

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, JUNE 4, 2001
CITY COUNCIL ROOM
6:30 P.M.**

PRESENT: Harvey Fox, Chair Mark Lawton
 Lew Benton Mia Mouzon
 Rita Balmuth Margie VanMeter
 Denise Polit Vassar Curtis

ABSENT: Chris Whann Elio Del-Sette
 Lee Nelson

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 reviewed the proposed budget with Commission members. It was agreed a contract with Barbara Samel would be drawn up in which she will work in ten hour increments at \$150/hours. It was further noted that the not to exceed figure would be \$4,000. It was also agreed the not to exceed figure for Helen Edelman would be \$1,000 for her proofreading/editing services.

Harvey Fox said the executive committee proposes to have approximately 40 copies of the charter printed and placed strategically around the City. Margie VanMeter said she believed that at least 60 copies should be printed.

Lew Benton said he would contact Barbara Lombardo to see if *The Saratogian* might be interested in printing the draft charter. Commission members agreed a draft should be ready for Barbara Lombardo by the first week in July.

Vassar Curtis said the statement stuffers could be placed in the September bank mailing. Commission members asked if it could be narrowed down to 12866 zip code and homeowners only. Vassar Curtis said yes. He said he would report back with a final number.

Margie VanMeter asked who would pay for the printing of the final charter that would go before the voters. Tony Izzo said he would check.

It was agreed that Helen Edelman would review the document before Barbara Samel. Tony Izzo said he believed that the drafting committee would have draft for Commission members to review at the next meeting. Commission members agreed that at the next meeting final voting would begin.

Mark Lawton said he would talk to Barbara Samel and tell her that she should begin receiving portions of the document by mid-June.

Denise Polit said she would contact Helen Edelman to discuss her proofreading/editing services and her time table.

Harvey Fox then reviewed the proposed budget. He said the adopted budget is \$26,000 and the executive committee now believes that the Commission will need \$32,000. He pointed out that last year the Commission had an approved budget of \$15,000, but spent only \$9,700. He said that with the proposed additional \$6,000, the budget is very close what was originally anticipated. Harvey Fox asked Mark Lawton to try to find out if the state reimbursement had been included in the state's proposed budget. Margie VanMeter said she would prefer not to see the misc. line cut down so much.

Harvey Fox said Denise Polit would make a presentation at the June 19 City Council meeting on the proposed budget.

Margie VanMeter moved and Rita Balmuth seconded that the Commission present the budget as presented this evening to the Council. Ayes all.

ADDITIONAL MEETINGS

Commission members agreed that it was likely that additional meetings would be necessary this month. All agreed to bring their calendars to the next meeting.

OUTREACH COMMITTEE

Mia Mouzon reported that Denise Polit would go to the high school government class on Wednesday, June 6 to make a presentation on the comparison between the students' response and the general publics' response to the survey. She said a photographer will be on hand. She also informed the Commission that she had been working with a fourth grade class on the carousel and its connection to the charter. She said there will also be an article and photo in the newspaper on

that project.

Mark Lawton reminded everyone that the Historical Society will meet on June 28 and he hoped that as many Commission members could attend as possible.

DRAFTING COMMITTEE

Mark Lawton said he believed that it was Chris Whann's intention to get a draft charter out to Commission members later this week. Mark Lawton reminded Commission members that there were some sections of the charter that had they had chosen not to address to date. He said though the major pieces of the draft charter had been completed with the exception of the Parks/Recreation/Open Space issue.

FISCAL ANALYSIS

Harvey Fox said he had asked Vassar Curtis to begin developing a fiscal analysis/impact on the draft charter. Vassar Curtis agreed to work on this analysis.

REMAINING SECTIONS

C-100 & C-101 Primaries, Election of City Officers

Margie VanMeter said she had drafted text for this section of the charter several months and urged the drafting committee to review that language.

C-29 Vacancies

Commission members reviewed the proposed language submitted by Tony Izzo. Tony Izzo said much of this section was dictated through the Public Officers Law. It was agreed to adopt this text with a few minor modifications. Denise Polit said she would like to see some examples of what constitutes a vacancy included in the language included. Commission members agreed.

Lew Benton moved and Denise Polit seconded to approve the text for C-29 Vacancies as presented with the modifications and refer it to the drafting committee. Ayes all.

C-28 Removal of City Council members

Commission members reviewed the proposed language submitted by Tony Izzo. Denise Polit moved and Mark Lawton seconded to approve the text for C-28 Removal of City Council members as

presented with a few modifications and refer it to the drafting committee. Ayes all.

C-67 Enactment of Ordinances & Local Laws

Commission members reviewed the proposed text submitted by Tony Izzo. It was agreed that local laws should be addressed specifically in this section. It was also agreed that a definition should be added to the glossary on local laws and ordinances.

Lew Benton moved and Vassar Curtis seconded to approve the text for Enactment of Ordinances and Local Laws with the proposed modifications and to refer it to the drafting committee. Ayes all.

C-69 Recording; Proof

Commission members reviewed the proposed text submitted by Tony Izzo. After a few minor modifications, Rita Balmuth moved and Denise Polit seconded to approve the text and refer it to the drafting committee. Ayes all.

C-68 Publication and taking effect

Commission members reviewed the proposed text submitted by Tony Izzo. It was agreed that a section "c" should be added to address local laws.

Vassar Curtis moved and Margie VanMeter seconded to approve the proposed text with a few modifications and to refer it to the drafting committee. Ayes all.

C-70 Repeal and Amendment

Commission members reviewed the proposed text submitted by Tony Izzo. Mark Lawton moved and Lew Benton seconded to approve the proposed text with a few minor modifications and to refer it to the drafting committee. Ayes all.

C-71 Franchises

Commission members reviewed the proposed text submitted by Tony Izzo. Denise Polit moved and Vassar Curtis seconded to approve the proposed text with a few minor modifications and to refer it to the drafting committee. Ayes all.

C-115 City Property

Commission members reviewed the proposed text submitted by Tony Izzo. Margie VanMeter moved and Denise Polit seconded to approve the proposed text with a few minor modifications and to

refer it to the drafting committee. Ayes all.

C-117 Official Newspapers

Commission members reviewed the proposed text presented by Tony Izzo. Vassar Curtis moved and Denise Polit seconded to approve the proposed text with a few minor modifications and to refer it to the drafting committee. Ayes all.

C-118 Offices Abolished

Denise Polit moved and Mark Lawton seconded to delete this section from the charter. Ayes all.

Other Reserved Sections

Margie VanMeter moved and Rita Balmuth seconded to authorize the drafting committee to delete all reserved sections. Ayes all.

Real Estate Committee

Tony Izzo said in his research on the Real Estate Committee he found that it was established in the mid 1970s. He said the Mayor makes the appointment to the committee and it is generally by virtue of the employee's position. He said there are no formal bylaws or for this committee and it serves in an advisory capacity to the Council. It was agreed by Commission members that this committee did not need to be addressed in the charter.

C-56 Condemnation; Sale of City Property

Mark Lawton said he and Tony had discussed this section and agreed there should be only very minor modifications. It was agreed the clause "for fair value" should be added to the last sentence of this section. Mark Lawton said reference to condemnation should also be changed to eminent domain procedures law.

Mark Lawton moved and Margie VanMeter seconded to approve the text as presented and that it be referred to the drafting committee. Ayes all.

C-37 & C-38

Margie VanMeter asked about these sections in connection the WICKS law and whether Tony Izzo had done the research.

Denise Polit said Commission members agreed several months ago to adopt \$20,000 for contracts and \$10,000 for purchases as the new figures. Tony Izzo said he would review those

sections and supply the new language required to raise the limits but avoid the Wicks law requirement.

Special Assessment Districts

Tony Izzo said he was now proposing two new sections entitled "Taxes & Assessments" and another entitled "Special Assessment Districts". Margie VanMeter said the Commission needed to be cautious in its text in connection with the CHIPS funding. She said someone needed to talk to DPW to determine how those funds were allocated. Tony Izzo said he would talk to DPW and Finance Department on that issue.

C-81 Water & Sewer Rates

Commission members noted that this section had been moved to the DPW section.

C-100 Primaries and Municipal Elections & C-101 Election of City Officers

Denise Polit said there had been some initial agreement by Commission members on these issues. Margie VanMeter also noted that there had been previous discussion on giving some responsibility to the City on publicizing critical information such as filing dates, primary dates, etc.

Harvey Fox moved and Lew Benton seconded to retain the two year limits with no staggered terms. Ayes all.

C-52 Justice of the Peace

Commission members agreed this section should be eliminated.

C-92 through C-97

Mark Lawton said he had received some preliminary language from the Finance Department on these sections. He said these sections with the Finance Departments suggestions would be integrated into the Finance Department language.

OTHER

It was agreed that Tony Izzo would do more research on sections C-38, C-76, C-77, C-80 & C-81. It was agreed that Margie VanMeter would ensure that her draft text on sections C-100 and C-101 was reviewed by the drafting committee. It was further agreed that Mark Lawton would work on sections C-92 through C-97.

Parks, Recreation & Open Space

Denise Polit questioned whether the charter should be silent on the recreation issue. She said she would like to see some oversight of this department. Tony Izzo reminded Commission members that there was a resolution passed by the City Council in 1977 in which the three key words are to "equip, operate and maintain". He said the Council cannot go beyond those three key words. Mark Lawton said he believed the Recreation Department needed to be under someone. He said adding financial and budgetary controls did not go beyond the Council's power.

Denise Polit said she was concerned that the Recreation Commission holds meetings without them being open to the public. Tony Izzo said there are open meetings laws which must be adhered to. Denise Polit said the Recreation Department has a very large budget and this function needs to be specifically addressed.

Tony Izzo said it was his inclination to use language that is similar to special assessment districts. He said in that language there are certain specific requirements on submitting their annual budget to the Council. Denise Polit again said that oversight of this department was her concern.

Denise Polit asked who establishes the Recreation Department's salary. Tony Izzo said the rule is that when the Recreation Commission was established, the City must "buy the whole package". Denise Polit said the whole package seems to have grown over the years. Tony Izzo agreed that the Council could establish procedures that are not specifically related to "equip, operate and maintain".

Lew Benton said that John Irving, Chair of the Recreation Commission, agreed that there should be more formal ties between the Recreation Commission and the Council. He said perhaps this Commission should craft some language to that effect. He said included in that language there could be some reference made to the requirements on publishing agendas and open meetings laws. Lew Benton said the Planning Board has the authority to develop subdivision regulations, but the Council then affirms those regulations. He said the Recreation Commission, however, establishes policies and procedures, but the Council does not affirm those policies. He suggested that there could be some overlay of the sections of the law and the charter.

Tony Izzo asked if the Commission wanted to empower the Council to establish policies, procedures, bylaws, etc. Mark Lawton said when it comes to fiscal and policy matters yes. He said that no group in this City should be independent from the Council on fiscal matters. He said the Council would be within their rights tell the Recreation Department how they can spend their money.

Denise Polit said she was concerned about proper management, procedures and policies. She said

there also needs to be some public input.

Tony Izzo then read from the special assessment sections of the code and said that perhaps some of that text could be utilized. He said there should not be any problem in making this language applicable to all of the boards, departments, etc. throughout the City. Margie VanMeter said that is a good idea, however, she too believed there needs to be some oversight.

Mark Lawton said he saw no reason why the Recreation Commission should not be placed under a Council member. Lew Benton said this Commission has been looking at the Recreation Commission as a unique entity when in fact it is not. He said there are many other somewhat autonomous boards throughout the City. He said much of this concern seemed to have stemmed from personalities rather than the Recreation Commission itself.

Harvey Fox asked that the drafting committee review this issue with the two following alternatives: a) combine the recreation department with the parks, open lands and recreation function and give it more specific reporting requirements and to City fiscal, budget and purchasing policies;; or b) leave it by itself but with more oversight under the Mayor's office.

Denise Polit moved and Vassar Curtis seconded that the Recreation Commission matter be referred to the drafting committee and the drafting committee develop the two following alternatives: a) combine the recreation department with the parks, open lands and recreation function and give it more detail; or b) leave it by itself but with more oversight under the Mayor's office subject to budget, purchasing and other city policies. Ayes all.

OTHER MISC. ISSUES

Mark Lawton said at some point the Commission needs to discuss Economic Development & Community Development functions. He also asked whether the Zoning Board of Appeals, Planning Board and the Design Review Commission should be specifically addressed in the charter. Denise Polit asked about grants. Mark Lawton said that had been addressed in C-17.

ADJOURNMENT

Margie VanMeter moved and Vassar Curtis seconded to adjourn the meeting at 9:30 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:30 p.m.

Respectfully submitted,

City of Saratoga Springs Charter Review Commission Meeting Minutes
Monday, June 4, 2001

Kathy Moran
Clerk

Approved: