

2018 CHARTER REVIEW COMMISSION MINUTES

May 23, 2018

Roll Call

Present:

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

Absent: 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.

Bonnie Sellers of Saratoga Springs spoke and provided copies of the 100 year old article regarding the Tax Assessor history she referenced at the last meeting. Chairman DeLeonardis thanked Bonnie for the article and advised that he and Deputy Sharp have begun interviews, as a sub-committee of this commission, with Supervisor Matt Veitch and Bonnie and Richard Sellers. Other Sub-committee meetings will continue and the findings will be brought to the commission. He also confirmed that no minutes are currently available for vote today.

End of public comment.

Chairman DeLeonardis opened the meeting with a review of the May 19th meeting for the benefit of Commissioner Franck, Commissioner Scirocco and Deputy Masterson who were unable to attend Saturday's meeting. Progress was made at that meeting and Titles 4, 5, 6, and 7 were discussed and after this review, Title 8 and potentially the remaining sections will be completed. He announced that there will be a Forum on May 30th starting at 6:00 PM. A redline draft is expected to be ready for the next regularly scheduled meeting on June 13th starting at 4:00 PM. It was also noted that there has been no vote to date on any changes.

Commissioner Scirocco commented on the previous discussion on Title 5 regarding joining Open Space to Parks and Rec which had previously agreed to be moved to DPW. He advised that when new projects are taken on there is a budgeting and cost aspect that needs to be

considered. DPW currently takes care of City owned properties so moving Open Space to DPW makes sense. Chairman DeLeonardis then asked the Commissioner about section E – Beautification and compositing programs. The Commissioner pointed out that this section should stay because DPW currently owns these programs and they should be called out. The next section for comment was 5.2 Buildings and Grounds and the overlap in services provided to DPS. Commissioner Scirocco reiterated Commissioner Martins concerns voiced on Saturday, that confidentiality is a big concern so it makes sense for DPS to continue servicing areas where security is an issue but for the administration offices, DPW could take that on.

Chairman DeLeonardis continued the update with Title 6 and the discussion regarding Building enforcement and Code enforcement. Commissioner Scirocco sees these two working together. Perhaps some of these positions should come out of the charter so that as changes are needed they could be made at the Council table for more flexibility.

With regards to Title 7, Chairman DeLeonardis said that he is unsure of the legal requirements under state law but it is interesting that of the 5 appointed positions, the Commissioner of Accounts specifically calls out the mandated qualifications to be a licensed Assessor. With the idea of making it easier for people to run for office, does it make sense to remove the mandate from the section? Commissioner Franck advised on the law that in the State of New York there are two types of assessor – appointed, which carries a 6 year term, and elected and either works under any form of government. Commissioner Franck addressed the concern of limiting the potential candidates for the office because of the mandate by saying the mandate shouldn't matter because the law says you have 3 years to get licensed so it isn't that big of a lift. The discussion continued and Commissioner Franck advised that if the mandate is removed, the power of the office is diminished. Both Chairman DeLeonardis and Commissioner Madigan commented that the assessment requirement is still in the department and can be appointed by the Commissioner, like we have today with Tony Popolizio, so the power remains. The lengthy discussion concluded with no consent or agreement on the mandated requirement. Chairman DeLeonardis moved on to making the suggestion to add another section to the title, section 7.4 which would address the functions of the Registrar of Vital Statistics. He also asked about section 7.3 and if inventories referred to in Purchasing is related to insurance and does 7.3.5 – access to storage need to be in the charter? Commissioner Franck said that 7.3 does not refer to insurance because when the charter was put in place there was no Risk and Safety and it is also separate from fixed assets so he has no problem removing it from the charter. Commissioner Franck also said that fixed assets should be handled by Finance because of the financial impact and the discussion of the section ended with the notation that having an elected assessor provides an insurance discount.

Commissioner Martin and Deputy Daley arrived at 4:45 due to a previous conflict. Chairman DeLeonardis advised that they had not missed any new topic and that the meeting to this point was bringing Commissioner Franck, Commissioner Scirocco and Deputy Masterson up to speed on the May 19th meeting.

Deputy Sharp began Title 8 – Legal Matters by commenting that the appointment is made by the Mayor but should include the language to include an indication that it must have Council approval. Tony Izzo cited the 1916 State Legislature law saying it contained that exact intent and language was included to confirm it. Chairman DeLeonardis referred to the language in the 2017 proposed charter. He felt it was very good and will borrow much of it to include in this

charter and pointed out that Legal Matters is not included under Title 3 – The Mayor but rather has its own section. Commissioner Franck asked if there was any state law governing the term of office? Chairman DeLeonardis said that a contract would call it out or establish the term. He and Tony Izzo will put language together for review and perhaps include HR and, although not necessarily called out in the charter, Risk and Safety. Deputy Sharp also suggested including budget language similar to the current Rec language. Commissioner Martin agreed that this administrative department makes sense but questioned the management abilities and requirements. Chairman DeLeonardis pointed out that these additional positions are director level so supervision should be limited. The discussion continued considering management, reporting structure, functionality, and other aspects of the combination. Commissioner Madigan stated that IT needs to be called out. She isn't sure it belongs here but it needs a section. Deputy Sharp agreed that IT touches all departments and must be empowered to provide needs to Council and the functionality needs to be called out. Chairman DeLeonardis and Tony Izzo will come up with some language to address City Attorney and HR for consideration. Risk and Safety and IT would be handled outside of the charter. Tony Izzo wanted to make a point and commented that he has seen some outstanding attorneys that work well with everyone and a few who only work with the Mayor, do the charter a great service and find a way to prevent that from happening again and make the City Attorney independent. The commission agreed. Commissioner Madigan continued to review the section asking about newspapers. Tony Izzo said that State Law addresses how this is done. 13.1 addresses the designation of official newspapers, but not by name. Chairman DeLeonardis continued with Section 8.3 and Commissioner Martin would like clarification on 8.3.2 – Index Record. Chairman DeLeonardis said that this is not uncommon and a record of written notices of defects must be maintained and serves as a prohibition of a civil action against the city. This includes City streets and sidewalks. Section 8.4 Chairman DeLeonardis will come up with some language to supersede State Law for this section.

The discussion moved on to Title 9. The Charter is very clear and no change is needed. Title 10 Chairman DeLeonardis asked if any sections of this title could be moved to other titles for clarity. Tony Izzo commented that this section may be redundant. Some aspects are things that the Council would act on and they have a place in the charter. He will research for redundancies to local laws.

Commissioner Franck opened Title 11 with the question of the necessity of separate Tax Districts and can they be consolidated? Tony Izzo said that this has deep historic roots and there may be a report in the vault on it somewhere. Commissioner Franck suggested it may tie to services but things have changed and makes the budget difficult so do we need to keep it. Chairman DeLeonardis said that this might warrant outside counsel review. Commissioner Madigan said it relates to services provided by the City, and benefits from state and other types of funding and perhaps a County issue. In the end there was previously a good reason to keep this. Tony Izzo's understanding is that the underlying reason has lost importance but the formula for state and federal funding are based on this. A discussion continued and concluded with Chairman DeLeonardis saying he will look into this. Commissioner Madigan ended by saying that she thinks it is a State and County issue and that the previous charter commission looked into this and decided to keep both districts. Title 11 continued with section 11.3 – Limitations on amount of local indebtedness. Chairman DeLeonardis asked if this was necessary and if so, where should it be? Commissioner Franck agreed that the number comes from his department but that this is probably State Law. Tony Izzo said more research is needed here. Chairman

DeLeonardis said that this section appears to be a catch-all and perhaps driven by state laws. Commissioner Franck said the section has to do with indebtedness and should stay separate. Chairman DeLeonardis cited 11.6 appears to be a purchasing policy and while it is a state law, purchasing is called out in Accounts so maybe this goes there. The discussion continued and included section 11.2. Commissioner Franck suggested that keeping the debt limit at 2% shows fiscal responsibility and we should leave this alone. Commissioner Martin suggested that a referendum could be brought at a later date if needed.

In Title 12 – Elections, Chairman DeLeonardis said that some adjustment is needed. Supervisor Veitch pointed out that specifically calling out 2 supervisors is a County determination and not up to the City. Commissioner Scirocco said previous elections were for an A and B candidate but it was dropped by the 2001 Commission and became a slate for 2 candidates. The City was previously bigger so it was a weighted vote. Chairman DeLeonardis closed with asking if the specific number should come out because we have no control, and all agreed. Commissioner Martin remarked that if the term of the elected positions changes, this would need to be changed as well. Chairman DeLeonardis said that Supervisor Veitch suggested making the County Supervisor election a 4 year, staggered term but a discussion regarding any term duration would wait until after the public has been heard. Commissioner Madigan stated that she is in favor of keeping the current 2 year elected terms to keep in touch with the public and their interests.

Title 13 there was no discussion and no changes were suggested. Regarding Title 14, Chairman DeLeonardis noted that this section would need to be updated to incorporate the new charter effective date. He asked what the effective date should be for this charter – 1/1/19, 1/1/20 or blended? Legal counsel can provide guidance on what can be done immediately and what needs to wait. Commissioner Martin said he is in favor of a 1/1/20 effective date to allow for the transition needs and it would be prudent to allow for one year. Commissioner Madigan agreed with the 1/1/20 date for budget purposes but organizational and structural changes may be earlier for efficiency. This brings an end to the initial review of the current City Charter. Chairman DeLeonardis again pointed out that no vote has been taken on any items and no changes have been finalized.

Chairman DeLeonardis advised that a Forum is scheduled to be held in the City Council Room on May 30th starting at 6:00 PM and potentially a redline document be available by June 13th to start making decisions. With regard to the Forum, Deputy Sharp put a questionnaire together that would be handed out to the attendees. This is an informal questionnaire only and addresses only a few questions: terms, term limits, Mayor holding Supervisor position, appointment process for boards (Deputies excluded), and should the Deputies reside in the City. Chairman DeLeonardis will open the Forum with a brief overview of what had been done to date and then open up to comments from the public.

Other Business

1. Legal counsel update – The original plan was to utilize an attorney with experience with this form of government in addition to someone with global experience. We were unable to retain someone with local qualifications and Tony and Chairman can represent this aspect, so the contract will not be split. The position has been offered to Bob McLaughlin at Hodgson Russ, and the contract will be brought to City Council on June 5th for approval.

2. Commissioner Martin asked if a broader reaching questionnaire was going to be sent out. Deputy Sharp pointed out that this questionnaire is definitely very informal and look for additional input from the website, public comment at meetings, Forum, etc. With the time frame that this commission is working under, it may not be feasible to have a more formal survey done. Chairman DeLeonardis asked for a vote on the questionnaire. Commissioner Scirocco identified that there may be a conflict if there are staggered terms or if the Mayor runs as supervisor. Deputy Sharp will add a question regarding the County Supervisor election. Chairman DeLeonardis said that if that question is added, is this questionnaire approved to present at the Forum, all agreed. Commissioner Franck asked about using Skidmore students to conduct a survey, but there is no time to put that effort in place. Deputy Shields asked about a mailing being sent now but was advised that there is no time to present something prior to the mailing of the actual document. Deputy Sharp also identified that there is a Facebook page where the public can comment.
3. Forum meeting discussion – the public forum is scheduled to begin at 6:00 PM on May 30th. All are welcome and we are looking forward to speaking with the citizens of Saratoga Springs.

Chairman DeLeonardis opened the floor for additional public comment.

Public Comment

Bonnie Sellers, Saratoga Springs spoke and said that she will spread the word to get the attendance up for the Forum and thanked the Commission for their time.

End of public comment.

Chairman DeLeonardis adjourned the meeting at 6:20 PM.

Respectfully submitted by Trish Bush.

This day in The Saratogian in 1916

Thursday,
April 13, 1916

The new Saratoga Springs charter has been approved by the City Council after receiving some "severe wallops" from critics at a public meeting tonight, The Saratogian reports.

The council vote follows approval of the new charter by the state legislature. The document now goes to Governor Charles S. Whitman for final approval.

Tonight's meeting picks up where the city left off yesterday morning, when Mayor Walter P. Butler postponed consideration under pressure from dissidents who wanted more time to prepare a case against the new charter.

The main point of contention is the charter's transfer of responsibility for tax collection from the commissioner of accounts to the commissioner of finance. Commissioner of Accounts Michael J. Mulqueen is the main opponent of the new charter.

Mulqueen tells tonight's meeting that he had taken the job reluctantly, and only when he was assured that Butler's administration "was to be strictly non-partisan and business-like." He objects to "this arbitrary demand that I surrender this part of my duties. It does not seem to me quite right, nor the proper thing.

"I have worked hard and have tried my best, and frankly speaking, I think this is in no sense a recognition of the labors I have performed. On the contrary, I feel it to be

a distinct reflection upon my work."

Mulqueen's friend John H. Morris questions why the city wants to shift tax collection from Mulqueen to an "overloaded" commissioner of finance. He claims that the new charter will "change his duties to save a few dollars and then spend thousands in another direction. That's false economy."

While Morris considers the change a "vicious" gesture toward Mulqueen, the mayor justifies it as "a measure of economy" and "a protection for the future." While claiming that there's nothing personal toward Mulqueen in the change, Butler believes that it wasn't a good idea for the commissioner of accounts, who also acts as assessor, to be in charge of both the valuation of taxpayers' property and the collection of taxes.

B. K. Walbridge claims that the new charter eliminates the \$3,500 ceiling on the city's annual contribution to Saratoga Hospital. He worries that the charter increases the power of the city's commissioners while making possible higher taxes in the future.

Walbridge has nothing personal against Butler or the council, but warns that "we may not have as good a council some time in the future, and if we ever get a bad city administration, it will be found that this charter is a bad charter to work under."

The council approves the charter by a 4-1 vote.

— Kevin Gilbert

2018 CHARTER REVIEW COMMISSION
PUBLIC FORUM QUESTIONNAIRE
May 30, 2018

Thank you for your interest in the City's Charter. Please take a moment to review and answer the questions below. Your input is very important to us. Feel free to add any comments you may have or identify topics that are important to you.

1. City Council members currently serve for a term of 2 years. What do you think the length of their term should be?

2 years 4 years Other ___ years No opinion

Comment:

2. Currently a Council member may serve for as long as he/she continues to be elected. Would you be in favor of setting a term limit and if so how long?

No Yes ___ years No opinion

Comment:

3. The current Charter allows for the Mayor or Commissioner to also run and hold the office of County Supervisor. Do you think the office of Mayor should be combined with one of the Supervisor positions?

No Yes No opinion

Comment:

4. Currently the appointment process, in some cases, allows for one Council member to unilaterally make the appointment. Do you agree that all appointments, other than Deputies, should be made with the approval of Council?

No Yes No opinion

Comment:

5. Currently the only City employees required to live in the City are the elected City Council members and their Deputies. Do you think it is important that Deputy Commissioners reside in Saratoga Springs?

No Yes No Opinion

Comment:

Please use the blank side of this document to let us know if you have any other comments or topics you would like to see addressed: