A meeting of the Town of Hamden Charter Revision Commission was held on Wednesday, November 24, 2020. This meeting was held electronically, via Zoom, due to the COVID-19 Pandemic. The meeting was called to order at 7:07 P.M. by the Committee Chair, Frank Dixon and roll call was taken.

**MEMBERS PRESENT:** Lamond Battle; Secretary, Todd Berton, Frank Dixon; Chair, Jackie Downing; Co-Chair, Thomas Figlar, Sarah Gallagher, Myron Hul, Jay Kaye, Frank LaDore, Nancy Olson, Joshua Sprague Oliveira, Jeffrey Cohen was not present for the roll call but joined the meeting later.

**MEMBERS ABSENT:** Tiffany Artis-Wilson, Marnie Hebron, Todd Moler

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

The meeting was called to order at 7:07 PM. Mr. Dixon asked for approval of the minutes from the November 10, 2020 meeting. Mr. Kaye motioned to approve. The motion was seconded by (unintelligible). The minutes of the November 10, 2020 meeting were approved. Ms. Downing, Ms. Olson and Ms. Gallagher abstained from voting because they were not in attendance at that meeting.

Mr. Dixon said the commission should begin with continuing to review, segregate and allocate topics in the grid prepared by Attorney Mednick in order to assure the Commission is moving forward efficiently in relation to public comments received. He said he wished to reiterate to commissioners that there is a lot of information to cover and they need to be as efficient as possible. If comments are not directly pertaining this subject, please hold until the end of the meeting. He asked Mr. Mednick to direct them to the appropriate place to resume on the grid document.

Mr. Mednick pointed out some features to be used in the tracking document going forward. He said he will track upcoming deliverables, for example, that morning he sent the commission his opinion on the prohibition of town employees serving on the Legislative Council and Recall, which he said he would discuss later in this meeting. Mr. Mednick said he spoke with the Commission Chair and Vice Chair about certain public comments regarding the terms being used for prioritization:
High, Middle and Low. He said some people misread what that meant. He will now categorize as follows: Substantial Due Diligence, meaning there will most likely be hearings on it and it will receive extensive review, Research and Report, meaning he and Town Attorney Gruen will research and report back to the commission as quickly as possible, and Relevancy Discussion, meaning, is it something that is eligible for consideration in Charter review or something they are legally barred from dealing with.

Mr. Mednick now directed the commission to where they had left off in the last meeting looking at Boards and Commissions. He directed the commissioners to chapter 7-1. Public input had come in regarding term limits for Boards and Commissions. Mr. Mednick said this might be in the category of either Research and Report or Relevancy Discussion. He will research and report back because it may be something they cannot legally deal with. He noted there is the public input section of 7.1, but that in fact, all public input would be thoroughly discussed in the section on the Legislative Council.

Next, Mr. Mednick explained that there had been a proposal referenced by several people regarding inclusivity - that town officials should be demographically proportionate to the town’s population: the Mayor’s Office, Legislative Council and BOE should all represent their population make-up, gender, race, age, income, status, neighborhood, political affiliation. The proposal continues that the current charter only makes reference to political affiliation and that there should be an addendum that clearly delineates demographics with advisement to update and consult this addendum in all future charter revisions. It was also proposed to replace any language about political affiliation or restrictions with comprehensive demographic requirements: race, gender, age, income etc. governing all elected or appointed officials. Mr. Mednick explained that the reason political party is in the Charter is because of express grants of statutory requirements governing maximum levels of representation on Boards and Commissions. Mr. Mednick indicated that there was also a proposal sent in regarding the Police Commission, recommending that it be broken down by district to allow for geographic distribution throughout the community like the Legislative Council. That is slightly different, but to be discussed shortly. With regard to establishing demographic criteria, Mr. Mednick said he believes qualification criteria can be established for appointed officials, but not for elected officials. Mr. Mednick said he believes the commission can include a general statement regarding inclusivity, but he is not sure that they can develop a numerical criteria for the demographic information. It will be researched. He asked Mr. Dixon if they wish this to be prioritized as Substantial Due Diligence or as Research and
There was discussion as to whether other municipalities had established demographic criteria, or made statements in their charters regarding this, and as to whether this even could be done, and what type of language would be used. Mr. Mednick explained that he believes a recommendation can be included instructing Mayors and the Legislative Council to take diversity into account when making appointments. Mr. Mednick will check with Town Attorney Gruen regarding language and use of the words “shall”, “may”, “must”, in such recommendations.

There was a discussion of whether to categorize this as Substantial Diligence or Research and Report. Mr. Mednick recommended that it be Research and Report at least initially, and moved up to Substantial Due Diligence if determined to be appropriate, after the commission review his research on the topic.

Ms. Gallagher asked for a point of clarification on the requirement for Public Hearings for this commission. Mr. Mednick explained that a hearing is required at the beginning and at the end of this commission’s process. He continued that the Chair, Vice Chair and Secretary have discussed with him the possibility of having another hearing a few months into the process to allow the public to express their opinion on the work of the commission. Mr. Kaye pointed out that he is aware that people would like to speak verbally to the commission as well as in writing and asked if that could happen. Mr. Dixon explained that if that were to happen, in order to be efficient, oral public comment should be specific to the item being discussed at the hearing. The commission would publish what items were being discussed at such time. Mr. Mednick said that he assumes that when they get to hearings on substantive issues such as Town Manager, Strong Mayor and Chief Administrative Officer, the commission will have a hearing with a panel of experts on the topic being examined. The Panel would provide opinions on said topic independent of what is transpiring in Hamden. Then at a second meeting, it would be opened up to a hearing at the beginning, where the public would be invited to speak now also having the benefit of the information and expert opinion from the Panel of Experts. He added that he believes there will be plenty of opportunities for public input.

Next, Mr. Mednick directed attention to item 7-2B which was placed into the Research and Report category at the last meeting. At this commission’s next meeting on December 9, there will be a discussion with the Town Attorney, the Ethics Chair and the Commission Counsel regarding the Board of Ethics and the Ethics authority to recommend recusal to the Council. Mr. Mednick believes that the Ethics Chair will talk about the proposed ordinance revision they have, which is a large reform, and then opine on what he believes should be in the charter.

Next, Mr. Mednick pointed to item 7-2A(2) regarding Membership on the Civil Service Commission and the number of appointees. Some commissions may be too
small, with only two appointees. A discussion followed on the number of people on commissions as it pertains to type of commission. Mr. Mednick will research this and present models from other towns. This was placed in the Research and Report category.

Next was item 7-5A regarding number of people on the Assessment Board of Appeals. It is a similar issue to the previous item in that both commissions which were discussed, have small membership and should probably be expanded.

The next item was 7-2C regarding the Police Commission. Mr. Mednick explained that this proposal stems out of a shooting situation which took place in Hamden after which a lot of issues were raised about how representative the Police Commission is and it was proposed that every neighborhood have representation on the Police Commission. Mr. Mednick referenced the earlier discussion regarding demographics and diversity on commissions, and the discussion of placing wording in the charter reminding Mayors to take diversity into account when making appointments. Mr. Mednick expects this to be placed in the Substantial Due Diligence category. A discussion followed regarding what type of authority the Police Commission has. Mr. Mednick explained that the Police Commission has hiring and firing authority, and does not have subpoena authority. He said the Civilian Review Board has subpoena authority. Mr. Hull said he believed the Police Commission did, and should have subpoena authority, and he asked Mr. Mednick to look into this. Mr. Mednick will research this. Mr. Dixon said to place this at high priority.

Mr. Mednick pointed to a public suggestion that the Police Commission be grouped into 3 districts instead of nine, (such as the Legislative Council), with three members each, subject to minority party representation. A discussion followed regarding the reasons for districting the police commission and how it is related to party representation and. Mr. Kaye asked if the previous discussion regarding inclusivity on commissions would pertain to the Police Commission. Mr. Mednick answered yes, that it pertains to all commissions. There was a discussion of the issue that all commissioners are volunteers and concerned was expressed that if the residents of Hamden aren’t aware of this, it shrinks the pool of possible appointees. It was emphasized that the Town should publicize this widely. Mr. Hull said that this is indeed already widely publicized, on the website and in announcements etc. He said that for decades it has been difficult to get volunteers. He said it is hard work and time consuming and volunteers receive no compensation and get blame for some things. This issue was placed this at high priority.
Next, Item 7-2B regarding the suggestion that the Fire Commission follow the same guidelines and composition as the Police Commission and Item 7-2C, and that the Fire Commission should have staggered terms.

Next, there was a public proposal that all departments in the Town have an Oversight Commission, made up of residents from all districts who have no affiliation with town business or employment and who do not hold any office. Mr. LaDore asked if is not this the Mayor’s job? Mr. Hul said not only is it the Mayor’s job, it is the Legislative Council’s job which has various committees that work with every department. This item was placed in the Relevancy Discussion category.

Next, Mr. Mednick pointed out the Transparency issue, an item on the grid which reads, “Transparency, Public Input, Openness and Budget Consolidation and Cooperation for all Departments, including the Board and Department of Education. Mr. Mednick said this was generated by this commission had been dealt with in a previous meeting of 11/10/2020.

Next, Item 8-2 which pertains to considering permitting longer contracts for municipal employees. Mr. Mednick asked for clarification on the specifics of this. Mr. Hul offered that this was in regard to lengthening the contract of a Chief Administrative or Operations Officer beyond the time when a Mayor leaves office. Mr. Mednick said this is tied to the Town Manager, Chief Administrative Officer discussion and was categorized with high priority.

Next, still in Section 8-2, public proposal: “New provisions governing the conduct of Department Heads”. This concerns making sure department heads report to the Mayor and the Legislative Council and that they are available to the Legislative Council provide information and answers. It also suggests that Department Heads present proper certifications prior to being hired. Mr. Hul said that Council rules already cover this, including communication methodology between Council and the Mayor’s office and also, that the Council has the power to not approve something until it receives the appropriate information. There was discussion regarding the question of certifications being presented before hire, as to whether this was a charter issue, because it is covered in Job Descriptions. Mr. Mednick said this is only a charter issue if you want to have a constitutional Principal stating that you cannot hire someone if they are not certified. He believes this proposal stems out of the hirings that are made conditional upon getting the certifications. He asked if this is the case. Mr. Hul indicated that this is the case. There was discussion questioning whether this is a statute. Mr. Dixon pointed out that he believes this is connected to the “Town Manager” discussion and proper
certification for that. Ms. Olson pointed out that Tax Collectors do not obtain Tax Collector certification until they are a Tax Collector. Ms. Downing indicated that she believes it is standard practice in this industry, municipal government, that, someone has to be a Town Clerk before they can be eligible for that training and certification, someone has to be an Assessor before they become certified etc. She suggested that as long as it is framed within a time frame, such as six months, she does not think it’s a charter issue. Ms. Olson added that some certifications take years. This was placed in the Relevancy Discussion category. Mr. Kaye pointed out that this section of 8-2 concerning Department Heads reporting to the Mayor is connected to section 5-2. Mr. Mednick will review dovetailing them. They were placed in the Research and Report category.

At this point, Ms. Gallagher asked Mr. Mednick if the issue discussed earlier about the Department Heads being available to answer Council questions had something to do with transparency. Mr. Figlar offered that has attended many Council meetings and he observes that the Department Heads are not given questions before hand, so they may not have all the answers ready at that time. He said he does not think there is a lack of transparency, but that there is a lack of communication between the Council and the Department Heads. Mr. Mednick indicated that the way our Council does some things is unusual at this time in that, many of these Department Head/Council questions are generally to be discussed at the committee level, and that it is unusual to have Department Heads get up to answer all questions in a Council meeting where the Council is preparing to act on the item.

Next was Section 8-4D concerning contract bidding and oversight and no bid contracts. Mr. Mednick said that what this commission wants to do is establish a constitutional standard. He asked how much this commission wants to be regulatory. He pointed out that the way the previous Charter Revision worked was to minimize the policy, but maximize the broader parameters of how thing should be done. Mr. Dixon said there could be more checks and balances in this area, (contract bidding and oversight). A discussion followed regarding how the bidding process is functioning now and the commission needs more data. Mr. Mednick suggested that the Purchasing Director be invited to a discussion with this commission and said he can check with CCM regarding how other municipalities manage this issue. This was placed in the Research and Reporting category. Mr. Hul asked if this would address emergency expenditures and indicated that clarification is needed in the area of defining emergencies. Mr. Mednick indicated that emergency powers are in dealt with
in Section 5-5 of the charter and that town Attorney Gruen will be covering this when she addresses this commission on December 9.

Next was Item 8-6A2(d) stating that the Tree Warden should be a Licensed Arborist. A discussion followed regarding the duties and qualifications of a Tree Warden. Mr. Hul explained that at this time Hamden has 2 positions, Tree warden and Arborist. The difference in these was briefly discussed. Mr. Mednick will look at the ordinance regarding this and this item was placed in the Research and Report category.

There was a question here as to whether any questions had come in regarding the BOE. A brief discussion followed in which Mr. Hul indicated that he believed there may be questions regarding consolidation of services between the Town and the BOE. Mr. Mednick said consolidation of functions cannot be mandated by charter. Mr. Hul explained that there are currently some areas in which there is already consolidation as much it is possible. He said collective bargaining units affect this process. Mr. Mednick confirmed that is the case.

Next, Mr. Mednick pointed out that Capital Budget and Expenditures is very important to examine at this time and that there are some live issues right now with this so it requires to be looked at substantially. There is a provision in the Charter for this, however there is currently a significant debate as to how and when this gets done, and whether it should be done with the general fund budget, also, the definition of the Capital Plan and its relation to the 5 year plan, and the definition of the 5 year plan. He explained that the Capital Plan is the year you are currently in, and the 5 year plan is the following 5 years. Mr. Mednick said this was brought up by Town Attorney Gruen and that he suggests that the commission bring in the Town Attorney, Finance People and a Panel of Experts on this. Mr. Hul pointed out that the 5 Year Plan is required by statute. He also pointed out that grant money available to departments should be a part of the examination of this issue. Ms. Downing emphasized that this entire topic is not addressed in the current Charter and that is crucial to examine this. Mr. Mednick agreed with Mr. Hul regarding the importance of oversight of grant money as it relates to Capital Budget. It was suggested that this commission have a joint meeting with The Hamden Fiscal Stability Committee. This topic was categorized high priority.

Next, A section was identified with Austerity Measures suggestions. This was reviewed and placed into the Relevancy Discussion Category.
Next, Mr. Mednick referenced a section on General Comments. These relate to a variety of topics and Mr. Mednick said he was having difficulty categorizing these comments because he wasn’t sure where they fit within the Charter or whether they could be considered by the Legislative Council for ordinances. He asked if these should be referred by the Communications Committee to the Legislative Council. Mr. Cohen emphasized the importance of letting residents know their emails are being received and reviewed. There was a brief discussion regarding this and the importance of communicating back to the residents who sent these comments in to let them know the comments were received and read and being passed to the Legislative body.

Ms. Gallagher made note of a comment related to Housing and asked Mr. Mednick whether this Commission can place language in the Charter that would have town policies reviewed to ensure that they were not creating systemic roadblocks to integration and access, and could there be a constitutional framework we can set forward in the Charter. Mr. Cohen said that he believes according to State and Federal law this can be done. Mr. Mednick said yes, it is a constitutional standard. Mr. Mednick said he will review the report of Desegregate Connecticut. Ms. Downing suggested that the commission go through the entire Charter through a racial and ethnic equity lens. She suggested that after the work on the Charter is completed, go back through every section make sure we are not placing any equity issues into the Charter. Mr. Mednick made a note on the housing section to for it to be placed in the Research and Report category to be reviewed for placing language regarding equity there.

Next, Ms. Downing said she wished to place wording in the preamble to the Charter honoring the Native Lands that Hamden is on. There was discussion of the re-writing of the preamble and Mr. Mednick suggested a committee be formed for this. There was a brief discussion of committee procedures and Communication Committee membership and procedures.

Next, Mr. Mednick referenced a comment on Quinnipiac Student Housing issues indicating that this is really not a charter issue, it is managed by Planning and Zoning. It was recommended for the Relevancy Discussion category. Ms. Olson asked if something could be placed in the charter regarding quality of life issues related to student housing. Mr. Mednick said he will look at other charters in towns with student housing to review. A brief discussion followed on the definition and rules of student housing.
The topic of quality of life was discussed again in regard to defining it, and possibly placing a mission statement in the Charter, possibly the preamble of the Charter concerning quality of life.

Mr. Mednick said the next topic was Recall, but he is going to place it on the agenda for the next meeting as an action item, suggesting that it be taken off the agenda completely, because there is currently a Supreme Court Case, Simon v. Canty, stating that Recall cannot be instituted without a Special Act. Hamden does not have a Special Act Provision so this issue cannot be addressed in the Charter. Mr. Hul asked what is a Special Provision Act and how do you go about getting one in Connecticut? Mr. Mednick explained briefly what a Special Act Provision is. Hamden does not have one and they are very difficult to obtain. Mr. Mednick explained: Before 1957, all charters were Special Act Charters granted to us by the Legislature. After 1957, the institute of the Home Rule Act enabled municipalities to create their own charters. Hamden does not have any Special Act Provision in its Charter. Some of the bigger cities do. It is highly unlikely that the Legislature would give a specific power that is not in the Home Rule Act. The General Assembly would have to adopt a Special Act stating that Hamden has the authority to institute Recall of elected officials. There are five communities in Connecticut that still have Special Act Provisions because they were never repealed. Hamden never had one.

Next, Mr. Mednick said in the Legislative section, there were a number of people calling for the prohibition of Hamden employees serving on the Legislative Council. He stated that law is very clear that you cannot restrict a public employee from serving on the Legislative Council. He read the State Statute which states: “Any municipal employee shall have the right to serve on governmental bodies of the town on which they reside with the exception of anybody that has the responsibility of direct supervision of the employee.” Mr. Mednick said it is possible that this could mean employees of the Legislative Council might not be able to serve. Mr. Mednick said he will remind this commission to be very vigilant about examining the Ethics Code, in that a person should recuse themselves at the appropriate times so that there is no conflict of interest. He said this is a good topic to bring up at the next meeting when the Chair of the Ethics Committee will be present. He will recommend this topic be an Action Item at the next meeting.

Mr. Dixon asked the Commissioners to review the updated document that Mr. Mednick will be sending them consider what sub-committees they
would like to work on. He asked Commissioners to refer any subject Matter Experts they would like to possibly bring in, to him and the Vice-Chair.

There was a brief review of the Speakers/Experts who are on the next meeting agenda.

Mr. LaDore motioned to adjourn the meeting. The motion was seconded by Mr. Kaye.

The meeting adjourned at 9:17 PM.

Submitted by Rose Lion

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Legislative Council