

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, APRIL 2, 2001  
CITY COUNCIL ROOM  
6:30 P.M.**

**PRESENT:** Harvey Fox, Chair                      Mark Lawton  
                  Lew Benton                              Vassar Curtis  
                  Elio Del-Sette                              Chris Whann  
                  Lee Nelson                                      Denise Polit  
                  Mia Mouzon                                  Margie VanMeter

**ABSENT:** Rita Balmuth

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

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**CALL TO ORDER**

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

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**APPROVAL OF MARCH 19 MEETING MINUTES**

Denise Polit moved and Chris Whann seconded to approve the March 19 meeting minutes. Ayes all.

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**BUDGET**

Harvey Fox reported that there had been no changes to the budget other than weekly staff charges.

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**OUTREACH PROGRAM**

Harvey Fox said a copy of Joe O'Hara's latest letter to *The Saratogian* had been included in the weekly mailing packet. He asked Commission members if they wanted to invite Joe O'Hara to a meeting for a presentation. Commission members agreed that he should be invited to speak.

Mark Lawton said they are still trying to reach organizations and hoped to get some responses soon. He said Charlie Morrison, Saratoga Springs resident, is interested in getting some organizations together and he was waiting to hear from him on that date. He said Bob Mitchell is also working with the Veterans' organizations. Harvey Fox suggested that some

groups/individuals could be asked to come to a Monday night meeting.

Mia Mouzon said a letter had been received from Janice White, Saratoga Springs School District, thanking the Commission for our efforts in developing a program for fourth graders on the carousel issue. Mark Lawton said the program for the Participation in Government class had also gone quite well. He said Denise Polit would analyze the High School responses to the survey and compare it to the responses received in the Commission's survey. Harvey Fox informed Commission members that the school district has nearly 500 students who will be eligible to vote in the next election.

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## **DRAFTING COMMITTEE**

Chris Whann said the drafting committee has met and will continue to meet over the next few weeks. He reminded drafting committee members that next meeting would be on Saturday, April 7 at 1:00 p.m. in the Council room.

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## **PROTOCOL/SPREAD SHEET**

Chris Whann said he had updated the protocol/spread sheet and if there were any errors, to get back to him. It was agreed that the summary sheet developed by Denise Polit was valuable and she should continue to update it.

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## **ACCOUNTS DEPARTMENT**

### Insurance

Mark Lawton asked about the Broker of Record. Commissioner Bernard Mirling said his office handles the liability insurance. He said though that recently there had been some discussion at the Council table on the broker of record for health insurance and he believed that because it was a purchase, it should be handled in the Accounts Department. Commissioner Bernard Mirling further explained that when Mayor Kenneth Klotz was Commissioner of Finance, he appointed a broker of record; the existing Commissioner of Finance Michael Lenz also appointed a broker of record; and because this was a purchase, he believed that he should be involved. He said in this instance there were three parties who felt that they should be involved in this appointment.

Commissioner Bernard Mirling explained that for health insurance, the City is part of the state established pool, therefore, there is the argument that there is no change in insurance rates no matter who you buy from because the rates are the same. He said the City could opt out of the community-rated program, however, based on the City's history it would not be a wise choice. He said he did not believe that there was any particular reason to have a broker of record, however, Mayor Kenneth Klotz was convinced that due to the broker of record, there was a savings to the City. Commissioner Bernard Mirling also pointed out that health insurance is a negotiated item with the unions.

Commissioner Bernard Mirling said the existing broker of record, Bruce Morrow, believes he could

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save the City money by advising the Council during negotiations by utilizing the "or equivalent" clause in the contract. Commissioner Bernard Mirling said he was not convinced that the broker of record would really make a significant difference; however, since there was no cost to the City, he was willing to approve it this year to see what happened. He said the Commissioner of Finance had established a committee to review the health insurance issues, but he did not believe that their research and their scales were valid or reliable.

Margie VanMeter asked about coverage on items such as Spit & Spat. Commissioner Bernard Mirling said the City has not had coverage on such art objects in the park and Casino because the previous administration was under the impression that it would be quite expensive. He said when seeking proposals for the recent insurance coverage, art objects, was included. He said an appraisal on these items was done at no cost to the City by James Kettlewell. He said at the time the insurance proposals went out the appraisals were not available, therefore, a maximum dollar upset amount was used for what reasonable coverage might be on such objects. He said ultimately there were significant increases in the insurance coverage and the premium also went down at the same time.

Harvey Fox asked what kinds of insurance was handled by the Accounts Department. Commissioner Bernard Mirling said there was liability for Council members, police department, collision, liability, etc.

Harvey Fox asked if it would be feasible for the health insurance to be administered from the Accounts Department. Commissioner Bernard Mirling said although he believed that the purchase of health insurance should be in his department, the administration could remain as is.

Harvey Fox asked what Commissioner Bernard Mirling's thoughts were on a Human Resources Department. Commissioner Bernard Mirling said City Hall needs a Human Resources Department. He said the existing negotiations with unions was absurd. He said there are five Council members, who at times, are not keeping other Council members informed and because of that lack of information, there is no consistency among the contracts. He said it makes negotiations difficult when asking one union to do something that is not required by another. He said a Human Resources Department could coordinate such negotiations. Mark Lawton asked if the disparity was great among the unions. Commissioner Bernard Mirling said there are some significant differences. Harvey Fox asked where Commissioner Bernard Mirling might place the Human Resources Department. Commissioner Bernard Mirling said if there was a full time Mayor, he would place it under the Mayor; however, if the Mayor was to remain part time, he would place it in Finance.

Margie Van Meter asked about the Civil Service Commission. Commissioner Bernard Mirling said that generally, the Civil Service Commission should function independently.

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Elio Del-Sette asked about vital statistics and where that function should be placed. Commissioner Bernard Mirling said moving the birth and death records to the Accounts Department seemed logical. Mark Lawton pointed out that they are in DPS because they fall under the health officer.

Mark Lawton clarified that Commissioner Bernard Mirling believed that purchasing of all insurance belonged in his department but that the administration of health insurance should remain in Finance. Commissioner Bernard Mirling agreed. Mark Lawton asked Commissioner Bernard Mirling to develop some language on that recommendation and to also include the purchasing procedures.

Commissioner Bernard Mirling said he did not believe that the broker of record issue should be recognized in the charter. Mark Lawton agreed that the Commission is looking for flexibility for Commissioners and that listing the broker of record might not be appropriate.

Act as City Clerk

Commission members agreed this function should remain in the Accounts Department.

Keep Minutes of City Council and Boards

Commission members agreed this function should remain in the Accounts Department and there should be some clarification.

Act as Purchasing Agent

Commission members agreed this function should remain in the Accounts Department.

Coordinate City's purchasing needs

Commission members agreed this function should remain in the Accounts Department.

Act as City Assessor

Commission members agreed this function should remain in the Accounts Department.

Collects License fees and Rents

Commissioner Bernard Mirling said some rents are collected by the Accounts Department while others are collected by DPW (Casino rental). Mark Lawton asked why they were not all collected by one department. It was explained that the rental fees collected by the Accounts Department are typically for those with established, regularly monthly fees. Denise Polit asked if Finance had

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information on rental incomes. Mark Lawton said he would be meet with Finance on that issue. Deputy Commissioner Carol Kennedy said the Accounts Department also collects many types of fees, but not fees related to traffic tickets. She pointed out that all fees that collected by various departments are eventually turned over to Finance.

Mark Lawton asked if there should be a pre-audit function to review expenditures to determine whether it is appropriate, legal, and is permitted by the Council. Commissioner Bernard Mirling explained that when an expenditure arrives in his department it is checked to be sure that it is an approved expenditure, that it is appropriate and that there is money in the line item. He said once the criteria is reviewed, the expenditure is then approved. Mark Lawton asked if it would be useful to have the pre-audit function formally recognized in the charter. Commissioner Bernard Mirling said yes.

Elio Del-Sette asked if there was any reason to have health insurance separate. Commissioner Bernard Mirling said the purchase of health insurance should be done by his department, however, the administration was something different. Elio Del-Sette asked who established the license fees and rents. Tony Izzo said a variety of departments do. Denise Polit asked if they were reviewed regularly. Tony Izzo said no. Mark Lawton said there should be a regular review.

Disburse benefits and Disburse utility bills

It was noted that the utility bills are sent out by Finance.

Employee evaluations

Elio Del-Sette said employee evaluations could be coordinated by Human Resources.

Assessment

Margie VanMeter asked if there should specific mention of how often assessments should be done. Commissioner Bernard Mirling said no. He said the state regulations change periodically and perhaps it would not be wise to place such restrictions in the charter. Margie VanMeter asked if the City should become part of a certified school district. Commissioner Bernard Mirling said he did not believe that needed to be recognized in the charter. He said that issue depends greatly on surrounding communities.

Mark Lawton asked if there were any state mandates that are not reflected in the charter that should be. Commissioner Bernard Mirling said perhaps there should be some mention of the state regulations on purchasing and more specifically the \$1,000 expenditure limit.

Margie VanMeter asked about the purchasing procedures that Commissioner Bernard Mirling was

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drafting. Commissioner Bernard Mirling said he was still working on those procedures. Denise Polit asked about the certification process for the City Assessor. Commissioner Bernard Mirling said he is required to undergo six weeks of training and if he did not demonstrate significant progress towards that end the state could choose not to reimburse the City for expenditures related to assessment. Mark Lawton asked about delegating some of the duties of the Commissioner. Commissioner Bernard Mirling said it might make more sense to have a civil servant as the designated certified city assessor, thereby eliminating the training of the newly elected commissioner. He said that civil servant should also be required to undergo continued training. He said at this time he believed he knew things that the Assistant City Assessor Joe Williams did not know because of his recent training.

Elio Del-Sette suggested that perhaps the phrase "act as" should be eliminated and simply note that the duty falls in the Accounts Department. He said if there is an employee performing this function, then the Commissioner did not need to "act as". Tony Izzo pointed out that under Section C-25 the Council will establish minimum standards for employees.

Commissioner Bernard Mirling said he did not believe that he could supervise without having the knowledge. Mark Lawton said that elected officials do it all the time.

Chris Whann said the collection of licenses fees and rents seemed incompatible with the Finance department. He said this process should be clarified. Harvey Fox suggested that the phrase "money to be turned over to Finance" be included.

Harvey Fox thanked Commissioner Bernard Mirling and Deputy Commissioner Carol Kennedy for attending the meeting.

Lew Benton moved and Elio Del-Sette seconded that all of the existing functions as so noted on the spread sheet as being vested with the Accounts Department be retained in the Accounts Department and referred to the Drafting Committee for specific language. The functions include: act as City Clerk, keep minutes of City Council and boards; custodian of city documents; perform the function of purchasing agent; perform the function of assessor; collect license fees and rents; procure supplies; and purchase of all insurance. It was so noted that the pre-audit function and coordination of purchasing needs should be added.

Denise Polit said there was some inconsistency with the license fees and rents and asked that Tony Izzo get some clarification on why it is currently being done this way.

Mark Lawton said there should also be a written policy and procedures manual. Margie VanMeter said that Commissioner Bernard Mirling is working on the purchasing policy.

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Elio Del-Sette pointed out that there might very well be practical reasons for the way the fees and rents are being collected in the current fashion. Chris Whann said the Commission needs to focus on the procedures and time frames. Mark Lawton and Denise Polit said it seemed more logical to have the rent collected in the Finance Department.

Ayes: seven; Nays: one. Motion carried.

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**NEXT MEETING**

It was agreed the Commission would meet again next Monday, April 9; however, only the drafting committee would meet on Monday, April 16.

Elio Del-Sette said he would like to be sure that at the next meeting the Commission would take up all of the items that had been set aside such as: full time mayor, salary increase for mayor and/or commissioners, terms, Department of Parks & Recreation, Department of Planning and Community Development, Department of Human Resources and City Engineer. Harvey Fox said he would like to see all tabled items also discussed. Commission members agreed. Harvey Fox said if there were other pending issues that Commission members would like discussed, they should contact Kathy so they could be included on the agenda.

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**ADJOURNMENT**

Elio Del-Sette moved and Chris Whann seconded to adjourn the meeting at 8:55 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: