

**TOWN OF HAMDEN, CONNECTICUT
LEGISLATIVE COUNCIL
MINUTES OF SPECIAL MEETING
June 16, 2021**

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A special meeting of the Legislative Council was held on Wednesday, June 16, 2021. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called to order at 7:09 P.M. by the Council President. The Clerk took the roll followed by the Pledge of Allegiance.

MEMBERS PRESENT: Mick McGarry
Adrian Webber
Betty Wetmore
Justin Farmer
Athena Gary (at approx. 8:55pm)
Jody Clouse (present at approx. 7:52 pm absent at approx.8:34 pm)

Dominique Baez
Brad Macdowall
Berita Rowe-Lewis
Valerie Horsley

MEMBERS ABSENT: Kristin Dolan; Jeron Alston; Marjorie Bonadies; Austin Cesare; Kathleen Schomaker

PRESIDING: Mick McGarry, President

ALSO IN ATTENDANCE: Frank Dixon, Chair of Charter Revision; Jackie Downing, Vice-Chair of Charter Revision; Steve Mednick, Counsel for Charter Revision, Sue Gruen, Town Attorney; Adam Sendroff, COS; Mark Austin, Town Engineer; Scott Jackson, Finance Director

PUBLIC INPUT SESSION: There was one written comment which can be read here: <https://www.hamden.com/DocumentCenter/View/4219/06-16--Letter-to-LC-Charter-Revision--Intro-to-SPCP-> and 1 speaker (who can be heard on the meeting recording at Time Code (00:22:00))

Mr. McGarry said tonight is preparation for their final vote on the 7th. He said tonight they'll hear from Department Heads and their recommendations and then they'll go through the Council's recommendations and create a list of recommendations for the Public Hearing. He said if there are any items tonight that are presented by a Department Head or Council person not submitted before the 24 hours' notice they can put it on their workshop on the 29th. He then said the 25th is the deadline for writing up recommendations. After the Council votes on the 7th it goes back to the commission, they then have a joint meeting of the bodies and then the commission either accepts or denies the Council recommendations in part or in whole.

Mr. McGarry then moved on to Department Heads for their recommendations. First up was Town Engineer Mark Austin who read his recommendations out loud and are attached. There was then some discussion on some of the things. Mr. Mednick said one thing in the proposed Charter is the recommendation of the capital being submitted annually along with the budget. There was then some discussion on what the length in years of the capital should be. There was also some discussion on the probation period and Mr. Austin said he's looking for more security for the professionals and recommends an appropriate probation period and termination based on just cause rather than an appointment coterminous with the Mayor as a way to secure that level of profession.

Next up was Town Attorney Sue Gruen who started by saying clarity is important to her and she still has areas to digest. She then read from the list she submitted which is attached. She said 1-3 is old language and she doesn't know what it means and that we abide by the law and so she suggests deleting this. In 3-4 she suggested adding wording, and in 5-6 she said there are typos and she doesn't understand the distinction between paragraph a & b. Mr. Mednick said they can look for some clarification in that section and said he'd be happy to sit down with her and take a look at this section. Ms. Gruen went on to say with union employee's there's a word "perform" and no one can perform a union job other than a union employee and zoning is mentioned so that should be fixed. She said duties of the COO in regard to Police & Fire Departments and words and duties in other departments we often use the same words in general areas and to her it's confusing. She said if she can't understand the responsibilities that's a problem when she's asked a Charter question. She said she doesn't need it to be too wordy, she just needs to understand it. Ms. Gruen went on to say that the Police & Fire Chiefs run their own departments and the language here for the COO is problematic and to her this language says the COO is performing the duties of these positions. She said clearly define in 5-6 MERA, Dept. Heads, Commissions, specifically Fire & Police and General Management (duplicated often). Ms. Gruen said the next comment is pretty important. She said §7-474 in MERA and the Chief Executive Officer represents the Municipal Collective Bargaining and so she doesn't believe a Charter can require a COO to be a bargaining agent on behalf of the Town. She said certainly the Mayor can appoint the COO as the designee but to direct that is a problem.

Ms. Gruen then went to 7-1 (4) of Boards and Commissions where it says meetings can't get cancelled more than two months in a row. She said a meeting has to get cancelled if they don't achieve a quorum and thinks you can get at what you're to achieve with some language about intentionally or something like that but if you don't have a quorum you can't have a meeting. She said in sub-section (6) she advises these sections should be "according to law" saying to add different and additional responsibilities is a problem. Mr. Mednick recommends they look through it and use a defined term tied to FOIA for consistency. (7)(b) public comment after a meeting she said the body is already complete. She said meetings are long, these are volunteers and you could have hours of people speaking again and a meeting has to end. She said those comments could be submitted for the next meeting.

Ms. Clouse arrived at approximately 7:52pm.

Ms. Gruen said for 7-2 (a) of the Finance Commission her recommendation is to have this reviewed by Labor Counsel. 7-2 (D) & (E) she said all sections should be streamlined for clarity. She then asked why 7-2 E (2) (Fire Commission) as an appointing authority isn't the same as the Police Commission (and Library). Lastly Ms. Gruen said for 7-2L (1) Diversity, Equity & Inclusion Commission she recommends that reference be made to State and Federal Laws. Ms. Clouse stated she would like the new protection to be protected.

Ms. Gruen went on to the Budget Liaison and asked where this position lives, is it union, and who do they report to? Ms. Downing spoke of their intention with this. Mr. Mednick said they see it as someone that Finance and the LC can go to. He said in the end it moved to the LC side of Government and is a CBA position. Ms. Wetmore said she sees this as a third layer of advising the Council and she doesn't think it's needed and thinks it's an expensive position for the Town.

Ms. Clouse left at approximately 8:34pm

Next up was Finance Director Scott Jackson. He applauded the commission for codifying the COO position and creating a space of credential but would argue that an NPA is not critical to the position and recommends the removal or limitation of the enumerated qualifications to that position.

Mr. Jackson said in 5-6 (a-c) petition themselves into bargaining units and thinks the language in the Charter might provide that to MERA and recommends a change in language with reporting chains to not create a union position. He said he'd rather rely on existing job descriptions. He said in 7-1B(5) Boards and Commission Clerks belonged to the Town Clerk and this moves it to the COO and he thinks they should review this and determine if it's the appropriate place. He went on to say he's happy they codified 3-8 A Delivery of Records. He said in 4-4 Clerk of the Council to be cautious of the language it's covered by CBA. Mr. Mednick stated they made no changes there. For the contract threshold Mr. Jackson said he's not sure it's necessary, Council has the authority to change those thresholds. Mr. Mednick said new things are being addressed that haven't been discussed by the commission and not brought up previously during their meetings so he's wondering where we are going. Mr. Jackson said he went through the whole document in general and these were things that jumped out at him. Mr. Mednick asked if he recommends taking out the language at the end of threshold. Mr. Jackson said absolutely.

Ms. Gary arrived at this point (approximately 8:55pm)

Mr. Jackson said he wasn't clear on section 5-4c Emergency Powers. He said he's not sure if this means the traditional E&C. Ms. Downing said the purpose is a separate line, easily accessed for true public emergencies.

Mr. Jackson said in 7-2 for the Finance Report (CAFR) he's not clear as to who would prepare it or who would sign it. He's wondering who has ownership of that, the Finance Commission or the Town? Mr. Mednick said the Finance Commission and then read the section out loud.

For section 7-2 e Long Term Planning, Mr. Jackson said for the 5 to 10 years he would recommend eliminating "to 10" and keep 5 to lock it in with the capital plan, so he recommends 5 years with no range. Mr. Mednick asked if he had an issue adding capital as part of the POCD plan. Mr. Jackson said no.

There was then some discussion on the capital and POCD submission.

There was then some discussion on Department Heads becoming union positions. Mr. Farmer asked if there was language that needed to be changes. Mr. Mednick said this is the same language Ms. Gruen mentioned earlier and they're going to take a look at it.

Mr. McGarry said him and Mr. Mednick will compile a list tomorrow of items as recommended changes to post with the public hearing.

There was then discussion on some of the items left of recommendations and Mr. McGarry suggested they just vote to add them to their workshop on the 29th.

Mr. McGarry moved a motion to include the list of the Fire Chief's recommendations. The motion was seconded by Mr. Farmer and approved with 1 abstention (Wetmore)

After some discussion about going through them one by one Mr. McGarry moved a motion to accept the recommendations of all Department Heads for their workshop. The motion was seconded by Ms. Baez and approved unanimously.

Mr. Mednick said if Council doesn't mind he will fix the errata's and resubmit a redline. Mr. Macdowall said his only concern would be where some punctuation may change the language so he'd like to see the list. Mr. Mednick said yes.

Mr. Farmer asked if the probation period of a Department Head includes the time he serves before the Mayor submits to Council. Ms. Gruen said she'd have to get back to him, she thinks she already provided him this information but she'll double check.

Mr. McGarry then mentioned the recommendations of Council and moved a motion to add the first recommendation of examining the position of liaison. Ms. Horsley said she'd second it to talk about the position in general. Mr. Jackson suggested they look at this position as the Budget Coordinator in the Finance Department. A vote was taken and it was approved unanimously.

Mr. McGarry then moved a motion to add to the list no term limits on Boards and Commissions. The motion was seconded by Ms. Horsley and approved unanimously.

Mr. McGarry moved a motion to add to the list the Town Clerk to be an appointed position and non-coterminous with the Mayor. The motion was seconded by Ms. Wetmore and approved unanimously.

There was then a brief discussion on the next two documents of length and Mr. Farmer suggested an omnibus. There was also discussion of going through the remaining lists to see which aren't recommendations (as opposed to questions and statements). Mr. McGarry suggested they say "where applicable" and then moved a motion to accept and address to the applicable section of the Charter where possible. The motion was seconded by Mr. Webber and approved unanimously.

There being no further business Mr. McGarry requested a motion to adjourn. Moved by Mr. Farmer, seconded by Ms. Horsley and the meeting adjourned at 9:53 P.M.

Respectfully submitted,

Kim Renta
Clerk of the Council

- The list of recommendations can be found attached to the agenda of the June 16, 2021 meeting under the LC agenda center.