



August 22, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Council Chambers  
7:00 PM

**CALL TO ORDER**

**PUBLIC COMMENT**

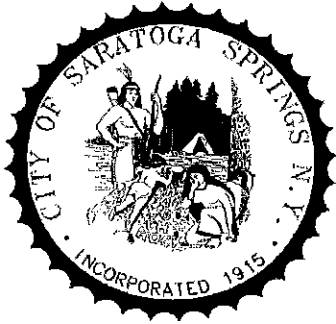
**APPROVAL OF MINUTES, CHAIR REPORT**

**DISCUSSION OF VOTER EDUCATION MAILING INCLUDING:**

- 1) A Brief summary of the Proposed Charter**
- 2) A Fiscal Impact Statement;**
- 3) The Complete Proposed Charter**

**DISCUSSION OF PUBLIC EDUCATION EFFORTS**

**ADJOURN**



August 22, 2017  
CITY OF SARATOGA SPRINGS  
Charter Review Commission  
City Council Chambers  
7:00 PM

PRESENT: Gordon Boyd  
Laura Chodos  
Devin Dal Pos  
Elio DelSette  
Matthew Jones  
Pat Kane  
Barbara Thomas  
Robert Turner  
Beth Wurtmann (8:29 p.m.)

ABSENT: Jeff Altamari  
Ann Casey Bullock  
BK Keramati  
Robert Kuczynski  
Mike Los  
Minita Sanghvi

STAFF: Tony Izzo (7:11 p.m.)

#### **RECORDING OF PROCEEDING**

The proceedings of this meeting were taped for the benefit of 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 Robert Turner called the meeting to order at 7:05 p.m.

#### **PUBLIC COMMENT**

Chairman Robert Turner opened the public comment period at 7:05 p.m. Seeing that no one wished to speak, Chairman Turner closed the public comment period at 7:06 p.m.

### **CHAIR REPORT**

Robert Turner said he and BK Keramati participated in a debate with members of the Success Team and it went well.

### **MINUTES**

**Barbara Thomas moved and Pat Kane seconded to accept the minutes of the June 13, 2017 Charter Commission meeting. Ayes all. (8-0)**

**Laura Chodos moved and Pat Kane seconded to accept the minutes of the June 26 Charter Commission meeting. Ayes all (8-0)**

### **DISCUSSION OF VOTER EDUCATION MAILING**

Bob Turner said that the voter education mailing includes a cover sheet which states what is in the mailing and it is followed by three items including a brief summary of the proposed Charter, the fiscal impact statement and the complete proposed Charter, He said that Jenna Henderson has just finished proofing the proposed Charter; she was chosen because she is an experienced reader of detail and she caught and corrected minor grammatical errors and typos. He said the mailing must be submitted to the Board of Elections.

Gordon Boyd said that the office of the City Clerk, John Franck, approved the question that will go on the ballot. Pat Kane said he and Tony Izzo signed off on the question and he has not submitted it to the County Board of Elections yet because Commission Franck suggested citing the City of Saratoga Springs within the question; for example "...Charter for the City of Saratoga Springs as proposed by the 2016-2017 Charter Commission". Bob Turner explained that concern is that ours is the fourth referendum item on the ballot; others involve intentions of public officers, the constitutional convention, bike trails and rail to trail, and changing the use of state land.

Gordon Boyd noted that there is a requirement to have a redlined copy of the old Charter and a copy of the new charter available at each polling place. Pat Kane added that the City Clerk, John Franck is checking on whether the fiscal impact statement must also be available at each polling place. Gordon Boyd thinks the budget should cover that. The requirements he is talking about are part of Municipal law.

Laura Chodos recommended the advice of the New York State Division of Local Government on how to do a charter and what constitutes the best practices for voter education and outreach.

Bob Turner explained that summary of the proposed charter included in the mailing is essentially Gordon's document reduced to two pages; it is the highlights of the proposed charter. He advised that the "Highlights of the Saratoga Springs Proposed City Charter" is comprised of three sections including the Purpose or General Idea, The Summary of Provisions and Justification. The Commission discussed the ideal spot for the Justification and agreed that it should be placed after the Purpose or General Idea and before the Summary of Provisions.

Matt Jones asked if the Justification is statutorily required. Bob Turner replied yes, it is required to submit to the Secretary of State why this was done.

Bob Turner said that Section 36 Subsection 5-A of the NYS Municipal Home Rule Law begins by stating that if the commission decides to leave parts of the Charter unchanged...and a lot of the language of the current Charter has been retained. Tony Izzo advised that this section of the election law refers to changing part of a charter; the Commission's proposal is changing the form of government. The Division of Local Government has a publication on Revising a City Charter which includes a recommendation for a narrative or final report, a statement to the voters as to why each provision is proposed. Bob Turner said that in the highlights for the mailing there is a statement as to why the Commission did the changes; the document is very straightforward.

Matt Jones asked if the document is to be mailed to the electorate. Pat Kane replied that it will be mailed to voting households and will include the cover sheet, the highlights, the fiscal impact and the proposed charter. Laura Chodos suggested that it be available in the Public Library. Pat Kane said that it could be distributed by hand to certain sections of the City. Gordon Boyd said it should be mailed but he feels strongly that people will claim they never received it. All voters should be treated equally. Devin DalPos advised that we do not want to alienate the sustainable folks by having it paper heavy.

Matt Jones commented that the highlights are well done. He stated that the justification especially the third paragraph intuitively makes sense which is hard to do without qualitative judgement. He is concerned that some of the justification reflects qualitative judgement bordering on advocacy. Within a justification is a requirement for evaluation of evidence. Bob Turner said that as he was writing this, it occurred to him that a rationale should be provided. He said the summary is testimony to Gordon's legislative training and is well done. Several Commission members expressed concern about the Separation of Powers section, especially the sentence beginning with "The frequent difficulties in the existing..." Tony Izzo suggested the following change: "The potential difficulties of Commissioner-headed departments not working effectively together will be eliminated by the unification of administration under the Manager who will be accountable to the Mayor and Council."

Devin Dal Pos questioned the statement within the Summary of Provisions stating "the two County Supervisors are provided, with staggered four-year terms of office". Bob Turner said that he wanted to keep it simple without the cloud of uncertainty regarding state legislation. Tony Izzo suggested the following: "Two County Supervisors are provided, allowing for staggered four-year terms of office if authorized by State legislation."

Discussion followed on the cover letter. The Commission agreed to eliminate the paragraph about the diverse group, their residency and careers. Bob Turner said the short version is that the Commission is made up of citizens of Saratoga Springs.

Barbara Thomas said that because there are three other referendum items on the ballot, it is important to change the language of the question on the ballot to include "the City of Saratoga Springs".

**Barbara Thomas moved and Gordon Boyd seconded to approve the proposed language for the ballot as: "Shall the new City Charter for Saratoga Springs proposed by the City Charter Commission be adopted?"**

Ayes: 7 Nays: 0 "Present": 1 (E. DelSette) Motion fails.

Tony Izzo explained that Section 36 Subsection 5B of NYS Municipal Home Rule Law specifically states the language that must be used on the ballot and the only deviation from that language in the law is when a Commission is only changing parts of the Charter. The language must be stated as "Shall the new City Charter proposed by the City Charter Commission be adopted?"

Gordon Boyd called Bill Fruci of the Saratoga County Board of Elections to ask if a heading could be included over the question on the ballot. The call was on speaker phone so the Commission members present could hear the whole conversation. Gordon Boyd explained to Mr. Fruci that the header would read "Saratoga Springs City Charter" followed by the ballot question "Shall the new City Charter proposed by the City Charter Commission be adopted?" Mr. Fruci explained that a header should be acceptable. He cautioned the Commission that the Board of Elections is not authorized to change anything related to a ballot referendum, not even grammatical or spelling errors. Gordon Boyd thanked Commissioner Fruci for his time.

Tony Izzo confirmed that State law does not mention or preclude a header.

Matt Jones believes that there should be 8 votes to approve the language, that is quorum and that is clear, there are no exceptions; it should not simply be a majority vote of those present at the meeting.

Beth Wurtmann arrived at 8:29 p.m.

Matt Jones explained that the first motion must be rescinded then a new motion must be made and voted upon.

Gordon Boyd explained to Beth Wurtmann why the Commission wanted to revise the ballot question and when they learned that they could not change the language without violating Municipal Home Rule Law, they asked a Commissioner of the Saratoga County Board of Elections, Bill Fruci, whether they could include a header/title that simply identified the question as "Saratoga Springs City Charter". He explained that the Commission must first vote to rescind the first motion then vote again on the ballot language.

**Barbara Thomas moved and Gordon Boyd seconded to rescind the previous motion regarding ballot language.**

Ayes: 8 Nays: 0 "Present": 1 (E. DelSette) Motion passes

Gordon Boyd advised that a new motion is necessary to propose the question for the ballot as required by State law, with the addition of a header above the question stating "Saratoga Springs City Charter".

**Gordon Boyd moved and Barbara Thomas seconded to approve the ballot question as "Shall the new City Charter proposed by the City Charter Commission be adopted?" and to include on the ballot, above the referendum question, a title stating "Saratoga Springs City Charter".**

Ayes: 8 Nays: 0 "Present": 1 (E. DelSette) Motion passes

Gordon Boyd explained that by the execution of this language, we need to get this information to the Commissioner of Accounts. He reminded the Commission that they must keep an eye on the requirements of deadlines, specifically those listed in the NYS Election Law, Section 4-108. Matt Jones said this is why we have Counsel. Tony Izzo reminded the Commission to read that section of the election law carefully to ensure compliance with all of the deadlines.

#### DISCUSSION OF PUBLIC EDUCATION EFFORTS

Pat Kane said that Beth Wurtmann has been working on stepping up the Commission's website. He asked the Commission to let her know if there are any problems or issues with the website. Beth Wurtmann said it is being designed for engagement. Pat Kane asked the Commission to recommend any changes or additions.

Beth Wurtmann said the website asks participants to read the Charter, think about it and then the process is explained. Devon Dal Pos suggested adding a copy of the existing Charter. Beth Wurtmann said that Minita Sanghvi has developed a comparison with the proposed charter. Pat Kane said the site will be live soon.

Pat Kane recommended holding outreach meetings in the City Council room on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of September and October. Bob Turner said that representatives of the Commission are meeting with the Southwest Neighborhood Association on September 12. There are 6 other house parties planned. Bob Turner said he will email everyone on the date of the next Commission meeting. Laura Chodos suggested holding an education forum at the Racing Museum. Pat Kane said we will produce three-minute clips such as when Jeff Altamari presents the Finance section, and various members of the Commission can present parts of the proposed Charter.

Barbara Thomas said that the League of Women Voters is doing a public information meeting on the proposed Charter on September 21 at the public Library. Pat Kane said that the Commission should try to live-stream that presentation.

Barbara Thomas mentioned that it would be great if the public forum about the City Manager could be live-streamed. Pat Kane said that on October 2 and on October 18, seven City Managers are coming on each night for an open forum entitled "Meet the City Managers". Elio DelSette suggested including the City Manager or someone from Oneonta. Pat Kane said he invited every City Manager. Bob Turner said for clarification that the Oneonta Charter was not used as a model for the proposed City Charter.

Pat Kane said that BK Keramati would like letters to be written, entirely instructional and informative. Bob Turner said that BK Keramati has updated the letters. Barbara Thomas advised that it is not always possible to get the same letters in each paper. Some only print letters that are exclusively sent to that paper.

Laura Chodos said there needs to be coordination of meetings, parties and events. Some of the dates for meetings and forums are conflicting with proposed house parties.

Pat Kane said there should be coordination of the format being used for those events. He said that there will be some conflicts as we move through this process. There will be more structure as we proceed.

City of Saratoga Springs Charter Review Commission  
Tuesday, August 22, 2017

**PUBLIC COMMENT**

Chairman Turner opened the second public comment period at 8:49 p.m. No one spoke. Chairman Turner closed the second public comment period at 8:49 p.m.

**ADJOURNMENT**

**Elio DelSette moved and Matthew Jones seconded to adjourn the meeting at 8:50 p.m.** Ayes all. There being no further business, Chairman Robert Turner adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Nancy L. Wagner  
Clerk

Approved: 9/18/2017