

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**  
**FEBRUARY 2, 2021 - 7:00 P.M.**  
**LINCOLN CENTER HEARING ROOM**

**ONE MEETING AGENDA**

**PRESENT:** Mayor Moran, Directors Conyers and Dougan and General Manager Shanley.

**REMOTE:** Deputy Mayor Jones, Secretary Castillo, Directors Bergin, Floyd-Cranford, Marois and Schain, and Town Attorney Barry.

**EXECUTIVE SESSION** - The Board went into Executive Session at 6:00 p.m. to discuss Real Estate and Pending Litigation. Present were Mayor Moran, Directors Dougan and Conyers, General Manager Shanley and Deputy General Manager Stephanou. Present remotely were Secretary Castillo, Vice Chair Jones (7:00 p.m.), Directors Bergin, Floyd-Cranford, Marois and Schain. Director of Finance Kim Lord and Director of Planning and Economic Development Gary Anderson were also present remotely. Facilities Project Manager Chris Till, Administrative Staff Attorney Tim O'Neil and Richard C. Robinson of Pullman & Comley were present remotely from 6:30 to 7:00pm. The Executive Session adjourned at 7:20 p.m. No votes were taken.

**1. MEETING CALLED TO ORDER.**

The meeting was called to order at 7:30 p.m. All in attendance, and virtual, participated in The Pledge of Allegiance to The Flag, led by Mayor Moran.

**Mayor Moran** recognized February as Black History Month and noted there will be celebrations all month. He wished everyone a Happy Valentine's Day and stated how important it is to keep love in our hearts, especially during these trying times. This morning, the Lutz Museum held (virtually) their annual Groundhog Day celebration with a prediction by Phoebe the hedgehog, standing in for Chuckles the groundhog, for six more weeks of winter.

**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)***

**Miriam Byroade**, 207 Parker Street, is the Chairperson for the Library Board. She thanked the Board of Directors for passing the resolution in January to formally charge the Library Board with looking into updates to the Mary Cheney Library. The Library Board values new energy and leadership. They have asked Steven Ristau to be the lead for the 21<sup>st</sup> century library committee and have filled the other three community member spots. The committee will hold its first formal meeting later this month, and will actively seek public input and provide regular updates on their work to the Board of Directors.

**Jeri Beckford**, 149 Maple Street, spoke about the water main break two weeks ago. She stated her water is still brown and she would like the Board of Directors to investigate this to ensure the leak has been contained. She also asked that the public be kept informed on the status of this. She then spoke about the old Nathan Hale building. She would like more information about what the Board of Directors' intentions are for that building. She noted a lot of updates to other Town buildings but has not seen any information about this closed school. She understands the attention being paid to Main Street, but stated if the parallel streets are in disarray, it will attract undesirable crowds and adversely affect businesses on Main Street.

**Thomas Nagle**, 152 Briarwood Drive, read an article in the Hartford Courant about an increase in car crimes throughout Connecticut. Manchester was one of the towns mentioned in the article for having many car crimes in 2020. Since 2012, State lawmakers have passed significant legislation which has emboldened juvenile criminal behavior. According to the article, Newington Town Council wrote a letter to their legislative delegation about this issue. He would like to see Manchester join other towns in asking Connecticut State Legislators to address the issue, as Manchester is one of the towns being severely affected by this crime wave.

**Mayor Moran** explained, in response to Ms. Beckford's question, that the Repurposed Schools Committee is looking into repurposing Nathan Hale and the other schools that have been closed. He further explained that there is representation on the committee from the neighborhoods directly affected by school closures. In the coming months, the committee will provide an update and suggestions for repurposing the buildings.

**General Manager Shanley** stated the Town was aware of the extent of the water main break, but he was unaware that there were still problems with the water being brown. He asked Ms. Beckford if she has contacted the Water Department directly, but she said she had not. He will look into this.

#### **4. ADOPTION OF MINUTES OF PREVIOUS MEETING.**

- A. Actions, January 12, 2021 – Regular Meeting
- B. Minutes, January 12, 2021 – Regular Meeting

**Castillo/Floyd-Cranford**

**9 Voted in Favor**

#### **5. COMMUNICATIONS.**

**Director Dougan** received a communication from a resident whose husband is over 75 and homebound. She wanted to find out how to get him a COVID-19 vaccine. She asked what the Health Department is doing to address homebound residents with this issue.

#### **6. REPORTS.**

- A. Manager's Report

**General Manager Shanley** stated Mr. Cox, Director of Human Services, will provide an update on the temporary warming center in Manchester.

- 2. Update on status of Temporary Warming Center

**Mr. Cox** stated Manchester opened the doors of the Warming Center at the Community Y on Thursday, January 28<sup>th</sup>, with the help of Cornerstone, Inc. He thanked Town staff for their efforts to prepare the space and to local Building and Fire Officials who offered valuable input, ensuring that the space was safe and ready to use. The warming center will be open nightly starting at 6:00 p.m. and will operate through the end of March. Paid staff from Cornerstone will be on site whenever the center is open. Based on the size of the space and social distancing guidelines, there is a capacity of 11 guests. Cornerstone will triage individuals seeking assistance and determine if the warming center is the most appropriate fit for their needs. The warming center is tied into the 2-1-1 system and the regional Coordinated Access Network.

Since January 28<sup>th</sup>, the warming center has served 7 individuals ranging in age from 41 to 64, of which five reported Manchester as their last permanent address. They were referred by the Police Department, 2-1-1, self-referral or by concerned residents/businesses. Most were placed temporarily into hotels for the duration of the State Cold Weather protocol (1/29 - 2/3).

There have been daily conversations/meetings between Cornerstone and local partners (MACC, CHR, Human Services, Manchester PD, etc.) to develop best practices, streamline various resources and for information sharing. Cornerstone, Human Services and local/regional partners will continue to assess the use and impact of the warming center and will make adjustments as needed. Human Services will monitor warming center usage and report that data to the Town Manager on an ongoing basis for the purposes of local planning efforts. Anyone with questions or concerns can contact Mr. Cox directly at (860) 647-3091 or [jcox@manchesterct.gov](mailto:jcox@manchesterct.gov). Anyone who would like to volunteer time or resources to the warming center can contact Bryan Flint, Deputy Director of Cornerstone, Inc. at (860) 875-6343 or [bryan.flint@cornerstone-cares.org](mailto:bryan.flint@cornerstone-cares.org).

**Mayor Moran** thanked Mr. Cox and Town staff who helped to get a temporary warming center open in Manchester. He also acknowledged help from the Eighth Utilities District.

**Director Floyd-Cranford** asked how Town staff is reaching out to community members who may need the warming center.

**Mr. Cox** stated the warming center is connected to 2-1-1 and has been noted on various social media channels and through all of our provider networks (CHR, MCC, MPD, etc.). Manchester's provider networks are the ones that encounter those out on the street.

**Vice Chair Jones** asked for clarification on whether anyone has spent the night at the warming center. She also asked if the five individuals who listed Manchester as their last permanent address were known to Human Services as individuals who needed assistance.

**Mr. Cox** stated the goal is always to find the most appropriate resource for someone in need. Due to the State's Cold Weather protocol, no one has yet stayed overnight at the warming center. He will have more information about who is spending the night over the next week or so. The five individuals were not known to Cornerstone staff, but were familiar to MACC.

**Vice Chair Jones** stated the ultimate goal is to determine how many homeless individuals there are in Town and what resources are available to them. Going forward, she would like to see statistics on the number of people served at the warming center, whom they were referred by and what services were given to them.

**Mr. Cox** stated the intake at the warming center captures information which will be shared with local partners to figure out who is already connected, who needs to be connected and what gaps exist. Going forward, he can report that information to the Board of Directors.

**Mayor Moran** received communications from residents who work out at the Community Y and were concerned about the future of the Y. He explained to them that this was temporary use of the space while the Community Y was closed due to pandemic restrictions.

1. Presentation of Comprehensive Annual Financial Report (CAFR)  
(Vanessa Rossitto and Matt Coit, Blum Shapiro)

**General Manager Shanley** introduced Vanessa Rossitto and Matt Coit from Blum Shapiro to present the Annual Financial Report. Director of Finance Kim Lord is also available to answer any questions the Board may have.

**Ms. Rossitto** explained that Blum Shapiro merged with CLA on 1/1/2021, which she will discuss further at the end of their report. CLA was able to express opinions on whether the basic financial statements are presented in accordance with Generally Accepted Accounting Principles (GAAP). They issue an “in relation” to opinion on the schedule of expenditures of federal awards and schedule of expenditures of state financial assistance. They express an opinion on compliance related to major Federal and State award programs contained in the audit. They also provide a report on internal control over financial reporting and compliance with laws, regulations, contracts and grants, and provide a report on internal control over compliance with major Federal and State award programs.

CLA has issued an unmodified opinion issued on the Town’s financial statements, which is the highest form of opinion a town can receive. It means that everything is fairly stated in accordance with accounting standards. They did issue a significant deficiency on internal control over financial reporting and compliance with laws, regulations, contracts and grants which Mr. Coit will explain further. On the Federal Single Audit, they issued a clean opinion on the major federal programs that they selected to test. There were no compliance findings or significant deficiencies in internal control over compliance reported. On the State Single Audit, they also issued an unmodified opinion on major state programs with no compliance findings or significant deficiencies in internal control over compliance reported.

Governmental activities showed little change in the Town’s current and other assets. There were some increases to Capital assets, in infrastructure and construction in progress. Long term debt increased from \$500M to \$600M from last year to this year due to bond issuance, increase in net pension liability of about \$25M and in increase in the Town’s net OPEB liability of about \$77M. In total, the net position decreased from negative \$169M to negative \$188M. Net position decreased slightly from \$96M to \$93M. The General Fund had an increase in fund balance from last year to this year of \$2.2M, ending the year with \$30M. The Fire District had a small increase to end the year with \$2.7M and Capital Projects had an increase of \$5.9M to end the year with \$5.8M of fund balance. This was due to the fact that the Town issued debt this year. There was a small decrease in non-major Governmental Funds of \$500K. Overall, the total Governmental Fund balance increased \$7.7M. In the General Fund budget, there was an additional appropriation of \$800K between the original and revised budgets. Revenue came in at \$1.7M greater than budget, and expenditures came in \$3.8M less than budget. In total, \$2.2M was returned to the bottom line. The Town anticipated using fund balance to balance the budget, but did not have to do that. In the Pension Trust Fund, contributions were \$8.3M last year. There was a decrease in net position from last year to this year, likely due to the market. The OPEB Fund had \$7.8M of contributions, investment income of \$244K and benefits/administration expense of \$7.8M reflecting a small increase in net position from last year to this year.

Property tax collections this year were 98.43% compared to 98.41% in the prior year. Net OPEB Liability was \$355.3M and the plan is .95% funded. The Town’s Net Pension Liability is \$89.2M and is 64.95% funded. The Town is also in the State’s MERS (Municipal employee retirement system) Plan with a Net Pension Liability of \$16M and is 72.7% funded.

**Mr. Coit** explained the Federal Single Audit revealed Total federal awards expended of \$11M, essentially the same as in prior years. Major programs tested were Special Education Cluster (IDEA) and Title I Grants to Local Education Agencies. They issued an unmodified opinion on major program compliance with no compliance findings. The State Single Audit revealed Total state awards expended of \$61.2M. Major programs tested were Alliance District, Medicaid, PILOT Private Colleges and Hospitals and Municipal Grants in Aid. Because of a minor finding last year, the Medicaid program was tested again this year. They issued an unmodified opinion on major program compliance with no compliance findings. In addition to looking at controls over the major programs, they also looked at controls over the financial statements as a whole. There were no opinions issued over this.

This year, their procedures performed over Capital Assets identified an item that had been inadvertently recorded twice within the listing, resulting in an adjustment being necessary to remove the duplicate. Additionally, one of the assets was recorded based on an estimate and not the actual costs. They recommend appropriate corrective action be taken to strengthen procedures and controls over capital assets. They recommend procedural changes be considered to facilitate better sharing of information necessary to report the activity, as well as adjustments to reviews to make for a more comprehensive review of capital assets.

No new accounting standards were adopted this year and there were no difficulties encountered while performing the audit. GASB standards being implemented in 2021 include Statements 84, 90 and 92. Statement 84 redefines what fiduciary activity is and can change how some of the agency funds are reported in next year's financial statements. They have already started working with the Finance Department on this. Statement 90 (Majority Equity Interests) and Statement 92 (Omnibus 2020) have applicability but there shouldn't be any real change to the financials as a result. There will be several GASB changes implemented in 2022. Statement 87 (Leases) will affect Manchester the most, bringing assets and corresponding liability onto the books for any operating leases. It essentially treats all leases as Capital leases. This is a standard that management should be considering now to start accumulating information given the breadth of leasing activity that takes place with a town the size of Manchester. Remaining Statements include Statement 89 (Accounting for Interest Cost before the End of a Construction Period), Statement 92 (Omnibus 2020), Statement 93 (Replacement of Interbank Offered Rates) and Statement 97 (Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans). These will likely not have any noticeable impact on Manchester. He also reviewed GASB Standards being implemented in 2023.

**Ms. Rossitto** explained that effective 1/1/2021 Blum Shapiro was acquired by CLA. CLA is a large national firm, about ten times larger than Blum Shapiro. CLA has the same values and culture as Blum Shapiro. Blum Shapiro teams are still intact. CLA is the largest auditor of states in the United States and serve approximately 3,500 government clients. This gives Blum Shapiro employees and clients many more resources and opportunities. It was a very different audit this year, due to the pandemic, but went very well.

B. Other Reports. **None.**

**General Manager Shanley** stated a meeting was held this afternoon with ECHN and regrettably the supply of vaccines is not sufficient for ECHN to honor the COVID vaccine appointments that were previously made. Effective Thursday morning, ECHN will be cancelling all of the appointments for first shots, and appointments for second shots for people who did not receive their first shot at Manchester Memorial Hospital. The Town of Manchester received 200 doses of vaccine this week and clinics are now being scheduled. The Town will make these clinics available on the State of Connecticut's online system.

We don't know week to week if the Town is going to be able to get doses of the vaccine, but will continue to work with the Senior Center and Town staff to help residents through this.

**7. PRESENTATION OF BID WAIVER REQUESTS. None.**

**8. PUBLIC HEARINGS (formally advertised).**

A. Appropriations to Special Projects as follows:

1. School Readiness Quality Enhancement Grant (7/1/20 to 6/30/21).....\$3,881  
to be funded by a grant from the State Office of Early Childhood for purchase of necessary personal protective equipment and cleaning and disinfecting supplies to assist in preventing the spread of COVID-19.
2. School Readiness Grant (8/1/20 to 8/30/20) .....\$31,233  
to be funded by the State Office of Early Childhood for 40 reduced rate, quality preschool spaces for Manchester residents ages 3 and 4 that meet income qualifications at Manchester Early Learning Center.
3. Center of Technology & Civic Life Grant .....\$35,663  
to cover COVID-19 accommodation costs for 2020 elections.

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

B. Appropriations to Education Special Projects as follows:

1. Enfield Head Start Services Innovative Enhancement Grant (FY 20/21).....\$100,000  
to be funded by a grant from the State Department of Education for the enhancement of its services to low-income families.
2. Manchester Head Start Innovative Enhancement Grant (FY20/21) .....\$63,000  
to be funded by a grant from the State Department of Education for the enhancement of its services to low-income families.
3. Manchester Head Start Services Grant (FY20/21).....\$145,127  
to be funded by a grant from the State Department of Education for the enhancement of its services to low-income families.
4. Carl D. Perkins Career and Technical Education Secondary  
Basic Grant (FY20/22) .....\$119,485  
to be funded by the State Department of education to improve and expand education and career guidance systems for Manchester's youth.

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

**9. CONSENT CALENDAR. (Items 12 B, D, E and G added)**

8A. Appropriations to Special Projects as follows:

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to be funded by a grant from the State Office of Early Childhood for purchase of necessary personal protective equipment and cleaning and disinfecting supplies to assist in preventing the spread of COVID-19.

2. School Readiness Grant (8/1/20 to 8/3020) .....\$31,233  
to be funded by the State Office of Early Childhood for 40 reduced rate,  
quality preschool spaces for Manchester residents ages 3 and 4 that meet  
income qualifications at Manchester Early Learning Center.
3. Center of Technology & Civic Life Grant .....\$35,663  
to cover COVID-19 accommodation costs for 2020 elections.
- B. Appropriations to Education Special Projects as follows:
  1. Enfield Head Start Services Innovative Enhancement Grant (FY 20/21).....\$100,000  
to be funded by a grant from the State Department of Education for the  
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  3. Manchester Head Start Services Grant (FY20/21).....\$145,127  
to be funded by a grant from the State Department of Education for the  
enhancement of its services to low-income families.
  4. Carl D. Perkins Career and Technical Education Secondary  
Basic Grant (FY20/22) .....\$119,485  
to be funded by the State Department of education to improve and expand  
education and career guidance systems for Manchester's youth.
- 12A. Appropriation to Special Projects (under \$500) as follows:
  1. Manchester Animal Control .....\$100  
to be financed by donations from Stanley Sowa (\$75), Bud Darna (\$20) and  
Francis Soucy (\$5) which are gratefully acknowledged and accepted.
  2. Police Donations Revenue Account - Manchester Police Explorer Post .....\$200  
to be funded by a donation from Andrew Main which is gratefully  
acknowledged and accepted.
- B. Appointment of the three (3) alternate members of the Board of Assessment Appeals  
as regular members for the assessment year October 1, 2020.
- D. Approval of a settlement in the amount of \$575,000 in the case of Downes Construction  
Company, LLC v. Town of Manchester to resolve a contractual dispute regarding  
Elementary School Renovation Projects Phase One and allow the Town to proceed with  
the final close-out and reimbursement application for the projects with the State of  
Connecticut.
- E. Authorization to negotiate placement of a dumpster in the Downtown Manchester  
Special Services District's Brown Lot.
- G. Approval of the settlement of a Workers Compensation claim by Brian Zimmerman  
in the amount of \$100,000.

**Castillo/Schain**

**9 Voted in Favor**

**10. ACTION ON ITEMS OF PUBLIC HEARING. None.**

**11. UNFINISHED BUSINESS.**

A. TABLED - Appointment of an at-large member to the Repurposed Schools Committee  
to fill the vacancy left by Karl Reichelt.

**APPROVED** - Motion to remove item 11A from the table.

**Castillo/Bergin**

**9 Voted in Favor**

Motion to appoint Matt Peak as the at-large member to the Repurposed Schools Committee to fill the vacancy left by Karl Reichelt.

**Director Bergin** recalled a discussion that the at-large members of the committee were meant to reflect a certain expertise. He asked what Mr. Peak's expertise and qualifications are for this appointment, and asked what school district he is from.

**Director Dougan** stated Mr. Peak was previously on the Board of Directors and worked on redevelopment of many properties including Broad Street. Mr. Peak is in the same school district as Mr. Reichelt.

**Director Marois** stated Mr. Peak is currently on the RDA and has a lot of experience with repurposing projects. He is also a small business owner in Manchester and has a lot of experience working within the Town. He is highly qualified for this position.

**Vice Chair Jones** is not comfortable with this appointment, as there was a resolution introduced by Director Marois this past fall asking for the repurposing of Nathan Hale to be reallocated to the RDA, on which Mr. Peak sits. The Board had previously charged the Repurposed Schools Committee with repurposing Nathan Hale and other closed schools, seeking direct input from residents of the neighborhoods impacted. The RSC will function in a way that welcomes and engenders true community participation in this process. She is concerned that the focus on redevelopment skills is somewhat patriarchal and directive, and not in the spirit of welcoming community input. While she appreciates Mr. Peak's longstanding service to the community, she doesn't feel this is the right fit.

**Director Marois** said it is presumptive to think that Mr. Peak, a former Vice Chair of the Board of Directors, wouldn't listen to the community's input. This is a proposal brought forward on behalf of his caucus, and Mr. Peak had nothing to do with this recommended appointment. He feels unfounded assumptions are being made. It is a shame to have someone who speaks so much about diversity and inclusivity that is now excluding someone who thinks differently. It would be a shame not to have someone who brings this breadth of knowledge to the table.

**Director Floyd-Cranford** talked about the rules and bylaws that Board members are to adhere to by not making direct personal comments toward other Board members. Comments need to be kept to the issues at hand. We need to be respectful when we respond to another Board member's comments.

**Mayor Moran** stated the aforementioned resolution to charge the RDA with repurposing Nathan Hale School failed 8-1. We need to give the Repurposed Schools Committee the time they need with this charge and give the neighborhoods their voices. Those affected neighborhoods didn't have a voice when the decision was made to close their neighborhood school. Mr. Peak recently sent an email to the Board of Directors worded very similarly to the wording in the Resolution that failed 8-1. Mr. Peak has done a great job on the RDA and has recently been appointed by General Manager Shanley to work on another committee. There are currently several openings on the Repurposed Schools Committee, but he would prefer to table the appointments at this time.

**Director Schain** intends to vote in opposition, not specifically against Mr. Peak but against the idea of filling the at-large vacancies on the Repurposed Schools Committee at this time. The committee currently has representatives from each of the neighborhoods of the closed schools. The committee is organized and

ready to take on this project, and he doesn't feel that they need anyone else to join them at this point.

**Director Conyers** stated that to date the committee has lost 5 members which is 25% of the total committee. They have a very strong and capable leadership team to which Mr. Peak would bring valuable expertise and ideas.

**Director Dougan** stated the Board of Directors previously established the size of the committee. She asked if that would have to be changed before it is determined not to fill the vacancies on the committee. It is important to have a variety of ideas on any committee. Ideas get stronger when there is opposition. You can strengthen an opinion and more easily focus on an idea when there are opposing ideas.

**Vice Chair Jones** believes the current committee represents a wide variety of ideas. The ability for the Repurposed Schools Committee to intersect with other expertise has been encouraged and advocated for. She sees this committee working with the RDA to think through their ideas. This committee was reorganized several times in order to increase capacity because of the interest from the community. It was never meant to be partisan. The intent was that the decision-making and the strongest voices needed to be from the neighborhoods impacted. There were people who were interested who lived outside of those neighborhoods and that is where the at-large positions came from. She wants to ensure the decisions are centered around those who are in the neighborhoods most impacted. This is not about Mr. Peak personally.

**Director Dougan** agreed the Repurposed Schools Committee was never partisan, but she did note that other than the two republican Board members, there are no other republicans on this committee.

**Director Marois** indicated there has been a decline in attendance at the meetings, so filling the vacancies brings the number on the committee back up to the number of committee members that the Board of Directors agreed upon. Mr. Peak has served the Town for years and has listened to the community. He has been a valuable asset to the community and can bring expertise to this committee.

**Director Floyd-Cranford** agrees a certain number of members were initially agreed upon, but the committee has established its leadership team and has started to gel at its current size. There are currently four Board members on the committee who allow the voices of the community to be elevated and valued. The committee recently made a presentation to the Board of Directors and never once said they'd like the vacant positions to be filled. Other voices can still be heard but don't have to sit on the committee to do so.

**FAILED** - Appointment of Matt Peak as an at-large member to the Repurposed Schools Committee to fill the vacancy left by Karl Reichelt.

**Dougan/Conyers**

**3 Voted in Favor  
(6 Opposed)**

**Director Dougan** asked if there were any other motions to appoint members to the Repurposed Schools Committee.

**Mayor Moran** stated the motion failed. He asked Attorney Barry if another motion could be made.

**Attorney Barry** stated that according to Robert's Rules of Order if an item is taken off the table and fails, it can be put back on the table for the next meeting.

**Director Marois** said their first motion to appoint someone failed but they have another name for that position. He asked if a second motion can be made at this time.

**Vice Chair Jones** believes that since 11A was taken off the table and the motion failed that the item is finished.

**Attorney Barry** stated according to Robert's Rules of Order, reconsideration is permitted if an agenda item fails so long as there is no material debate on the motion. There was material debate on this motion.

**General Manger Shanley** stated that as a practical matter, vacancies are routinely put on the agenda when someone has resigned. It is a vacancy that exists based on the number approved for the committee. This item would show up again on the next agenda which the Board of Directors can choose to fill or not.

- B. TABLED - Appointment to the Repurposed Schools Committee as a representative from the Robertson neighborhood to fill the vacancy left by Maureen O'Reilly.
- C. Appointments to Boards and Commissions which have members with terms expiring in November 2020 (\*except as otherwise noted).

<u>Board/Commission</u>	<u>Name</u>	<u>Term Expiring</u>
<u>Cheney Brothers National Historic District Commission</u>	TABLED - Vacant	November 2022
<u>Ethics Commission</u>	TABLED - Jennifer Nye, 15 French Rd (R)	November 2023

- D. TABLED - Approval of an ordinance regulating the feeding of wildlife.

**APPROVED** - Motion to remove item 11D from the table.

**Castillo/Schain**

**9 Voted in Favor**

**Director Schain** stated that the ordinance regulating the feeding of wildlife was revised after the last Board of Directors meeting. The version discussed in December proposed a ban on both public and private land. This revised ordinance does so in a more constrained and enforceable manner, and eliminates the references to bird feeders. It more clearly defines the species it applies to and more tightly defines prohibitive behavior as "intentional, regular and continuous feeding." It also protects the rights and due process of anyone cited for a violation by providing the opportunity for a hearing before a hearing officer and the right to appeal a hearing officer's decision to the Superior Court. In discussing this ordinance with Town legal staff, it was noted that in the process of enforcement the Animal Control Officer or other enforcement officer would need a warrant or order to go onto someone's property. The effective date of this ordinance is June 1, 2021, which will provide ample time for public outreach and education on the ordinance and about the dangers of feeding wildlife. This ordinance is consistent with our responsibilities to protect the health, safety and wellbeing of our community. The time has come for action. It is common sense, sound policy and good government to put this ordinance into effect.

**Director Bergin** recognizes and appreciates that there is some reluctance any time you attempt to regulate what happens on private property and he generally shares those concerns. He met with residents in the community who have neighbors that regularly feed deer, and the deer were trampling across their property and inhibited the use of their own yard. He sees this ordinance as a way of addressing those people in our

community who had no other resource other than to privately sue their neighbors. This ordinance makes good environmental sense, especially for a Town of this size. He appreciates all of Director Schain's work and will be supporting this ordinance.

**Director Conyers** appreciates the changes made to the ordinance which specifically addressed his previous concerns. His concerns remain, however, when private land is involved. He is specifically concerned about the complaint process and privacy. He would like more input from the Animal Control Officers on how they will enforce the ordinance. He agrees with the intent of the ordinance but encourages the Town to educate residents on the dangers of feeding wildlife prior to the ordinance going into effect.

**Director Dougan** appreciates that the ordinance no longer includes bird feeders. Director Schain calls this a "common sense ordinance" and it is common sense but she is unsure if it needs to be law. She is affected by neighbors who feed deer daily and believes education is vital, but she doesn't believe this ordinance needs to be put in place. She feels the Manchester Police Department and Animal Control Officers have enough to do. If this ordinance applied only to public property, she would agree with it but she feels there is government overreach telling residents what they can or cannot on their private property.

**Vice Chair Jones** thanked Director Conyers for his initial questions that led to revisions of the ordinance. She also considered public vs. private property. The idea that someone's right to do what they want on their property ends when what they do adversely impacts their neighbors. Because we all live in a community that is relatively densely settled, which allows for wildlife to be in close proximity to many of our homes, she feels this ordinance is prudent. When she spoke with Director Schain, she requested that the effective date be pushed back to allow for a strong public educational process. This ordinance was done at the request of several residents and the ordinance allows us to support them. This ordinance is not designed where one complaint results in a warrant. She would like to hear from the Animal Control Officers in advance of this ordinance going into effect on the procedures and protocols they would put in place.

**Director Bergin** spoke about the enforcement of the ordinance. Animal Control Officers will not be patrolling to look for offenses under this ordinance. They will only look into cases brought to their attention by other residents.

**Director Marois** thanked Director Schain for his work on this well-intended ordinance but he feels this is an overreach for local government to tell residents what they can do on their private property, unless it is putting someone else in danger. This is a good opportunity to educate residents on the problems with wildlife feeding but he doesn't agree with passing this ordinance. He would support the ordinance if it only applied to public property.

**Director Schain** stated this ordinance is a reasonable request of government. Public education is key. The impetus for this was concerns raised by residents about their neighbors' activity, which is why we need it to apply to private property as well as public property.

**Director Floyd-Cranford** thanked Director Schain for the efforts and energy he put into this ordinance. Sometimes people aren't aware of how their actions may be affecting their neighbors. A neighbor who repeatedly does something to engage and attract wildlife to the neighborhood may be unaware that they could be endangering your small pet. This ordinance can help to put people at ease. We need to think beyond ourselves and have to consider the safety and comfort of others.

**Secretary Castillo** thanked Director Schain for bringing this ordinance to the Board of Directors' attention in direct response to residents' concerns. She is in support of this ordinance.

**Mayor Moran** stated the intent of the ordinance is not to police the feeding of wildlife. It is to educate residents and have the ability to prevent excessive feeding of wildlife that puts others in dangerous situations.

## Chapter 113. Animals

### Article IV. Feeding of Wildlife

#### § 113-5. Authority.

This article is enacted in accordance with Gen. Stat. § 7-148(b), which permits a municipality to adopt ordinances creating permanent local laws of general applicability, and Gen. Stat. § 7-148(c)(7)(D) and Gen. Stat. § 7-148(c)(7)(E) which grant municipalities the power to regulate and prohibit the keeping of wild or domestic animals and to define, prohibit and abate within the municipality, all nuisances and causes thereof.

#### § 113-6. Statement of purpose.

The purpose of this article is to prohibit the intentional regular or continuous feeding of unconfined wildlife, in any public park or on any other property owned or operated by the Town of Manchester and to restrict the feeding of unconfined wildlife on private property within its territorial limits so as to protect the public health, safety and welfare of the citizens of the Town of Manchester.

The Board of Directors enacts this article based on the following legislative findings:

- a) Persons have been known to regularly feed wildlife on public lands and/or on private lands.
- b) Wildlife experts have widely concluded that such regular feedings are deleterious to the wildlife in that it reduces the wildlife's ability to survive in nature because of a growing dependency on humans.
- c) Such feeding creates a nuisance to public health because of the excessive animal droppings attendant to such feeding of wildlife.
- d) Such feeding can create unreasonable disturbance that affects surrounding property owners and renders other persons insecure in the use of their property.

#### § 113-7. Definitions.

##### **FEED**

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

##### **KEEPING**

the action of owning, maintaining, or protecting something.

##### **PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

## **REGULAR OR REGULARLY**

Happening repeatedly in a fixed pattern, with equal or similar amounts of time between one and the next.

## **WILDLIFE**

For purposes of this Ordinance, “wildlife” is defined as deer, bears, coyotes, foxes, turkeys and geese.  
§ 113-8. Prohibited conduct; exceptions.

- A. No person shall intentionally feed any wildlife on a regular or continuous basis, on private property or in any public park or on any other property owned or operated by the Town of Manchester.
- B. The following entities shall be exempt from this regulation:
  - (i). Nonprofit agencies/organizations dedicated in rehabilitating and/or relocating wildlife; and
  - (ii). Nonprofit agencies/organizations operating environmental education centers where the wildlife may be confined or unconfined; and
  - (iii). Commercial pest control services if the feeding of the wildlife is in furtherance of trapping or pest control purposes.
  - (iv). Any public officer or public employee in the performance of his or her official duties.
- C. The feeding of unconfined wildlife shall be permitted outdoors on public and private property at such times and in such numbers that:
  - a. Such feeding on public and private property does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property.
  - b. Such feeding on public and private property does not create an accumulation of droppings on the property and surrounding properties.
  - c. Such feeding on public and private property does not become an attractant for rodents or other wild animals.
  - d. No food is left overnight outdoors on public and private property (through purposeful placement on the ground or in bowls, containers, etc.).

§ 113-9. Enforcement, Penalties and Appeal.

- A. The Town Animal Control Officer (‘ACO’) shall enforce the provisions of this ordinance by the issuance of a citation. In the exercise of his or her discretion, the Animal Control Officer may develop policy or guidelines to implement the provisions of this ordinance as directed and approved by the Chief of Police.
- B. Any person(s) who is found to be in violation of any provision contained in this article shall be subject to a fine of one hundred dollars (\$100.00).
- C. After receiving notice of a violation of this Ordinance under this section, any person who wishes to appeal the citation shall be entitled to a hearing under Gen. Stat. § 7-148c.

§ 113-10. Effective Date.

This ordinance shall take effect on June 1, 2021.

**APPROVED** – Ordinance regulating the feeding of wildlife.

**Schain/Floyd-Cranford**

**6 Voted in Favor  
(3 Opposed)**

E. TABLED - Appointment of a member (R) to the Housing and Fair Rent Commission.

F. TABLED - Appointment of an at-large member to the Repurposed Schools Committee to fill the vacancy left by Bob Rosenberg.

**APPROVED** - Motion to take a brief recess at 10:05 p.m.

**Conyers/Floyd-Cranford**

**9 Voted in Favor**

**Mayor Moran** reconvened the meeting at 10:10 p.m.

**12. NEW BUSINESS.**

C. Report from Flag Policy subcommittee.

**Vice Chair Jones** stated the committee was waiting to reconvene until after Attorney Sullivan had the opportunity to attend a seminar with regard to recommendations on flag policies. This seminar very recently took place and they have not had the opportunity to reconvene following his attendance at that seminar. They expect to have recommendations for discussion and consideration at the March Board of Directors meeting.

F. **TABLED** - Approval of a one year tax assessment agreement for Napolitano and Soverns Developers, LLC for property at 623 Main Street, also known as 2-4 Pearl Street.

**Castillo/Bergin**

**9 Voted in Favor**

H. Discussion of Establishment of Charter Revision Committee.

**Mayor Moran** stated that with a goal for Charter review to be complete by November of 2022, a committee would need to be established within the next month or so. If we vote to establish a committee, we have 30 days to appoint a committee.

**Vice Chair Jones** stated it is vitally important for the Board of Directors to have Charter review. We have a responsibility to our community to provide them an opportunity to provide input through the Charter Revision Committee. She is strongly in support of beginning this process, but is unsure if the Board is prepared to appoint members this evening.

**Director Dougan** understands that once the Charter is opened, anything can be looked at but she asked if there are specific areas that the committee will be asked to look at. She also asked what the process is for appointing members to the committee.

**Director Bergin** stated there was a discussion about this at a prior Board meeting. There are some areas of the Charter that are outdated. This is an opportunity for the community to come forward with ideas on how the Town governs itself.

**Vice Chair Jones** asked if Attorney Barry could provide some historical perspective on the Charter revision process. It has been quite a few years since our Charter has been opened and it is important that an opportunity is afforded to the community.

**Attorney Barry** explained the Charter is a document that is meant to be revisited from time to time. The last time Manchester's Charter was reviewed was in 2007-2008. The Board of Directors could pass a resolution in March to create a Charter Review Commission. Between now and March, the Board could discuss some of the items they'd like the commission to review. Items discussed in past years include compensation for Board members and whether the Zoning Board should be elected or appointed.

Charter revision is a process that takes quite some time. State Statutes set specific procedures and timelines for Charter revision in any municipality. There is a maximum 16-month period from the time members are appointed to the time the committee comes back to the Board of Directors with suggestions. Once the Board of Directors receives the Commission's draft report, the Board must hold at least one public hearing. After the public hearing the Board must recommend changes to the Commission, if any. If the Board of Directors makes no recommendation for changes, the draft report becomes final and is the report that the Board of Directors must act upon. If the Board of Directors has made recommendations for changes in the draft report, the Commission may accept or reject any or all of the recommendations.

If the Board of Directors accepts all or part of the proposed Charter amendments in the final report of the Commission, the Board must then determine, by a majority vote of its entire membership, whether to submit the amendments to the electors of the Town for approval or rejection. If the electors approve of the Charter revisions, the approved Charter amendments become effective thirty (30) days after such approval by the electors. The Town Clerk must then notify the Secretary of the State, in writing, of the results of the Charter amendment vote within fifteen (15) days of the election.

There are some parameters around who the Board of Directors can appoint to the Charter Revision Commission and there must be between 5-15 members on the commission. The past few times, Manchester's Charter Review Commission has had 9-10 members.

**Vice Chair Jones** asked if the Board could pass a resolution and appoint the commission at the same Board meeting.

**Attorney Barry** doesn't believe there is any restriction on initiating the process and appointing members at the same meeting.

#### I. Discussion on rules and procedures for remote and virtual meetings.

**Vice Chair Jones** stated that according to current rules of procedure, the process for any rule changes is to present suggested amendments or additions in writing. Then at a succeeding meeting, the rules can be adopted. We need to ensure that while we operate in a full hybrid or remote manner, that our conduct during the meeting is held to the same standard as our conduct if all Board members are present in the Hearing Room. Board Rule 15 notes the process for amendments. Rule 3: Meetings (additions) 3.4 All rules of procedures shall apply unless otherwise specified in this section. 3.5 All meetings of the Board may be held in a fully remote or hybrid format utilizing a communication platform of the Town's choosing that supports video, audio, and simultaneous communication. 3.6 Remote Participation at a Board Meeting. One or more directors may participate in a meeting of the Board of Directors by use of a conferencing platform, as noted in 3.5, and such participation in a meeting shall constitute presence in person at the meeting. 3.7 Manner of Acting When Accessing Remote Participation a. Attendance shall be

called of all Directors as part of the Meeting Called to Order agenda item 1 or 7; b. Directors participating via remote participation, pursuant to Rule 3.5, arriving late to the meeting, departing early from the meeting, or needing to step away from the meeting while in progress shall announce their arrival and departure for the record to the Chairperson; c. Directors participating via remote participation, pursuant to Rule 3.5, will remain on camera for the duration of the meeting; and d. Directors participating via remote participation shall adhere to the code of conduct as outlined in the Rules of Procedures. All code of conduct related to behavior during a meeting apply whether a Director is remote or in person. She raised the idea of whether the rules should be amended to her caucus in March of 2020 and also discussed this with General Manager Shanley and Deputy General Manager Stephanou. She feels this is long overdue. For the duration that the Board remains partially remote, it is important to codify what it means to meet virtually. She welcomes feedback from other Board members.

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

**Mayor Moran** would like an update on the rollout of Covid-19 vaccinations at the March Board of Directors meeting.

**Director Dougan** feels it is important to determine what the Board of Directors would like to do regarding the several open positions on the Repurposed Schools Committee.

**Mayor Moran** suggested getting feedback from leadership of the Repurposed Schools Committee on whether they would like the Board to proceed with filling the open positions.

**Director Dougan** asked that we remember Gladys West who was an African American pioneer born in 1930. She was the mathematician whose calculations and computer programming directly contributed to the global positioning system (GPS) used today.

**Mayor Moran** congratulated Kayla DeLaire a fourth grade student at Waddell School who won a fire prevention poster contest for Hartford County. He thanked public works employees for their work to keep our roads safe during the latest storm.

**14. ADJOURNMENT.**

The meeting was adjourned until the March 2, 2021 Regular Meeting of the Board of Directors at 7:00 p.m. in the Lincoln Center Hearing Room.

**Adjournment: 10:45 p.m.**

**Conyers/Jones**

**9 Voted in Favor**

**lgl**

**APPROVED:**

**ATTEST:**

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**Secretary, Manchester Board of Directors**