

REGULAR MEETING – MANSFIELD TOWN COUNCIL  
February 22, 2016

Mayor Paul M. Shapiro called the regular meeting of the Mansfield Town Council to order at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Building.

I. ROLL CALL

Present: Kegler, Kochenburger, Marcellino, Raymond, Ryan, Sargent, Shaiken, Shapiro  
Excused: Moran

II. APPROVAL OF MINUTES

Mr. Ryan moved and Mr. Shaiken seconded to approve the minutes of the February 6, 2016 special site visit meeting. Motion passed with all in favor except Mr. Kegler who abstained. Ms. Raymond moved and Mr. Ryan seconded to approve the minutes of the February 6, 2016 special budget overview meeting following a technical change in the date. Motion passed unanimously. Mr. Sargent moved and Mr. Shaiken seconded to approve the minutes of the February 8, 2016 meeting (adjourned to February 9, 2016) as presented. Motion passed with all in favor except Mr. Kegler who abstained.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Lynn Stoddard, Ravine Road resident and member of the Sustainability Committee but speaking as an individual, spoke in support of the proposed plan for Ravine Road and thanked the Council for their work.

Charles Naumec, Riverview Road, addressed the February 9, 2016 discussion between the Council and Town Attorney Kevin Deneen regarding the rights of students who live on campus to vote on financial issues of the Town. (Statement attached)

Edward Hall, Mansfield Hollow Road resident and member of the Agriculture Committee but speaking as an individual, stated that the proposed solution regarding Ravine Road is a good one. Mr. Hall also agreed with the statements of Mr. Naumec.

David Freudmann, Eastwood Road, asked the Town Manager to hold firm on the assessed value of the property owned by the State Pension Fund and questioned the logic of UConn's plan to demolish dorms while increasing enrollment. Mr. Freudmann also supports the Town's plan to retain ownership of Ravine Road but disagrees with the placing of gates.

Karen Green, Stafford Road and owner of Spring Brook Farm, spoke in support of the proposed compromise noting that the gates will allow the farm to perform the work that is needed. Ms. Green noted that she has been in contact with many of the citizens who spoke to the Council about this issue and reported that they are supportive of the plan.

Alison Hilding, Southwood Road resident and member of the Connecticut Commission on Children, expressed agreement with the solution proposed for Ravine Road and noted her respect for citizens, like Mr. Naumec, who express their views. Ms. Hilding asked that the Council speak more strongly regarding UConn's plans for a recreational center. The plan, which includes the elimination of dorms, would put a burden on the Town.

Bernice Smith, Ravine Road, congratulated the Council on the proposed solution noting that a difficult problem has been solved.

IV. REPORT OF THE TOWN MANAGER

In addition to his written report the Town Manager offered the following comments:

February 22, 2016

- Mr. Hart testified at the State Legislature's GAE Committee meeting regarding HB5049 which, although it does not change the budget for numbers for intergovernmental revenue, could potentially change the law to allow the State to go below 2015 funding levels. Mr. Hart asked that the Legislature respect the reforms passed in SB1.
- In response to a question, Mr. Hart added to his previous comments regarding his knowledge of Region 19's plans to sell the current school property and move to the Mansfield Depot area of Town. Mr. Hart stated that when he requested that members of the Region's Building Committee attend a Council meeting he was told that project details do not yet exist. The Manager will forward the Region's website project link to members and will again ask representatives of the Region to attend the next meeting. Council members expressed concern that the Regional School Board was not willing to attend a meeting since Mansfield is the host town and any decision could greatly impact the Town. Members also stated that a November referendum question might be premature.

V. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Ms. Raymond attended COST's (Council of Small Towns) annual meeting and reported that keynote speaker Keith Phaneuf, who is a reporter for the CT Mirror, presented an interesting but depressing recap of the State's budget situation.

Mr. Kochenburger acknowledged the service of long time Planning and Zoning Commissioner Kay Holt, who served the Town in so many ways. Mayor Shapiro called Ms. Holt a treasure who will be missed.

VI. OLD BUSINESS

1. Ravine Road (Unimproved Portion)

Town Manager Matt Hart and Director of Public Works John Carrington described the proposed solution which was devised to address the issues raised by stakeholders.

Mr. Ryan moved and Mr. Shaiken seconded to endorse the concept of opening and repairing Ravine Road by putting up guide rails and allowing agriculture use by Spring Hill Farm at certain times, the specifics to be determined.

Mayor Shapiro suggested the following wording as a friendly amendment: move that the proposed compromise as set forth in Item 1 of the February 22, 2016 packet be endorsed by the Council and that staff be directed to work with the Town Attorney to draft an agreement to reflect the compromise.

Accepted by Mr. Ryan and Mr. Shaiken the motion passed unanimously.

Members thanked the Town Manager, staff and residents for their input and quick work.

2. Proposed Amendments to Ordinance Regarding Alcoholic Beverages

Mr. Sargent moved and Mr. Kochenburger seconded, to schedule a public hearing for 7:00 PM at the Town Council's regular meeting on March 14, 2016 to solicit public comment on the proposed Amendment to the Alcoholic Beverages Ordinance.

Mayor Shapiro noted that the proposed amendment is technical in nature and serves to bring consistency to the ordinance.

Motion passed unanimously.

VII. NEW BUSINESS

3. Presentation : Facilities Management

Director of Facilities Management Allen Corson and Assistant Facilities Manager Bill Trietch provided an overview of departmental operations, and the status of current projects and initiatives.

4. UConn South Campus Development EIE Comments

Mr. Kegler moved and Mr. Kochenburger seconded, to authorize the Mayor to co-endorse with the Chair of the Planning and Zoning Commission a letter to the University of Connecticut regarding the South Campus Development environmental impact evaluation. The draft comments contained in the February 22, 2016 memo of the Town Manager shall be used as the basis for this letter along with any additional comments identified by the Mansfield Traffic Authority.

Council members discussed the tone of the proposed letter; requested the language be more critical of the plan to remove beds as it will greatly impact the Town; and that the final letter be copied to the Town's Legislative Representatives. Council members agreed that the Town Manager will request an extension of the comment period and will forward the draft letter to Councilors prior to sending. Councilors may individually comment on the letter.

The motion to approve passed unanimously.

5. UConn Student Recreation Center Scoping

Ms. Raymond moved and Mr. Sargent seconded, to authorize the Mayor to co-endorse a letter to the University of Connecticut with the Chair of the Planning and Zoning Commission regarding the Student Recreation Center scoping process. The draft comments contained in the February 22, 2016 memo of the Town Manager shall be used as the basis for this letter.

Councilors expressed concerns, not with the idea of a new recreation center, but with its location and the elimination of existing dorm beds. Members requested stronger language in the letter. As with Item 4 the Town Manager will request an extension of the comment period and will forward the draft letter to Councilors prior to sending. The motion to approve passed unanimously.

The Town Manager will look at additional ways to keep Councilors informed of the various scoping meetings held by UConn and will report back at the next meeting.

6. Town-University Relations Committee Updated Memorandum of Understanding

Mr. Ryan moved and Mr. Shaiken seconded, effective February 22, 2016, to authorize Mayor Paul M. Shapiro to execute the attached Memorandum of Understanding between the Town of Mansfield and the University of Connecticut regarding the Town-University Relations Committee.

The motion passed unanimously.

7. Approval of 2016/17 Budget Review Calendar

Mr. Ryan moved and Mr. Shaiken seconded, to adopt the Proposed Budget Review Calendar for fiscal year 2016/17 as presented by the Director of Finance and the Town Manager.

The motion passed unanimously.

VIII. REPORTS OF COUNCIL COMMITTEES

Mr. Kochenburger, Chair of the Committee on Committees presented the following endorsed candidates:

The appointment of John Riesen to the Commission on Aging for a term ending 9/1/2018

The appointment of Althea Carr Neel and the reappointment of Lisa Dahn to the Mansfield Advocates for Children for terms ending June 30, 2019  
Motion to approve passed unanimously.

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered.

X. PETITIONS, REQUESTS AND COMMUNICATIONS

8. Letters re: Ravine Road

9. J. McGarry (02/08/16) (excerpt – full communication available in the Clerk's office)

10. K. Lyman re: Superintendent's Proposed Budget

11. Mansfield Downtown Partnership 2016 Events

12. Connecticut Water Company re: Straight From the Tap

13. Eastconn Connections – Mansfield's Goodwin Earns National Blue Ribbon Status

XI. FUTURE AGENDAS

Mr. Kochenburger requested the Region 19 building plans be added to the next agenda and that the process to begin to gather information and assess possible impacts, as outlined by the Town Manager, be undertaken.

Ms. Raymond requested that the personnel issue discussed during the last two executive sessions be added as an item of business to the next agenda. Other members objected stating the subject matter should be discussed in executive session.

Mr. Hart noted that before scheduling the executive sessions he did consult with the Town Attorney as to whether or not an executive session would be the proper format for the discussion. An executive session will be added to the next agenda.

XII. ADJOURNMENT

Mr. Shaiken moved and Mr. Ryan seconded to adjourn the meeting at 9:17 p.m.  
The motion passed unanimously.

Paul M. Shapiro, Mayor

Mary Stanton, Town Clerk

February 22, 2016

## **Fair Treatment of Mansfield Tax Payers**

**Presented by Charles R. Naumec  
52 Riverview Road, Mansfield Center, CT.  
860-450-1355  
charles\_r\_naumec@sbcglobal.net**

**Town of Mansfield Town Council Meeting  
February 22, 2016**

### **Questions re Student Voting**

I would like to address the discussions between the Town Attorney, Mr. Kevin M. Deneen, and The Town Council members on February 8, 2016.

Attorney Deneen's comments relative to existing Connecticut State Statutes and election laws, as stated, do allow UConn students, living in University housing and paying no taxes, to vote on financial issues and referenda for the Town of Mansfield. I questioned the constitutionality of these students voting on financial issues and have asked the Secretary of the State to review the constitutionality of their voting on financial issues referencing the US Constitution and the 15th and 24<sup>th</sup> Amendments. Specifically, the 24<sup>th</sup> Amendment (Attachment A) which removes the requirement to pay any type of poll or other type of tax before allowing one to vote. This amendment is specific in specifying candidates for office and nothing more. The Secretary of the State review process was being monitored by the Mansfield Town Manager's office as noted by the Attached E-mail (Attachment B) from Sarah Delia and as mentioned by Mr. Hart during a previous Town Council meeting. I hope this effort continues.

I do have some issues relative to Attorney Deneen's opinion as to constitutional issues and existing referenda voting by nonelectors:

- Attorney Deneen's opinion is that the court will not differentiate between student commercial home rental and university housing. In addition, his opinion is that the legislator would believe that having a split ballot would be unconstitutional. I believe the requested constitutional review by the Secretary of the State's office should determine this.

- In response to a question from Virginia Raymond, Attorney Deneen stated that nonresident tax paying individuals are allowed to vote at the open Town Hall meeting on the budget but not on referenda. I have attached (Attachment C) a copy of the page from the Town of Mansfield Charter and a summary of Public Act 97-192 which clearly states that these individuals are allowed to vote on a separate ballot on referenda. This is the basis for my proposal of a second ballot for UConn students living in University housing to vote for candidates only.
- The opinion that the State legislator would not be able to change Statutes is not supported by Mr. Av Harris as reported in the February 15, 2016 article of the Chronicle, Willimantic, Conn. Mr. Harris is the Public Relations and Communications Officer for the Secretary of the State Office. The article quoted, "it would require legislative action to separate local questions from general election ballot".

I would hope that the Mansfield Town Council and Legislative representatives will continue to support the constitution review that I have requested of the Secretary of the State's office. Once this review is completed at the State level, additional action may be required.

It should be noted that the number of potential votes represented by students living in University housing out numbers the number of potential votes in the Town of Mansfield. The difference in numbers will get larger as the number of university housing units grows. This situation places the financial control of the Town in the hands of those voters that pay no taxes. This situation does not support "**Fair Treatment of Mansfield Taxpayers**".

Thank you,

  
Charles R. Naumec



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U.S. Constitution (/constitution/overview)

# 24th Amendment

## Amendment XXIV

### Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

### Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

## Taxonomy upgrade extras

constitution (/taxonomy/term/1054)

◀ 23rd Amendment                      up                      25th Amendment  
(/constitution/amendmentxxiii)   (/constitution/amendmentxxv)

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**Charles Naumec**

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**From:** Sarah Delia <DeliaS@mansfieldct.org>  
**Sent:** Monday, October 05, 2015 4:42 PM  
**To:** charles\_r\_naumec@sbcglobal.net  
**Cc:** Matthew W. Hart  
**Subject:** Your September 9 letter

Mr. Naumec,

I just wanted to let you know that we have heard from the Director of Constituent Services at the Secretary of State's Office. They have forwarded your request to the Legislation and Elections Administration Division attorneys. We will let you know as soon as we hear from them.

Thank you,

Sarah Delia  
Town Manager's Office  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268  
860-429-3336 x 5  
[Delias@mansfieldct.org](mailto:Delias@mansfieldct.org)

**From:** Sarah Delia  
**Sent:** Thursday, September 24, 2015 10:07 AM  
**To:** 'charles\_r\_naumec@sbcglobal.net' <charles\_r\_naumec@sbcglobal.net>  
**Cc:** Matthew W. Hart (Hartmw@MANSFIELDCT.ORG) <Hartmw@MANSFIELDCT.ORG>  
**Subject:** Response to September 9 letter

Mr. Naumec,

We acknowledge receipt of your correspondence of September 9, 2015. We will work with the Secretary of State's office to see if they have received your correspondence and how they plan to respond to your inquiry.

Thank you,

Sarah Delia  
Town Manager's Office  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268  
860-429-3336 x 5  
[Delias@mansfieldct.org](mailto:Delias@mansfieldct.org)

PA 97-192-sHB 6962  
Government Administration and Elections Committee  
Planning and Development Committee

AN ACT CLARIFYING THE RIGHT AND PROCEDURES OF VOTERS WHO ARE NOT ELECTORS TO VOTE AT REFERENDA HELD IN CONJUNCTION WITH A STATE OR MUNICIPAL ELECTION

**SUMMARY:** This act allows registered voters to vote on a local ballot question on the same machine used to vote for candidates at regular state or municipal elections. Those who are not registered to vote but are eligible to cast ballots on the question (i.e., adult property owners who are citizens) may use a separate voting machine or paper ballots if the legislative body of the town or board of selectmen approves. Without such approval, the vote on a local question held in conjunction with a regular election must be taken by requiring registered voters to vote twice, on separate machines or on paper ballots, as required under prior law.

The act includes the procedures that election officials must follow if the town has approved the use of separate machines or paper ballots for those who are not registered.  
EFFECTIVE DATE: October 1, 1997

#### FURTHER EXPLANATION

##### Eligibility

The law allows (1) a registered voter (called an "elector") and (2) any citizen who is at least 18 years old and owns property in the town assessed for at least \$1,000 (called a "voter") to vote on a local question. But only registered voters can vote for candidates at an election. Because nonregistered voters are not permitted to vote at a regular election, prior law required the vote on a ballot question held on the same day as a regular election to be taken separately for both registered and nonregistered voters. The act authorizes a separate poll for voters who are not electors, thus permitting electors to cast their votes for candidates and the question on the same voting machine.

##### Approval

The act's procedures for allowing voters who are property owners to use separate machines or paper ballots must be approved by the town's legislative body or board of selectmen if the legislative body is a town meeting. In the absence of such approval, the vote on the question is conducted for both electors and voters in a separate room.

##### Procedures

Voters can vote on the ballot question at one separate location on a separate machine or by paper ballots that contain only the question. The vote may be taken at a regular polling place, but must be in a separate room which is considered a separate voting district and polling place for purposes of appointing a head moderator for the ballot question and any necessary poll workers. The notice of the election must include the polling place location to be used for the voters who are not electors. The ballot question moderator adds the results of the vote on the question by the registered voters to the vote by the voters who are not registered and files it with the town clerk. The return of the vote on the question that is filed with the secretary of the state by the town's head moderator must indicate that it does not include the vote of the voters who are not electors. In the case of a canvass on the question, the same moderator must serve.

The act allows voters who are not electors to cast their vote on the question by absentee ballots. The ballots must be available by the 31st day before the election, the same day when other absentee ballots are ready.

TOP

## **Chapter 19: Elections**

[HISTORY: Adopted by the Town Council of the Town of Mansfield as indicated in article histories. Amendments noted where applicable.]

### **Article I: Referendum Voting by Nonelectors**

[Adopted 8-25-1997, effective 9-23-1997]

#### **§ 19-1 Policy stated.**

The procedures set forth in Public Act 97-192 are hereby adopted and approved by the Town of Mansfield. Mansfield voters who are not electors are hereby entitled to vote at referenda held in conjunction with elections pursuant to said public act.