

2018 CHARTER REVIEW COMMISSION MINUTES

June 13, 2018

Roll Call

Present:

Vince DeLeonardis, Chairman
Deputy Commissioner Michael Sharp, Vice Chairman
Deputy Commissioner John Daley, Secretary
Commissioner Michele Madigan
Commissioner Peter Martin
Commissioner Skip Scirocco
Deputy Mayor Lisa Shields

Absent: Commissioner John Franck
Deputy Commissioner Maire Masterson
Deputy Commissioner Joseph O'Neill

Recording of Proceeding

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

Call to Order

Chairman DeLeonardis called the meeting to order at 4:05 PM.

Public Comment

Chairman DeLeonardis opened the floor for public comment from Richard or Bonnie Sellers as they were the only attendees at that point of the meeting. They declined to comment at that time.

Tony Izzo advised the Committee that any portion of the draft document that is discussed in an open meeting prior to being finalized, is subject to FOIL.

End of public comment.

Approval of Minutes

Chairman DeLeonardis made a motion to approve the minutes of the May 19, 2018; May 23, 2018 and May 30, 2018 meetings. Commissioner Madigan seconded the motion.

Vote: Ayes – 7 Nays – 0 Absent – 3 Motion - Passed

Review redlined draft of the Charter

Chairman DeLeonardis began the meeting with a review of the current Charter that included the initial efforts of the Commission as the result of work done at several prior meetings. He further echoed Tony Izzo's comment that what is discussed in an open meeting is subject to FOIL. This document is a rough draft and as a reminder, no areas; deletions; additions; or amended sections have been voted on by the Committee. A redline document was provided to the Commission just prior to tonight's meeting and Chairman DeLeonardis recognized that there has been little or

no time for the Commission to review the document so today he was going to indicate what has been discussed for change to date. Starting with the next meeting he will share all the information that has been gathered from the questionnaires that have been received from past officials of the City; current employees; and the sub-committee meetings. He will also have a document that will be the guiding material for the final document. He stressed that there isn't much time left to get this work done because it has to be submitted by September. He would like to have a final draft, prior to being voted on, and have a second open Forum sometime in mid-August. As the document progresses, it will be reviewed by outside counsel, section by section, along with any questions that may arise.

Tony Izzo and Chairman DeLeonardis, have incorporated the changes that have been discussed in previous meetings into a redline document. In Section 2.1 Officers; Eligibility; Terms of Office; Salaries - was changed to read the following: "~~Two~~ *One or more* Supervisors, *as may be determined according to ...*." The determination language was added because it is believed that the number is to be determined by the County or State Law whichever is governing. Commissioner Martin suggested language that would defer to determination by Saratoga County Board of Supervisors. Confirmation that the Board of Supervisors governs the number will be researched. In the paragraph below that discussed salary the following changes were suggested "The Mayor and each Commissioner shall receive a salary ~~of \$14,500 per year, except that for the remainder of that calendar year, at the request of the City Council and due to the current financial crisis.~~ *and compensation as shall be established from time to time by local law and subject to approval by public referendum pursuant to sections 23 and 24 of the Municipal Home Rule Law.*" In section 2.2 City Council and Powers - some changes are typographical but with regards to meetings, the fourth paragraph was removed "~~Members of the public shall be scheduled to speak at Council meetings at times and in such manner as the Council shall establish. Time shall be allotted at every Council meeting for the public to speak.~~" and instead added at the end of paragraph 5 "~~no later than noon the day preceding such meeting at least twenty-four (24) hours prior to the regular meeting. Time shall be allotted at every regular meeting for the public to speak.~~" This change will still allow for the public to speak at regular City Council meetings but not at special meetings such as the State of the City. In section 2.3 Supervisors there are typographical changes only and section 2.6.1 Deputies - the suggested language included reads "*No deputy shall hold office in a political party during his or her term. Each deputy shall possess sufficient educational qualifications, or work experience, or both, reasonably related to the administrative responsibilities of his or her department.*" Deputy Sharp asked for clarification regarding the term "office". Chairman DeLeonardis referred to our current Code of Ethics and the reference to political officer contained there. Tony Izzo said that section 13-2 of the Code of Ethics does define officer. Commissioner Martin suggested adding the Code of Ethics wording to the Charter. Commissioner Madigan said she was not sure about the addition and a discussion ensued regarding the first sentence of the suggested additional language. The second sentence was agreed as acceptable by all. The political officer language will be highlighted for future discussion.

Title 3 – The Mayor. Chairman DeLeonardis noted that letter sections B; G; H & L have been removed. Letter E – State of the City Address - will include "*and each Commissioner*" to allow for the State of the City to reflect the 2018 format and the section should be moved under "Council" but language should be added to reference "under the direction of the Mayor". Letter F Initiation of Reviews - revises the review required for the Charter & Comp Plan to every 10 years; letter G Enforcement of Laws - is moved to Public Safety; letter I Collective Bargaining - remains the same; the letter J Official Appointments – the wording "*on advice and consent of*"

Council” will be added after all appointments here and throughout the document for all Departments. *“Human Resources Administrator; and Parks, Open Land and Historic Preservation Administrator and City Center Authority Board of Directors”* were also added to this section. Commissioner Martin would like the wording to read *“subject to advice and consent of Council”*. Letter K City Department Administration – changes *“functions”* to *“departments”*. Human Resources; and Parks, Open Lands and Historic Preservation were removed and Building Department was added. Deputy Shields said she sees the Mayors department being made up of four departments: Planning; Economic Development; Building; and Zoning Administration and would like to see these moved in the paragraph to come before the land use boards for sentence structure. Letter L Capital Program Committee Chairperson – was removed in contemplation of moving it to Finance department. A clarifying paragraph was added to better define succession in the absence of the Mayor *“In the event of the Mayor’s absence or disability, other than a vacancy as defined in Section 2.4, a member of the Council shall act in the Mayor’s stead for so long as a quorum of the Council remains present and able to serve. The order of succession to act as Mayor shall be: First, the Commissioner of Finance; Second, the Commissioner of Public Works.”* A discussion followed to include all departments in the succession in the event that there was a need to have some action taken that did not require a quorum but did require Council authorization such as signing a document that was previously authorized but then the Mayor or the other two successors are not available. Chairman DeLeonardis will bring some language for consideration.

Section 3.1 Capital Program – is removed in its entirety from here and inserted under Finance. Section 3.2 Human Resources Administrator - is removed in its entirety and added under Title 8. Section 3.3 Administrator of Parks, Open Lands, and Historic Preservation - is removed in its entirety and subject to further conversation about how it will reside under DPW and likewise section 3.4 Recreation Commission - has been removed in its entirety. There are two questions on the table with regards to keeping the Rec Commission or removing it and simply moving the Rec Department to DPW. No Changes to section 3.5 Planning and Economic Development - Deputy Shields will provide some thought about how this should be addressed. Section 3.6 Building Inspector - was changed to remove ~~Inspector~~ and add *“and Zoning”*. Section 3.7 Public Information - is removed from here but added to Title 7 as it pertains to publicly accessible information specifically FOIL which has been previously handled from the City Attorney’s Office.

Title 4 – The Commissioner of Finance. Letter A Substitute for the Mayor - has been removed in its entirety as it is already defined in the Mayor’s section. A new letter F Capital Program Committee Chairperson - was moved from the Mayor’s section and added here and the word Mayor as it previously appeared throughout the section has been changed to reflect Finance. *“The Commissioner of Finance shall be Chair of the City’s Capital Program Committee, which shall develop and submit for public review an annual assessment of the City’s needs and priorities regarding its physical facilities, equipment, and appurtenances. The Committee shall consist of one (1) representative each from the Departments of Mayor, Public Safety, Public Works, and Accounts; the City Planner; the City Engineer; Chair of the City Planning Board; a representative of the Recreation Department (?); and the Administrator of Parks, Open Lands, and Historic Preservation. The Capital Program Committee shall prepare and submit to the Council annually a 6-year Capital Program consistent with section 99-g of the New York State General Municipal Law and program elements outlined in Section ___ of this Charter.”* Deputy Sharp asked about the question mark that is shown after Recreation Department and

Commissioner Madigan asked about the Chair of the Planning Board being on the committee. The membership list will be reviewed and amended as needed. In section 4.1.4 Discounts - language was added for clarification *“The Council shall have the authority to establish a discount of two and one quarter percent (2 ¼ %) shall be allowed.”* The section continues as previously written and a final sentence was added that states *“The Council shall establish such discount, if any, by Resolution on or before ___ of each year.”* Commissioner Martin wanted to add language for the transition of this Charter if it is passed. Chairman DeLeonardis said that this is called out in section 14.4 Transition to the New Charter, which will address all transitions that will be required by the new charter. Commissioner Scirocco said that the 2001 Charter cycled over 2 years. Chairman DeLeonardis advised that there are options for things to take effect 1/1/19 and others 1/1/20 and if this charter does not pass, there are things that can be changed without public referendum but are included here. Section 4.1.5 Tax lien - is marked with an asterisk but the reason is unclear and will be revisited. Section 4.3.4 Internal audit - will be a new section that will address Internal Audits. Deputy Sharp will provide language for this section. In section 4.4.3 Budget submission - some language was removed and new language proposed *“...the first regularly scheduled meeting of the Council in October each year, a meeting of the Council held no later than October 31 of each year.”* This minor change is to add a specific time and to allow for this to be a special meeting. Section 4.4.6 Budget adoption - changed the date from November 30 to *“the first regularly scheduled meeting in December...”*. Section 4.4.13 Payments prohibited - language was added to approve by a super majority vote rather than deny outright an expense or liability incurred by a City employee who shows good cause for the expenditure. Tony Izzo advised that an expense incurred is still an obligation and the additional language will allow for the obligation to be taken care of. Section 4.5 Capital Program is added here from the Mayor’s section. The current section 4.5 Construction With Local Finance Law - is renumbered to 4.6 because of the addition above.

Title 5 The Commissioner of Public Works – In letter E the word composting was removed and Beautification was left. The section reads: “E. Beautification ~~and Composting~~ Programs – The Commissioner of Public Works ~~may undertake responsibility for~~ *shall have the authority to initiate* City beautification ~~and composting~~ programs ~~or such program as the Council may from time to time establish.”~~ Letter F is removed because it is discussed in the Mayor’s section. In the paragraph immediately below letter F, the required accomplishments and operations report date was changed from March to June. Section 5.1.2 Encroachments - is removed as this is done by Code enforcement and DPS and a City ordinance can address this rather than include it in the charter. Section 5.4 Recreation Department was added. More discussion is needed to determine the language and the same is true for section 5.5 Administrator of Parks, Open Lands and Historic Preservation – was added here from the Mayor’s title. Commissioner Madigan suggested that this be called a sustainability coordinator which may be a better title but not necessarily needed to be called out in the Charter. A discussion ensued. A new section 5.4 Recreation Department – was added here from the Mayor’s title. The old section 5.4 will become section 5.6 Office of the City Engineer - added the language of *subject to advice and consent of Council* as previously discussed for an appointment. Commissioner Scirocco asked about the appointment of the City Engineer now being subject to Council approval. A clarifying discussion and the question of calling the position out in the charter followed and will be considered in the future. In section 5.4.3 Infrastructure inventory - the bullets were removed as they are unnecessary.

Title 6 The Commissioner of Public Safety - letter I - bullets were also removed as unnecessary. Section 6.3.1 Strategic Traffic Safety and Enforcement - there was no substantive change made here and sections 6.3.2 Strategic Emergency Medical Services Plan and 6.3.3 Strategic Emergency Management Plan - were compressed making this one paragraph instead of three. The enforcement and sidewalk snow removal previously thought to have been moved from the Mayor's title were not added here as they are covered in the City Code. Commissioner Martin would like to see a catch all statement inserted here in the event that a function isn't called out elsewhere.

Title 7 The Commissioner of Accounts– a letter F Board of Assessment Review - was added here for clarity as this is referenced further on and it should be identified. Section 7.3.1 Policy and Procedures Manual - contains language similar to language found under the Commissioner of Finance section 4.2.1 so this should be changed to be consistent with that language. A revision for consideration will be provided. Section 7.3.5 Storage - was removed in its entirety as unnecessary. The newly numbered 7.3.7 Procedures for contracts - section c was divided to add section d starting with “After review by the City Attorney.” A new section 7.4 Registrar of Vital Statistics - was added and language will be provided as this is called out in letter D Registrar of Vital Statistics - at the beginning of the Title but not defined further in the Charter.

Title 8 Legal Matters – the caption has been changed to remove “~~Matters~~” and add “*And Professional Services*” to reflect the discussion of adding Human Resources to this section. A new 8.1 has been added to define the Title - “*8.1 OFFICE OF LEGAL AND PROFESSIONAL SERVICES. There shall be an Office of Legal and Professional Services consisting of qualified professionals and support staff who shall be responsible to serve, represent and advise all City officials, departments and entities. The Office of Legal and Professional Services shall be organized within the City Attorney's Office, and the City Attorney shall act as coordinator of the several professional offices.*” The renumbered 8.2 City Attorney - has added the new language regarding appointments as suggested earlier, and terms of employment defined by a written contract. Section 8.3 Human Resources Administrator - has been added here but the specific job description has been removed. It reads: “*8.3 Human Resources Administrator. There shall be a Human Resources Administrator who shall be a qualified professional in the field of Human Resources, and who shall be appointed on the basis of education and experience in Human Resources work in a like jurisdiction.*” Commissioner Madigan commented that a job description is very helpful. Chairman DeLeonardis agreed but perhaps it does not belong in the Charter. Section 8.4 Service of Papers on the City - Commissioner Martin would like language specifically stating that the City Attorney is the City's authorized officer to accept service for the City. Chairman DeLeonardis agrees that is a good idea. Section 8.5 has been added to address public information and it reads “*8.5 Public Information. The Office of Legal and Administrative Services shall advise all departments relative to the provisions of the Freedom of Information Law and shall establish policies and procedures to assist persons in obtaining accessible public records and public information.*” and Section 8.7 Condemnation: Acquisition and Sale of City Property - needs to be clarified and language will be provided to do that.

Chairman DeLeonardis said that concluded the redline changes to date. Some sections that have been discussed at previous meetings have not been touched as yet but will be addressed after the review of public input. Deputy Sharp asked for a more definite schedule for actions going forward. Chairman DeLeonardis said that direction was his original idea but that hasn't worked well to date. He asked for the committee members to be prepared to discuss several chapters at

the next meeting so the time is productive. Commissioner Madigan thinks progress is being made but she has some questions that she would like to discuss with outside counsel. Chairman DeLeonardis advised that, costs being considered, the thought was to gather legal questions via email and provide them to counsel at one time. Mr. McLaughlin will be asked to attend a meeting at some point. Chairman DeLeonardis is happy to coordinate the questions and get them to the attorney. Deputy Shields asked about section 2.1 Officers; Eligibility; Terms of Office; Salaries – saying she would like to specify a time for review of the current salaries as she is unclear what “time to time” means. Chairman DeLeonardis advised that salary changes are subject to referendum. Deputy Daley said that “time to time” language is standard in government documents. Commissioner Madigan is questioning the requirement of a referendum. Salary changes should be done by resolution and not take effect until the next administration takes office. Sections 23 & 24 Municipal Home Rule Law calls out referendum qualifications. Tony Izzo advised that the law calls out, exactly and only, what can be brought via referendum. A discussion followed. Deputy Shields suggested that the Mechanicville salary language be reviewed and considered by the Commission. Chairman DeLeonardis said that was a good idea and it should be done before the next meeting so it can be discussed at that time.

Chairman DeLeonardis opened the floor public comment.

Public Comment

Richard Sellers – Saratoga Springs. The HR job as currently outlined in the Charter is a great list but it is too detailed to be in the charter. He suggested that fewer job specifications should be included in the charter but the responsibilities should be clearly defined. That would allow for flexibility in filling positions. He also commented that he liked Commissioner Martin’s suggested language of “subject to” in reference to making appointments with City Council approval however he said that the language of “serves at the pleasure” would allow for a position to be eliminated because it could lead to someone being let go at a whim and in conflict with the approval being subject to Council approval. Sustainability is an objective not necessarily a position and keeping things objective might be smart. Deputies cannot have responsibilities to Political Parties so language should be found to support that.

Bonnie Sellers – Saratoga Springs. Commented on a previous meeting where the term Political Hacks was used. She said that we should be careful about what we want. She suggested using caution with language that calls for a specific position in the Charter because if the City does not have the ability to fund that position, people can still insist on it being filled because it is called out in the Charter. She feels the word sustainability is a verb and is too vague to be in the Charter. Basically everything the City does is with sustainability in mind. She doesn’t think that that this Committee are Political Hacks and she commented that these are very good meeting.

Deputy Shields commented that she agreed with Mr. Sellers that the responsibilities and services should be call out not specific titles. Chairman DeLeonardis agreed as well.

Deputy Sharp commented on Mrs. Sellers comment about Political Hacks. He feels that the Deputy who is not qualified to hold the position might be a hack but qualified individuals would do the job regardless. Mr. Sellers added that the Commission had already proven that neither part of that argument was accurate even before the term was used.

End of public comment.

Next meeting on 6/27 @ 4:00 PM

Chairman DeLeonardis adjourned the meeting at 5:35 PM.

Respectfully submitted by Trish Bush.