



August 23, 2016

**CITY OF SARATOGA SPRINGS**  
**Charter Review Commission**  
**City Council Room**  
**7:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**SALUTE TO FLAG**

**WELCOME AND ANNOUNCEMENTS**

**INTRODUCTORY REMARKS**

**MINUTES**

**STATEMENTS BY COMMISSIONERS OF FINANCE MADIGAN AND MCCABE**

**CHARTER COMMISSION'S QUESTIONS FOR COMMISSIONERS**

**STATEMENTS BY COMMISSIONER OF ACCOUNTS FRANCK**

**CHARTER COMMISSION QUESTIONS FOR COMMISSIONER**

**DISCUSSION OF COMPREHENSIVE ROADMAP PLAN**

**ADJOURN**



August 23, 2016

**CITY OF SARATOGA SPRINGS**  
**Charter Review Commission**  
**City Council Room – City Hall**  
**7:00 PM**

**PRESENT:** Jeff Altamari  
Ann Casey Bullock  
Gordon Boyd  
Laura Chodos  
Elio DelSette  
Devan Delpas  
Matt Jones  
Pat Kane  
BK Keramati  
Robert Kuczynski  
Mike Los  
Minita Sanghvi  
Barbara Thomas  
Robert Turner  
Beth Wurtmann

**ABSENT:** All present

**STAFF:** Tony Izzo

**RECORDING OF PROCEEDING**

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

**CALL TO ORDER**

Chairman Robert Turner called the meeting to order at 7:00 p.m.

## **MINUTES**

Robert Turner moved and Elio DelSette seconded to approve the August 9 minutes. There were a few minor corrections. Ayes all.

## **STATEMENTS BY COMMISSIONERS OF FINANCE MADIGAN AND MCCABE**

Robert Turner welcomed former Commissioner of Finance Matthew McCabe and current Commissioner of Finance Michele Madigan.

Matthew McCabe said that being a Commissioner is an interesting job in that the position is a legislator as well as the administrative head of a department. He said there is no doubt that these are full time jobs requiring at least 40 hours a week. He said in reality, though, a Commissioner is on call 24/7. As part of his tenure he established the full time Director of Finance position so that there would be some continuity in that office when it turned over. He did not believe that experience was necessary to run for the Office of Commissioner of Finance. He said the voters would make the decision on whether experience was important or not.

Michele Madigan said the Finance Department encompasses the payroll department, benefits, budget preparation/management and IT. She believed the three most important documents in the City are the Charter, Comprehensive Plan and the budget. She suggested that the budget presentation should be presented at its own meeting so that it is not overshadowed by regular City business. She also believed that the timeline for the budget process was too compressed. She said she spends a great deal of time in the office agreeing with Matthew McCabe that these are 24/7 jobs. She believed the salaries for Commissioners were too low and suggested that the salary be taken out of the charter. She did not think that a change in a Commissioner's salary required a referendum. Michele Madigan said there are the right amount of checks and balances. The departments must work together to get things done. The Finance Department has a 128 page manual of policies and procedures that guides her department as well as the other departments. She said, though, that as long as there are human beings as Commissioners, there will be gridlock and political gamesmanship. Michele Madigan said initially she was perplexed as to why the capital budget process was placed under the Mayor, but she came to understand that it was part of the checks and balances. She said, though, that she treats the capital program as a "requested budget". Treating it as a requested budget affords her the ability to change it. She said with the 2 percent tax cap and the .68 percent CPI, it would be nearly impossible to handle a large capital program in the budget process. She said that some do not agree with her that she can change the capital budget, but it is her position that she has that authority. Michele Madigan suggested that the City Attorney's position be changed so that it was available and accountable to all City Council members. She said because the position is appointed by the Mayor, there seems to be a loyalty to the Mayor. She suggested that the charter include the position of Director of Finance. She believed though, that the existing charter has served the City well, is detailed enough to let everyone know who is in charge and it requires the Council members to work together. She said the existing charter could be reviewed and strengthened but she believed the current charter worked well.

Barb Thomas asked about the division of time between legislative and administration duties. Matthew McCabe said he spent more time on legislative matters. He said there is a team of employees in place who are very good at what they do and they handle the majority of the

administrative matters. Michele Madigan said the role of the Deputy is to handle the day to day administrative matters. She said Commissioners are made aware of the issues, but the Deputies typically handle it. She agreed that the majority of her time was spent on legislative issues. She said it seemed that land use issues are generally the most complicated and contentious.

Elio DelSette asked what they believe are the strengths of the existing form of government. He said with the Commission form there seems to be an ease for residents to contact Commissioners directly to deal with their concerns. Matthew McCabe said there is nothing in the charter that makes it easier for residents to contact Commissioners or the Mayor. He said it was up to the Commissioners or Mayor on how accessible they are to the public. He believed as part of the job of being a Commissioner, they should make themselves available. Michele Madigan said there is no office in City Hall that is busier than the Finance Department. She said the Deputy and herself need to be available to the public. Elio DelSette asked if they believed that this form of government is responsible for the success of the City. Michele Madigan said that there are sections of the charter that serve the City well. She believed that this Commission should do their due diligence in reviewing the charter and perhaps there were areas that could be strengthened.

Jeff Altamari asked about engaging outside firms to audit the City. Michele Madigan said an RFP is done every three years to engage an audit firm. Jeff Altamari asked about internal audits and how those are handled. Michele Madigan said that typically the Director of Finance handles internal audits. He asked how it is determined what is audited. Michele Madigan said the Finance Department selects the matter to be audited. She said that most recently, time sheets were audited. He asked how the Finance Department handled auditing their own functions. Michele Madigan said, in some cases, the Finance Department audits itself, specifically, when the most recent audit on time sheets was completed, the Finance Department time sheets were reviewed. She said conducting a relatively simple audit of times sheets was different from the water connection fee matter. On those larger matters, she recommends an outside firm.

Beth Wurtmann asked what the Commissioners believed were the pros and cons of going to another form of government. Michele Madigan said it is up to whatever the residents want. She said the existing form of government is somewhat decentralized, however is still dependent on one another. She said the existing charter and the language concerning the Finance Department works well. Matthew McCabe said if there was a change in the form of government, he believed that the section in the existing charter describing the duties of the Commissioner of Finance could probably be lifted from the existing charter and dropped into a new charter. He believed that it would likely be a seamless transition for that department.

Devin Dal Pos asked if the existing charter somehow limited people from running for office because of the time commitment. Robert Turner said the amount of hours and work that existing Commissioners put in is almost daunting. He asked if they believed that a certain skill set was necessary to run. Matthew McCabe said most people do not understand this form of government. He said the Commissioner must appoint the best Deputy Commissioner as possible. He said much of the duties of the Commissioner are "on the job" training, but he believed that was true of many jobs. He said though that the positions should be four year terms. Michele Madigan agreed. She said there are many City employees who serve the City well. She said there is good staff here that keeps the day to day operations running. She said, though, that she would like to see more people run for office but was not sure whether a larger salary or simply making the duties legislative would make a difference.

Devin Dal Pos asked if having a professional background might give a candidate some advantage. Michele Madigan said she did not believe so. She said that running for office depended on your platform. Matthew McCabe said that having a background and a connection with City Hall might be an advantage, but it certainly did not make other candidates unqualified.

Matthew Jones said part of the charge to this Commission is to draw up language to improve the charter. He said each department has sub departments. He asked if the four pages in the charter describing the duties of the Finance Department were appropriate. Michele Madigan said that the specificity of the language was a help. She said the Director of Finance position should be added with language describing those duties for that position. She said the Finance Department oversees the IT department and it is not mentioned in the charter. Matthew McCabe agreed that perhaps the Director of Finance position should be added to the charter. Michele Madigan said there are several positions in City Hall that should be categorized as management or confidential.

Gordon Boyd asked if placing too many responsibilities with the Director of Finance might tie the hands of the Commissioner. Michele Madigan said the details could be outlined. Gordon Boyd said that residents elect a Commissioner of Finance and not a Director of Finance and there could be some concern with placing too many duties into the hands of a non-elected official. He said he would like to see the Commissioners spend their time on legislative issues and had some concerns with reassigning duties from the Commissioner to the Director. Michele Madigan said that for all intents and purposes, she is the Receiver of Taxes, but in the day to day operation of the department there is a Receiver of Taxes. She did not believe that it would be taking duties from the Commissioner.

Robert Turner said the 2001 Commission spent a great deal of time on the Finance portion of the charter and it is a very good section. He said in the Finance Department there is a Director of Finance and a Deputy Commissioner. He said there are no requirements that the Deputy be "qualified". Michele Madigan agreed the Deputy need not be "qualified"; however, it would behoove the Commissioner to appoint someone who was somewhat qualified. She added that the charter's specificity on the functions of the Finance Department also guide the department quite well. Matthew McCabe said that politics will never be removed from this process. He said if a Commissioner does not select the right Deputy, the Commissioner would likely not be in office long.

Robert Turner thanked Michele Madigan and Matthew McCabe for attending this evening and providing insight into the Finance Department.

Elio DelSette said the Executive Secretary of the Civil Service Commission should be brought into the Commission meeting to explain how positions are developed in the City. He said deputies are historically the political arm of the Commissioner. There are no qualifications to be a deputy.

Robert Turner welcomed John Franck, current Commissioner of Accounts.

John Franck, Commissioner of Accounts, said he has been Commissioner since 2006. He said it was good to review the charter. His department includes: risk and safety, city assessor, purchasing and the city clerk. He has the title for each of those departments and he has an "assistant" for each of those departments. He said he is the only Council member required to be licensed by NYS to hold the title of "City Assessor".

BK Keramati said that residents don't understand this form of government. He asked what Commissioner Franck hears from people about the City government. Commissioner Franck said that most of his dealings are with people who have concerns with their assessments or some type of license (fishing, marriage, etc.). He said there is confusion from residents because of the title "Accounts". He said a lot of people believe that it covers the City's finances.

Jeff Altamari asked if Commissioner Franck believed that the City was successful because of this form of government or in spite of it. Commissioner Franck believed that at least some of the success is due to this form of government, however, there are a lot of outside forces that make this great as well.

Minita Sanghvi said that IT plays a much larger role in the City now and it is not even referenced in the existing charter. Commissioner Franck said he believed that IT ended up in the Finance Department because they were the first department to have computers. He said since he has taken office, the City's assessments are now on line. He said a lot has changed over the years.

Robert Kuczynski asked if Commissioner Franck believed that some of the duties in other departments should be shifted to his department or other departments. Commissioner Franck said there is some vagueness in the charter, but he believed that the duties in his department were appropriately placed. He did say that he believed that all "insurances" should be in one department, whether it was his or the Finance it didn't much matter – but they should be all together.

Laura Chodos asked Commissioner Franck where he thought an Office of Technology should be located and Commissioner Franck responded that it should be in the Mayor's department.

Elio DelSette said that most people seem to think that the Accounts Department houses the finances of the City. Commissioner Franck agreed.

Matthew Jones said the Accounts Department is the only department in the City that has not grown over the years and has actually decreased the amount of employees. Commissioner Franck said that through attrition he does have fewer employees. He said a few years ago when there was an economic downturn, he believed that DPS and DPW needed employees more than he did. He said, though, that now his department is at a point where they cannot take on additional work unless there are more employees. Matthew Jones asked what duties Commissioner Franck would place in other departments. Commissioner Franck said all insurances should be in one department. He said the Mayor and Commissioner of DPW should be full time positions. If the Mayor is full time, he did not believe that a Deputy Mayor was necessary. Accordingly, if they are full time the salaries should be increased.

Gordon Boyd said it is good policy to audit one's self. He said there seemed to be a division of duties but not a division of accountability. Commissioner Franck said the outside auditors audit the Finance Department. He said Finance has the authority to audit other departments.

Ann Bullock said it seemed that the Finance Department really had the power in City Hall. Commissioner Franck disagreed. He said the real power is in getting three votes. He said we are in difficult times, with tight budgets, tax cap and the need to grow our tax base. He said it makes the budgeting process difficult. He again said the real power is in having three votes.

BK Keramati said it seemed that in this form of government, the work eventually gets done, but there is often the question of who wants to take the work on. He asked if things happen because

a Commissioner does or does not take something on. Commissioner Franck said that he learned early on that if it is a popular topic, everyone wants to take it on. He said sometimes things get delayed because it may not be as easy or clear. He said things are difficult and sometimes the Council meetings can be difficult. The difference now is that meetings are televised.

Pat Kane asked what was the total assessed value of the City. Commissioner Franck said he was not sure of the exact number. Pat Kane said Geysers Crest is a large portion of our City and it seems as though there is a lack of representation from that area. Commissioner Franck said that Geysers Crest is about one fifth of the voters. Pat Kane said that people from that portion of the City tend not to run. He said there are other large portions of the City that are not represented. He asked Commissioner Franck how that could be improved. Commissioner Franck said in some cases, people are intimidated about running because they don't believe that they are qualified. He said DPW and DPS are good examples. He said there has never been a woman as a Commissioner in those departments and women are 52 percent of the voting population. He said more than half of the voters have been here less than ten years. He said that if the positions were strictly legislative, it might open it up for people to run.

Robert Turner asked if a revaluation was done by Commissioner Franck would he likely be out of a job. Commissioner Franck said yes. He said that 95 percent of municipalities do not reassess annually. He said it costs a lot of money and it needs to be done right. This year, he had only three Article 7 cases. He said the easy solution would be for the state and county to take over the assessments.

Elio DelSette said some Commissioners have more duties than others, however, the salary is the same. He asked if Commissioner Franck believed that the Mayor and the DPW Commissioner should have higher salaries. Commissioner Franck said if there is no Deputy Mayor and the Mayor is full time, the salary should be increased. He said under this charter only three types of people can run for office – they have to be rich, retired or in business for themselves. He said because it is necessary to be one of those types, the pool of candidates is smaller.

Robert Turner thanked Commissioner Franck for his time and thoughts this evening.

### Committees

Bob Turner distributed information on the formation of subcommittees for the Commission and asked what committee members would like to serve on.

Drafting Committee: Matthew Jones, Pat Kane and Ann Bullock.

Current Charter Review Committee: Robert Kuczynski, Bob Turner, BK Keramati, Ann Bullock, and Beth Wurtmann

Charter Alternatives Committee: Minita Sanghvi, Mike Los, Pat Kane, Laura Chodos, Bob Turner, Jeff Altamari and Gordon Boyd.

Outreach Committee: Minita Sanghvi, BK Keramati, Barbara Thomas, Laura Chodos and Beth Wurtmann.

Elio DelSette declined to sit on any committee.

Minita Sanghvi clarified that the Outreach Committee did not include any social media and it was website and public forums only. BK Keramati said that should be left up to the committee. Robert Turner said that committee would develop strategies to get the information out as well as developing press releases. Jeff Altamari said he believed there was a need to inform the public of what kind of government we have now. Beth Wurtmann asked if an outside independent agency would do some outreach. BK Keramati said the subcommittee should address all of these questions.

Gordon Boyd said before we can reach out to the public, there needs to be something for them to review and address. He said there needs to be a target to shoot at before the outreach committee can do any presentations. There needs to be a side by side comparison of the existing charter and whatever this Commission comes up with.

Elio DelSette said at prior meetings, we emphasized the need to review the existing charter and asked if that obligation had been filled. Robert Turner said the proposal tonight is to set up subcommittees so that there is work on different items being done at the same time. Tony Izzo said there is a provision in the home rule law that requires the Commission to review the charter and propose a change or not propose a change. Pat Kane said this is an ongoing process. Robert Turner said that we all continue to review the existing charter.

Robert Turner moved and BK Keramati seconded to establish the committees as presented. Ayes: 13; Nays: 0; Abstentions: one (Elio DelSette). Devan Delpas left prior to the vote.

Beth Wurtmann said she had reached out to City Managers from other cities and as it turns out, the City Managers from White Plains and Batavia are going to be in Saratoga Springs at some point. She said we should try to fit them in the schedule while they are here. Elio DelSette suggested that the City of Oneonta officials also be invited since we are looking at their charter. Robert Turner thought it would be good to have the Mayor's accompany the City Managers for the interview process.

Barb Thomas clarified that in one of the prior emails that went out on the program which interviewed the Mayors, it was not a production of the League of Women Voters.

## **ADJOURNMENT**

BK Karamati moved and Laura Chodos seconded to adjourn the meeting at 9:20 p.m. Ayes all. There being no further business, Chairman Turner adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Katherine A. Moran  
Clerk