

Town of Manchester, Connecticut
Charter Revision Commission
Minutes
February 4, 2025 - 6:30 PM
Manchester Room & Zoom Teleconference

1. MEETING CALLED TO ORDER

The meeting was called to order at 6:38 PM.

Present at the meeting were Committee Chair Tim Bergin, Vice Chair Dr. Diane Clare-Kearney, and Commissioners Tim Becker, Tom Ferguson, Mike Pohl, Harun Ahmed, and Richard Rader. Also present were Assistant Town Attorney John Sullivan, and Assistant Town Manager Kasia Purciello.

Absent: Secretary Emily Luna and Commissioner Audra Ricci

2. APPROVAL OF MINUTES

a. Minutes of 1/21/2025 Meeting

There is a motion to approve the 1/21/25 meeting minutes by Commissioner Ferguson. Commissioner Pohl seconds the motion. The motion passes 6-0-0. Vice Chair Clare-Kearney was absent from this vote.

3. COMMUNICATIONS

There are no communications.

4. REPORTS

There are no reports.

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

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. Chair Bergin states that most Boards and Commissions are pre-empted in State statutes and others are governed by ordinances with the ability to appoint. Commissioner Pohl brings up the membership of the Library Advisory Board. Commissioner Pohl states the importance of a student being appointed to this Board, and subsequent discussion on the wording for membership takes place. Chair Bergin and Commissioner Pohl state that the Library Advisory Board should be removed from the Charter, as it would allow the Board of Directors to create an ordinance specific to our history. Commissioner Becker and Commissioner Ferguson can support this notion.

Chair Bergin states that the Youth Commission and Advisory Board of Health was moved out of the Charter during the last Charter Revision Process, however, the Library Advisory Board remained on the Charter, despite also being contemplated. Commissioner Becker supports the idea of moving this Board out of the Charter completely and giving the Board of Directors the ability to set this in ordinance.

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.

Assistant Town Attorney Sullivan gives a historical summary of the library's funding and recommends that the Charter Revision Commission schedule a special meeting with the Library Advisory Board. Another option would be to keep the language intact and add a Youth representative.

Commissioner Becker cites Sections 2-2 and 3-8 of the Charter, which provide information on electors and taxpayers being able to speak at public hearings. There is a question of whether non-electors can initiate a complaint before the Ethics Commission. There is also a discussion on the legal definition of a taxpayer. Commissioner Becker states that the Charter does not differentiate where taxes are paid. Assistant Attorney Sullivan states that in 2008, the change to the Ethics Commission was rejected. Commissioner Pohl recommends a technical change, that states "taxpayer" includes all residents in the Town of Manchester. The Commission discusses defining the taxpayer in the Charter.

There is a motion made by Commissioner Ferguson to 1) recommend that the Library Advisory Board be removed from the Charter and that the Charter Revision Commission should encourage the Board of Directors to establish this Board by ordinance or resolution with increased flexibility to appoint non-electors and 2) define taxpayer in the Charter to include residents. Commissioner Pohl seconds the motion. Commissioner Becker clarifies where the definition of taxpayer would fall. Chair Bergin states it would fall under the procedural definitions under Board of Directors meetings and enactment of the budget by petition.

The motion passes 7-0-0.

- d. Review Charter Chapter 18 to consider restructuring the Department of Law to a Corporation Counsel.

The Commission takes up Item d. Chair Bergin states that all the items discussed as a part of this conversation are already allowable by the Town Charter and it is under the prerogative of the Board of Directors to increase funding for positions or resources. Chair Bergin believes there to be no increased flexibility by restructuring this in the Charter. Commissioner Ferguson does not see the benefit to the residents of Manchester in making a change.

Commissioner Becker makes a motion to take no action on this agenda item. Commissioner Ferguson seconds the motion.

The motion passes 7-0-0.

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

The Commission tables Item h.

- o. Eliminate Joint Annual Meeting of the Board of Directors and Board of Education.

The Commission takes up Item o. Chair Bergin states that this language is currently in two separate sections of the Charter. One section is standalone, and the other is in the Budget Adoption section where there is supposed to be a joint meeting of Boards to explain the Board of Education budget request. Commissioner Ferguson asks if the definition of Board of Education means the Superintendent of Schools (or their representative). Commissioner Becker states there wouldn't be an enforcement mechanism if the Boards don't meet.

Commissioner Pohl provides historical context. Chair Bergin does not believe this needs to be about shared services or consolidation, but rather an annual meeting of the Boards to advance the educational interest of the Town. Chair Bergin suggests that the Budget need not be adopted until the meetings happen. Commissioner Ferguson believes leaving the language is to the benefit of the Town and the two Boards. Assistant Attorney Sullivan states that this was added to the Charter around the early 2000s and that a past Charter Revision Commission recommended eliminating the language, which the Board of Directors voted to maintain. There was a discussion on the historical joint meetings.

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.

Commissioner Ferguson makes a motion that the Charter Revision Commission advise eliminating the language regarding consolidation purposes. Commissioner Pohl seconds the motion. Commissioner Becker states his concerns about the wording of the explanatory text surrounding this proposal. Vice Chair Clare-Kearney asks for clarification on what specific services would be considered for consolidating services. Commissioner Becker provides a history of a consolidated Town/School IT department. Assistant Staff Attorney Sullivan states that in the case of lawsuits, they fall under the umbrella of the Town of Manchester. Chair Bergin believes this proposal could fall under technical revisions because it only eliminates a reference. Commissioner Becker recommends leaving the language as is. Commissioners Pohl and Ferguson withdraw their motions.

There is a discussion on the specificities of conducting a joint meeting. Commissioner Radar asks whether the Superintendent is obligated to initiate a meeting if a resident brings a concern to their attention and if the mechanism would be different than if a resident brings an issue to a Board member. Chair Bergin clarifies that changing the Charter language would not impact this.

Chair Bergin clarifies that the current options for action include 1) Removing the joint annual meeting requirement, 2) leaving the language as written and encouraging both Boards to avail themselves of the existing process, or 3) modifying the language to include specificities, such as, “to advance ...” or “to discuss opportunities for collaboration...”

Commissioner Ferguson makes a motion that Section 3-12 is removed. Commissioner Becker seconds the motion. There is a clarification provided that this language removes the language regarding the joint meeting and the Commission makes no changes to Section 5-2a.

The motion passes 7-0-0.

q. Review shifting municipal election cycles.

The Commission takes up Item q. Commissioner Pohl states that there is no mechanism in State Statute to have a special election for the position of Constable and proposes making the Constable position a 4-year term and having the election held concurrently with the Town Clerk election. There is a discussion on election cycles.

There is discussion on whether the term of an individual elected to a 2-year term can be legally extended. Commissioner Pohl clarifies that the Town Clerk is up for reelection in this municipal election. Chair Bergin suggests that rather than have the term concurrent with the Town Clerk, the effective date of the Constable term be 2027, with a delayed start of the term. Assistant Attorney Sullivan provides historical context on a 1966 extension. Commissioner Becker believes this should be done in 2027 so that when there is a Town Clerk election cycle, there are no Constables up for reelection as he believes that this will simplify the process.

Chair Bergin makes a motion to lengthen the Constable terms to four years, effective 2027. Commissioner Ferguson seconds the motion.

This motion passes 7-0-0.

r. Technical Revisions.

This item is tabled.

u. Filling of vacancies and minority representation.

The Commission takes up Item u. Chair Bergin offers a summation of the issue and states that as recommended by the Charter Revision Commission at this point, the default now would mean that the Board of Directors would appoint a vacancy to all other Boards and Commissioners (except for a Board of Education appointment which would be appointed by the Board of Education itself). If the Charter Revision Commission leaves the language as is, there is a potential that a vacancy will carry until the expiration of the 2-year term. Chair Bergin states that one 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.

possible option is that the Board of Education or Board of Directors, if unable to make a decision, the appointing authority would go to the Mayor who is a singular elected official, this change would mirror what occurs in other Towns.

Commissioner Pohl states that the Power is under the Board of Education but may not be on the Board of Directors. Chair Bergin clarifies that the Charter Revision Commission recommends that the language state that if the Board of Directors fails to appoint a vacant position, or the Board of Education in the case of a vacancy fails to appoint a position, after 45 days, the Mayor shall fill the vacancy by appointment.

Vice Chair Clare-Kearney advises that the Chair of the appointing authority shall make the appointment after 45 days of a vacancy, so if there is a vacancy on the Board of Education, the Chair of that Board of Education should make that appointment. There is a discussion on this topic.

Chair Bergin entertains that in the cases of vacancies lasting more than 45 days where the appointing authority fails to select an appointment, the Chair of the appointing board shall make the appointment. The motion is made by Commissioner Pohl and seconded by Commissioner Becker.

The motion passes 7-0-0.

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

Chair Bergin begins a discussion on appointing Board of Director members to boards and commissions. There is a discussion on the prohibition of Directors serving as members on other Boards or Commissions and that this prohibition conflicts with some appointments like the Sustainability Commission, Repurposed Schools Committee, etc. It is stated that there should be a limited exception written in this section.

Commissioner Ferguson does not want there to be an implication of a conflict of interest. Commissioner Becker suggests a language adjustment to allow members of the Board of Directors to serve on certain commissions.

Chair Bergin recommends we leave technical things to the end, to start the draft report and talk about public hearing.

Chair Bergin discusses the special taxing district, their budget adoption process, and programmatic oversight. There is an opportunity for the Charter Review Commission to review and evaluate what services the special taxing district can offer. Commissioner Becker discusses the future of the Special Services District. Chair Bergin cites Section 5-28 of the Charter and states that the Special Services district decides their tax rate and then there is a duty on the Town to collect the taxes and pass through the money. Commissioner Becker states that the Special taxing district was created by ordinance and any changes could be made by ordinance.

There is a discussion on future meetings of the Charter Revision Commission. The February 11th meeting will be canceled and the Commissioners will review a draft report and add a few agenda items for discussion on February 18th.

Commissioners inquired about the distribution of Manchester Matters and the best way to reach residents. Assistant Manager Purciello stated the Town will post notice of the public hearing where legally required in addition to all social media channels. Assistant Manager Purciello comments that the distribution list for Manchester Matters has approximately 6,000 individual emails.

Assistant Attorney Sullivan clarifies whether the Commission wants to hold a special meeting for the Library Advisory Board. Commissioner Pohl will reach out to the Chair of the Library Board for comments.

7. ADJOURNMENT

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.

At 8:08, there is a motion to adjourn by Chair Bergin. Commissioner Ferguson seconds the motion. The motion passes 9-0-0. The Commission is adjourned until the February 18, 2025, meeting.

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.