

**MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
APRIL 3, 2018 – 7:00 P.M.
LINCOLN CENTER HEARING ROOM**

ONE MEETING AGENDA

PRESENT: Mayor Moran, Deputy Mayor Hackett, Secretary Gates, Directors Castillo, Devanney, Eckbreth, Floyd-Cranford, Galligan and Jones.

ALSO: General Manager Shanley and Town Attorney Ryan Barry.

EXECUTIVE SESSION – The Board went into Executive Session at 6:35 p.m. to discuss Real Estate and Labor Negotiations. Present were Mayor Moran, Deputy Mayor Hackett, Secretary Gates, Directors Castillo, Devanney, Floyd-Cranford, Galligan and Jones. General Manager Scott Shanley was also present. Director Eckbreth entered the session at 6:45 p.m. The Executive Session adjourned at 7:00 p.m. No votes were taken.

1. MEETING CALLED TO ORDER.

The meeting was called to order at 7:05 p.m. All in attendance participated in The Pledge of Allegiance to The Flag, led by Mayor Moran.

2. AWARDS AND PRESENTATIONS. None.

3. OPENING OF MEETING TO ELECTORS OR TAXPAYERS WHO WISH TO BE HEARD ON ANY SUBJECT WITHIN THE JURISDICTION OF THE BOARD OF DIRECTORS. (Sign-up sheet available 15 minutes prior to the start of the meeting)

Chuck Barrera, 35 Foley Street, a disabled Veteran who served more than 18 years in the military spoke in support of the Ordinance for Gold Star families. When a man or woman joins the service, they write a blank check up to and including their life. Some gave some and some gave all. This Ordinance will be beneficial to the families of the men and women in the military who do not make it home. He asked the Board to vote unanimously in support of this Ordinance.

Carl Zinsser, 176 Ralph Road, stated he would like to see support from the State and Federal Government in regard to crumbling foundations. We have known about the problem of crumbling foundations for 15 years but nothing has been done about it. According to the State of Connecticut Insurance Department, the word collapse is defined as “an abrupt falling down or caving in of a building or any part of a building with the result that the building or any part of the building cannot be occupied for its current purposes”. A building or any part of a building that is in danger of falling down or caving in is not considered to be in the state of collapse.

Yesterday, the insurance industry did not pass the only bill that addressed this problem, despite the best efforts of so many. Not only does this affect the people with crumbling foundations but it affects all of us. A bill was passed to allow towns to lower home assessment values for citizens with crumbling foundations. Last year, this cost Manchester over \$200K. If everyone affected by this applied for lowering their assessments, that number would be significantly higher. That \$200K has to be made up by either cutting services or by raising taxes.

We must ask for help from the Federal Government. The Robert T. Stafford disaster relief and emergency assistance act authorizes the President to issue declarations that provide states and localities with Federal assistance in response to natural and man-made incidents. He sent a copy of this to Senator Murphy, Congressman Courtney and CRCOG. He encouraged the Board of Directors to talk to the State Legislators to ask for Federal assistance.

Barbara Vizoyan, 16B Ambassador Drive, is here to speak in favor of the Resolution requesting support of the Legislators to regulate fracking waste at the State level. She would also like to see the Board of Directors approve an Ordinance to regulate fracking in Manchester, as many other towns have done. She believes that if we can get a number of towns to pass an Ordinance that bans fracking waste then we have a much better chance of getting a fracking waste ban in the State of Connecticut.

Janet Heller, 452 Adams Street, asked the Board of Directors to pass a strong Ordinance to ban fracking waste from the Town of Manchester. The waste products from hydraulic fracturing to extract natural gas and oil are highly toxic and radioactive. The nearest state doing fracking is Pennsylvania and they are creating a lot of waste. She strongly urged the Board to pass an ordinance using similar language to the one passed unanimously in South Windsor in February, which prohibits the use, collection, treatment, storage or disposal of any waste product from hydraulic fracturing. In addition, she wants the Board of Directors to support the passage of Senate Bill 103 which would replace the temporary ban currently in place. Several petitions were collected which read “the waste generated by fracking in nearby states is highly toxic and radioactive posing a grave risk to human health and safety. I would like a ban on the importing and treatment or disposal of any such waste within the Town of Manchester.” The petitions were given to General Manager Shanley.

Ken Benjamin, 158 Forest Street, has been a resident of Manchester for about 18 years. The appearance of Town parks and the Broad Street area has improved significantly since he moved to Manchester. He thanked Town management and the Board of Directors for the work that has been done cleaning up the Town.

Mayor Moran stated that he often receives positive feedback from citizens on the work done throughout the Town. He thanked Mr. Benjamin for presenting his comments to the Board of Directors.

Vice Chair Hackett read a letter from Town resident and Senior Center Advisory Committee Chair Donna Wilson who could not be here this evening, which read in part:

“The Manchester Senior Center Advisory Committee was established to consult with the Senior Center Staff providing liaison between the staff and Center membership. As such, we provide input regarding items of concern to Senior Center members. Review of Manchester demographics reveal that close to twenty percent of our population is senior citizens. We feel a significant portion of the redevelopment activity should be senior friendly. The Committee has been following activities relative to the town-owned portion of the Manchester Parkade, concerning the future use of this site. We noted that the contract with the Canadian developer has been extended to allow time for the developer to make recommendations for the future use of this site. At this time, we feel it necessary to request that the needs of seniors be considered during these deliberations. Such usage could include affordable Senior Housing, a new Senior Center or a safe walking trail that has adequate parking configured for seniors. We request that action be taken to ensure that the needs of our senior citizens are considered, taken seriously and included during the deliberations. We want a seat at the table!”

Tom Stringfellow, 183 Hillstown Road, asked the Board of Directors to approve the Ordinance for Gold Star families. Veterans make many sacrifices and put their lives on the line for their country. Their families need to be treated with respect and we need to take any opportunity we can to help them. He talked about an article in *American History* magazine on Robert E. Lee, the leader of the Confederate Army during the Civil War. He recommended the book *Anthology of Amazing Women*. In regard to the Multicultural Affairs Commission, he recommended the book *Why Are All the Black Kids Sitting Together in the Cafeteria?* which deals with multiethnic families and explains how to start conversations around that topic. He attended a presentation at Highland Park School last week about how to deal with the achievement gap. He pointed out that tomorrow is the 50th anniversary of Martin Luther King's death, and that Robert Kennedy's death was two months later.

ADOPTED – Motion to suspend the rules to move Item 12G to the Agenda at this time.

Hackett/Galligan

9 Voted in Favor

12G. Approval of resolution authorizing the General Manager to submit necessary applications to the State of Connecticut for a LOCIP grant in the amount of \$450,000 for replacement of Police Department Air Conditioning Chiller & Cooling Tower.

General Manager Shanley stated this item requires Board action. In response to the Board's request for more information on this project, Facilities Project Manager Chris Till is here to give an overview of the project.

Mr. Till stated several bids were received today for the Manchester Police Department (MPD) and the Whiton Library chiller and cooling tower replacements. The apparent low bid for the MPD project is \$327,100. The range of bids was from \$327,100 to \$364,027. The apparent low bid for the Whiton Library project is \$145,400. Both projects will follow the same timeline. The apparent low bidders will be invited to review their bids to ensure they included the full scope of work in their proposals. We will then proceed with contract awards. The equipment is custom-built so the contractor will need to submit the proposed equipment to be reviewed by Town Engineers and staff to ensure it meets requirements. The project timeline for each is 120 days.

It is not feasible to have the new equipment installed before the cooling season starts. The goal is to get the current equipment through the cooling season if possible and then have the equipment changed over in the fall. If the current equipment should fail prior to the new units being installed, the schedule will be accelerated to get the new equipment in as soon as possible. The useful life for this equipment is about 20 years. MPD is a 24-hour facility and is one of the most critical facilities in Town. There have been some design enhancements incorporated into both projects which will allow automatic changeover between heating and cooling mode without physically having to bring a contractor out to do this. The controls for the units are computer-based controls and will be updated for compatibility with existing devices. For Whiton we were able to design two smaller units that will both run during the peak load for the season but for most of the year one or the other will be able to meet the cooling demands. As the systems get further on in their service life, there will be some level of cooling even if one of the units were to fail.

Vice Chair Hackett asked what the anticipated energy savings would be with the new equipment.

Mr. Till stated as technology progresses, so does the energy efficiency for the equipment. He does not have the expected energy savings but expects the new units to be about 20% more energy efficient than the current equipment. He will research energy efficiency information and get back to the Board.

APPROVED – 12G. Approval of resolution authorizing the General Manager to submit necessary applications to the State of Connecticut for a LOCIP grant in the amount of \$450,000 for replacement of Police Department Air Conditioning Chiller & Cooling Tower.

Galligan/Devanney **9 Voted in Favor**

4. ADOPTION OF MINUTES OF PREVIOUS MEETING.

A. Minutes, March 1, 2018, Joint Special Meeting of the Board of Directors and Board of Education

Gates/Eckbreth **7 Voted in Favor**
(Mayor Moran and Director Devanney abstained)

B. Actions, March 6, 2018 - Regular Meeting

Gates/Floyd-Cranford **9 Voted in Favor**

C. Minutes, March 6, 2018 - Regular Meeting

Gates/Galligan **9 Voted in Favor**

D. Minutes, March 7, 2018 - Budget Presentation to the Board of Directors

Gates/Jones **8 Voted in Favor**
(Vice Chair Hackett abstained)

E. Minutes, March 8, 2018 - Budget Workshop #2

Gates/Galligan **8 Voted in Favor**
(Director Devanney abstained)

F. Minutes, March 14, 2018 - Budget Workshop #3

Gates/Eckbreth **9 Voted in Favor**

G. Minutes, March 14, 2018 - Public Hearing on the Budget

Gates/Castillo **9 Voted in Favor**

H. Minutes, March 15, 2018 - Budget Workshop #4

Gates/Hackett **7 Voted in Favor**
(Directors Devanney and Floyd-Cranford abstained)

I. Minutes, March 20, 2018 - Budget Workshop #5

Gates/Galligan **9 Voted in Favor**

J. Minutes, March 22, 2018 - Budget Workshop #6

Gates/Jones **8 Voted in Favor**
(Secretary Gates abstained)

K. Minutes, March 26, 2018 - Special Meeting

Gates/Hackett

8 Voted in Favor
(Director Floyd-Cranford abstained)

L. Minutes, March 27, 2018 - Budget Workshop #7

Gates/Castillo

6 Voted in Favor
(Directors Eckbreth, Floyd-Cranford and
Galligan abstained)

5. COMMUNICATIONS.

6. REPORTS.

A. Manager's Report

1. Annual Operations and Performance Report

General Manager Shanley introduced Chaz Plungis, Management Analyst, who will give a brief presentation of the Annual Operations & Performance Report for 2017.

Mr. Plungis, stated a Town-wide performance measure initiative was instituted in 2008. All departments report on their performance to the General Manager on a semi-annual basis. This information has been shared in the Annual Report and the Annual Operations & Performance Report. This report is organized differently than in prior years, organized around eight focus areas chosen by the Budget Office in consultation with the General Manager. They are based largely upon strategic priorities adopted by the previous Board of Directors. The eight focus areas include a safe community, vibrant economy, quality parks and leisure services, supportive human services, financial stability, effective governance, dependable infrastructure and healthy community and environment.

Each focus area in the report contains two sections, "How are we doing" which contains key performance measures and "What are we doing" which highlights major accomplishments being pursued by various Town departments to better serve the community. He briefly reviewed the document for the Board members.

General Manager Shanley stated the organization of this report was envisioned several years ago and the process was refined in this year's report.

Director Eckbreth recalled prior discussions about what data was collected, how it was collected, and how to make the information more usable. This report is significantly smaller than the first report that came out but the information in it has increased exponentially. The presentation of the report is much better now and gives a quick snapshot of what is going on in Town departments. The report is much easier to read and is more transparent to the community. Data from this report is being used to make budget decisions. She complimented Mr. Plungis for his hard work on this report.

Mayor Moran also commented on how easy the report is to read and how well it is written and presented. It clearly shows what Manchester has to offer the community. He even suggested Manchester real estate agencies could have this on their desks. The report is very professionally done.

Vice Chair Hackett thanked Mr. Plungis for the report and its contents. This report clearly shows that the Town of Manchester employees are committed to driving results for the residents. There is so much focus in the report on accomplishments and analysis. When you take the time to evaluate how you are doing and then report on it, it's hard to stray from being accountable and evaluating your own work. There are some great narratives about the Town of Manchester in this report.

Mayor Moran stated he and Director Eckbreth were contacted by the press to comment on the report, and unfortunately the reporter seemed to focus on the first part of the report which included crime statistics. There is so much more to this report and so many good things highlighted in this report. He thanked everyone involved in putting the report together.

Director Jones also thought the report was well written but suggested that an index would be helpful. The way the report is written allows us a way to challenge our fellow residents on things that we'd like to see improved. She gave the example of improving recycling to more than 25%.

Mr. Plungis stated the report, *Performance Measurement Report - FY17*, can be found on the Town of Manchester webpage. To locate the report, go to the Budget Office section and look under Performance Measure Reports.

B. Other Reports

General Manager Shanley provided the Board of Directors with a copy of a document produced by the Connecticut Commission on Fiscal Stability and Economic Growth titled *Fiscal Stability and Economic Growth in CT*. On April 24th, there will be a presentation on this topic by Jim Smith, Commission Co-Chair. The event will be held at 8:00 a.m. at the Hilton Garden Inn in Glastonbury. This commission was entirely paid for by private dollars and by volunteers. This is a very real document about what the real financial problems are and recommends a number of key changes that the Commission think should occur. He encouraged Board members to attend, if possible.

7. PRESENTATION OF BID WAIVER REQUESTS. None.

8. PUBLIC HEARINGS (formally advertised).

A. Appropriations to Special Projects as follows:

1. Youth Service Bureau \$20,000
for summer camp scholarships to Manchester youth to be financed by donations from the Mayors' Program for Manchester Children and SBM Charitable Foundation which are gratefully acknowledged and accepted.
2. Increase to Municipal Grant Program (Dial-A-Ride) \$34,575
to be financed by the Department of Transportation for the grant contract period July 1, 2017 through October 31, 2017, for a total appropriation of \$51,863.
3. Recreation Department – Cruisin' on Main..... \$31,383
for program costs for the 2018 event, all direct costs to be reimbursed by the Cruisin' on Main Committee.
4. Memorial Tree Program..... \$815
to be financed by donations which are gratefully acknowledged and accepted.

5. Manchester, CT HOPE Initiative \$530
to be financed by donations which are gratefully acknowledged and accepted.
6. State Asset Forfeiture Account \$25,610
for continuing narcotics investigations, equipment, and/or training to be
financed by proceeds from narcotics investigations.
7. Recreation Department – Yellow Bike Youth Commission Mini Grant \$3,000
to be financed by a grant from the Cruisin’ on Main Committee which
is gratefully acknowledged and accepted.
8. Recreation Department Special Activities Fund \$1,750
to be financed by a donation from the SBM Charitable Foundation to support
the annual Children’s Fishing Derby and the Senior Citizen’s Fishing Derby
which is gratefully acknowledged and accepted.

Mayor Moran opened the floor for public comment at this time. There being no public comment, Mayor Moran opened the floor for Board Members’ comments.

Mayor Moran thanked everyone for the many donations noted above.

Mayor Moran then closed the public hearing on the above items.

B. Appropriations to Education Special Projects as follows:

1. General Improvements to Alliance Districts’ School Building
Grant Program (FY 17/18) \$1,080,000
2. Extended School Hours Grant (FY 17-18) \$125,223
to be financed by a state grant for MELC’s after school care/extended
school hour component to include an hour of academics delivered by
district elementary teachers.
3. Manchester Head Start (3/1/18 – 2/28/19) \$601,024
preliminary appropriation for operation of Head Start program to be
financed by a federal grant.
4. Manchester Head Start (3/1/18 – 2/28/19) \$7,656
preliminary appropriation for Training and Technical Assistance to be
financed by a federal grant.
5. Manchester Head Start (3/1/18 – 2/28/19) \$418,005
preliminary appropriation for operation of Head Start program to be
financed by a federal grant for Enfield Head Start.
6. Manchester Head Start (3/1/18 – 2/28/19) \$5,568
preliminary appropriation for Training and Technical Assistance to be
financed by a federal grant for Enfield Head Start.

Mayor Moran opened the floor for public comment at this time. There being no public comment, Mayor Moran opened the floor for Board Members’ comments. There being no comment, Mayor Moran closed the public hearing on the above items.

- C. Appropriation to Fire Fund Donations (Paramedic Professional Development) \$2,800
to be funded by a “We’re Pulling for You” grant awarded by the SBM
Charitable Foundation to support the “Stop the Bleed Training Day” which
is gratefully acknowledged and accepted.

Mayor Moran opened the floor for public comment at this time. There being no public comment, Mayor Moran opened the floor for Board Members’ comments.

General Manager Shanley stated the “Stop the Bleed Training Day” was very successful. The training session was full and there was a waiting list of 40-50 people. The Fire Department is looking into scheduling another event.

Director Galligan attended the program on Saturday and said it was fantastic. Battalion Chief Beaulieu and the many volunteers who gave up their time to do this did a wonderful job. Attendees were provided instruction on how to help out in an emergency event and were given kits to assist in this. It is a great example of helping our residents learn to help others. He highly recommended the program to his colleagues when it is next presented.

Mayor Moran commented there were 100 people at the event including many volunteers. Training included a Powerpoint presentation and hands-on training. He suggested that it be held again, as it fell on Passover and Easter Saturday. They were teaching individuals that a life can be saved if they can stop the bleeding until medical personnel arrive.

There being no further comments, Mayor Moran closed the public hearing on the above items.

D. Appropriation of LOCIP funds – Police Department Air Conditioning Chiller.. \$450,000

Mayor Moran opened the floor for public comment at this time. There being no public comment, Mayor Moran opened the floor for Board Members’ comments.

General Manager Shanley suggested that the appropriation be amended to say “up to” \$450K based on the bids received, as some came in lower than \$450K.

There being no further comments, Mayor Moran closed the public hearing on the above items.

E. Approval of an ordinance amending Chapter 285, Taxation, in the Town of Manchester Code of Ordinances, by adding a section providing for a property tax exemption for Gold Star parents and spouses. A copy of the proposed ordinance may be seen in the Town Clerk's office during regular business hours.

Mayor Moran opened the floor for public comment at this time. There being no public comment, Mayor Moran opened the floor for Board Members’ comments. There being no comment, Mayor Moran closed the public hearing on the above items.

9. CONSENT CALENDAR. (Items 8E and 12D added)

8A.Appropriations to Special Projects as follows:

1. Youth Service Bureau \$20,000
for summer camp scholarships to Manchester youth to be financed by donations from the Mayors’ Program for Manchester Children and SBM Charitable Foundation which are gratefully acknowledged and accepted.
2. Increase to Municipal Grant Program (Dial-A-Ride) \$34,575
to be financed by the Department of Transportation for the grant contract period July 1, 2017 through October 31, 2017, for a total appropriation of \$51,863.
3. Recreation Department – Cruisin’ on Main..... \$31,383
for program costs for the 2018 event, all direct costs to be reimbursed by the Cruisin’ on Main Committee.

4. Memorial Tree Program..... \$815
to be financed by donations which are gratefully acknowledged and accepted.
 5. Manchester, CT HOPE Initiative..... \$530
to be financed by donations which are gratefully acknowledged and accepted.
 6. State Asset Forfeiture Account \$25,610
for continuing narcotics investigations, equipment, and/or training to be
financed by proceeds from narcotics investigations.
 7. Recreation Department – Yellow Bike Youth Commission Mini Grant..... \$3,000
to be financed by a grant from the Cruisin’ on Main Committee which
is gratefully acknowledged and accepted.
 8. Recreation Department Special Activities Fund..... \$1,750
to be financed by a donation from the SBM Charitable Foundation to support
the annual Children’s Fishing Derby and the Senior Citizen’s Fishing Derby
which is gratefully acknowledged and accepted.
- 8B. Appropriations to Education Special Projects as follows:
1. General Improvements to Alliance Districts’ School Building
Grant Program (FY 17/18)..... \$1,080,000
 2. Extended School Hours Grant (FY 17-18) \$125,223
to be financed by a state grant for MELC’s after school care/extended
school hour component to include an hour of academics delivered by
district elementary teachers.
 3. Manchester Head Start (3/1/18 – 2/28/19)..... \$601,024
preliminary appropriation for operation of Head Start program to be
financed by a federal grant.
 4. Manchester Head Start (3/1/18 – 2/28/19)..... \$7,656
preliminary appropriation for Training and Technical Assistance to be
financed by a federal grant.
 5. Manchester Head Start (3/1/18 – 2/28/19)..... \$418,005
preliminary appropriation for operation of Head Start program to be
financed by a federal grant for Enfield Head Start.
 6. Manchester Head Start (3/1/18 – 2/28/19)..... \$5,568
preliminary appropriation for Training and Technical Assistance to be
financed by a federal grant for Enfield Head Start.
- 8C. Appropriation to Fire Fund Donations (Paramedic Professional Development)..... \$2,800
to be funded by a “We’re Pulling for You” grant awarded by the SBM
Charitable Foundation to support the “Stop the Bleed Training Day” which
is gratefully acknowledged and accepted.
- 8E. Approval of an ordinance amending Chapter 285, Taxation, in the Town of Manchester
Code of Ordinances, by adding a section providing for a property tax exemption for
Gold Star parents and spouses. A copy of the proposed ordinance may be seen in the
Town Clerk’s office during regular business hours.
- 12A. Appropriation to Special Projects (under \$500) as follows:
1. Police Donations Revenue Account - Manchester Police Explorer Post..... \$140
to be funded by donations from Kimberly Fogarty (\$75), Stephanie
Szymonik (\$25) and Lourdes Moran (\$40).
 2. Hockanum River Linear Park Special Grant Account..... \$233
to be funded by donations in memory of Frank Horton (\$125) and a donation in
memory of Paul Haid (\$108) which are gratefully acknowledged and accepted.
- 12B. Approval of a resolution authorizing Scott Shanley, General Manager, to enter into
contracts with the State of Connecticut, Department of Agriculture, regarding a grant
awarded by the Department of Agriculture to be utilized for the operation of the Spruce
Street Market.

12D. Approve transfer of closed-out project appropriations to Unallocated Reserves, as listed.

Devanney/Jones

9 Voted in Favor

10. ACTION ON ITEMS OF PUBLIC HEARING.

AMENDED – 8D to read Appropriation of LOCIP funds – Police Department Air Conditioning Chiller up to \$450,000.

Galligan/Hackett

9 Voted in Favor

11. UNFINISHED BUSINESS.

A. Appointments to Boards and Commissions which have members with terms expiring in November 2017:

<u>Board/Commission</u>	<u>Name</u>	<u>Term Expiring</u>
<u>Cheney Hall Foundation, Inc.</u>	A - Edward Rowe, 806 Vernon Street (D)	November 2018

Jones/Floyd-Cranford

9 Voted in Favor

B. **TABLED** - Appointment of a member to the Redevelopment Agency with a term expiring November 2021 to fill the vacancy left by Robert Schneider (R).

Eckbreth/Galligan

9 Voted in Favor

C. **TABLED** - Approval of an ordinance establishing a Multicultural Affairs Commission.

Eckbreth/Gates

9 Voted in Favor

D. Approval to join opioid lawsuit.

General Manager Shanley explained this item was brought to the Board of Directors by Sarah Howroyd at a previous meeting. It was since referred to the Town Attorney's Office that has interviewed multiple law firms engaged in very similar lawsuits to ultimately provide a recommendation.

Attorney Barry would recommend that the Town of Manchester join a lawsuit. There are nearly 400 federal lawsuits across the country. According to the attorneys he has spoken with, those lawsuits could be reaching a settlement within a year. Most attorneys agree that these lawsuits would be favorable to the defendants. The recent lawsuits brought by some of the Connecticut law firms, that are trying to get the business of our municipality to join, are brought individually in State court. The defendants, the drug makers and distributors of the opioids, have been trying to remove cases from State court to Federal court to be put into this settlement track litigation in Ohio. Here in Connecticut, one firm has brought a lawsuit on behalf of Waterbury which was transferred to the complex litigation docket in Hartford. Another law firm representing New Haven and New Britain has brought a lawsuit which was consolidated on the complex litigation docket with the case from Waterbury. The belief is that any other lawsuits that are filed will be consolidated into this. The complex litigation docket has 3 locations in the State of Connecticut with 1-2 judges at each location, who handle matters that are legally, factually or procedurally very

complex and follow them through to completion. Attorney Barry also spoke with a firm out of Danbury which is working with a large firm in Tennessee. The Danbury firm has not yet filed their lawsuit.

The bottom line is that if the Town of Manchester is not in a lawsuit, we cannot benefit in the settlement of the lawsuit. If the Attorney General's Office settles in a case filed on behalf of the State, as with the tobacco litigations, the settlement is not shared with the municipalities because they did not file individual lawsuits. All these firms agree that municipalities should file individual lawsuits. If a law firm is hired by the Town of Manchester, the firm's damages expert would come in to meet with Town management to determine the damages wrought upon the community.

After much research, Attorney Barry recommends that Manchester file a lawsuit. It will not cost the Town any money as the law firms front the cost for the lawsuit. Our damages would be individualized and specialized based upon their investigation of our Town and how it has been affected. This would give us a seat at the table if there was a settlement. Attorney Barry is close to deciding which firm the Town should use, if the Board of Directors agrees to file a lawsuit.

Mayor Moran thanked Attorney Barry for all the work he has done looking into this. He asked Attorney Barry for a written recommendation for the May Board of Directors Meeting.

D. **TABLED** - Approval to join opioid lawsuit.

Galligan/Floyd-Cranford

9 Voted in Favor

12. NEW BUSINESS.

C. Resolution requesting support of Legislative delegation to regulate fracking waste at the State level.

Mayor Moran stated Kathleen Dargan brought the environmental concerns of fracking waste to the Board of Directors and was a big supporter of banning fracking waste from the Town of Manchester and across the State. Unfortunately, she passed away right after the last Board of Directors meeting. He asked for a 30-second moment of silence in her honor.

General Manager Shanley indicated Senate Bill 103 is currently pending. There is an amendment strengthening the proposal from the current ban to include "other products derived from oil extraction activities and byproducts of the well-drilling process itself". Those additional restrictions strengthen the Bill to the point where the Connecticut Conference of Municipalities (CCM) feels that it is strong enough to address the fracking waste issues. The Resolution before the Board of Directors would be forwarded to our Legislators to encourage them to support SB 103 so that the current moratorium that expires in July on bringing fracking waste of any kind into the State of Connecticut will become codified and become permanent. The DEEP would then be responsible and have the ability to exercise much more significant penalties than any one Town could. While there are several communities that have passed an Ordinance to ban fracking waste, he questions whether or not we could enforce it locally. He recommends that we first try to get the State to put a ban in place statewide, and if they fail to do that we take another look at a local ban.

Secretary Gates read the Resolution:

Resolution supporting a ban on
use of hydraulic fracturing
in the State of Connecticut

WHEREAS, in recognition of Kathleen Dargan, who brought the environmental concerns of fracking waste to the Board of Directors through Director Floyd-Cranford; and

WHEREAS, as an engaged State resident, she expressed concerns over the potential use of hydraulic and contaminated hydraulic fracturing waste alone, and, as a byproduct in commodities, like road salt, brought into town; and

WHEREAS, the State of Connecticut currently has a moratorium in place that needs to be replaced by a more permanent statutory ban; and

WHEREAS, as with most environmental legislation, managing such exposures at the State level is the more effective approach rather than town by town; and

NOW THEREFORE BE IT RESOLVED, that the Board of Directors joins the Connecticut Conference of Municipalities (CCM) in advocating for State legislation and specifically the amendment of Senate Bill 103 to require DEEP to regulate, evaluate and enforce fracturing waste in Connecticut to include banning waste resulting from oil extraction activities; byproducts of the well drilling process which occurs prior to fracking; and products derived from solid waste products that may include construction fill, brownfield capping materials, or used frac/silica sand that is partially processed and reused; and

BE IT FURTHER RESOLVED, that the Board of Directors requests its legislative delegation to advocate for regulating such waste and supporting the amendment.

Director Floyd-Cranford stated that on behalf of the late Kathy Dargan and her friends who are here supporting this, she is really glad that she reached out for the protection and preservation of our environment. She thanked those who continue to support Kathy's efforts for coming tonight and the Board members who are also supporting this effort.

Mayor Moran is in favor of the resolution and would like to push our Legislators to ban this at the State level. He echoed Mr. Shanley's comment that if this doesn't pass at the State level that we need to bring it back in front of the Board of Directors. Hopefully, it will become a State ban and we won't have to oversee this on the local level.

Director Eckbreth indicated the Town residents who spoke tonight felt strongly that the Town should also pass its own Ordinance. The sentiment was that if the Town passed an Ordinance it would somehow embolden the State to do the same. Unfortunately, that has not always been our experience. Generally when a lot of towns pass an Ordinance, the State feels they no longer have to deal with the issue because the issue has been addressed locally. If we use our powers to talk to our Legislative delegation and ensure they are in support of this, a much stronger Resolution is for the State to pass the ban. They have the wherewithal to enforce it far greater than we could. The Town of Manchester could pass an Ordinance but it could be very difficult to enforce, especially without the State backing.

Manchester is in a unique position with our landfill to have some direct controls over some of the things that we do in Town and we don't need an Ordinance to do that. We can ensure that if there are any fracking waste loads that come into our landfill that there is a fine to go along with that. It is a dilemma on whether we do one or both, but she feels pushing at the State level is the appropriate course of action at this time. If we do not get a resolution at the State level, we should readdress it locally. She does appreciate the comments this evening.

Director Galligan asked General Manager Shanley if we had an idea through CCM what direction the Legislators might go on this issue.

General Manager Shanley's take from this morning's meeting is that the Senate Bill is still alive and there are a number of communities that are asking the State to pass this Ordinance. DEEP does not believe that it is a problem for Connecticut to regulate. The key is to have the Legislature take action.

Secretary Gates shares the concern about the political climate of the State and the unsurety that they'll get to the right answer. He does support the Resolution but doesn't feel like it goes far enough. We need to be prepared for whatever the outcome at the State is and decide if an Ordinance is the most effective way to go. There is a lot of confidence that the Amendment to the Senate Bill will go through. He asked General Manager Shanley what happens once we adopt the Resolution.

General Manager Shanley stated there was a Supreme Court decision recently in the Williams vs. The Housing Authority of the City of Bridgeport case. Because the law required apartment complexes to be inspected by the Fire Department, when there was a death in a fire, the victim's family filed a lawsuit against the City. The City tried to defend itself to say that it had Municipal immunity and the Supreme Court's determination was that they did not. That's the downside to local action.

Once the Resolution is adopted by the Board of Directors, a letter will be sent to each of our Legislators with the attached Resolution informing them that the Board of Directors of the Town of Manchester asks them to support Senate Bill 103 with the Amendment. Nothing could be more effective than individual Board members calling individual Legislators asking for their support.

Secretary Gates agreed that he would like to see each Board member commit to contacting our Legislators, to give the Town residents more peace of mind on this topic.

Vice Chair Hackett thanked the residents who spoke out on this issue. With the Opioid crisis, there is better leverage if we present our own case and take this as a sole journey. But with regard to fracking waste, it would be more effective to pursue a ban at the Legislative level in Connecticut. There is some uncertainty here as well as in the fact that DEEP doesn't believe there is a problem. Having Legislative influence will help us. She would like us to encourage this at the State level and then take action in a local Ordinance if needed.

Mayor Moran noted we should be prepared to write an Ordinance in the near future if we have to. He also thanked residents who spoke at the last two Board meetings in support of this about. He also agreed with Secretary Gates that each Board member should call our Legislators to ensure SB 103 is passed.

- C. **ADOPTED** - Resolution requesting support of legislative delegation to regulate fracking waste at State level.

Gates/Eckbreth

9 Voted in Favor

- E. **APPOINTED** - Geoff Naab, 188 South Main Street, (R) to fill the vacancy on the Cheney Brothers National Historic District Commission with a term expiring November 2018.

Jones/Eckbreth

9 Voted in Favor

- F. **APPOINTED** - Deborah Starkel, 9 Cheney Lane, (D) to fill the vacancy on the Cheney Brothers National Historic District Commission with a term expiring November 2019.

Jones/Eckbreth

9 Voted in Favor

13. COMMENT AND DISCUSSION BY BOARD MEMBERS ON ITEMS FOR FUTURE AGENDA OR OF GENERAL CONCERN.

Director Jones proposed three new Subcommittees or working groups. One would be to address the naming of Town facilities. This issue came up recently when renaming the Westside Pool. The committee would look into what historical procedures are in place to ensure that we adhere to them, and to ensure the information is readily available to our community and is transparent.

Mayor Moran recalled that the Board of Directors discussed this issue in the past and he asked General Manager Shanley to look for past minutes that could be shared with the present Board on this topic.

Director Jones recommended a second group to begin to look into the Town's contributions to non-profits. Again, we need to be transparent in how we allocate the funds, if at all, going forward. The third suggestion is for a working group or subcommittee to review and discuss TOMMIF funds. She would like this to be a stakeholder group including representatives from the unions across the Town and members of the BOD and BOE.

General Manager Shanley suggested that a subcommittee of the Board of Directors first have a meeting with the Director of Finance to discuss this proposal. TOMMIF is not subject to collective bargaining and is not just another Town fund. There have been extensive meetings over the last several months around this that the Board members should be updated on before there is a subcommittee put together for this purpose.

Vice Chair Hackett stated a small committee worked with the General Manager, the Public Works Director and Brooks Parker to discuss refinement of policies, guidelines and community education around transfer station practices. She'd like to reconvene this committee with the new Public Works Director to create a formal plan to roll out the initiatives discussed on the subcommittee, one of which was to create a citizens advisory committee. In the meantime, the original group that formed the sustainability master plan is interested in continuing discussions. She would also like to invite others who have shared concerns to join this committee. This is a good time to move forward on this. She would be happy to help bring initial structure to this process.

Mayor Moran was reminded of a discussion at a recent Board meeting which included Chief Montminy about what vehicles could or could not be parked on the streets. He asked if we could follow up with the Chief to continue this discussion. He reminded Board of Directors members that Agenda items for BOD meetings can be suggested through their party leader.

14. ADJOURNMENT.

The meeting was adjourned until the May 1, 2018 Regular Meeting of the Board of Directors at 7:00 p.m. in the Lincoln Center Hearing Room.

Castillo/Galligan

9 Voted in Favor

Adjournment: 9:10 p.m.

lgl

APPROVED:

ATTEST:

Secretary, Manchester Board of Directors