

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, APRIL 9, 2001
CITY COUNCIL ROOM
6:30 P.M.**

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

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

BUDGET

Harvey Fox reported that there had been no changes to the budget other than weekly staff charges.

DRAFTING COMMITTEE

Chris Whann reported that the drafting committee had met and has made some good progress. He said they will meet next Monday, April 16, here in the Council room.

OUTREACH PROGRAM

Mark Lawton reported that they are still waiting for replies to their letters which were recently distributed. Margie VanMeter said she also mailed some information to the Senior Citizens Center for their newsletter.

MISC.

Chris Whann asked that if anyone had any changes to the spread sheet, to please get them to him so he could update the list.

Denise Polit reviewed some of the survey statistics on term limits and a full time/part time mayor. She said there seemed to be a clear endorsement from the respondents on how they felt on those issues. She said 48 percent opposed a Deputy Mayor while only 22 percent support a Deputy Mayor. It was noted that the proposed language for the charter would give the Mayor flexibility to hire a deputy Mayor if he/she so desired. She also reminded Commission members that 61 percent favored term limits and 23 percent opposed term limits.

Elio Del-Sette distributed position descriptions for many of the employees in the Engineering, Building, Planning, and Community Development Departments.

DEPARTMENT OF PARKS & RECREATION

Charlie Morrison, 88 Court Street, thanked the Commission for the opportunity to express his views on this matter. He said he would like to see a preamble included in the new charter and it should stress the character of the community, its resources, its goals, etc. He said that it should be so stated that a good cost effective and accountable government can achieve these goals. He said he hoped the charter would be used and would become a guide for the public.

Charlie Morrison said according to state common law, park lands should be held in trust by the local government for the people. He said that statement should be included in the City's charter. He said that simple statement would be enough to create a parks system in the City.

Charlie Morrison said there should be a consolidated parks and recreation department in the City. He said such a department would allow for more visibility and accountability. He said we currently have a Recreation Department that seems to hang loose. He reminded Commission members that there recently were some problems with the Recreation Department which in part was due to lack of proper oversight. He said at this time there is a serious lack of long range planning for land and facilities and for maintenance of both. He said he did not believe that our recreation programs were as complete as they could be. He said there seems to be a lack of coordination with the school district.

Charlie Morrison said he did not believe it would be practical to add another Council member to manage this department, but also did not believe that it should be buried in DPW. He said it is not clear in the existing charter that DPW has management over the parks. He said the charter simply states that they are in charge of all lands and buildings. He said it also talks about maintenance

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but not management. He said the City needs a Department of Parks and Recreation that reports to the Council through the Mayor. He said perhaps DPW could handle the maintenance of the parks on a contractual basis.

Harvey Fox thanked Charlie Morrison for his thoughts on this issue.

Linda Terricola, Recreation Department Director, said she is responsible for overseeing and planning all of the programs for the youths and adults of this community. She said there is a staff of 200 seasonal and part time employees as well as four full time employees. She said she is also responsible for co-managing the ice rinks. She said she schedules events at all of the parks (east and west side) as well as developing and managing the department's budget.

Linda Terricola said it is her understanding she reports to both the Recreation Commission and the Mayor. She read from the Comptroller's report which discussed this issue in detail. She noted that the auditor's report stated that formal policies and procedures needed to be developed and her department has almost completed that task. She said it is noted in the auditor's report that the Council still retains the power over fiscal management, however, daily operations were delegated to the Recreation Commission. Tony Izzo said according to Article 13 of the General Municipal Law when the City created the Recreation Commission the authority was then delegated to that entity.

Elio Del-Sette asked if the structure of the Commission could be changed to make it an advisory board. He also asked if the City had the ability to abolish the Recreation Commission. Tony Izzo said yes. Elio Del-Sette said in his mind the auditor's report points out the lack of communication between the Recreation Department and the Council. He said due to that lack of communication, the system broke down. Linda Terricola said she believed there were problems due to inadequate staff, a poor facility, poor working conditions, etc. She explained that the Recreation Commission meets monthly and she is in almost daily contact with John Irving. She said there is also another Board member who now comes in frequently to the office. Elio Del-Sette said he understood that, however, asked who she reported to on a day to day basis. Linda Terricola said she talks daily with John Irving.

Linda Terricola informed Commission members that the Recreation Commission has a \$1.3 million budget. She said approximately half, \$650,000, is for maintenance and goes directly to DPW. She said she develops a budget, presents it to the Recreation Commission and with their approval then submits it to the Mayor's Office who in turn submits it to the Council for adoption. She said she works closely with DPW on the ice rinks with their schedules and budgets.

Margie VanMeter asked if all of the Recreation Department employees were civil service. Linda Terricola said she has both full time and part time civil service employees. Elio Del-Sette asked if the Mayor was the appointing authority for this department. Linda Terricola said yes.

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Harvey Fox asked how it worked with two departments (Mayor and DPW) on the budget. Linda Terricola said she has a good working relationship with both the Mayor's Office and DPW. Mark Lawton asked how she spent her portion of the budget. Linda Terricola said it went to staff, equipment, supplies, etc. Mark Lawton asked about the coordination with the school district on scheduling. Linda Terricola said she works closely with the school district on scheduling. She said the district pays the City a total of \$75,000 for maintenance and capital needs. Margie VanMeter asked if the City was contemplating creating a Department of Parks and Recreation would the district be willing to sell the fields to the City. Linda Terricola said she could not speak for the school district.

Lew Benton asked where the Commission was going with this line of questioning. He said it was clear to him that there is a Recreation Commission in existence with specific functions to perform including appointing staff. He said the Charter Commission should be concerned with the relationship between the Recreation Commission/Council/Mayor. He said he did not believe there was any call to dismantle the Recreation Commission. He said we should be concerned with developing language that better defines those relationships and the responsibilities of both the Recreation Commission and the Mayor. Harvey Fox said it was his objective this evening to gather background information to better inform Commission members. Lew Benton pointed out that many of the recommendations made by the comptroller's report have been put into place. He said the Mayor has also drafted a five-point plan. Linda Terricola agreed saying that about 98 percent of the recommendations from the report have been implemented. She said she would be willing to submit to the Commission a copy of the policies and procedures manual, the comptroller's report and their budget.

Lew Benton asked Linda Terricola if there was a need to give better structure and definition among the Council, the Mayor and the Recreation Commission. Linda Terricola said a more clear definition would be helpful.

Elio Del-Sette said the existing system of Linda Terricola reporting the Recreation Commission and then the Commission reporting to the Council seemed to have failed and that is what triggered the comptroller's report. He said it seems that there needs to be someone in place to give the necessary oversight and perhaps that could be done through a Department of Parks and Recreation. He said a direct line to the Mayor and Council was needed.

Lew Benton said Charlie Morrison mentioned that long range planning was needed and asked if the Recreation Commission has a long range plan. Linda Terricola said they are looking at the possibility of obtaining additional facilities such as a multipurpose facility and soccer fields. She said Commissioner Thomas McTygue had taken the lead in trying to obtain the use of a 70 acre parcel that could be used for fields. She said Commissioner Thomas McTygue also worked with the PBA on using some of their land for soccer fields and they will be ready in the very near future. She said their major long range goal is a multipurpose facility. She said space and facilities were the

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major goals. She said currently the Recreation Commission uses facilities at the school district, the Armory and the Town of Wilton. She said at times there are cancellations at the school district facilities which makes the programs suffer. Mark Lawton asked if there was a needs analysis done. Linda Terricola said no. She said there is a need but a lack of facilities.

Elio Del-Sette asked how she worked with DPW. Linda Terricola said she has a good working relationship with that department. She said she deals with Tom Lollias, Art Carnevale and Commissioner Thomas McTygue. She said she has been meeting with Commissioner Thomas McTygue weekly. Harvey Fox asked if she worked in the same fashion with the Mayor's Office. Linda Terricola said she meets with the Mayor regularly. Elio Del-Sette asked who makes the final decision if there is a conflict. Linda Terricola said that would depend. She said if it was daily activities, it would be the Recreation Commission but if it was related to fiscal matters, it would be the Mayor's Office.

Denise Polit asked how many Recreation Commission members there were and what were their terms. Linda Terricola said there were seven members with seven year terms.

Lew Benton said there is a law that gives authority to the Recreation Commission to hire and fire employees and that role and function are the issues. Tony Izzo said there is nothing in the charter on the Recreation Commission. Linda Terricola then read from the Comptroller's report concerning the roles of the Council and Recreation Commission.

Margie Van Meter asked if there had been any thought given to asking CDTA to have bus runs along the routes to accommodate some of the sports program. Linda Terricola said it was tried several years ago and it did not work. She said there does not appear to be much of a problem with getting to the facilities since there is a great deal of participation in the programs.

Mark Lawton asked if there is an inventory of equipment. Linda Terricola said there is an inventory of equipment and facilities. Mark Lawton asked if there was an inventory of facilities not owned by the City. Linda Terricola said the annual report details much of that information.

Elio Del-Sette said as he understood the law, the City has created a Recreation Commission and that Commission manages the department. He asked where the budgetary responsibilities fell. Linda Terricola said the Recreation Commission proposes a budget, takes it to the Mayor and the Mayor in turn takes it to the Council. She said the Mayor has the final say on the budget and not the Commission. Elio Del-Sette asked how it came to pass that overseeing the Recreation Department fell under the Mayor's jurisdiction. Tony Izzo said he was not sure. He said that state law notes that members of the Commission are appointed by the Mayor but it is silent on who oversees the Commission. He said there have been comptroller's opinions on this matter and their opinion states that the Council oversees the fiscal management.

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Lee Nelson asked about the fee structure. Linda Terricola said the Council must approve the fee structure. She said the Recreation Commission first presented the structure to the Mayor and he in turn presented it to the Council.

Elio Del-Sette asked if general management of the Recreation Department was given to the Mayor would the Recreation Commission need to be abolished. Tony Izzo said it would depend on the exact wording. He said state law establishes guidelines and if the Charter Commission was to give the Mayor general management responsibility it appears it would be contrary to state law. Tony Izzo said there is a clause in the charter, though, that says the Mayor may request a report from any department and perhaps general oversight would fit under that category.

Mark Lawton asked how other cities handle parks and recreation. Tony Izzo said he was not sure but he could do some research. He said it would be likely though that they would have the same restrictions.

Denise Polit asked if it was necessary to have a Recreation Commission. Tony Izzo said no. Denise Polit clarified though that once the Recreation Commission is created, the City must follow state law. Tony Izzo said yes.

Elio Del-Sette said he believed that all of the recent problems with the Recreation Department came about because of the existing structure of the Recreation Commission, its responsibilities, etc. and unless the Charter Commission changes the current operating structure, it would likely happen again. He encouraged Commission members to consider changing the managerial process and place it under the Mayor.

Mark Lawton said one Council member should be given the authority over this department. Tony Izzo said the Recreation Commission as it exists now would then have to be abolished. Mark Lawton asked if it could be made an advisory board. Chris Whann said it seemed that the Charter Commission could modify their responsibilities. Tony Izzo said yes, but if there is a state law in place that mandates certain behavior then it must be followed.

Linda Terricola said there have been many corrections made, additional staff hired, policies and procedures established, better communication between her department and City Hall and asked what Charter Commission members fears were. She pointed out that much of the previous concerns were blown out of proportion and there were many inaccuracies. She said the auditors report was good for the Recreation Department. She said she now works closely with the Finance Department, meets with the Mayor weekly and has frequent communication with DPW. Elio Del-Sette said there were no fears, but rather the Commission is looking at ways to improve the structure, make it more effective and efficient and to eliminate some of the confusion that exists in the current structure.

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Denise Polit pointed out that it is not the Charter Commission's responsibility to deal specifically with the auditors report. She said the Commission is looking at ways to structure the department to best meet the needs of the City. She said there were many question still to be answered including whether the Recreation Commission was the most effective.

Linda Terricola suggested that perhaps the Charter Commission might like to meet with John Irving, Chair of the Recreation Commission. Commission members agreed it would be useful to meet with him as well as to review some of the material that the Recreation Department has developed (policies and procedures, budget, auditor's report, etc.). Linda Terricola said she would get that information to the clerk of the Commission for distribution.

Mark Lawton said there were many unanswered questions such as how the Recreation Department copes with the needs of the residents, future needs of the City, should open space be involved, etc. Mark Lawton said he believed he needed to learn more about the City's needs in this area. He said the City is much larger, our demands are greater, our inventory has increased, etc.

Tony Izzo said there is information in state law concerning membership on the Recreation Commission and he would review that in further detail.

Commission members agreed to table any further discussions on this matter until speaking with John Irving.

CITY ENGINEER

Elio Del-Sette said it appears the City Engineer's office was placed under the Mayor's jurisdiction by a local law in 1969. Tony Izzo said he did not know if this issue had ever been discussed in previous Charter Review Commissions and the position was not mentioned in the Charter until 1969.

Mark Lawton asked if this was a transfer of function. Tony Izzo explained that for many years the City Engineer was an independent professional. He said it did not become a civil service position until sometime after 1969.

Elio Del-Sette said there is no rationale for having the City Engineer in the Mayor's Office and it should be consolidated with DPW.

Mark Lawton said it seems, by reading the position description, that the City Engineer acts on behalf of the entire City. Elio Del-Sette asked why he believed that the Mayor had to give general direction to the City Engineer. Mark Lawton said the Mayor does the six-year capital plan. Elio Del-Sette said the City Engineer could better serve DPW in infrastructure needs of the City if that office was part of DPW. Mark Lawton said perhaps better definition concerning cooperation among

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all of the departments was needed rather than transferring the department.

Mark Lawton asked if the City Engineer worked with other departments such as DPS. Lew Benton said yes. Lew Benton asked about the code enforcer and the building inspectors offices and what would happen to them. He said that perhaps the Commission should consider combining the code enforcement and building inspector's functions. He said under the current framework, it is difficult to operate with them separately. He said perhaps the City Engineer's functions need better definition to make it clear that planning, building and code enforcement is not part of that office. He said he believed that the City Engineer should go to DPW.

Mark Lawton asked what would prevent DPW from hiring its own engineer. He said he found it hard to believe they have not yet done so. He said he believed that DPW should have its own engineer to deal with their specific needs and the City Engineer's office should deal with the City's overall needs.

Denise Polit reminded Commission members that we agreed to work under the existing structure of government and that did not preclude the Commission from creating whole new departments and/or Council members. Lew Benton agreed, but said there needs to be a compelling argument to justify the creation of additional Council members. Lew Benton said there is nothing that prevents the Commissioner of DPW from hiring his own engineer.

Margie VanMeter said she believed that Planning and Community Development should remain in the Mayor's office.

Chris Whann said if reviewing the City Engineer's department in a narrow manner, he thought it should be in DPW; however, when looking at it more broadly, he thought it should stay in the Mayor's office. Mark Lawton said the position description describes the job as being general and serving the entire City.

Elio Del-Sette said this department belongs in DPW. Mark Lawton said the Commission needs to be concerned with what is not currently being done. Lew Benton said perhaps the Commission was getting ahead of itself. He said we have not yet defined the roles and functions of DPW.

Harvey Fox asked if either the Commissioner of DPW or the Mayor mentioned the City Engineer in their presentation to the commission. It was noted that the Commissioner of DPW did, but the Mayor did not.

Denise Polit said she believed that the City Engineer functions, as currently being performed in the Mayor's Office, could be performed in DPW.

Lee Nelson said in Paul Male's presentation to the Commission he saw the functions of the City Engineer as serving the entire City. Vassar Curtis said he did not believe the Commission had defined the role well enough yet. Harvey Fox said there are many examples of how the City Engineer

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works with all of the departments throughout City Hall.

Mark Lawton said the Commission needs to define the role and function of the City Engineer. Harvey Fox asked if the drafting committee could come up with some language. Chris Whann said perhaps they could define it in both the narrow and broader sense. Vassar Curtis suggested that perhaps the Commission needed to hear the Mayor's thoughts on this issue. Harvey Fox agreed to do a memo to both the Mayor and the Commissioner of Public Works inviting them for their participation on this discussion.

Lew Benton said under the current structure, there seems to be a lot of hands on daily service provided by the City Engineer, but there is a lack of long term planning. He said they currently exist and deal in the short term. Lew Benton said that he believed that planning and engineering should have equal status and that planning should not be part of engineering. He pointed out that at the last Council meeting there was a resolution to request home rule legislation on developing and IDA for the City. He said that was important for this Commission because the question would eventually rise on where such a function would be placed, how it would be staffed, daily activities, etc.

Margie VanMeter said recently DPW hired an outside consulting firm to detect water leaks throughout the City. She asked if perhaps the City Engineer could have done so if he was located in DPW. She wondered if the infrastructure needs would be better identified if the City Engineer was located in DPW.

Lew Benton said he believed that the City Engineer should be connected to the office that is most appropriate and at this time it appears to be DPW but perhaps the Commission is getting ahead of itself.

Elio Del-Sette asked if the Commission could agree to place Community Development in the Mayor's office.

Margie VanMeter moved and Denise Polit seconded that the functions of the Planning Department, Community Development, and Economic Development are to be in Mayor's Office and that they be forwarded to the drafting committee for the appropriate language. Ayes all.

SURVEY

Mark Lawton asked that at some point would the Commission be willing to discuss the overwhelming issues that citizens felt strongly about on the survey. He said there were four or five issues where the respondents were clear. Denise Polit said at some point, those items need to be part of our discussions.

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ADJOURNMENT

Elio Del-Sette moved and Chris Whann seconded to adjourn the meeting at 9:00 p.m. There being no further business, Harvey Fox adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: