said at our last meeting members seemed to agree to "stay the course" of the existing commission form of government. He said he was in favor of keep partisan politics.

Denise Polit said that regardless of whether there is a recommendation to move towards nonpartisan or partisan the Commission could still try to facilitate access to the ballot. Elio Del-Sette agreed.

Lew Benton pointed out that returning to nonpartisan would not remove politics but that it might set some Council members free to vote their conscience rather than how the political leaders tell them to. He said he felt this form of government at this level is best served by nonpartisanship.

He said there is opportunity for abuse in a community this size with this form of government and zoning (land issues) were a good example. He said there is also pressure from the parties to appoint deputy commissioners based on their politics. Margie VanMeter said that is when professional department managers would be better. Lew Benton said we cannot have it both ways.

Margie VanMeter said she would like to see a Council with just legislative powers. She said perhaps some Council members who represent wards or sections of the City would be better able to vote for what the people wanted and not what the political leaders wanted.

Harvey Fox asked if Commission members were ready to put this issue to a vote. Elio Del-Sette said perhaps there were more individuals who would like to make presentations before the Commission, therefore, he thought we should wait. He said there is a good number of individuals who do not belong to parties. Denis Polit said that number was 21 percent. Elio Del-Sette said appointments to committees/boards in many cases depend on party politics.

Mark Lawton asked what was the Commission trying to accomplish. He asked if it was access to the ballot and would this improve that access. Tony Izzo said there is opportunity for individuals to run as independents. Mark Lawton agreed but said in some cases they are required to get more signatures.

Margie VanMeter said it appears we cannot rewrite the state election law and the City must conform to that law. She suggested the City should be required to do some publicity on various election deadlines (petitions submittals, etc.). Tony Izzo said the City cannot opt out of the state law without an action by the state legislature.

Elio Del-Sette asked if going back to nonpartisan would access to the ballot be improved. Margie VanMeter said under the existing law, individuals can run as independents. She said under the old law as many as wanted could run in the primary. Elio Del-Sette said if the Commission cannot change the law perhaps it was time to vote on this issue.

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Margie VanMeter moved and Chris Whann seconded to keep the sections of the charter that places the City under State Election Law which would retain the partisan form of government and to also add to the Charter that the Accounts Department shall be responsible for advertising the dates of filing petitions for party and independent candidates.

Roll call vote: Chris Whann: aye.
Elio Del-Sette: nay
Mark Lawton aye
Vassar Curtis aye
Denise Polit aye
Harvey Fox aye
Margie VanMeter aye
Lee Nelson aye
Rita Balmuth aye
Mia Mouzon aye
Lew Benton nay

Motion approved.

SURVEY

Denise Polit said based on suggestions received from Commission members, there was one substantive change to the survey. She said a question concerning the establishment of a separate Department of Recreation was added.

Elio Del-Sette asked what did the Commission want to obtain from this survey. He pointed out that there were thousands of fact sheets mailed out with a minimal amount of responses. Chris Whann said the fact sheet was not intended to solicit responses but rather it was an educational tool. He said he felt that the scientific data received from this survey would be valid and this systematic approach was appropriate for the Commission to do. He said it was essential to get feedback from the citizens before drafting begins.

Elio Del-Sette asked for specific information on how it was determined who got the survey. Denise Polit said it was purely a random sample. She said based on the random selection, she determined that the pool was truly representative of the community by party affiliation, gender, etc. She said she simply went through the list and chose every 36th name.

Denise Polit said the survey would be mailed out on January 31, six days later a reminder postcard would be sent and then on February 12 telephone calls would be placed to those who did not respond.

Chris Whann said the Commission was truly blessed to have Denise Polit, an expert in this area, undertake this project.

Harvey Fox said tomorrow each Council member would receive a copy of this survey as a courtesy.

BUDGET

Elio Del-Sette said he would like a running total of the Commission's budget. He asked if funds had been set aside to cover the cost of drafting, advertising, printing, etc. He said he had asked on previous occasions for the cost of the fact sheet but had not received that information. Harvey Fox said that information had been reported at previous meetings, but he reviewed it again.

Harvey Fox said the Commission spent \$9,701 last year. Elio Del-Sette said the Commission wasted money last year because \$15,000 was allocated but not spent. Harvey Fox said the Commission saved money last year by not spending the entire amount. Harvey Fox said the Commission has a budget of \$26,000; and if necessary, he would go back to the Council and request more. He also informed Commission members that he, Tony Izzo and Mark Lawton would meet on Monday, January 29, with Barbara Samel, attorney, on her possible help in drafting a document. Elio Del-Sette asked how much she would cost. Harvey Fox said he did not have that information yet.

COMMITTEE REPORTS

Harvey Fox reminded Chris Whann, chair of the drafting committee, that the committee was responsible for maintaining the charting that Denise Polit started. Lee Nelson reminded Harvey that at the last meeting there was some discussion for adding a column entitled rationale.

Mark Lawton said the education committee would meet this week. He said they would discuss the organizations to be contacted and determine the speakers. He said their focus is outreach. He asked if anyone had suggestions on an organization to be contacted to let him know. He said the League of Women Voters would meet on February 28. Mia Mouzon said she had been trying to contact the school district to work with Participation in Government class.

DUTIES/RESPONSIBILITIES OF COUNCIL MEMBERS

Harvey Fox asked Commission members to consider the following: 1) the Mayor to serve as one of the county supervisors as well as being Mayor. He said the Mayor's salary is currently \$14,500 and

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the addition of the supervisor's duties and salary is approximately \$13,000. He said the combination of these two salaries and perhaps more would be enough for a full time Mayor. He said the budget impact would be as large as it might be perceived. 2) He suggested that the remaining Commissioners remain as is. 3) He suggested that perhaps a fifth commissioner be added as Commissioners of Parks, Properties and Historic Preservation. 4) He suggested the second supervisor sit on the Council but with no administrative powers and increase that salary by \$5,000.

Lew Benton said he felt that salaries should be the last thing that the Commission considers. He said we first need to determine the roles. He asked if the second supervisor should be given status on the Council. Margie VanMeter said she liked the idea of moving towards a legislative Council. Lew Benton said this is a legislative Council every time the Council meets. He said the Council adopts local laws, ordinances, budgets, etc.

Elio Del-Sette said he supported the concept of the Mayor also being one of the supervisors. He said there are often issues that the City needs to address at the County level and by having the Mayor representing the City at the Council it would likely better serve the City.

Harvey Fox said he proposed the second supervisor sitting on the Council to simply dilute the perception of the strong Mayor. Denise Polit suggested adding additional legislators who are voted in at large.

Mark Lawton said the Commission needs to find out what is not being done before we decide to expand the Council. Denise Polit said the additional at-large Council members could serve as 'watchdogs'. Mark Lawton said it might be possible for the existing system to be rearranged. Tony Izzo said it may not be necessary in all cases to hire additional staff and/or employees for additional commissioners.

Rite Balmuth said there had been some discussion at the last meeting about breaking the Department of Public Safety into two departments. She said perhaps the Commissioner of Department of Public Safety be eliminated and a representative from the fire and police departments be represented on the Council.

Mia Mouzon said perhaps the Deputy Commissioners should be required to have some qualifications.

Lew Nelson said she spent a lot of time this weekend reading Lew Benton's memorandum. She said there were items such as code enforcement and where should it be placed in the City that should be reviewed. She also questioned whether we have an emergency medical plan.

Mark Lawton suggested that rather than separating the powers, they should be shared. He

suggested that Commission members reread the early letters that came into the Commission.

Lew Benton said the Commission needs to find ways for the City to reduce conflict, streamline, give some specific definition to areas of the charter, increase accountability, etc. He said he was back to his basic question in that what was driving the suggestion of additional commissioners. He said the Commission had previously discussed the Personnel Department and where it should be placed, i.e., Accounts or Finance. He said his memo was a good starting pointing.

Elio Del-Sette said he agreed with Lew Benton in that we should continue to look at the existing charter and how the modifications can be integrated into that document. He said once the process was finished the Commission should then determine how those changes can be placed in the charter. He said if the Commission determines that their goals cannot be achieved, then perhaps it would be time to look at other alternatives.

Lew Benton asked what functions were not being addressed and how should the commission address that component. He said if the individuals elected did not perform their function then perhaps they would not be reelected. Chris Whann said there were issues such as whether additional staff is necessary, whether multiple deputies are needed, whether departments need to be dismantled, etc. that need consideration. He said that although the Mayor has general oversight, perhaps there should be another individual with oversight ability. Elio Del-Sette said individuals on the Council with oversight powers would undoubtedly cause conflict.

Lee Nelson said she liked the concept of the Council members being on committees to discuss the issues. She said she was somewhat concerned whether Commissioners really know what is going on each other's departments. She said one way of doing so was to have a committee. Elio Del-Sette suggested that deputies be included on those committees. Lee Nelson said that could work.

Lew Benton said the Commission needs a point of departure. He said that Personnel may or may not belong in the Finance Department but the Commission needs to begin this process. He said if in the end we find it too cumbersome, then other alternatives might need to be explored.

It was decided that five separate lists (one for each Commissioner) would be brought to the next meeting showing their existing duties. He said there would then be discussion on the inconsistencies, modifications, etc.

SHAWN THOMPSON

Shawn Thompson said he felt strongly that there needs to be partisan politics. He pointed out that at every level of peoples' lives there are politics.

Lew Benton informed Shawn Thompson that he did not believe this community was well served by the current leadership. He said far too often too many issues are determined outside of the public eye. He said he felt that by returning to nonpartisanship, it would free some Commissioners to be less encumbered by party issues. He again noted that land issues were critical issues. Shawn Thompson said the checks and balances come into play at that time. He said it is incumbent on the other party to provide those checks and balance. He said eliminating partisanship would not eliminate that problem.

Mark Lawton asked if there were other issues of importance to Shawn Thomson. Shawn Thompson said he agreed that accessibility in allowing people to participate in this form of government was somewhat lacking. He said there are limitations with this form. He pointed out that there are very likely individuals who might run for office but do not because of their lack of administrative ability and/or knowledge of that department. He said deputies could make it easier though. He suggested that thought be given to alternatives to allow for more access.

Harvey Fox said the Commission had discussed the possibility of adding Council members with just legislative powers. Shawn Thompson said he felt the Council should be made up of one or the other but not both.

Margie VanMeter asked for his comments on the County government. Shawn Thompson said he felt that form was worse than the City's form. He said he would support though, ways in which the City could gain better representation on that board.

ADJOURNMENT

Elio Del-Sette moved and Lew Benton seconded to adjourn the meeting at 8:45 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: