

Town of Manchester, Connecticut
Charter Revision Commission
Agenda
December 17, 2024 - 6:30 PM
Lincoln Center Hearing Room & [Zoom](#) Teleconference

1. MEETING CALLED TO ORDER

The meeting was called to order at 6:35 PM.

Present at the meeting were Committee Chair Tim Bergin, Secretary Emily Luna, and Commissioners Tim Becker, Tom Ferguson, Audra Ricci (virtually), Mike Pohl, Harun Ahmed, and Richard Rader. Also present were Assistant Town Attorney John Sullivan, and Assistant Manager Kasia Purciello.

Absent: Dr. Diane Clare-Kearney

2. PUBLIC HEARING

Chair Bergin opened the public hearing at 6:36 PM. There being no public comment, Chair Bergin closed the public hearing.

3. APPROVAL OF MIINUTES

a. Minutes of 11/26/2024 Meeting

There is a motion to approve the minutes of 11/26/24 by Commissioner Pohl. The motion is seconded by Commissioner Ferguson. The motion passes 8-0-0.

4. COMMUNICATIONS

There were no communications.

5. REPORTS

a. Clarification of Certain Board of Director Recommendations by Director Jerald Lentini

Director Lentini provides clarification on Charge #3 and Charge #5, as requested by the Charter Revision Commission.

Commissioner Becker inquired about item “f” on the agenda - “Review Charter Section 3-10 to consider amending the process for Enactment by Petition.” Director Lentini clarified that the current rules state a petition must be certified by the Town Clerk’s Office 10 days after filed, which is a time crunch for the Town Clerk’s office. There is a requirement that a special election must be called in response to a petition, unless there is a regular scheduled election within 90 days. There are many logistical challenges with conducting elections, especially with added burdens because of the early voting mandate. There was a discussion of the turnout thresholds surrounding petitions.

Director Lentini stated that he does not speak for the Board of Directors and cannot state the intent of 9 individuals.

Commissioner Ferguson asked for clarification on item “c” on the agenda – “Review the Charter to consider amending all references regarding the "Town of Manchester” to “City of Manchester.” Director Lentini provided history on the matter and stated that a name change would not result in extra benefits or privileges and is an honorific statement. He stated that the change would be a recognition of Manchester’s history and a celebration of growth.

- b. Commissioner Becker asked for clarification on item “e” on the agenda – “Review Charter Chapter 18 to consider restructuring the Department of Law to a Corporation Counsel.” Director Lentini stated that the intent was to consider the reorganization of the Town Attorney’s office and bringing the office under the Town Manager for supervision. The hiring power would either rest with the Manager alone or with the Manager, with approval of the Board. Through the State, some towns have Human Resources and Risk Management as part of this department. The goal is bringing the law department into the status of full-time employees that are supervised by the Town Manager.

Chair Bergin asked a clarification question about current oversight. Director Lentini clarified that supervision rests with the Board of Directors, not the Town Managers office. Chair Bergin asked whether the town has a staff attorney. Director Lentini responded yes and added that the current Administrative Staff Attorney will be retiring, which presents an opportunity.

Commissioner Pohl asked if this proposal would result in an expansion of the Town Attorney’s office. Director Lentini stated that he is envisioning two or three staff, in addition to a corporation lawyer. Commissioner Pohl and Director Lentini discussed the merits of hiring an Attorney that specializes in one area of law. Director Lentini inquired about the budget for the Town Attorney’s office. Assistant Manager Purciello provided the allocation was \$420,000 in the last budget year. Director Lentini also noted that professional services are budgeted in other areas of the budget, as well. There was a conversation about the total budget for Town legal services.

Commissioner Becker pointed out that the charge to review “City” and “Town” is in contradiction to the charge to review a change from “Board of Directors” to “Town Council.”

Regarding amending the limits governing fines for violations of municipal ordinances, Commissioner Becker asked if there are conflicting state statutes that cap the fine, and if amending the Charter to read “maximum allowed under State statute” would solve the issue. Chair Bergin suggested they change the language to say “up to the \$X amount” as allowed by State Statute.

Commissioner Becker brought up the question of resident vs elector, which prompted discussion about the issues identified with the language specification. Presented issues included whether a provision to exempt the Youth Commission was needed. Director Lentini stated that that would not be a solution, however that is part of the issue. Other issues include that the Town of Manchester’s large immigrant population, which includes lawful permanent residents or individuals here on visas, are potential participants in Town government and cannot currently participate. Director Lentini stated that in the Ethics commission, a complaint can only be brought by electors, and on the question of legal immigration status, the Town is not equipped to investigate the issue.

Regarding the question of residency requirements for Town positions, Secretary Luna pointed out that the Charter has references to relocation within one year while the other has no timelines.

Commissioner Rader raised a question on item “h”, “Review Charter Sections 2-1, 2-11, and 8-1 to consider eliminating the Select Board” and asked why the Select Board would not be needed. Director Lentini stated that the Select Board only exists to appoint when an appointment has not been made to any particular bodies. Commissioner Ferguson commented that the provision has remained all these years with no purpose. Secretary Luna asked whether there is any state statute that prohibits the Commission from making such a change.

Commissioner Becker inquired whether there are any other Town staff requests. Assistant Town Manager Purciello responded that there was one additional request put forward by the Town Manager to review all residency requirements for Town positions.

Commissioner Pohl states that he would also like to review whether there are zoning regulations in the Town Charter that should not be included there. Chair Bergin stated that it will be a substantial discussion and will be added as an agenda item.

Chair Bergin reiterated that the Town Manager has requested that the Charter Revision Commission review all residency requirements for Town positions. Commissioner Becker stated that this question failed 2-1 during the last referendum and this item would aggravate the voters. Chair Bergin requested that the Town Manager prepare a memo for a future meeting.

6. REVIEW AND DISCUSSION OF BOARD OF DIRECTORS' RECOMMENDATIONS FOR CHARTER REVISION

- a. Review Section 3-1 of the Charter to consider amending the limits governing fines for violations of municipal ordinances.
 - i. Chair Bergin opened the discussion.
 - ii. Commissioner Becker stated that it should state the “up to the amount allowable by State Statute.”
 - iii. There is a general consensus around this language.
- b. Review the Charter to consider amending all references regarding the “Board of Directors” to “Town Council.”
 - i. Chair Bergin opened the discussion.
 - ii. Commissioner Ferguson stated that he likes the connotation that the Board of Directors controls the Town’s business. Commissioner Pohl stated that people do not know what the Board of Directors is, for example when door knocking during elections. Commissioner Becker stated that the Board of Directors makes the Town unique, and we are a Town that adheres to tradition. Commissioner Rader can see both sides of this issue and wants titles consistent with the public’s expectations. He will conduct more research before he decides on this issue. Secretary Luna would like to allow the voters to decide on this change. Commissioner Ahmed believes that more people understand the term Town Council. Chair Bergin has mixed feelings about the final language and needs more time for consideration.
- c. Review the Charter to consider amending all references regarding the “Town of Manchester” to “City of Manchester.”
 - i. Chair Bergin opens the discussion.
 - ii. Commissioner Ferguson sees no benefit in changing from Town to City and asked Assistant Manager Purciello what the cost of rebranding will be. Secretary Luna inquired whether it is

against State Statute for the Town to make this change. Chair Bergin states it is not clearly written as a power of the municipality. In the event there is enabling legislation that allows this to occur in the Charter Revision process and if the Commission wants to proceed, then the path is to recommend this to the Board of Directors. Attorney Sullivan stated that this came up during the last Charter Revision Commission and provided a history of the issue and potential pitfalls if the name was changed.

- d. Review the Charter, including Sections 2-2, 2-4(c)(4), and 3-8, to consider amending the term “elector” to “resident.”
 - i. Commissioner Pohl would like to expand the ability to participate in Board of Directors’ meeting. Commissioner Ferguson agrees with Commissioner Pohl and states that non-citizens have no voice and pay taxes through property or rent and should be allowed more opportunities. Commissioner Becker mentions the Board of Tax Review and the issue with having non-citizens reviewing taxpayers’ information. There is a discussion if this change would be applicable to all Boards and Commissions. Chair Bergin states that this is relevant to appointed Boards and Commissions, not elected. Commissioner Pohl states that certain state laws have restrictions. Assistant Attorney Sullivan stated that most are ordinance based, not many Charter based, and he will provide further guidance.
 - ii. Secretary Luna would like to change the language to “resident.” Commissioner Rader is not aware of the full ramifications and was wondering about the decision-making process. He values the idea of having a voice and valuing those who live in the Town.
 - iii. Secretary Luna asked if the Commission would need to define what a resident is if that is the final recommendation.
- e. Review Charter Chapter 18 to consider restructuring the Department of Law to a Corporation Counsel.
 - i. Chair Bergin opens the discussion. There is much legal work done externally when there are known costs and managed costs. He does not understand how this change would be fundamentally different from current operations. Commissioner Becker would consider a hybrid structure, where an Administrative Attorney would report to the Town Manager. Commissioner Ferguson believes that having internal Town Attorney staff may limit the Town. Secretary Luna stated there could be conflict if the Town Manager gives a different direction to the Attorney than the Board of Directors. Commissioner Pohl inquired how much time staff spend in specific areas of law. Chair Bergin stated that it would be helpful to hear what other Towns do. Commissioner Becker asked what the fiscal note is on this proposal.
- f. Review Charter Section 3-10 to consider amending the process for Enactment by Petition.
 - i. Chair Bergin opens the discussion.
 - ii. Commissioner Pohl would like to increase the number of days the Town Clerk’s Office has to certify petitions. Commissioner Becker states there is a statute that allows the Registrar of Voters to assist with certification and is open to increasing the certification period to 14 days, however is not in favor of waiting until November election for a vote. Chair Bergin asked if there was a threshold for voter participation to uphold the results of the special election.

- g. Review Charter Sections 11-3 and 12-4 to consider removing the residency requirement for the Director of Public Works and Superintendent of the Water and Sewer Department.
 - i. Chair Bergin opens the discussion.
 - ii. Commissioner Becker reminded everyone that this question failed in the last referendum. Commissioner Pohl recognizes the logic of residency requirements for positions such as Police Chief, Fire Chief, Town Manager, and Superintendent. Commissioner Rader wonders if the Town can go through the process of trying to hire a resident, and demonstrate the challenges that make it impossible, then allow this change as an exception and not a rule. Chair Bergin asks for a list of all positions in the Charter impacted by this and sees merit to Superintendent of Water and Sewer. Chair Bergin does not understand the premise for Public Works Director. Secretary Luna states that we should standardize how long the individuals filling these certain positions have to move to the Town of Manchester. Commissioner Ferguson states that he would like to see the need for the vested interest for these two positions. Commissioner Becker would like to see a report of which positions residency is required for.

- h. Review Charter Sections 2-1, 2-11, and 8-1 to consider eliminating the Select Board.
 - i. Chair Bergin opens the discussion and provides a brief overview of the issue at hand. Commissioner Pohl believes that the Board of Directors' job is to act in the best interests of the Town. Commissioner Becker asks how other Towns address these issues. Commissioner Ahmed inquires how the Board of Directors identified the charge items.

- i. Review technical changes as may be recommended by Town staff.
 - i. Chair Bergin holds on discussion of this item until the CRC reaches item l in the agenda.

- j. NEW: Review the manner of how Manchester elects the Board of Education and explore the ways other Towns in the State elect Board of Education members and handle vacancies.
 - i. Chair Bergin opens the discussion.
 - ii. Commissioner Becker states that East Hartford has two-year seats and four-year seats. Commissioner Pohl would like to see what other Town's do to elect a Board of Education. Chair Bergin states that Commission members should work offline, without violating any quorum requirements, to come to a consensus on some of these issues that require expertise.

- k. NEW: Review the compensation of the Board of Directors.
 - i. Chair Bergin opens the discussion.
 - ii. The Commissioners discussed the arguments that were made during the last Charter Revision Commission. Commissioner Bergin believes it would be helpful to see what similar towns are paying and asked for a report from CCM. Commissioner Becker states his belief that the Mayor should receive higher compensation because of the duties of the role.

- l. NEW: Review competitive bidding threshold.
 - i. Chair Bergin opens the discussion.
 - ii. Commissioner Ferguson believes this is reasonable and Commissioner Becker believes this is something that we all agree on. Secretary Luna asked a clarifying question about the \$25,000 dollar amount. Commissioner Pohl and Becker asked if the Commission adds "or as allowable by State Statute" so this would not need to be revised if the Statute changed.

iii. There is a general consensus around this language.

7. COMMENT AND DISCUSSION BY COMMISSION MEMBERS ON ITEMS FOR FUTURE AGENDA OR OF GENERAL DISCUSSION

- a. The Charter Revision Commission would like more information on the following areas:
 - i. List of positions in the Charter with residency requirements
 - ii. What appointments or compositions of boards are preempted in state law by elector vs residencies
 - iii. Which Boards and Commissions are comprised of resident vs elector
 - iv. Analysis of other Towns' process for selectboards and actions on vacancies
 - v. Analysis of other Towns' Board of Education terms of office
 - vi. Examples of different Town Attorney/Corporation Counsel models
 1. Overview of Town Attorney total budget
 - vii. Branding cost to change from "Town" of Manchester to "City" of Manchester and a legal opinion on if it would take an act of the legislature to allow this type of change
- b. Chair Bergin asked that we add item m - Review Zoning Regulations in the Charter & discuss the impact of removing them.
- c. Commissioner Becker submitted the following proposals for consideration by the Charter Revision Commission:
 - i. Sec 2-1 Elective Offices - Consider removing the Town Clerk as an elective office and empower the Town Manager to hire an experienced employee when a vacancy occurs. Commissioner Becker would like to see research on whether Towns have elected or appointed positions, and whether those appointments are by the Town Manager or the legislative body. He also provides clarification that this change would not impact the current Town Clerk, and would go into effect when there is a vacancy.
 - ii. Sec 2-3 - Consider a one year waiting period after a Member of the Board of Directors term ends before that person can accept another elective or position as a Town employee as outlined in Sec 4.1.
 - iii. Sec 3-4 Organization - Return to the previous language with the highest vote getter without regard to party, becoming Mayor which will give voters a choice of all twelve candidates.
 - iv. Sec 3-12 Joint Annual Meeting of the Board of Directors and Board of Education - Consider eliminating this section. Commissioner Pohl states that the spirit was to get cooperation between the Boards.
 - v. Sec. 10-5 Political Activity Prohibited - Review to determine if this provision infringes on the First Amendment rights of police officers.
 - vi. Sec. 10-9, 10-10,10-11 Fire Districts and Fire Departments - Eliminate all references to the Eight Utilities District of Manchester. Chair Bergin suggests that this can go under technical revisions.
- d. Commissioner Ahmed requests that the Commission review shifting municipal elections from a 2-year election cycle to a 4-year election cycle instead of a 2-year cycle.

8. ADJOURNMENT

At 9:10, there is a motion to adjourn by Commissioner Ferguson. The motion is seconded by Commissioner Pohl. The motion passes 8-0-0. The Commission is adjourned until the January 14, 2025 meeting.