

Town of Manchester, Connecticut
Charter Revision Commission
Minutes
January 21, 2025 - 6:30 PM
Law Library & Zoom Teleconference

1. MEETING CALLED TO ORDER

The meeting was called to order at 6:33 PM.

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

Absent: Vice Chair Dr. Diane Clare-Kearney and Commissioner Richard Rader

2. APPROVAL OF MINUTES

a. Minutes of 1/15/2024 Meeting

There is a motion to approve the minutes of 1/14/25 by Commissioner Ferguson. The motion is seconded by Commissioner Pohl. The motion passes 7-0-0.

3. COMMUNICATIONS

There are no communications.

4. REPORTS

There are no reports.

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

Chair Bergin began the discussion on absences and whether Commissioners who are absent for a meeting can vote on the actions of the missed meeting if there were any actions taken. Assistant Attorney Sullivan comments on the legality of taking votes in a subsequent meeting. Secretary Luna asked about the clarifying note at the footer of the minutes which states "Note: The votes taken at Charter Revision Commission must make a final vote on all issues at the time the Draft Report is adopted. Accordingly, the Charter Revision Commission can change its vote on any position taken." There is a discussion on how votes will be taken when the draft report is presented.

There is a discussion on item d. and the intent of the Board of Directors. Chair Bergin states that the existing Charter allows both models of attorney offices and that the question is whether they are hired by the Mayor or the Board of Directors. Chair Bergin does not believe that this language needs to change at this point. Assistant Attorney Sullivan discusses the importance of flexibility in the Charter's language.

Commissioner Becker asks about minority representation. There is a discussion on how vacancies are filled and by which party. Assistant Town Attorney Sullivan believes that the Statute included in backup (u) – is the law and provides a legal history of this issue. There is a discussion on who would complete the appointment, in the event of the Select Board's absence following the 45 days after a vacancy, with the Chair Bergin believes it should be the Mayor based on current Statute.

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Commissioner Pohl explains the need for item t. on the agenda and explains that the current timeframe is very tight for appointing members to Commissions/Committees.

There is a caucus at 6:50 PM. The meeting is called back to order at 7:07 PM.

- a. Review the Charter to consider amending all references regarding the “Board of Directors” to “Town Council.”

The Commission takes up Item a. There is a motion made by Commissioner Becker that there is no change made to the language and to keep the tradition of Manchester’s founders from 1947. Commissioner Ferguson seconds the motion. The Chair opens discussion. Commissioner Pohl believes this is an opportunity to allow the people of Manchester to make a choice. The Board should have the opportunity to send this to the voters. Commissioner Ricci states that Manchester is steeped in tradition and that the people of Manchester are very proud of this fact, she also states that personally, she did not have an issue learning the new name when she moved to Manchester. Commissioner Ahmed believes that people would have more familiarity with the term “Town Council” and that more powers and duties are associated with a Town Councilor.

Commissioner Becker states that the title “Town Council” could mean “Town Attorney” – and would confuse people. Secretary Luna is agreeable to either, but overall, in favor of letting the voters decide. Chair Becker as a former candidate for elected office, has struggled to explain what the Board of Directors does versus a Town Council. Assistant Attorney Sullivan provides clarification on the different names that could be used for the Board of Directors.

The motion fails 3-0-4.

Commissioner Pohl makes a motion to change the name of the Board of Directors to Town or City Council, depending on the outcome of item b. Secretary Luna seconds the motion.

The motion passes 4-0-3.

- b. Review the Charter to consider amending all references regarding the "Town of Manchester" to “City of Manchester.”

The Commission takes up Item b. There is a motion made by Commissioner Pohl to recommend to the Board of Directors that this question appear on the ballot. Commissioner Ahmed seconds the motion. Commissioner Becker cites the legal opinion in the backup and asks why the Charter Revision Commission would offer something to the Board of Directors that cannot legally be done. Chair Bergin states the motion can be amended to include a statement that this would only go into effect if it were legally allowable.

Commissioner Pohl amends his motion to recommend to the Board of Directors that this question appear on the ballot if, at the time, it is allowed under CT statute or legal opinion.

Chair Bergin comments that this change would make sense since Manchester is the second largest city east of the river, reflects the diversity of the Town, is reflective of the services of the Town, and is part of the town motto “City of Village Charm.” However, he does not believe it is consequential. Commissioner Ferguson sees no benefit to change from Town to City. Commissioner Becker believes this would fail as a question on the ballot. Commissioner Pohl states that the voters should have the opportunity to decide this question and that changing the name to “city” would make the motto make sense.

Assistant Attorney Sullivan clarifies that the word “Town” first appeared in 1823, and that the power to make this change can be granted by the CT General Assembly. He then cites the City of Groton example.

The motion passes 4-0-3.

- c. Review the Charter, including Sections 2-2, 2-4(c)(4), and 3-8, to consider amending the term “elector” to “resident.”

The Commission takes up Item c. Commissioner Becker asks for a list of Boards and Commissions where non-citizens would be allowed to serve. Assistant Attorney Sullivan provides information on this topic. Chair Bergin asks if non-electors would be allowed on the Ethics Commission or the Library Board. There is a discussion regarding membership of the Youth Commission and the Sustainability Commission. Commissioner Becker seeks clarification on what the question on the ballot would read, which is followed by a discussion on the wording of the question. Chair Bergin, there is a larger question whether the Commission wants to look at all commissions on a case-by-case basis or make a blanket policy.

The Commission will hold this item until they receive further backup and will revisit this once they see a list of those positions by ordinance.

- d. Review Charter Chapter 18 to consider restructuring the Department of Law to a Corporation Counsel.
- e. Review Charter Section 3-10 to consider amending the process for Enactment by Petition.

The Commission takes up Item e. There are 3 different enactments by petition sections in the Charter. There is a discussion on the 15% turnout provision in two of the three Charter sections – the language states that if a petition is used to enact a budget, it requires a 15% turnout in the special election. That threshold doesn’t exist for enacting an ordinance or overruling an ordinance. Chair Bergin believes there should be one standard and a 15% turnout to validate results in all three cases. Commissioner Becker cited Director Lentini’s presentation and stated that the Town Clerk has the authority to request that the Registrar of Voters validate signatures. Chair Bergin states that the 15% threshold applies to passing the Town Charter as well, per State law.

Commissioner Pohl provides historical context and asks if the Commission wants this to be a separate question. There is a discussion on the language of the question for the ballot, and it would apply to Sections 3-9 and 3-10 of the Charter.

There is a motion made by Commissioner Becker to add a 15% turnout requirement to Sections 3-9 and 3-10 of the Charter. Commissioner Pohl seconds the motion.

The motion passes 7-0-0.

There is a motion made by Commissioner Pohl to recommend to the Board of Directors that this question appear on the ballot. Commissioner Ahmed seconds the motion.

The motion passes 7-0-0.

- h. Review technical changes as may be recommended by Town staff.
- m. 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.

The Commission takes up Item e. There is a motion by Commissioner Ferguson. Commissioner Becker seconds that motion. A discussion follows. Commissioner Pohl asks about the intent of this language. Commissioner Becker states that this isn't only about the Town Manager role, but this could apply to other high-level Town positions. Chair Bergin gives examples of many other places of employment where this doesn't exist – it does however exist in going from an elected position to a lobbyist. There is a discussion about how expertise can lie within the legislative body. Secretary Luna points out that Section 2-3 has a typo and adds this to the list of technical corrections.

There is a motion by Commissioner Pohl to take no action on item m. Secretary Luna seconds that motion. The motion passes 6-0-1.

n. Election of Mayor.

The Commission takes up Item n. Commissioner Becker asks if the Commission is happy with the outcome of the last Charter Revision in this field. Secretary Luna believes this issue was decided by the voters during the last Charter Revision.

There is a motion by Commissioner Pohl to take no action on item m. Commissioner Ferguson seconds that motion.

The motion passes 6-0-1.

- o. Eliminate Joint Annual Meeting of the Board of Directors and Board of Education.
- p. Review Political Activity Prohibited clause in Charter.

Commissioner Pohl strongly believes that item p., should be removed from the charter. Commissioner Becker will support Commissioner Pohl's positions, notwithstanding any State laws. Chair Bergin comments that State law gives Town employees the right to have free speech and would like to look at amending the section but states there is value in the Town Manager adopting a policy prohibiting Town employees from:

1. Engaging in political activities while on duty
2. Use Town funds, supplies, vehicles, or facilities to support or oppose a candidate, party, or issue.
3. Use their position to influence, directly or indirectly, any part of the political process, including the results of an election or a nomination for office and payments, contributions, or loans to a party, committee, organization, agency, or person for political purposes.
4. Directly or indirectly coerce, command, or advise a state or local officer or employee to contribute anything of value to a party or person for political purposes.

Commissioner Pohl moves to repeal and replace the political activity prohibited clause as directed at police in lieu of a policy as discussed regarding Town Employees in general. Commissioner Ricci seconded the motion.

The motion passes 7-0-0.

- q. Review shifting municipal election cycles.
- r. Technical Revisions.
- s. Elimination of 3 alternates on PZC.

The Commission takes up Item s. Chair Bergin states that the last Commission expanded the membership. Commissioner Ricci speaks in favor of keeping 3 alternates.

Note: The votes taken at Charter Revision Commission must make a final vote on all issues at the time the Draft Report is adopted. Accordingly, the Charter Revision Commission can change its vote on any position taken.

There is a motion by Commissioner Ferguson to take no action on item s. Commissioner Ricci seconds that motion.

The motion passes 7-0-0.

- t. Extend all November appointments to December and from here on out, all appointments that expire in November expire in December of that year.

There is a motion by Commissioner Pohl that this be included in the draft report to the Board of Directors. Commissioner Ferguson seconds the motion. Commissioner Becker inquires whether this change could be included in the technical changes.

The motion passes 7-0-0.

- u. NEW: Filling of vacancies and minority representation.

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

(None)

7. ADJOURNMENT

At 8:22, there is a motion to adjourn by Commissioner Ferguson. Commissioner Pohl seconds the motion. The motion passes 7-0-0. The Commission is adjourned until the February 4, 2025 meeting.