

**TOWN OF HAMDEN, CONNECTICUT
LEGISLATIVE COUNCIL
MINUTES OF MEETING**

July 6, 2022

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A meeting of the Legislative Council was held on Wednesday, July 6, 2022. This meeting was held electronically, via Zoom, due to the Covid-19 Pandemic. The meeting was called out of recess at 6:24 P.M. by Council President Dominique Baez.

MEMBERS PRESENT:

Dominique Baez	Laurie Sweet
Paula Irvin	Sarah Gallagher
Katie Kiely	Adrian Webber
Abdul Osmanu	Kristen Zaehring

MEMBERS ABSENT: Jeron Alston; Marjorie Bonadies; Justin Farmer; Lesley DeNardis; Cory O'Brien; Ted Stevens; Betty Wetmore

PRESIDING: Dominique Baez, President

ALSO IN ATTENDANCE: Sue Gruen, Town Attorney; Steve Mednick, Counsel; Town Clerk Karimah Mickens; CRC Members Jackie Downing and Patricia C. Vener Saavedra

PUBLIC INPUT SESSION: There was 1 speaker and 4 written comments submitted which can be read here: <https://www.hamden.com/DocumentCenter/View/6284/07-06-2022>

(Written comments can be sent to LCpublicinput@hamden.com)

REGULAR AGENDA:

1. Charter Revision Workshop

Chapter VII:

After an overview of this chapters changes by Mr. Mednick Ms. Zaehring asked if in section §7-1 B (5) where they talk about the clerk if anyone talked to the Town Clerk about having the bodies for this. Mr. Mednick said you could have anyone on any commission serve as a clerk with no extra bodies added. Ms. Zaehring said she'd like to change the language to "a clerk or designee."

Ms. Mickens stated that they do have clerks assigned to all commissions, and she does like the idea of “designee” being added. Mr. Mednick offered to go over the sections that affect the Town Clerk with her.

Ms. Zaehring asked next in section C if the language of the last sentence was needed. (“All Board or Commission members shall serve until the completion of their respective terms or until their successors have been appointed and qualified”) She said she’s wondering if it should read “shall serve until completion of respective term”. Mr. Mednick explained that this is standard language in most charters and why.

There was some discussion on what interaction meant and Ms. Gallagher gave one example of how email access for a commission chair or clerk is an interaction. There was also discussion on boards and commission monthly meetings. Ms. Gruen said they need to make clearer the section about if there’s no quorum and thinks they should take out the word “meeting”. Mr. Mednick said it was noted and he thinks they could make it clear that it’s not deemed a meeting at all if you don’t have a quorum and therefore you’re not violating the standard that’s being set. Ms. Gruen said all you’re trying to do is say if you don’t have a quorum you’re not penalize for not meeting your standard. Mr. Mednick said how about something like “failure to obtain a quorum should not be deemed to be a violation of this provision” or something like. Ms. Gruen said yes, something like that. Ms. Baez said she thinks that gets rid of a lot of confusion.

There was then some discussion on emails for boards and commissions. Ms. Baez said they need to remember this at budget time and that they’ll also need to remember that clerks will need to be trained.

Ms. Baez said in §7-1 I – (Restrictions Pertaining to Members of the Civil Service Commission, Finance Commission, Board of Ethics and Police Commission and Fire Commission) the first sentence that says “No person who has served in the previous two (2) years in Municipal Office” etc., she’d like to have it read “**Municipal Office in Hamden**” or not have it in at all. Mr. Mednick agreed and clarified what she said. Ms. Gallagher also agreed saying if you’re working in New Haven why should you be restricted from serving. All agreed with adding this.

Ms. Zaehring moved a motion for Mr. Mednick speak to the Town Clerk for clarifications. Ms. Baez seconded the motion and it passed with 2 abstentions (Kiely) (Webber)

Ms. Zaehring then moved a motion to amend the language regarding the Town Clerk to make sure each commission has a clerk “or designee”. The motion was seconded by Ms. Baez and approved with 1 abstention (Webber)

Ms. Baez took a vote on §7-1 revisions and passing this on to the CRC and it passed unanimously.

7-2 A (Creation of Finance Commission)

Ms. Gallagher explained this is a new section in the Charter and establishing a Finance Commission that will be a liaison between the Mayor’s office and Legislative Council to provide more steps in addressing short and long term financial issues and providing assistance during the budget process. She went on to explain more about the commission as well as their functions. Ms. Zaehring said on page 63 of Reporting Functions she suggests adding “**to be submitted to the Legislative Council**”. Mr. Mednick said he doesn’t think there’ll be an issue with that from the CRC. Ms. Baez said she also agrees and would like to see that added and thinks that’s the CRC’s intent.

Ms. Baez called for the vote on 7-2 A with this included and it passed with 1 abstention (Osmanu)

Ms. Gallagher then went over the rest of 7-2 saying in the Civil Service Commission they added an alternate, and in the Ethics they added qualifications. Mr. Mednick said there was one thing the Town Attorney pointed out in section 5 - Finding of a Violation that she wants to make sure the finding would be subject to information that would be provided for in a collective bargaining agreement so that you couldn't take any action against somebody if there was a provision of the collective bargaining agreement that govern the area.

Ms. Baez moved a motion to accept the changes in 7-2 C&B. The motion was seconded by Ms. Sweet and approved unanimously.

§7-2 D – Police Commission

Mr. Mednick gave an overview of this section. Ms. Zaehring asked if on page 75 “budget review” is duplicative of the work the Finance Commission would be doing. Mr. Mednick said not duplicative but more of a preamble or a pre-budget review. Ms. Zaehring asked if the commission should have financial expertise. Ms. Downing said no and explained how the commission will talk about the content of what happens within the department budget, so they need to be subject matter experts in police business, they need to know what the department needs to function.

Ms. Zaehring asked if they are inserting the Police Commission into what would be the administration's purview as to contractual negotiations here and asked if other towns have police conditions such as this, is there a similar paragraph, such as H collective bargaining. Mr. Mednick said no, but he's been recommending these provisions. He said their involvement in the process is up to the Mayor. He said they put in language last time at the request of the Town Attorney to make sure that it's absolutely clear that there's no doubt about that they're just providing an advisory function, based on their experience. Ms. Zaehring said she thinks the language (in H) should be more clear that the administration would be the one at the bargaining table and has the ability to request the information but not dictate what the Mayor can and cannot do. Ms. Downing suggests adding “upon request” before submit to the mayor. Ms. Gallagher said maybe it's the order of the sentences rather than add those words. She would want to keep the door open to the commission. Ms. Baez said she does not want to put “upon request”

After some more discussion **Ms. Zaehring moved a motion** to send this back to the CRC to discuss adding “upon request”. The motion was seconded by Mr. Osmanu and it failed with 2 in favor (Zaehring) (Webber) and all others opposed.

Ms. Baez then spoke on the submission from Town Engineer Stephen White about the Traffic Commission and an additional line when making the LTA so the commission can designate a subcommittee or other body. After a lengthy discussion on the traffic authority Mr. Mednick said he and the Town Attorney have looked at this many times and it says the commission is the traffic authority and wonders if it's a hearing officer referenced. He said him and the Town Attorney will take a look at the statute and talk.

After some discussion on this matter **Ms. Baez moved a motion** to say in the event that that changes that we can then have our police Commission assign the duties and responsibilities of the traffic authority to another entity. The motion was seconded by Mr. Webber. Ms. Gallagher talked about it being more broad. Mr. Mednick suggested “please review the state of Traffic Authority to determine how to address the issue if State law changes”. Ms. Baez said her motion is to give this

back to the CRC for what Mr. Mednick just said. A vote was taken and approved with 1 opposed (Zaehringer)

Ms. Baez moved on to Civilian Review & Outreach and asked why create subpoena power by ordinance and not here? Mr. Mednick said under home rule you only have powers granted to you saying there are very few legislative bodies with subpoena authority. He said by ordinance you're designating them as a Civilian Review Board then give them the power. Ms. Sweet clarified that right now a civilian couldn't take a complaint to the commission. Mr. Mednick said the complaint would get filed with the chief.

Ms. Baez said she wants to add that the Chief is required to give regular reporting of complaints to the commission and wants them to see the contents of the complaint. Mr. Mednick said he has concern with that because they should not be reviewing or reading these reports, until such time as the matter comes before them you don't want to set up a situation where they are prejudiced, one way or the other within the report. Ms. Gruen said we lost the attorney for the police commission, he resigned and hasn't been replaced yet and so she is sending this out for a legal opinion.

Mr. Mednick said what you might say is that you send this back to the CRC to take a look at the issue broadly of having the chief provide these reports, and him and the Town Attorney will talk to as many people as they can to try to figure it out and then chat with her after they have an opportunity to really assess the legal implications. He said he just want to make sure that we've been very careful.

Ms. Baez said she's going to commit and go ahead and make that motion to send this back to CRC and have them broadly review the Chief submitting reports. The motion was seconded by Ms. Sweet and approved with 1 opposed (Zaehringer)

Ms. Baez said for the section for the recommendation of the chief of police when it comes to removal does this say only the chief can remove? She'd like to add "or the Mayor". Mr. Mednick said him and Ms. Gruen will review the legalities tomorrow morning. Ms. Baez said she thinks the power to recommend should come from other bodies. Ms. Gallagher asked if this was for removal or promotions and appointment. Ms. Baez said just removal but is okay with the Mayor making all recommendations. Ms. Gallagher shared her concerns and said she'd want to learn more about this.

Ms. Baez moved a motion under recommendation of the Chief of Police section to add on other parties that can recommend the removal. The motion was seconded by Ms. Sweet and approved with 1 opposed (Zaehringer)

Next Ms. Baez said under "Receipt and Notice of Complaints" receiving complaints only officers can have appeal and if the CBA changes a citizen can have appeal. She then asked if they could add that a citizen can talk to the commission about a complaint and have them add it to their agenda. Mr. Mednick said the problem with that is if they did that and two months later there's a ruling in their favor and there's a real legitimate complaint they've now talked about it to the Police Commission and if the Chief rules in their favor and the officer then appeals the officer then has to defend themselves before a body that they didn't take a vote on the person's testimony so what do you think the attorney for the officer would do or say? They would argue that the body is prejudiced and has made a determination and took extra judicial information before they had the opportunity to appear before us that's the concern he has. Ms. Baez stated alright, caution taken.

Ms. Baez said her notes say he explained that he was going to fix the 4/10ths situation. She said she believes in the training that you do put that the training will be mandatory and the town will pay for it, if need be, that was also a discussion that was had.

Ms. Baez said she would like to add a section of the destruction of documents that the Commission must sign off as well on the destruction of documents. Mr. Mednick said you're basically giving them authority to deny the Mayor the ability to do that if they believe the document should be preserved. Ms. Baez said yes, and within their purview if they want to see the documents first or if they just simply know that they don't have any documents on the docket to be shredded it's up to the Police Commission. She thinks they should be knowing about the business of what's going on in the department. Mr. Mednick asked does she want a simple review of the document or for them to have authority to approve it. Ms. Baez said she would like them to have the authority to approve or deny. **Ms. Baez then moved this as a motion which was seconded by Ms. Sweet.** Ms. Baez said for some safeguards she might go as far as saying this is for fire as well. A vote was taken and approved unanimously.

Mr. Osmanu moved a motion to have the Legislative Council receive a monthly report on overtime and what it's used for. The motion was seconded by Ms. Sweet. **DISCUSSION:** Mr. Osmanu said there's been previous confusion on OT and what it's used for. Ms. Gallagher wonders if this is the section for it and wonders if it should be put somewhere else and include other departments. Ms. Baez suggests sending it back to the CRC to see what section it belongs in. Mr. Mednick stated not just what it's used for but what the legal authority for it is. He said his point is when you get to the budget process you're going to see that we request annual information from the administration regarding the overtime budget and how the overtime budget is developed and what contractual provisions lead to the overtime, particularly in a couple of departments. Mr. Osmanu said he will amend his motion to include that. Ms. Sweet agreed to the amendment. A vote was taken and the item passed unanimously.

Ms. Baez moved a motion to accept the Police Commission as amended, seconded by Ms. Sweet and approved unanimously.

There being no further business Ms. Baez recessed the meeting at 9:12 P.M.

Respectfully submitted,

Kim Renta
Clerk of the Council