



September 27, 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 DEPARTMENT OF PUBLIC WORKS SCIROCCO
AND MCTYGUE**

**STATEMENTS BY COMMISSIONERS OF DEPARTMENT OF PUBLIC SAFETY MATHIESEN
AND BENTON**

CHARTER COMMISSION'S QUESTIONS FOR COMMISSIONERS

COMMITTEE REPORTS

ADJOURN



September 27, 2016

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

PRESENT: Ann Casey Bullock
Jeff Altamari
Gordon Boyd
Laura Chodos
Elio DelSette
Matt Jones
Pat Kane
BK Keramati
Mike Los
Barbara Thomas
Robert Turner
Devin Dal Pos
Beth Wurtmann

ABSENT: Robert Kuczynski
Minita Sanghvi

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

Pat Kane moved and Barbara Thomas seconded to approve the September 13, 2016, meeting minutes. Ayes all.

NEXT MEETING

Robert Turner reported that the next meeting on October 11 will be held at the Tang Teaching Museum – To Form a More Perfect Union Hall, at 7:00 p.m.

TREASURER

Elio DelSette asked about the Treasurer position. Robert Turner said he had not yet heard from the Mayor. Tony Izzo said the Treasurer needed to be designated by the Mayor.

STATEMENTS BY COMMISSIONERS OF DEPARTMENT OF PUBLIC WORKS SCIROCCO AND MCTYGUE

Commissioner Anthony Scirocco did not appear.

Former Commissioner Thomas McTygue said he was initially elected under the nonpartisan commission form of government. He said there were plenty of people running for office during those times. The City was much smaller then with no Geyser Crest and nothing east of St. Clements Church. He said he spent 22 years in the NYS Assembly and served as the Commissioner of Public Works at the same time. His brother Bill McTygue volunteered for more than 20 years and also served as his Deputy for several years. Thomas McTygue said Directors of Finance and Public Works are important positions. There needs to be professionalism and continuity in these departments. There currently is not a Director of Public Works but rather the current Commissioner created another position and made a political appointment. He said there are things that should be done by the Department of Public Works that are not being taken care of. The Director positions are as important as the Chiefs of Police and Fire.

Robert Turner asked how much time Tom McTygue spent on legislative vs. administrative duties. Tom McTygue said this is a seven day a week position, however, a Commissioner can put in as much or as little time as he/she likes. He said this is a beautiful community and it takes a lot of work to maintain it. Commissioners have to have the interest in serving in order to produce the best for the community.

Pat Kane said the role of the Commissioner of Public Works has evolved and is more sophisticated. This department handles water, sewer, recreation fields and streets all with no backup from other communities. He said the labor force has changed over the years as well. Tom McTygue said the labor force is based on the budget. He used to hire many summer people to help maintain the City. The downtown area is of great concern to the residents. Pat Kane said DPW has about 125 full time employees. Tom McTygue said it varies from year to year. Tom McTygue said during his tenure, the water connection fee was established. That fee was meant to be used to improve the water system. It was also used for a way to pay for a new water source. He said there was a plan to expand the water system by going to Saratoga Lake. He said there was also long term planning for equipment.

Gordon Boyd asked if there were instances when the administrative functions of this department were impeded by other departments. Tom McTygue said yes. He said there were occasions when Purchasing would stall purchases, but it was up to the Commissioners to figure out how to work together.

Jeff Altamari said it seems the responsibility of being Commissioner is more complex and demanding now. He asked if Tom McTygue believe that the City could continue to survive with this form of government. Tom McTygue said there needs to be some changes. He said there need to be professionals in the departments to maintain continuity. He said changing the form of government could be difficult though. He said news agencies do not cover the issues like they used to, so the public is unaware of what is going on at City Hall.

BK Keramati asked about the wisdom of having two year election cycles and whether it would be better to have a professional person on staff to maintain the continuity. Tom McTygue said there are professionals on staff, however, there are times when a Commissioner must make those difficult decisions.

Robert Turner said it seems that if a Commissioner wants to be re-elected, he/she must focus on things that residents can see, i.e., flowers, snowplowing, leaf pick up and not infrastructure. He asked about long term planning. Tom McTygue said there needs to be a professional in DPW to do that planning. He said the legislators should vote on the budget and there should be professionals to administer the budget. He said when a Commissioner loses an election, the City will not lose the expertise if there are professionals on board.

Barbara Thomas asked what was the purpose of having a Deputy Commissioner. Tom McTygue said in DPW the Deputy Commissioner typically oversees the crews. He said it is a very important job and with the large department both a Deputy and a Director are important.

Devin Dal Pos said the demand of the job seems to limit the type of person who might run. He said it almost seems that anyone running for office must be retired or self-employed. Tom McTygue said there are no requirements to be a Commissioner. He said that one bad winter will determine whether someone is re-elected. He said a Commissioner needs to have a good deputy who is more knowledgeable than the Commissioner.

BK Keramati asked if the professionals in City Hall are connected to their peers in other communities. Tom McTygue said when he was Commissioner there was a connection with the County. There was sharing of services on occasion as well.

Beth Wurtmann asked how we could convince residents that we need professionals to run the City and how do we make a case. Tom McTygue said the community has changed. He said the native Saratogians are now the minority. There could be support simply because people have moved here and have experience with other styles of governments. He said there is sometimes a struggle with both administrative and legislative functions.

Elio DelSette said it has been said that democracy is run by people at the bottom and not by experts at the top. He said there was great success under Tom McTygue's tenure. We have one of the best main streets in all of America. He said Tom McTygue succeeded under this form of government likely because of his drive. He said it was important that we bring Civil Service in to talk about how positions have evolved over the years. He said we don't need to make changes to this form of government. Tom McTygue said he was fortunate because he had a father who served as Commissioner for 18 years, so he learned the job from the ground up. He said he was successful as Commissioner but it wasn't easy.

Ann Casey Bullock asked if he had to do it again, would he run for Commissioner of Public Works. Tom McTygue said no.

Robert Turner asked if someone with no knowledge of public works should consider running for office. Tom McTygue said there are no qualifications, but a strong political person could upset the department. If there is a qualified professional director to maintain the continuity, it might be easier. There needs to be long term expertise and probably someone with an engineering background in that position. Robert Turner asked about jurisdictional conflicts among the departments. Tom McTygue said it happens.

BK Keramati asked that in this form of government there might be things that are good for the City but are not pursued because of the political climate. Tom McTygue said that happens. He said a Commissioner needs to think long and hard before “stepping into” someone else’s department for fear of retaliation. BK Keramati asked if this form of government has served us well or does it get in the way. Tom McTygue said that statement could be made about any form of government.

Elio DelSette said there are differences intra department and inter department. He said it is the human beings that get in the way and not the form of government. Tom McTygue said there are problems with every form of government. He said the concerns are the long term plans for the City.

Devin Dal Pos asked if the City would be better served if we separated the legislative and administrative functions. Tom McTygue said whatever this Commission comes up with he will support. He said it is probably not a bad idea to separate the functions but we need to be sure that there is expertise in the departments.

Laura Chodos said the water source should be a top priority. Tom McTygue said it won’t be long before one of the surrounding communities is reaching into Saratoga Lake as a water source. He said this is something that we should be looking at. He said the County is having problems with their water source from the Hudson. He said water should be a priority.

Gordon Boyd said the problem was that when Tom McTygue was advancing the water program he was the only one doing so. He said the failure of the City to identify and implement supplemental water supply is a great example of how this form of government does not work.

Matthew Jones said that he once had a summer job in DPW.

Robert Turner thanked Tom McTygue for sharing his insights on the Department of Public Works.

STATEMENTS BY COMMISSIONERS OF DEPARTMENT OF PUBLIC SAFETY MATHIESEN AND BENTON

Former Commissioner Lew Benton said this form of government was born from the aftermath of the 1900 Galveston Hurricane. It was intended as an emergency plan to give executives extraordinary powers. Galveston has since abandoned this form of government. The largest City with this form is Portland, Oregon, but it is radically different than the City of Saratoga Springs. The current charter was completed in September 2001, adopted by the voters in November 2001 and went into effect on January 1, 2004. This charter did not change the form of government but massaged it and made it more contemporary. It was an attempt to modernize the charter. Those changes resulted in some benefits in the budgeting and capital budget areas. He said the Commission failed in not addressing the fundamental flaws of the

commission form. Those flaws included the separation of power that results in inherent conflict of the dual roles of legislative and administrative. He said this form of government impedes oversight and promotes territories. This form was designed for extreme crisis management and not designed for a stable community. There are essentially five executives each with discreet appointment authority, the authority to act as HR, and is responsible for their own individual department. He said there are many things in the charter that are not being followed such as how and when we attain outside legal services, the failure of boards to following the open meetings law, engaging in unilateral negotiations and contracting services without the approval of the Council. Lew Benton said over the last 100 years there have been 15 Commissioners in DPS – 1 was a surgeon, 1 committed suicide and 9 of the 15 lost re-elections. He said the community takes care of term limits. DPS has a budget of nearly \$25 million which is 56 percent of the City's budget. There are 150 employees in this department and 6 bargaining units. He said it is difficult for a Commissioner to serve both administrative and legislative roles.

Chris Mathieson said he is in his fifth year as Commissioner of Public Safety. He said often there are small but vocal groups who arise from the community based on a particular issue and the carousel in Congress Park was one of those issues. Once the matter is decided, the group sort of disappears. He said though that sometimes they also prevent things from happening. He said that coming into this elected office is not easy. There are things that no one could imagine. There is a great wealth of knowledge in the City with the employees who make the City work. He said he was initially skeptical of this form of government and now having served five years, is even more skeptical. He said it is time to look alternatives. He does not believe that it is possible for a Commissioner to wear two hats of legislator and administrator. He said this is a 24 hour a day job. DPS and DPW are two very different departments from Finance, Accounts or the Mayor's Department. Things are far more complex. The roles of the Commissioners have changed and there is more exposure to controversy. There should be a separate legislative body which would make it possible for more interested parties to run. He said there is great talent in the City but many do not think they can run because of the lack of knowledge of a particular department and because the jobs are so demanding. He said anyone running needs to be retired or have a flexible job. He said someone with an average 9:00 to 5:00 job could run, but they typically don't because of the demands. Many residents simply do not understand this form of government. He said there needs to be professionals with credentials in City government. Currently there are five people who have far too much power running the City. He said the magic number is three – because it only takes three votes to get something done. He believed it is time for a change in this government.

Robert Turner said that it was interesting to hear these two men speak of their time in office and while they are nearly 20 years apart, they are nearly describing the same set of circumstances. He asked about the tension of both administering and legislating. Chris Mathieson said he tries to get out into the community but the demands of the job are high. He said he also has a professional career. The job of Commissioner is a 52 week year job. One can really not get away. He enjoys the work, but it asks a lot of one individual. A Commissioner can put in as much or as little as he/she would like. He said, though, that to be effective, one must want to do the job. He suggested leaving the terms at two years and letting the voters take care of it. He said over the years, he has held many public forums with the residents and most of the time the people who attend are there because of public safety issues. He said the neighborhood associations generally have a good sense of what is going on in the community. Much of his time is taken up with administrative functions and sometimes he feels guilty that he cannot spend more time on legislative matters.

Lew Benton said the time commitment to this job is important. There is great conflict though between legislative and administrative functions. He said, for example, a Commissioner prepares his/her budget and then votes on his/her budget. He asked in that capacity who was the Commissioner representing – the general public or the internal constituency. He said before this charter, Commissioners would negotiate labor contracts within their departments – which are extremely difficult. He said Commissioners should be representing the greater community. He said he has a regular 9:00 to 5:00 job and he made it work by coming here at 7:00 a.m., holidays, weekends and nights. He said there are many people who do not run because they don't feel qualified, however, most of the people who run do not have any background in the department for which they ran. He said there is nothing wrong with the political process. He said deputy commissioners are political appointments. His preference would be for a Mayor and a Council as a legislative body with subcommittees focusing on certain areas. He said the existing employees would fit into a new government. He said perhaps with a new form, the deputy commissioner salaries would become available.

Devin Dal Pos said it seemed that both are interested in a change and a separation of duties. He asked how the Commission should sell that idea to the public.

Chris Mathiesen said people are often afraid of change. He said the last charter revision failed because people were afraid of the City manager proposal. He did not believe a City Manager is necessary and suggested that a Mayor could create a balance and appoint a number of qualified individuals.

Robert Turner said it seemed that there is a lot of opportunity for mischief in this form of government. Chris Mathiesen said if a Commissioner stays within his/her own department and does not step into another department all is good. He said though the potential is there if there are people who run with the wrong motivations.

BK Keramati asked to what extent this form of government increased the likelihood of problems. Christ Mathiesen said there are currently five powerful people in charge who run everything with little checks and balances except in the election process. He said that some act on behalf of special interests and not in the best interests of the residents. Lew Benton said we currently have five personnel directors with five appointing authorities. He said depending on the party there is a great amount of influence that can be exerted on a Commissioner. He said if the Commissioner does not do what the political party wants, then maybe that Commissioner does not get the support of the party during the next election.

Elio DelSette said it takes a long time to get rid of political power. He said there is a fear of a City Manager and the powerful political influence that could be had with that position. He said the City has come a long way and the professionals are already here. He said positions have been upgraded and training has been established. He said it is important to note that there is expertise in City Hall.

Laura Chodos agreed there had been a great increase in professionalism. She said the insight from the Commissioners this evening was great.

Tom McTygue said the last charter revision failed because there were bad times in the City of Troy and Schenectady with their City Managers.

Pat Kane said it is hard to get people to run for office and if it was a legislative position, it might be likely that more would run. Chris Mathiesen said as a legislator only, it would make it easier

to serve. He said there are a lot of qualified individuals on Boards throughout the City who would step up. He said it is difficult to run for these positions because of the time commitment. He also said there are many unforeseen things that can happen, such as protest in front of his dental practice.

Gordon Boyd said the argument has been made that there are checks and balances from department to department, but the flip side is that it alludes to behind the scene deals. Chris Mathiesen said in his department there are checks and balances. He said there are two civilians that oversee the police and fire departments. Gordon Boyd said that might be so, but the civilians are still within the same department as police and fire. Chris Mathiesen said some of the checks and balances happen on Election Day. Gordon Boyd said it was difficult to determine though if the residents were voting for or against a Commissioner based on whether the ambulance got to them fast enough or was it the Casino issue.

Robert Turner said one of the arguments for this form of government is accountability. He said if there is a snowplowing issue, you go to DPW. If it's an assessment matter, you go to the Accounts Department. He said though there are often items that don't fit neatly into a department and that's when it becomes difficult to find someone who will be accountable. He said with the City Manager or Mayor/Council, the executive would be responsible for the whole operation. Chris Mathiesen agreed that sometimes there are items that are not attended to. Lew Benton said it creates opportunities for individual Council members to do nothing.

Barbara Thomas said that there does not seem to be a good process for strategic long range planning. Lew Benton disagreed saying there was great progress within the capital budget planning and inherent in that is prioritizing. He said sometimes politics get involved because there are competing forces for limited resources. Chris Mathiesen agreed saying the capital budget process does a good job of addressing our long term needs.

Robert Turner asked about checks and balances and plans for infrastructure. He asked if a DPS Commissioner had the power to ask the City Engineer to see plans on infrastructure. Chris Mathiesen said it was in everyone's best interest for relationships not be adversarial. He said the City Engineer and the City Attorney serve the entire Council. He said he would like to see the City Attorney to be appointed by the Council and not the Mayor.

Lew Benton said the language in the current charter states that any Council member can ask another Council member to report on something. However, a Council member needs to be careful and be prepared for some type of retaliation.

Robert Turner said there is incentive for one to mind their own business. Chris Mathiesen said that it was in everyone's best interest to get along.

Elio DelSette asked if wards might be a good idea. Chris Mathiesen said having wards was not a bad idea as long as there were some members who served at large. He said perhaps the supervisors could be used in a different fashion. He said that maybe the Mayor should serve in the supervisor capacity. He said the supervisors are underutilized and they should be a more integral part of the City government. Lew Benton said some would argue that if the Commission was to advance the idea of wards, it could be construed as dividing the community.

Robert Turner thanked Chris Mathiesen and Lew Benton for their time and insight this evening.

ADJOURNMENT

Gordon Boyd moved and BK Keramati seconded to adjourn the meeting at 9:05 p.m. Ayes all. There being no further business, Robert Turner adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Katherine A. Moran
Clerk

Approved: 10/11/2016