

# Judge backs city on assistant building inspectors

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By PATRICK H. DONGES, The Saratogian

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Last August, the city stopped issuing building permits for 16 days after the commission changed the job description of the assistant inspectors to reverse an order by Mayor Scott Johnson that gave them the power to approve the permits.

During the same meeting where the job descriptions were changed, the commission had also abolished a previously approved but unfilled title of "Zoning and Building Inspector," to which the city also objected in court.

"We didn't want to take this route," Johnson said Thursday, referring to the suit, which was filed by the city. "We thought it was necessary to keep the city functioning."

In his decision on the case, dated March 7, Nolan said while technically the commission was correct in that it had not "reclassified" the position of assistant building inspector because it did not affect the title or class of the position, its process for making the changes was "fatally flawed" because it did not give Johnson or the inspectors prior notice of its proposed actions.

The votes to revise the description and abolish the position were taken in executive session and announced later during open session.

A counterclaim made by the commission that Johnson had violated Civil Service Law when he authorized the assistant inspectors to "act in the place of," and "assume all powers and duties," of the building inspectors was also dismissed.

Nolan noted that since there has been no full-time building inspector employed by the city since April 2010, the assistant inspectors have been acting as the building inspector "without protest," and the commission therefore has no basis for its claim.

"An effect of this decision is to return this internal municipal controversy to City Hall where it belongs and where it should be resolved," Nolan said.

Johnson said he would continue to work with the commission to restructure the building department, including revision of the job title for building inspector to include the enforcement of city zoning code.

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