

Charter Review Committee Meeting Minutes

HELD ON
October 26, 2022
6:00 P.M.

The regular meeting of the Charter Review Committee was held at the Mechanicville Public Library, 190 North Main Street, Mechanicville, New York on Wednesday October 26, 2022.

Mark Seber: Called the meeting to order 6:05 P.M.

Mark Seber led the Pledge of Allegiance to the Flag.

Roll Call:	Mark Seber -Chairman	Present
	Matt Maiello	Present
	Jim Peluso	Absent
	Ed Morcone	Present
	Ann Cerone	Present
	Tony Accetta- Vice Chairman	Present
	Greg Mansfield-Treasurer	Present
	Nick Rinaldi	Present
	Bob Murphy-Secretary	Present

Mark Seber stated at the previous meeting they split up into three (3) sub-committees to do some research on three (3) concepts of government: the current form of government perhaps with some modifications, City Council strong Mayor, and City Council City Manager form of government. He went on to say that everyone has their reports and will open it up to the committees.

Tony Accetta gave his presentation of the Council-Manager Form of Government which is attached to the minutes. He pointed out the pros of the Council Manager form of Government: administration of the City business is removed from politics, the proficiency of professional management is based on a business model, since they are appointed rather than elected greater attention can be given to selecting a qualified manager, pool of qualified managers is larger since they are paid better and they can be recruited from outside the City, emphasis is going to be placed on the role of the legislative body and its policy making function, the Council gets better cooperation and information because the City Manager is their employee, and the City manager can be removed at any time limiting the danger or the abuse of the authority. He went on to point on the cons of the Council-Manager Form of Government: can give too much power to one individual, a professional manager is often chosen from outside the City, give too much power to a manager who is not directly accountable, without an elected chief executive the community may lack political leadership, Council Manager form is also much like a business corporation and may not be suitable to meet community needs, and citizens may be confused as to who is in charge. He added it is ultimately up to the committee as to how they want to structure it. Tony went on to say they realized when they were doing the evaluation there is not a form of government in which everyone is leading in a direction to one area, each department is responsible for itself and because of it there can be a lack of transparency between different

departments. He stated that when they were doing interviews something as simple as ordering goods, there is no set system of inventory within City Hall but if there were one centralized area in which one person was directly responsible for ordering all the products money would be spent more efficiently. He added his committee evaluated other local cities that has a Council Manager form of government and obtained their City Charter's and budgets that way there if this is the direction the committee decides to lean towards, they have this information readily available.

Bob Murphy stated that some of the issues they have talked about with the current form of government are the problems with HR, he asked if they are aware of how that is handled in the Council Manager form of government.

Tony Accetta stated he saw two different versions, one was having an HR individual within the form of government itself, or to have it subcontracted out.

Bob Murphy stated that another issue they have talked about was making it more accessible for people to run for office with the current form of government and asked if they had any idea if there was a lack of applicants for the elected positions.

Tony Accetta stated they did not have the answer to that, but he stated if they were able to open up the pool whether it is for City Manager to look outside the City to get someone that is qualified to bring them in or in regards to participating in the actual community itself by being able to be voted on to the Council and have a role o what rules and regulations could be passed but don't have to be committed where you have to do the day-to-day work. He went on to give an example of a younger person who would like to play a role in the City but also has a full-time job and cannot commit to the City full-time, this would allow for them to participate.

Mark Seber asked if any thought was given, if they were to change to that form of government what the structure of the government would be.

Matt Maiello stated one thing they looked at was consolidation of departments between accounts and finance since some of the duties overlap and one person that is qualified to do one could do the other. He added this is one way of consolidation but also a cost saving measure especially since there is a higher compensation measure with a City Manager. Therefore, he stated it may cost you a little more to have that individual but they are trained and have experience and maybe they will find other cost saving measures to support that.

Mark Seber asked if the City Manager would also act in the capacity of HR.

Tony Accetta stated he did not have the answer to that and also stated he is not sure if they would want them to.

Mark Seber stated in his group they also talked about HR and he spoke to someone about farming out the HR department and he was told that person mostly deals with benefits versus per say disputes between employees, and stated the person he spoke with stated if they wanted to do it right, they would need to get an HR individual as opposed to a company. He asked if they

looked into the make-up of the Council and asked if there was a City Council and an elected Mayor.

Matt Maiello stated they did look into it and one thing they were tossing around was every other town in the County has a Supervisor which represents at the County level but also acts as the head to take over the ceremonial duties for the City.

Mark Seber asked if there was a comptroller or accountant or something similar to that in addition to the City Manager.

Tony Accetta stated they did.

Mark Seber then asked Greg Mansfield to give the presentation on the Strong Mayor form of government report.

Greg Mansfield read their report which is attached to the minutes.

Bob Murphy added they have not looked into detail on how they address HR or the success in getting multiple people to run for elected office but they plan on doing that.

Mark Seber stated what concerns him when it comes to a strong Mayor is that in a small community, he is not sure of what the pool is for qualified or interested candidates.

Bob Murphy stated the main difference between the City Manager and the Strong Mayor is the City Manager is professional and with the Strong Mayor you are relying on an Elected Official as the Mayor.

Mark Seber asked if they looked at the difference in salaries for a Strong Mayor and a City Manager.

Greg Mansfield stated it depends on the size of the City budget.

Tony Accetta stated the City Manager salaries that they have seen are between \$80,000 and \$100,000.

Greg Mansfield stated that with the Strong Mayor sometimes the Mayor will oversee the meetings even though he/she does not have a vote unless there is a tie that needs to be broken. He added that with the revision of the charter they can create whatever they want for example they can have the Mayor have more of an influence or less depending on what they wanted.

Mark Seber stated when looking at this he was surprised how little money the Mayor's made annually.

Mark Seber stated he met with Nick Rinaldi and Jim Peluso to look into the current Commission Form of Government and they came up with four (4) different recommendations. The report is

attached to the minutes. He concluded that if the form of government remains the way it is now there would have to be changes made.

Ann Cerone stated that with the changes there would be costs involved which might equal out to the other forms of government that were discussed.

Bob Murphy asked if there anything that the City of Saratoga does that we do better since they are the only other City with the current form of government.

Mark Seber stated the Commissioners are all part-time, he is not but they are bigger and have more staff so he is sure they are more equip to handle things internally then Mechanicville is. He added their Council serves a two (2) year term as opposed to four (4) year and their Deputies are paid more because they have more responsibilities.

Nick Rinaldi stated he keeps hearing more costs and Mechanicville is a small, elderly community and there aren't more options to bring more revenue, and his concern is where are we going to get more money.

Mark Seber stated they need to do a cost analysis of the different forms of government, and the cost might not be that much different in the end. He added if changes need to be made in the current form of government it is going to cost more money because there is nothing to compare it to, things just need to be added, with the other forms of government, all the Commissioners salaries go away and you may be able to consolidate departments therefore there will be some savings along the line. He went on to say the change is hard no matter what is done and stated they need to be very transparent no matter what they do, give everyone the facts, don't hide anything, don't lie to anyone and see what happens. He also said that if this comes out to be a cost of \$100,000 none of the committee may want to move forward and it may not even get to the public but, if there is a fairly close comparison and the sense for wanting change then they may decide to move forward. Mark thanked everyone for the work they did and stated he does not think they should meet during the holidays and possibly reconvene on January 25th. He mentioned if they decided they would like to go to the Council no later then April if they are going to have a referendum and get a resolution passed to get it on the ballot, so he would like to decide by February or March as to which direction they would like to go. He added he would like to update the costs based on the 2023 budget and get a cost analysis for the other forms of governments. Mark stated that if they decide to move forward with any change to the charter the next step is to change the charter because it needs to be updated by election day so the public is able to view it. He stated if they decide in February, they decide which direction they would like to go in March they can have a public presentation and public hearing. He added regardless of what direction they choose to go he thinks they should give a presentation on all three of the options and then move forward. He said that he asked for money to be added to the 2023 budget to put some money in there in case they need to go outside the committee for expertise for the charter revision.

Tony Accetta stated he is already looking at the numbers for the financial analysis but is wondering if he should be adding a description of the responsibilities for each position and asked

after the presentations are done for all three (3) groups are they going to vote on which they feel is the best.

Mark Seber stated he personally thinks the group should make a recommendation, not a final decision but a recommendation and thinks they should outline all three (3) options to the public. At the next meeting he would like to work through the financial aspects and then make a recommendation at that meeting or in February meeting then in March have a public hearing.

Bob Murphy asked if they should go to the public before they make their recommendation or should they make a recommendation, have then react to it since it is not set in stone. He added there are pros and cons to both.

Mark Seber asked what route the committee would like to take.

Greg Mansfield stated he would like the publics input before a recommendation is made.

Mark Seber stated that in March they can lay out all the scenarios to the public and get their input and then in early April they can have another meeting and make a decision whether they would like to move forward or keep things the same as they are now.

Greg Mansfield stated that part of the analysis should include which of the three (3) options offer the most flexibility to stay within the budgetary constraints that they have.

Tony Accetta stated there will be upfront and long-term costs for all of them and added the analysis should be over a ten (10) year time frame to get a full picture.

Greg Mansfield stated updating the current charter will probably be the least expensive compared to setting a whole new charter or setting new statues which is a short-term cost but they are probably more concerned about the long-term costs.

Ed Morcone stated no matter what they decide the handbook and charter needs to be cleaned up. He asked if they were going to keep their groups and go to the next meeting with their cost analysis.

Mark Seber stated that is what he was hoping for and have it ready for the January meeting. He announced the next meeting would be January 25th and is hoping it would be at the same location, Public Library.

Mark Seber asked for a motion to approve the minutes from the August 17th meeting.

Motion by: Greg Mansfield

Seconded by: Tony Accetta

Ayes: 8

Nays: 0

Adjournment: 7:07 pm

Motion by: Bob Murphy

Seconded by: Greg Mansfield

Ayes: 8

Nays: 0

The Council-Manager Form of Government

Council-manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission, or board. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager system was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure. Since its establishment, the council-manager form has become the most popular structure of local government in the United States. The form is also widely used throughout the world in countries such as Canada, Australia, the Netherlands, New Zealand, and the United Kingdom. (c. ICMA - FAQs)

The Council-Manager Plan

The Council-Manager form of government is used by more cities, villages, townships, and counties than any other form. It is a system of local government that combines the strong political leadership of elected officials in the form of a governing body, with the strong managerial experience of an appointed local government manager. The governing body is commonly known as the council. The Council-Manager form establishes a representative system where all power is concentrated in the elected council and where the council hires a professionally trained manager to oversee the delivery of public services.

It's Responsive

In Council-Manager government, the mayor of the governing body and council members are the leaders and policy makers elected to represent the community. They focus on policy issues that are responsive to citizens' needs and wishes. The manager works to carry out policy and ensure that the entire community is being served.

It's Adaptable

Not all Council-Manager governments are structured the same way. One of the most attractive features is that the Council-Manager form is adaptable to local conditions and preferences. For example, some communities, like Livingston, have Council Members that are elected at large, while other councils are elected by district or by a combination of an at-large and by district structure. In Livingston, the mayor is elected to a one-year term by his/her colleagues on the Council.

It's Less Expensive

Local governments have found that overall costs actually have been reduced with competent management. Savings come in the form of reduced operating costs, increased efficiency and productivity, improved revenue collection, or effective use of technology.

Council-Manager vs. Strong Mayor

Nearly 90% of all communities use either the Council-Manager or the Strong Mayor form of government. When viewed together, the overwhelming advantages of the Council-Manager form become apparent. It encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions.

Neighborhoods Strengthen Their Voice

The Council-Manager form encourages open communication between citizens and their government. Under this form, each member of the governing body has an equal voice in policy development and administrative oversight. This gives neighborhoods and diverse groups a greater opportunity to influence policy.

Under the Strong Mayor form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among Council Members can have a chilling effect on the voices of neighborhoods and city residents.

The Power of Special Interests is Diffused

Under the Council-Manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and heard not just those that are well funded.

Under the Strong Mayor form, however, it's easier for special interests to use money, pressure and political power to influence a single elected official, rather than having to secure a majority of the township council's support for their agenda.

Merit-Based Decision Making vs. Partisan Politics

Under Council-Manager government, qualifications and performance – and not skillful navigation of the political election process – are the criteria for selecting the professional township manager. The professional manager, in turn, uses his or her education, experience, and training to select department heads and other key managers to oversee the efficient delivery of services. In this way, Council-Manager government maintains critical checks and balances to ensure accountability at town hall.

Under the Strong Mayor form of government, the day-to-day management of community operations shifts to the mayor, who very often lacks the appropriate training, education, and experience in municipal administration and finance to oversee the delivery of essential community services. Also, under the Strong-Mayor form, there is the temptation to make decisions regarding hiring or firing key department head positions based on an applicant's political support, rather than on his or her professional qualifications.

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City of Mechanicville
Charter Review Commission
Strong Mayor-City Council Option Report
October 26, 2022

One option to consider for the future form of government for the City of Mechanicville is the Strong Mayor/City Council model. This choice would be most recognizable for city residents being modeled after the Federal and State structures of executive and legislative branches independent of each other with appropriate checks and balances. It is also the most common form of government within the Capital District with the exceptions of the cities of Saratoga Springs and Mechanicville, both employing the Commissioner form of government.

While common within our region, this model is on the decline as the choice of cities throughout the United States. In 2011, 33 percent of cities are using this model, a drop of 20 percent from 1981.¹

The Mayor In this form, the mayor is elected at large to a four-year term, with subsequent terms subject to local term limit law. The mayor serves as the chief administrative officer and is responsible for the enforcement of all local ordinances. The mayor must be qualified to hold elective office and be a resident and legally registered voter of the city (New York State Public Officers Law §3).

Under this form of government, the mayor would appoint or dismiss department heads with the approval of the Council.

The mayor attends and presides over council meetings and serves as the tiebreaker. The mayor may also have veto authority over legislation, but may be overridden by the council as specified in the local statutes or charter.

Depending on the structure of the city government, the mayor may serve either in a part-time or full-time office.

The Council The Council may be elected either by ward or at-large and may vary in size by local statute or charter and serves as the municipality's legislative body. They serve on a part-time basis. For small cities that number is generally five but may be as large as seven. A quorum would consist of either three or four members depending on the relative size of the council.

Councils establish, review and revise rules of procedure for their meetings and may also adopt Robert's Rules of Order's latest edition as allowed under NYS law.

¹ https://ballotpedia.org/Mayor-council_government

The mayor may submit a draft and propose the city budget, or a sub-committee of the Council would be responsible for the creation of the city budget to be voted on and approved by the Council. Local ordinances or charter revisions would be initiated and approved by the Council.

The mayor may be given the power of line-item veto by statute or charter.

All voting takes place at a public meeting with a quorum present. Passage requires an affirmative vote of the majority of the council. (For example: a five-member council has three members present, all three must vote in the affirmative to pass an ordinance).

The structure and details of the procedures and operation of the Strong Mayor/Council form of government would eventually be defined by the revision of the City Charter or the adoption of a new set of municipal statutes.

Costs: While the final costs¹ would be set by the adoption of a city budget and would be subject to the limits of available revenues, a comparison of costs for local cities of comparable size to that of Mechanicville would be helpful in determining a course of action. From available records we submit the following for consideration:

CITY	POPULATION ²	GOV'T FORM	TOTAL BUDGET	TOT ADMIN COST	% OF BUDGET
Mechanicville	5,168	Commissioner	5,465,458	314,591 ³	5.76
Hudson	5,898	Mayor/Council	11,864,839	210,470	1.77
Cohoes	17,933	Mayor/Council	22,347,075	634,888	2.84
Little Falls	4,572	Mayor/Council	6,615,778	220,161	3.33
Rensselaer	9,287	Mayor/Council	14,393,350	540,816	3.76

¹Based on 2020 budget reports

²https://www.newyork-demographics.com/cities_by_population

³https://www.mechanicvilleny.gov/sites/g/files/vyhlf6716/f/uploads/2021_budget.pdf Salary costs do not count DPW, Police and Fire Departments, or associated costs.

It is important to note that the City of Rensselaer's population is nearly twice, and the City of Cohoes' population is over three times that of the City of Mechanicville and is reflected in their budget costs.

The budget figures are a close approximation and based on a compilation of information that may or may not be complete based on the available numbers provided to this sub-committee.

It is worthy to note the percent of budget for the administration costs which are significantly lower for the Mayor/Council model as opposed to the Commissioner model currently in place for the City of Mechanicville.

Respectfully submitted,

Greg Mansfield
Bob Murphy Jr.
Ed Morcone.

CURRENT COMMISSION FOR OF GOVERNMENT

The City of Mechanicville is only (1) one of (2) two Cities in the State of New York that has a Commission form of Government. The other is Saratoga Springs.

The current Commissioner for of government is made if of (4) four independently elected Commissioners and (1) one independently elected Mayor. The Mayor/ commissioners are elected to (4) four year terms. The (5) five elected officials are: Mayor, Commissioner of Accounts, Commissioner of Finance, Commissioner of Public Works and Commissioner of Public Safety. The Commissioner of Accounts and the Commissioner of Public Works are full time. The Mayor, Commissioner of Finance and the Commissioner of Public Safety are part time. Each Mayor/Commissioner is responsible for administering their various departments as well as serving as a member of the City Council. The (4) four Commissioner has the ability to appoint a Deputy to work within their Department, there are currently (3) three Deputies. Not only do the Deputies work on a daily basis in the respective Departments, they have, in the absence of the Commissioner, assume the same responsibilities and rights as the Commissioner. The Commissioner of Accounts acts as the Deputy Mayor and in the Mayors absence carries out the responsibilities of the Mayor.

The responsibilities of each position are addressed in the City Charter but to summarize, the Mayor presides over the City Council and has oversight of the City Code Enforcement Department, Police department and Police department. The commissioner of accounts act as the City Clerk, Clerk of the City Council is responsible for tax collection, water collection and various Official City Clerk responsibilities. The Commissioner of Finance is responsible for anything relating to the City financial dealings ie: Budgeting, payroll, financial record keeping, review expenditures and reporting the City's financial position to the State on an annual basis. The Commissioner of Public Works is responsible for all of the infrastructure of the City including the Water Department and the Commissioner of Public Safety has the responsibility of the City Parks and Playgrounds, Senior Center and Transportation and any other activities around the City.

As stated earlier, each Mayor/Commissioner is independent of each other. Not one Mayor/Commissioner has the ability to make a demand of any of the others. The only method to direct a Commissioner to do anything is by a majority vote of the City Council.

While this form of government has been in place in Mechanicville, since early the 20th Century, the sub-committee has found there to be some significant flaws that impede the daily operation of the City. Government has become very complex and the need for expertise in various areas has become necessary. While those elected show great concern for the City and are very well intended,, in most cases the elected Mayor/Commissioner has a background in the private sector and are unaware if the complexities of government.

The Sub-Committee addressing the current Commissioner Form of Government makes the following recommendations if this current form of government is to continue:

1. During the interviews with staff it became apparent that there is a need for a Human Resource individual/ company to handle the need for professional to handle certain employee issues. Currently the Commissioner of Accounts acts as the City's Human resource office. While there does not seem to need great expertise dealing with the employee benefits, when it comes to employee issues there is a need for a level of expertise to handle some of these complaints. There is no doubt that there will be a significant cost to providing this additional level of employee service.
2. As has become very apparent, finding someone to run for election for these various positions and we feel it is important that the City make it more attractive to run for these positions, especially the full time positions there will be a need for significant increase in the salaries to the full time positions.
3. Make all Commissioners part-time and staff the offices with sufficient staff to make each office responsive to the needs of the citizens.
4. Change the Charter to allow one individual, most likely the Mayor, to have some oversight of the various Departments. Understanding that the Commissioners are elected there would need to be additional discussion as to exactly how this change would be structured.