

Mayor Scott Johnson: Saratoga Springs likely to continue litigation over charter change

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SARATOGA SPRINGS — After a 3-2 City Council vote Feb. 15 and the filing of a notice of appeal in the case against charter change group Saratoga Citizen on Feb. 16, Mayor Scott Johnson indicated Friday that the city will likely continue litigation.

“I think there are some very strong and valid grounds for an appeal,” Johnson said Friday, explaining that while he respects State Supreme Court Judge Thomas Nolan, he did not agree with his decision that approved the group’s petition.

Johnson repeated the two points he made before the council on Feb. 15: that the city was denied an evidentiary hearing to examine proof that there had been no fraud during the petition drive, and that the submission of a charter change petition and charter document that excluded a fiscal note would set a precedent for citizen-organized city charter efforts throughout the state.

“The lack of a fiscal note, I think, has the major effect,” he said. “We’re not immune from what may occur in the future.

“I think it’s very dangerous, and that’s why we’re moving forward with the appeal.”

When asked about the outbursts from residents in the gallery at the Feb. 15 meeting, which included cries of “stonewalling,” Johnson said no one on the council would attempt to deny city residents the right to vote.

“That’s the spin that’s being put on this,” he said, calling the notion “absurd” and adding that the council is obligated to protect the entire community.

He also criticized Saratoga Citizen for presenting the council with their petition at the end of July, giving them four months to vet and decide whether to approve the referendum in time for a November ballot.

“For a group that’s been in existence for three years, why did they delay until the last moment?” he said.

Saratoga Citizen organizer Pat Kane reiterated his stance Saturday that the group was comfortable with Judge Nolan’s decision and would welcome the opportunity to defend it in a higher court.

“There’s so many more important issues that the city’s struggling with,” he said, citing expired contracts with city unions and continued economic uncertainty as two areas where he believed the council’s time and money might be better spent.

“He certainly has the privilege of spending the city taxpayers’ money on this,” he said of Johnson. “(I) think it’s a very expensive venture to carry on with an appeal.”

He called the outbursts at the Feb. 15 meeting “somewhat appropriate” given the group’s stance that they have adhered to every legal requirement of petitioning for a charter referendum without results thus far.

“I think he’s starting to realize that he’s beginning to anger a lot of people,” he said.

Kane also spoke on the idea of the formation of either a mayoral or council-appointed commission, calling the timing “problematic” because meetings and public hearings on a new proposal would have to be held in time for submission to the Saratoga County Board of Elections by September, leaving only a few months before track season for discussion.

“We’re talking five months worth of work that we’ve been doing for three years,” he said.

While admitting that two competing charter referendums (which is what could appear on the ballot this year if the council appoints a commission and Saratoga Citizen’s proposal is approved) would be potentially confusing, Johnson said he believes there is still time to form a new commission to discuss how the current charter could be “clarified” or “tailored.”

“At this point the landscape has obviously changed,” he said. “I’m still considering all options.”

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