



March 20, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
City Council Room
7:00 PM

CALL TO ORDER

WELCOME AND ANNOUNCEMENTS

PUBLIC COMMENT

INTRODUCTORY REMARKS BY BOB TURNER

APPROVAL OF MINUTES: 1/26, 2/23, 3/2, 2/6

DISCUSSION OF CHARTER LANGUAGE

DISCUSSION OF PUBLIC OUTREACH

PUBLIC COMMENT

ADJOURN



March 20, 2017
CITY OF SARATOGA SPRINGS
Charter Review Commission
City Council Room
7:00 PM

PRESENT: Jeff Altamari
Ann Casey Bullock
Laura Chodos
Devin Dal Pos
Pat Kane
BK Keramati
Robert Kuczynski
Mike Los
Minita Sanghvi
Barbara Thomas
Robert Turner
Beth Wurtmann

ABSENT: Gordon Boyd
Matt Jones
Elio DeSette

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

PUBLIC COMMENT

Chair Bob Turner opened the meeting for public comment.

Jane Weihe, White Street, Saratoga Springs said that minutes of a City Board or Commission should be posted within two weeks of a meeting. She said minutes should be posted and the Commission should post documents they are working on. She wanted survey information that was never posted and information that was missing from the last reader's view. She said that the video feed from the February 6, 2017 meeting is still not posted to the city's website. Tony Izzo said that he recorded that meeting. He will contact IT and if they do not have it, he will

search for that tape. She suggested that the Commission work with the Mayor's office about the use of the City Council room for meetings; it would be better if the meetings were held in the City Council room so they could be live-streamed.

Bonnie Sellers said the City's website allows a user to obtain City Council agenda items so the documents that are being discussed at a meeting can be accessed- there is a link to click on and the items pop up. She said this is a public committee and all documents should be posted. Every document is part of the public record. All the items should be posted. Once it is discussed at a public meeting, it is public. Pat Kane said it is a public record; it does not necessarily have to be furnished, just indicated. There is a grid lock of things that can't get done we are as transparent as possible. Tony Izzo stated that public records are required to be made available at an open meeting and posted on the city's website prior to the meeting only to the extent practicable as determined by the local government. Bonnie Sellers commented that Planning and Zoning have all their documents available on line. When minutes are posted, the document should be posted as well. Tony Izzo said that the documents are not required to be posted with the minutes.

Joy King, Saratoga Springs said some of her constituents have been asking questions about the public forum. They want to see some sort of comparison posted. Tony Izzo said this commission is proposing a different form of government than we have now; as they develop this, there will be an analysis showing why they left some things alone and changed other things.

Barbara Thomas said that the Outreach Committee is putting together a document for comparison. It is not a word by word comparison, it is a quick "this is what it is now; this is what we are proposing". Pat Kane said we are trying to have a different form of government, what we need to know from the public is whether there are things that are missing that we should be emphasizing. BK Keramati said it is the intention of the Commission to be clear about everything we are proposing and everything we are changing and what is not being changed. Pat Kane said rather than distribute a multiple page document called a Charter; we will have an abbreviated document available to the public.

Seeing that no one else wished to speak, Chair Bob Turner closed the public comment period.

INTRODUCTORY REMARKS BY BOB TURNER

Bob Turner welcomed everyone back. The system is now running and the meeting is now being streamed live on the City's website.

APPROVAL OF MINUTES

Ann Casey Bullock said that minutes from the City Charter Commission meetings of January 26, February 23, March 2 and March 6 have been distributed to the Commission members for review.

Ann Casey Bullock moved and Laura Chodos seconded to accept the minutes of the meetings of January 26, 2017 February 23, 2017 March 2, 2017 and March 6, 2017 into the record.

Ayes all

DISCUSSION OF CHARTER LANGUAGE

Devin Dal Pos said he is confused about the public forum. It is supposed to be about educating the public but we are not ready yet. He asked if the plan of the pending public meeting to elicit public feedback. Minita Sanghvi said we will be giving them some updates and then opening it up to the public.

Issues to be addressed at the final drafting discussion

Bob Turner referred to the draft document entitled "Issues to be addressed at Final Drafting Discussion" for discussion. Copies were available to members of the audience to share. Ann Casey Bullock stated that most of the comments and recommended changes were technical.

2.04 Mayor 3) This refers to Boards and Commissions that are appointed by the Mayor with the advice and consent of the City Council. Ann Casey Bullock asked if there are any other Boards and Commissioner or authorities we would need to include. Bob Turner said that this section should be closer to New York State law; the Mayor has the discretion to call for a Charter review process. Barbara Thomas said that rather than say every ten years, we wanted it to come after a census so if a Commission was thinking about an at large as opposed to districts, for example, there would be current census information to work with. Pat Kane said the question is the time frame. Bob Turner said he is fine with the time frame. Ann Casey Bullock wondered if the language was too restrictive. Bob Turner said the language makes sense. The Commission members agreed on the language of this section with the addition of the Housing Authority and the Board of Assessment Review. Ann Casey Bullock said that it needs to be determined whether the Ethics board is exclusively the responsibility of the Mayor and if so, it will be removed from 2.04 #3. and be given a spot of its own as 2.04 #4.

2.09 Vacancies: It was brought up that Commission member Matt Jones had made a point that the seat should remain vacant until the next election. Ann Casey Bullock noted that we did not want to refer to sections of state law, simply refer to articles. The Commission agreed to eliminate the following section: "the City Council shall appoint a person to fill such vacancy who shall hold office until the first day of January, succeeding the next general election held in the City, at which election a successor to such appointee shall be elected for the remainder of the term or for an entire term if the term of the original office would have expired" and replace it with "...that position shall be filled at the next general election, pursuant to the requirements of the New York State Election law. Pending such election, the City Council shall appoint a person to fill such vacancy until a successor is elected and assumes office."

2.13 A and B: Bob Turner stated that this language covers independent and internal audits. Jeff Altamari said he is fine with this section. The Commission agreed.

2.16 (2) See Tax Levy Language. Bob Turner said we talked about property tax levy and the levy of taxes. "The City council shall levy taxes with respect to property taxes with respect to the budget." Pat Kane said he is ok with this language. Barbara Thomas said the levy of taxes is in Section 5 of the Financial Section. Pat Kane said this is about what the City Council does, so it should be in both places. The Commission agreed with this language and the inclusion of tax levy in both sections.

2.25: Compensation: the language essentially states that the compensation of the people in charge is established by local law. The commission agreed this is good language.

3.01: City Manager credentials: Bob Turner said the language looks fine to him. The Commission agreed that what is there is fine.

3.04: Powers and duties of the City Manager, (4) regarding the implementation of a program of annual evaluation of all city employees in their respective positions. There was discussion that employee evaluations are deemed to be a mandatory subject of contractual negotiation by the Public Employment Relations Board (PERB). Pat Kane said this section empowers the City Manager to bring it to the bargaining table however the Unions must agree to it. The Commission agreed to remove the part of the first sentence of (4) that states "for the purpose of maintaining and improving employee performance".

Pat Kane said the City Manager would be evaluated once a year. Beth Wurtmann asked how it would be determined if this takes place for non-union and appointed employees. Jeff Altamari said this is one reason why he has advocated for an internal audit provision in the Charter because they are not just to review financial procedures; an internal audit could determine whether reviews are being done and whether other items mandated in the Charter are being or have been completed and are being complied with. Pat Kane commented that there are items mandated in the 2001 Charter that were never done or are no longer being done. Jeff Altamari stated that the language regarding one year renewal of the contract is straight forward. Ann Casey Bullock asked where it is identified that the City Council evaluates the City Manager. Bob Turner responded that it is in 3.01, first paragraph; it is language from the model charter. Ann Bullock stated and the Commission agreed that the oversight and evaluation of the City Manager should be included within the responsibilities of the City Council. Bob Turner said it is important that the City Manager is reviewed by the City Council and not by the Mayor and there is a lot of data to substantiate this. Barbara Thomas said it is not included in the duties of the City Council currently, it should be in there. Ann Casey Bullock said it is spelled out in 2.06 and annual review language will be added into that section. Jeff Altamari said the internal audit is financial and otherwise; compliance to the Charter is included, the word "operational" covers it.

Residency: Tony Izzo said it is in the Public Officer's law regarding the residency of public officials. Pat Kane said we are covered. Devin Dal Pos said there is a residency requirement. Beth Wurtmann said there was an issue at one time regarding an elected Commissioner that owned a property in the City but lived elsewhere. Devin Dal Pos said that the elected official must live here in the City. Bob Turner said that 2.09 states where they have to reside. Public Officers Law Section 3 states that if it is a local office the official must be a resident of that municipality. Devin Dal Pos asked if the word residency could be specifically defined. Bob Turner recommended sticking with the language we have. Devin Dal Pos noted that these are going to be four-year terms, not two year terms. Bob Turner said that the electoral incentives are stronger. Jeff Altamari suggested looking to the New York State Tax law. Pat Kane said that an elected officer shall be a resident of the City for a continuous period of one year prior to taking office. Jeff Altamari said there are a lot of people that are retired that have two homes.

Tony Izzo said the court cases he has seen have focused on what is the community where an individual intends to return to make a permanent residence 184 days or more in the local municipality, 11 months in the state. Jeff Altamari said he will check with this tax attorney. It was mentioned that the Assessment office is required by the New York Office of Real Property Services to use a tax payer's federal and state tax return to verify the official address when that resident applies for the State school tax assessment reduction or a senior or veteran's exemption. BK Keramati said that if there is an issue or a question over a particular Council members address, the City Council can examine the situation and decide based on state law.

4.04 Appointment of City Clerk: Bob Turner stated that the City Council must appoint a City Clerk. Ann Casey Bullock said that it is required by municipal law to have a City Clerk; there have been experiences where things that were listed in the Charter as being required to happen have not happened so what language should be used to ensure that a City Clerk would be appointed. Tony Izzo said that you would use "shall appoint", that is standard legislative language. Jeff Altamari said there is nothing about the timing of the appointment of the position or if it is vacated, he asked if such language should be included. Bob Turner said we could use language from the model Charter. Barbara Thomas said that the City Clerk is charged with lots of responsibilities such as Vital Records Registrar, issuing licenses. Tony Izzo said that under the administrative supervision of the City Manager, you are making the City Clerk a regular employee. BK Keramati said the City Clerk reports to the City Manager. Pat Kane noted that the only person who does not report to the City Manager is the City Attorney. Laura Chodos said the City Clerk takes care of assessment. Bob Turner stated that there must be a qualified appointed assessor. Barbara Thomas said it is good to have a political person responsible for assessments. Jeff Altamari said the City Council appoints a City Attorney yet on a day to day basis, the City Manager is responsible for the City Attorney.

Barbara Thomas said that the City Clerk gives notice of meetings, keeps minutes, advertises bids, oversees vital records, and advertises meetings. It was discussed that the City Clerk signs marriage licenses, death and birth certificates, hunting, fishing, and dog licenses. Devin Dal Pos said they will be managed by the City Manager. Ann Casey Bullock recommended leaving it as a City Council appointment. Pat Kane suggested that the City Manager should hire the City Clerk and the City Council should approve that hire. Laura Chodos suggested electing a City Clerk since it is done in several communities. Pat Kane added that other Cities elect an Assessor. He recommends putting it in the hands of a City Manager and having him deal with it.

Bob Turner said the City Clerk also certifies bids, RFPs and it is a job that has a lot of responsibilities, he likes the idea of the City Clerk being appointed by the City Manager with the advice and consent of the City Council because it should be as apolitical as possible and kept simple but it is another check that the City Council has regarding business conducted within the City. Barbara Thomas said that the City Council should make the rules regarding how the law is implemented. Bob Turner said that the argument for the Clerk position is that it is powerful so having an appointment and confirmation process is a good idea.

BK Keramati said we are trying to determine how the City should run. Do we want the City Clerk to politicize their powers or be just an employee carrying out their duties. Tony Izzo said that most if not all of what the City Clerk does is governed by local ordinances and municipal and state law.

Ann Casey Bullock said that the City Manager shall appoint a City Clerk with the advice and consent of the City Council to serve at the pleasure of the City Manager. The Commission agreed.

Assessor: Ann Casey Bullock said she will add a section for the Assessor because there is no reference. She needs language. Pat Kane said the Assessor is required to have a license. Barbara Thomas said that there needs to be a licensed assessor. If the Assessor is elected, they are provided with an opportunity and time frame to attend classes. If an Assessor is appointed or is employed through the Civil Service process they must have current New York State certification as an Assessor.

In the interest of time, Bob Turner curtailed the discussion of charter language for so the public forum could be discussed. The Commission agreed to hold a Commission meeting on Thursday at 7:00 pm March 23 at a location to be determined and resume discussion.

DISCUSSION OF PUBLIC OUTREACH

Beth Wurtmann said that emailed flyers will be more effective than those posted on walls and bulletin boards. She circulated a sample flyer. She said they will share them with everyone. Minita Sanghvi has created a face book page. Pat Kane said he took out some words that might cross the line to advocacy. He cautioned the Commission on the use of words like improved or better, more efficient, etc. Barbara Thomas suggested discussing the format of the March 29 public forum. The presentation should not take long, fifteen minutes or less would be great. Bob Turner suggested that it would be helpful for different people to talk about the strengths; to have some varying voices in that process. He is thinking about using slides. BK Keramati suggested having random people look at the slides and find out what they think about them. Beth Wurtmann said we need to get this out, a press release has been written. Pat Kane said that Monday, things we will be released to the public. Barbara Thomas distributed the media plan to the Commission members and she has created a timeline. She said there should be a fact sheet. Pat Kane said we have to help the public understand so there needs to be a document for them to get their hands on. Barbara Thomas said that having a short presentation then opening it up to the public for comment is ok but we do not want the replies to go on endlessly. Jeff Altamari said that there is a tendency to overwork presentations, it must be kept simple. Minita Sanghvi said the face book invitation is out. Pat Kane said there will be a full house.

Jeff Altamari suggested that there should be discussion on the presentation, the slides and the format of the meeting at the meeting on Thursday March 23. Beth Wurtmann said there are five to six slides that BK Keramati presented to the Outreach Committee and the committee approved them. Pat Kane asked about advertising the meeting. Tony Izzo said it is not a regular meeting. Bob Turner said they would post the agenda. Ann Bullock said that "4.05 Supervisors" will now become "4.06 Supervisors" because 4.05 will become the language for the Assessor; we will start there on Thursday. Tony Izzo said he conducted research on Supervisors and he will find it and send it out to Commission members.

PUBLIC COMMENT

Chair Bob Turner opened the second Public Comment period at 8:59 p.m.

Joy King asked for clarification if the Commission plans to finish the going over the document on Thursday and talk about the public meeting. She wants the language presented at the public forum to be precise, simple and easy to understand. Minita Sanghvi said she has that covered.

Seeing that no one else wished to speak, Chairman Bob Turner closed the second public comment period at 9:00 p.m.

ADJOURNMENT

Minita Sanghvi moved and Pat Kane seconded to adjourn the meeting at 9:00 p.m. Ayes all. There being no further business, Bob Turner adjourned the meeting at 9:00 p.m.

Respectfully submitted

Nancy L. Wagner
Clerk

Accepted: 4/6/2017