

**TOWN OF HAMDEN, CONNECTICUT**  
**CHARTER REVISION COMMISSION**  
**MINUTES OF MEETING**  
**October 28, 2020**

A meeting of the Charter Revision Commission was held on Wednesday, October 28, 2020 via Zoom due to the Covid-19 Pandemic. The meeting was called to order at 7:05 P.M. by the Chair, Mr. Dixon and roll call was taken.

**MEMBERS PRESENT:** Frank Dixon, Chair; Jackie Downing, Vice-Chair; Sarah Gallagher; Myron Hul; Jay Kaye; Todd Moler; Nancy Olson; Frank LaDore; Joshua Sprague-Oliveira (@ 7:28pm); Todd Berton; Tiffany Artis-Wilson (@7:13pm); Jeff Cohen (@7:08pm)

**MEMBERS ABSENT:** Lamond Battle; Marnie Hebron; Tom Figlar

**ALSO IN ATTENDANCE:** Steve Mednick, Counsel

**APPROVAL OF PREVIOUS MINUTES – October 14, 2020**

Moved by Mr. Kaye, seconded by Ms. Olson and approved unanimously.

Mr. Mednick went over the Tracking Chart of Public Comments that he put together. He said this includes all public testimony, the public hearing, and all submissions to the process this far, as well as the input from town officials 2 weeks ago.

**Preamble** – Mr. Mednick said there was a suggestion that the language should include the intent to value inclusivity and relying on general statutes to oversee our information dispensation efforts is neither just nor intentional. He said he’s not quite sure what that means but he put it in there. He said there was no preamble in 1966 through the charter done 10 years ago when he recommended it and that maybe they can spend part of one meeting discussing preamble language.

**Chapter I** – Mr. Mednick said there are a number of definition issues and one of those is how to deal with capital expenditures and capital budgets. He said the Town Attorney suggested they look at the words vote and cast throughout the document to make sure there’s consistency where there’s inconsistency so he thinks at some point they should do a search and find process to go through and look at that definition. He said they also need to look at the words “meeting”, “hearing notice”, “public notice” and “newspaper publication”. He’s also thinks they should look at making sure their notice procedures are expansive enough to allow for electronic media for notice purposes and hopefully get away with newspapers but the big problem with eliminating the standard is the newspapers have been lobbying very heavy to keep newspaper notice because it’s a big revenue item.

Mr. Mednick said there are also a series of comments about IT infrastructure that relate to communication, website access and interface, email correspondence so he thinks they need to look at these issues in terms of definition of meetings and notice.

**Chapter II** – Mr. Mednick said here the issue is are we a town or are we a city. He said this may be simple or it may be complicated. We were incorporated by the General Assembly and the question would be do we need a Special Act passed by the General Assembly. He said if you have an inclination to move in that direction he thinks it's fair to say that it probably doesn't have financial implications it's more it's more of a psychic determination whether you look at yourself as a city or a town.

Mr. Hul said in previous conversation it's been mentioned there may be some financial implications in terms of revenue generation and asked is there or is there not any kind of financial implications other than some minor costs. Mr. Mednick said he doesn't know the answer definitively but his guess would be no, his guess would be there might be implications of finances based on population which would drive formulas from the State to some extent. He said maybe there's some federal legislation out there that he's not aware of but it's an issue they can look at but he doesn't believe there are huge implications for that. He said a municipality, whether a City or a Town, is eligible to participate in items that all municipalities can do and the name City versus Town is not based on population it's based on preference. He then gave examples of some of Connecticut's City's that have a smaller population than Hamden.

**Chapter III** – Mr. Mednick said the next issue is a big issue because we would be talking about changing the historic nature of the Town Clerk which currently and for most of the time the Town Clerk has been an elected position and it's been proposed to make the Town Clerk position a classified civil service position and others have said it should remain an elective position. He said when you tackle an issue like that and we have an active Town Clerk who's alive and well and serving it's an issue that you have to embrace and understand has implications. He said if it's an issue you want to take up he strongly recommends a session with the incumbent Town Clerk as she may have a point of view on this and to take it beyond that maybe start looking at different models throughout the State.

Mr. Mednick said the next group of issues has to do with the composition of the Legislative Council. He said there's a range of issues here. He said the minority leader talked about trying to secure more positions for minority party members on the LC and a former Democratic Chairman he believes called for non-partisan elections for the LC but we don't really have them in Connecticut so he'd have to examine that issue to see if it's even legally permissible. Then there are some people who want to eliminate at-large positions and replace the 9 districts and have 5 districts with 3 members each and how that would work is each district would have minority party representation and in that system you would have 5 of the minority party on the 15 member body.

Mr. Mednick said the next issue (of replacing 4 at-large candidates with 6) he would have to check with the State election officials because you cannot elect any more than X number of at-large members. He said he looked at this issue 20 years ago and doesn't remember the answer but thinks there may be a statute that governs this.

Mr. Mednick said he put the last provision in here "Reduce the number of districts in Hamden in order to reduce the disparity that continues to increase." He said this is a proposal that came out but he doesn't understand what it means. He said these are all the ideas that address the composition of the Legislative Council and that would mean you might want to have a preliminary meeting to discuss whether you want to discuss any or all of these sections to decide if you want to think about changing the composition of the LC and his recommendation is if you move forward there since the Legislative Council has to approve this that you want to make sure as part of the dialogue that you have dialogue with members of the Legislative Council to see whether or not it's an issue worthy of review.

Ms. Gallagher asked if she knew what the disparity was. Is it party disparity, population disparity? Mr. Kaye said he thinks it had to do with political representation along the party line if he's remembering that comment correctly.

There was then some discussion on how voting districts were determined.

Mr. Mednick said there's a 4 year term for Board of Education that's been recommended and he was very surprised there were no 4 year terms for any other office recommended. He said the next issue that doesn't relate to a particular Charter provision "make high profile positions of the election process". He said there was no further definition of that but what that could mean is do you want to have an elected Police Board, do you want to have an elected Planning & Zoning Commission, he's not sure what is meant by that but he's assuming it means that kind of thing.

Mr. Mednick said the next proposal was the need to get rid of the special election and have a fluid succession process for Mayor. He said what they may want to do is look at other Towns and he could put together a grid of how other Towns deal with Mayoral succession and see if there's a model that makes sense. He said we only have 2 year terms and a special election does not make sense but in a 4 year term it does.

Mr. Mednick said the next issue was dealing with Legislative Council vacancies and said we actually just went through this issue where there was a vacancy that stayed vacant for a period of time while everyone tried to figure out how to handle it. He said several people have proposed that the Town Committees would make the choice and his only cautionary tale there is the Town Committee is not a municipal agency so you may want to consult with the parties with respect to vacant appointments but the idea of a third party that is not tied to the government or elected by anybody making these choices is probably something you should think about. He said we do have provisions that say a vacant seat has to be replaced with the same party that held the seat so that you're not undoing an election through a vacancy and he thinks this is an appropriate standard. He said it can be done informally by having the president go to the Town Chairman and asking if they have any names, but whether you want to put it in the Charter is another question you may want to grapple with.

Mr. Dixon asked if there was any history with that particular comment that was either challenging or not challenging. Mr. Hul said the degree of formality varies from year to year depending on who the participants are but it used to be that the formal procedure that he's seen is that the Town Committee goes out to the population at the same time that the agency goes out, Council or Board of Education, and solicits responses of people who are interested, get resumes and then the Town Committee will then offer up a recommendation and the agency is under no obligation to honor that recommendation. He said he's seen recommendations offered up and get thank you but we're going to do our own thing and they did. He said lately it's been a little bit more informal where Town Committee does give the recommendation but he doesn't think there's much discussion between the two bodies as to the candidates and the benefits of one over the other. Mr. Mednick stated this is the system he's most familiar with but the idea of writing it into the Charter is a different issue where you would have the party trump local officials.

There was some discussion on this not being part of a special election like the Mayor vacancy. There was also some discussion on having to fill a position like this with a member of the same party. Mr. Mednick said we only have two recognized parties and the only way to get a 3<sup>rd</sup> party is through an election process.

Mr. Mednick said the next issue is the reapportionment issue that Mr. Kaye brought up which he thinks we should reserve some time on a future night and he will walk everyone through that process. He said they can look at the reapportionment section and see if they could adopt language to make sure that the reapportionment takes into consideration demographic issues that were raised.

Mr. Mednick said next is conflict of interest. Somebody called for an independent and discretionary action of the Ethics Board and he thinks it's a simple request and if interested in looking at that issue recommends they take a look at the current Ethics Board in charge and see whether that is here or not. He thinks the Ethics Board can take action on its own initiative at the present time and it's an easy resolution if that issue is already being addressed. He recommended maybe bringing in Phil Kent who is the Chair of the Ethics Board to come in and talk about it and share his thoughts.

**Chapter IV-** Mr. Mednick said someone testified that they wanted to have greater clarity for public comments. He said one of the things we learned during this public health emergency is that there's a lot of different ways the members of the public can communicate and we should try to develop protocols in the Charter to make sure we don't lose the benefit of the things we've learned like remote participation. He thinks remote participation will be a real necessary and usual part at most meetings even when we get back to meetings where you don't have to socially distance.

Mr. Mednick said the next issue is increase or decrease budget. He said there's some language in the Legislative Council section that addresses that issue if we address the issue of capital budgets this is the section we will be looking at.

Mr. Mednick said there were a whole series of issues relating to prohibition of public employees serving on the Legislative Council. He said this is an issue that is governed by State law. He said the City of Bridgeport has a provision that prohibits employees from serving on the Council yet at one point they had, if not a majority, a very substantial plurality of members of the Bridgeport City Council were city employees because there's a State law that prohibits you from limiting an employee from serving on the Legislative body. It's been about 7 years since he did the Bridgeport charter and it wasn't an issue he's looked at but he thinks you'll find there's a State statutory right of somebody to run for office. He said he thinks the way you address the issue through the backdoor is to look at whether there's ways to tighten up the Ethic provisions to make sure that you minimize the conflicts that are going to exist.

Mr. Hul said the only exception to what was just said is the Board of Education. He said a member of the Board of Education cannot be employed by the Board of Education that he serves and that's State statute. Mr. Mednick said he has not crossed that issue and it's good to know.

Mr. Mednick said the issue of doing business with the city is an issue that you can regulate and can have impact. He said there should be a very strict recusal standard and you got to make sure that personal and financial conflicts are well defined. He thinks Mr. Kent and Ms. Gruen could be useful, there's a lot in the Ethics realm to consider and he would recommend a session on Ethics for sure.

Mr. Mednick said next there are Council agenda issues and he thinks this would fall under procedure and public comment issues. Legislative Council oversight of departments is an important issue and he thinks a very good issue to look at in terms of what oversight is and what expectations are with regard to the executive vs legislative authority. He said where this becomes really important is if you're thinking about moving from the Mayor/Council form of government to a Town Manager form of government the Council becomes a Board of Directors and becomes more important in some regards than it is today

because they basically hire the Town Manager and you want to make sure that the Legislative Council is a robust body that is empowered with all the authority to make sure that an unelected Chief Executive is not running ramped and that they are living up to their fiduciary responsibilities so he thinks the whole issue of defining oversight is very important.

Mr. Mednick said for the issue of attendance requirements he would have to look. He said remember you can't have recall in the State of Connecticut but we do have removal provisions but he thinks to remove somebody from an elective position because of bad attendance may be a difficult standard to meet. He thinks this is an issue done easier on an appointed Board than an elective Board.

Mr. Mednick said there was an issue of notice prior to meetings. He said right now the notice standard is fairly limited its 24 hours' notice under the Executive Orders but notice is really governed by State law. He said they can look at that section and he can then tell what the notice standards are and he imagines we could have a more stringent notice standard than the State law but it's really governed by State law.

Mr. Mednick said lastly here is the issue regular financial updates to the Legislative Council. He said if you look at the Charter he believes there's already something in there that addresses this issue but they can look at that at the appropriate time.

**Chapter V** – Mr. Mednick said the first issue here is should contracts without fiscal impact be subject to legislative approval. He said that would have to be defined but of course you could establish that. He said in his view if there is a contract and it's a 1 year contract within the fiscal year just using money from that fiscal year if there is a department that has been appropriated the funds by the legislative body and it goes out to an RFP a bonified process in his view there's no reason for that kind of contract to go to the legislative body. He said however, if there is a contract that is a multiyear contract then you are obligated whether the Charter says it or not. He said they can take a look at that provision in that context but that's the law the way he understands it in terms of dealing with contracts in general.

There was some discussion on what Hamden's dollar amount was without it going out to bid.

Mr. Mednick for the next issue there are 3 pages addressing this issue with the Mayor, and basically you have two or three alternatives. One alternative is status quo Mayor/Council form of government. The other is a reversal of the status quo Council/Town Manager form of government and there's different permutations and he's not going to get into each one of them because he's very confident this is an area they will spend time in, and the third element was proposed to maintain the current form of government and create an independent Chief Administrative Officer, Chief Financial Officer or Chief Operating Officer, whatever you want to call it, and have that as a 5 year appointment appointed by the Mayor and approved by the Council, only terminated by the Mayor with Council approval for cause and this kind of creates an independent office where all the administrators would flow through the CAO to the Mayor. He said the CAO would still have to work with the Mayor but the CAO is not a person the Mayor could fire without going through the Legislative Council. He said if you're going to look at a change in the form of government he thinks you need to look at all sides of the government and what he means by that is that Legislative Councils existed alongside with the Mayor and you don't make changes because you don't like a particular Mayor. You don't make changes because of who's in office, you make changes because you determine there's a long-term structural problem, so if you're looking at the Mayor you need to look at the Council and very often in a Council/Manager form of government you have another player a Board of Finance that is appointed by the Town Manager maybe approved by the Council that plays a big budget role independent of the Council and the Council then plays a lesser budget role.

Mr. Mednick said another issue somebody brought up is to have a Finance Director that is a civil service position but he thinks what they meant would be a classified civil service position. Mr. Hul said right now that position is hired by the Mayor and approved by Council.

**Chapter VII** – Qualifications for Boards and Commissions Mr. Mednick said he's a big advocate in certain areas, particularly the big commissions, you can't do it with the Board of Ed here because it's an elected Board of Ed, but you can do it with the Police Commission, Fire Commission, Planning & Zoning and you want to make sure you have diversity of backgrounds as well as racial, partisan and all those types of things of demographic diversity. He said he has developed formulas for appointments to make sure you don't have 5 lawyers on Police Commission for example.

Mr. Mednick said numerous people talked about regularly scheduled meetings of Boards and Commissions and he thinks that's a good idea and you could probably do it in the Charter. He said he just recommended it to his Middletown Commission to schedule meetings for every 2 weeks for the next 5-6 months and you can always cancel a meeting. He said there should be regular meetings particularly in the big commissions and he can't imagine why a Police Commission would be able to take off for 4 months, it doesn't make sense to him that a commission with that kind of responsibility with collective bargaining agreements and a budget it has to help manage is not doing its fiduciary function if it's not meeting at least on a monthly basis and the same is true of Fire.

Mr. Mednick said the theme in a lot of the testimony relates to the fact that the Town is in financial straits and facing enormous financial difficulties and so we may want to take a look at some of the responsibilities in some of the key boards and commissions. He would say the BOE may be one of these, the Police and Fire Commissions which are among the most expensive financial documents in the Town. Should there be standards for your conduct as a member of certain boards and commissions to take fiscal matters into consideration.

Mr. Mednick said a lot of Town's have term limits where you basically can't serve for 20 years. You become too friendly and too cordial. He said you want regular order and the way you do that is by appointing people on a staggering basis so that you don't lose an entire commission at one time.

Mr. Mednick said somebody wants to get rid of the political party requirements but he doesn't know what the alternative is because if you are silent on political parties he thinks that would run (unintelligible) State statute so he thinks that may be an issue but you can certainly address broader issues in terms of the kind of representation.

The issue of Boards and Ethics should not be appointed by the Mayor Mr. Mednick said he doesn't know who else would appoint them. He said the Mayor is the Chief Executive Officer and both the Mayor and Legislative Council are subject to ethics and standards. He said he thinks we need to have clear ethical standards and a Mayor should not be interfering with Ethic Boards, they should be as independent as you can possibly make them. He said there's a standard here that says that the Ethics Board should have the authority to recommend recusal for Legislative Council members and they can but the problem with recusal is that recusal takes place in a moment in time when you're on the floor and unless you go for an opinion before the item comes before you, and you should if you think there may be an issue, then you go to them ahead of time if you think you might need to recuse yourself. He said they can also make a determination if someone files a complaint because you didn't recuse and have a conflict of interest.

Mr. Mednick said someone brought up that we have too few people on the Civil Service Commission and that we should also expand the membership of the Board of Assessment Appeals. He said it's not a complicated issue it's kind of a due diligence issue and we can look at the issue if this commission is interested in looking at it.

Mr. Mednick said one of the big issues is the restructuring of the Police Dept. and the interface with civilian review. He said the General Assembly has authorized the creation of Civilian Review Boards by ordinance, not Charter, and so one of the things he recommends to them is to inform the Legislative Council that for the time being they are recommending that the item be sent to the Legislative Council because it's not an item that you need to have charter revision on. Mr. Mednick said what's before this commission and an idea that was really pushed or developed by Council President McGarry was the idea of diversifying the membership of the Police Commission because even with the new statute that gives the Towns the ability to create these review boards there's a gap and that is that you can create it but one of the first things you do is establish the local scope of authority but there are some limitations and so he thinks the State needs to define what a Civilian Review Board does and a common understanding of what their responsibilities are. He said the reason he says this is because there is a statute "The Municipal Employer Relations Act" has a provision that says if you have language in a collective bargaining agreement that diverges from your charter or from your ordinances the collective bargaining agreement trumps the other prosthesis so even though the Civilian Review Board is now authorized by law it is authorized to subpoena but if you subpoena something that you don't have authority to subpoena, if the process of discipline is covered by collective bargaining agreement between the union and the Police Commission as a disciplinary body the question for the court would be what authority does this Civilian Review Board have to interfere with the disciplinary process and so he thinks that you would see an effort to quash the subpoena and frustrate the Civilian Review Board. So he said he thinks this is a legislative issue and an issue that needs to be addressed with the State Legislature and they'll have to look at the Police Reform Bill and tighten up this section so that everybody understands what they mean.

**Chapter VIII** – Here someone suggested longer contracts for municipal employees. Mr. Mednick said he doesn't know how many employees have a contract so he'd have to look at that, he doesn't know if that's standard. He said in New Haven, and this is a charter based provision, Department Heads serve for 4 years so they can exceed the term of the Mayor and he's assuming that's what that comment addresses.

Mr. Mednick said there's questions about accountability between the department Heads and the Legislative Council. He said he thinks that people are perceived that Department Heads are not well versed sometimes when they come before the LC at meetings. Mr. Mednick explained how the LC meets for both committees and their regular meeting on the same night having Department Heads coming in and out and thinks one way to fix this issue is to have committee meetings on separate nights where committee members can spend an hour or two on issues with members of the administration.

Mr. Hul said a concern he has in seeing the dynamics of the Council when they're having their committee meetings is that there's participation by all 15 in the committee and that to him is borderline Council meeting and he's not sure but thinks there are State statutes that would not take a very kind at in terms of having a meeting of Council and not calling it a meeting of Council. Mr. Mednick said FOI is what you're talking about. Mr. Mednick said him and Ms. Gruen have dealt with this issue, the rules of the LC set something up that looks very different than what we do and the way we've tried to meet those concerns and they now say the only people who can (unintelligible) are the members of the committee and once they exhaust their questions other members can ask questions because it's become a kind of de

facto way of doing it and he thinks to meet the objective that is raised in this section about Department Heads being more accountable the way to truly get that to work is to have them come to a meeting that is focused on what they're doing as opposed to a meeting that has 7 committee meetings and then an agenda that deals with another 20 issues and whether the Charter wants to mandate that they have separate committee nights that's something they can talk about.

Mr. Dixon asked if the Department Heads submit reports to the sub-committee of the Council that's responsible for that department. Mr. Mednick said in theory, it would be a good practice. Mr. Dixon said that's what all boards he's dealt with do and it's protocol. Mr. Mednick said that's right but there's fewer and fewer people working but that doesn't mean particularly in the light of the financial stress that the Town is under that you shouldn't be generating reports that are sensible and focused that the Council can act upon and understand. He said a lot of the proposals that talk about timing, we've tried to make legislative rule changes and we have a really good set of legislative rules but his clients are not following it and we need to somehow fix the deliberative process in the Town so that you have better inputs and better outputs. He said he thinks this is something that needs to be looked at and perhaps the charter needs to tighten it up, we've tried to do it legislatively but it's an issue he'd want to bring Council Leadership in on to discuss because the flow of documents is a major issue that he has seen in his 3 years actively working with the Council.

Mr. Hul said that's the flow of items for Council to consider so there are two things we are talking about here actually. The normal day to day reporting of activity for the last 2 weeks since you guys last met and that to him is an administrative function that we need to be careful of giving Council a wedge into managing managers, he'd be very hesitant about that. He said the other topic they're talking about is substantiating documentation for action items and he'll agree with that because sometimes there's a lack of communication sometimes, even though we have Leadership meetings, with the documents that flow and support the action item. He said one of the things that they tried to do was put in the 2 week calendar so that this week you have committee and in two weeks you have Council and that 2 weeks is supposed to give you enough opportunity to put together the documentation that was asked for during the committee meetings. Mr. Hul said let's separate the management from the documentation of substantiation of action items. Mr. Mednick said he agrees that you keep in mind you're a legislative body member there's not 15 sworn Mayor's there's one and the function oversight is different than management and he wants to emphasize the point that oversight is different than management and we want to make sure that people don't manage. He said the notion of Council members showing up at Department Head offices to talk about what's going on in the department is on the verge of inappropriate so he thinks they address the issue of oversight earlier and thinks this is something they may want to look at.

Mr. Mednick said the next issue is the issue of contract bidding which we kind of discussed and they'll look at this issue as well as the no bid contracts and see what the standards are but what he wants to strongly recommend is that they should not be legislating a procurement system. He said they can take a look at what's there and see how directory we are and if we can establish a constitutional standard that can be followed by our procurement people if we don't think it is being met at this moment.

**Chapter IX** – Mr. Mednick said there were no issues here but he thinks some may come up. He thinks eventually someone may ask about a centralized procurement system and civil service system, ways to have some savings.

**Chapter X** – Mr. Mednick said he thinks we talked about a lot of these issues so he's sure this will be discussed and Ms. Gruen wants them to look at emergency budget issues as well as emergency issues in general.

Mr. Mednick said some non-charter issues under general comments of crime, panhandling, QU housing issues, can all be addressed by the Legislative Council or Planning & Zoning but they can always be discussed here to see if they can come up with something for ways to articulate quality of life, etc.

Mr. Mednick said recall they cannot do so this should be off the agenda.

Mr. Dixon announced their next meeting would be Tuesday, November 10<sup>th</sup> because the 11<sup>th</sup> is a holiday. He told everyone to identify areas they want to focus on and maybe we can create sub-committees. He also said to send in any comments or ideas they may have.

Mr. Mednick suggests laying out big issues to look at and map them out on a calendar so he knows what and when to submit something.

Ms. Downing said she will not be at the next meeting but suggests discussing at that meeting a communication sub-committee to report back to the people who submitted their ideas and suggestions.

Mr. Kaye thinks they should ask some of the Legislative Council members that represent districts to reach out to those constituents that are voicing those concerns because he thinks they're seeing the commission as a sound board and that perhaps they would get a quicker response from their actual representative than from a commission that can't pass ordinances or tell QU what to do.

Mr. Dixon suggested they create a calendar at their next meeting.

There being no further business Mr. Dixon requested a motion to adjourn. Moved by Mr. LaDore, seconded by Mr. Kaye and adjourned at 9:24pm.

Respectfully submitted,

Kim Renta  
Clerk of the Council