

**CHARTER REVIEW COMMISSION
CITY OF SARATOGA SPRINGS
MONDAY, JUNE 25, 2001
CITY COUNCIL ROOM
6:30 P.M.**

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

STAFF PRESENT: Anthony J. Izzo, Assistant City Attorney

CALL TO ORDER

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

APPROVAL OF MINUTES

Denise Polit moved and Mark Lawton seconded to approve the June 4 meeting minutes. Ayes all.

Margie VanMeter moved and Vassar Curtis seconded to approve the June 11 meeting minutes. Ayes all.

Margie VanMeter moved and Rita Balmuth seconded to approve the June 18 meeting minutes. Ayes all.

BUDGET

Denise Polit said she had researched the cost of printing 1,000 copies of the final charter. She said she talked to three printers and the least expensive quote was approximately \$1,500 for 1,000 copies with 50 pages, double sided and stapled. She said the Commission had could: a) reduce the amount of printed copies or b) request additional funding. Commission members agreed to have 500 copies printed. She then suggested that the \$850 for misc. be moved to a line item entitled final printing. Commission members agreed. It was noted that if the Commission had any other unexpended funds then perhaps more copies of the final charter could be printed. Denise Polit said the cost for printing statement stuffers is approximately \$200.

Margie VanMeter moved and Denise Polit seconded that the \$850 in the misc. line item be moved to line item for printing of the final charter. Ayes all.

Harvey Fox said he would do a memo to Council members requesting an appearance before the Council on the revised budget.

OUTREACH PROGRAM

Mark Lawton reminded everyone that the Historical Society would meet on Thursday, June 28 at the Casino. He encouraged that Commission member who could attend to do so.

Harvey Fox reported that he did the radio program again and this time it was a success.

DRAFTING COMMITTEE

Chris Whann reported that the Drafting Committee had not met since the last meeting. He reported though that Helen Edelman had been working on the draft. Mark Lawton said he was still working with the Finance Department on some of the text for that section.

Service of Papers to the City: Chris Whann said there had been a request from City Hall staff to expand the number of employees at City Hall who are able to accept service to the City. He said it appeared to be a minor request.

MISC.

Harvey Fox said it was his understanding that *The Saratogian* would be willing to print the charter for a cost. He said they did agree though to cover and report on the meetings.

Harvey Fox asked Tony Izzo about the contract with Barbara Samel. Tony Izzo said he was working with her on developing a contract. He said the contract will set the hourly rate and will give her no right any specific amount of hours. He said the contract will also specify the services required.

Harvey Fox said a memo was sent to the Mayor requesting that he send a reminder to the appropriate legislative officials concerning the 40 percent reimbursement. Linda Benton, Executive Assistant to the Mayor, from the audience, said a letter had gone out to the officials.

Harvey Fox asked if Helen Edelman had prepared her contract. Tony Izzo said he had not yet seen her contract. Harvey Fox asked if the contract for Helen Edelman would need Council approval. Tony Izzo said no.

FISCAL ANALYSIS

Vassar Curtis reported that he was working on the fiscal analysis. He said he had identified a few areas of the charter where there would be a savings, cost neutral and additional cost. He said he had not yet done an analysis on the amount that could be saved.

BUDGET TRANSFERS

Harvey Fox said he had received a request from Commissioner Thomas McTygue to speak before the Commission concerning the budget transfer issue. He said Bill McTygue, Director, Utilities, was here this evening, representing Commissioner Thomas McTygue, to discuss this issue.

Bill McTygue said he and Commissioner Thomas McTygue have some reservations with the proposal for roll call votes for budget transfers. He said departments need the ability to be able to move funds around. He said under the current procedures, departments send a list of requested transfers to the Finance Department. Those transfers are then forwarded to all departments for their review and approval by the Council at their next meeting. He said Commissioner Thomas McTygue would support roll call votes in line item transfers concerning employee related line items. He said they believed that employee related line items should receive specific attention. He said though, that they would resist having roll call votes for all other transfers.

Bill McTygue said unexpended funds in line items often help to fund items that otherwise would not have been purchased. He said these funds also cover shortfalls. He suggested that if transfers were to be limited, that when the budget was initially developed, line items could be over funded due to concerns of not being able to transfer funds. He said he understood the Commission's attempt to advocate for a more sound budget, however, this proposal could bring about just the opposite because line item funding could be increased because of the fear that transfers might be limited. He said the flexibility that the existing process now allows is an advantage for the departments.

Lew Benton clarified that overtime accounts should be considered employee related. Bill McTygue said yes. Bill McTygue further explained that in his department there are both street and highway budgets and money is transferred to and from those accounts because of their similarities. He said though those line items are funded differently because of state aid reimbursement.

Harvey Fox asked how transfers are currently done. Bill McTygue said a request is sent to the Finance Department, reviewed and then placed on the Council agenda. He said it is a routine matter at this time. He said if requested, there is an explanation of the transfer. He said if the Finance Department disagreed with the requested transfer, there could be a discussion. He said currently there is one general motion that covers all transfers. He said there is a check and balance system existing for transfers. He said more complex transfers are brought to the

Council's attention.

Elio Del-Sette asked how the proposed roll call vote might impede the transfer process. Bill McTygue said it would add more work to the accounting/bookkeeping operation because it would then be necessary that an explanation be offered for each roll call vote.

Mark Lawton asked if perhaps there should be a threshold for a dollar amount that Commissioner Thomas McTygue might be comfortable with. Bill McTygue said he was not sure. Mark Lawton said he thought there should be something more than just a list that is submitted to the Council. Bill McTygue said the dollar amount often triggers the Council's attention. Bill McTygue said he believed that a percentage amount might complicate the issue. Bill McTygue said he did not want to consume more staff hours on administrative issues such as these. He said he believed that policies such as these might create inefficiency. He said the City has a good computer system that has enabled them to better track funds, but this would add more time to an already stretched staff. Mark Lawton suggested that perhaps anything under five percent might be fine for a simple transfer. Bill McTygue said no, it would only complicate the issue.

Bill McTygue again said they would support the concept for employee related line items.

Mark Lawton asked about transfers between programs, i.e., casino to highway. Bill McTygue said items are purchased that may be used for both the casino and the highway department. He said the City needs the flexibility to move funds around to be able to purchase items.

It was agreed that this item would be discussed again during the Finance Department discussions.

C-17c -- OFFICE OF THE MAYOR B OFFICE OF PARKS, OPEN LANDS AND HISTORIC PRESERVATION

Elio Del-Sette asked if any parts of this section might conflict with what currently happens in DPW. Chris Whann said they worked hard to not create a conflict. He said their goal was to clarify the relationship between the Recreation Commission and the Council. Elio Del-Sette asked if there were any legal issues to be concerned about. Tony Izzo said the Drafting Committee was very sensitive to the powers of the Recreation Commission and what the Council had to power to control. He said this proposed text deals with administrative rules and regulations and there should not be any legal issues.

C-17c: opening paragraph. Denise Polit moved and Rita Balmuth seconded to remove the "City Historian, the Office of Planning and Economic Development." Ayes all.

C-17c -- Policy Development: Rita Balmuth moved and Vassar Curtis seconded to approve this paragraph with a few minor changes. Ayes all.

C-17c -- Inventory: Elio Del-Sette moved and Rita Balmuth seconded to approve this paragraph as written. Ayes all.

C-17c -- Master Plan: Chris Whann moved and Denise Polit seconded to approve this paragraph with a few minor corrections. Ayes all.

C-17c -- Capital Plan: Denise Polit moved and Lew Benton seconded to approve this paragraph with a few minor corrections. Ayes all.

C-17c -- Acquisitions: Lew Benton suggested that the last sentence be removed. Commission members agreed. Elio Del-Sette moved and Vassar Curtis seconded to approve this paragraph with the deletion of the last sentence. Ayes all.

C-17c -- Grants: Lew Benton moved and Denise Polit seconded to approve this paragraph as presented. Ayes all.

C-17c -- Bond and Grant Allocation: Denise Polit moved and Margie VanMeter seconded to approve this paragraph as presented. Ayes all.

C-17c -- Concession Stands: Chris Whann moved and Denise Polit seconded to approve this paragraph with a few minor corrections. Ayes all.

C-17c B Coordination with Department of Public Works: Vassar Curtis moved and Lew Benton seconded to approve this paragraph as presented. Ayes all.

C-17c -- Coordination with the Recreation Commission: Vassar Curtis moved and Lew Benton seconded to approve this paragraph as presented. Ayes all.

C-17C -- last paragraph: Chris Whann said this position could be filled through vacancies in City Hall. Elio Del-Sette said if this position was mandated it would not be cost neutral. Mark Lawton said they were trying to establish a budget neutral position. Mark Lawton said there are always vacant positions in government. He said a position that has been vacant for quite some time could be used to fill this position. Elio Del-Sette said there are not many vacant positions in City Hall and they are usually filled quickly. He pointed out that DPW just recently created two new positions. Mark Lawton said he was simply saying that this would be a high priority position to be filled. Elio Del-Sette said he would like to see the word voluntary inserted in this text. He said if it is mandated it is not budget neutral. Elio Del-Sette said if there is a dormant position, it could be abolished. Lew Benton said City Hall has a modest staff and vacancies usually happen through retirement. He said those positions are then filled as quickly as possible, but it was conceivable that positions could be vacant for as long as six months. Mark Lawton said the City will experience

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vacancies and there needs to be a judgement on whether these new positions would be filled. Chris Whann asked how the Commission could be assured that this position would be filled. Elio Del-Sette said they should be recommended by the department head and funded by the Council.

Margie VanMeter moved and Chris Whann seconded to accept the last paragraph as presented.

Chris Whann pointed out that if this language is changed, the Commission would need to revisit the Human Resources Director text.

Denise Polit said she did not believe that by retaining this language there was assurance that the vacant positions funds would be transferred to fill these newly created position. Chris Whann said the Commission needs to find a solution.

Lew Benton pointed out that this position could be a \$75,000/year position (including benefits) and that it might take more than one vacant position to find the funds to fund this position. He said he agreed with Mark Lawton in that larger governmental operations there vacant positions, but that this is a very small governmental operation. He pointed out that the Mayor's office only has a City Attorney and Executive Assistant. He said he did not believe that other Commissioners would give up their funded positions and transfer those funds to another department to fund this newly created position.

Ayes five; Nays: six. (Motion denied).

Vassar Curtis asked about inserting text at the end concerning the allocation of funds being done by the City Council.

Margie VanMeter pointed out that hiring a Human Resources Director could actually save the City money, because it was likely that the City Attorney's services may not be required as much in grievance issues.

Chris Whann moved and Margie VanMeter seconded to table this paragraph this evening. Ayes all.

C-17d -- Recreation Commission: Tony suggested that the text of the second paragraph be worked concerning the word "oversight". Commission members disagreed.

Chris Whann moved and Rita Balmuth seconded to approve the first two paragraphs as presented. Ayes all.

C-17d -- Program Activities: Elio Del-Sette asked if this would conflict with DPW. Commission members said no. Chris Whann moved and Mark Lawton seconded to approve this paragraph as presented. Ayes all.

C-17d -- Staffing: Chris Whann moved and Rita Balmuth seconded to approve this paragraph as presented. Ayes all.

C-17d -- Budget: Chris Whann moved and Rita Balmuth seconded to approve this paragraph as presented. Ayes all.

C-17d -- Program Coordination: Elio Del-Sette moved and Lew Benton seconded to approve this paragraph as presented. Ayes all.

C-17d -- Annual Report: Elio Del-Sette moved and Denise Polit seconded to approve this paragraph as presented. Ayes all.

C-17e -- Office of Planning and Economic Development, first paragraph: Elio Del-Sette moved and Mark Lawton seconded that the first two sentences remain the same and the third sentence read as follows: "The office shall be responsible for promoting the orderly economic development of the City consistent with the City's Comprehensive Plan and such other plans and policies that may be adopted by the City Council." Ayes all.

C-17e paragraph 1 -- Elio Del-Sette read from Civil Service law concerning Civil Service positions. Lew Benton suggested that the paragraph simply say appointed by the Mayor with the approval of the City Council. Mark Lawton said there was nothing wrong with stating that staff has certain qualifications to hold positions. He said people should have the appropriate experience.

Margie Van Meter moved and Lee Nelson seconded to accept the paragraph as presented with a few minor corrections. Ayes all.

C-17e paragraph 2 --Denise Polit moved and Lee Nelson seconded to approve paragraph 2 with the notation that the Zoning Board of Appeals and the Design Review Commission be added. Ayes all.

C-17e paragraph 3 B Chris Whann moved and Denise Polit seconded to approve paragraph 3 noting that "and the direction and activities of the code enforcement officers" be removed. Ayes all.

C-17c paragraph 4 -- Margie Van Meter moved and Denise Polit seconded to approve paragraph 4 with a few minor corrections. Ayes all.

C-17c paragraph 5 -- Elio Del-Sette moved and Mark Lawton seconded to approve paragraph 5 as presented. Ayes all.

C-17f & g -- Chris Whann moved and Rita Balmuth seconded to approve sections C17f & C17g as presented. Ayes all.

C-16 -- City Council and Powers B Chris Whann said there had been some discussion on allowing time at Council meetings for the public to speak on various issues. Tony Izzo said it would be reasonable to place a restriction on the time, place and manner.

Chris Whann moved and Elio Del-Sette seconded that a sentence be added to the end of the second paragraph stating that the public be allowed to speak at City Council meetings at such time and in such manner as the City Council may establish. Ayes all.

Chris Whann moved and Elio Del-Sette seconded to approve section C-16c. Ayes all.

NEXT MEETING

Harvey Fox reminded Commission members that the next meeting of the Commission would be tomorrow evening at 6:30 p.m. It was agreed the following sections would be discussed: C19, C76, C77, C81, C22, C24, C-30, C25, C25, C50, Title XI, Title XII, rationale paper, Director of Human Resources, Director of Parks, and C8d. Chris Whann said the rationale paper needs to be divided up among the Commission members. He said Tony Izzo would get a copy of previous rationale papers for Commission members review.

ADJOURNMENT

Elio Del-Sette moved and Chris Whann seconded to adjourn the meeting at 9:35 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Kathy Moran
Clerk

Approved: