

**CHARTER REVIEW COMMISSION  
CITY OF SARATOGA SPRINGS  
MONDAY, AUGUST 20, 2001  
CITY COUNCIL ROOM  
6:30 P.M.**

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

**ABSENT:** Margie VanMeter

**STAFF PRESENT:** Anthony J. Izzo, Assistant City Attorney

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**CALL TO ORDER**

Harvey Fox called the meeting to order at 7:00 p.m.

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**APPROVAL OF MINUTES**

Lew Benton moved and Denise Polit seconded to approve the June 25, June 26, July 2, July 16, July 24, August 1, August 9 and August 13 meeting minutes with the understanding that they may be amended at a later date if a Commission member so desires. Ayes all.

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**PREPARATION FOR FINAL CHARTER DOCUMENT**

Elio Del-Sette, submitted for the record, material from Stu Witt on his recommendations for the proposed charter.

Harvey Fox said Barbara Samel had completed her review of the document and made several recommendations. He also informed Commission members that the entire amount budgeted for her had been used.

Code Administration

Harvey Fox said the Commission had heard from a number of individuals on code administration. He said there was a lot of support on leaving it in Public Safety. Mark Lawton said there was some concern expressed about duplication of material between the building department and code administration. Chris Whann reminded Commission members that there was some discussion of a new software program that would enable those departments to share information.

Elio Del-Sette moved and Vassar Curtis seconded to leave the Code Administration Office in the Department of Public Safety and to further required that there be coordination and sharing of records through one data base. It was further noted that it would be moved from the Mayor's section to back to Public Safety and those sections would be renumbered. Ayes all.

Lew Benton reminded everyone that they have been referring to code administration as code enforcement. He reminded everyone that it was code administration and not code enforcement.

#### Barbara Samel Comments

Bullets #1, #2 & #3: it was agreed that Chris Whann and Tony Izzo would work together and review those bulleted sections of Barbara Samel's memo and get back to the Commission. Lew Benton said it seemed to him that some of Barbara Samel's comments were fundamental issues and require significant discussion. He said he thought the full commission should review the comments. Chris Whann said items #1, #2 & #3 were really housekeeping issues.

Bullet #4: Denise Polit said the full Commission needs to give direction to those members who will be reviewing these recommendations made by Barbara Samel. She said the full Commission needs to determine whether we want to leave the text in full or to not be quite so specific with the text. Chris Whann said there were a few instances where Barbara Samel suggested adding text and he was in full agreement with those recommendations. He said he believed it was well within the Commission's prerogative to disagree with Barbara Samel's recommendations on deleting some of the text. There seemed to be agreement that generally speaking, the amount of detail would remain.

Vassar Curtis moved and Denise Polit seconded that under bullet #4 of Barbara Samel's memo, page 23, second paragraph, the text "or local law" would be added to the last sentence. It was further noted that text would also be added to other appropriate sections of the charter. Ayes all.

Bullets #5 & #6: Mark Lawton suggested that the sentence concerning classification of positions be removed. Chris Whann suggested that Mark Lawton and Elio Del-Sette review this section of the memorandum and report back to the Commission. It was further

agreed that Mark Lawton, Elio Del-Sette and Tony Izzo would meet with Patsy Berrigan, Civil Service Commission on this matter.

Elio Del-Sette asked if they should address the independent contractor issue. Tony Izzo said he did not believe that issue needed to be specifically mentioned within the charter.

He said though there is the issue of "public officer or employee". Elio Del-Sette said he would like clarification on those terms. Mark Lawton said he would like to be sure that the Commission is not violating any state law with the terminology they proposed. It was agreed that Tony Izzo would research this issue and draft some text.

Bullet #7: It was agreed that Tony Izzo would take the old C-25 move it to 2.2, rework it and report back to the Commission. It was further agreed that he would work with both Mark Lawton and Elio Del-Sette on this issue.

Bullet #8: Denise Polit said the Commission previously agreed to disagree with Barbara Samel's suggestions on deleting some of the text. Mark Lawton suggested that perhaps the Commission should make a list for the Council of those items that should be removed from the charter and placed in the code book.

Denise Polit moved and Chris Whann seconded to keep all of the sections of the charter in tact and that a transition document identifying a list of those ordinance that should be removed from the charter and placed in the code book is to be drafted by Tony Izzo. It was further agreed that the transition document with that list will be forwarded to the Council with the recommendation that they be removed from the charter and placed in the code book. Ayes all.

Lew Benton said any of the ordinances to be removed from the charter would then require an amendment to the charter. He asked if any of those items to be removed would require a referendum. Tony Izzo said he did not believe so but he would research it and get back to Commission members.

Mark Lawton said the other issue was specifying state law in the proposed charter. Mark Lawton suggested that the text "as amended" be added to the proposed charter where the state law is specified.

Bullet #9: Chris Whann moved and Denise Polit seconded to retain the language as in the proposed document. Ayes all.

Bullet #10: Elio Del-Sette said he was not sure if Civil Service law would be violated by removing some of this language. It was agreed that Elio Del-Sette and Mark Lawton would meet with Patsy Berrigan on this issue.

Bullet #11: It was agreed that the term "reside" would be added to the definition section. Denise Polit said she would review the proposed charter to see where the term "reside" is used to see if there is a problem. She said she would report back to the Commission.

Bullet #12: Denise Polit agreed to review the recommendations made by Barbara Samel and report back to the Commission. Mark Lawton said he was not sure if the Commission had listed all of the boards/commissions throughout the City.

Bullet #13: It was noted that Helen Edelman would ensure that the document was gender neutral.

#### Barbara Samel's charter recommendations

Chris Whann moved and Lew Benton seconded to accept the first six boxes in Barbara Samel's charter document as presented. Ayes all.

Page 4, Box 7: Tony Izzo said this gets to the issue of whether the Council should be required to amend the charter in order to obtain a pay increase. He said there was also a question raised by Lew Quillio concerning whether Council members would ever be able to authorize themselves a pay increase. He said it appears that there may be some clarification needed.

Lew Quillio, from the audience, suggested that perhaps Council members could authorize themselves a pay increase midterm. Tony Izzo said a permissive referendum would be required if the Council members authorized themselves a pay increase while they were serving in that term. Tony Izzo suggested that perhaps the text "no council member shall be eligible to hold any office, other than an elective office, or any position, employment or contract" could be added to the code of ethics section. Lew Quillio said he believed the Commission was trying to go too far.

Lew Benton said he believed that the Commission had sufficient conversation on this section and previously agreed to leave it alone. He said the intent was to constrain Council members from establishing a position and then holding that position. He said it was not intent to constrain the Council members from authorizing themselves a salary increase.

#### Code of Ethics Section 2.10

Chris Whann said there were two separate issues here, code of ethics and the salary.

Lew Benton moved and Vassar Curtis seconded that in Section 2.10, second paragraph, the text read as follows: "No Council member shall be eligible to hold any appointed office . . ." Ayes all.

#### Council Salary, Section 2.2

Elio Del-Sette suggested removing the dollar amount. Denise Polit said she would like to see some explanation in the charter of how they obtain a salary increase. Tony Izzo read

from state law on salary increase. Denise Polit noted that, as referenced in the state law, Council members could authorize themselves a salary increase. Lew Benton said he was somewhat concerned that if the Commission deleted the dollar amount, it could be one of those lightning rod issues. He asked how deleting the dollar amount would make it any easier or different for Council members to authorize themselves a pay increase. He said if Commission members believed that Council members should be full time, then they should say so. Tony Izzo pointed out that if the salary issue was placed under the budgetary process it was conceivable that one Commissioner could make more than another. Commission members agreed.

Elio Del-Sette moved and Vassar Curtis seconded that the Council shall receive a yearly salary of \$14,500 per year, which may be amended by local law. Ayes all.

#### County Supervisors

Chris Whann moved and Denise Polit seconded that the County Supervisors shall receive a salary as established by the County. Ayes all.

Lew Quillio, from the audience, said he would like to see the County Supervisors have a place at the Council table.

#### John Kirkpatrick, Firefighter Recommendations

Elio Del-Sette moved and Lew Benton seconded that the following text be added to the Fire Department section, "provide medical care and handling of hazardous materials incidents within the City of Saratoga Springs." Ayes all.

#### Animal Control Officer

Denise Polit moved and Rita Balmuth seconded that the Animal Control Officer is to be referenced in the DPS section and Chris Whann would develop the text. Ayes all.

#### Civil Service Commission B Chief Examiner

Elio Del-Sette moved and Lew Benton seconded to delete the reference to "Chief Examiner". Ayes all.

#### Civil Service Commission, Section 2.9

Elio Del-Sette said that the Civil Service Commission used to report to the Mayor's Office, however, they were moved to the Finance Department several years ago. He said though that the Mayor is still the appointing authority with Council approval. Chris Whann said Patsy Berrigan had requested that section be removed from the proposed charter.

Denise Polit moved and Mark Lawton seconded that on page 41 of Barbara Samel's document the first paragraph under Civil Service read, "There shall be a Civil Service Commission. The City Council shall appoint three (3) Civil Service Commissioners to serve for six (6) year staggered terms, without compensation. No two members of the Commission shall be of the same party affiliation. It was further agreed that the section pertaining to the Chief Examiner was to be deleted."

Elio Del-Sette asked for clarification on the appointing authority. Tony Izzo said that, upon doing research, it was the Mayor or other legislative body that could be the appointing authority.

Ayes all.

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### **NEXT MEETING**

It was agreed another meeting would be held on Thursday, August 23 at 5:30 p.m.

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### **ADJOURNMENT**

Denise Polit moved and Elio Del-Sette seconded to adjourn the meeting at 9:40 p.m. Ayes all. There being no further business, Harvey Fox adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Kathy Moran  
Clerk

Approved: