



**TOWN OF MANSFIELD
TOWN COUNCIL MEETING
March 28, 2016
COUNCIL CHAMBERS
AUDREY P. BECK MUNICIPAL BUILDING
7:00 p.m.
AGENDA**

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CALL TO ORDER	
ROLL CALL	
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13. Sale or purchase of real property, in accordance with CGS §1-200(6)(D)

ADJOURNMENT

REGULAR MEETING – MANSFIELD TOWN COUNCIL
March 14, 2016
DRAFT

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, Moran, Raymond, Ryan, Sargent, Shaiken, Shapiro

II. APPROVAL OF MINUTES

Mr. Ryan moved and Mr. Kegler seconded to approve the minutes of the February 22, 2016 minutes as presented. The motion passed with all in favor except Ms. Moran who abstained. Ms. Moran moved and Mr. Shaiken seconded to approve the minutes of the March 5, 2016 special meeting as presented. The motion passed with all in favor except Mr. Kegler and Mr. Sargent who abstained.

III. PUBLIC HEARING

1. Proposed Amendments to Ordinance Regarding Alcoholic Beverages

The Town Clerk read the legal notice. Mayor Shapiro asked for comments, hearing none, the public hearing was closed.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Elizabeth Cowles, Meadowood Road, read into the record a 2010 letter regarding student apartment complexes from Alison Hilding. (Statement and letter attached)

Charles Naumec, Riverview Road, requested the Council answer whether or not they support his efforts to seek a constitutional review, through the Secretary of the State's office, regarding voting rights of UConn students living in University housing and paying no taxes to vote in Town financial matters. (Statement attached)

Rebecca Shafer and Bill Roe, Echo Road, presented information on the history of Mansfield and the effects UConn's increased enrollment has and will have on the Town of Mansfield. Ms. Shafer and Mr. Roe itemized nine suggestions whose implementation, they believe, would mitigate these effects and balance the needs of the Town and the University. (Statement attached)

David Freudmann, Eastwood Road, expressed his concerns regarding the number of students able to be accommodated in university housing and called on the Democratic and Republican Town Committees to nominate candidates who will represent the Town and not UConn.

Mr. Marcellino moved and Mr. Ryan seconded to Move Item 3, Presentation: UConn Enrollment Projection, and Item 4, Proposed Sale of Region 19 Campus to UConn, as the next items of business prior to the report of the Town Manager.

Ms. Raymond moved to amend the motion to schedule Item 4, Proposed Sale of Region 19 Campus to UConn, prior to Item 3, Presentation: UConn Enrollment Projection. Seconded by Mr. Sargent the motion to amend passed unanimously.

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The amended motion passed unanimously.

V. REPORT OF THE TOWN MANAGER

In addition to his written report, the Town Manager noted that Mr. Naumec's remarks during public comment included a request for action by the Council.

VI. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Mayor Shapiro reported that he attended a Special Olympic swim meet in Windham on Saturday calling it a wonderful event. Mr. Shapiro attended the Eagle Scout ceremony for Travis Kornegay and offered his congratulations. The Mayor also volunteered to serve Meals on Wheels as part of the annual March participation program for first selectmen and mayors. He complimented the volunteers, residents and staff for their work.

VII. OLD BUSINESS

2. Proposed Amendments to Ordinance Regarding Alcoholic Beverages

Mr. Sargent moved and Mr. Marcellino seconded to suspend the Council Rules of Procedure and to consider the amendment to the Ordinance Regarding Alcoholic Beverages.

Motion passed unanimously.

Mr. Sargent moved and Mr. Ryan seconded, effective March 14, 2016, to approve the proposed amendment to the Ordinance Regarding Alcoholic Beverages, which amendment shall be effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.

Motion passed unanimously.

VIII. NEW BUSINESS

3. Presentation: UConn Enrollment Projections

Town Manager Matt Hart introduced Deputy Chief of Staff Mike Kirk commenting that he and Mr. Kirk have had many conversations about enrollment and other Town/University issues. Mr. Kirk introduced the UConn staff members in attendance including Assistant Vice President of Enrollment and Director of Admissions Nathan First, Vice President of Student Affairs Michael Gilbert, Director of Planning Beverly Wood, Master Planner and Head Architect Laura Cruickshank, Head of Residential Life Pam Schipani and Director of Off Campus Services John Armstrong. Staff members discussed enrollment and housing figures and challenged some of the often held assumptions regarding increases to enrollment and the housing capacity at the University. Councilors discussed the effects of increased student rental of single family homes on the quality of life and the values of homes in neighborhoods; the benefit of having UConn capture the local addresses of students living off campus; and a process by which the Town could comment on major changes to the enrollment numbers. Mr. Kirk stated that he would be pleased to provide updates to the Council either directly or by way of the Town University Relations Committee. Mr. Kirk also commented on the existing collaborative relationship between the Town and the

March 14, 2016

University which he stated would continue if UConn does take over ownership of the Region 19 facility.

4. Proposed Sale of Region 19 Campus to UConn

Superintendent Bruce Silva updated the Council on the actions and thoughts of the Regional Board of Education as they explore a possible initiative to sell their current facility to UConn and build a new school on 100 acres of land on the Depot Campus. Mr. Silva stated that he doesn't know if it is realistic but at this point it is an opportunity worth exploring.

Councilors discussed their concerns including the efforts to include the project on the November 2016 ballot; the potential future uses of the school and sports fields; the impact on the expected K-8 school project; and the possible changes to students' abilities to access UConn classes and other opportunities.

Superintendent Silva volunteered to provide future updates for the Council.

5. Historic Documents Preservation Grant

Mr. Shaiken moved and Mr. Sargent seconded to approve the following resolution: Resolved, that Matthew W. Hart, Mansfield Town Manager, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant.

Motion passed unanimously.

IX. REPORTS OF COUNCIL COMMITTEES

Ms. Moran reported on the following committees:

- The Ad Hoc Committee on Rental Regulations and Enforcement has met a number of times and members are looking at existing ordinances and zoning regulations.
- The Ad Hoc Committee on Police Services toured the Willimantic Police Headquarters in February and the Committee is in the process of reviewing a series of delivery options. A meeting with the Commissioner of Public Safety is also scheduled.

Mr. Ryan, Chair of the Finance Committee, reported that the Committee reviewed the fee waiver ordinance and the Parks and Recreation Fund and recommended that the Council reconstitute the Ad Hoc Committee on Fee Waivers after the budget process is completed.

X. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered.

XI. PETITIONS, REQUESTS AND COMMUNICATIONS

6. A. Hilding (02/22/16)
7. T. Luciano (02/22/16)
8. Mansfield Commission on Aging re: public transportation
9. P. Shapiro/J. Goodwin re: UConn South Campus Development EIE
10. P. Shapiro/J. Goodwin re: UConn Student Recreation Center

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11. M. Hart – Testimony Regarding House Bill No. 5049, An Act Implementing the Governor’s Budget Recommendation Regarding General Government
12. Eastern Highlands Health District re: Governor’s FY17 Budget
13. CRCOG re: Current CRCOG Transit Initiatives
14. CT Trust for Historic Preservation re: Historic Preservation Technical Assistance Grant Award Letter
15. Project Green Space Update for Grassroots Supporters
16. Mansfield Minute – March 2016

XII. FUTURE AGENDAS

Mr. Sargent requested Mr. Naumec’s request to the Council during public comment be added to a future agenda.

Mr. Kochenburger requested the problem of crumbling foundations in northeast Connecticut be the subject of a public hearing at a future meeting. The Town Manager reported that the Lieutenant Governor is convening a meeting on March 28th after which staff will report to the Council.

Mr. Ryan moved and Ms. Moran seconded to move into executive session to discuss Personnel in accordance with the Connecticut General Statutes §1-200(6)(a), Town Manager Employment Agreement and to include the Town Manager in the discussion. The motion passed unanimously.

The Council reconvened in regular session.

XIII. EXECUTIVE SESSION

Personnel in accordance with the Connecticut General Statutes §1-200(6)(a), Town Manager Employment Agreement

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

Also included: Town Manager Matt Hart

XIV. ADJOURNMENT

Ms. Moran moved and Mr. Ryan seconded to adjourn the meeting at 10:10 p.m.

Motion passed unanimously.

March 14, 2016

To give a historical perspective, and in light of the recent accident involving a UCONN student who was kneeling in Spring Hill Road at 2AM and was hit by a car (a student who I understand lives in a fraternity on Hunting Lodge Road), I would like to read the following letter which was presented to this town council by one of my neighbors in 2010 – six years ago.

Elizabeth Cowles
50 Meadowood Rd.
Storrs

To: Mansfield Town Council
Mansfield Planning and Zoning

From: Alison Hilding
17 Southwood Road
Storrs, CT 06268

Date: June 21, 2010

Mansfield Should Close the Apartment Door

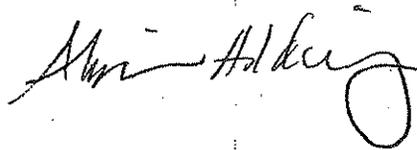
Mansfield should say no to the construction of more student apartment complexes in or near residential neighborhoods. A small town with a similarly small staff and budget, the town has been unable to control unsafe student behavior in off-campus student apartment complexes for three decades. As a result, residential neighborhoods near student apartments have deteriorated significantly. Families have been forced to sell their homes to escape the students' mayhem. Absentee landlords have bought up these formerly well-kept family homes and created a student ghetto of poorly maintained and unsightly properties close to the University of Connecticut campus. Ignoring zoning regulations, these landlords rent to more persons per home than allowed. This rental practice creates safety problems as well as the aesthetic decline of properties. Many front lawns have become unattractive parking lots, in order to accommodate renters' vehicles. The quality of life in these neighborhoods has been compromised by noise from parties, property damage caused by inebriated revelers, and unsafe road conditions, due to drunken drivers.

The safety of the students themselves is threatened by such a high concentration of young people in an off-campus setting. Mansfield's volunteer fire department and part-

time police department are ill equipped to handle the safety demands of so large a mass of students. Likewise, the local community hospital does not have the facilities to handle a disaster of the magnitude that thousands of unruly students could create. To increase this already problematic mass with yet more students from an additional apartment complex would be unwise.

Compounding the complexity of the problem is the reluctance of Mansfield's town council to create new housing restrictions or even enforce existing ones. Mansfield has behaved heretofore like the permissive parent who cannot say no. Instead of raising an unruly child, through its inaction, Mansfield has created an environment where thousands of drunken students can roam through residential neighborhoods, menace neighbors, and destroy their property while robbing them of a safe and peaceful existence.

Given the severity of the existing problems, the limits of both the town budget and staff, limited safety services, and the town council's ineffectiveness in resolving the problem, Mansfield should close the door to more student apartment complexes in or near residential neighborhoods. Meanwhile, the State of Connecticut should invest in more on-campus housing to ensure the students' safety as well as the town residents' peace.

A handwritten signature in cursive script, appearing to read "Ann Adkins". The signature is written in dark ink and is located in the lower right quadrant of the page.

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
March 14, 2016

I would like to quote the normal introductory statement made prior to the OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL at Town Council Meetings. "If you have a question for us or Town staff, know it may not be answered tonight. We will make note of the question and try to get you a response when we can." I assume all questions will be answered in a timely manner.

I would like an official YES or NO answer to the following question:

Does the Town of Mansfield Town Council support the efforts of Charles R. Naumec through the Connecticut Secretary of the State Office seeking a constitutional review by the Legislation and Elections Administration Division attorney of the voting rights of UConn students living in University housing and paying no taxes related to voting on Town of Mansfield financial issues? Town financial issues include but are not limited to Referenda and town budget.

Thank you,



Charles R. Naumec

To: Mansfield Town Council

From: Rebecca Shafer, Bill Roe, Mansfield Neighborhood Preservation Group

RShafer@MansfieldNeighborhoodPreservation.org

BRoe@MansfieldNeighborhoodPreservation.org

Date: March 14, 2016

Re: University Housing in Town of Mansfield

We are at a juncture where the Town and the University need to move forward in a way more beneficial to the Town residents.

Since 1702, Mansfield has been an incorporated town made up of 17 small farming villages. These were thriving communities with industries, inventors and general stores. There were trains and taverns, an orphanage and a poorhouse, doctors, graveyards and churches. And, there were schools in each village, many of which have been converted into residences which are still here today.

There was a thriving economy which included tourist homes, silk mills, saw mills and steel yards. There were cranberry bogs, grist mills and tanneries. Our manufacturing operations made buttons, gun powder, horn combs, carding machines, and bronze cannons. Bells, organ pipes, optical parts, cedar shakes and clover seeds (for premium clover hay) were also produced here. Many of these products were shipped around the world.

In 1881, two men from one of those villages, Storrs, gave the money and a small plot of land to build a school named Storrs Agricultural School. Over the past 135 years, that school has grown to become a major university with more than 20,000 students.

We have now reached a critical mass where we must make some decisions about the future of our Town. UConn's increased enrollment has had major impacts on the Town. Many wells have run dry; rivers have run dry (and are often too low to support fishing and swimming); our wetlands are being filled in and the water quality of our brooks has been compromised. Our back roads (and main roads) are clogged with traffic as the number of students now outnumbers the number of residents.

Students not housed on campus have infiltrated every part of our community. Over 400 homes in family neighborhoods have been converted to profit-making student rental businesses; likewise, student apartments have been shoe-horned into other residential areas. Furthermore, since the university houses only 30% of its fraternities and sororities, the remaining 70% are in our neighborhoods.

This overflow of university students has attracted investors from as far away as NC and FL; they come here simply to buy homes to convert into student rental **BUSINESSES** in our neighborhoods. Our community and the quality of our lives has changed due to this phenomenon. Thus, we need to change directions. In this case, Less is More.

We ask:

1- that all off campus students be required to **provide their local addresses** to the University and the Town (something we were shocked to hear was not required at present);

2- that enrollment be limited to only as many **undergraduate** students as can be housed on campus (which leaves 4,300 grad students in our neighborhoods),

or

that **90% of ALL students (grad & undergrad) be housed ON campus;**

3- that the university house all **freshmen and sophomores ON campus;**

4- that all **fraternities be moved back ON campus;**

5- that any necessary student apartments and dormitories be built **ON campus** rather than in the community;

6- that limits be placed on the **number of cars** brought to the area;

7- that enrollment be **increased in regional campuses**, while **capping enrollment in Storrs;**

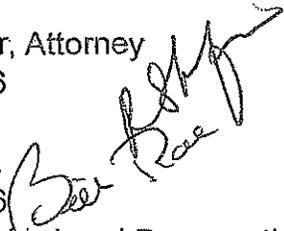
8- that the state work with Mansfield to assist families in **buying back 50%** of the houses in the apron neighborhoods of campus that are currently being used as student housing in order to restore them to respectable family neighborhoods (E. Lansing, MI);

9- and finally, that several **academic departments be moved to other CT locations**. For example, the Schools of Pharmacy, Nursing and Allied Health could be shifted to Farmington or Hartford locations nearer to the School of Medicine and Dentistry. In this way, *all* health-related departments would have easier access to internship opportunities in central Connecticut hospitals, as well as, expanded access to a diverse cohort group in the other medical professions.

These things, together with a number of changes Mansfield is making, should balance the needs of Mansfield with the needs of the University.

Rebecca Shafer, Attorney
1-860-786-8286

William Roe, Jr.
1-860-690-3676


Mansfield Neighborhood Preservation

<https://www.facebook.com/groups/MansfieldNeighborhoodPreservation/>

CC to:

Representative Gregory Haddad

Senator May Flexor

Senate President Martin Looney

Representative Brendan Sharkey, House Speaker

Senator Len Fasano

Co-Chairs of Appropriations Committee

Senator, Beth Bye

Representative Tony Walker

Co-Chairs of Environmental Committee:

Senator Ted Kennedy

Representative James Albis

Co-Chairs of Public Safety & Security

Senator Timothy Larson

Representative Stephen Dargan

Co-Chairs of Higher Education & Employment Advancement Committee

Senator Dante Bartolomeo

Representative Roberta Willis

Chair of UConn Board of Trustees

Lawrence McHugh

Ms. Shari Cantor

UConn President Susan Herbst

PAGE
BREAK



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Patricia Schneider,
 Director of Human Services
Date: March 28, 2016
Re: Transportation for Seniors and Persons with Disabilities

Subject Matter/Background

Our citizens have identified a number of concerns raised regarding transportation options available to Mansfield's seniors and persons with disabilities. Some of the challenges they have reported include the limited availability and unreliability of transportation services as well as the length of wait times when using the Dial-A-Ride or state funded programs. In addition, residents have requested improved and expanded services for community and nursing home residents in Mansfield.

The Town of Mansfield participates in the regional Dial-A-Ride program through Windham Regional Transit District (WRTD), which offers service within Mansfield as well as to the nine other towns it serves. This program provides rides anywhere within the district for any purpose including work, medical appointments, shopping, and social/recreational activities. These services are available during program hours to community residents as well as to those living in the Mansfield Nursing and Rehabilitation Center. In addition, the Town receives the State Matching Grant for Elderly and Disabled Demand Responsive Transportation from the Connecticut Department of Transportation (CTDOT) in the amount of \$32,350, which supports the Mansfield Senior Center's transportation program. This service provides out-of-district medical transportation as well as in-district service when Dial-A-Ride is not available or impractical to utilize. The grant also supports other transportation efforts such as group van trips for social, educational, and recreational purposes.

Financial Impact

The Town currently appropriates \$121,975 to WRTD as the local cost share for Dial-A-Ride, ADA and the fixed route transportation services. The district leverages these dollars with federal and other grant funds. The Town pays 17% of the cost of Dial-A-Ride services and 50% of the ADA and fixed route services. In addition, Mansfield and UConn evenly share the cost of the special fare program. Mansfield's estimated share of the special fare program totals \$32,000 for FY 2015/16.

The Town supports the Senior Center transportation program by funding 52% of the cost of the part time transportation coordinator's salary as well as the insurance, maintenance, and fuel cost for the 10 passenger handicap-accessible van and the town car used for the program. The majority of the medical rides are provided by a core of dedicated volunteers. The CTDOT grant is used to fund 48% of the coordinator's salary and 19 hours weekly of paid driver staff time to supplement when volunteers are unavailable for medical transportation and to provide the very popular group van trips offered by the Senior Center. Any expansion of services would require additional Town funds to pay the cost for contractual services or additional paid staff, vehicles, fuel, insurance, and vehicle maintenance.

Recommendation

At Monday's meeting, Director of Human Services Patricia Schneider will conduct a presentation reviewing the service options that are presently available, identified gaps in service, as well as potential options to enhance service.

Following the presentation, we suggest that the Council debrief and determine if there are additional options or issues you would like staff to research or discuss further.

Attachments

- 1) 01/11/16 Mansfield Commission on Aging letter to Connecticut Department of Transportation re: public transportation
- 2) 02/03/16 Connecticut Department of Transportation letter to Mansfield Commission on Aging re: public transportation



TOWN OF MANSFIELD
Commission on Aging

303 MAPLE ROAD
MANSFIELD, CT 06268-2599
Tel: (860) 429-0262
Fax: (860) 429-3208
E-Mail: SeniorCenter@mansfieldct.org

January 11, 2016

James P. Redeker, Commissioner
Connecticut Department of Transportation
2800 Berlin Turnpike
Newington, CT 06111

Dear Commissioner Redeker,

Mansfield's Commission on Aging is a commission appointed by the Mansfield Town Council to look into the needs of the Town's elderly population. One of the needs we recently identified is the elderly's lack of access to reliable public transportation that serves their basic needs. For example we know that some elderly residents who due age and failing health cannot drive are unable to obtain transportation for medical appointments.

As a result of this concern, we spoke to Elizabeth Grant, the Administrator for the Windham Regional Transportation District (WRTD) at our January meeting. She kindly answered our questions and informed us about the challenges that they face as an organization.

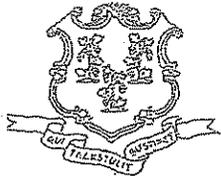
One issue that was raised was that significant changes to the bus routes and schedules would require a study by the DOT of public transportation needs in the area. The Commission on Aging is well aware of the budgetary pressures felt by all state agencies at this time, but we would like you to know that we strongly support the undertaking of such a study. We would also urge that this study be expedited due to issues of our elderly population particularly related to the lack of medical transportation. We believe that WRTD should create a system of schedules and routes that are more easily used and more responsive to the needs of our community once provided with these resources. We believe that such a study would show that there are unmet needs in the Mansfield/Willimantic area and that resources must be reallocated accordingly.

Thank you for your attention to this issue.

Sincerely,

Wilfred T. Bigl, Chairman
Mansfield's Commission on Aging

Cc: WRTD
Mansfield Town Council
Matt hew Hart, Mansfield Town Manager
Linda Painter, Director of Planning & Development
Patricia Schneider, Director of Human Services



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

February 3, 2016

Mr. Wilfred T. Bigl
Town of Mansfield
Commission on Aging
303 Maple Road
Mansfield, CT 06268-2599

Dear Mr. Bigl:

Your January 11, 2016 letter to Commissioner Redeker regarding public transportation services in the Mansfield/Willimantic area has been referred to this office for response.

There is already a significant state investment in transportation in your region. The Connecticut Department of Transportation (Department) provides federal and state funding to Windham Region Transit District (District) for the operation of Fixed Route, Dial-a-Ride and ADA transit services in the area. Additional state funding is provided to local towns for transportation of elderly and disabled individuals (which can include medical trips) through the Municipal Grant Program. And the Town of Mansfield has a vehicle provided by our Section 5310 grant program that the Town should be using to provide service for seniors and people with disabilities.

There are several ongoing studies that will affect services in your region. There is the CTfastrak Expansion study which includes the potential for more services to UConn from Hartford and Manchester. A statewide bus study has recently been initiated that will look at services more comprehensively throughout the entire state. And the Capitol Region Council of Governments has another planning study in the works that will include the Mansfield area.

However, very local transportation needs such as you seem to be most concerned with are best planned for and designed at the local level. So your conversation with the District was a good start. The Department has been notified by the District that it is interested in having a separate study of transit services for its service area and they have been told to prepare a formal scope of work and request for funding for our review.

Should you require further information, please feel free to contact Mr. Ricardo Almeida at (860) 594-2839 regarding existing transit operations or Ms. Lisa Rivers at (860) 594-2834 regarding the planning studies.

Very truly yours,

Michael Sanders
Transit and Ridesharing Administrator
Bureau of Public Transportation



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; John Carrington, Director of Public Works, Curt Vincente Director of Parks and Recreation, Linda Painter, Director of Planning and Zoning
Date: March 28, 2016
Re: Accessible Parking at the Mansfield Community Center

Subject Matter/Background

At its December 14, 2015 meeting, the Town Council received an email letter from the Mansfield Commission on Aging concerning a lack of accessible parking at the Mansfield Community Center. The staff of the Community Center has also reported that it receives complaints about a lack of available accessible spaces.

The Mansfield Town Hall and Mansfield Community Center share a common parking lot between the two facilities. The parking area is comprised of approximately 227 spaces of which 11 spaces are designated handicapped-accessible. For a lot of this capacity, Connecticut General Statutes §14-253(a) requires three accessible spaces, while the US Department of Justice 2010 ADA Standards and International Building Code require seven spaces with this designation. Staff has attached a schematic of the parking area with the existing parking areas denoted in blue shading and distances to the Community Center entrance outlined in orange. The existing parking plan exceeds the Building Code requirements for accessible parking.

The Public Works Department evaluated several alternatives to identify additional accessible parking spaces in reasonably close proximity to the Community Center entrance. In addition, the Council on Aging provided a recommendation for additional accessible parking, which is included in the alternatives analysis.

Alternatives Analysis

Proposal #1 – This proposal would restripe existing parking spots on the opposite side of the existing handicapped spots. This alternative would result in a loss of four standard parking spaces and the addition of two accessible spaces. Prior to construction of the Community Center, the Planning and Zoning Commission (PZC) reviewed this option during its site plan review. With the sight lines and traffic volume in the main driveway, the PZC was concerned about having individuals with limited mobility backing into the main drive. The Public Works Department reviewed the sight lines for this alternative and is also concerned

that an individual in a wheelchair may not be visible to a driver navigating the turn in front of the entrance. To mitigate this concern, the landscaped island would need to be removed and a paved walkway installed to enable individuals in a wheelchair to move to the front of their vehicle and then to the current crossing.

Proposal #2 – This proposal would restripe the existing parking spots on the island, remove the accessible spaces in the upper area and extend the existing walkway to the south to accommodate the additional parking. This option would not impact the total number of parking spaces. This proposal would increase the number of accessible parking spaces but would not improve the proximity to the Community Center.

Proposal #3 – This is staff's preferred option. The proposal would restripe four existing parking spaces on the landscaped island resulting in two additional accessible spaces. The existing walkway from the upper area would be reconstructed to reduce the slope from a 7.5% slope to 2.8% slope and add a section of walkway to decrease the distance from the entrance. To mitigate the loss of four parking spaces the existing spaces along the EO Smith tennis courts would be restriped from 10 foot to 9.5 foot spaces providing three additional parking spaces. In addition, the landscaped island would be restriped to allow for the installation of an additional standard parking spot. This alternative would provide additional accessible parking, improve the grade for the accessible spaces in the upper parking lot, and maintain the number of parking spaces at the Community Center and Town Hall.

Financial Impact

The Department of Public Works has evaluated the alternatives. We budgeted the cost for striping the Community Center parking area in this year's striping program. Re-grading the walkway would require approximately one week of time for a three-person crew. The cost for the asphalt is estimated at \$1,000.

Recommendation

For the reasons outlined above, staff recommends that the Town Council endorse Proposal #3 as the preferred option. To permit this work the PZC would need to approve a site plan modification. If the Town Council concurs with this recommendation, the following motion would be in order:

Move, effective March 28, 2016, to endorse Proposal #3 as presented by staff as the preferred option to construct additional accessible parking for the Mansfield Community Center.

Attachments

- 1) Email letter from Commission on Aging Chairman dated December 14, 2015
- 2) PowerPoint Presentation

Mary L. Stanton

From: Will <wbigl@charter.net>
Sent: Monday, December 14, 2015 12:41 PM
To: Alexander Marcellino; Ben Shaiken; Mark Sargent; Paul M. Shapiro; Peter Kochenburger; Stephen Kegler; Toni Moran; Virginia Raymond; William (Bill) Ryan
Cc: Mary L. Stanton
Subject: Handicap Parking @ Community Center

Mansfield Town Council
C/O Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268
December 14, 2015

Dear Council Members:

The Commission on aging has recently been advised of concerns related to the current handicap parking available at the Mansfield Community Center. Several Mansfield residents attended our October meeting to discuss these concerns which focused on the limited number of designated handicap parking spots as well as the location of same. Specifically, they noted that 2 of the designated spaces are located in an area that presents a severe challenge to those with mobility issues. Their distances from the Center entrance combined with the steep incline were noted.

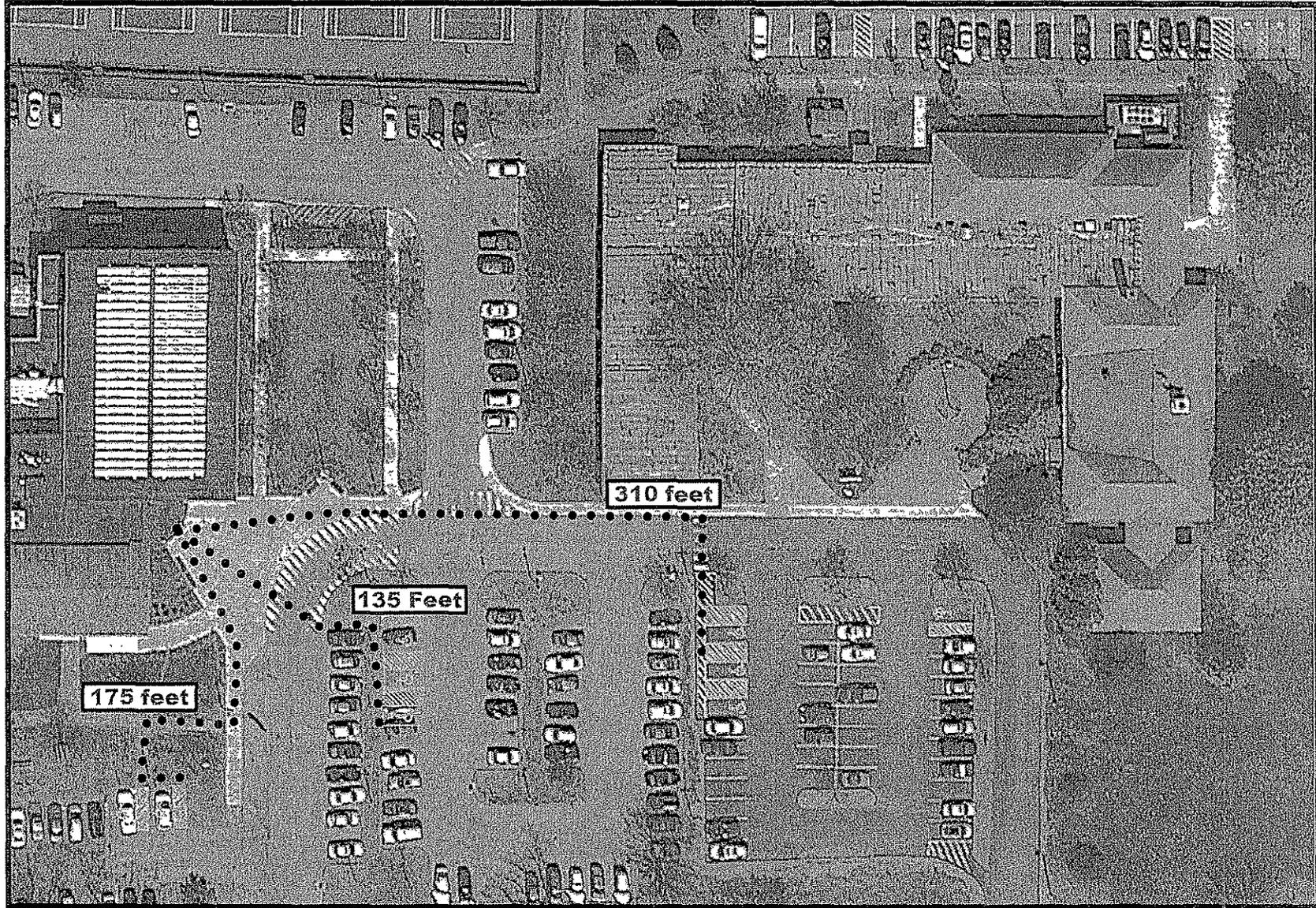
Seeing that a large number of handicap permits are issued to elderly with mobility issues, and as you are aware, the Commission on Aging is charged with the responsibility to study the conditions and needs of our elderly residents and to evaluate and recommend programs to assist them. The information we have gathered indicates that there are concerns that appear to be valid. Although we are not qualified to make specific recommendations to remedy these issues, we do feel that a reevaluation of the current handicap parking at the Community Center is necessary.

We would respectfully request your continued consideration of these concerns.

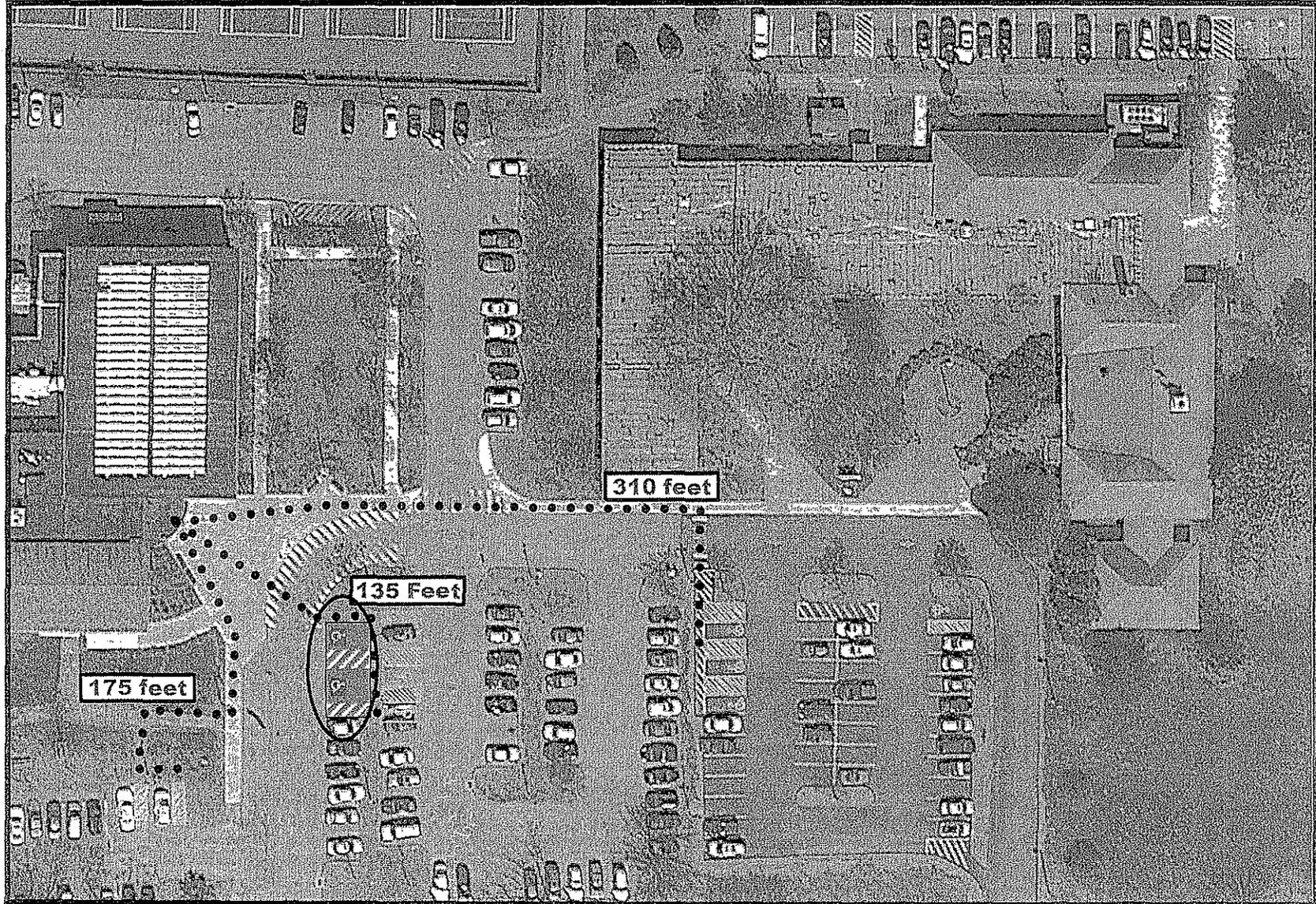
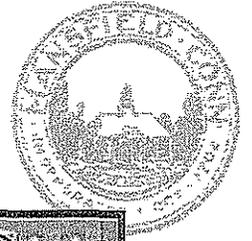
Respectfully:

Wilfred T. Bigl
Wilfred T. Bigl, Chairman

Mansfield Community Center Existing Handicap Parking

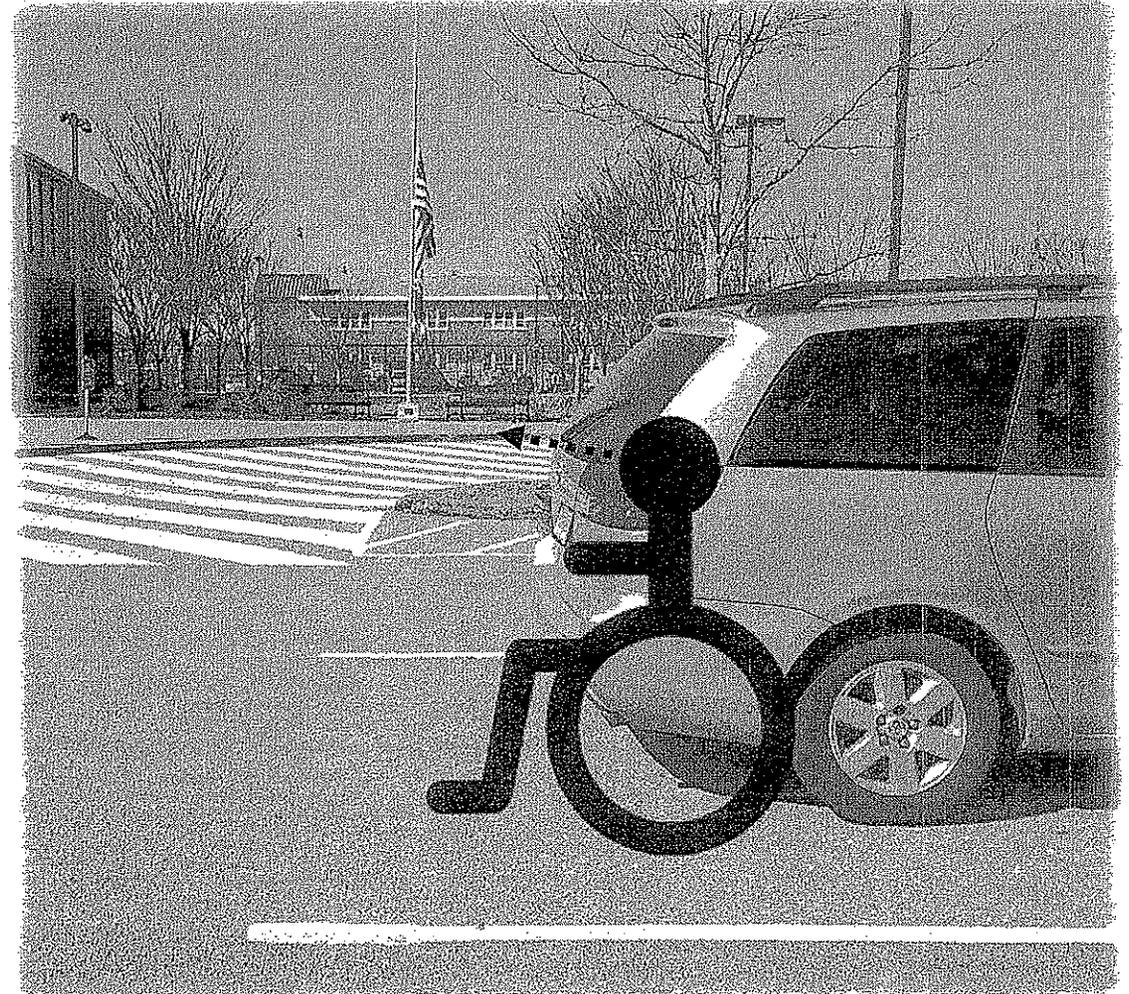
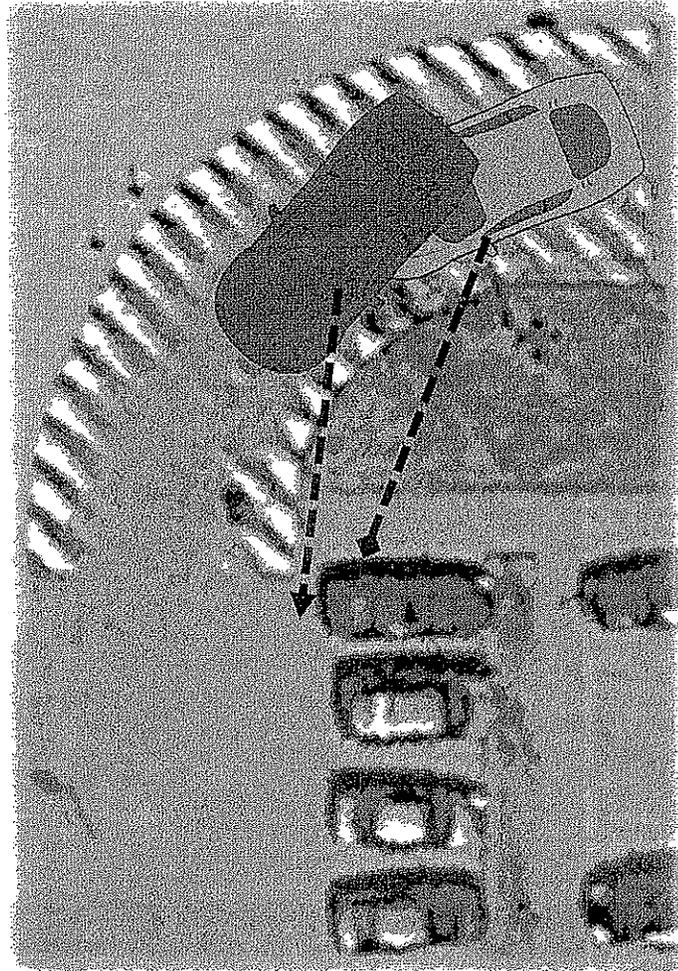


Mansfield Community Center Proposal 1 of 3 - Handicap Parking

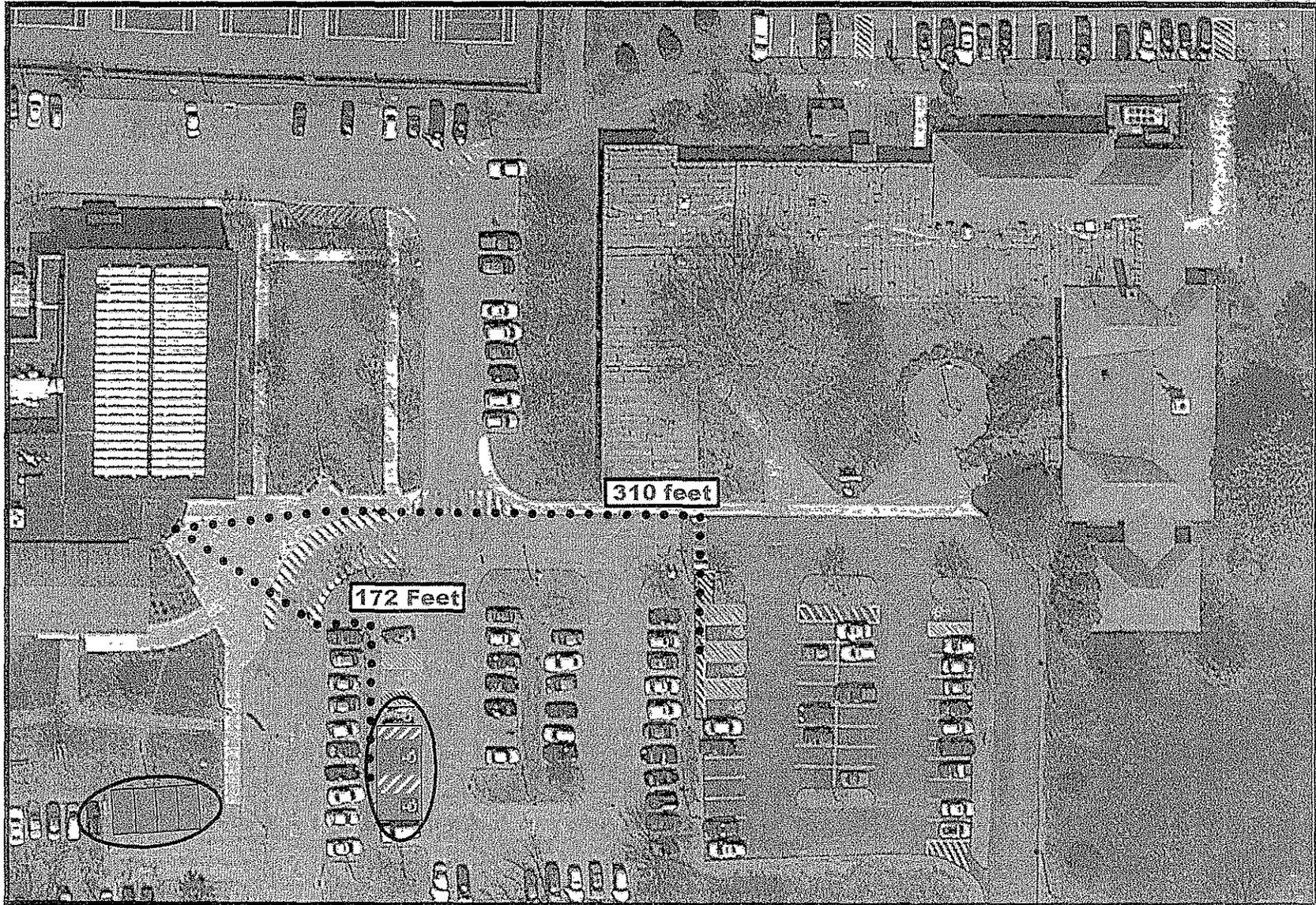




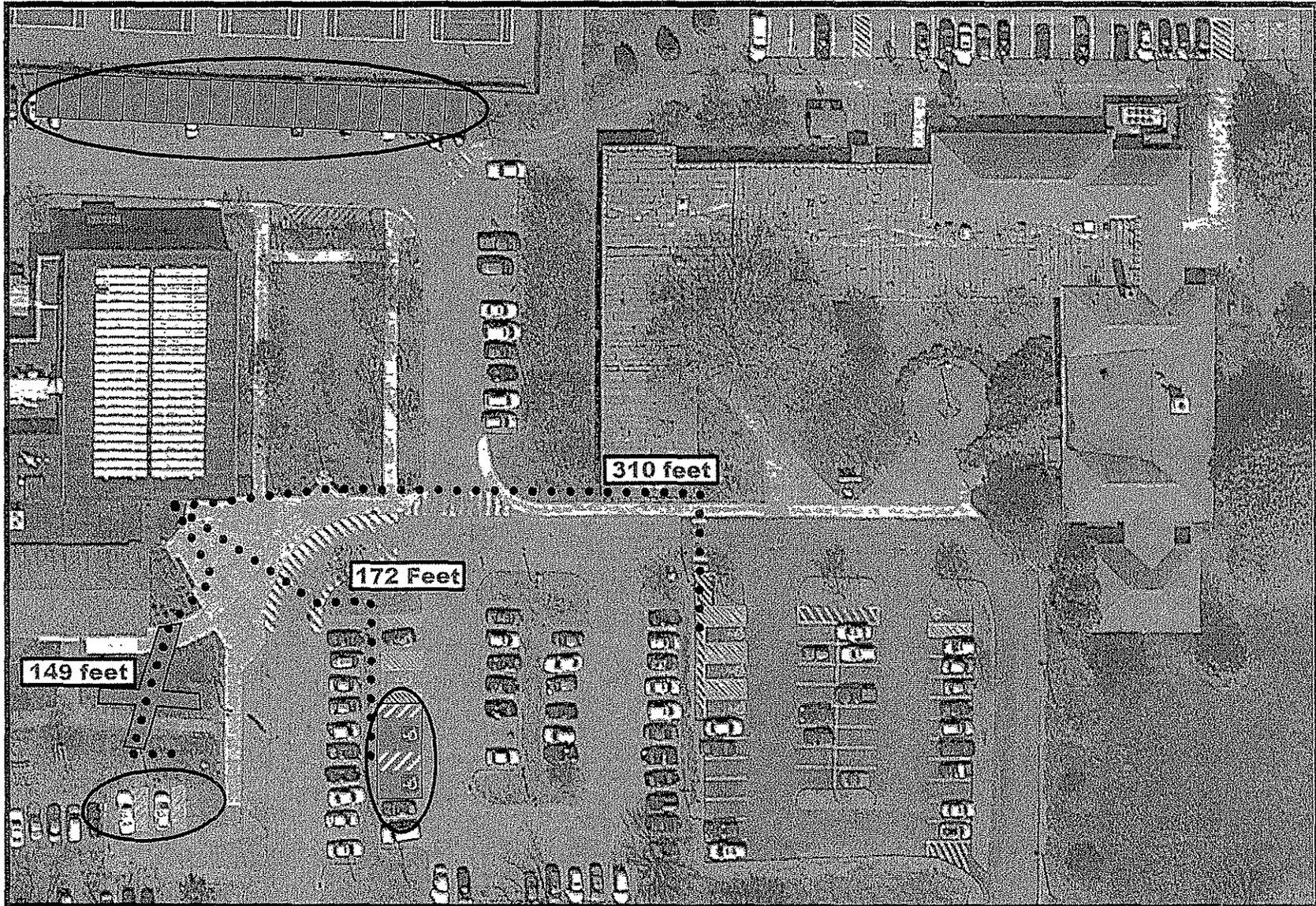
Mansfield Community Center Proposal 1 of 3 - Handicap Parking



Mansfield Community Center Proposal 2 of 3 - Handicap Parking



Mansfield Community Center Proposal 3 of 3 - Handicap Parking Recommended Plan





**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager
Date: March 28, 2016
Re: UCONN Students Right to Vote on Municipal Financial Matters

Subject Matter/Background

As requested by the Town Council, staff has placed this item on the agenda for discussion.

Attachments

- 1) C. Naumec re: Fair Treatment of Mansfield Taxpayers (03/14/16)
- 2) C. Naumec re: Fair Treatment of Mansfield Taxpayers (02/22/16)
- 3) K. Deneen re: Students/Property Owners Right to Vote
- 4) D. Merrill re: Voting Rights and Students

**For additional information on this topic, please see Item 2 of 02/08/16 Council packet*

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
March 14, 2016

I would like to quote the normal introductory statement made prior to the OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL at Town Council Meetings. "If you have a question for us or Town staff, know it may not be answered tonight. We will make note of the question and try to get you a response when we can." I assume all questions will be answered in a timely manner.

I would like an official YES or NO answer to the following question:

Does the Town of Mansfield Town Council support the efforts of Charles R. Naumec through the Connecticut Secretary of the State Office seeking a constitutional review by the Legislation and Elections Administration Division attorney of the voting rights of UConn students living in University housing and paying no taxes related to voting on Town of Mansfield financial issues? Town financial issues include but are not limited to Referenda and town budget.

Thank you,



Charles R. Naumec

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 24th Amendments. Specifically, the 24th 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



(https://www.cornell.edu)Cornell University Law School (http://www.lawschool.cornell.edu)Search Cornell (https://www.cornell.edu/search/)

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)

Download HIPAA Checklist

Free HIPAA Security Guide By ESET® Ten Steps For HIPAA Compliance.

o o

Constitution Toolbox

- Explanation of the Constitution (/anncon/) - from the Congressional Research Service

Background Check Yourse

Enter a Name & Search Free! View Background Check Instantly.

o o

Boost your law firm revenue by 23%.

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GET STARTED TODAY FOR FREE

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Lawyers near Ashford, Connecticut

Charles Naumec

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

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

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.

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 recanvass 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

O'MALLEY, DENEEN, LEARY, MESSINA & OSWECKI

ATTORNEYS AT LAW

20 MAPLE AVENUE
P O. BOX 504
WINDSOR, CONNECTICUT 06095

TELEPHONE (860) 688-8505
FAX (860) 688-4783

THOMAS J. O'MALLEY (ret)
DONALD J. DENEEN (ret)
ANDREW G. MESSINA, JR.
(1940-2000)

WILLIAM C. LEARY
Of Counsel
VINCENT W. OSWECKI, JR.
MICHAEL P. DENEEN
KEVIN M. DENEEN
RICHARD A. VASSALLO
JAMES P. WELSH

February 5, 2016

Mr. Matthew W. Hart, Town Manager
Town of Mansfield
4 South Eagleville Road
Mansfield, Connecticut 06268-2599

Re: Students/Non-Property Owners Right to Vote

Dear Matt:

Following my letter of January 6, 2016, as I understand it, the following questions have been posed:

Does the Connecticut General Assembly have the authority under the federal and state constitutions to "limit the voting rights of electors who live in UConn Residence Halls to voting for candidates, and exclude them from voting on budget issues at town meetings and at budget referenda?"

The Constitution of the State of Connecticut (1965), as amended in 1974, provides that "every citizen of the United States who has attained the age of eighteen years, who is a bona fide resident of the town in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector." (Article Sixth, Section 1, as amended) The 1974 amendment removed the durational residency requirement that had existed in the Connecticut Constitution since at least 1818. This followed the United States Supreme Court's ruling in Dunn v. Blumstein, 405 U.S. 330 (1972) (The durational residency requirement in Article VI, Section 9 was also repealed in 1980.)

Section 9-12 of the General Statutes provides in relevant part "(a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town." (Emphasis added.) If a student is a bona fide resident of Mansfield (i.e., his or her "dwelling unit is located within the geographic boundaries of such town"), he or

she is eligible to be admitted as an elector.

As a citizen qualified and admitted as an elector, the elector has the right to participate in all elections and referenda. Non-durational residency requirements (i.e., elector must be a resident in order to vote rather than a resident for a minimum amount of time) are constitutional.

The core right obtained when an individual is admitted as an elector is the fundamental right to vote. Any attempt to limit by type of vote (i.e., for office or a referendum) is likely to fail to pass constitutional scrutiny, as it will likely be found to be a violation of both the Fourteenth Amendment to the United States Constitution and Article First, Section 20 of the Connecticut Constitution.

The Connecticut Constitution guarantees all electors the right to vote in the election of members of the General Assembly and the Executive branch. (Article Third, Sections 8, 9; Article Fourth, Section 4). The Connecticut Constitution also guarantees the right of all electors to vote for Judges of Probate (Article Fifth, Section 4). Article Twelfth also guarantees the right of electors to vote regarding amendments to the Connecticut Constitution and Article Thirteen guarantees their right to vote to call a Constitutional Convention.

In summary, any person admitted as an elector in Mansfield is entitled to vote in all municipal elections, including any budget meetings or budget or bond referenda.

Very truly yours,



Kevin M. Deneen

KMD/lhc



DENISE W. MERRILL
SECRETARY OF THE STATE
CONNECTICUT

September 24, 2015

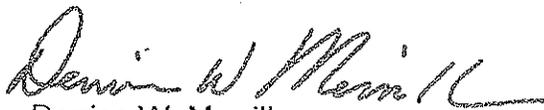
Mr. Charles Naumec
52 Riverview Rd
Mansfield Center, CT 06250

Dear Mr. Naumec:

Thank you for sharing your thoughts with me about voting rights and students. Having spent many years in Mansfield, I understand the dynamic that concerns you. However, the right to vote is a fundamental right of all Americans regardless of whether their residence is permanent or temporary, or whether the individual does or does not own any property. The law is clear: no group of citizens are allowed to have more generous or more limited privileges than any other group of citizens. I'm sorry to say that the changes to Election Day registration that you suggest would not meet the constitutional criteria.

With respect to your concerns regarding PILOT funds, I suggest you contact the Mansfield legislative delegation, since they can have a direct impact on the development of policy and the state budget.

Sincerely,


Denise W. Merrill
Secretary of the State



DENISE W. MERRILL
SECRETARY OF THE STATE
CONNECTICUT

September 24, 2015

Mr. Charles Naumec
52 Riverview Rd
Mansfield Center, CT 06250

Dear Mr. Naumec:

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With respect to your concerns regarding PILOT funds, I suggest you contact the Mansfield legislative delegation, since they can have a direct impact on the development of policy and the state budget.

Sincerely,

A handwritten signature in cursive script that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager
CC: Maria Capriola, Assistant Town Manager
Date: March 28, 2016
Re: Crumbling Foundations in Eastern CT

Subject Matter/Background

In July of 2015, Governor Malloy called on the Department of Consumer Protection (DCP) and the Office of the Attorney General to conduct an investigation into crumbling foundations. The Insurance Department, and Department of Banking, along with state, municipal, and federal officials have been collaborating with DCP's investigative team to provide resources to homeowners.

As part of the investigation, representatives from these state agencies have spoken with over 300 people, including homeowners, contractors, engineers, and other industry experts, to gather information and to further their understanding of the scope of the concrete problems. The state has also hired a civil engineer whose area of expertise is concrete. This expert and his team have started taking core samples from crumbling foundations in Eastern Connecticut and are testing and analyzing them to determine the cause of the deterioration and to help determine how many homeowners are impacted. Preliminary results from this testing will be shared late this spring.

Additional information provided by the Connecticut Department of Consumer Protection is attached. On Monday, Councilor Kochenburger and I are attending a meeting covered by LT Governor Wyman to discuss this important topic and will be able that evening to provide the Council with a report.

Attachments

- 1) Brochure: Concrete Foundations
- 2) 08/05/2015 Advisory to Connecticut Licensed Home Inspectors
- 3) 11/19/2015 Press Release: Update on Concrete Foundations Investigation

BACKGROUND ON CONCRETE

This brochure is meant to provide homeowners with information about resources that can help determine if their concrete foundation is damaged, and help find potential options for repair.

The Connecticut Department of Consumer Protection and the Connecticut Insurance Department are among the resources homeowners can consult regarding foundation concerns.

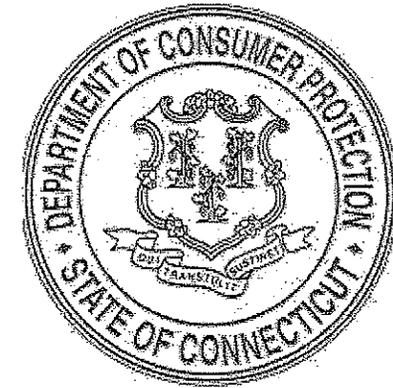
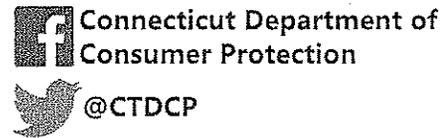
While the Department of Consumer Protection gathers information from concerned consumers, the Insurance Department is helping potentially affected homeowners with any insurance related questions or complaints.

Residents are encouraged to email individual insurance related questions to cid.ca@ct.gov, or call the Insurance Department at 800-203-3447.

Connecticut Department of Consumer Protection

Connecticut Department of Consumer Protection

165 Capitol Avenue
Hartford, CT 06106
Phone: 860-713-6100
Toll-Free in CT: 800-842-2649
www.ct.gov/dcp



CONCRETE FOUNDATIONS

INFORMATION AND QUICK FACTS

If the concrete in your basement walls has large cracks like ones pictured, your home's foundation may be damaged and **should be inspected.**

An inspection can identify solutions to prevent long-term damage.



What you need to know.

- During your conversations with experts about potential damage to your foundation, make sure you reference cracks in your foundation walls and floor individually. This will help the experts provide you with an adequate recommendation for repair.
- Cracks such as those in the photos shown here may take ten or more years after the foundation is poured to develop. Many of the homes that show damage similar to that in these photos were built in the 1980s and 1990s.



What you can do.

- Talk with a professional engineer about testing the concrete in your home for damage, and their recommended next steps for repair.
- You can verify that your professional engineer is licensed, and your home improvement contractor is registered at
- Contact the Connecticut Insurance Department to work through any insurance related questions or complaints.
- If you have other questions or need support, please contact the Department of Consumer Protection at

What to avoid.

- There may not be a quick, or partial fix to the problem. Using a short term fix or partial replacement may result in more repairs at a higher cost in the future.
- Be aware of scams, and make sure you're using a registered and reputable home improvement contractor (take a look at [this link](#) to verify their registration).



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

ADVISORY

Recent reports of issues with foundations in some residential homes in Connecticut prompt the Department of Consumer Protection to issue this Advisory to remind licensed Home Inspectors that, within your defined scope of work, you should be especially diligent in your inspection of existing residential home foundations. If you find signs of cracking and deterioration, you must disclose the condition to your client.

We advise that you follow the International Standards of Practice for Inspecting Residential Properties and visual inspection standards when inspecting residential foundations.

There have been recently reported foundation failures in Connecticut, which appear to be typically identified in homes built twenty or more years ago and manifest themselves with unique characteristics, described as "map" or "spider" cracking. The cracking may possess rust colored staining with associated effervescence.

Home Inspectors are required to inspect under-floor crawl spaces which are readily accessible, and report any home deterioration or significant cracking that may be present in a foundation to your client.

International Standards of Practice for Inspecting Residential Properties

I. The inspector shall inspect:

- A. the foundation;
- B. the basement;
- C. the crawlspace; and
- D. structural components.

II. The inspector shall describe:

- A. the type of foundation; and
- B. the location of the access to the under-floor space.

III. The inspector shall report as in need of correction:

- A. observed indications of wood in contact with or near soil;
- B. observed indications of active water penetration;
- C. observed indications of possible foundation movement, such as sheetrock cracks, brick cracks, out-of-square door frames, and unlevel floors; and
- D. any observed cutting, notching and boring of framing members that may, in the inspector's opinion, present a structural or safety concern.

Dated: August 5, 2015

165 Capitol Avenue, Hartford, Connecticut 06106-1630
General Information (860) 713-6100
TDD (Telecommunications Device for the Deaf): (860) 713-7240
Internet Web Site: <http://www.ct.gov/dcp>
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Department of Consumer Protection

PRESS RELEASE

Department of Consumer Protection
165 Capitol Avenue
Hartford, Connecticut 06106



Jonathan A. Harris
Commissioner

FOR IMMEDIATE RELEASE

UPDATE ON CONCRETE FOUNDATIONS INVESTIGATION

November 19th, 2015 - The Department of Consumer Protection, working in coordination with the Attorney General's Office, continues to make progress in the ongoing inquiry into reported crumbling concrete foundations in Northeast Connecticut. Representatives from the agencies have visited work sites in five municipalities in Northeast Connecticut and spoken with over 100 people including contractors, homeowners, engineers, scientists, and other industry experts.

"We understand that families affected are potentially facing a substantial financial burden to repair their home, which for most of us is our biggest asset. As a result, we've been moving forward aggressively on a number of fronts to gather all information which may enable us to determine the scope and cause of the problem," explained Commissioner Jonathan A. Harris.

The focus of the Attorney General's efforts, at the request of Governor Malloy and in coordination with the Department of Consumer Protection, is to determine if grounds exist to initiate legal action under the Connecticut Unfair Trade Practices Act, based on the manufacture, sale or installation of concrete foundations in Eastern Connecticut. That inquiry will evaluate the potential causes for crumbling foundations. It will also evaluate whether, based on the state of scientific knowledge and industry standards at the time foundations were installed, any party engaged in misleading or improper business practices and, if so, whether viable legal remedies exist to remedy any harms.

In furtherance of that investigation, the agencies have now entered into an agreement with a concrete expert from the University of Connecticut to conduct a scientific investigation into the cause of the reported crumbling foundations. That investigation is expected to yield preliminary conclusions in the Spring of 2016. It is anticipated that the expert will evaluate a sampling of testing results, as well as a variety of other information.

Finally, as part of the commitment to assisting homeowners, the Department of Consumer Protection has created guidance and resources that is available on its website. That information will continue to be updated as the investigation progresses.

###

Contact:
Lora Rae Anderson
8602478711
lorarae.anderson@ct.gov

PAGE
BREAK



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Ana Zeller, EHHD
 Community Health and Wellness Coordinator
Date: March 28, 2016
Re: Tobacco Free Campus Policy

Subject Matter/Background

Staff, with assistance from the Eastern Highlands Health District Community Health and Wellness Coordinator, has been working to prepare a draft Tobacco Free Campus Policy for all Town owned buildings and grounds (excluding parks and school facilities). We see this as an important public health initiative to reduce exposure to second hand smoke and to provide employees that smoke with additional incentives and resources to quit smoking.

We reviewed drafts with the Personnel Committee at its January and March 2016 meetings. At its March 21, 2016 meeting, the Personnel Committee unanimously approved the following motion and endorsed the Policy as presented: *to endorse the Tobacco Free Campus Policy as presented and recommend its endorsement to the Town Council for execution by the Town Manager and to take effect on May 1, 2016.*

The implementation plan includes:

- Education effort (of the policy) for the public, employees, and contractors
 - Take-away cards, press releases, other notification via available communication methods (public)
 - Presentation and Q & A session (employees)
 - Informational handout (contractors)
- Cessation resources for employees
- Signage for Town buildings

Legal Review

The Town's labor attorney has reviewed the presented draft. At the Personnel Committee's request, the Town Attorney has also reviewed the draft Policy and has addressed the following specific concerns:

- The Town has the authority to make this Policy applicable to the general public (patrons and visitors) when visiting our buildings and grounds.
- The Town has the authority to prohibit people from smoking inside their private vehicles in our parking lots.

- This can simply be adopted as an administrative policy under the Town Manager's signature. This does not have to be adopted as an Ordinance in order for it to be applicable to the general public.

Recommendation

While the Policy is largely administrative in nature, the Town Attorney has suggested that the Council as a whole review the draft Policy, similar to the process utilized when the Use of Town Attorney Policy was created. While the Town Manager normally executes administrative policies, this Policy does extend to patrons in addition to employees. As a result, I am seeking the Council's endorsement of this Policy prior to executing the document.

If the Council supports the Policy as presented, the following motion is in order:

Move, to endorse the Tobacco Free Campus Policy as presented, which shall be effective May 1, 2016.

Attachments

- 1) Draft Tobacco Free Campus Policy



TOWN OF MANSFIELD POLICY MEMORANDUM

To: Employees, Volunteers, Visitors, Contractors/Vendors, and Patrons
From: Matthew W. Hart, Town Manager
Date: May 1, 2016
Subject: Tobacco Free Campus Policy

I. Purpose

Upon execution of this policy, the Town of Mansfield is implementing a campus-wide tobacco-free policy that applies to all employees, volunteers, contractors/vendors, customers, and visitors. This policy prohibits the use of any tobacco products, including but not limited to any lighted or unlighted cigarette, cigar, pipe, bidi, hookah, the use of smokeless tobacco, including snuff, chewing tobacco and any other form of smokeless tobacco, and other non-combustible tobacco-free products and devices such as e-cigarettes or any other device intended to simulate smoking, in or around Town owned buildings and grounds. This policy aims to promote a safe and healthy environment for everyone who works on or visits any of the Town of Mansfield's campuses.

II. Applicability

All employees and volunteers (collectively referred to as "employees") who conduct business for the Town and/or conduct business on the Town's property are covered by the Tobacco Free Campus Policy. Additionally, this policy applies to contractors/vendors, customers of and visitors to Town buildings and grounds. This policy applies at all times when employees, volunteers, contractors/vendors, customers, and visitors are on the premises of or engaged in activities or functions at Town owned facilities. This policy is in effect at all times, during and after regular business hours. For the purpose of this policy Town owned facilities/campuses include:

- Audrey Beck Municipal Building (Town Hall)
- Animal Shelter
- Fire Stations 107, 207, and 307
- Mansfield Community Center
- Mansfield Public Library & Buchanan Auditorium
- Mansfield Senior Center
- Nash Zimmer Transportation Center
- Parking Garage
- Pavilions at Bicentennial Pond and Lions Club Park
- Public Works Garage
- Transfer Station
- All storage buildings, concession buildings, and restroom buildings owned by the Town

The Town of Mansfield's Parks Regulations prohibit the use of all tobacco products; for parks, playgrounds, and open space owned by the Town of Mansfield, those regulations shall be applicable.

For Mansfield public school buildings and grounds, Mansfield Board of Education policies shall be applicable.

It is the goal of the Town of Mansfield for all Town owned buildings leased to a third party to be tobacco free campuses as well. The Town will encourage this through contract discussions for leased buildings.

III. Effective Date

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

IV. Prohibited Conduct

Smoking or use of tobacco products as described in Section I of this Policy will not be permitted in any of the buildings or on any of the grounds of the Town owned campuses identified in Section II of this Policy. Additionally, tobacco use will not be permitted in Town-owned parking lots, including while an individual is in a private vehicle. The use of tobacco products as described in Section I of this Policy is not permitted in any Town owned vehicle under any circumstances; this is also addressed in the Town's Vehicle Use Policy dated October 11, 2011, as may be amended from time to time.

Employees who choose to use tobacco products during work hours may do so during their regularly scheduled breaks, but off Town of Mansfield property.

This policy also prohibits the sale of any tobacco products as described in Section I of this Policy on Town of Mansfield property.

V. Communication of Policy

This policy will be distributed electronically to employees and available on the Town's employee intranet site. New employees will receive notification of this policy as part of their new hire intake. For building sites with volunteers or employees without email, this Policy should be posted in a visible location to those groups of people.

The Policy will also be available on the Town's website and in the Town Clerk's Office since it applies to visitors and customers of the Town's buildings and grounds. Signs bearing the message "Tobacco-Free Campus" will be posted at each applicable Town of Mansfield campus. No ashtrays or smoking shelters will be provided on tobacco-free campus grounds.

VI. Responsibilities of Employees, Supervisors and Managers

- A. **Prohibited Conduct.** Any employee who engages in prohibited conduct outlined in Section IV of this Policy will be subject to discipline up to and including termination.
- B. **Employees Who Witness Prohibited Conduct in the Workplace.** Any employee who witnesses prohibited conduct as defined in Section IV of this Policy or becomes aware of such activity may report the conduct to their immediate supervisor, department head, Assistant Town Manager, or the Town Manager.

The Town strictly forbids retaliation against employees who report prohibited conduct or who participate in internal or external investigations of prohibited activity. The Town will not engage in any such retaliation nor will it permit employees to do so. All employees shall report instances of retaliation to their immediate supervisor, department head, Assistant Town Manager, or the Town Manager.

Disciplinary action may be imposed if the Town determines that a knowingly false statement of prohibited conduct was made under this Policy.

C. Supervisors and Managers. Any supervisor or manager who receives information that an employee may be engaging in prohibited conduct as defined in Section IV of this Policy or who believes that someone is engaging in said prohibited activity shall immediately report it to the Town Manager or Assistant Town Manager. Ignoring such conduct and/or failure to report such conduct in accordance with the requirements of this Policy is not acceptable and may subject the supervisor or manager to disciplinary action.

D. Seeking Help. The Town of Mansfield is committed to providing support to its employees who wish to stop using tobacco products. To support employees who would like to quit using tobacco products, the Town:

- Encourages employees to seek help if they are contemplating tobacco cessation.
- Encourages employees to utilize the services of qualified professionals in the community and through the employee wellness program to identify the most appropriate resource for tobacco cessation.
- Offers all employees and their household members assistance with tobacco cessation through the Employee Assistance Program (EAP). The EAP offers tobacco cessation through group therapy and individual counselling sessions. Employees may contact the EAP at United Services, 860-228-4480 (Columbia Office) or 860-564-6100 (Wauregan Office). When contacting the EAP employees should identify themselves as a Town of Mansfield employee or family member domiciled in the household of the employee. The EAP provides eligible persons with assessments, short-term problem resolution and referrals at no cost to the employee.

These identified services may change from time to time, and the Town may or may not make a commitment to pay for part or all of the costs associated with these services. Employees interested in these services should contact Human Resources or the Employee Wellness Coordinator to learn about the available resources and costs associated with those services.

VII. Investigating Reports of Prohibited Conduct

The Town takes all reports of prohibited conduct under this Policy seriously. All reports will be investigated promptly, impartially and discreetly. Once a report is received, an investigation will be undertaken immediately and all necessary steps taken to resolve the problem. Employees have a duty and are obligated to participate in investigations when asked. Investigation of such matters will usually entail conferring with involved parties and any named or apparent witnesses. In all cases every effort will be made to ensure that the principles of due process of law are afforded to every respondent. In this context, depending on the circumstances, due process includes, but is not limited to, the right to sufficient notice of the claims against the respondent and the opportunity to rebut the allegations of

the complaint before an impartial decision maker. Where investigation confirms that prohibited activity has occurred, the Town will promptly take corrective action.

VIII. Consequences of Engaging in Prohibited Conduct

One of the goals of the Town's Tobacco Free Campus Policy is to encourage employees to voluntarily seek help with tobacco problems. If, however, an individual violates the Policy, the consequences are serious. If an employee violates the Policy, he or she will be subject to disciplinary action up to and including termination and/or mandatory referral to a cessation program. Any discipline issued shall be in accordance with procedures outlined in the employees' relevant collective bargaining agreements or the Town Personnel Rules as applicable. An employee required to enter a cessation program who fails to successfully complete it and/or repeatedly violates the Policy will be terminated from employment. Nothing in this Policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

DRAFT

From: James Hanley <jameshanley@snet.net>
Sent: Wednesday, March 16, 2016 12:48 PM
To: Town Council
Cc: Matthew W. Hart
Subject: Thanks, and EO Smith plans

Dear Mansfield Town Council Members,

Thank you for coming to a reasonable and effective resolution for the Ravine Road matter. Listening to all the interested parties and actually taking a tour of the area was very helpful, and enlightening for me.

On another matter, I want to register my concerns about the proposal to build a new E.O. Smith High School at a remote location.

I think we are very fortunate indeed to have our current high school right in the midst of the new downtown, for many reasons.

For a start, I think all citizens of Mansfield benefit from the social interactions that have become so evident since Storrs Downtown was built. I completely disagree with the sentiments expressed by District Superintendent Bruce Silva to the effect that this interaction presented a 'security problem.' I find this attitude to be thoughtless and unsophisticated at best.

Students learn something important in their daily interactions with citizens who live in the area; instead of being isolated in a field far from such connections, prisoners of vehicle transportation, they live in a relatively real environment where they can walk to a bookstore or cafe. Residents get to see the students - merchants benefit from these young people, however small their purchases may be. Strong positive reasons in themselves to keep E.O. Smith where it is.

I am also troubled by the financial summary that the superintendent puts forth - that we citizens don't have to worry about the immense cost, the state will pay the lion's share!

Well, we are the state too, and we will pay, most especially for poor decisions made for short term reasons. The idea of some pile of 'free money' that will bring us a new school is misconceived, wrong, irresponsible, I would say.

If we did go ahead with this idea, what do we get? A brand new and expensive building with all its attendant new roads and parking lots, built in a green field where almost every single user will have to drive in and out for the smallest reason. Isolation of our students and teachers and administrators.

We will lose all these people from daily life in Storrs Center. The University will get the site of the existing school for a bargain price and will then control almost everything in and around Storrs Center. To date, the University has not shown great interest in responsible behavior toward the Town and Citizens of Mansfield. Their rapid expansion of the undergraduate population, without making adequate housing plans is one huge failure that comes to mind. We are stuck with the slumlord rooming houses right where we live.

Not a happy scene.

I suggest leaving the school where it is, and renovating what needs to be renovated. And pay attention to costs and social responsibilities as they play out over the next 50, 100 years, instead of 5.

Sincerely,
James Hanley
35 Storrs Heights
Storrs CT 06268

Increased Student Housing Projection

Student Enrollment Fall 2015*

Undergraduate Students at Main Campus	18,826
Graduate Students, M.A./M.S./Ph.D./Pharm.D. at Main Campus (1,390 not included at UCHC, medicine, dental medicine, law)	6,827
Total Enrollment Fall 2015*	25.653

Estim. Student Enrollment Fall 2016

19,326



On Campus Housing			Off Campus Housing	
Students living on campus	12,723		12,930	Students living off campus
	- 435	Tear down Connecticut Commons Residence Hall (435 beds)	+ 435	
	+ 725	STEM Building Completion (fall 2016), (725 beds)	- 725	
Students living on campus	13,013		12,640	Students living off campus
		NextGen plans enrollment of + 5,000 students over the next 10 years**, 1/10 for 2016 = 500 beds	+ 210 beds required	
Students living on campus	13,013		12,850	Students living off campus

CURRENTLY	On Campus Housing		Off Campus Housing	
	Undergraduate Students	Graduate Students	Undergraduate and Graduate Students	Undergraduate and Graduate Students
	69%	0%	49%	12,640
				12,640 beds required

FALL 2016	On Campus Housing		Off Campus Housing	
	Undergraduate Students	Graduate Students	Undergraduate and Graduate Students	Undergraduate and Graduate Students
	67%	0%	50%	12,850
				210 beds or 70 single family houses are needed to cover the increased demand in student housing.

*Mansfield Neighborhood Preservation
Submitted @ 3/14/16 meeting*

For questions and comments please contact info@MansfieldNeighborhoodPreservation.org
* from UConn Fact Sheet 2016 ** from <http://ctmirror.org/2014/08/05/uconn-officials-say-next-gen-ct-off-to-a-fast-start/>

SEPTEMBER 9, 2014

State College hopes to fight the tide of student rentals with new Homestead Investment Program

State College's Highlands residents are used to sounds of partying on weekend nights. The neighborhood borders Penn State's University Park campus and downtown. It's made up of fraternities and apartment buildings, but also single-family homes ranging from grand stone and brick historic mansions to more modest mid-century houses. The residents are quite the mix—college students, retired professors, and young families all call the Highlands home.

But it's not hard to tell who lives where.

On a tree-lined street a few blocks from downtown, State College Borough's Planning Director Ed LeClear points to two houses—identical in style but a stark contrast in terms of maintenance.

"The one property has the typical lawn chairs on the porch. It's not in as good shape as the one on the right—that one obviously someone's taken care of. They have a lot of plants," said LeClear. "When you look at the character of the two properties, I think one is what you'd like to see more of, and maybe one is less desirable."

What's wrong with rentals?

LeClear says the rise of rentals has led to issues the borough hopes to mitigate: student rentals are the culprit for most ordinance violations like noise, vandalism, and poor home maintenance. And the demand for student housing has increased home prices and crowded out families who want to live in the borough.

The problem of student rentals taking over neighborhoods isn't exclusive to State College, of course. Drexel University has built additional student residences and extended its campus residency requirement to freshman and sophomores to mitigate student-housing issues in surrounding Philadelphia neighborhoods. And West Chester Borough instituted an ordinance which prohibits new student housing in its town center altogether.

State College has existing zoning rules that limits student homes in residential areas, but it's rolling out a new plan LeClear said is unique.

"We're breaking some new ground in looking to acquire new property," said LeClear. "There aren't any communities that have really done this."

Buying and (re)selling

Through the Homestead Investment Program, the borough's Redevelopment Authority, or RDA, plans to beat prospective landlords to the punch by purchasing homes that were rentals or might turn into rentals.

The RDA would then either rent the houses out only to non-students (this is legal because students are not a protected class under the Fair Housing Act) or resell the homes, but with a restrictive covenant on the deed that prohibits the houses from becoming rentals. They'll do this with a 5 million dollar line of credit that's backed by the borough.

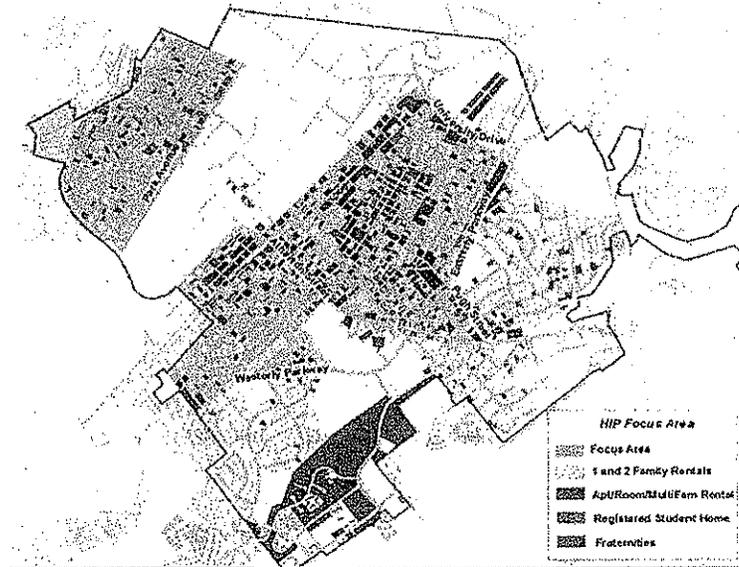
LeClear says the program is loosely modeled after a St. Thomas University (St. Paul, Minnesota) property acquisition program, but as far as he knows, State College is the first to try this on a municipal level.

But what about the students?

In front of their house on Pugh Street, half a dozen college students are throwing beanbags in a game of corn hole. They live in a part of town primarily made up of apartments, rental homes, and commercial buildings.

None have heard of the Homestead Investment Program—and when they find out about it, they sound, well, a little defensive.

"This is a college town, there's going to be a growing population of students," said Zachary Hordeski, a sophomore at Penn State. "So it makes sense that students will be taking over the whole town."



Source: State College Planning Department, December 2013 Rental Housing Permit & Registered Student Homes Lists

Hordeski's friend, Philip Poltorak, doesn't get it, either.

"What kind of family would like to live in this neighborhood? It's all just frats and college kids," said Poltorak.

The numbers, at least, back him up: according to the U.S. Census, about 80 percent of all housing units (which includes apartment units) in State College are renter-occupied, compared to around 30 percent nationally. Due to zoning regulations, student housing is mostly concentrated in blocks like Poltorak's.

What worries residents is that the ever-growing demand for student housing means rentals are creeping into quieter, more family-oriented blocks of the neighborhood.

Those are the areas the Homestead Investment Program is hoping to target.

"Not anti-student"

Peg Hambrick lives on one such block in a brick colonial, not far from Hordeski and Poltorak. She supports the Homestead Investment Program, but she's adamant that she—and the program—are not anti-student.

"I think there's a vibrancy here. There's an identity here," said Hambrick. "We love living among the students."

Hambrick said more owner-occupied homes will benefit everyone through additional earned income tax dollars, which pays for borough services like public safety and security.

The borough hopes to purchase its first house to resell sometime this fall.

Amherst working to outlaw off-campus fraternities

By MIKE DESMOND • FEB 19, 2016

SHARE

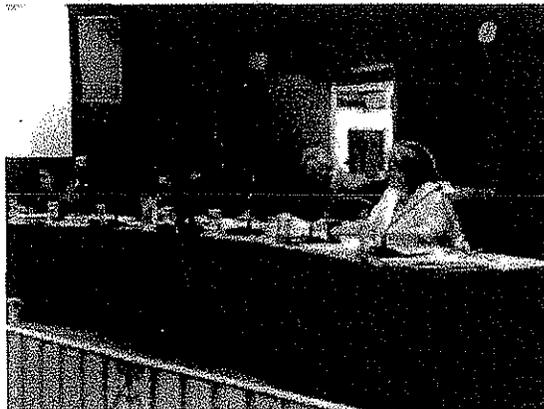
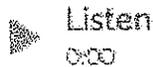
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If UB students want to have fraternities and sororities, they may need to hold them on campus. The Amherst Planning Board last night voted to change town zoning laws to essentially bar off-campus fraternities and sororities.



Members of the Amherst Planning Board voted Thursday to outlaw student parties in off-campus housing.

CREDIT MIKE DESMOND/WBFO NEWS

The recommendation now goes to the Town Board which will have to hold a public hearing if it wants to change the zoning rules. That might take up to three months to go through the process and the schedule.

"This will modify where fraternities and sororities are permitted in this town," said Assistant Planning Director Gary Black.

"Currently, they are allowed in any multi-family district, so any apartments, condominium district. This proposal moves them into what's called the community facilities district, which is the district that permits schools, universities and colleges."

Black says this process started with reports of an outside developer looking at a private fraternity row and after checking town zoning rules, the decision was made to change them. Having the groups on-campus means university rules would directly control them, something more limited when off-campus.

PAGE
BREAK

From: Jonathan Sgro <jonsgro@gmail.com> on beh:
Sent: Friday, March 11, 2016 11:12 AM
To: Town Clerk
Subject: letter to Town Council - E.O.Smith

Mansfield Town Council,

I'm expressing my disapproval of the proposal to sell the current E.O.Smith property to UConn and to build new on the Depot Campus.

The current high school is in a prime location for the community – next to the community center, across from Storrs Downtown, adjacent to UConn campus. Having the school located on the Depot Campus would have a negative impact to the town's community and for the student's high school experience. The Storrs Downtown will suffer from the loss of patrons. E.O students will no longer be able to easily walk onto UConn campus for college classes – which is a huge reason as to why I want my children to go there.

We have a good thing now, let's not ruin it.

Jonathan Sgro
57 Browns Rd

PAGE
BREAK

-----Original Message-----

From: william thorne [mailto:bill.thorne1@icloud.com]

Sent: Friday, March 18, 2016 2:03 PM

To: Town Clerk

Subject: Mary, would you please forward this to the Traffic Authority and copy it to the Town Council?

Mansfield Traffic Authority,

Thank you for your action on the safety issue at the corner of Farrell Road & Bundy Lane.

January 26, 2016 meeting:

"Traffic problem is site lines are inadequate. Motion made by Dilaj, seconded by LaVoie to make this intersection a 3 way stop by adding two stop signs, two stop bars and a stop ahead sign at the intersection. Passed unanimously".

Thanks especially to Mr. Dilaj for being so thorough. You all are doing a great job at balancing the monumental growth in Storrs Center, and keeping us safe in the quieter parts of town This is a great example of successful town government.

Can you give me an idea as to when the installation will be completed?

Bill

PAGE
BREAK

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Item # 10

Matthew W. Hart, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

March 23, 2016

Mr. Robert Morra, First Selectman
Town of Bolton
222 Bolton Center Road
Bolton, Connecticut 06043

Re: Greenway Projects

Dear Mr. Morra:

I would like to thank you and Bolton's Road Superintendent, Mr. Dimock, for constructing and maintaining the Bolton Section of the East Coast Greenway. Furthermore, I would like to acknowledge your ongoing effort to extend the Charter Oak Greenway easterly to the Bolton Notch and your consideration of completing the final design for the first step of closing the gap from the East Coast Greenway easterly to UCONN.

I would like to join John Elsesser, Coventry's Town Manager in supporting Bolton's Route 44 multi-use trail from Bolton Notch easterly to the Coventry Town line and perhaps beyond (to the commuter lot across from the Highland Park market). As you are aware commuter lots provide a desirable destination for multi-use trail projects. Perhaps UCONN will offer their support as well.

It is energizing to hear the Connecticut Department of Transportation (CTDOT) announce its new FastTrack bus service from Hartford to UCONN. This further supports the multi-use trail connection; riding or cycling to a commuter lot serviced by bus is a huge plus.

While it is understandable that abutters will have concerns about privacy, litter, property values, safety, and other issues, there are many communities with multi-use trail projects that have successfully worked through these concerns. Many communities have experienced an excellent return on the trail investment - as the trail matures, users patronize B&B's, make equipment repairs and other purchases from local businesses.

Perhaps as a next step Bolton would consider joining Coventry, Mansfield, and UCONN in making a request to CTDOT Commissioner Redeker to extend the scope of services of CTDOT's multi-use trail design team to include the design easterly to Coventry's commuter lot. Currently this design team, led by Will Britnel, is working on the design of the trail to Bolton Notch. We understand they are doing a great job.

Mansfield's plan of conservation and development and strategic plan support a multi-use trail connection from Hartford to UCONN. We would be willing to explore making this a regional effort, as greenway connections all over the country have made good sense.

Thank you again for your lead on this important project. Please let me know what we can do to support your efforts.

Sincerely,



Matthew W. Hart
Town Manager

CC: . Joyce Stille, Administrative Officer
Gwen Marrion, Selectman
Sylvia Ounpuu, Trail Committee
Barbara Amodio, Trail Committee
John Elsesser, Coventry Town Manager
Mansfield Town Council



Dannel P. Malloy
GOVERNOR
STATE OF CONNECTICUT

March 8, 2016

The Honorable Martin M. Looney
President Pro Tempore
Legislative Office Building, Room 3300
Hartford, CT 06106

The Honorable Brendan Sharkey
Speaker of the House
Legislative Office Building, Room 4100
Hartford, CT 06106

The Honorable Bob Duff
Senate Majority Leader
Legislative Office Building, Room 3300
Hartford, CT 06106

The Honorable Joe Aresimowicz
House Majority Leader
Legislative Office Building, Room 4110
Hartford, CT 06106

The Honorable Len Fasano
Senate Minority Leader
Legislative Office Building, Room 3400
Hartford, CT 06106

The Honorable Themis Klarides
House Minority Leader
Legislative Office Building, Room 4200
Hartford, CT 06106

Dear Legislative Leaders,

As you know, we are facing a revenue shortfall in the current fiscal year, likely in the range of \$200 million. This is a shortfall from the assumed revenue projections that leaders of both parties agreed to in the fall budget meetings. Now, I want to solicit your input – and the input of your caucus members – on how we close that gap, end the fiscal year in balance, and continue to adapt to our new economic reality.

These are difficult decisions. They are made more complicated by the fact that we are more than three-quarters of the way through the fiscal year. In other words, because most expenditures have already been made, we are more limited in what we can cut.

I understand that you are opposed to delaying payments to hospitals. I recognize that, as part of the work we did this past fall, there was agreement that these payments would be made. As Secretary Barnes made clear in his letter to hospitals, our action was a delay, not a cancellation. The delay enables us to have a more holistic discussion about how we should collectively react to revenue shortfalls that occurred *after* our fall meetings.

We need to act quickly. I ask that you work with your caucus members to develop specific recommendations on how we achieve savings in the current fiscal year. **In order to address the projected deficit in a timely way your input is requested by this Monday, March 14.**

As always, I am prepared to make proposals of my own in order to begin the conversation. Below are some areas which I believe we will be forced to explore together, given where we are in the fiscal year. I have included approximate savings which I believe – while not desirable – would be achievable for each:

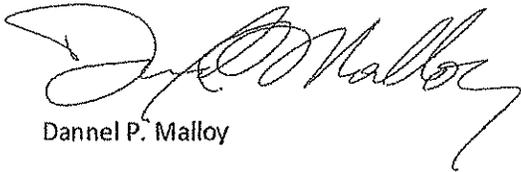
- Expedited reduction of the state workforce (\$6M)
- Forgone managerial increases, executive and judicial (\$4.6M)
- Various rescissions:
 - Legislative, 5% (\$4.2M)
 - Judicial, 2% (\$12.5M)
 - Higher Ed, 1% (\$7.3M)
 - Private providers, 3% (\$51M)
 - Executive branch, all others (\$5M)
- Eliminate revenue transfer from FY16 to FY17 (\$18M)
- Reductions to non-ECS municipal aid (\$20M)

This list totals \$128.6M. Clearly we will need to go further, but my hope is to provide a context for our discussions, and also to make clear just how stark our choices are – especially if the full hospital payments are made (the state share of which totals \$31.6M). As you will note, the list above *does not* include cuts to planned hospital payments. I stand ready to issue those payments as you have requested, but we must also recognize what cuts will now be necessary in order to do that, and in order to keep our budget in balance.

Finally, I have attached an article from this morning regarding a report by the Nelson A. Rockefeller Institute of Government. The report is yet another clear indicator that we are facing a new economic reality, especially here in Connecticut where our budget is highly dependent on the sources of revenue that are most dramatically falling short. As we make difficult decisions together about this current fiscal year and the next, I urge you to keep this new economic reality in mind.

I look forward to your input and ideas.

Sincerely,



Dannel P. Malloy

Governor

State Tax Revenue Growth Significantly Slowed in Third Quarter, Report Says

3/8/2016

BY JENNIFER DEPAUL

STATE TAX TODAY: NEWS STORIES

Tax revenue growth in the states has been much slower overall after the Great Recession than in the periods surrounding the two prior recessions and has slowed further in the third quarter of 2015, according to a March 7 Nelson A. Rockefeller Institute of Government report.

The institute's latest report on state tax collections found that growth in the third quarter of 2015 was 3.8 percent year over year, compared with second quarter growth of 6.9 percent and first quarter growth of 5.1 percent.

Preliminary figures for the fourth quarter of 2015 indicate further weakening to just 2.6 percent revenue growth, the report said. Weak forecasts for fiscal 2016, fiscal 2017, and beyond remain in place, the report also said.

Lucy Dadayan, coauthor of the report, told Tax Analysts there are several factors at play so it wasn't surprising that the third quarter numbers are soft. The weak stock market and low oil prices have had a big impact on states, particularly Alaska, New York, Massachusetts, and California, states that rely heavily on capital gains revenue, she said.

"Given the lull in the oil crisis and weak stock market, there is no good news for states in terms of tax collections in the coming quarters," Dadayan said.

Twelve states reported declines in overall state tax collections in the third quarter of 2015, the report said. More than half of those states are oil- and mineral-dependent states.

North Dakota experienced a nearly 32 percent decline in overall state tax collections, while Alaska had a 17 percent decline, the report said.

Dadayan said there are several main reasons for weak tax revenue relative to past recessions, including a larger drop in revenue at the start of the Great Recession, an overall slow economic recovery, and a reluctance on the part of state officials to increase taxes.

Personal income tax collections have taken a strong hit. The median forecast for income tax growth is 4.6 percent for 2016 and 4.4 percent for 2017, compared with 7.8 percent in 2015. Personal income tax collections declined by more than 50 percent from 14.4 percent growth in the second quarter of 2015 to 6.5 percent in the third quarter on a year-over-year basis, the report said.

The personal income tax decline from the second to third quarter was almost inevitable because second quarter collections were unusually high, with April income tax returns up 20 percent, reflecting a strong 2014 stock market and federal tax changes, the report said.

According to the report, 34 states reported growth in personal income tax collections in the third quarter, with eight states reporting double-digit growth. Nine states reported declines in personal income tax, with North Dakota and Illinois reporting the largest of 19 percent and nearly 17 percent, respectively, the report said.

PAGE
BREAK

March 10, 2016

Deirdre M. Daly, United States Attorney
United States Attorney's Office
157 Church Street, 25th Floor
New Haven, CT 06510

George Jepsen, Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

Denise Merrill, Secretary of the State
State of Connecticut
30 Trinity Street
Hartford, CT 06106

RE: Investigation of Voting Referendum Policies and Practices under the ADA

Dear Attorneys Daly and Jepsen and Secretary Merrill:

We write in response to a letter dated February 1, 2016 from Assistant United States Attorney Ndidi N. Moses and her follow-up letter dated March 9, 2016, copies of which are attached. It is our understanding that letters similar to the attached have been sent to all of Connecticut's 169 municipalities. This letter is the collective response of the undersigned 131 municipalities to Attorney Moses' two letters. Any further communications regarding this investigation should be directed to each of those municipalities through the undersigned.

Connecticut's municipalities are committed to ensuring that the voting process is as inclusive as possible for every elector. Our local registrars of voters have always stood ready to work with all of you to identify any ways in which we can make our voting procedures more accessible to everyone. It is for that reason that we must express our collective concern about the circumstances which have led us to the position we are in today. It is both frustrating and disappointing for us to find ourselves responding to a formal investigation rather than working prospectively with you all to address a shared concern. It is equally frustrating that *all* of Connecticut's municipalities have been subjected to this investigation when *no* specific municipality has been identified as having engaged in any specific act.

Attorney Moses' letter of February 1st was our first notice that a complaint had been filed with the Department of Justice and that a formal investigation had been opened as a result. Since then Attorney Moses, Civil Division Chief John Hughes and Intake Specialist Cindy Gartland joined many of us at a meeting held on February 24th to discuss the investigation and to answer some of the many questions which we all had about it. The meeting was held at the offices of the Connecticut Conference of Municipalities (CCM) under the auspices of the Connecticut Association of Municipal Attorneys (CAMA), both of which are pleased to serve as

resources to Connecticut's municipalities, the State of Connecticut and the government of the United States in this matter. During that meeting we learned that:

- The complaint in question was first made in 2010 and was renewed in 2014.
- The complaint was filed in Washington, DC by an unnamed advocacy group acting on behalf of disabled voters.
- Though the summary of the complaint contained in the February 1st letter appears to allude to the use of the so-called IVS equipment which is available to assist disabled voters at Connecticut polling places, we were informed that the investigation is not limited to concerns regarding that equipment.
- We were also advised that the investigation *does not* relate to physical accessibility to polling places themselves, but only to the manner in which voting is conducted.
- Notwithstanding that the February 1st letter was addressed to each municipality individually and specifically stated that an investigation is underway to determine whether violations of the Americans with Disabilities Act (ADA) have occurred, we were also assured that it was intended to be a "compliance survey" rather than an investigation of any specific municipality.
- We requested elaboration and were initially advised that the period covered by this investigation would be the past ten years (2006-2016).
- Because it appeared to us that the February 1st letter used the terms "referendum" and "election" somewhat loosely, we also requested further clarification regarding whether the complaint and, by extension, our responses should be limited to local referenda or whether the investigation extends to local elections as well.
- Given that we were not able to meet until February 24th and that some of our questions could not be answered by the US Attorney's office at that time, we asked that a follow-up letter be issued to better clarify what is being requested from us. We also asked that we be provided with additional time to respond after receiving the anticipated letter.

On March 9th, Attorney Moses issued the requested follow-up letter. We wish to express our appreciation for that letter because it does clarify a number of the questions and concerns which we had about the original letter. Specifically, the follow-up letter addresses the following issues:

- It appears to eliminate questions about the IVS system from the DoJ's inquiries to Connecticut's municipalities. This response is limited accordingly.

- It indicates that the scope of the request for information includes all "local elections, including referenda."
- It has been pared back from the 10-year period we had been expecting to a 5-year period from 2011 to the present.
- The original request that we respond to the allegations of the complaint has been replaced by a narrowly tailored question about whether we use paper ballots in local elections or referenda and for any other information about that issue which we consider relevant.

Nevertheless, we cannot help but take this opportunity to reiterate our view that if a different posture had been taken in the original letter, much of the alarm caused to so many Connecticut municipalities over the past month, not to mention the extraordinary legal expense incurred by many of those municipalities, might have been avoided.

We also want to express our general concern about the six year period which it took to bring this issue to our attention. Though we do not know which municipalities may have been the subjects of the original complaint, those municipalities might have been able to address the issues raised by the complaint during the past six years rather than possibly perpetuating them. Moreover, to the extent that the complaint may relate to problems which are a result of statewide laws, policies or procedures, we might have been able to urge the Secretary of the State's office to begin planning longer-term systemic solutions to those issues as well. Finally, we all find ourselves somewhat prejudiced by responding to this complaint six years after the fact. During the five-year period covered by this investigation, our municipalities have seen changes in registrars of voters, changes in other relevant staff, changes in state laws relating to the conduct of elections and referenda and some may have seen changes in the ways they conduct elections and referenda. Though we appreciate that your inquiry has been narrowed to encompass only the past five years, going back through history is still not an easy task.

The summary of the complaint offered in the February 1st letter asserts that "various towns and cities in Connecticut" have allegedly failed to provide appropriate access to disabled voters who wish to vote in local referenda. The letter goes on to ask each addressee to provide a substantial amount of information about local policies, procedures and the voting equipment used in both elections and referenda. The follow-up letter expressly excludes the State's IVS system from the scope of your inquiry but asks about the use of "paper ballots" at local referenda and elections and asks for any information which we consider to be relevant. We offer our collective response here.

A. "Elections" Versus "Referenda":

We start with one of the issues raised at our meeting of February 24th. The summary set forth in the February 1st letter states that the complaint relates to “referendum elections.” Later in the letter, however, information is requested relating to “any and all elections, including referendum elections.” General Statutes § 9-1 contains a set of basic definitions relating to elections and referenda in Connecticut. Specifically, that section provides that:

(d) “Election” means any electors’ meeting at which the electors choose public officials by use of voting tabulators or by paper ballots as provided in section 9-272;

(n) “Referendum” means (1) a question or proposal which is submitted to a vote of the electors or voters of a municipality at any regular or special state or municipal election, as defined in this section, (2) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters, which meeting is not an election, as defined in subsection (d) of this section, and is not a town meeting, or (3) a question or proposal which is submitted to a vote of the electors or voters, as the case may be, of a municipality at a meeting of such electors or voters pursuant to section 7-7 or pursuant to charter or special act;

(Emphasis added.) We have found only one reference in Connecticut law to a “referendum election” and that section refers inconsistently to both a “referendum” and a “referendum election.” See General Statutes § 7-295. Throughout the remainder of Connecticut law, the terms “elections” and “referenda” are used to describe different events. The February 1st letter appeared to us to conflate the two terms. The March 9th letter is clearer in that it appears to encompass all local elections which have occurred during the five-year period in question, but it continues to imply that a “referendum” is a subcategory of “election.”

While it is true that local referenda may be held in conjunction with federal, state or local elections, we continue to assert that the two terms refer to separate acts. We do not mean to imply that the Americans with Disabilities Act (ADA) somehow applies differently to elections and/or referenda. For us the issue is one of semantic accuracy and may have some bearing on how an individual town must respond to the specifics of your inquiry.

In addition to “elections” and “referenda”, we must also note that some towns in Connecticut utilize a “Town Meeting” form of government in which there is an annual Town Meeting of all electors. There may also be additional such meetings during the year as issues arise. At any of those meetings, votes may be taken on the subjects for which the meeting was called. Town meetings are conducted pursuant to General Statutes §7-1 through §7-9a. General Statutes §7-7 addresses the manner in which votes are to be conducted at town meetings and

provides that, in general, “all questions arising in such meetings shall be decided in accordance with standard parliamentary practice.” Frequently votes are conducted by voice vote or by a show of hands as Robert’s Rules of Order would dictate. Section 7-7 also establishes a mechanism by which a paper ballot vote can be requested and set for a later date, however. Because these meetings do not constitute either “elections” or “referenda”, we do not construe your request to encompass town meetings.

B. The Authority of the Secretary of the State:

Though your inquiry is limited to *local* elections and referenda, any discussion of elections law in Connecticut must start and end with the Secretary of the State. We must all be clear that:

1. The Secretary of the State's office, and *not* the officials of individual municipalities, instructs and directs local Registrars of Voters in the performance of their statutory duties regarding all elections and referenda.
 - a. General Statutes § 9-3(a) provides, in part, that:

The Secretary of the State, by virtue of the office, shall be the Commissioner of Elections of the state, with such powers and duties relating to the conduct of elections as are prescribed by law and, unless otherwise provided by state statute, the secretary’s regulations, declaratory rulings, instructions and opinions, if in written form, and any order issued under subsection (b) of this section, shall be presumed as correctly interpreting and effectuating the administration of elections and primaries under this title, except for chapters 155 to 158, inclusive, and shall be executed, carried out or implemented, as the case may be, provided nothing in this section shall be construed to alter the right of appeal provided under the provisions of chapter 54. Any such written instruction or opinion shall be labeled as an instruction or opinion issued pursuant to this section, as applicable, and any such instruction or opinion shall cite any authority that is discussed in such instruction or opinion.

It should be noted that chapter 152 of title 9 of the Connecticut General Statutes addresses the conduct of referenda. Thus, that chapter falls squarely under the authority granted to the Secretary of the State pursuant to General Statutes § 9-3(a).

- b. It is equally clear under Connecticut law that the Secretary of the State has the responsibility to direct local registrars of voters regarding both elections and referenda. General Statutes § 9-4 provides that:

The Secretary of the State, in addition to other duties imposed by law, shall, as such commissioner, (1) *advise local election officials in connection with proper methods of conducting elections and referenda as defined in subsection (n) of section 9-1*, and, upon request of a municipal official, matters arising under chapter 99; (2) prepare regulations and instructions for the conduct of elections, as designated by law; (3) provide local election officials with a sufficient number of copies of election laws pamphlets and materials necessary to the conduct of elections; (4) distribute all materials concerning proposed laws or amendments required by law to be submitted to the electors; (5) recommend to local election officials the form of registration cards and blanks; (6) determine, in the manner provided by law, the forms for the preparation of voting tabulators, for the recording of the vote and the conduct of the election and certification of election returns; (7) prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the Constitution to be submitted to the electors of the state; (8) certify to the several boards the form of official ballots for state and municipal offices; (9) provide the form and manner of filing notification of vacancies, nomination and subsequent appointment to fill such vacancies; (10) prescribe, provide and distribute absentee voting forms for use by the municipal clerks; (11) examine and approve nominating petitions filed under section 9-453o; and (12) distribute corrupt practices forms and provide instructions for completing and filing the same.

(Emphasis added.)

- c. Connecticut law specifically allows that a referendum *may* be conducted in conjunction with an election. In such cases, General Statutes § 9-369 provides that an election where the referendum question is being posed “shall be warned and held, the vote on such amendment, question or proposal cast and canvassed and the result determined and certified as nearly as may be in accordance with the provisions governing the election of officers in the state or in such municipality.” That same section goes on to specify how questions are to be written on the ballot and that the tabulators otherwise used in elections are to be used.

- d. The Secretary of the State is charged with training and certifying local Registrars of Voters. General Statutes § 9-192a.
- e. The Secretary of the State may now compel a local Registrar of Voters to appear before her to explain why he or she has failed to complete that mandatory training. Public Act 15-224, § 5.
- f. It is the Secretary of the State who has recently been empowered to initiate the process to remove local Registrars of Voters from office. See Public Act 15-224, § 4.
- g. The Secretary of the State's office is also required by law to train and certify the moderators who oversee the operation of each municipal polling place throughout the state. General Statutes § 9-229.

Given all of this clear statutory authority, the Secretary's direction to local registrars of voters and other election officials carries with it the clear force of law. Knowledge of those directions is critical to understanding not only current practices and procedures, but also how those practices and procedures may be improved, if necessary. For that reason, it is imperative that the Secretary of the State be part of any discussion about elections procedures, including the procedures used in local elections and/or referenda.

It is equally clear that local municipal officials are *not* empowered to issue directives regarding how the registrars of voters conduct elections within our respective borders. Thus, while the February 1st letter and the March 9th follow-up letter request, *inter alia*, contact information for individuals with "settlement authority" we are entirely uncertain that any such individuals exist in any Connecticut municipality.

C. The Use of Optical Scan Paper Ballot Equipment in Local Elections:

Pursuant to General Statutes §9-164(a), all Connecticut municipalities conduct "a municipal election on the first Monday of May or the Tuesday after the first Monday of November, of the odd-numbered years, whichever date the legislative body of such municipality determines." Thus, every Connecticut municipality has conducted at least three municipal elections during the period encompassed by your inquiry: In 2011, 2013 and 2015. In some municipalities additional special elections may have been required to address unique situations. See General Statutes §9-164(b).

General Statutes §9-228 goes on to provide that "[a]ll municipal elections shall be held and conducted, as far as may be, in the same manner as state elections, unless otherwise provided by law." As you are undoubtedly aware, all state and federal elections in Connecticut are

conducted using paper ballots which are optically scanned and counted. Accordingly, that same process and the same equipment is used in connection with local elections pursuant to General Statutes §9-228. Indeed, we would observe that even in the absence of §9-228, the definition of "election" in General Statutes §9-1(d) contains no language which differentiates between state, federal or local elections.

With respect to the paper ballots executed by voters and fed into the optical-scan equipment used in Connecticut elections and referenda, once again, you must understand that the equipment used by Connecticut municipalities in elections and referenda is entirely a product of state law:

1. Pursuant to General Statutes § 9-238, Connecticut municipalities are *required* to use ballot tabulators which are approved by the Secretary of the State. Marksense optical scan ballot tabulators (also known as Accu-Vote OS tabulators) were approved for use in Connecticut by the Secretary of the State and regulations regarding their use were adopted effective on October 1, 1999.
2. As of 2004, however, it is our understanding that all but six of Connecticut's municipalities continued to use traditional mechanical lever voting machines. Three municipalities used the Marksense tabulators to count absentee ballots only and three used those tabulators for all purposes. See attached OLR Research Report, *Voting Machines Approved for Use in Connecticut*, June 30, 2004. It was not until 2007 that the Secretary of the State prohibited the use of mechanical voting machines, thus making the Marksense tabulator the only approved ballot-counting device in Connecticut.
<http://www.newstimes.com/news/article/Lever-voting-machines-banned-73409.php>
3. It should be noted that during that same time period the IVS vote-by-phone device was also approved by the Secretary of the State to satisfy the requirements of the federal Help America Vote Act, Public Law 107-252 (2002)("HAVA") and the Connecticut "Voter's Bill of Rights." See Attorney General Opinion of June 1, 2007, attached hereto. See also
<http://www.sots.ct.gov/sots/lib/sots/electionservices/handbooks/2013moderatorshandbookequipmentset-upguide.pdf>. It is our understanding that the IVS system first became available for use in Connecticut's November, 2006 elections. See Attorney General Opinion of June 1, 2007, attached hereto.
4. As if to underscore the Secretary of the State's authority in this area, on February 8, 2016, Connecticut municipalities were informed by the Secretary's office that they:

are in the process of issuing an Invitation to Bid (ITB) for a ballot-marking device that would be accessible to individuals with disabilities, readable

by the Accu-Vote OS Tabulator, and would function without the need for internet, local wireless network, or telephone line connectivity.

In short, during the period encompassed by your inquiry, local elections have been conducted using the same combination of optical scan voting machines and IVS machines which are used in state and federal elections. If the United States Attorney's office wishes to obtain more information about that equipment, as is set forth in request #4 of Attorney Moses' February 1st letter and in request #4 of the March 9th follow-up letter, it is submitted that the Secretary of the State should be the person to discuss the process by which that equipment was selected and how it complies with the ADA.

D. Means of Assisting Disabled Voters in Addition to the IVS Machines:

The ways in which Connecticut municipalities assist disabled voters have evolved over the years. Connecticut law has changed in several ways:

1. Since 2005, General Statutes § 9-242b(1) has provided that:

Any elector who requires assistance by reason of blindness, disability, or inability to read or write shall have the right to request assistance inside the voting booth by a person of the elector's choice in accordance with 42 USC 1973aa-6, as amended from time to time, or section 9-264 of the general statutes.

General Statutes § 9-264, which provides similar relief, has also been in place in some form since 1949 or earlier. Voters availing themselves of this option use ballots which are identical to the ballots used by all other voters. They are scanned by the tabulator in the same way as all other ballots. Other than the person providing the voter with assistance, no one can determine how the voter actually voted.

2. In 2007, the so-called "curbside voting" provision of General Statutes § 9-261(b) was enacted to allow voters to request that a ballot be brought to them outside the polling place if they are unable to get into that polling place due to a temporary incapacity.
3. In 2011, Connecticut law was amended to allow permanently disabled voters to request "permanent absentee ballot status" so that they are able to participate fully in elections without facing the difficulties associated with going to their local polling place. General Statutes § 9-140e. Unlike the ballots generated by IVS equipment, these absentee ballots are indistinguishable from other ballots and are counted using the same tabulator

equipment which counts ballots cast on election day. To avoid any doubt, the laws relating to absentee balloting in elections “also apply, as nearly as practicable and in the manner prescribed by the Secretary of the State, to procedures relating to absentee voting at primaries and referenda” pursuant to General Statutes § 9-133f.

It is our hope that this unprecedented joint letter from 131 municipalities will serve to emphasize how seriously we all take this matter. *Any* formal investigation by the Department of Justice is extremely serious. An investigation of this breadth could not possibly be more serious to us. Nor should anyone doubt our commitment to providing disabled voters with the fullest possible opportunity to participate in elections and local referenda. We believe, however, that an investigation of this scope is simply not a logical, productive or appropriate vehicle for achieving that objective. That is particularly true where we are all bound to use the voting equipment, including optical scan tabulators and IVS equipment, which is mandated by the Secretary of the State.

We can certainly understand that your agencies may disagree about whether the methods used to conduct voting at Connecticut elections and referenda are compliant with the ADA. If such a disagreement exists, the three of you should resolve it together and provide your collective guidance to Connecticut’s cities and towns. We are all prepared to share any such guidance with our local registrars of voters and to urge them to comply. We also understand that the United States Department of Justice has policies, procedures and guidelines which dictate how it performs many of its duties. To the extent that those policies prevent the United States Attorney’s office from discussing this complaint with the Secretary of the State or Connecticut’s Attorney General, we urge you to find a way to overcome that impediment so that we may all understand the concerns at the heart of this complaint and to work toward resolving them. Resolving those concerns for the disabled voters of Connecticut should be our *only* objective here.

Thank you for your consideration.

Sincerely,

City of Ansonia

/s/ BRYAN L. LECLERC

Bryan L. LeClerc, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Town of Ashford

/s/ DUNCAN FORSYTH

Duncan Forsyth, Esq.
Halloran & Sage LLP
225 Asylum Street
Hartford, CT 06103

41 Center Street
P.O. Box 191
Manchester, CT 06045-0191

Town of Mansfield

/s/ KEVIN DENEEN
Kevin Deneen, Esq.
O'Malley, Deneen, Leary,
Messina & Oswecki
20 Maple Avenue
P.O. Box 504
Windsor, CT 06095

Town of Marlborough

/s/ AMY TRAVERSA
Amy Traversa
First Selectman
26 North Main Street, P.O. Box 29
Marlborough, CT 06447

City of Meriden

/s/ MICHAEL D. QUINN
Michael D. Quinn
Corporation Counsel
City of Meriden
142 East Main Street
Meriden, CT 06450

Town of Middlebury

/s/ ROBERT W. SMITH
Robert W. Smith, Esq.
Robert W. Smith Law Offices, LLC
20 Woodside Avenue

Middlebury, CT 06762

Town of Middlefield

/s/ BRUNO R. MORASUTTI
Bruno R. Morasutti, Esq.
Law Office of Bruno R. Morasutti, LLC
405 Broad Street
Meriden, CT 06450

City of Middletown

/s/ BRIG SMITH
Brig Smith
General Counsel
City of Middletown
245 deKoven Drive
Middletown, CT 06457

City of Milford

/s/ JONATHAN D. BERCHEM
Jonathan D. Berchem
City Attorney
City Hall
110 River Street
Milford, CT 06460

Town of Monroe

/s/ JOHN P. FRACASSINI
John P. Fracassini
Town Attorney



U.S. Department of Justice
Civil Rights Division

Connecticut Financial Center
157 Church Street
New Haven, Connecticut 06510

(203) 821-3700
Fax (203) 773-5373
www.usdoj.gov/usaofct

March 9, 2016

Mayor Paul Shapiro
Town of Mansfield
Audrey P. Beck Municipal Building, 4 South Eagleville Road
Mansfield, CT 06268

Re: Investigation of Statewide Voting Referendum Policies and Practices under the Americans with Disabilities Act, DJ #204-14-179

To whom it may concern:

In response to a request from the Connecticut Association of Municipal Attorneys (CAMA), we are writing to clarify the scope of our investigation, conveyed to you by our February 1, 2016 Letter, and to provide you additional time to respond to our request. As we advised, we received a complaint under Title II of the Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35, regarding the referendum voting practices and procedures of towns and cities in Connecticut. The complaint alleges that some towns and cities in Connecticut fail to provide accessible ballots to voters with disabilities at referendum elections, where only paper ballots are offered.

In our February Letter, we also included allegations that the voting system used in some "referendum elections" produces ballots that are segregated from other ballots and are hand counted, thus depriving voters with disabilities, and other voters who choose to use this system, the same amount of privacy and secrecy afforded to other voters. Because, as CAMA noted, the electronic voting system (IVS) used by the cities and towns is provided for by the State, we do not seek information from you at this time regarding the allegations concerning the segregation of ballots when using IVS.

CAMA has also raised concerns over the differences under state law between an "election" and a "referendum." Under Title II of the ADA, individuals with disabilities may not be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by a public entity, on the basis of disability. 42 U.S.C. § 12132, 28 C.F.R. § 35.130(a). The Title II regulation, set out at 28 C.F.R. Part 35, reflects and implements the statute's broad nondiscrimination mandate. 42 U.S.C. § 12134 (directing the Attorney General to promulgate regulations). Under Title II and its implementing regulation, a public entity, in providing any aid, benefit, or service, may not afford qualified individuals with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others, nor can the entity otherwise limit such individuals in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service. *See* 28 C.F.R. § 35.130(b)(1).

Title II's coverage is broad as it applies to everything a public entity does, including all aspects of a public entity's voting program – from voter registration to the casting of a ballot, and whether the vote is cast in an “election” or in a “referendum.” Accordingly, our request seeks information related to local elections, including referenda.

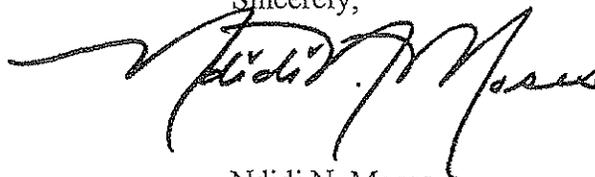
The complaint in this matter alleges that cities or towns in Connecticut holding a referendum using a paper ballot (separate from an election using the IVS system) discriminate under Title II of the ADA. We have revised our request for information originally sought in our February 1, 2016, to request the following preliminary information:

1. The name, address, and telephone number of the individual to whom this office should direct any future questions and correspondence. Please indicate if this person has authority to negotiate a settlement of this matter. If you are represented by an attorney in this matter, please provide the attorney's name, address, and telephone number;
2. Whether your town or city uses paper ballots for local elections or referenda and any additional information you consider relevant to this issue;
3. Copies of policies and procedures regarding the provision of accessible voting systems or accessible ballots when holding a referendum ;
4. A description of each type of voting system used in a referendum. For each voting system, please describe the process by which a voter casts a ballot, the process by which election officials count the ballot, and how the voting system ensures the voter's privacy and ability to cast a secret ballot; and
5. Any and all complaints, formal or informal, regarding the accessibility of a referendum from or on behalf of an individual with a disability to the Town Clerk's Office or such complaints that were forwarded from other offices to the Town Clerk's Office.

You may limit your responses to the last five years, or from 2011 to the present. If you have not had local elections or referenda in the past five years, please indicate so. Please provide these documents and information within sixty (60) days from the date of this letter. Please send the requested information and documents to the following address by overnight delivery: Cindy Gartland, Civil Rights Intake Specialist, Senior Paralegal, DOJ Contractor, United States Attorney's Office, 157 Church Street, 25th Floor, New Haven, CT 06510.

If you need additional time to respond to this letter or if you have questions or concerns, please contact Ndidi N. Moses at 203-696-3048.

Sincerely,



Ndidi N. Moses
Assistant U.S. Attorney

February 12, 2016

Deirdre M. Daly, United States Attorney
United States Attorney's Office
157 Church Street, 25th Floor
New Haven, CT 06510

George Jepsen, Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

Denise Merrill, Secretary of the State
State of Connecticut
30 Trinity Street
Hartford, CT 06106

RE: Investigation of Voting Referendum Policies and Practices under the ADA

Dear Attorneys Daly and Jepsen and Secretary Merrill:

We write in response to the attached letter dated February 1, 2016 from Assistant United States Attorney Ndidi N. Moses regarding the above-captioned matter. It appears that letters similar to the attached have been sent to many, if not all of Connecticut's 169 municipalities. This letter is intended to serve as the collective response of the undersigned __ municipalities to Attorney Moses' letter. Any further communications regarding this investigation should be directed to each of those municipalities through the undersigned. Should the United States Attorney's office conclude that any supplemental information is required from the municipalities represented herein after reading this letter, we would request that you please provide specific requests to undersigned counsel and an additional thirty (30) days to respond to those requests.

We are compelled to express our collective concern about both the letter and the circumstances which have led to it. The letter in question states that a complaint has been filed with the Department of Justice and that a formal investigation has been opened as a result. The complaint is then summarized, stating that "various towns and cities in Connecticut" have allegedly failed to provide appropriate access to disabled voters who wish to vote in local referenda. The letter goes on to ask each addressee to respond to the allegations of the complaint within 30 days and to provide a substantial amount of information about local policies, procedures and the voting equipment used in elections and referenda. The actual complaint is not provided with the letter. No municipality can respond to the specific allegations of the actual complaint, assuming that a written complaint actually exists. We can only respond to the Department of Justice's summary of that complaint.

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Moreover, nothing in the summary actually indicates that any specific municipality was among the “various towns and cities in Connecticut” about which any complaint has ever been made. No individual municipality can reasonably determine whether the complaint was actually directed toward it. Nor can any municipality conduct an internal review in an effort to determine whether it has or has not engaged in any of the different types of conduct summarized in the letter. The summary does not even offer a time frame by which the recipients are asked to measure their responses. If a municipality has not held a referendum in twenty years, how is it to respond?

In short, it would appear that the United States Attorney’s office is formally investigating Connecticut’s 169 municipalities based upon a summary of an undisclosed complaint which was made against some vaguely-described subset of that group. If the Department of Justice decided to investigate every resident in a town in Connecticut based upon allegations made against some small number of those residents, there would be an understandable and legitimate public outcry. This investigation reflects precisely that same kind of overreach.

With respect to the substance of the complaint, there appear to be two different issues raised by the summary contained in paragraph 2 of Attorney Moses’ letter. We offer our collective response to those issues here.

A. Use of IVS Equipment at Local Referenda:

It is our understanding that the origins of this investigation may lie in the decision of some Connecticut municipality(ies) not to provide IVS phone-based voting equipment to voters in one or more referenda. If that understanding is correct, you should all be aware of certain important information:

1. The Secretary of the State's office, and not the officials of individual municipalities, instructs and directs local Registrars of Voters in the performance of their statutory duties.
 - a. The Secretary of the State is charged with training and certifying local Registrars of Voters. General Statutes §9-192a.
 - b. The Secretary of the State may now compel a local Registrar of Voters to appear before her to explain why he or she has failed to complete that mandatory training. Public Act 15-224, §5.

- c. It is the Secretary of the State who has recently been empowered to initiate the process to remove local Registrars of Voters from office. See Public Act 15-224, §4.
- d. The Secretary of the State's office is also required by law to train and certify the moderators who oversee the operation of each municipal polling place throughout the state. General Statutes §9-229.

Given this statutory authority, the Secretary's guidance to local elections officials is critical to understanding not only current practices and procedures, but also how those practices and procedures may be improved if necessary.

- 2. The Secretary of the State has produced written guidance which opines that the use of IVS machines is not required in local referenda. That guidance attributes the opinion in question to Connecticut's Attorney General. See attached *Office of Secretary of the State: Information Bulletin*, Issue 65, March 1, 2012. Indeed, since the commencement of this investigation, the Secretary of the State's office has expressly reiterated that same guidance in an e-mail message to each of Connecticut's town clerks, stating that:

In 2007, we requested a formal opinion from the Attorney General which concluded that the vote-by-phone system must be provided in non-federal elections, such as the municipal elections held in odd-numbered years, as well as federal elections. This opinion does not require the vote-by-phone system to be provided in non-election related events such as referenda.

See attached.

- 3. The Moderator's Handbook for Elections and Primaries, produced by the Secretary of the State's office most recently in 2013 and which is still offered on that agency's website, states that in referenda "an IVS machine is encouraged but not required."
<http://www.sots.ct.gov/sots/lib/sots/electionservices/handbooks/2013moderatorhandbook.pdf>.
- 4. Consistent with the Secretary's position, the website for the State of Connecticut, Office of Protection and Advocacy for Persons with Disabilities currently states that "The vote-by-phone system must be available for use during every election. However, there is currently no requirement in Connecticut State Statute for the phone to be available during referendums." <http://www.ct.gov/opapd/cwp/view.asp?a=1756&q=422996>

5. A 2010 presentation made to the State's Registrars of Voters by Joan Andrews, Director of Legal Affairs and Enforcement at the State Elections Enforcement Commission, suggests that IVS machines are required at both general elections and at primaries but is silent regarding its use in local referenda. See attached excerpt.

If the United States Attorney's office wishes to investigate whether IVS equipment must be used at local referenda in Connecticut, it is respectfully submitted that the State of Connecticut, through both the Secretary of the State and Connecticut's Attorney General, should be the active participants in that investigation. The State's clear, repeated and unequivocal guidance to municipalities is plainly the proper subject for discussion.

B. IVS Equipment and the Americans with Disabilities Act:

It is also our understanding that there may be questions about whether the IVS equipment used in Connecticut elections and referenda complies with the Americans with Disabilities Act ("ADA"). We welcome any discussion of this issue but, once again, you must understand that the equipment used by Connecticut municipalities in elections and referenda is entirely a product of state law.

1. Pursuant to General Statutes §9-238, Connecticut municipalities are *required* to use ballot tabulators which are approved by the Secretary of the State. Marksense optical scan ballot tabulators (also known as Accu-Vote OS tabulators) were approved for use in Connecticut by the Secretary of the State on December 30, 1998 and regulations regarding their use were adopted effective on October 1, 1999. Since that time the Marksense tabulator has been the standard ballot tabulator approved for use in Connecticut elections.
2. The IVS vote-by-phone device has also been approved by the Secretary of the State to satisfy the requirements of the federal Help America Vote Act, Public Law 107-252 (2002)("HAVA") and the Connecticut "Voter's Bill of Rights." See Attorney General Opinion of June 1, 2007, attached hereto. See also <http://www.sots.ct.gov/sots/lib/sots/electionservices/handbooks/2013moderatorshandbookequipmentset-upguide.pdf>. As if to underscore this point, on February 8, 2016, Connecticut municipalities were informed by the Secretary of the State's office that they:

are in the process of issuing an Invitation to Bid (ITB) for a ballot-marking device that would be accessible to individuals with disabilities, readable by the Accu-Vote OS Tabulator, and would function without the need for internet, local wireless network, or telephone line connectivity.

If the United States Attorney's office wishes to obtain information about the equipment used in elections or referenda as is set forth in request #4 of Attorney Moses' February 1st letter, it is submitted that the Secretary of the State should be the person to discuss the process by which that equipment was selected and how it complies with the ADA.

It is our hope that this unprecedented joint letter from __ municipalities will serve to emphasize how seriously we all take this matter. *Any* formal investigation by the Department of Justice is extremely serious. An investigation of *all* of Connecticut's municipalities could not possibly be more serious to us. Nor should anyone doubt our commitment to providing disabled voters with the fullest possible opportunity to participate in elections and local referenda. We believe, however, that an investigation of Connecticut's 169 municipalities is simply not a logical, productive or appropriate vehicle for achieving that objective. That is particularly true where: (1) the conduct in question, if it actually occurred in any particular municipality, may have been undertaken in good-faith reliance upon advice attributable to Connecticut's Secretary of the State and Attorney General; and (2) we are all bound to use the voting tabulators and IVS equipment mandated by the Secretary of the State.

We can certainly understand that your agencies may disagree regarding whether the law requires municipalities to provide access to IVS voting equipment at local referenda. You may also disagree regarding whether the IVS system meets the requirements of law. If such a disagreement exists, the three of you should resolve it together and provide your collective guidance to Connecticut's cities and towns. We are all prepared to share any such guidance with our local Registrars of Voters and to urge them to comply. We must point out, however, that Attorney Moses' letter leaves us in a time-sensitive and difficult position. The penultimate paragraph in that letter advises addressees *not* to make any operational changes without consulting the US Attorney's office. This would appear to suggest that if a municipality has *not* been using IVS equipment in local referenda, it should not start doing so now. As Connecticut municipalities enter into the annual budget-making season, many may be facing mandatory town meetings or referenda within the next 90 days. Those municipalities need clear guidance regarding how to proceed very promptly.

New Milford 06776

Town of Killingly

/s/

William H. St. Onge, Esq.
St. Onge & Brouillard
P.O. Box 550
Putnam, CT 06260

Town of Ledyard

/s/

Mayor Michael T. Finkelstein
Town of Ledyard
741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Town of Litchfield

/s/

Michael D. Rybak
Town Attorney
Guion, Stevens & Rybak, LLP
93 West Street- P. O. Box 338
Litchfield, CT 06759

Town of Madison

/s/

Mario F. Coppola
Berchem, Moses & Devlin
9 Morgan Avenue
127815

Norwalk, CT 06851

Town of Manchester

/s/

Timothy P. O'Neil
Administrative Staff Attorney
Town of Manchester
41 Center Street
P.O. Box 191
Manchester, CT 06045-0191

Town of Mansfield

/s/

Kevin Deneen, Esq.
O'Malley, Deneen, Leary,
Messina & Oswecki
20 Maple Avenue
P.O. Box 504
Windsor, CT 06095

City of Meriden

/s/

Michael D. Quinn
Corporation Counsel
City of Meriden
142 East Main Street
Meriden, CT 06450

City of Middletown

/s/

Brig Smith
General Counsel
City of Middletown



U.S. Department of Justice

*United States Attorney
District of Connecticut*

*Bank of America Building
157 Church Street, 25th Floor
New Haven, Connecticut 06510
www.usdoj.gov/usao/ct*

*(203) 821-3700
Fax (203) 773-5373*

February 1, 2016

Mayor Paul Shapiro
Town of Mansfield
Audrey P. Beck Municipal Building, 4 South Eagleville Road
Mansfield, CT 06268

Re: Investigation of Voting Referendum Policies and Practices under the Americans with Disabilities Act

Dear Mr. Shapiro:

In response to a complaint filed regarding the referendum voting practices and procedures in towns and cities throughout Connecticut, the U.S. Department of Justice has opened an investigation to determine whether violations of federal civil rights laws, including title II of the Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35, have occurred.

The complaint alleges that various towns and cities in Connecticut fail to provide accessible ballots to voters with disabilities at referendum elections, where only paper ballots are offered. The complaint further alleges that the voting system used in some referendum elections produces ballots that are segregated from other ballots and are hand counted, thus depriving voters with disabilities, and other voters who choose to use this system, the same amount of privacy and secrecy afforded to other voters.

The Department of Justice is authorized to investigate alleged violations of title II of the ADA, 28 C.F.R. §§ 35.172, and, if voluntary compliance is not achieved, to take appropriate action, including filing an enforcement action in U.S. district court for injunctive relief and monetary damages. 28 C.F.R. §§ 35.172, 35.174.

To evaluate the complaint filed with the Department, this Office seeks your cooperation in providing the following preliminary information:

1. The name, address, and telephone number of the individual to whom this office should direct any future questions and correspondence. Please indicate if this person has authority to negotiate a settlement of this matter. If you are represented by an attorney in this matter, please provide the attorney's name, address, and telephone number;
2. Your response to the allegations of the complaint and any additional information you consider relevant to resolution of the complaint;

3. Your policies and procedures regarding the provision of accessible voting systems or accessible ballots in any and all elections, including referendum elections;
4. A description of each type of voting system used in referendum elections. For each voting system, please describe the process by which a voter casts a ballot, the process by which election officials count the ballot, and how the voting system ensures the voter's privacy and ability to cast a secret ballot; and
5. Any and all complaints, formal or informal, regarding voting system accessibility from or on behalf of an individual with a disability to the Clerk's Office or such complaints that were forwarded from other offices to the Clerk's Office.

Please provide these documents and information no later than thirty (30) days from the date of this letter. Please send the requested information and documents to the following address: Cindy Gartland, Civil Rights Intake Specialist, DOJ Contractor, United States Attorney's Office, 157 Church Street, 25th Floor, New Haven, CT 06510.

Be advised that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has filed a complaint with the Department of Justice, or otherwise either taken action or participated in an action to secure rights protected by the ADA. Such behavior would constitute an additional ADA violation.

We strongly recommend that you consult with this office before making any operational changes to resolve this complaint's allegations. Any such changes must comply with the ADA. Any modifications you undertake which are not in compliance with those requirements may need to be redone before this complaint can be resolved.

If you have questions or concerns, please contact Ndidi N. Moses at 203-696-3048 or Cindy Gartland at 203-821-3777.

Sincerely,



NDIDI N. MOSES
Assistant United States Attorney

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