

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, OCTOBER 2, 2000
CITY COUNCIL ROOM
6:30 P.M.**

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

ABSENT: Vassar Curtis Denise Polit

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

OUTREACH

Mark Lawton said a work plan needs to be established and he hoped to have one by the next meeting. He said it was likely that committees will need to be formed. It was agreed the next meeting would begin at 6:45 p.m. and Frank Mauro would make a presentation at 7:00 p.m. It was also agreed the October 16 meeting would begin at 6:30 and Todd Swanstrom and Harold Rubin would make presentations.

Mark Lawton asked what the Commission would like to do for speakers after October 16. He suggested that some thought be given to inviting members of the business community, unions, past elected officials, deputies within the city government (or someone who represents the operational side of the city government) and supervisors.

Margie VanMeter said she had spoken to the League of Women Voters and they are willing to sponsor a meeting on this topic and invite past elected officials.

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Elio Del-Sette disagreed with having the League sponsor a night. He said although he was grateful for their support, this type of presentation should be made formally at a Commission meeting. Margie VanMeter pointed out that there is generally more attendance at League meetings than at Commission meetings. Elio Del-Sette said presentations should be made officially before this Commission and not at other boards/committees. Elio Del-Sette said only organizations that operate wholly within the City's boundaries should be invited to make presentations. He said organizations that operate throughout the county, as well as within the City, may have different motives than the City.

Elio Del-Sette moved and Lew Benton seconded that the following individuals/organizations be invited to make presentations before this Commission: business community, unions, past elected officials, deputies within the city government (or someone who represents the operational side of the city government) and supervisors. It was agreed these presentations would be made in five meetings and a sixth night would be scheduled for those who could not make one of the five. It was further agreed a letter of invitation would be forwarded to these individuals/organizations.

Lew Benton said there might be some non-profit organizations that might be interested in making a presentation. He said he did not think this Commission would be well served by eliminating organizations because they have a larger membership than just the City. He said they too have a vested interest in this City if there are members in their organizations that live in the City. Elio Del-Sette disagreed saying they do not represent the City. Rita Balmuth said it would be unlikely that any member of an organization that does not live in the City would appear before this Commission. She suggested that members of this Commission look around and remember who comes to these meetings.

Lew Benton suggested that the chairs of the Zoning Board of Appeals, Planning Board and Design Review Commission be invited. Harvey Fox reminded Commission members that there had been some discussion on inviting the members of the political parties.

Chris Whann said the opportunity should be given to everyone to appear before the Commission. He said he was uncomfortable with setting the criteria that they must operate within the City's limits.

Margie VanMeter said developers also have a direct, vested interest in the City. Harvey Fox suggested that the Saratoga County Home Builders Association might be an organization to contact.

Lew Benton said the Commission needs to be cautious in reaching beyond its charge. Elio Del-Sette said this Commission would be wasting its time by bringing in people who do not operate in the City. Lew Benton asked if it was the Commission's intention to invite all past elected officials. Harvey Fox said yes.

Ayes all.

Presentation B Geoff Bornemann, City Planner

Geoff Bornemann, City Planner, distributed printed material to Commission members on the various boards throughout the City. He explained that the Council maintains full authority for the comprehensive plan and the zoning ordinance/zoning maps. He said the Council may chose to appoint a committee to make recommendations to the Council on modifications and the Council may then adopt or not adopt those recommendations. He said there currently exists a comprehensive plan committee which will make recommendations to the Council in the very near future. He said the Planning Board is also working an proposed recommendations for minor modifications to the zoning ordinance.

Geoff Bornemann said there are three boards (Zoning Board of Appeals, Planning Board and Design Review Commission) to which the Mayor makes appointments. He said the ZBA and PB are controlled by state statute and the Mayor has full authority on appointments. He explained that the Planning Board has authority, as delegated by the Council, for approval of subdivisions, site plan, etc. He said the ZBA is required by state law to give relief, if appropriate, to citizens from the zoning ordinance. He said the DRC is a discretionary board appointed by the Mayor. He said that Commission was established in 1977 and controls the aesthetics in the historic and architectural districts throughout the City. He said some of their functions have been transferred to the Planning Board. He said the appointments to these Boards are done by the Mayor and the members serve fixed terms (Planning Board seven year appointments with one expiring each year; ZBA seven year appointments with one expiring each year and DRC three year appointments with three expiring each year.)

Geoff Bornemann said there is some confusion in that it is the Planning Board that writes the zoning ordinance and the ZBA only grants relief. He said the ZBA may recommend changes to the PB.

Geoff Bornemann said the building inspector is the only individual in City Hall who can speak with full authority on what is in compliance or not in compliance with the zoning ordinance. He said the Building Inspector is the zoning enforcement officer. He said there are other individuals such as himself that can offer advice but only the Building Inspector speaks with authority. He explained that the Building Inspector's interpretations can be appealed to the ZBA.

Chris Whann asked if the Building Inspector truly had the authority to enforce the ordinance. Geoff Bornemann said yes. He said he has the authority to issue appearance tickets, however, staffing in that department has been a problem so enforcement has not been a high priority.

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Geoff Bornemann said the zoning ordinance applies to properties within the City and how they are used. He said the City also has a code book which has other laws that the city adheres to which have nothing to do with zoning. He said for example in the downtown area, a wall sign would have enforcement through the building inspector, Mike Biffer; however, a sandwich board would be enforced through Kevin Veitch, code enforcer. He said Kevin Veitch, at this time, has no authority to enforce zoning. He said though the Council has a recommendation before it to expand on the code enforcer's duties and allow him limited authority to enforce specific sections of the zoning ordinance.

Mark Lawton asked about the comprehensive plan. Geoff Bornemann said the comprehensive plan can be many things including policies, strategies, maps. He said the comprehensive plan should include an overall vision for the City and then the zoning ordinance would carry out the comprehensive plan's policies. He said when the direction of the comprehensive plan changes so goes the zoning ordinance.

Margie VanMeter asked if the Council could hire a professional to review the comprehensive plan. Geoff Bornemann said whether a professional is or is not hired does not relate the charter, it could be done either way and has in fact been done in many ways in this City. He said the Council is the only body that has full authority over this plan and if they so chose, they could review it themselves and make recommendations.

Elio Del-Sette said the City has grown extensively over the years and it is a great credit to the City that it seems to operate efficiently. He asked if Geoff Bornemann has experienced any obstacles because of the charter. He also asked how Geoff Bornemann's services could be better accommodated through a change in the charter as well as what could make it more efficient. Geoff Bornemann said he essentially works for the Mayor and operates out of the Engineering Department which now includes the building inspector's office. He said the movement of the building inspector's office to engineering was a good thing for the city. He said though there are two other departments which are involved in the development process -- Department of Public Works and Department of Public Safety. He said to a certain extent the Accounts Department is also involved. He said it is difficult in having records all over City Hall. He said in this form of government the handicap is the inability to have a consistent development policy -- to have the city speak in one voice. He said because of this style of government, each department has ability to speak. He said they have tried monthly meetings to discuss issues, however, that has since stopped. He reminded Commission members that the Mayor's Office has no real control over bringing these departments together to review and discuss items such as these.

Mark Lawton asked Tony Izzo if the "general oversight" power had ever been tested. Tony Izzo said not in this City, however, he could see if there is some precedent in another City.

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Lew Benton said it seems as though Geoff Bornemann is suggesting that there is not a coordinated review policy and he disagreed saying there is a comprehensive plan and zoning ordinance. Geoff Bornemann agreed saying there have been some successes, however, once the specifics of a project are reviewed the inconsistencies begin. He said much depends on the voluntary cooperation of the departments.

Elio Del-Sette asked if transferring the engineering department to DPW would alleviate some of those issues. Geoff Bornemann said the argument could be made that DPS has just as much vested interest in projects as does DPW. He said he was not sure that transferring engineering to one department or the other would alleviate the concerns. He said though, there are three different areas of expertise and it would be a great benefit to the City if they were in one area.

Chris Whann asked to what degree are the successes of the city because of this government. Geoff Bornemann said much of the City's success is due to the private sector. He said many of the successes were initiated by people outside of City Hall.

Geoff Bornemann said it is difficult for developers to come to this City and do a project. He showed the Commission a list of people that the developer must first contact in City Hall before beginning the process. He said it needs to be made more clear for developers. He said often once the developer receives its approval from the Planning Board they then meet with unexpected changes by the individual departments. He said all of those issues should be worked out before an approval is issued.

Margie VanMeter asked about the City's relationship with the County Planning Board. Geoff Bornemann said there is a cooperative relationship. He said the City has a legal requirement to forward certain projects to the County for their review. He said the County has also offered assistance on the comprehensive plan. He said though the County also has a small staff and many services to provide to all of the communities in this area. He said there are many communities that do not have a planner on staff and it is likely, therefore, that they provide more services to those communities than the City receives.

Elio Del-Sette asked if the County Supervisors were used at all in the planning process. Geoff Bornemann said no.

Geoff Bornemann said that with additional staff here at City Hall projects such as economic development could be pursued. He said currently economic development is done outside of City Hall. He said because of the lack of staff, we have not been proactive in areas that we should be.

Lew Benton said the City has not had a capital budget in quite some time. He said it seemed

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somewhat logical to have the Planning Board involved in the capital budget process. Geoff Bornemann said it was up to the discretion of the Mayor on whether to involve the Planning Board. Lew Benton said that it seemed as though the transfer of the building inspector's office to the Engineering Department had been beneficial and asked whether it should be made legitimate. Geoff Bornemann said yes. Lew Benton asked how that department would be effected by approving the modification of duties for the code enforcer. Geoff Bornemann said there would be a need for more/better communication.

Margie VanMeter asked when the Planning Board was working on the capital budget, did they involve DPW. Geoff Bornemann said yes, but in some cases it was difficult to obtain the necessary information. Margie VanMeter asked if there was information on what equipment was available and what the needs of the City are. Geoff Bornemann said they tried many times to get a list of existing equipment, but departments were not forthcoming.

Mark Lawton asked if there was anything in the charter which compelled departments to submit information to the Mayors office. Geoff Bornemann said there needs to be a commitment to long range planning and financing.

Geoff Bornemann said one of the most important issues for the development community is where does the city really stand on positions, what are our goals, requirements, etc. He said the City needs to speak in one voice. He said there are important issues that need to be debated and then carried out consistently. He said more staffing might be helpful.

Lew Benton asked for an example of how the City does not speak in one voice. Geoff Bornemann said the Council adopts a comprehensive plan and zoning ordinance but at the next level down there needs to be a consistent policy on what is expected of developers, what they must pay for, how many improvements should they be expected to make, etc. He said that inconsistency only hurts the developer and ultimately the project.

Mark Lawton asked if there should be a requirement in the charter for periodic review of master plan and zoning. Geoff Bornemann said that would depend on many issues. He said generally such items are reviewed about every five years, however, there should be some flexibility depending on the community's needs.

Harvey Fox thanked Geoff Bornemann for his presentation.

Other

Margie VanMeter said she had talked to Janice White at the school district and Janice White had sent information to her that she was now sharing with Commission members on how the Commission

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could reach out to the school district.

Mark Lawton said he hoped to have a fact sheet ready for review at the next meeting.

Tony Izzo said he would have by the end of October recommendations on outdated sections of the charter which could be removed. Margie VanMeter asked if a list could be drawn up of items that could be changed without having to go to a referendum.

ADJOURNMENT

Margie VanMeter moved and Rita Balmuth seconded to adjourn the meeting at 8:15 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: