

**CHARTER REVIEW COMMISSION MEETING  
CITY OF SARATOGA SPRINGS, NEW YORK  
WEDNESDAY, AUGUST 30, 2000  
CITY COUNCIL ROOM  
6:30 P.M.**

**PRESENT:** Harvey Fox, Chair  
Rita Balmuth  
Lew Benton  
Vassar Curtis  
Mark Lawton  
Margie Van Meter  
Mia Mouzon  
Lee Nelson  
Denise Polit, Vice Chair  
Elio Del-Sette  
Christopher Whann, Secretary

**STAFF PRESENT:** Anthony J. Izzo, Assistant City Attorney

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**CALL TO ORDER**

Harvey Fox, Chair, called the meeting to order at 6:30 p.m.

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**APPROVAL OF AUGUST 21, 2000 MEETING MINUTES**

Denis Polit moved and Mark Lawton seconded to approve the August 21, 2000, amended meeting minutes with 12 minor revisions made by Mark Lawton. Ayes all.

Harvey Fox gave hand outs to the members of the committee. One being Commissioner Mirling's draft notes and answers and the other was a financial report from Commissioner Lenz.

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**CHARTER REVIEW**

Tony Izzo said he plans on finishing the Charter review tonight.

Tony Izzo referred to the following in the Charter:

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1. Title 10, page 34.2 Assessments & Taxes and referred to streets and sidewalk Chapter 203 and Taxation Chapter 212. He said the City of Schenectady is going through a similar Charter Review. He said they have a City Manager with a strong Mayor council.
2. Title 10, section 87 with there being an inside and outside district in the City. He said the inside district is clearly old and needs to be addressed.
3. Real Property Tax Laws of 1973, mirrors the State Law of Real Property Tax Law.
4. Budgets. He said the City's fiscal year is January 1 through December 31. He referred to the sections on tax sales and tax certificates.
5. Section 92 regarding discounts on taxes. Margie Van Meter said there are discounts if you pay your taxes all at once. Tony Izzo agreed but he was not sure if this is a State Law and agreed to look into this.
6. Tony Izzo, referred to Section 100 on Elections. He said this was established for partisan elections. Elio Del-Sette said he would like to see the provisions before 1982. Chapter 101, he said in 1981 the County Supervisors were named as to who they were at that time in order to identify their positions. Chris Whann asked if election years were set at odd years because the Charter was established in an odd year. Margie Van Meter said the County elections are in odd years. Tony Izzo said this goes back to 1915 and agreed to research this.
7. Chapter 113, Fiscal Year was previously discussed.
8. Chapter 114, Quarterly Reports have been in the Charter since 1969. He said annual reports are mentioned. He said the City Council took some revisions from the 1968 failed Charter Review revisions and instituted them. He referred to Section 24 and Section 25 that revisions to the City Charter need to be voted on by public referendum.
9. With regard to Chapter 115, Chris Whann said some records were just recently lost, is there anything that can be done to prevent this from happening again? Tony said this is in the 1969 revision.
10. Chapter 117, refers to the local newspapers being the Saratogian and the Schenectady Gazette. Tony Izzo said the City should be using both papers for legal ads and announcements.

11. Chapter 118, Tony Izzo said goes back to 1916.

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### INTERVIEW WITH COMMISSIONER THOMAS CURLEY

Harvey Fox welcomed Commissioner Thomas Curley to the meeting.

Harvey Fox asked about the Department of Public Safety functions. Commissioner Thomas Curley said his department consists of the Police, Fire and Public Safety staff (Code Enforcement Officer). He said previously the Building Inspector was in his department but the office was moved under the Mayor's department because the department deals with new construction and should be in the same area of the City Planner and City Engineer. He said Mayor O'Connell and himself agreed this move to. He said this move has been positive for the public but has undergone a court challenge. He said he wants to expand the Code Enforcement Officer's office. He is now waiting for the Civil Service list of candidates. He expects the second officer to be in place by the beginning of the New Year.

Harvey Fox asked about the organization of the department. Commissioner Thomas Curley gave the committee a copy of the chart of his staff, which will be copied for the committee members. He said he has a staff of 145 full time employees which the Fire and Police Departments are included. He said he has a staff of 17 part-time crossing guards and during the Track season between 18 - 21 people manning the traffic lights.

Commissioner Thomas Curley said his department hires from the Civil Service list as the need arrives. They also do lateral transfers within his department that he coordinates with the Civil Service office. He said this allows putting an employee right on the street as opposed to waiting for training of this new employee to be completed.

Commissioner Thomas Curley said he appoints his Deputy and the City Health Officer. Mark Lawton asked what is a health officer. Commissioner Thomas Curley said the Health Officer coordinates with the Code Enforcement Officer, City Engineer and Building Inspector regarding unsanitary conditions of buildings and property in the City. He said the Health Officer lends credibility. Mark Lawton asked if there were any other duties. Commissioner Thomas Curley said the Health Officer also performs medical exams for his employees. Denise Polit asked if this was a full time position. Commissioner Curley said no. The position pays \$10,000 per year. Mark Lawton asked if the Health Officer could provide advice on evaluation of the West Nile disease problem. Commissioner Thomas Curley said yes.

Harvey Fox asked about the operations of the department. Commissioner Thomas Curley said there are written manuals for the Police and Fire Department. He referred to them as a

Code of Ethics. Harvey Fox asked if each employee receives one. Commissioner Thomas Curley said they are available to each employee. Harvey Fox asked how the Police Chief and Fire Chief positions are filled. Commissioner Thomas Curley said these are Civil Service positions filled from a list. Harvey Fox asked if the Commissioner made the final appointment. Commissioner Thomas Curley said yes.

Harvey Fox asked how purchasing is handled in his department. Commissioner Thomas Curley said a request for a purchase is made then given to the immediate supervisor for approval, then given to the office manager for approval, then given to his deputy for final approval and then given to Purchasing in the Accounts Department. He said if the purchase amount exceeds \$1,000, it needs to go out to bid or be under State Contract or have a Waive of Bid approved the City Council. Mark Lawton asked if there was a Policy and Procedure manual for this procedure. Commissioner Thomas Curley said no, that he has only 4 people in his office performing these duties. Mark Lawton said if a purchase exceeds \$1,000 why use a State Contract. Commissioner Thomas Curley said there is a purchase contract list available from the State, which is always less expensive than what is normally paid on the street. Mark Lawton asked if the Commissioner found the \$1,000 limit a problem? Commissioner Thomas Curley said not really but it could be raised to \$3,000.

Harvey Fox asked about the department budget. Commissioner Thomas Curley said his total budget is \$7.88 million, which fluctuates with transfers that come into his department and grant money they receive. He said labor costs are uniform allowances of 75%. Commissioner Thomas Curley said his department does not have revenue drivers. He said money collected by his department is for parking fines and violations and grant money (approximately \$780,000). He said the grant money is for police and fireman services but the funds eventually run out and the position is picked up by the department in his budget. Chris Whann asked if the grant money was federal or state funds. Commissioner Thomas Curley said most of the funds received were federal grant funds. He said a small amount of grant funds were received from the State for the dispatch area. Margie Van Meter said the Community Police grant was federal monies (HUD funded) for the first three years for a HUD officer at the Terrace area. Commissioner Thomas Curley said this position is now absorbed into the City payroll.

Harvey Fox asked about the financial needs for the budget. Commissioner Thomas Curley said in September he asked his Chiefs and office staff for a list of future needs for the upcoming years. He said contracts with his departments need to be looked at for his budget needs. He said he and Deputy King work on the budget and submit it to the City Council. He said his long range planning includes staying fully staffed and trained with annual training and recertification (i.e., Paramedics and EMT's). He said with regard to their vehicles they made purchases in 1992 and 1998 and prepare every five years to replace a piece of equipment.

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Lee Nelson asked Commissioner Thomas Curley about performance evaluation procedure in place in his department? Commissioner Thomas Curley said these positions are Civil Service and at some point evaluations are done on employees. He said the immediate supervisor reports to the Chief to review cases, which at times are very lengthy.

Commissioner Thomas Curley said he relationship with the County Supervisors is excellent. He said they are always available to him and they now attend the City Council meetings on a regular basis. He said the Supervisors have sought revenue for the City and they are very receptive.

Harvey Fox asked there was a conflict with the "Skip" Scirocco being the animal control officer in his department and the County Supervisor. Commissioner Thomas Curley said no.

Harvey Fox asked if the Commissioner made any appointments to any City Boards? Commissioner Thomas Curley said no, although he does appoint committees.

Harvey Fox asked about relationships with other departments. Commissioner Thomas Curley said he does not have any barriers or hurdles with other departments. He said the operation of the City should be looked at periodically on how to improve its operation and this committee is doing that now.

Harvey Fox asked about goals for the Department of Public Safety. Commissioner Thomas Curley said one goal is a central dispatcher system, which they are working on right now. He said it should be completed by the end of the year.

He said there is a conflict with the administration of a department and the legislative job of being a City Council member. He said it is difficult to separate these. Elio Del-Sette asked the Commissioner if he would recommend a radical change in the form of government. Commissioner Thomas Curley said no. Margie Van Meter asked if the departments long range planning included the Truck Traffic problem? Commissioner Thomas Curley said his long range planning is an inspection station to send a message to the truckers to keep their trucks safe.

Commissioner Thomas Curley said one change he would like to see is a centralized personnel department, including health insurance and retirement. Elio Del-Sette asked if the Commissioner would go to the County if the Civil Service Department were dissolved? Commissioner Thomas Curley said he was not suggesting the dissolution of the Civil Service office.

Lee Nelson asked if the Commissioner receives reports from his department. Commissioner Thomas Curley said he does receive reports from his Chiefs when needed but not formal

reports. He also receives a report from the Building Inspector.

Elio Del-Sette asked if there was value in a quarterly report. Commissioner Thomas Curley asked what was the original intent back at the time the Charter was adopted? Mark Lawton said the Charter clearly states there shall be reports but he was not sure if they were to be written or verbal. Commissioner Thomas Curley said he does receive verbal reports. He also said his budget reports are always available.

Harvey Fox asked if the Commissioner if he receives enough information from the other departments. Commissioner Thomas Curley said yes.

Lee Nelson asked if he receives reports from his constituents? Commissioner Thomas Curley said no. Lew Benton asked if the moving of the Building Inspector under the Mayor should be made a permanent change? Commissioner Thomas Curley said he would like to think about it the permanency of the move.

Lee Benton asked about the expansion of the role of a Commissioner from being full time vs. part time capacity? He said the Charter is silent on the subject. Elio Del-Sette asked about the City Attorney position of full time vs. part time vs. specialist. Commissioner Thomas Curley said a full time attorney might be the way to go but would like to think more about the subject. He said they might be a cost savings especially for the special litigations.

Harvey Fox thanked Commissioner Thomas Curley for this information.

Harvey Fox then welcomed Thomas McTygue, Commissioner of Public Works.

Harvey Fox asked about the functions of the Department of Public Works. Commissioner Thomas McTygue said his department consists of the DPW garage, the recreation fields, the two skating rinks, streetlights and the street cleaning. He said he employs 100 - 105 employees.

Denise Polit asked about the recreation function. Commissioner Thomas McTygue said the Mayor appoints the Recreation Commission. His department takes care of the maintenance of the recreation fields. He said the scheduling of the recreation programs in under the Recreation Commission and the Director of the Recreation Department.

Commissioner Thomas McTygue said his department has the responsibility of the maintenance of the City buildings. He said the project of building the City Ice Rinks was presented to him and was approved by the City Council. He said 10 to 15 percent of the profits from the rinks goes into the Capital Reserve.

Commissioner Thomas McTygue said all Building and Grounds and office employees and the Director are Civil Service employees and are appointed from the Civil Service list. Commissioner Thomas McTygue said the street employees and the foreman are not Civil Service, they are under a Union.

Harvey Fox asked Commissioner Thomas McTygue if there are written manuals for office operation. Commissioner Thomas McTygue said no. He said his purchasing goes through the Purchasing Department. He said they use certain products for equipment (i.e., Caterpillar). Because these products are over \$1,000, his department uses the "waive of bid" before the City Council for approval.

Harvey Fox asked about the current budget. Commissioner Thomas McTygue said the Department of Public Works budget is \$4.7 million. The Water Department budget is \$3.3 million and the Sewer is \$2.5 million. He said the Sewer Department is the collection of funds that are sent back to the County.

Mark Lawton asked if there are procedure manuals for purchasing. Commissioner Thomas McTygue said no. He said that purchase requests for small items are made and the purchase of large items go out for bid. Commissioner Thomas McTygue said his department does not generate quarterly written reports but he gives verbal reports at the City Council meeting. Commissioner Thomas McTygue said he does report to other council members and there is good communication between the members.

Harvey Fox asked about long range planning. Commissioner Thomas McTygue said they have just instituted equipment replacement long range planning this year. He said it takes 12, 16 or 18 months to receive equipment after it is ordered. Commissioner Thomas McTygue said he has meetings with his staff regarding equipment.

Harvey Fox asked about relationships with other departments. Commissioner Thomas McTygue said the relationships are good. Mark Lawton asked what the Mayor does with the Capital Budget? Commissioner Thomas McTygue said the Mayor sits with each of the Commissioners and discusses the Capital Budget. Commissioner Thomas McTygue said this cannot continue in this manner. Commissioner Thomas McTygue said we need a Finance Commissioner who will work on this. Commissioner Thomas McTygue said the City is growing tremendously which puts strain on his equipment. Commissioner Thomas McTygue said there are just enough snowplows with no back up. Commissioner Thomas McTygue said his department has 15 less employees than 15 years ago. Commissioner Thomas McTygue said growth in the City with new buildings, new trails, etc. will result in his department needing more funds for equipment and labor. Rita Balmuth asked why 15 less employees. Commissioner Thomas McTygue said he had to streamline the budget in order not to raise taxes.

Commissioner Thomas McTygue said he has a good work force. Commissioner Thomas McTygue said his position as Commissioner is considered a part time position, but because of the City's growth, he is working 6 -7 hours a day on the job. Especially right now that he does not have a Director. This Director retired recently and is using sick time until almost the end of the year, therefore his department does not have funds to hire a new Director until the beginning of 2001.

Margie Van Meter asked if his department has overtime? Commissioner Thomas McTygue said yes and they watch the overtime hours carefully.

Commissioner Thomas McTygue said he likes the Commission form of government because if the public does not like what is happening in a department they will not vote them back in two years later.

Lew Benton said the Charter states the Mayor shall prepare a 6-year Capital Budget with the Mayor chairing. Commissioner Thomas McTygue said they have not had a Capital Budget since Mayor AC Dake left office. Commissioner Thomas McTygue said her successor did not prepare a Capital Budget.

Lew Benton asked if the City Engineer should be under the Department of Public Works? Commissioner Thomas McTygue said it would be helpful to have the City Engineer under Public Works. Commissioner Thomas McTygue said the relationship between his department and the City Engineer's department is the best it has ever been because of the present Mayor. He said on a daily basis that someone from the City Engineer's office is in his department. Commissioner Thomas McTygue said the new Director will have engineering background. Commissioner Thomas McTygue said he will be looking for someone young that will be with the City of many years. Elio Del-Sette said the City Engineer's office was under the Public Works Department until the move to the Mayors office, which was an illegal move. Elio Del-Sette said the City Engineer's office should go back to the Department of Public Works. Commissioner Thomas McTygue said the Mayor's office does not have a clue to what is going on the City Engineers Office and what they do.

Elio Del-Sette asked if the fiscal year should be changed to give a new Commissioner time to study the budget. Commissioner Thomas McTygue said he does not see a need for this change.

Harvey Fox asked about the relationship with the County Supervisors. Commissioner Thomas McTygue said his relationship with them is good. He said they have always been available to him.

Harvey Fox asked if Commissioner Thomas McTygue made appointments to any City boards.

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Commissioner Thomas McTygue said no but asked the Mayor to appoint a DPW employee to the Planning Board because of the relationship on projects and that has proved very helpful to his department. He said this is not always enacted.

Lew Benton asked Tony Izzo if the Charter could require a representative from departments be appointed to Boards. Tony Izzo said State Law is silent on this subject but does not see a reason why this could not be added to the Administration section not in the Charter. He agreed to check into this.

Elio Del-Sette said the moving of the City Engineer to the Department of Public Works does not require a referendum.

Margie Van Meter asked about if Commissioner Thomas McTygue would like to keep the inside/outside districts as is. Commissioner Thomas McTygue said it has to do with State Aid funding. Commissioner Thomas McTygue said he looked into this at one time and was told not to touch the districts. Commissioner Thomas McTygue said the services are about the same. Tony Izzo agreed to research this. Elio Del-Sette said the tax rate is about the same. Mark Lawton asked if the long-term plan would be for the districts to be the same and consolidate all. Commissioner Thomas McTygue said yes. Tony Izzo said he will research the State Law.

Commissioner Thomas McTygue said he would like to see changes in the bidding and purchasing procedures. Commissioner Thomas McTygue said he would like to see a full time City Attorney.

Harvey Fox asked about goals of the Public Works Department. Commissioner Thomas McTygue said the new Niagara Mohawk building on Weibel Avenue is a good example. Commissioner Thomas McTygue said in five years these buildings will be returned to the City. Commissioner Thomas McTygue said he plans on splitting his department with half on Weibel Avenue and half in town. Commissioner Thomas McTygue said there has been a \$1 million investment made to this sight by Niagara Mohawk. Commissioner Thomas McTygue said this will cut down on mileage of the department's equipment.

Commissioner Thomas McTygue said financing should be looked into regarding a new Public Safety facility. Commissioner Thomas McTygue said consideration for what is best for the community should be researched.

Lee Nelson asked about streams of revenue. Commissioner Thomas McTygue revenues from compost barrels and permits is about \$80,000. Commissioner Thomas McTygue said revenue from the Casino is about \$150,000. Commissioner Thomas McTygue said they have just starting chair rentals at the Casino. Commissioner Thomas McTygue said the compost facility

revenue is about \$35,000 with the sale of compost and milling materials.

Mark Lawton asked about the Capital Reserve. Commissioner Thomas McTygue said \$15,000 is taken from the ice rink profits and placed in the Capital Reserve.

Margie Van Meter asked if the department received revenue for the maintenance of parking lots. Commissioner Thomas McTygue said no.

Harvey Fox asked about any changes in the Charter the Commissioner would like to see. Commissioner Thomas McTygue said he would like to see the City Engineers Office moved to the Department of Public Works. Commissioner Thomas McTygue said he would like to see an individual hired that was educated on labor laws to deal with disciplinary action with employees. Commissioner Thomas McTygue said this is very time consuming on his Deputy. Commissioner Thomas McTygue said he is not asking for a personnel department but a professional person to deal with labor law. Commissioner Thomas McTygue said he is on the phone with Roemer's Office at least two times a day. Commissioner Thomas McTygue said Roemer's office is paid by the hour. Commissioner Thomas McTygue said training of supervisors on how to deal with employees would be helpful. Tony Izzo said this could be a Human Resource person.

Lew Benton said he would like to see an active Capital Budget with integrity (not like the last four years). Lew Benton said the City has enjoyed excess revenue recently. Lew Benton said the Council should plan ahead as a group. The City has excess now but there are lean years down the road. Lew Benton said the City Council should do what is best for the City and less partisan.

Commissioner Thomas McTygue said the neighborhood associations are broadening and need to look outside their own area. Commissioner Thomas McTygue said the City needs to find out the exact sales tax revenue the City generates for the County. Elio Del-Sette asked if our County Supervisors could find out if the City is getting its fair share or maybe more than our fair share. Mark Lawton asked the Commissioner Thomas McTygue is this should be added to the Charter. Commissioner Thomas McTygue said no that we need to deal with this right now. Mark Lawton asked if this sales tax revenue should be looked at periodically and be stipulated in the Charter. Commissioner Thomas McTygue said yes.

Mark Lawton asked about the language in the Charter regarding grades and highway matters. Commissioner Thomas McTygue agreed to look at this with Tony Izzo.

Harvey Fox thanked Commissioner Thomas McTygue for this information.

NEXT MEETING

Harvey Fox reminded everyone that the next meeting would be on Wednesday, September 11, 2000 at 6:30 p.m.

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ADJOURNMENT

Vassar Curtis moved and Chris Whann seconded to adjourn the meeting at 9:10 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:10 p.m.

Respectfully submitted,

*Cindy Phillips*  
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Cindy Phillips  
Clerk

Approved: 9/25/00