



October 18, 2016

CITY OF SARATOGA SPRINGS
City Charter Review Commission
Town Meeting
7:00 PM

7:00 PM: CALL TO ORDER

INTRODUCTORY REMARKS BY BOB TURNER

PROTOCOL

7:05 PUBLIC COMMENT PERIOD - Citizens are invited to come talk to the Commission about how well they think the City government is functioning and how it can be improved.

8:30 PM DISCUSSION/ CHARTER COMMISSION'S QUESTIONS FOR THE PUBLIC

8:45 pm ANNOUNCEMENTS

9:00 PM ADJOURNMENT

October 18, 2016



CITY OF SARATOGA SPRINGS
City Charter Review Commission
Town Meeting
Tang Museum, Skidmore College
7:00 PM

PRESENT: Jeff Altamari
Gordon Boyd
Ann Casey Bullock (Secretary)
Laura Chodos
Devin Dal Pos
Elio DelSette
Pat Kane (Vice-Chair)
BK Keramati
Robert Kuczynski
Mike Los
Minita Sanghvi
Barbara Thomas
Robert Turner (Chairman)
Beth Wurtmann

ABSENT: Matt Jones, Tony Izzo

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 proceedings, the minutes are not a word-for-word transcript.

CALL TO ORDER

Chairman Bob Turner called the meeting to order at 7:04 p.m.

WELCOME AND INTRODUCTORY REMARKS

Chairman Bob Turner welcomed the members and the public. He stated that every ten years, the City of Saratoga Springs Charter requires the Mayor to form a Charter Commission and make recommendations for updates. He said this Commission is a diverse 15 member panel with both short term and long term residents with a collective 350 years in the City, a wide variety of backgrounds, a mix of political parties and an impressive record of Civic involvement including having served on Comprehensive Plan Committees, the Design Review Commission, the Civil Service Commission, the Blue Ribbon Planning Commission, the City Center Authority, the Saratoga Springs Board of Education, the Saratoga Springs Figure Skating Club Board, the 2000, 2006 and 2012 Charter Review Commissions and the friends of the Kaydeross Committee. He advised the public that this is an independent Commission per New York State Municipal Guidelines with no agenda other than what is best for the City. The Commissions of 2006, 2010

and 2011 knew up front what they wanted to do; this Commission has decided that it does not have enough information to determine in which direction to proceed so we are currently involved in a six-month intensive examination of the government of the City of Saratoga Springs including interviewing former City Council members, talking with department heads, leaders and managers of other municipal governments, unions, stake holders. The citizens are the most important people to this Commission. The goal of the Commission is to make Saratoga Springs better although it is already great.

R. Turner explained that the Tang's "More Perfect Union" exhibit was a perfect venue for the first Town Meeting; it encourages the thinking critically and historically about government in America. He apologized for the conflict between tonight's Town Meeting and tonight's City Council meeting explaining that by the time he realized the situation it was too late to reschedule the Tang Museum.

PROTOCOL

R. Turner advised that members of the public who wished to speak are limited to three minutes each and they must state their name and address. There will be no interruptions or questions unless a Commission member requires clarification.

PUBLIC COMMENT PERIOD

Bonnie Sellers, City of Saratoga Springs stated that she is the Vice Chair of Success, an organization that supports the Commission form of government. She stated that having this meeting on the same night as the City Council meeting limits citizen participation and press coverage of both the Charter Review and the City Council meeting where there are to be presentations on the SMART City initiative and the Zoning Diagnostic Report. She said that Mark Ryckman, the City Manager of Corning NY presented at a recent Charter Review Commission meeting that his base salary is \$122,000. This City Manager makes 65% more than the entire City Council to run a small city of only 3.2 square miles and less than 11,000 people. Saratoga Springs cannot afford this added expense for a City Manager, especially considering that as a larger City, we would need to pay significantly more. She said that the Commission form of government works for Saratoga Springs and listed as proof the fact that the New York State Comptroller recently rated Saratoga Springs as the single most financially sound City in New York State thanks to great work by the City's Finance Department and the entire City Council and that there is the Smart City Initiative to keep the City up to date.

Marge Van Meter, Saratoga Springs said she served on the Charter Commission of 2000-2001 which drafted the current Charter and that Commission tried to encourage cooperation between City Departments. She noted that the five heads of the current form do not speak to the City's needs; there should be either a City Manager or a Strong Mayor form of government. She stated that zoning and planning have been ok through the years but growth requires more policy on new constructions, and more housing options. She commented that the HR function established in the 2001 charter does not really exist; it is supposed to provide employee assistance, help in labor negotiations, and recruitment assistance and at this time it does not; contracting out for Human Resources does not work. She said that the current City Charter does not require full time deputies but each Commissioner and the Mayor have a Deputy and the current annual salary for each is over \$60k. She advised the Commission that since the City's County Supervisors are required to attend the City Council meetings, they should be able to vote, particularly when there is no quorum of council members. She stated that because of the voting system at the County, the City's County Supervisors have important votes. She recommended that City employees with

higher salaries should not be included in the employee bargaining unit. She questioned whether the Recreation Commission belongs in the City Charter and she added that the Recreation Commission should not have the authority to hire the Recreation Director; that should be up to the Mayor. M. Van Meter said that many activities, plans and reports recommended in the 2001 charter have not been done and some might have initially been accomplished but they were only done once and never updated. She said that the open lands position was included in the charter because many City residents believed there should be a City in the country concept. She said the position was discontinued and it should be created again. The City has grown beyond its 1915 needs; it is time for a change. The part time City Council can no longer give adequate time to address the City's current challenges and that is why she recommends changing to a strong Mayor or City Manager form of government.

John Safford, Saratoga Springs said he has lived in the City for 17 years and believes that Saratoga Springs is the best City in New York State and possibly in the country. It is the most networked small city anywhere; it is connected in such a way that it would not matter what form of government existed, the City would be successful. He said that the Charter structure should change. He recommends raising the rate of pay of the Commissioners and the Mayor. He said that when he ran for Mayor in 2015, he discovered that there is a great deal of disconnect between departments and that must be fixed. He said that something as simple as getting permission to put up a sign is problematic. He implored the Commission to change that because it is too frustrating for anyone, particularly a contractor from an independent small company or a new resident that is trying to get something accomplished.

Richard Sellers, Saratoga Springs asked the audience how this form of government is working for them. He said that in 2006, 62% of voters supported a Commission form of government over that of a strong mayor format. He said the 2001 charter was resoundingly successful because it changed and clarified parts of the charter but retained the Commission form of government. He complimented one Commission member for his dedication to a change in our form of government stating that he worked hard for many months for a City Manager form but the majority of the voting citizens did not believe it was prudent. Four years later, there were 67 public meetings held and City Managers from other cities were brought in to detail how well the City Manager form works, but the voters defeated it again. Richard Sellers said that the reason the City is so outstanding is because there are people that are dedicated. He said that during this process there will be conversations about budgeting and he wondered if anyone on the Commission has experience in budgeting. He said the City Council members know what is important and that is why the City has been recognized by the Comptroller.

Charlie Samuels, Saratoga Springs said that he has worked on the Complete Streets program, supported Casino gambling, been an advocate for skateboarding and bicycling and he has found that most people in City Hall work hard but trying to get something done under the current form of government is like running in molasses. It discourages community involvement and volunteering. Obviously this form does not work; it is time to try something different.

Alan Turkheimer said he has lived under several forms of government including a City Manager and a strong Mayor. Under this Commission form of government there are deputies and their salaries and benefits equal to about \$85k per year. The deputies here may not have particular skills for their department because it is not required. He said when he was constructing a building here, he wanted to change something and he was told that if he were to build a new building, it could be 60 feet high, which is too much and a classic example of spot zoning.

Molly Gagne, Saratoga Springs said she lives in the Southwest part of the city which is not recognized because of this form of government. She has literally been told in City Hall that no one cares what is done out there [Geyser Crest]. This prompted the formation of the Southwest Neighborhood Association. She said that anything that has been accomplished has been done because of citizens like those serving on this Commission stepping forward and picking up the pieces. She said that she has spent 15 years trying to get a law enforced that is on the books in Saratoga Springs. She said that none of the Commissioners want to enforce the law but she has learned that since the Commissioners can't or won't help her, she should go to the Mayor. She is concerned that talented people in our City that have full time jobs can't find that the time required to be a Commissioner or Mayor. She said that because a Council member must function as a department head and run one department only, it is hard to work full time and serve on the City Council at the same time. She said that it might be easier to recruit talented people to run for a general council seat if the form of government was changed.

M. Gagne agreed that the City's two County Supervisors, each elected by the people and should have a vote at the Council table. She explained that the law that is not being enforced was design to protect the street scape and tree belt and at least 20 people in her neighborhood have paved their tree lines and some have even removed City-owned street trees in order to have a spot to park their cars and no one on the Council is interested in resolving this problem that destroys the City owned streetscape and Code Enforcement claims they can't fix it.

John Kaufman, Saratoga Springs is stunned by the number of extraordinary people who volunteered to serve on this Commission. He thanked them for taking on this task. He advised that the form of government is only as good as the people elected. There have been some fine people serving and dedicating themselves to the needs of the people of this City. He opined that conflicts acted out regularly at Council meetings recently have to do with egos between the players, unlike when Ken Ivins was Finance Commissioner recommending staffing cuts that generated many conflicts between Departments. Currently, however, it is egos. He was interested to see if someone from this Commission would serve on the Council. He said there is a need to force democracy and force citizen involvement. He has no real problem with the existing form of government; the Commission should consider that asking people to run for office is overwhelming because they are being asked to run a specific department and perform legislative duties. Just the ordeal of knocking on doors and asking for funds to finance a campaign is difficult and a deterrent to getting involved. J. Kaufman said there are people who might run if issues mentioned were mitigated. The advantage to representing specific districts is that the need for media ads would be reduced because the people voting are from the same district as the candidate so they already know them, they are a neighbor. He said there should be some specific changes made to the charter including that the ethics board should be elected by the whole Council and not appointed by the Mayor; the City Council should take that action. State law requires the Executive Officer to appoint members of land use boards but there should be a requirement in our charter for a public hearing on the appointment. He said that currently, the City Attorney can be hired and fired by the Mayor, and he recommends that the Commission examine that for a possible change.

Rick Fenton, Saratoga Springs said our form of government has basic structure problems and not a single executive supports the City totally. He favors a change to the Council-Mayor form because it makes the most sense. He performed a song about the change and the benefit to the City of the Council-Mayor form.

Mark Lawton, Saratoga Springs said he has been escorted form City Council meetings. He does not want to attack the problem of the structure of government but there are recurring problems

with the existing Charter that can be solved because the 2001 [current] charter was set up to solve some problems. He advised the Commission that there is rigid and diligent fiscal section in the Charter that is not common in any government in New York and requires that a balanced budget be submitted and passed by the City Council and if it becomes unbalanced, the Council must correct the imbalance during that fiscal year. The citizens approved this. He said there is a real debt limit in the charter and expenses can't be off-loaded in debt. There are rigorous systems to go through to ensure that the budget is balanced which is why the NYS Comptroller awarded the City. He asked the Commission to hold on to this kernel of good despite the government structure. M. Lawton said there must be creative political operations but they must be kept separate from administrative and managerial aspects if you want the City to improve its governance. He said there were preambles placed in the Charter but they did not work. You can't allow things that are necessary and routine in government to be stunted. He recommended looking to professionalism because government has become complicated. You do not necessarily need an expert but you need to have professional standards and best practices. There must be a single unified personnel department and system which the 2001 Commission tried to set up but it has not happened, but not because of the structure. He asked the Commission to read the first report sent by the 2001 Charter Commission to the Secretary of State and he submitted a copy to Chairman Turner.

Jane Weihe, Saratoga Springs said she was involved in Ray Watkin's campaign for Mayor in 1973, served on Mayor Watkin's Charter Commission, and she also served as Chairman of the Democratic Committee for close to ten years recruiting candidates and she managed campaigns for local office. She also ran for local office twice, and she has been involved in many issues that were brought before the Council including land use at Exit 14 and casinos. She has developed and taught a local government unit for the Participation in Government program including having a student mock charter review commission so she is very familiar with Saratoga Springs' Commission form of government from a variety of perspectives and likes it a lot because it is democratic and allows for a high level of accountability and accessibility. She is aware that it bothers some people that the commission form does not fit the traditional U.S. mold of separation of power and checks and balances but neither does most of the world's democracies nor school boards or town boards or our county board. She stated that the traditional checks and balances model is a perfect set up to produce the gridlock so often seen in Albany and Washington. She stated that the Commission form instead has the best check of all in a democracy; power is given to the voters who in this case are able every two years to review how each City department is being run and decide who they want to continue to be responsible for not only making policy but for carrying the policy out as well. She noted that power is dispersed equally among the Mayor and four Commissioners and a majority of three votes is required to make policy. She said that the fact that those who make policy are also responsible for carrying it out creates sound policies and sound budgets. You are less likely to get unrealistic budgets or policies if those who are voting know that they must also figure out how to make it all work. She has heard the criticism of the Commission form that each department head just thinks about the needs of his/her department rather than the needs of the City as a whole. This system does require that a Commissioner consider his/her department needs, but at the same time they must keep in mind the needs of the City as a whole and those that elect them because each Council member needs three votes to approve spending in their department and they must convince taxpayers that they are controlling spending while also delivering needed services. She said this system of government has a high level of accountability and makes office holders very accessible to the residents. If residents are unhappy with how the city street is plowed, they know exactly where the responsibility lies. This accountability has led to a high level of civic involvement in Saratoga Springs which is shown in voter turn-out, participation and attendance at meetings. She said that the accountability built into this form of government has contributed to the high level of citizen

participation which has contributed to making Saratoga such a desirable place to be. She hopes that the Commission will not ask the voters for the third time in ten years to reject the commission form of government but instead the Commission should consider changes to the existing charter including (1) allowing the City Council to play a role in the appointment and removal of the City Attorney because currently they work for the entire Council but serve at the pleasure of the Mayor. (2) She suggested that although state law requires the Mayor alone to appoint members of land use boards, the Mayor should be required to announce the members to be appointed and allow for sufficient time and opportunity for a public hearing to allow input before finalizing the appointment. (3) She would also like to see the Council have a role in approving appointments to the Ethics Board and possibly the DRC and other boards and commissions.

John Herrick, Saratoga Springs cautioned against the ward system because it is hard to find candidates to run now and it would be harder if they have to be from a specific neighborhood. He feels that granting the Supervisors a vote at the table or to substitute to make a quorum is reasonable and worth looking into.

R. Turner asked J. Herrick (former chairman of the Saratoga County Republican Committee) about the challenges faced getting people to run for office.

J. Herrick replied that he asked 50 people for this last election and only five agreed to run. The reasons given were mostly that they did not want to go through the rigors of a campaign and that they did not want to take time away from their families, and it's all ages. The people he approached ranged in age from young adults to senior citizens. The younger ones were concerned mostly about their family while the older people considered the rancor of a campaign off-putting. He advised that you can't create ground rules against personal attacks and most do not want to deal with that. It is hard to find people to run for office across the County which is why many candidates run unopposed. Unfortunately, people do not want to serve or take the time to run for office.

L. Chodos said that it was brought up that people do not find it attractive to run for office. She asked the public to add to their comments whether they think the City's current form of government with its specific departments deters people from running.

M. Van Meter stated that if she was younger, she would never have run for Finance, the Department of Public Works or for the Department of Public Safety because she did not have the skill set, but she would have possibly run for one of the other two offices.

R. Turner stated that one thing that came out in the meeting of interviews with Commissioner Mathiesen and former Commissioners McTygue and Benton is that they each thought that many people would agree it is a tough job and they do not have to have a skill set needed in the Public Works or Public Safety departments.

An unidentified man in the audience commented that he once ran in a City and lost by 16 votes against 5 lines. He suggested that the Commission consider the change to a Non-partisan format. P. Kane replied that they looked into that concept and found that New York State law does not allow that; once a municipality goes from non-partisan to partisan, they are not allowed to go back.

Pat Friesen, Saratoga Springs asked why deputies get paid so much when the Mayor and Commissioners are paid only \$14.5k and required to be on duty 24/7. No one can live on that money. E. DelSette responded that Commissioners and the Mayor are traditionally part time and

their deputies are full time. Historically, issues would be investigated by deputies and they would go to the citizens and attempt to remedy situations. This form of government has worked through his lifetime; people have said it works in spite of itself. He said that this charter has not harmed the City financially, culturally or socially and the City continues to receive awards; it is successful. The Charter does need to be amended; if the students here want to know more history they can visit him.

R. Sellers said that personally he could be the head of the Accounts, Finance or Public Safety departments but not Public Works because he does not have the skill set or experience and he could not be the Mayor because that takes public and political and outreach skills. He understands how hard it is. The main skill required is leadership and management rather than specific knowledge.

B. Thomas asked R. Sellers if it would be possible to run for those positions if he were a full time employee and he responded that if he were his own boss, he could but if he worked for someone else, probably not.

J. Weihe said that people that work full time do run for office. She is not sure if it is worth changing the whole form of government just because not enough people want to run. She had a harder time trying to recruit people to run for County Supervisor. Nationally they have the same problem; it is hard to recruit candidates on all levels. E. DelSette said organizations can't get members and can't get people to run and participate in groups that have been valuable to us. J. Weihe said people are not joining organizations or clubs and there are studies to support that.

B. K. Keramati said it is not an easy job to read the Charter and understand it; many smart people have given us the Charter that we are examining. To what extent should we weigh the comments from former Commissioners and Mayors versus all the other things including listening to the public?

M. Gagne replied that it depends on when that person served. If it was 40 years ago, the community was different then from the way it is now. There is a more progressive, sophisticated community now, and more recently it has been frustrating in City Hall. The recent and current Commissioners and Mayor are dealing with the frustrations of today.

R. Sellers suggested listening to the citizens because they are the ones that experience the government day in and day out. He is not interested in making a politician's life easier; the goal should be to make a citizen's life easier, to improve the quality of life for residents.

B. Sellers said the people who know the problems also get the pressure. She wants those people to know the problems and she wants the leaders to be knowledgeable about the departments and the jobs so they can keep taxes under control. They do not have too much power. She said that good heated arguments are good; there were many arguments about building the City Center and that project still went through and is very successful. She would rather that someone come in and deal with the pressure rather than have a legislator breeze in to vote once or twice a month. She said in regard to how the Commission should judge, she suggested that they play devil's advocate with themselves. She has confidence that the Commission will be able to make good decisions; do not walk away from charter meetings concerned only for surface stuff.

E. DelSette said it is the people we elect that will make the difference in whether this form of government will continue to be successful.

B. Sellers said the City Managers and the Mayor of Corning each repeated several times that relationships are important and one of the City Mangers said it is not the form of government that creates the weakness, that comes from the relationships.

Frank Schiltz said he attended SUNY Albany. He noted that the government structure here is atypical from California because the norm there is the City Manager format which parallels a CEO in the private sector. The arrangement here magnifies the separate "silos". A City Manager provides leadership and recommends direction.

M. Lawton advised the Commission to always listen to ex-office holders and take what they say seriously. They do have a unique experience and perspective and if they are willing to say and share it, the Commission should be willing to listen.

M. Lawton added that legislative bodies are always all powerful that is the way it is set up; this Charter mixes legislative aspects with administrative powers. One problem we have is that the politics interferes with function. Legislative bodies are all-powerful There must be an adequate management system to follow through to see that policies are followed and tasks are complete.
E. DelSette said that the towns surrounding us have similar forms of government; Council members divide up departments and there are Supervisors.

R. Turner said that everyone is always welcome to attend the meetings of the Saratoga Springs Charter Commission. He said that if anyone has any questions or concerns they are free to email him or any member at Saratogaspringscharter@gmail.com.

ANNOUNCEMENTS:

R. Turner announced the next meeting of the Charter Commission will be held on October 25 at the City Council chambers. The Commission will be interviewing at least two current County Supervisors. He said that Public Comment will be held from 6:15 pm to 6:30 pm and the meeting begins at 7:00 pm and runs until 9:00 pm.

He thanked everyone for coming and thanked the audience for modeling civic engagement and what it means to be a good citizen discussion about why people run for office.

ADJOURNMENT

There being no further business, Chairman B. Turner asked for a motion to adjourn the meeting.

Motion to adjourn the meeting came at 8:42 pm by G. Boyd and seconded by P. Kane; unanimously approved.

Respectfully submitted,

Nancy Wagner
Clerk

Approved: 10/25/2016