



October 25, 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 FORMER MAYOR SCOTT JOHNSON, AND FORMER COMMISSIONERS
STEPHEN TOWNE, RICHARD WIRTH & KEN IVINS, AND CURRENT COMMISSIONER SKIP
SCIROCCO**

**STATEMENTS BY COUNTY SUPERVISORS MATT VEITCH & PETER MARTIN AND
FORMER SUPERVISOR JOANNE YEPSEN**

**CHARTER COMMISSION'S QUESTIONS FOR COMMISSIONERS AND COUNTY
SUPERVISORS**

COMMITTEE REPORTS

ADJOURN



October 25, 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
Robert Kuczynski
Mike Los
Barbara Thomas
Robert Turner
Devin Dal Pos
Beth Wurtmann

ABSENT: 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

Barbara Thomas and Robert Turner seconded to approve the October 18, 2016, meeting minutes. Ayes all.

Statements by Former Mayor Scott Johnson, Former Commissioners Stephen Towne, Richard Wirth & Ken Ivins and Current Commissioner Skip Scirocco

Former Mayor Scott Johnson said he spent six years in City Hall. There are challenges with having five equal votes; however, it has worked for the well for the City. He said much of the work at the Council table is dependent upon personalities. Sometimes it works and sometimes not. He said no matter what kind of government there is, it is dependent on the elected officials. Politics will always be part of the equation. He is comfortable with two year terms. Beyond that a bad elected official could do some great harm to the City. He did not believe that having a City Manager would have the same accountability to the residents. The power of the Mayor should be strengthened by adding more weight to that vote, or there should be a "member at large". He said it is equally difficult for outside communities to recognize who speaks for the City. By default, the Mayor's Office is often the first point of contact. He said none of the elected officials are here for the money. He said the Mayor's position should be full time. Having a part time Mayor's position that really requires full time attention diminishes the pool of applicants. Most people cannot give up their full time job to run for one of these positions. He suggested that the terms of the Council members be staggered so there would not be a full turnover. He also suggested term limits, although he left that to the commission to determine the length. He said there is some vague language in the charter that should be clarified – specifically the language on the capital program. The current language requires that the Mayor's Office bring the capital program forward. He believed the charter was clear that the capital program is to be included in the comprehensive budget as presented by the Mayor's Office. The current Finance Commissioner believes differently. He said no one Commissioner should have the power to change it without a vote of the Council. Therefore, he suggested that language be clarified. He also suggested that the language should be changed on the comprehensive budget as presented by the Finance Commissioner becoming the City budget if there is no consensus by the City Council. He said it diminishes the obligations of the other Council members. Council members should be forced to come to the table and adopt a budget. Scott Johnson said our City continues to have its own Civil Service Commission which he believed should be combined with the County Civil Service. The POSH position is mandated in the charter and he did not believe it should be when there are far more positions that are as important to the City.

BK Keramati asked what were Scott Johnson's thoughts on the combined dual roles of executive and legislator. Scott Johnson said it is difficult to wear two hats, however, Council members are dependent on their deputies to handle the managerial side of the duties. He believed the elected officials should direct policy of the City. He reminded everyone that DPW and DPS are more than 80 percent of the City's budget. The cost of making elected officials full time is a very small cost to the budget.

Bob Turner asked about the need for a full time Mayor. Scott Johnson said that outsiders of the City do not understand this form of government so naturally contact the Mayor's office first. He said this City is known nationally and has a great reputation. In today's changing society and how we communicate with one another, the demands of the position have grown. Everyone wants expediency. It is time for the City to have a full time Mayor.

Matthew Jones asked about the appointments that the Mayor makes – specifically the City Attorney. Scott Johnson said the Mayor needs to have a lot of confidence in the City Attorney. It is delicate being appointed by one official and serving the entire Council. He said in his

tenure, he made it clear that the City Attorney served all Commissioners. He believed the thought process for the Mayor appointing the City Attorney came from the fact that the Mayor has the power over legal contracts, collective bargaining and is the official representative of the City. Matthew Jones asked about having the Mayor nominate a City Attorney but having Council approve the appointment. Scott Johnson said one of the benefits of the Mayor is the exclusive appointments to certain positions and the land use boards. He said appointments should be made based on the best qualified candidates.

Barbara Thomas asked about length of terms. Scott Johnson did not believe that all Council members needed to have the same length of term. He believed that two years was fine.

Beth Wurtmann asked how Scott Johnson would present a new Charter to the public. Scott Johnson said it is a challenge because most citizens do not understand it. Most don't know who is on the Council. He said it's a difficult task to educate the voters. Some believed the last charter presented could have been launched better with more information, some thought it was developed "last minute", etc. Unfortunately most people want their news in five minutes. He suggested exploring media options.

Laura Chodos asked what were Scott Johnson's thoughts on Civil Service and HR. Scott Johnson said the City needs an HR department, however, Civil Services plays into this as well. There needs to be a lot of confidence in the HR position. There are added issues because of collective bargaining.

Elio DelSette said a personnel office is different from Civil Service. Scott Johnson said each department knows its own needs. He is a proponent of minimizing government and would not advocate for a Personnel Officer. He did not see the benefits of replacing Civil Service with a Personnel Officer.

Pat Kane asked about a full time mayor and the salary. Scott Johnson said there are employees making six figures and the Mayor should not be overshadowed by those numbers. He said running for office is a great risk and anyone running should not be asked to give up a career for a two year position. He said that risk needed to be compensated. The salary should match one of the higher level employees. Pat Kane suggested that of a Superintendent of Schools or Hospital Administrator.

Former Commissioner of Accounts Stephen Towne said ultimately the residents need to figure out if they are satisfied with the effectiveness of the current form of government. He said he grew up here so only knows this form. What determines effectiveness is the part that a Council members plays including the qualifications, experience, personality and time. He said the human piece is 75 percent of the success of this government. He did not believe that the form of government played a big piece of it. While he was on the Council the City was successful, even with a contentious group of Council members and residents. He said that Council meetings were often overflowing with residents. Stephen Towne said that when running for Accounts Commissioner he thought he understood what he was getting into. He came to Council meetings for six months before running for that office and he believed it still took him at least six months after being elected to fully understand the City government. He said Council members then work for about a year and then the next six months are spent running for office again. He viewed his time on the Council as a relay – carrying the baton and then handing it off to the next elected official. While he was a Council member he held a full time position in Albany. He came to City Hall every morning for about two hours before heading to Albany. Evenings were often spent at various meetings and community events. He said he had an

outstanding, well qualified staff that carried out the day to day functions. Time is the most critical issue with being a Council member. He said if it is the objective of the elected official to be effective, then it required time. This is not a role that one can "add" to their day to day activities. Something has to give and the discretionary time must be prioritized until eventually things drop off. He believed the current charter is workable and should continue. Two year terms could be modified, term limits could be considered and terms should be staggered. He said having a managerial background is essential – it could be learned, but the skill set needs to be there to do so. He said anyone can run for office, but to manage a department is completely different.

Former Commissioner of Finance Ken Ivins, said during his tenure there was controversy over building a police station. Because of that there were difficulties with the capital budget. He said that Former Commissioner of Finance Matthew McCabe set a precedent by presenting his own capital budget. During his time on the Council, the country went through a recession. He chose not to vote on capital budgets during his tenure under the pretext that he might change it. He agreed with Scott Johnson that the language needs to be clarified on the authority over the capital budget. He did not believe that one person should have the authority over that budget. He did believe though that there needs to be measures in place that a budget must be adopted or there must be a default budget. The entire Council has the authority to change the budget by offering up an amendment. He believed that Council members could change the budget at the first meeting in January – there is a ten day window in which numbers had to be forwarded to the county. He believed there should be term limits. The POSH position should not be required. He said it is counterproductive to have some positions required while other very important positions are not.

Former Commissioner of Public Safety Richard Wirth said these are not part time positions. He came from the Town of Hempstead in Nassau County where he worked within that government. It is a very different government than this one. He said for the public comment period there, residents were required to fill out a card, give it to the clerk and then a certain number of those individuals would be allowed to speak. He said two year terms were too short and should be increased to four. Elections should be staggered. The Mayor's salary should be raised. There needs to be enough monetary incentive to get more people to run for office. Some positions such as the Commissioners of DPS and DPW are 24/7 positions. He said the government is dependent upon who is sitting at the Council table and they must learn to get along.

Commissioner of Public Works Skip Scirocco said he has served as an employee, a Supervisor and now a Commissioner. At the County there is a County Administrator executing the policy that is established by the Board. At one point he believed the City needed a new form of government, however, he now believes differently. He said that Council members are held accountable and responsible by their constituents. Residents can elect or re-elect Commissioners very quickly. Residents want a high response time from Commissioners; and if that is not met, their status as a Commissioner could be changed in the next election. He said there are checks and balances in this form of government and while it may be inconvenient for some elected officials, it still holds everyone accountable. A majority vote is required in order to get things accomplished. It increases transparency. Total control can result in questionable control. While Commissioners may not always get along, this form of government has worked well. The buck stops with the Commissioner and his/her political livelihood depends on response to constituents wants and needs. He believed the economic future of the City should be addressed with an Economic Development staff and perhaps that function should fall under the Finance Department. He said Recreation should be under DPW. He spends as much time as

necessary on management and legislative matters. The jurisdictional overlap among departments provides the checks and balances and forces Council members to work together. He said some personnel policies are set by the Council as a whole, some are set by contracts and some are set by each department. He said when capital projects are considered the long term personnel and maintenance costs need to be developed. The City Engineer is appointed by him, however, serves the entire Council. Finance has the ability to defund or reduce lines, however, it still takes a vote of the Council. Infrastructure inventory, which is similar to asset management, continues to be developed. He believed two year terms were appropriate. He said we are an award winning City and that was accomplished through this current form. He said that much of that has to do with the people who sit in these seats. We think about the homeless and we care about the residents. There are some things that could be tweaked in the charter, but he did not believe it should be changed.

Devin Dal Pos asked Stephen Towne about his statement that individuals should be qualified or have a background and how that might limit participation in running. Stephen Towne said that all of the positions require some managerial capability and experience. He said technical skills are also important. He believed that people running for office should have some managerial background. The legislative portion could be learned on the job. He did not believe that these positions required a retiree or someone independently wealthy. It simply requires a redistribution of one's discretionary time. He said anyone running for office needs to recognize that or they will not be effective.

Robert Turner said comments have been made several times that these are 24/7 positions. Skip Scirocco said having the ability, experience, and expertise should not be requirements in running. He reminded everyone that the Deputies and the existing staff at City Hall keep things moving. Having a requirement that someone have experience in DPS or DPW is not necessary. It boiled down to someone wanting to serve the community.

Richard Wirth said he had some limited background but in DPS there are two very qualified chiefs who keep the department running.

Robert Turner said the statement has been made several times that deputies are political appointees and asked the former Mayor and Commissioners if their deputies had worked on their campaigns. Skip Scirocco said his deputy did not work on his campaign. Richard Wirth said his deputy was hired by the former Commissioner Ron Kim and he kept him on because of his experience. He believed though there should be an interview system for deputy positions.

BK Keramati said the charter has no specifications for deputy positions. Richard Wirth said interviews should be done to select the appropriate person. Tony Izzo said a deputy commissioner is an exempt title. The charter says qualifications could be established for deputies, however, that has not been done. Ken Ivins said qualifications should be minimal. The Commissioner needs to have some leeway to hire someone who he/she is comfortable with.

Robert Turner thanked the panel members for their time this evening.

Statements by County Supervisors Matt Veitch, Peter Martin and Former County Supervisor Joanne Yepsen

Supervisor Matt Veitch said the language in the charter for supervisors is quite minimal. It addresses how they are elected but not much beyond that. Before this charter was adopted, there were head to head elections for supervisor positions, now it is the two top vote getters. He believed that head to head races hold supervisors more accountable. He suggested a four year term for this positions. There is a progression that one goes through at the County to achieve the County Chair position and with a two year term that opportunity could be lost. He said there should some thought given to staggering terms. He said making supervisors full Council members creates an interesting scenario. They would likely serve as at large members. He said perhaps the county supervisors reporting at each council meeting could be modified so that it could be every other meeting.

Peter Martin said the role of the supervisor is more opaque. The charter is brief as to what the responsibilities are. The county does not have a charter and by default operates under NYS and County law. He said there are broad duties at the supervisor level on public works, public safety, public health, aging, veterans, mental health and many other issues. There are matters that cross over both the City and the County, i.e., the recycling/transfer stations, sewer, etc. Supervisors have no executive or administrative authority in the City. Some supervisors in the County have four year terms, but the majority is two years. He said Scott Johnson suggested this form of government is reliant on personalities and he agreed to a certain extent. He said it is the quality of people. He said Skip Scirocco suggested that the City works more efficiently in this form and he agreed to a certain extent that items may get done in a more timely fashion but disagreed that it might not as cost effective. He said there a number of quality people throughout the City serving on Boards or various community organizations. He said he is a proponent of having a City Manager. The complexities of the day to day governmental operations continue to grow. The City government is sometimes constrained by and intertwined with the federal and state governments and to ask part time people to handle these complexities was not fair. He said he did not want the future of the City to rely on "lucking out" with Council members who may be able to handle those complexities. A City Manager with a master's degree in public administration and years of experience could provide great advantages to the City. The County has 23 supervisors, but the reality is that none of the 23 have authority over the administrator and that would hold true for the City with a City Manager. The power over the County Administrator is diffused because there are 23. It would be more concentrated with 5 Council members. He said with the stature of this City it would be easy to find a City Manager. He suggested staggered terms for supervisors. He also suggested that the Commission not hurry this process. Time needs to be spent on drafting, redrafting and vetting the document. The residents need to be educated and involved.

Current Mayor and former County Supervisor Joanne Yepsen said the role of the supervisor is downplayed tremendously in the charter. She served eight years on the County Board. The role of a supervisor is very different from the County to City. The supervisors are paid by the County so there is some question on where is your allegiance. They county pays for conferences, reimbursements, etc., but the supervisor is held accountable to the City electorate. The role of a supervisor in the City is not clearly defined. She believed that supervisors' roles needed to be incorporated into the City by encouraging them to sit on committees. Both Matt Veitch and Peter Martin sit on committees throughout the City, but it should be more formalized. She believed they should be included at the Council table in at large positions. At the county we have two positions while most other communities have one. The votes are weighted as well.

She did not believe there is enough time for the Mayor to be both the Mayor and a Supervisor, although she acknowledged that most towns send their "mayor" as their representative to the Board. She said that brings a whole new perspective to that Board. It would probably behoove the City to have the Mayor be one of the representatives to the County Board. She also believed the County Supervisors should have space in City Hall. They should be welcomed to do business here. There are no position descriptions for these positions – it is what you make it. She believed the role of the supervisors needed to be more clearly defined in the charter.

Robert Turner said both Matthew Veitch and Peter Martin suggested four years terms while Joann Yepsen suggested two year terms. He asked about the attendance at City Council meetings by Supervisors. Joanne Yepsen believed it could be alternated between the two supervisors. She said there needs to be more interaction between the Supervisors and Council members, but as long as one of them was at the City Council meeting that would be fine. Matthew Veitch said at the County, most Supervisors have the authority to speak on behalf of their City or Town. Saratoga Springs Supervisors do not have that authority – they have to liaison back with the City. He said some thought should be given to having Supervisors serving on the Council in at large positions, but not alternate members.

BK Keramati asked about the amount of time spent if they were full Council members and the compensation level. Peter Martin said he reviews Council material, however, knowing that he does not have to vote on it, he does not have to do the amount of research that Council members do. To be a voting member of the Council would require a significant amount of time and it should be fairly compensated. The County pays Supervisors \$18,900. Supervisors have the flexibility to serve on various boards and committees. He said Supervisors culturally, not legislatively, immerse their lives into the community. The position of Supervisor is what you make it.

Gordon Boyd said the previous statement on much depends on personalities is difficult for Commission members because it is their job to design a charter that is personality proof. Peter Martin said that is difficult. He said in positions such as the POSH position, many grant opportunities have been uncovered. There are learning curves for everyone and he believed with a good, experienced City Manager it could be done. Matt Veitch said Skip Scirocco suggested an Economic Development Department, but it is such a consensus driven item it never makes it to the top of the list. He said the City does not have a comprehensive parking plan because we don't have departments that can do the job. Gordon Boyd said a City Manager would allow for one stop shopping for those issues.

Pat Kane said it seems that in all of the scenarios, the City should have someone sitting at the Council table and the County table. Peter Martin said that would depend on the form of government that the Commission goes with. He said with a strong mayor the vote might be too weighted.

Joanne Yepsen said we do have an economic development department and there is continued work between the City and SEDC. She suggested that the POSH position be renamed. Every successful City has a position similar to this that handles sustainability, grants, etc. This position requires strong relations with both federal and state government regulations.

Matthew Jones said most of us agree that the quality of our City Council is quite high. He said we need to figure out how to compensate people fairly. The Mayor may have more responsibility. The question is do we list salaries in the charter or do we leave it to the elected

officials. Peter Martin suggested it could be done at the Council level with comparables from other Cities. Matthew Veitch said Supervisors vote on their salaries at the County. Joanne Yepsen said elected officials in many communities vote on their salaries. Tony Izzo said if Council members chose to vote on their salaries that would be increased during their term, it would need a public referendum. Home Rule Law governs those changes to salary become effective after the following election cycle.

Robert Turner thanked the panels for their thoughts this evening.

NEXT MEETING

Robert Turner reminded everyone that the next meeting would be on Thursday, October 18.

ADJOURNMENT

Pat Kane moved and Devin Dal Pos seconded to adjourn the meeting at 9:30 p.m. Ayes all. There being no further business, Robert Turner adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Katherine A. Moran
Clerk

Approved: 11/10/2016