

MINUTES
SPECIAL MEETING OF THE BOARD OF DIRECTORS
JUNE 21, 2018 – 7:30 P.M.
LINCOLN CENTER HEARING ROOM

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

ALSO: General Manager Shanley and Administrative Staff Attorney Tim O’Neil.

MEETING CALLED TO ORDER

The meeting was called to order at 7:35 p.m. All in attendance participated in The Pledge of Allegiance to The Flag, led by Mayor Moran.

1. PUBLIC COMMENT.

There were no public comments.

2. Rescission of Nathan Hale as a polling place for FY2018 elections and future reconsideration of polling place alternatives.

Mayor Moran stated that at the June 5, 2018 Board of Directors meeting, the Board members voted 9-0 to bring the voting poll back to Nathan Hale for the 2018 elections. Since then, we found that that is not possible this year, as State Statutes require a 90 day notice. He asked Administrative Staff Attorney O’Neil to explain this.

Attorney O’Neil explained that after the June 5, 2018 Board of Directors meeting he was asked to prepare an Ordinance that would change the voting districts and designate a polling place for the new voting district in the Spruce Street neighborhood. There are over 700 Statutes that govern elections, voting districts, polling places and the timing for elections. The Legislative body determines voting districts and the Registrars of Voters determine polling locations. In reviewing the Statutes, we found that there were timing standards that could not possibly be met to change the voting district and polling place for 2018.

Statute 9-169 governs voting districts, and states the Legislative body determines voting districts and the Registrars of Voters determine suitable polling places. In the next to last sentence of this Statute, it states any change in the boundaries of voting districts made within 90 days prior to any election or primary shall not apply with respect to such election or primary. 300 Statutes later is the provision that indicates the polling place for the primary must be the same as the polling place for the election. In order to change the voting district this year, you would have had to act at the May Board of Directors meeting, otherwise you would not meet the 90-day requirement.

Mayor Moran stated the reality is that we can’t add a new voting location until 2019. Though this was prematurely acted upon, the Board of Directors still want to restore a polling place to this neighborhood by 2019.

Attorney O’Neil explained that because an action was taken stating Nathan Hale will be a polling place for the 2018 elections, a rescission needs to be made.

Director Floyd-Cranford wants to ensure that when we make a motion to rescind the voting location for 2018 that we amend it to open this voting location for 2019.

General Manager Shanley indicated that one way to accomplish that is to include in the motion to put it on the agenda in December, after the November election.

Director Devanney asked Registrars Stevenson and Becker to address this topic. He asked what the likelihood is to be able to make Nathan Hale a voting location for the 2019 elections.

Mr. Stevenson stated that after the June Board of Directors meeting, the Registrars and Director Devanney toured Nathan Hale and noted some possible compliance issues. They had an email conversation with General Manager Shanley and the Building Inspectors who outlined a number of building accessibility deficiencies. Temporary measures could be taken to mitigate the deficiencies for Election Day. It needs to be determined if the Board of Directors wants to continue to look at Nathan Hale or look for a more suitable location in that neighborhood.

Mr. Becker indicated State Statutes require that all polling places are ADA compliant. If there is no ADA compliant polling place within that voting district, a waiver could be applied for from the State of Connecticut. The Registrars believe there are other buildings that would be more suitable in this district.

Mayor Moran inquired if Bennet was considered as a polling location.

Mr. Stevenson explained that Bennet meets accessibility requirements and is a more suitable location for a polling place. Nathan Hale can be looked into for a future voting location.

Director Devanney asked if a waiver had been applied for in previous elections and what the likelihood is that it would be granted. He thanked the Registrars for the research they have done in regard to this topic.

Mr. Stevenson responded that with some guidance and funding from the Town, Nathan Hale could likely be brought up to ADA compliance. He believes a waiver for Nathan Hale would be denied because Bennet is a suitable location in the same district.

Mr. Becker added that according to Google Maps, Bennet is .6 mile from Nathan Hale. He wondered why we wouldn't want to use a school that has been completely renovated as a polling location. It would be one of Manchester's nicest polling places.

Director Eckbreth is uncomfortable with the word "rescind". It was very clear at the last meeting that the decision to change the polling location was unanimous. We knew Nathan Hale had issues but there are very valid arguments that Nathan Hale is an anchor to that neighborhood and to have this building unused is not something any of the Board members want to see. The building has historic qualities to it, so it is a building we have to address. She has heard arguments about the appearance of unfairness in our community but Manchester does a better job than most communities in Connecticut in dealing with diversity. The Board of Directors work very hard to that end. The use of Nathan Hale as a polling location goes beyond disenfranchisement; it is about

safety. It is very disheartening to approve a new voting location and use of a building with the argument of inclusion without consideration for the disabled residents who wouldn't be able to enter this facility and vote here.

The Board of Directors looked at a figure of \$6-8M to bring this building up to full code compliance. This is a very difficult situation, and it was a difficult situation when the Board of Education decided to close Nathan Hale. The decreased enrollment numbers for Nathan Hale and building issues, including the boiler, were real concerns. The building was closed for the right reasons but the inability of us to get it back up to code compliance is for the wrong reason. As a governing Board, we unanimously agreed that all of our residents, regardless of ability, race or income, should have the ability to exercise their right to vote. She stands by her vote to create another polling location in this neighborhood, just as she did in 2012.

We currently have activities in Nathan Hale but there are individuals that are excluded from them. To find out there was no handicap accessible bathroom in that building was disheartening. The State of Connecticut has placed disabled individuals in this community. She is uncomfortable continuing to use the building without modifications being made, as she is uncomfortable with marginalizing disabled residents. We need to have an honest conversation about inclusion and at the same time we need to be involved in promoting policies that will not exclude participation by our most vulnerable residents. She apologized that this issue was dropped at the feet of the Registrars. Our Registrars of Voters have made great gains in ensuring that voters come out to elections.

The decision made by this Board at our last meeting was a hasty decision; it was an emotional decision. It went from a discussion item to an action item because we felt strongly about it. We shouldn't wait until December to make a decision. Our preference is Nathan Hale and we need to work with Town Staff to see how we can make that happen.

Director Floyd-Cranford emphasized we are speaking on behalf of people who aren't here but who really want a polling location in their neighborhood. Nathan Hale is a building that still means a lot to the people who live in that community but they don't have programs and services in that building that they can utilize, but see others coming from different communities who utilize it. She agrees with Director Eckbreth that this building needs to be brought up to ADA compliance, for the sake of the community to have full access to that building for activities that others do in their neighborhood schools. Bennet School is not the same. This is an important issue, about valuing people on an equal level. If we value that community on an equal level, we will do whatever we can to bring Nathan Hale up to code.

General Manager Shanley explained that about 6 years ago, Manchester High School applied for a grant and from that came an ADA audit. Just this week, we heard from our attorney about the amount of work that had to be done in that building and still needs to be done to meet ADA compliance, even in Bailey Auditorium after spending \$5M on it. The Board needs to give clear direction on what they are asking in regard to Nathan Hale. There is a huge difference between making Nathan Hale fully ADA compliant or making accommodations for voting in that building.

Director Eckbreth talked about the bathroom behind the gym at Nathan Hale which is not accessible for anyone with a disability. She is not requesting the Town completely renovate Nathan Hale, but she'd like the issues brought up in the Registrars report addressed if it's to be a

polling location. There has to be striping in the parking lot, wheelchair access to get in and out of the building and a handicap compliant bathroom in that area of the building. We need to make the building accessible for its current use and for a future use as a polling location. That is not insurmountable.

Director Floyd-Cranford stated the building is being used for pickle ball, and if we can make it usable for this activity we need to get it up to compliance for residents to vote, which is much more important than a recreational sport.

Mayor Moran commented that it is clear this Board wants to move forward with putting a voting poll back in that district, and specifically at Nathan Hale if possible.

Attorney O'Neil noted the Statute reads: "The Registrars may select a site not needing such standards if no available site within the voting district can be reasonably made accessible". You can file a waiver application but the Secretary of State can object and not grant the waiver. The Registrar of Voters are responsible for finding a suitable polling location. The problem with the analogy of using Nathan Hale for pickle ball vs using it for voting is that there are no State Statutes governing buildings for pickle ball use, but there are very precise Statutes governing voting districts and polling places.

Director Galligan asked for clarification of the guidelines for a waiver.

Attorney O'Neil responded the Statute reads: "Each polling place shall be made accessible and usable by persons with physical disabilities by complying with the following standards of accessibility: 1) Doors, entrances and exits used to gain access to or egress from the polling place shall have a minimum width of 31 inches. 2) Temporary ramps shall be made available or curb cuts provided where necessary for accessibility to the entrance. 3) Any stairs necessarily used to enter the polling place shall have a temporary handrail and ramp. 4) In the polling place no barrier shall impede the path of a person with physical disability to the voting booth. The Registrars of Voters in each town shall select as polling places only those sites which meet the Standards of Accessibility required under the State Building Code as revised pursuant to Section 29-269." If it is determined that a polling location is not going to meet all of those standards, then you can apply for the waiver. For 12 years the Town has been dealing with making various school facilities and buildings ADA compliant.

Director Galligan wants to ensure we remove any confusion or uncertainty for this year's election, since action was taken at the June meeting. He wants to be sure no voters in the affected area go to Nathan Hale to vote because they thought it was going to be there. We need to be sure it is very clear where the polling location is for 2018.

Vice Chair Hackett agrees there is a level of confusion after the June meeting. She asked if a rescission vote is needed. It is very important that our intent remains as it was at the last meeting.

Attorney O'Neil responded that at the June 5th meeting, the Board of Directors made an affirmative action that read: "Add Nathan Hale as a polling place for the upcoming elections." That needs to be rescinded or amended.

Vice Chair Hackett also commented about ADA compliance. She doesn't want the prolonged audit at Manchester High School to discourage us from doing the right thing. If we get State election officials out to examine possible voting locations she hopes that it's not based purely on the physical plan, but based on what the community needs to maintain its spirit and character. She asked how they evaluate the fitness of a facility. She is concerned that if we do not take the right action for ADA compliance, then we are writing off a community. We really need to look at creating community resources that properly accommodate the public who are using them.

Mr. Stevenson explained that about 3 years ago a Compliance Officer from Protection and Advocacy for Persons with Disabilities came to the Senior Center. She was on the ground with tape measures measuring the inclines at the Senior Center, which was found not to be ADA compliant as a polling place.

Director Eckbreth stated that if we don't make this a priority of the Board, then it won't happen. There is a safety issue with Nathan Hale. This building isn't just used for pickle ball. We have had community meetings in the building. She wants to ensure that the area we have open in that building is brought up to compliance. We have a team, we have the experience and we can get this done. If it is the desire of this Board to make this a polling location, then let's do it. She understands it's the Registrars call but let's give them the tools they need to make that call. This is a minor issue in comparison to the things the Board of Directors has accomplished in the 13 years she has been on the Board. We need to make Nathan Hale something the neighborhood can be proud of.

ADOPTED - Motion for brief recess at 8:25 p.m.

Jones/Eckbreth

9 Voted in Favor

The meeting was reconvened at 8:40 p.m.

ADOPTED –Modification of Action No. 188-18 as below.

"Action No. 188-18 is hereby modified by withdrawing the language of that action and substituting the following language in its place: the Board of Directors request that the Registrars of Voters research the issue of creating a new voting district, to be effective beginning in 2019, to accommodate the residents who prior to 2012 voted at Nathan Hale School and designate a suitable polling place, preferably at Nathan Hale School, for the new voting district in accordance with State Statutes and report back to this Board."

Eckbreth/Floyd-Cranford

9 Voted in Favor

3. Discussion and action regarding ADA code compliance and concerns at Nathan Hale.

ADOPTED - Motion to remove Item 3 from the agenda. (Discussed above.)

Eckbreth/Jones

9 Voted in Favor

4. Community Engagement Project Launch - review of project scope and timeline.

Mayor Moran introduced Kenya Rutland from KJR Consulting.

Mr. Rutland provided an update to the Board of Directors on the Town of Manchester's Community Engagement Project, which is set to be launched on July 1st. He wanted to ensure all Board members are clear on the focus and timelines for the project going forward. All Directors questions were addressed.

5. ADJOURNMENT.

The meeting was adjourned until the July 10, 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: 9:28 p.m.

lgl

APPROVED:

ATTEST:

Secretary, Manchester Board of Directors