

**TOWN OF HAMDEN, CONNECTICUT  
CHARTER REVISION COMMISSION  
MINUTES OF MEETING**

**November 10, 2020**

A meeting of the Charter Revision Commission was held on Tuesday, November 10, 2020. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called to order at 7:04 P.M. by the Chair, Frank Dixon and roll call was taken.

**MEMBERS PRESENT:** Frank Dixon, Chair; Lamond Battle, Secretary; Marnie Hebron; Myron Hul; Jay Kaye; Tom Figlar; Tiffany Artis-Wilson; Joshua Sprague-Oliveira; Jeffrey Cohen; Frank LaDore (@ 7:09pm)

**MEMBERS ABSENT:** Jackie Downing, Vice-Chair; Todd Moler; Todd Berton; Sarah Gallagher; Nancy Olson

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

**APPROVAL OF PREVIOUS MINUTES:** October 28, 2020 – Moved by Mr. Cohen, seconded by Mr. Kaye and approved unanimously.

Mr. Dixon said before they get started Mr. Cohen has something he wanted to share.

Mr. Cohen said he received an email of concern today addressed to the Technology Commission which he is on that came from Town Attorney Gruen that there's been several reports of emails in Town inboxes that have been blocked. He said their goal is to find the nature of the problem and recommend solutions. He said obviously this is not the job of the commission before them right now but he thought it would be a good idea to bring it to everyone's attention so they are aware of it and at the next meeting he is going to make that a priority and he just wanted it noted in case they have any problem with the Charter Commission emails and also to let everyone be aware that there may be an infrastructure problem with our IT system.

Mr. Dixon said as they go through the grid tonight he'd like them to pull out the items they can't do anything about and separate the other things by priority with a Low-Medium-High status.

There was some discussion on responding to the people who sent emails in with issues that they can't do anything about.

Mr. Mednick started by listing the issues that are out due to the commission having no control over them. They are the issues of Recall, which is pretty clear; Quinnipiac University issues which are really Zoning issues; and the Ethics issue of prohibition of employees serving on the Legislative Council where there's a Statute that prohibits us from limiting that. He said what he can do for Mr. Kaye's concern in responding to the people is prepare a letter on each of the subject areas saying you've been advised by counsel that for these reasons this matter is not here for charter revision.

The preamble was rated with a **LOW**.

Mr. Mednick said for the definition section he just thinks it's an assignment for him to tighten up. The commission rated this **HIGH**.

Mr. Mednick said the next issue is the issue of "City" or "Town" mentioned this could be a legal argument and definitely a financial one with the cost of changing all the signs in the Town. He said as he mentioned before he thinks this (unintelligible) within our incorporation and he thinks to modify the incorporation he doesn't know if it falls within the Home Rule Act of Charter Revision or if we have to go to the General Assembly and so the real question is how much time and effort do you want to spend. Mr. Dixon said he thinks at the end of the day it's still a high priority. After some discussion on still not knowing whether or not it benefits the Town in getting more money federally for more grants or resources Mr. Mednick said he doesn't think it does because his understanding is the census seems to act on the base of population but he would talk to CCM. The commission then rated this **HIGH**.

Mr. Mednick said the next issue is the Town Clerk issue of retaining it as an elected position or making it a Civil Service position. After a brief discussion on inviting the current Town Clerk in to talk about this the commission rated this issue HIGH priority. Mr. Mednick said one of the things he suggests before they make a decision is to look at how it's done in other places so they have all the alternatives and to invite the Town Clerk in before that process and get her point of view before they start digging in.

Mr. Mednick said the next issue is the structure of the Legislative Council and there are a variety of proposals in here. Minority party members, non-partisan election, eliminations of at-large and replace with a district system of 5 districts 3 members each. Mr. Kaye said he personally thinks this is very high. Mr. Figlar and Mr. Cohen also agreed they think it's very high. Mr. Kaye said he thinks the Registrar of Voters should come in on this especially if we're talking about changing the number of districts.

There was some discussion on having the Registrars come in as well as looking at comparative data of the top 15-20 Towns and see what they look like and how they work. Mr. Mednick suggests 2 to 3 nights on this and keep in mind this is something they may want to consult with the Legislative Council on since they ultimately have to approve this and it would be interesting to get their input as well. Mr. Ladore thinks we also need to contact the State because we have State Representatives and Senators are part of our districts and he doesn't know how this affects the State statute. Mr. Mednick said it flows from the State to us and he then explained how the State redistricts and then we redistrict off of that.

Mr. Mednick said the next issue is the 4 year term for Board of Education. There was some discussion on curriculum changes that Mr. Cohen brought up saying he wondered when it was discussed and took place. He also wonders how they decide what the curriculum changes would be and how they make them. He said he thinks it's important because if the change in curriculum is based on different thinking we may want to have some kind of device that gives some kind of oversight on Board of education matters and how they determine what the curriculum will be. Mr. Mednick said what you might consider with the Board of Ed is a general provision for all Town departments including the BOE. He said they can establish a constitutional standard that requires that of all departments including the Board of Education. After some more discussion about this already being a 4 year term the commission rated this issue **LOW**.

Mr. Mednick said the next issue is make high profile positions part of the election process. This was rated **LOW**.

Mr. Mednick said the next issue is Mayoral vacancy and succession. He said he thinks him and Ms. Gruen can look at this and come up with a process that makes sense saying this is more of a legal issue. There was some discussion on this with Mr. Kaye saying he likes the way it is now with the president of the council serving. Mr. Hul said he thinks there should be another avenue because not all Council people can put their jobs on hold to serve. Mr. Mednick said he could do a comparative chart on how some other Towns do it. He also suggested maybe the Council chooses who serves as Mayor. This issue was rated **HIGH**.

Mr. Mednick said the next issue is how to fill a vacant seat of the Legislative Council and Town Clerk. After a brief discussion this issue was rated **LOW**.

Mr. Mednick said the next issue is reapportionment of voting districts and he's not making any recommendations of change but would be happy to walk them through that process with Ms. Gruen and then make a determination on what priority it should be. After some discussion on the last time it was done it was rated **MEDIUM**.

Mr. Mednick said the next issue is conflicts of interest in Ethics and there are a few proposals. He said one of the things he might recommend is bringing in Phil Kent who is the Chair of the Ethics Board and he would give him all the proposals that we have to comment in general and give his perspective on what the commission does and how they do it. Mr. Mednick thinks we have a fairly robust conflict of interest provision in the charter at the current time and we have a pretty robust commission. He said he thinks one of the things had to deal with forcing recusals of certain people and he doesn't know how an Ethics Commission does that in advance of an issue being raised and that's really a parliamentary issue for the body that you should have strict rules for the Legislative Council, Planning & Zoning Commission, etc. on what a conflict of interest is and the body should recuse. He thinks an Ethics Commission would deal with the complaint about not recusing. Mr. Kaye said he would like to know if Mr. Kent thinks anything is lacking even though he doesn't think it needs work. Mr. Dixon asked if our Ethics standard is so vibrant and detailed why is a majority of the sentiment coming in of an ethical nature. He said he guesses you have to look at the enforcement of it because you can have anything written. Mr. Cohen said he thinks it should be looked at again closely, he thinks it's one of the most important things in our charter. Mr. Mednick said they did quite a bit of work last time and most of the Ethics section is new in the last charter after he recommended a very robust provision but keep in mind we push it to the Council and so the issue you need to look at is not adopting standards in here that are part of the enforcement process but more of a constitutional standard the issue is are there things in here that we think need to be addressed in an ordinance and by the enforcement entity. He said these are the things we need to talk to Mr. Kent about, whether we need to tighten it up and/or make it stronger. Mr. Mednick recommended maybe doing Reapportionment and Ethics on the same night. The commission then rated this **HIGH**.

Mr. Mednick said the next issue is Public Comment 4-3 C of the Legislative Council section. He said it's already in here but they say to review the section for greater clarity. After a few commissioners said they weren't sure what it meant Mr. Figlar said he has spoken to people and he doesn't think it's so much how it's written he thinks it has to do with the Council meetings being online and they changed from actually reading all the public comments where everyone can hear or see to where they were read them behind the scenes and discuss before doing the Council meetings. Mr. Dixon asked if there was anything to actually address with this. Mr. Mendick said he thinks what Mr. Figlar is saying is that the issue is covered in a sense that you have to have public comment the question is the quality. Mr. Figlar said obviously with everything being online it's really different but he has people tell him that there's public

comment and they don't hear a lot of the public comment. He said he understands it's online but he thinks people want to acknowledge that their public comments are being heard. Mr. Dixon said he's reading section C of public comments and the 3<sup>rd</sup> sentence says the time and duration of public comment session shall be determined in accordance with the provisions... but it also says that the public comments will be read prior to the meeting and said if they're not doing it that's something different. Mr. Figlar said he thinks what the change is is that when it went from in person where you went to Town Hall and said what you had to say but now with it online, when they first started doing the online meetings they read all the public comments but lately people have been concerned because they're not able to hear what the public has to say and before Covid you went to Town Hall setting you could hear Tom Figlar's public comment or Frank LaDore's public comment and he thinks that's what people are concerned about.

Mr. Mednick said he could play around with some language on remote meetings that people do have the opportunity to see all written documents that are submitted online prior to the meeting. Mr. Hul said if Mr. Figlar is talking about having members read even if we're standing in front of them they could be not listening or they could not read my email so making somebody listen or read is totally out of the question and he thinks it's bad practice on elected officials but we can't make them read and we can't make them listen, but if we go to a hybrid we have to give equal opportunity and equal weight to anybody standing at the microphone, in chambers, or the board room; or to their emails or zoom comments bringing them into the meeting and having them comment there, but he doesn't know if this is a charter type of question or not. Mr. Dixon said it seems Mr. Figlar means it's more about the public not hearing the comments, not the Council. Mr. Figlar said yes, it's more the transparency of person "A" writes a letter and person "B" wants to hear what person "A" had to say for public comment and at the in person meetings you could and now it's online. Ms. Renta said the process right now is all email comments for each agenda are gathered up until 5:00pm the day of the meeting and are then all put onto 1 document and sent to the Legislative Council and to Mr. Donnelly for the website at 5:30pm all in one email. (The Council also sets aside a recess during the agenda's public comment section with a time block based on the amount of emails received for those public comments to be reviewed). Mr. Cohen said he thinks the public has a due diligence of obligation at some level as well if we make it possible one way or the other the public does have some kind of responsibility to go ahead and engage and take a look at the website or whatever we're putting out there as long as we're reaching them they have to do their due diligence as well to communicate. The commission then rated this **LOW**.

Mr. Mednick said next is 4-5 C which is the section that deals with the budget he thinks what the testimony was, and his strong recommendation is, that you need a more robust reference to capital expenditures and budget prosthesis in sections of the charter. He said right now the capital is barely mentioned. Last year one wasn't approved and he's not sure if one was recommended, but it's not good practice to not have a regular capital expenditure process. Whether rated high, low or medium he thinks it's a section that needs to be addressed and perhaps we bring some financial people in to do a little discussion on how that is done and he could also look at other municipalities to give a sense of how capital budgets are addressed by charter in their town.

Mr. Hul said there really needs to be a more robust public discussion of where we are financially on a month to month basis. He said the Town doesn't have regular financial reports like the BOE does regularly to discuss where they are with finances. He said and the same thing with capital.

There was some discussion on the charter already having some standards that aren't being robustly tackled or embraced. Mr. Mednick said he thinks it's important to have committees that have these discussions, especially finance, and holding monthly or quarterly meetings is what he thinks he hears

being said, but whether we can require them to do this... He said he'd be happy to look at it and see if there's a way to really make sure they're doing the things they need to do. He said having a report filed isn't the same as overseeing that report, reviewing that report or analyzing that report and so maybe the Mayor has no filing obligation but maybe we have to state that the Council has a review obligation. The commission rated this **MEDIUM HIGH**

Mr. Mednick said the next issue is the prohibition of employees serving on the Legislative Council and State Statute 7-421 that allows it, but what he'll try to do is layout what they permit and have it for the next meeting.

Mr. Mednick said next is the Legislative Council agenda issue about the posting which is really established by FOI and he thinks we have some standards as well. He said somebody wants to see the agenda posted a week ahead and he thinks right now we post it on the Friday before the meeting. Mr. Mednick went on to explain how the Council Rules work with the 2 week gap between the committee action and the Council action which he said he created to establish a more strident(?) standard than this person who's requesting a week because the public would know 2 weeks in advance what the items are that would be on that agenda. One of the issues is he said if you put this in the Charter they probably have to follow it a little more than they do their own rules so you need to figure out how important this is. Mr. Hul thinks it's low priority as we already follow the FOI process. This was then rated **LOW**.

Mr. Mednick said the next issue is Legislative Council oversight of departments and said this is a Legislative function and it's what they should be doing. Mr. Hul said he would be concerned about oversight verses administering the departments and telling the Department Head what to do, when to do it and how to do it which he believes would be inappropriate. Mr. Mednick said it would be encroachment and he agrees with Mr. Hul. Mr. Kaye said it's a Mayoral duty administratively and the Council should know what's going on but they should not be directing Department Heads what to do. Mr. Hul said they also have the hammer of the vote if a department comes up for something to Council and Council isn't happy with the oversight that's being provided or the responses being provided they could always say no to the request until they get what they want. Mr. Kaye said this is something the Council has to work out on its own. If a resident isn't happy with what the Council's doing it's up to the Council to make the resident happy not the Charter. The commission then rated this **LOW**.

Mr. Mednick said the next section is attendance requirements and said if you take a look at §3-10 - D (7) there is a habitual absence from office provision as may be defined by the Mayor for appointed officials or by the adopted Rules of Procedure of the Legislative Council or Board or Commission. Mr. Mednick said he doesn't think the Charter should necessarily say if you miss 3 meetings you're out, but instead of "may" you might say "shall" define and it puts a burden on the bodies to establish a rule. He said if they think it's important that's what he would look at to tighten that up if it's a priority issue. Mr. Hul said he thinks they should separate the elected ones from the ones recommended by the Mayor and appointed by Council because of they don't show up he thinks there's no question that they should be able to remove them but thinks for the elected ones they have to tread lightly. Mr. Mednick said he agrees and the proper vehicle would be an ordinance that's a uniform standards for all boards and commissions. The commission rated this **MEDIUM**.

Mr. Mednick said the next issue has to do with notice prior to Legislative Council and said it's kind of like the agenda issue they discussed a few minutes ago. He said we tried to address this in the Legislative rules and the question is whether the Legislative body has the will to enforce the rules. There was some

discussion on the issue being between the Administration and Council and that language was in their rules. Mr. Mednick said he thinks the question is whether there's language that you can put in the Charter that gives the public the ability to say you're committing a Charter violation by violating your rules. Mr. Dixon asked him if he'd create some language for them. The commission rated this **LOW**.

Mr. Mednick said the next issue deals with Emergency Action Definition. He said he thinks Ms. Gruen wanted to spend some time here and has a lot of thoughts on this subject matter. He said this is a section that we did a fairly substantial rewrite of last time but he thinks we've had some practical issues that have arisen. He doesn't think it's a huge issue he thinks it's a drafting issue. The commission rated this **MEDIUM**.

Mr. Mednick said the next issue he thinks Mr. Hul mentioned earlier about regular financial updates to the Legislative Council. Mr. Hul said he thinks the requirement now is that they post a report on their drive that they use but there is no public discussion so you may want to put in something that says you will discuss this publicly so that everybody knows what is going on and what your feelings are about it. There was no rating given here.

Mr. Mednick said now we're moving in to the Mayor and the first issue is in §5-2 D (2) about should contracts without fiscal impact be subject to legislative approval. He said Ms. Gruen raised this issue and he's not quite certain what she means and could ask her to give a little more definition on it.

Mr. Mednick said next is Emergency Powers and that's another Ms. Gruen issue we're going to deal with. The commission rated this **HIGH**.

Mr. Mednick said the next one is the big one that takes up multiple pages. Mayor/Council; Council/Manager form of government; Chief Administrative Officer are the 3 alternatives that are laid out. Mr. Kaye mentioned the page sent to them from Ms. Horsley modeling how some other Towns did it and said he recommends they all check it out. The commission decided they would probably spend at least of couple nights or so on this and Mr. Mednick mentioned he'd like to put a panel together for this. It was then rated **HIGH**.

Mr. Mednick said next is Chapter 7 Boards & Commissions where issues were raised relating to establishing standards of transparency, dual appointments of whether a regional board appointment falls into the category of dual appointments and that's a legal answer that he'll have to get an answer on. For §7-1 Civil Service and Ethics Mr. Ladore said he thinks they need to look at why if you work for the State you can't serve on Civil Service or Ethics, he said it makes no sense. Also mentioned by Mr. Ladore and Mr. Cohen is that they needed to look at increasing members for quorum purposes.

Mr. Mednick said when we talk about qualifications for Boards and Commissions there's been discussion regarding the Police Commission about putting qualification provisions in thereto make sure that you have diversity representation on a commission that important. He said he's not talking about racial or religion or anything like that but geographic throughout the city occupations to make sure that people from all different walks of life serve on those bodies and then maybe some restrictions on a Police or Fire Commission to make sure you don't have too many retired policeman or fireman on those types of commissions either. He said he doesn't know if they want to do that to all boards and commissions or look at specific type of commissions. Mr. Kaye said he thinks it should be across the board, he doesn't think you should single out one commission or another. The commission rated this **HIGH**.

Ms. Hebron is response to the boards and commissions asked what about the possibility of them being elected. After a brief discussion Mr. Mednick said one of the questions is whether you can do it and he'll have to look into the legalities of it. Mr. Cohen said he'd like to see it across the board. Mr. Hul said there are dozens and dozens of boards and commissions that Hamden has and to have each and every one of them elected the logistics of it he thinks would be very, very difficult, at the same time the representation on a commission is important and he thinks all options should be on the table. He wouldn't want a Planning & Zoning Commission loaded up with only architects and engineers so the requirements are something we have to be careful of, maybe they should be for some but not other commissions. Mr. Mednick said the problem with electing your Boards and Commissions is you can't have requirements. He said he'd draw up some language for them to look at on how the diversity membership works.

Mr. Mednick asked what they thought about mandating regular scheduled meetings for Boards and Commissions. Mr. Hul said he thinks part of the issue that was brought up was that some of the more important hot topics that came up over the last 2 years have not been addressed satisfactorily by certain commissions and people think that they've been brushed off or not addressed appropriately and that's where they want the regularly scheduled meetings. He said he has a little bit of a problem with that but all options are on the table so he'd consider this medium. Mr. Dixon asked what challenges would they have mandating regularly scheduled meetings. Mr. Hul said because some of them don't need to meet regularly. Mr. Dixon said he never heard of a formal board or commission that don't need to meet regularly. Mr. Mednick said the controversial one he thinks was the Police Commission over a shooting. He said the Charter addresses that if you create boards and commissions by ordinance one of the things you have to address is the frequency of meetings which is in the current charter but doesn't mandate.

After a little more discussion on this matter Mr. Mednick said what about this, one of the things people have been asking for is public input which is the next issue coming up, and in the charter we already have a requirement that your ordinance has a public participation component including but not limited to public speaking. What if we have a mandate that every department has a public petition requirement, if members of the public want you to meet you shall meet if you have a petition that is filed. He'd have to see if other communities do this but he wanted to throw it out there. Mr. Hul said don't forget that most boards and commissions already have the rule that says if 3 or 4 of them get together and petition for an item it has to be put on the agenda so that component already exists and now you're just expanding that over to the public and he's not sure of the logistics but would like to talk about it later. Mr. Mednick said he agrees but he thinks that is in their rules and not the Charter.

The commission decided to stop here and pick up at term limits for boards and commissions at the next meeting. They then changed a couple upcoming meeting dates. The meeting scheduled for November 25<sup>th</sup> will now be held on Tuesday, November 24<sup>th</sup>, and the meeting scheduled for December 23<sup>rd</sup> will now be held, Tuesday, December 22<sup>nd</sup>.

There being no further business Mr. Dixon requested a motion to adjourn. Moved by Mr. LaDore, seconded by Mr. Kaye and adjourned at 9:43 P.M.

Respectfully submitted,

Kim Renta  
Clerk of the Council