

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

**February 19, 2022**

**\*To view the recording, please click the following link and observe the instructions when/if prompted:**

[https://us06web.zoom.us/rec/play/Vjfj88Wpz3hd32BtGAu842gNAN7BDjqO60c6vnZv5IDzVb1n7z5Mf4gNE5ADu3gvx23I78ikSqcDBKK7.NT98dOq2nuWS02pa?continue-Mode=true&x\\_zm\\_rtaid=wqyjEyd2Sbah-dIk\\_sB20Jw.1645721670658.76f070cd2080f76f55287ec2d808ca89&x\\_zm\\_rhtaid=250](https://us06web.zoom.us/rec/play/Vjfj88Wpz3hd32BtGAu842gNAN7BDjqO60c6vnZv5IDzVb1n7z5Mf4gNE5ADu3gvx23I78ikSqcDBKK7.NT98dOq2nuWS02pa?continue-Mode=true&x_zm_rtaid=wqyjEyd2Sbah-dIk_sB20Jw.1645721670658.76f070cd2080f76f55287ec2d808ca89&x_zm_rhtaid=250)

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A meeting of the Charter Revision Commission was held on Saturday, February 19, 2022 via Zoom due to the Covid-19 Pandemic.

**1. Call to Order: 10:42 AM**

**Roll Call**

Present: Sarah Gallagher, Chair; Frank Dixon, Vice-Chair; Jackie Downing; Jay Kaye; Y'Isiah Lopes; Laura Santino; Patricia C. Vener - Saavedra, Secretary

Also in attendance: Steve Mednick, Counsel

**2. Approval of Minutes – February 8, 2022**

Motion made by Downing, seconded by Vener-Saavedra.

Vote: Minutes accepted with provision that the Public Comment log will be attached passes unanimously.

**3. Public Testimony**

Written comments can be read here:

<https://www.hamden.com/DocumentCenter/View/5429/02-19-2022>

Sarah Clark: 1. Concurs with every comment of Diane Hoffman's letter submitted on February 18, 2022. 2. supports Mayoral term of 4 yr citing A) proclivity of Mayors spending more time on re-election process than on mayoral work and B) forces Mayors to focus only on short term plans. Four years gives more time for getting things done. Hopes we retain 4 year recommendation from last CRC of 2021.

Mednick prepared comment log and notes that the 2021 commission did propose recourse for non-attendance actions on boards and commissions.

**Comments for Charter Revision can be sent to [CRC2022@hamden.com](mailto:CRC2022@hamden.com)**

#### 4. **Agenda**

- Reflections on last meeting - none
- Review and Discussion of Preamble
  - The preamble in the 2021 revisions was revised to add a recognition of the Quinnipiac Peoples and a mention of the Mt Carmel Eccls. Soc. as part of history of Hamden's founding. There was also an extensive footnote.
  - Gallagher suggests a streamlined preamble that retains the spirit of the text. Vener-Saavedra likes streamlined version. Lopes finds unclear the phrase "... responsibilities ... example of those who came before us." Gallagher offers adaptation. Dixon and Vener-Saavedra agree with change. Santino asks if removal of the sentence changes the feel of second paragraph. It is decided that it does not.
  - Motion by Vener-Saavedra to approve alternative preamble Downing seconds Kaye suggests swapping paragraph 1 and 2 in consideration of Lopes' suggestion to strike 3rd sentence. Friendly amendments to the motion are made and accepted.
  - Vote: Unanimous passes.

#### 5. **Review and Discussion of Chapter I (Definition Revisions) - Mednick highlighted 2021 approved sections.**

- Gallagher points out there are edits to be made to ensure consistence related to spacing and the use of capitalization. These edits should be made before the document is finalized.
- Section Q revised as follows: "Meeting" shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.
- "Meeting" is defined as both virtual and face to face in person (if we define it M will be in caps)
- Section R revised as follows: "Meeting (or Hearing) Notice" means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in §1-4.W of this Charter and as may be established by Ordinance or rules of the Legislative Council or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes<sup>1</sup>.
- Kaye brings up the phrase "Mayor shall designate manner and place of all meetings..." as a potential difficulty. Downing fears Mayor might take liberties with this giving them an authority that doesn't and shouldn't exist.
- Definition of Public Notice: Language revised as follows: "Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes in the event the requirement of the Charter is more stringent that the requirements of the General Statutes. Public Notice may be posted (1) in the Office of the Town Clerk and

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<sup>1</sup> **DRAFTING NOTE FROM COUNSEL: THE SENTENCE WAS RECOMMENDED FOR REPEAL IN THE JULY 28, 2021 VERSION FO THE PROPOSED CHARTER AS A TECHNICAL REVISION RECOMMENDED BY THE TOWN ATTORNEY.**

other public space or location.” The more stringent requirement of ours over state takes precedence. Also added Town Clerk is responsible for disclosure function.

- Section GG will be revised to clarify that the word “shall” means to make the function mandatory. The last sentence of GG will be removed to ensure clarity. Downing suggests possibly changing the definition to show that shall and must are interchangeable with same meaning of obligation.

Motion: Downing moves to accept changes as discussed in Chapter 1 pending language regarding "shall" and "must" as composed by Mednick.

Second: Kaye.

Vote: unanimous, passes.

## **6. Review and Discussion of Chapter II (No Changes)**

Vener-Saavedra brings up term "Fairly implied" and Mednick explains is a case law phrase meaning "implied by state powers." Downing - this is a legal document and offers a defense should town need it. Must remain uncompromised even though we want the charter to be understandable by public. Gallagher notes that Avon, CT charter uses bullet points and explanations into more digestible components and will offer these edits for the CRC to review as follows:

### **SECTION 2-2: INCORPORATION.**

All the Electors of this State, dwelling within the territorial limits of the Town of Hamden, shall continue to be a body politic and corporate by the name of the Town of Hamden. As such, they and their successors shall:

- have perpetual succession,
- hold and exercise all powers and privileges heretofore exercised by the Town of Hamden and not inconsistent with the provisions of this Charter,
- have the additional powers and privileges herein conferred, and
- have all powers and privileges conferred upon towns under the State Constitution and the General Statutes.

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No action needed on Chapter II

## **7. Review and Discussion of Chapter III (Mayoral term; Residence requirements for elective and Appointive Office; Clarification of Reapportionment Process; and, Habitual Absence standard for removal from elective office)**

- 4 year term for mayor -
  - Santino - if we move to town manager won't that make mayor superfluous? Will Town manager be brought up?
  - Dixon - when we voted to start with May 25th, Town Manager idea had been dismissed.
  - Downing - Reviews background related to the last CRC's review and consideration of a town manager. There was public comment received both for and against a town manager form of government. A panel was put together and the 2021 commissioners ended up retaining the strong mayor form of government and professionalizing town management

through the COO position. Success of town manager form relies on strong Legislative Council who manage the town manager. Additional fixes include increasing the mayor's term to 4 years as it is often hard to attract qualified candidates for 2 year terms.

- Kaye - Originally wanted a town manager but after all the conversations and public input realized wanted more professional management in gov't such as having a Chief Operating (or Administration) Officer who is a hired professional provides a "guardrail."
- Dixon - thanks them for providing background. Notes that many comments were about fiscal responsibility so really not about "mayor" so much as "professionalism and fiscal oversight."
- Kaye - to make change to town manager is a big step and probably more of an undertaking than a short term commission ought to be making. One suggestion was to add charter language that required the legislative council to form a committee to assess the need for a town manager and make a recommendation.
- Gallagher - agreed that it is problematic to change gov't with a small commission over short time. Should be a thorough, town wide assessment and decision process.
- Mednick - reiterates if commissioners are serious about such a change, charter needs a mandate to insure due diligence is done properly by whole community even though it comes back to Charter Revision Commission to have final word by changing charter.
- Kaye mentions towns going from town manager to Mayor and implementing Mayor and Chief Administrative Officer. (Stratford, Darien and other communities).
- Downing learned from previous experience that these are the questions we need to consider- what is it we are trying to solve for; who are we serving; what condition are we solving; and where are we trying to get to? What is the big issue and how do we fix?
- 4 year term for town clerk - Vener-Saavedra approves because there is a 2 year qualification process and it makes no sense to keep sending people through this and then not getting the benefit of this training. Downing agrees but reminds us that there was a comment about the town clerk being appointed or elected to look at as well.
  - Elected vs appointed and 4 year term - Kaye would like to decouple and open discussion on both. Pay for 2 years of training then pay for another 2 years of service; if we hire them they should already be certified. If it's a cost issue is charter necessarily involved?
  - Mednick will create a comparative chart on how other towns appoint or elect a town manager, the terms and pros and cons for review and decision in next meeting.
  - Santino - when we cert for 2 years, how often after that are they recertified? (Mednick?) there is ongoing annual prof development.
- Motion by Lopes and seconded by Downing - 4 year mayoral term Lopes. - Kaye - clarification - we're just sticking with what was added last CRC. Vener-Saavedra - When will this take effect? Mednick - after next election this does not change the term of present mayor. Vote - Unanimous passes
- Gallagher notes that in Chapter there the dates of origin related to term limits is confusing, Dates of 2013 ad 2014, as written in the document. Suggests that they be removed, placed as footnote, or put in a table. Subsection 3-3.c Vener-Saavedra volunteers to "grammaticize it."
- 3.4 - eligibility - from Gruen - keep changes except for "unless otherwise set forth in this charter"

Motion to accept language with removing the last phrasing, from Dixon Second Santino Vote; unanimous passes

- 3.5 Mayoral Vacancy – Sue Gruen has asked the CRC to review the Mayor Vacancy section and define a succession including which positions are required to be filled.
- Mednick gives history and explains how this might work for 4 yr term. Discussion of what happens with acting mayor. Acting Mayor returns to regular position (LC president) after election of interim mayor. Dixon requested clarification if there is any language in any municipality that has LC president become Mayor only for 6 months. Mednick explains that if there are 6 mos or less left in the mayoral term, council president simply becomes mayor. Discussion of interim mayor vs actual mayor.
- Kaye - Looked at language from other towns and liked Stratford's language as it had a time limit before special election.
- Lopes - experienced this in Orlando - Mayor left to work in state government and Orlando had to have a special election. After which regular election passed as usual.
- Santino - in relation to us now that we adopted 4 yr term, Stratford's format makes sense - if LC president becomes mayor through biennial election, they would lose their LC position. They can either do one or the other.
- Kaye - In Stratford acting mayor also remains in position as LC with vote. Mednick clarified that at that time Stratford mayor was chair of LC.
- Attorney Mednick will talk to Sue Gruen to clarify her concerns so that the CRC can best address charter revisions related to succession planning.
- Succession Town Clerk and Legislative Council - Gallagher asked about succession planning in the legislative council. If there is vacancy it goes to someone in the same party as chosen by the council.
- Santino notes that this language may need to change for Town Clerk if it goes to 4 yr. Downing has no problem with as it is. Vener-Saavedra asks if replacing a person that was elected why should it be the same party when there are other minor parties not represented. Mednick notes that the legislative council may go to DTC or whatever group and ask for names but the party does not nominate.
- Reapportionment (of "polling places" which originally said "districts")

Town Attny has raised issue for the CRC to review process of state and fed reapportionment. Town designates polling places (more than there are districts). LC administratively designates this. It is not a reapportionment but an administrative designation. This is meant to assure enough polling places for everyone. Should this be in voting area of the charter?

Kaye - every district should have its own polling place but the first district does not have its own polling place. Santino says there are no places suitable to act as a polling place in 1st district. Kaye - is "suitable" strong enough? Kaye - does this also apply to the outdoor polling boxes? Mednick - no. Ballot boxes are designated by Town Clerk. They are not within our charter.

Laura will check for accuracy of this section and we will vote in next meeting. New wording: "Prior to the reapportionment the Commission shall engage with the Town Clerk and Registrars of Voters to locate and establish polling places for local, State and federal

elections, for the purpose of facilitating the voting process in a manner that will ensure suitable access to the polls for the Electors of the Town."

- Subsection 3 notice 4-r Technical corrections in 3-8 Town Attny asks CRC to clarify rules in the charter rather than having an Ordinance. Mednick notes that as it is currently written, we can enforce a general rule but if there was expansion of the rule this would require an ordinance. Downing will propose wording change which was accepted and no vote needed.
- Removal of appointed officials - Gruen (Town Attny) noted ambiguity but the CRC did not see one. Language from last CRC accepted.
- Possible Action on Chapter III - deferred to next meeting - look at issue of 45 days for issue planning, Registrar of Voters re: apportionment, Town Clerk elected vs appointed, and Mayoral succession issues.
- Next meeting will include panel discussion on the COS/COO position. Department heads will be invited to provide comment as well. Downing suggested that we have a conversation about what the position entails before inviting department heads to come to talk. Kaye notes that if we don't hear them, we may not have a good sense of their needs. Downing - so many dept. heads are new they may not have a good idea of what town really needs. Gallagher - we aren't starting from scratch we can give them what we have, hear their feedback, and then we can go from there.
- Decision: we will have a short panel of 2 or 3 representative from other towns to provide feedback on the position as written then an invite to dept. heads, mayor, to provide input.
- Lopes - perhaps a visual of how these various positions interrelate and to whom they report would be helpful for the final document.

**8. Adjournment:** Motion Laura, second Frank

**Time adjourned: 1:48 PM**

Minutes submitted by Commission Secretary Patricia Vener-Saavedra

**(Backup material from this meeting):**

<https://www.hamden.com/DocumentCenter/View/5423/Succession-Examples>

<https://www.hamden.com/DocumentCenter/View/5422/Hamden-2022-Background-Document-1May-25-2021-Preamble-and-Chapters-I---IIIRedline>

<https://www.hamden.com/DocumentCenter/View/5421/ALTERNATE-PREAMBLE>