



the North Side Civic Association. Denise Polit suggested the NAACP be contacted.

Margie VanMeter said she recently spoke with Ruth DeRoo who seems to be touch with many organizations throughout the community and Margie VanMeter hoped to enlist her in contacting those organizations.

Mark Lawton said the next public hearing for the Commission was tentatively scheduled for June 28 at the library and will be cosponsored with the Historic Society.

## **DRAFTING COMMITTEE**

Chris Whann reported that the drafting committee has been working very hard over the last several weeks. He said they met this past weekend and are tentatively scheduled to meet again on Wednesday, May 2. He said it was their intention to mail out to Commission members by the end of this week draft sections (Mayor, Finance, Accounts, DPW, DPS, Preamble, Civil Service, City Attorney, etc). for Commission members review and feedback. He said at some point both Tony Izzo and Barbara Samel would review the document.

Mark Lawton reported that Helen Edelman would be willing to donate her editorial services to the Commission in reviewing the document. Harvey Fox said the Commission very much appreciated her donating her time and expertise.

## **RECREATION DEPARTMENT**

Harvey Fox welcomed John Irving, Chair, Recreation Commission to the meeting. John Irving said the Recreation Commission was established in 1977 as a semi-autonomous body. He said there are seven members on the Commission with seven year terms. He said he has been chair of the Commission for 11 years and they meet once a month. John Irving said they set their own policies & procedures and hire the staff, but they are beholden to the City Council for their budget.

John Irving said most people think the Recreation Commission provides services for youth only, however, it is their long range plan (and in some cases they already do) to provide services for adults and seniors. He said the Recreation Commission has dealings with all five Commissioners through purchasing (Accounts), security (DPS), finances (Finance), Mayor (budget) and field maintenance (DPW). He said the Recreation Commission has a \$1.3 million budget, however, \$700,000 goes directly to DPW.

John Irving said the Recreation Commission operates two skating rinks as well as manage and schedules the fields throughout the City. He said they serve thousands of individuals through soccer, softball, skate park and the many other sports programs.

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Harvey Fox asked about the relationship between the Recreation Commission and the school district. John Irving reminded Commission members that the fields are owned by the school district, however, the City maintains them. He said he understood there was a question of the district turning those lands over to the City. John Irving said he could not speak for the school district, however, he believed there was a covenant on the east/west side fields that would prevent the district from deeding them to the City. Harvey Fox asked if St. Clements uses the field. Linda Terricola said the priority order for using the fields is as follows: school district, St. Clements and then the Recreation Department. Margie VanMeter asked if the Division Street School uses the west side field for their physical education programs. John Irving said yes.

John Irving said he understood there were some philosophical differences on who should be using the City's Recreation Department programs (city; non city/school district and non city/non school district). He explained, in his opinion, the more participants involved in the better it made the program. He said in some cases, if only City residents were allowed to participate, there might be only enough participants to make up two teams. He said some programs would be severely diminished if they were open to only city residents. He said programs are limited by size and they do maintain waiting lists. He also informed Commission members that preference is given to City residents. He also pointed out that in many cases, the clinic programs pay for themselves. He said it was his understanding that the school district believes that the programs should be open to all school district students.

Lew Benton said currently there is no language in the charter in connection with the Recreation Commission and asked John Irving if he believed that some formal relationship should be established between the Recreation Commission and the Council. John Irving said yes, he believed there should be some more formal ties. Harvey Fox asked would it make a difference to the Recreation Commission to whom they might report. John Irving said currently Linda Terricola reports weekly to the Mayor and he meets with the Mayor about every other month.

John Irving said the Recreation Commission is currently very involved with the day to day operations but he believed they should take on the role of setting the vision.

Mark Lawton asked if John Irving thought the City might be ready for the Parks/Recreation/Open Space concept. John Irving said yes. John Irving said he had been working with Commissioner Thomas McTygue on identifying land that might become available for recreational use. He said though that as a volunteer board, they cannot approach private homeowners on the City's behalf to negotiate such contracts.

Denise Polit asked John Irving if it might make sense to structure the Recreation Commission completely different from the way it operates now, i.e., a smaller department within one of the other five department. John Irving said that could be possible, however, he would not be in favor of such a change.

Chris Whann said in the existing charter there is a section for Recreational Funds and asked how that affected the Recreation Commission. John Irving said he believed that fund was

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established as a provision for developers to either give land or fees to the City for recreational use. He said there have been many discussions over the years concerning the "pocket parks" that were given to the City by developers and possibly selling them and using the funds for the Recreation Commission. He said it was his understanding that the subdivision fees from developers are still collected and placed in a special recreation account.

Lew Benton asked if it might be a good idea to have a member of the Recreation Commission working with the Capital Plan Committee. He said clearly the recreational facilities and programs need long range planning and perhaps the process could be strengthened between the two functions. John Irving agreed it would be a good idea to have a member of the Recreation Commission work with the Capital Plan Committee.

Margie VanMeter suggested that perhaps the City should look at broadening the role of the Recreation Commission to act as long range planners and work on open space issues, facility issues, programming for nonsporting youth, senior citizens center issues, etc. Linda Terricola said they currently budget approximately \$6,000 for senior programs. Margie VanMeter said some thought should be given to changing the role of the Commission to make them long range planners.

John Irving said there were many day to day issues that the Recreation Commission must deal with at this point, i.e., civil service matters. He said the Recreation Department would benefit greatly from having a Human Resources Department. Commission members informed John Irving that a Human Resources Department will likely be one of the recommended changes to the charter.

Mark Lawton asked about the relationship between the Recreation Department/school district/DPW in connection with scheduling programs. John Irving said they do not work with the school board because it is more an administrative function (scheduling). Mark Lawton disagreed saying that it was a policy issue on determining who would use the fields. John Irving said the priority order for using the fields had already been established. He also said Linda Terricola works very closely with the school district to ensure that there are no conflicts with the fields. John Irving said the two departments they deal with the most are DPW and the Mayor's Office. Mark Lawton asked about maintenance and the budget. John Irving said DPW tells the Recreation Commission how much they need in the budget to maintain the fields and that figure is then included in their request to the Council. He said they work closely with DPW on maintenance of the facilities.

John Irving said according to the City policy, the ice rinks were constructed with the proviso that they be self-sufficient, therefore, the fees for those facilities are set accordingly. He said the other recreational programs throughout the City are not all self-sufficient.

Elio Del-Sette said he was concerned about the recent comptroller's report and the deficiencies

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as noted in that report. He said alternatives to the Recreation Program have been alluded to (abolish the Recreation Commission and place it under the direction of a Council member). He said there seemed to have been a breakdown in communication between the Recreation Commission and the Council. He asked if perhaps the Recreation Commission should become an advisory board under the Mayor's Office. John Irving said no. He said if the current structure of the City government is to remain as is, it would not be his recommendation to make the Recreation Commission an advisory board. He said the Mayor is only part time and has many functions/departments for which he is responsible. He said it is the Recreation Commission's goal to make recreational opportunities available to the residents of this community. He said there have been some shortcomings in the Recreation Department due in part to their reluctance to request additional staff. He said they have recently added staff and have also established policies and procedures to make them more efficient.

Mark Lawton said there has been tremendous growth in demand and need for recreational programs. He said he was struggling with how the Charter Commission could structure the charter to meet those needs. He said he wondered if it should be through expanding the foundation of the Recreation Commission in the charter.

Chris Whann asked how the Charter Commission could help to facilitate the process of serving the larger population. John Irving said the Recreation Department is a way for Council members to get a good deal of positive public relations because of the amount of individuals that are touched by the programs. He said he believed that it needed to be identified in the charter where the recreation function should rest. He said once that was established, they could work within that structure. He said it is difficult at times now because they operate almost in some sort of vacuum.

Elio Del-Sette asked about the law and how that effected the Commission. Tony Izzo said the language in the general municipal law is very brief. He said it states that if there is a Recreation Commission the functions belong to the Recreation Commission. Mark Lawton said that did not prevent the Charter Review Commission from giving better definition in the charter. John Irving strongly encouraged the Commission to keep in mind that no matter what the proposed text might be for the new charter that it needed to be made clear that the Recreation Department must maintain relationships with all of the departments in City Hall.

Harvey Fox asked where would be the best place to put the recreation function. John Irving said he believed it should be the Mayor's Office.

Mark Lawton asked if John Irving would review the section of the charter in connection with the Recreation Fund and make any recommendations he might have to the Commission. John Irving agreed saying that it was critical that there be a Council member to advocate on behalf of the Commission.

Lew Benton said he believed there was a need to maintain the Recreation Commission but that a stronger relationship between the Commission and the Council needed to be established. Lew

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Benton suggested that perhaps the draft language for the charter in connection with the Recreation Commission be reviewed by John Irving for his suggestions. John Irving said he would be willing to do so.

Denise Polit commended John Irving for his many years of service to the Recreation Commission.

Harvey Fox thanked John Irving and Linda Terricola for their time on this matter.

**C-9 SUBSTANTIAL PERFORMANCE**

Tony Izzo said some consideration had been given by Commission members to listing critical items in the charter that Council members must perform; and if not done so by that Council member, then the responsibility to do so would shift to another.

Margie VanMeter suggested that items such as the capital budget, operating budget, reporting requirements be added to the list. Chris Whann said the drafting committee would be willing to develop a list to which items could be added.

Vassar Curtis asked how this requirement would get the job done. Lew Benton said the argument could be made that if they don't do their job, they could be voted out of office. Mark Lawton disagreed. He said the Commission needs to ensure, through the charter, that items such as the health, safety and welfare of the citizens are carried out. Lew Benton asked what was the penalty for the state legislature for failure to adopt a budget. Lew Benton asked exactly what was the problem that Commission members wanted to solve. He said we have already placed language into several sections of the charter which strengthens the authority of Council members. Lew Benton asked what might the penalty be for the Council's failure to adopt a budget by November 30. Mark Lawton said it could automatically revert to the previous year's budget. Lew Benton said the Commission has already proposed to strengthen the language of the charter and asked how the determination would be made that "substantial performance" had not been attained.

Tony Izzo suggested that perhaps some consideration be given to establishing deadlines. He said he believed that having a responsibility shift to another Commissioner would spur the responsible Commissioner into meeting those deadlines. Tony Izzo said he envisioned the list of items to be very short. Lew Benton said he believed the Commission was trying to solve a problem that in fact was not really a problem at all. Denise Polit disagreed saying that Lew Benton has pointed out on many occasions the lack of a capital budget being developed.

Chris Whann moved and Vassar Curtis seconded to delete Section C-9 from the charter and replace it with appropriate language throughout the charter to strengthen reporting

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requirements for Council members. Ayes all.

**C-10 DEFINITIONS**

Chris Whann moved and Elio Del-Sette seconded to delete Section C-10 of the charter and replace it with a glossary with the location of that glossary to be determined at a later date. Ayes all.

**C-16 CONNOLLY PLAN**

Elio Del-Sette moved and Vassar Curtis seconded to maintain Sections 16A and 16B as is.

Lew Benton said the City is faced with a host of capital needs and wondered if more thought should be given to increasing that limit. He asked if Commission members knew what the difference was at this time between the ceiling and our current bonding. Vassar Curtis said he had not heard anyone asking to have this limit raised. Denise Polit said she would like more information on the Connolly Plan. Margie VanMeter said it was adopted in 1979 by the voters to ensure that the City would not go into an inordinate amount of debt. She said she believed the Connolly Plan gives the City to borrow up to half of what the state would allow. Margie VanMeter said she was concerned what the City would do if we need a new firehouse.

Lew Benton asked if Commission members were comfortable with leaving the existing limit in place. Vassar Curtis suggested that the proposed Capital Plan Committee would be the entity to make the argument that the limit needed to be raised. Mark Lawton agreed that if the Commission was successful in establishing a Capital Plan Committee, the Council would then be given the tools to bring that argument forward to the voters.

Margie VanMeter pointed out that the City has gotten around the Connolly limit for many years by establishing special assessment districts. She asked if the Council must go to the voters to repeal this section. Lew Benton said it might be a permissive referendum. Tony Izzo said it was unlikely that the Council could repeal the section and then begin to borrow on an unlimited basis.

Ayes: nine; abstention: one. Motion carried.

**C-24 RESTRICTIONS ON COUNCIL MEMBERS**

Margie VanMeter asked for an example of this issue. Tony Izzo said for example a Council member could not vote to increase the salary of a position and then at some point within a year hold that position. Mark Lawton said he did not believe that this section addressed the issue of creating a position and then filling the position. Lew Benton agreed that perhaps creating positions should be included. Mark Lawton said there are ethics within state law which prohibit individuals from taking certain position. Tony Izzo said Council members would be prohibited from holding a position with supervisory responsibilities over that position.

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It was agreed this issue would be tabled for further discussion.

**C-27 HOLDING OTHER OFFICES**

Chris Whann moved and Rita Balmuth seconded to delete Section C-27 of the charter.

Lew Benton said the existing section prohibits any employee of the City from working for the City and sitting on a board such as the school board. Lew Benton said the City should encourage public service.

Ayes all.

**NEXT MEETING**

It was agreed the following items would be added to the next agenda: C-24 Restrictions Upon Council Members; C-25 Employees and Compensation; C-27 Holding Another Office; C-28 Removal from Office; C-29 Vacancies; C-39 Transfer of Surplus Funds; C-71 Franchises and Parks & Recreation.

It was further agreed that draft sections of the charter would be reviewed at the May 14 meeting as well as issues such as a full time/part time Mayor.

**ADJOURNMENT**

Chris Whann moved and Rita Balmuth seconded to adjourn the meeting at 9:20 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: