

TOWN OF HAMDEN, CONNECTICUT
CHARTER REVISION COMMISSION
MINUTES OF MEETING

July 28, 2021

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A meeting of the Charter Revision Commission was held on Wednesday, July 28, 2021 via Zoom due to the Covid-19 Pandemic. The meeting was called to order at 7:05 P.M. by the Vice-Chair, Ms. Downing and roll call was taken.

MEMBERS PRESENT: Frank Dixon, Chair (after roll call); Jackie Downing, Vice Chair; Lamond Battle, Secretary (after roll call); Tom Figlar; Frank LaDore; Tiffany Artis- Wilson; Nancy Olson; Sarah Gallagher (after roll call); Myron Hul; Jay Kaye; Joshua Sprague Oliveira; Todd Berton; Marnie Hebron; Jeff Cohen (after roll call); Todd Moler (after roll call)

MEMBERS ABSENT: None

ALSO IN ATTENDANCE: Steve Mednick, Counsel; Kathleen Schomaker, Legislative Council President Pro Tempore

APPROVAL OF MINUTES: July 22, 2021 – Moved by Mr. LaDore, seconded by Mr. Sprague-Oliveira and approved unanimously.

PUBLIC INPUT SESSION: There was 1 speaker who thanked the commission for their hard work.

Mr. Mednick went over the process and the things they did with a PowerPoint on the screen. (Attached hereto)

LCR#1: Mr. Mednick said this was a technical request by the Town Attorney dealing with the issue of regular meetings that the language was redundant and a conflict of State law and the sentence was deleted from the Charter. **Approved by commission.**

LCR#2: Mr. Mednick said this was also a request by the Town Attorney to update the eligibility provision and make sure that it is equally applicable to at-large as well as district appointment. He said he made a mistake and meant elected officials as the right term here and the document is corrected. He said this says you have to be a member of your Town and your district for as long as you hold said office. **Approved by commission.**

LCR#3: Mr. Mednick said this is submission requirements of quarterly reports and they were asked to insert the date of July 1st as the commencement date of the fiscal year for quarterly reports each year.

Approved by commission.

LCR#4: Mr. Mednick said this is where the Council asked to eliminate the COO and replace it with a Chief of Staff (COS) with a delineation of responsibilities and that was done last night. He said in the provision they also have professional qualifications that are more flexible than the qualifications that were in the COO position, as well as broader powers and duties that are subject to authority of the Mayor.

Approved by commission.

LCR#5: Mr. Mednick said this is a provision that crosses through a number of sections throughout the charter dealing with the issue of LC district representation and the commission agreed to eliminate the general standard of creating boards and commissions on the basis of LC districts as requested by the Council. He said but the proposed charter requires initial appointments of the Library Board, Police Commission and DEI Commission to be modified by geographic diversity as defined by the DEI commission and incorporated into an ordinance by the LC so that following the initiation of the appointments and adoption of the ordinance subsequent appointments to those 3 commission will not be made on a Legislative Council basis but on geographic diversity basis as defined by ordinance.

Approved by commission.

LCR#6: Mr. Mednick said here they wanted to make sure that the meeting requirement would not be violated if there was a quorum issue.

Approved by commission.

LCR#7: Mr. Mednick said there's a 24 hour standard for meeting notice and unless required by law the meeting notice would apply. He said this was a Council recommendation to be sure the notices comply with law.

Approved by commission.

LCR#8: Mr. Mednick said here the Town Clerk replaces the COO for the assignment of clerks to boards and commissions.

Approved by commission.

LCR#9: Mr. Mednick said this one deals with inspection hours for records in the Town Clerk's office and the Town Attorney wanted to make sure it was standard that public review was in accordance with law.

Approved by commission.

LCR#10: Mr. Mednick said again, the Town Clerk replaces the COO as the party responsible for assigning the appropriate communications capacity to the boards and commissions for the purpose of receiving information from the public.

Approved by commission.

LCR#11: Mr. Mednick said he thinks the commission did an outstanding job here in coming up with a methodology for addressing new material, information that would come before a board or commission after the general public comment session and prior to action by that commission at the discretion of the chair.

Approved by commission.

Mr. Mednick stated he thinks they did a lot of really good things as far as transparency in this charter. He said there's an additional public hearing prior to final action in the budget process that did not exist before and that's consistent with this so he thought it was important to underscore that initiative.

LCR#12: Mr. Mednick said this was the 12 year limit and the commission approved the elimination of the 12 year limit and the errata portion of that is n/a because you didn't approve the 12 year limit so you didn't have to address minority party representation.

Approved by commission.

LCR#13: Mr. Mednick said this was the harsh language of immediately terminating somebody from a board or commission and they put the softer language of a person should immediately resign and if they don't resign removal proceedings can be commenced under §3-10 D of the charter.

Approved by commission.

LCR#14: Mr. Mednick said this was the question of the role of the Finance Commission during collective bargaining where they worked with labor counsel and determined they could play a role in the discretion of the Mayor or the BOE depending on whether this is a teacher negotiation act or a MERA proceeding, and if they do they'd have to be negotiated into the ground rules but it's a discretionary decision by the Board of Ed and Mayor whether to include the Finance Commission in the process.

Approved by commission.

Ms. Downing said she'd like to stop here for a moment and remind the commission that none of these were unanimous votes but they have all passed. She's been watching the gallery for hands for questions and hasn't seen any yet. She said there's no going back and debating any of this, and whether or not everyone agreed they all were passed by this commission. She then asked if they thought this was a fair reflection of what they've done in the last 2 weeks and asked if anyone had any questions about what they remember happening in the last 2 weeks for these first 14 items. There were no hands raised and Mr. Mednick moved on.

LCR#15: Mr. Mednick said this was a request by the Town Engineer to place the word capital in what is already a capital planning process but they added it as well as a reporting period of 5 years as recommended by the Finance Director.

Approved by commission.

LCR#16: Mr. Mednick said the Town Attorney had recommended that the commission should take into account the (unintelligible) of the document. He then said he moved all the footnotes/annotations to the back of the document so you can see where the sections have derived from. They are not for public consumption but someone can have them if they want them.

Mr. Hul asked what is the process of assuring that notes don't eventually get dropped off of whatever document is finalized. Who is the gate keeper of the notes? Mr. Mednick said the final document will be on record at the Legislative Council and the Town Attorney who relies on those annotations and he's not a Town official but as long as he's around he has them, and presumably there's an annotated document in the Town Clerk's office because when we record and file them we do that with the Town Clerk. Mr. Mednick said they're not cut off from the document they're in the back instead of at the bottom of the page. Mr. Hul expressed his concern that somewhere along the line someone would forget about them.

There was then some discussion on where to keep the footnotes/annotations. Mr. Mednick said he will talk to the Town Attorney and make sure somehow they're preserved, but once this is approved and adopted it should be on the website and the website version should have those endnotes.

Approved by commission.

Mr. Mednick said he wanted to point out that late this afternoon he got a call from the Town Attorney who raised a question about the audit commentary provision and concerns raised saying it looked like we were reopening disciplinary matters and he assured her that is not the intent of the language and that the intent of the language was to look forward and prospectively to conduct audits of various functions of the department to help the commission conduct its governance and oversight responsibilities.

LCR#17: Mr. Mednick said here they were asked to replace language referring to electronic access and dedicated email addresses and establishing a standard for public communication.

Approved by commission.

LCR#18: Mr. Mednick said this is language that was recommended by labor counsel dealing with the Police Commission's role in dealing in the Collective Bargaining process.

Approved by commission.

LCR#19: Mr. Mednick said this is the dedicated funding provision for the Police Commission and the other day this commission acted to eliminate the dedicated funding provision and now it'll be a line item as the LC suggested.

Approved by commission.

LCR#20: Mr. Mednick said this was a request to replace a specific delineation of protected classes and the commission chose to retain the delineation of protected classes in the proposed document.

Rejected by commission.

LCR#21: Mr. Mednick said this is the two amendments that were proposed by what they've called the Cesare amendment and Horsley amendment the first one dealing with time of appointment consideration and recommendation by the DEI of Mayoral appointments to boards and commissions and the second one deals with an annual report to the Mayor and LC regarding composition of the DEI boards and commissions commencing on January 1, 2023 and those two items as one were approved.

Approved by commission

LCR#22: Mr. Mednick said this is where they were asked to take a look at for just cause in all cases for dept. heads.

Rejected by commission.

LCR #23: Mr. Mednick said this is where the LC asked us to remove the position of the budget liaison and the commission agreed and removed it.

Approved by commission.

LCR#24: Mr. Mednick said this was about the public having the right to inspect the budget on whatever platform or technology will ensure direct access at all times.

Approved by commission.

LCR#25: Mr. Mednick said this is dealing with the lapse of capital funds and they asked for it to be five years instead of three years and the commission agreed.

Approved by commission.

LCR#26: Mr. Mednick said this is one you'll see throughout the document and is the one where the Town Attorney wanted to make sure that the notice provisions clearly lay out that all our provisions are subject to State law. He said the third bullet will show you every place in the document that this change has been made.

Approved by commission.

LCR#27: Mr. Mednick said #27 is way back in the beginning of the document and in the boards and commissions section Chapter 3 and Chapter 7 we added the clause for the federal crimes of misdemeanors involving ethical issues and conflict issues etc., the term “while in office” to make clear that your conviction has to be while you’re in office.

Approved by commission.

LCR#28: Mr. Mednick said this was the request to deal with curriculum disclosure and it was **Rejected by commission.**

Mr. Mednick thanked the commission for their courtesies to him over the last 10 months and for driving him to do the best job he can for them. He also thanked them for their service.

Mr. Dixon thanked Mr. Mednick for his professionalism, insight, and the way he helped educate him through this process when it comes to charter government provisions and for keeping them on track legally and for helping them make this charter revision the best that they could.

Ms. Schomaker said she appreciated the diversity, thought and opinion of the group and it was a privilege to witness the conversations and decisions. She said she appreciated the process and thanked them all for their service.

Final Report of the Charter Revision Commission

Ms. Downing requested a motion for approving the final report.

Mr. Kaye moved a motion to approve the final report of the Charter Revision Commission for 2021 including the 28 requests that they dealt with in the resolution from the Legislative Council. The motion was seconded by Ms. Artis-Wilson.

Mr. Hul said this commission gave him a run for his money and really made him work and think and not that he came in jaded but he did have experience in volatile matters and always pulled through it but this commission taught him a lot more and he’s grateful for that and now he has to look at this document and decide if he believes it’s in the best interest of Hamden. He said they heard public comment both for and against certain items. He also has to look at this document in its totality and what they did through May 25th and the 28 items of the LC and see if it’s in the best interest for the Town. He thought tonight they’d be reviewing the document by showing the language of the 28 and seeing that it was incorporated. He said in the May 25th document there are at least 2 errors that were identified and in the resolution he asked a question about #25 when it came back from the LC about something he didn’t remember or recognize and couldn’t find in the May 12 document either. He said he stumbled across the answer himself and said citation is wrong and that 10-5 A3(b) should be 10-5 B3(b). He said it’s not a tipping point but something to be mindful of.

Mr. Hul went on to say they discussed, and decided not to bring the LC term to a 4 year term vs the Mayor 4 year term which they did and stagger the LC so that there is some continuity. He said they looked at Town Clerk and didn’t act on Town Clerk in terms of making it appointed rather than elected. He said they looked at district representation on boards and commissions vs geography and although they took out some previous wording they had they kept in the verbiage for district representation, at least initially. The COO and Chief of Staff to him was a huge hit to the document as he fully believed with the COO and believes, and still believes, we needed that type of position in order to drive the Town forward because the watered down version doesn’t achieve what he would expect a COO position to achieve. He said the “for cause” that failed twice in commission he understands the management need for termination but he’s

also experienced enough to see in his own professional life people being terminated for really not good justification but they were because they could be and they failed to put in protection because they couldn't their hands were tied to a degree from Council action to do what he feels should be done. He said he looks at all of this and asks himself is any one of these a tipping point, is the whole greater than the sum of the parts, and that is the question he is going to answer and hopes we have a roll call vote.

Mr. Hul then thanked everyone for their participation and said he's learned a lot from all of them and whichever way this goes tonight he thanks them all and wished them all well and Godspeed.

Ms. Olson said she too thought long and hard about what she's going to do tonight. She said she really doesn't like a fair portion of this document and while she did vote for the affirmative in May she did so with hesitancy and said she thinks the citizens of Hamden deserve to know that this is not a consensus, and they should know in her opinion this document is not clearly written and the average person has little chance of understanding it. They should know that there are many requirements to be met that the average citizen may not be able to see themselves being able to serve on a commission or have to hear from LC the same thing they had to hear that they didn't want to approve some of them but there was nobody else. That some are not going to see themselves being represented in this charter and that attempts of professionalization in certain positions in governme were stricken for one reason or another. She also feels the process wasn't what it should have been with very few attempts of Robert's Rules of Order being followed accurately. They heard the word transparency thrown around throughout the process but what they followed was less than that. Minutes and votes were not posted or presented in a timely manner and she intends no disrespect to the clerk as she understands her position and she enthusiastically made that clear. She said those who voiced their displeasure were called out venomously. Meetings of subcommittees took place and no minutes were taken so the rest of the commission and the public have no idea as to what took place. Off the record meetings took place excluding some of the members of the commission making it evident that some commissioner's opinions and viewpoints were valued much more than others. Sections were written by virtue of the opinions of handpicked experts and the commissioners were allowed to respond to what was written. Most meetings began with an abolishment from the chair which in effect said don't prolong debate or discussion on items we have to move things forward. She said votes were taken and retaken until the desired end was achieved. Throughout the process if other ideas were raised that went against it tactics were used to muffle discussion and this includes language written by a chosen few at the last moment so that all commissioners didn't even have the opportunity to read it let alone ponder it. There was total disrespect of those that voiced alternative opinions through belittlement, bullying words and gestures and condescending attitudes directed towards both commissioners and panelists.

Ms. Olson said she believes the people in Hamden deserve better than this and she's going to do tonight what she should have done in May.

Mr. Cohen said he believes that most commissioners came with a sincere intent to rebuild or at least enhance our current charter to see a more progressive charter (unintelligible) counteracts abuse of power or discrimination, create diversity and protect those that are disadvantaged and everything in between all inclusive. For the DEI Commission he sees them being held to the same rules and accountability as the Police Commission and department are subject to and thinks they need to make sure the implementation of such an important brand new commission is fair and equitable to all the residents of Hamden, anything short of that we fall short of equity. Mr. Cohen said that's what he hears from the commission and public and that he was proud to work with so many of them. He said as a matter of fact while he and Ms. Hebron may have had different opinions on various issues he feels that he has listened and had things reasonably explained to him. He went on to say Vice-Chair Downing is another great example and although they have different opinions he feels he's at least being heard, he doesn't expect agreement, but there's a mutual respect he feels among most of the commissioners.

Mr. Cohen said it was clear very early on at the start of the commission that the Chairman was and is unfamiliar with Robert's Rules enough to run a meeting properly and things that he should have known are factually incorrect on record. He said suggested language by commissioners was oppressed and buried. He said whether they all agree on it or not doesn't matter but everyone should see everything they can to make an informed decision. Topics were claimed they had no time to cover and that's bothersome to him and there seems to have been effort to jam many things through. He said they were told at the beginning to keep it simple and they created a very complex document. He said he has very strong concerns about advisory counsel who felt that he could inject his ideas and images of things that he wanted out of nowhere and thinks he was extremely biased. He said it's very disappointing to him and to have typos and little mistakes like Mr. Hul found which happened a lot of times.

Mr. Cohen said he urges the Legislative Council and the people of Hamden to take a hard look at this document and the process and you may find that everything he's saying is incorrect and that would be okay because he wants to be wrong, but for reasons stated and many more, to be sure that this is the work of the people. He also urges someone investigate from beginning to end the entire process that went on.

Ms. Downing said she looked and Mr. Cohen was correct about the May 25th meeting and curriculum and she apologizes for missing it. She misunderstood and thought the curriculum was the police training and she interpreted it incorrectly and apologizes for that. She then said she wants to go back to the beginning on how this commission was run and say it's been a pleasure getting to know Mr. Dixon. She said they said at the beginning they would go through the issues that were brought before them, they spent lots of time reviewing public comment, lots of time going through the sections with Mr. Mednick and taking those notes saying that was the first thing they did, go through the entire charter and that's when they chose what issues to deal with and which to put aside. She said they brought in expert panels for some things, some of the best in the field, with diverse voices from all over the State who have lived experience on all sides of the issues and gave them real good perspectives of what their choices were and she appreciates all those who came before them and Mr. Mednick for finding the right people to represent so many different positions. She said they also had Department Heads invited, the Legislative Council, they reached out to boards and commission chairs to get their input, and feels they gathered a lot of information. She also feels that they had the opportunity to at any time introduce anything to the commission and if there was enough will to discuss it and if it became an issue they talked about it. She said she believes in all cases Attorney Mednick injected his knowledge and his experience in municipal law and doesn't believe his opinions heavily weighed on this commission, she thinks he was always representing the law and collective bargaining agreements that they aren't familiar with and other things they aren't familiar with so she appreciates the perspective he was able to give them in all of that.

Ms. Downing said they have created a complex document but they have introduced amazing things. The creation of the DEI Commission, the move towards the 21st century policing with the cooperation of the Chair from the Police Commission and the Police Chief. The professionalism and transparency of the Finance Commission that they created are all positive things to move the Town ahead. She said when she looks at this document as a whole she does not agree with it all but this isn't a consensus document it's a democracy, sometimes you lose and sometimes you win, and there are things that she lost and things in here that she doesn't agree with and voted down but she thinks this is the right direction to go in and does not want to revert to the old charter for another 2 to 10 years. She thinks there's amazing things they did in this document and she will wholeheartedly support even the things that she didn't vote for that are part of this charter and encourages her fellow commissioners to do that as well.

Mr. Moler said early in the process he had high hopes and saw this as an opportunity to shape our Town and government but it became clear to him that this document probably represents the Legislative Council's opinion more than it does and it's clear to him that that's one of the Town's problems and until that changes he doesn't see much else changing. He said it was very clear to him his views were going to be limited and not heard and at times disciplined by the Chair, Mr. Dixon, of opinions he says about an elected official which he has every right as a citizen to speak up. He said he doesn't think this represents the Town people but it's a great document for the Legislative Council to continue their shenanigans.

Mr. Cohen said he'd like to clarify that he too thinks there are a lot of great things in this charter but there are a few things though that are dangerous and that he believes makes it possible for people who don't have quite the right ethics to go ahead and substantially change the charter in 2 years to something that it's not. He said it also opens us up to a lot of lawsuits and he doesn't know how the Town Attorney doesn't see that but that's what he sees.

Mr. Dixon said this has been an interesting process. He said he's led various groups and organizations and always prided himself with being fair, stern, and as by the book as possible. He said he spoke to Mr. Mednick and Ms. Downing of the process and such more than he spoke to his own kids in the last 10 months to assure that they were putting together and following the rules appropriately and also trying to ensure discipline and some cordial procedural aspect for what they needed to do. He said he thinks everyone is passionate about what needed to happen for what their perception is of the greater good, but he tried to stay on track with what was the public saying, what is the Legislative Council saying and what are the commissioners saying to make sure that they put a democratically, elected charter revision together that's going to benefit the Town the best that they could with such a diverse commission of ideologies, beliefs and mindsets. He said no one here got everything they wanted out of this document. No one anywhere gets everything they want out of a democratically provision, revision document, and what he will not do is vote against a democratic process document for his own selfish reason or for someone else's selfish reason. He said what he tried to do was assure everyone had a voice to move forward with a document for the benefit of the Town because he plans on living here for the rest of his life and he wants to be sure that they're doing something that's for the overall good of the Town for the future and he'll never put his selfishness in front of that. He said they put 36-37 meetings together and 350 plus hours not to mention the money spent to ensure they were legally on track to do that.

Mr. Dixon said he's happy to have met everyone on this commission for the past 10 months and is happy to have been challenged and learn some of the history and granular detail and aspects of the Town he lives in and that's why he thinks they put together a document to the best of their ability that represents what they heard the last 10 months from the public, from the commission, from the Legislative Council to give it back to the LC and then to the voters in November and it would be a travesty and an embarrassment to this Town and this commission for them not to give the voters that opportunity.

Mr. Cohen said any embarrassment in his opinion would be the process and what went on. He said he didn't say anything about which way he was voting because what he got from that statement was anyone not voting for this was a selfish person.

Ms. Downing said they aren't going to create a dialogue here, this is not a dialogue for that kind of discussion and she believes Mr. Dixon's comment was that he would hope that people would be selfless and say they didn't get their entire way but voting against it because of that is the wrong thing to do. She said if there is one thing in there you disagree with he is encouraging you to be selfless in your vote and vote for the body of the document and not that one item you may disagree with. She said again, they are not voting on the process they are voting on the document that is before them. Is this the right document, and do we feel this is the best document for the Town of Hamden and its residents to act as its constitution for the next 10 years.

Ms. Hebron said she doesn't agree with everything in here but thinks everyone from the commissioners to the Legislative Council to the community, everyone got something that they wanted and no one is going to be completely pleased with this document, there's too many things in this document and there is no human way possible to please everyone or anyone completely. She said they did a lot of hard work and she'd hate to see this not pass, she'd be heartbroken. She then said she wonders what Mr. Cohen thinks is in the document would open them up to lawsuits. She said this document is better than the standing one, it's not perfect, but there will never be a perfect document to everyone, and again, she would hate to see all their hard work go to waste by declining this document.

Ms. Downing spoke on how the Town Attorney oversaw this document and how they addressed all concerns with liability as they went along.

Mr. LaDore thanked the Chair and Vice-Chair for their work on this commission and he thanked Attorney Mednick for his counsel. He knows everyone isn't going to get everything they want and that's not what he's here for but there were a lot of things flawed with this process like issues with Robert's Rules and times when commissioners were belittled or bullied. He said he struggled today to decide what he's going to do and he spoke to a couple commissioners to find out what's the right thing to do for this Town. He said there were things in this that he agreed to and voted on May 25th to move this forward but after the LC brought some things back there are just things he don't agree with and to say that if they vote no they're being selfish or not being wise he doesn't necessarily agree with. He does agree that they spent a lot of time and hours to try and figure out what's best for this Town. He agrees a lot with what was said by Ms. Olson and Mr. Hul about the process and he'll leave it at that. He then thanked everyone for their hard work and he appreciates all the people here but this isn't about people it's about the Town and what we believe in.

Mr. Cohen said (in response to Ms. Hebron) ambiguous language, there are things that are ambiguity in his mind.

A roll call vote was then taken and it passed with 8 in favor (Artis-Wilson) (Battle) (Dixon) (Downing) (Gallagher) (Hebron) (Kaye) (Sprague-Oliveira) and 7 opposed (Berton) (Cohen) (Figlar) (Hul) (LaDore) (Moler) (Olson)

Commissioners then gave their last words of thanks to everyone for their work on this document.

Mr. Mednick said the next step is the Council considers this in whole or in part and then develop questions for the ballot which will be submitted in early September. He then too thanked them all for their work and said he appreciates the diversity and leadership on this group.

There being no further business Mr. LaDore moved a motion to adjourn, seconded by Ms. Hebron. The meeting adjourned at 8:41 P.M.

Respectfully submitted,

Kim Renta
Legislative Council Clerk