

TOWN OF HAMDEN, CONNECTICUT
CHARTER REVISION COMMISSION
MINUTES OF MEETING

October 14, 2020

A meeting of the Charter Revision Commission was held on Wednesday, October 14, 2020. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called to order at 7:01 P.M. by the Chair, Frank Dixon and roll call was taken.

MEMBERS PRESENT: Frank Dixon, Chair; Jackie Downing, Vice-Chair; Lamond Battle, Secretary; Todd Berton; Sarah Gallagher; Marnie Hebron; Myron Hul; Jay Kaye; Nancy Olson; Todd Moler; Frank LaDore; Tom Figlar; Tiffany Artis-Wilson

MEMBERS ABSENT: Joshua Sprague-Oliveira; Jeffrey Cohen

ALSO IN ATTENDANCE: Steve Mednick, Counsel; Sue Gruen, Town Attorney; Mick McGarry, Legislative Council President; Jim Pascarella, former Councilman/Mayor; Betty Wetmore, At-Large Councilwoman

APPROVAL OF PREVIOUS MINUTES: September 30, 2020 – Moved by Ms. Olson, seconded by Mr. Kaye and approved unanimously.

Mr. Dixon gave the floor to Mr. McGarry for his thoughts on this process.

Mr. McGarry said one thing that needs to be addressed is the Police Commission needs to be updated. He said it needs to better reflect the community and have a strict base membership system represented by every part of the Town and qualifications to be on the Police Commission would be helpful too.

Mr. McGarry said another things he thinks they should look at is the Town Clerk. He said luckily right now we are fortunate to have the current Town Clerk, one with dedication and experience to run this position, but he thinks it should be a non-elected hired position going forth because we might not luck out next time.

Mr. McGarry said he does not support a City Manager because the power is then centralized in the Council and he thinks the balance of power between the two branches is important and critical to maintain. He said the demographics of cities with successful Town Managers don't match Hamden. He said he recommends a third way and that is to make a charter position of a Chief Administrative Officer and lay out credentials and responsibilities, one with a term of 4, 5 or maybe even 6 years that will outlast the Mayor.

Mr. McGarry said another thing is the length of contract years. He said it is his understanding that they're limited and can't extend past the years of the Mayors term of office so he thinks they should look into contract years that could extend beyond the Mayors term of office.

Mr. McGarry said lastly, he views us as a small city more than a large town so maybe they should consider calling us a city.

There was then some discussion on the difference between a Police Commission and a Civilian Review Board. Mr. Mednick said a Civilian Review Board is established by ordinance and not by Charter but they would get into that at a later time. There was also some discussion on what would be expected of a CAO.

Mr. Dixon gave the floor to Mr. Pascarella.

Mr. Pascarella said he also does not agree with going to a City Manager form of government. He said he doesn't think the Legislative Council is equipped to run the day to day operations of the Town.

Mr. Pascarella said he also thinks they should look at the section of vacancy of the Mayor. He said how it is now doesn't work because if for some reason the President of Council can't do it there's no wording to say what happens next. After some discussion of the special election process as it's laid out now he said his suggestion is going back to what we originally had but with a bit of an asterisk. Instead of having a special election to fill a two year term the Council President succeeds the Mayor if there's a vacancy in the Mayor's office and if the Council President either cannot do it or doesn't choose to do it then the President elect of the Council (President Pro Tem) does it. He said there are 4 officers in the Town of Hamden, there's the Mayor, the Council President, the President elect and the Town Clerk. He said if that doesn't work and the President elect also says they're not going to do it then go back to the old way where they voted a member of the body to succeed the Mayor or a member of the Mayor's party and the Council makes a determination and votes in who the successor would be to serve out the term.

Mr. Pascarella said another piece of advice he has is to try to avoid in your deliberations and discussion what is the latest political flavor of the day. Remember it's the Charter and 10 years from now the latest political flavor of the day may be very sour so while doing your deliberation his advice would be to listen obviously to what the public has to say but think in terms of is this something that will last the length of time.

Mr. Pascarella said the last thing he has is the Police Commission and there's been a lot of discussion about having 9 members of it with 1 member from each of the 9 districts in Town. He said his concern with that is that with minority party representation in all likelihood you would have a certain number of democrats and a certain number of republicans and with 1 person from each district it would be very difficult for the majority party especially the way our parties are configured right now where the democrats are a heavy majority that a democrat living in the northern part of Town would ever be named to the Police Commission. He said his advice is to divide the districts into 3 where the first, second and third districts get 3, the fourth, fifth and sixth district get 3, and the seventh, eighth and ninth district get 3. He said in there lies where a Mayor and Council can appoint and then confirm varieties of people from different parts of Town and different parties without just being 1 person from each district. He does agree with expanding the size of the commission.

Mr. Dixon gave the floor to Town Attorney Sue Gruen.

Sue said she'll start in the definitions and as an overall comment she cautions this commission to review every part of the charter that requires a vote to make sure that every word in every section is what you want it to mean. She said for example when you have this definition "more than half of the votes that have been cast", she stumbles over that word "cast" from time to time and she's written opinion on what the majority would be. She said she's not telling the commission what they should or should not do but

is just cautioning them that every single word in a definition and in a sentence where a vote count is noted is meaningful and could change the outcome of a passage or failure to an item.

Ms. Gruen said in Capital Expenditures make sure it's consistent with what our Bond Counsel considers a capital expenditure. She said the word "meeting" in this day and age may need to be tweaked. She said FOI allows for electronic meetings in the statute but now we have executive orders and you may want to change some of the meetings based on what we've gone through from the Governor's executive orders. She said the words "daily newspaper of general circulation" is problematic. Every time we have to advertise someone asks her if we really have to advertise in the daily, it's really expensive. Same thing with "Public Notices" you'll find the word newspaper. Maybe provide for more electronic or weekly circulars.

Ms. Gruen said for "Vacancies in elected office" and thinks they should look at that part very carefully to see how did it work. She said people were very surprised when she came out with an opinion that said you need a special election because everybody was assuming it was the old charter where the Council president automatically fulfilled the vacancy of the Mayor and that wasn't the case.

Ms. Gruen said in the Legislative Council section 4-3 C where you talk about public comment at regular meetings it's required for agenda items and items under the control of the Council, but for special meetings and committee meetings you have items only on the agenda and that makes sense to her but a lot of people don't necessarily follow that or like to follow that. She said public comment is very important she would just say make sure you know what is here and that you're satisfied with what wording you're putting in this document.

Ms. Gruen said there's a general lack of process for capital expenditures and there seems to be a lot of confusion from what she sees over what a capital plan is, what a capital project is and how to do capital. Sometimes she's asked about this and there is no guidance in the charter to answer.

Ms. Gruen said in Chapter 5 (§5-5) of Mayor's Duties the section she finds very, very confusing is the emergency powers, the appropriations, the expenditures, and the public emergency contingency. She said we've unfortunately had to use this section a number of times this year and every time we have to deal with it it's like starting all over and she knows she would appreciate a better road map on how everything is meant to work.

Ms. Gruen said one of her favorite sections is the contract section 5-2 D a&b which is the section that tells what contracts have to go to the Council. She said this was changed in the last charter revision and she absolutely agrees and it is a must that b, containing a term that falls in multiple fiscal years shall continue, that needs to have council approval and the reason for that is because there's no appropriation for the funding the next year. She said but there's a caveat, there are agreements that contain a term that falls in multiple fiscal years that actually have no fiscal impact. She said there are times where without a fiscal impact it might be in the best interest of the Town to allow that type of contract to not have to go to the Council. She said there's no money involved and there is a term. It's not often that it happens but it could and she just dealt with something like this today and she just thinks it would makes things so much easier if something that doesn't have a fiscal impact didn't have to go to Council. She said section "a" is fine and works but it was 10 years ago so you may want to increase the threshold.

Ms. Gruen said in chapter 7 “Dual Appointments” she has no problem with what she thinks the intent of this section is but there are times though where people serve on a regional board or a special board that does come to the Council for approval. An RWA membership for example that’s something that is an appointment by the Council to serve on a regional board. She said she’s not sure what the intent was to include those types of appointments in that dual appointment (unintelligible). She just knows if the appointment goes to the Legislative Council she counts it as a dual appointment if that same person serves on a Town board or commission.

Mr. Mednick said the way to address it is there’s a definition of boards and commissions and it indicates they are entities of the Town and the issue for the Town Attorney is a regional board appointment considered an entity of the Town so he’ll take a look and if it’s an issue and people don’t have a problem with it we can create an exception in the definition of boards and commissions to accept those things out.

Ms. Gruen said next she brings to their attention the restrictions on members of Civil Service and Ethics, those are separate restrictions unlike other boards and commissions. She said she has not had a problem with it but some people have had a problem with our interpretation of that section. Mr. Dixon asked how so? She said it’s restrictive. For example a person on the Legislative Council has to wait x number of years before he or she could serve on she thinks both or it may just be Civil Service, but she thinks it’s both. She said there’s good reasons for that these are very important commissions but she doesn’t know if there’s an abundance of people to serve and that’s where you sort of get into trouble. She said she’s not really telling you pro or con she’s just giving you some of her experience and these are some of the things that have come up and people have commented about. Ms. Gruen said for Civil Service we have 3 members and that’s not a lot. When one member is out it’s a 2 person commission and that could be problematic and she’s been asked if you could add alternates.

Ms. Gruen said when you talk about expanding the Police Commission consideration should be for the Fire Commission as well, there are a lot of similarities in those commissions. She said for the Library Board she did have a request to expand that membership. She said for the Board of Assessment Appeals (7-5 A) it’s a question. It is a Legislative Council appointment and what does that mean? Is it a name sent from the Mayor or is it a name that the Council on its own nominates?

(Mayor Leng and Councilwoman Rowe-Lewis were trying to access the meeting and were having technical difficulties so they couldn’t remain on to speak)

Mr. Dixon said they could re-invite them to another upcoming session and then gave Mr. Mednick the floor to continue the redlining.

Mr. Hul asked if he could ask a couple questions first and asked Ms. Gruen about the 3 members of Civil Service and asked her about the statutes on it and if they were able to expand it. Ms. Gruen said right now she thinks our Civil Service Commission references the statute and she doesn’t think it’s required to have a statutory commission she thinks they can look into this but right now the way it’s written we’re limited but she thinks that can be changed. Mr. Mednick said he believes we can, it was not an issue addressed 10 years ago so they can take a look. Mr. Hul said having been in front of this commission he can say that having only two people is limited to the commission and he thinks it should be expanded.

Mr. Hul also said when talking about licenses and contracts going across fiscal years it was said why do we need to do that if there is no fiscal impact in the following fiscal year and he said he can’t think of one single example of where we’ve dealt with that. Ms. Gruen said she had one today and every once in

a while there will some sort of monetary agreement that doesn't have a fiscal impact, maybe for use of materials or something similar.

Mr. LaDore also asked if our charter could overrule the State statute on the number of Civil Service members. Ms. Gruen said it's not overruling the statute but Mr. Mednick knows the Home Rule better and he could explain where the Town gets its powers. Mr. Dixon stated he doesn't think there should be any commission with only three people on it, it doesn't make any sense. Mr. Mednick said he can look into it.

Mr. Dixon gave Ms. Wetmore the floor.

Ms. Wetmore said she thinks they need more minority Council people. She said she sometimes feels like there is no reason for her to be there. Right now there are 2 republicans and 13 Democrats and she thinks they need at least 1 more minority on the Council. She said otherwise she thinks the charter is fair.

Mr. Mednick went to Chapter 8. He said here (§8-1) for departments and department heads 10 years ago they tried to allow for flexibility in creations and reorganization of departments to meet the needs of the budget and people in the community. Section 8-2 C 1&2 (Ms. Gruen stated she thinks these sections work) Mr. Mednick said they'd look at this section here which talks about the employment contracts.

Mr. Mednick is briefly going over titles of section 8 saying what was done last time. (Reading the text already there)

When talking about Section 8-4 "Government Administration" Mr. Mednick said this is where they would create a section for CAO and it would probably replace the Dept. of Finance as the first item in here.

Mr. Mednick said one of the things he might suggest they look at in the Charter is what kind of services would we be thinking about in the future of consolidating to save local expenditures. He said the 2 departments we're looking at right now is the Assessor, Purchasing Agent and Tax Collector and procurement are sections people have been looking at to see if there's possible regional benefits in having consolidations. He said let's keep this in the back of our minds for bulk buying.

There was some discussion on certain Departments Heads such as Assessor, Purchasing Agent and Tax Collector not being Department Heads. Ms. Gruen said they are more like division heads and said for the most part this section works and it's clear as to what's a Mayoral appointment and what's a Civil Service position.

Chapter 9 on the Board of Education Mr. Mednick said here the BOE have an obligation to submit their budget to the Mayor per State Statute but we have no control over how they use it.

Chapter 10 of the Budget Mr. Mednick said he thinks we'll spend some time here and the first problem area here is no clear definition of what a capital budget is. He said 10-3 "meeting notice" they'll take a look at which was brought up by Ms. Gruen. He said we may want to add executive orders in here for when it may come into play. Ms. Gruen stated that the mil rate section (10-3 B-1) is confusing and unclear.

Mr. Mednick went on to say that section 10-5 Petition or Budget Overrule is here but has not been used in modern times. He said section 10-7 D&E they may take a look at. He said these are real time day to day issues and maybe someone from Finance can come speak on it. Ms. Gruen brought up budget amendments and transfers and asked what's the difference, to her it's all the same. Mr. Hul stated there are accounts that Council doesn't even see (ex: FEMA) therefore they have no oversight in that fund. Ms. Gruen said that's a reimbursement. She also said some of this is confusing and it can be hard for her to write a document to the Council for some of this. Mr. Dixon stated they need to take a better look at Section 10-7 D-1.

Mr. Mednick said Chapter 11 basically lays out how to amend the charter and periodic review etc. He said he will look 11-7 through 11-18 saying these were transitions and historical notes and he'll go through them with Ms. Gruen to make sure. Mr. Hul asked will they come out or get turned into historical foot notes. Mr. Mednick said they can remain footnotes, he has no problem with that he said it gives history which can be useful. He said him and Ms. Gruen will also have to look into Chapter 12 to see if there's any validity to those sections and see if they should remain.

Mr. Kaye asked about Section 3-7 of Reapportionment and said he's confused as to the timing and thinks the timing for another one is coming up. Mr. Mednick said he would look into it.

Mr. Mednick said for the next meeting of October 28th he is in the process of preparing a summary of all testimony and will add tonight's testimony to it and he will put the sections we can't do in red, for instance a Civilian Review Board has to be created by ordinance and not charter, etc. and he hopes to get it to the commission members by mid to end of the following week and then recommends at their next meeting they start going through the document and starting their work.

There was a bit more discussion and concern shared that more Council people weren't here for discussion and they talked about bringing people back for discussion at future meetings.

There being no further business Mr. Dixon requested a motion to adjourn. Moved by Mr. LaDore, seconded by Mr. Kaye and adjourned at 9:26 P.M.

Respectfully submitted,

Kim Renta
Clerk of the Council