

# WINDHAM TOWN COUNCIL AGENDA

WINDHAM TOWN HALL MEETING ROOM

Tuesday, April 17, 2012 - 7:00 P.M.



**1. Call to Order**

Mayor Ernest S. Eldridge called the meeting to order at 7:03 p.m.

Town Council members present: Ernest S. Eldridge, Charles Krich, Tony Fantoli, Thomas DeVivo, N. Joseph Underwood, Jerry Iazzetta, Kevin Donohue and Mark Doyle.

Town Council members excused: Lorraine McDevitt, Christel Donahue and Arnaldo Rivera

**2. Pledge of Allegiance**

Mayor Eldridge led all in the Pledge of Allegiance.

**3. Citizens and Delegations: Public Comment**

John Monohan, Willimantic, spoke regarding a new website called Windham week blog spot. He mentioned that one of the blogs up on the web talks about the Windham School system and started a three part series about the 7 members of the Town Council that voted to take the residents rights to speak away during the public meetings.

Peter Leeds, Willimantic, spoke in favor of the removal of the second citizens. Mr. Leeds also spoke about the article in the paper regarding all the new businesses in downtown, but was concerned with the Willimantic Public Library being closed on Saturdays. He read a list of surrounding libraries that are open for the public on Saturdays. He request that the library be open because is a great resource.

Peter Quercia stated he heard about the Chronicle publisher and sent a card to The Chronicle. He also spoke about a letter to the Hartford Courant editor regarding the number of black balloons released at the funeral of the young boy kid who died in Salem, CT.

Mary Lou DeVivo spoke regarding the meetings of the Town being recorded. She stated that it was a disgrace that there is a meeting downstairs and upstairs at the same time. She suggested that the meetings be recorded and aired for the residents to know what is going on. Mrs. DeVivo stated that the piece of equipment cost about \$200.

Bernie informed the Town Council that the last Magnet School Committee meeting was last week and no decision was made on the Fantoli pond. He stated that the matter should be rectified immediately.

**4. Town Council Comment**

None.

**5. Adoption of Minutes**

**a. Discussion and possible action to adopt the minutes for the April 3, 2012 Town Council Meeting.**

DeVivo MOVED, Underwood seconded to adopt the minutes for the April 3, 2012 Town Council meeting with the following change: Christel K. Donohue was present not absent. MOTION PASSED with all in favor except Krich who abstained.

**6. Resignations.**

a. None.

**7. Appointments.** Discussion and possible action to appoint:

a. None.

**8. Presentations & Special Reports**

**a. Presentation from Architect Rich Brown about preliminary designs and cost estimates for renovating the Third Floor of Town Hall. Town Council discussion and possible policy direction.**

Mr. Brown gave a presentation and explained option 1 of the plans for the 3<sup>rd</sup> floor of the Town Hall to include the Probate Court. Lengthy discussion took place between Council members and Mr. Brown.

Town Engineer Joe Gardner explained that Mr. Brown did what was asked of him because State Representative Susan Johnson needed a plan to submit for state bonding.

Discussion took place regarding the deadline for Mrs. Johnson to submit something to the state, Board of Education offices and how some members would like to see other options before making a decision.

**MOTION:** Donohue MOVED, DeVivo seconded, to send a letter to State Representative Johnson and Orange saying that the layout presented by Mr. Brown is acceptable. MOTION FAILED with all in favor except Fantoli, Underwood, Krich and Eldridge.

**MOTION:** Krich MOVED, Iazzetta seconded, that we continue to develop option # 2 for the 3<sup>rd</sup> floor and put it back on the agenda the 1<sup>st</sup> meeting in June. MOTION PASSED UNANIMOUSLY.

- b. **Presentation from the State of Connecticut's Comptroller's Office regarding the state health insurance program that is available to cities and towns. Town Council discussion and possible policy direction.**

Helen Sullivan and James Stirling gave a presentation on the State of Connecticut health insurance program available to municipalities. They spoke about the medical and dental plan and monthly premiums. A lengthy discussion took place.

- c. **Presentation from the Town of Windham's insurance broker regarding a health insurance program through Anthem BCBS. Town Council discussion and possible policy direction.**

Dan Escajeda, Lockton Insurance Broker, gave a presentation on the Town of Windham health insurance program through Anthem BCBS. He informed the Town Council that as of today Anthem lowered the renewal percentage to 1.6%. He explained the Town's plan, what we currently pay for and what it would cost if we were self insured. He went over the cost and responsibilities of the Town if they were to be self insured.

**MOTION:** Doyle MOVED, Donohue seconded, that the Mayor create an Ad-Hoc Committee with members of the Board of Education, Town Council and Board of Finance to come up with detailed recommendations on insurance.

9. **Mayor's Report**

Mayor Eldridge reported on the following: QVCC Breakfast, QVCC RFP for additional space downtown, meeting with Governor Molloy regarding ECS funding, April 28<sup>th</sup> Town Wide Town Pride cleaning and the ECSU softball field dedication ceremony on April 24, 2012.

10. **Town Manager's Report**

- a. **Update about a dispatch contract.**

Town Manager Neal J. Beets gave a brief update on the dispatch center and the status of the draft contract. He mentioned that the two signed agreements that we found between the Town of Windham and the Willimantic Switchboard Fire Chiefs Association is no longer in affect. They are holding another meeting to discuss what the dispatch was 30 years ago and what it is today. Mr. Beets and Town Attorney Richard Cody shared some concerns with the members. He also shared with the Town Council that Hebron issued an RFP for dispatch services and the Willimantic Switchboard Association is putting together a response.

11. **Discussion and Review of Communications**

None.

12. **Resolutions and Ordinances**

a. **Discussion and possible action on a Resolution authorizing the Town Manager to submit a CDBG Small Cities Application for \$300,000 in housing rehabilitation funds.**

Underwood MOVED, Donohue seconded, to waive the reading. MOTION PASSED UNANIMOUSLY.

Donohue MOVED, Doyle seconded, to adopt resolution # 2566.

BE IT RESOLVED by the Town Council THAT

**WHEREAS**, federal monies are available under the Title I of the Housing and Community Development Act of 1974, 42 U.S.C § 5301, et. seq., as amended, also known as Public Law 93-383, and administered by the State of Connecticut, Department of Economic and Community Development as the Connecticut Small Cities Community Development Block Grant Program; and

**WHEREAS**, pursuant to Chapter 127c, and Part VI of Chapter 130 of Connecticut General Statutes, the Commissioner of the State of Connecticut Department of Economic and Community Development is authorized disburse such federal monies to local municipalities; and

**WHEREAS**, it is desirable and in the public interest that the Town of Windham make an application to the State for \$ 300,000 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE Windham Town Council

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and,
2. That the filing of an application for State financial assistance by Town of Windham in an amount not to exceed \$ 300,000 is hereby approved and that Neal J. Beets, Town Manager is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Windham.

3. That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Act 07-142, and for which purposes the “contractor” is Town of Windham and “contract” is said Assistance Agreement:

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved.

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

MOTION PASSED UNANIMOUSLY.

- b. **Discussion and possible action on a Resolution authorizing the use of CDBG Small Cities program income funds for housing rehabilitation.**

Underwood MOVED, Doyle seconded, to waive the reading. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, Donohue seconded, to adopt resolution # 2567. MOTION PASSED UNANIMOUSLY. (SEE ATTACHMENT A)

c. **Discussion and possible action on a Resolution authorizing an Agreement with the Connecticut Department of Education for a Child Day Care Program.**

Fantoli MOVED, Iazzetta seconded, to adopt resolution # 2568.

BE IT RESOLVED by the Town Council THAT

The **Town Manager, Neal Beets**, is empowered to enter into or amend contractual instruments in the name and on behalf of the **Town of Windham**, with the State of Connecticut Department of Education for a **Child Day Care** program if such an agreement is offered, and to have the corporate seal affixed to all documents required as a part of any offered agreement.

MOTION PASSED UNANIMOUSLY.

13. **Reports of Committees, Boards and Commissions**

a. **Administration, Finance, Health and Human Services Subcommittee**

Chairman Donohue reported that they met and discussed the Town Manager's evaluation process. They also had a presentation by Peter DeBiasi from the ACCESS Agency regarding state funding for the Senior Center and possibilities to lease space for a Senior Center.

b. **Public Safety, Public Works, Culture and Recreation Subcommittee**

Chairman Iazzetta had no report. The committee will be meeting on Wednesday, April 25, 2012.

c. **Tri-Board**

Underwood reported that they met with Town staff and discussed IT and questions that were raised in previous meetings regarding fees. The Board of Education will be reporting at the next Tri-Board meeting on April 24<sup>th</sup>.

d. **Magnet School Building Committee**

Chairman DeVivo reported that they are still looking for a lunch truck to come to the site during the week. He reported steel is arriving already and they have a small crane on site. The next meeting will be next Monday and the committee would like the meeting televised at 6:30 p.m. not 7. He also reported that the Principal for the magnet school has been named, which is the current Natchaug School Principal. DeVivo noted the gate was moved up on the property and they might have some issues regarding the hours of operation due to the pouring of concrete, therefore they are mailing letters to surrounding property owners.

**14. Old Business**

- a. **Discussion and possible action to award a contract to pave the drives in the new Willimantic Cemetery, and to award a contract to repair the roof in the maintenance storage building at the old Willimantic Cemetery, subject to funding approvals from the Probate Court and the Attorney General.**

Donohue MOVED, Underwood seconded, to award the contract to pave the drives in the new Willimantic Cemetery to Hain Material. MOTION PASSED UNANIMOUSLY.

Donohue MOVED, Underwood seconded, to award the contract to repair the roof in the maintenance storage building at the Old Willimantic Cemetery to Immaculate Concepts. MOTION PASSED with all in favor except Iazzetta who abstained.

**15. New Business**

None.

**16. Future Agenda Items**

- a. **May 15, 2012:** Council discussion and direction regarding residential development at Windham Mills.  
**May 1, 2012:** Town Attorney regarding Mill 4 site.  
**June 5, 2012:** Presentation on other options for the 3<sup>rd</sup> floor at Town Hall.

**17. Adjournment**

Iazzetta MOVED, Underwood seconded, to adjourn the meeting at 9:16 pm. MOTION PASSED UNANIMOUSLY.

**Submitted By:**

**Neida I. Rosado**  
**Clerk of the Council**

**TOWN OF WINDHAM  
Town Council**

**Resolution No. 2567**

**BE IT RESOLVED by the Town Council THAT**

**WHEREAS**, Program Income is defined in federal regulation at 24 CFR 570.489 (e) which specify that program income is the gross income received by the jurisdiction that has been directly generated from the use of Community Development Block Grant Program.

**WHEREAS**, Examples of program income include: payments of principal and interest on housing rehabilitation loans made using Community Development Block Grant funds; interest earned on program income pending its disposition, and interest earned on funds that have been placed in a revolving loan account;

**WHEREAS**, The Town of Windham will generate Program Income from it's current activity, Housing Rehabilitation Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council that the following Program Income Plan and Program Reuse Income Plan is hereby approved and further authorizes, Town Manager Neal J. Beets, to sign such document.

**Program Income Plan**

The Town of Windham's Housing Rehabilitation Program will produce Program Income as a result of liens placed on the property of residential rehab projects.

Financial assistance is offered in the form of no-interest loans. Low and moderate-income eligible applicants will receive a loan that is one hundred percent (100%) deferred until the property transfers ownership. The deferred loan amount is secured by a lien filed with the Town Clerk.

All Program Income generated from this project will be used for additional housing rehabilitation projects within the community. This activity is an eligible activity under 24 CFR 570.208 (a) (1), and meets national objective 24 CFR 570.483 (b) (1), activities benefiting low to moderate income persons.

## PROGRAM INCOME REUSE PLAN

Town of Windham

A Reuse Plan Governing Program Income from CDBG-Assisted Activities

The purpose of plan is to establish guidelines on the policies and procedures for the administration and utilization of program income received as a result of activities funded under the State Community Development Block Grant Program.

**Need for Plan Governing Reuse of Program Income.** This Plan is intended to satisfy the requirements specified in Federal statute and regulation at Section 104 (j) of the Housing and Community Development Act ("the Act"), as amended in 1992 and 24 CFR 570.489 (e) (3). These statutory and regulatory sections permit a unit of local government to retain program income for CDBG-eligible community development activities. Under federal guidelines adopted by the State of Connecticut's CDBG program, local governments are permitted to retain program income so long as the local government has received advance approval from the state of a local plan that will govern the expenditure of the program income. This plan has been developed to meet that requirement.

**Program Income Defined.** Program Income is defined in federal regulation at 24 CFR 570.489 (e) which specify that program income is the gross income received by the jurisdiction that has been directly generated from the use of CDBG funds. (For those program income-generating activities that are only partially funded with CDBG funds, such income is prorated to reflect the actual percentage of CDBG participation). Examples of program income include: payments of principal and interest on housing rehabilitation or business loans made using CDBG funds; interest earned on program income pending its disposition, and interest earned on funds that have been placed in a revolving loan account; net proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG funds; income (net of costs that are incidental to the generation of the income) from the use or rental of real property that has been acquired, constructed or improved with CDBG funds and that is owned (in whole or in part) by the participating jurisdiction or subrecipient.

If the total amount of income (from all sources) generated from the use of CDBG funds (and retained by the Town) during a single program year (July 1 through June 30) is less than \$25,000, then these funds shall not be deemed to be program income and shall not be subject to these polices and procedures. However, Quarterly Reports must be submitted regardless of whether the \$25,000 threshold is reached or not. Costs incurred that are incidental to the generation of Program Income may be deducted from the gross program revenue to determine the net Program Income amount.

**General Administration (GA) Cost Limitation.** Up to 16 percent of the total PI expended during a PY may be used for CDBG general administration (GA) expenses. Total administration and program soft costs (Housing Rehabilitation activities) cannot exceed 25 percent.

Total administration and program soft costs (all activities except for housing rehabilitation) cannot exceed 21 percent.

**Reuses of Program Income.** Program income must be: a) disbursed for an activity funded under an existing open grant prior to drawing down additional Federal funds (i.e. disbursed to an amount that is \$25,000 or less); b) forwarded to the State of Connecticut, Department of Economic and Community Development (Department); c) with DECD's permission, apply to a future grant or (d) distributed according to this Program Income Plan that has been approved by the Department. The Town's program income will be used to fund *eligible* CDBG activities that meet a *national objective*. Eligible activities and national objective requirements are specified in federal statute at Section 105(a) and in federal regulations at 24 CFR 570.482 and 24 CFR 570.483. The PI Reuse Plan shall be used for Housing Rehabilitation.

The Town reserves the option of utilizing program income to fund/augment a CDBG funded activity (that is different from the activity that generated the PI) included in a grant agreement. The Town must first follow the citizen participation process, provide for public disclosure (public notice), obtain a governing body resolution, and obtain approval from the State CDBG Program.

**Planning Activities.** The Town reserves the option of utilizing program income, within the 16 percent general administration annual cap, to fund planning for CDBG-eligible activities. Such planning activities may include: environmental reviews or other studies necessary for CDBG-eligible projects or programs; or application preparation for CDBG or other grants/loans to supplement funding for CDBG-eligible activities. The costs of such planning activities may be charged to an RLA if the planning is for the same activity as the RLA. Otherwise, PI may only be expended on planning activities in conjunction with an existing open CDBG Planning grant.

**Distribution for Reuse of Program Income.** The Town's program income that has not been committed to an existing open grant will be distributed, as follows:

One revolving loan accounts (RLAs) or PI account is currently established to utilize the Town's program income.

The allocations to the RLAs are as follows:

a) 100 percent (100%) of all program income will be deposited into the Housing Rehabilitation Revolving Loan Account from which it was generated and will be used again for the same activity; Housing Rehabilitation.

Funds shall not be transferred between RLAs or to an open grant activity without conducting a properly noticed CDBG Citizen Participation public hearing. If it becomes necessary to transfer funds between RLAs we will consider revising the above distribution formula.

### **Reporting and Federal Overlay Compliance.**

The Town shall comply with all State CDBG reporting requirements, including submittal of a Quarterly GPR on all PI. The Town shall ensure that the use of program income under this PI Reuse Plan complies with all CDBG program requirements, including citizen participation, environmental review, equal opportunity, Section 3 employment, lead-based paint, labor standards, procurement and property management, and maintenance of adequate accounting and recordkeeping systems. To ensure ongoing compliance with CDBG requirements, the Town shall utilize the latest available State CDBG Program Grant Management Manual for guidance on compliance procedures and polices. The Town shall obtain the Department's written approval before proceeding with any PI-funded activity.

**Maximum Funds in Revolving Loan Accounts.**

Program Income received by the RLAs during the program year (July 1 through June 30) shall be substantially expended by the end of the program year (June 30). At any given time, the funding balance for either of the RLAs should not exceed \$25,000.

**Revising this plan.** The Town has the authority to amend this document with a properly noticed Council/Board meeting and approval by the State Department of Economic & Community Development (DECD).

**Revolving Loan Accounts.** The purposes and allowed uses of funds under these RLAs are, as follows:

**Housing Rehabilitation Revolving Loan Account.**

This fund will be principally used for the purpose of making loans to rehabilitate residential units occupied by households which have an annual income which is 80 percent (80 percent) or less of the area's median income. At least 51 percent of the funds expended for the activity funded under this RLA during the program year shall be used on revolving activities (i.e., loans).

No more than 51 percent of the program income funds actually expended during the program year under this RLA shall be expended for housing rehabilitation grants. No more than up to 16 percent of the total PI expended during a PY may be used for CDBG general administration (GA) expenses. Total administration and program soft costs (Housing Rehabilitation activities) will not exceed 25 percent. In any event, the total expended for non-revolving activities (grants, program costs, and general administration) shall not exceed 49 percent of the total funds actually expended during the program year (July 1 thru June 30).

The review and funding of requests for CDBG loan or grant assistance under this RLA shall be conducted under the Housing Rehabilitation Program Guidelines that have been adopted by the Town. All assistance provided to activities under this RLA shall be made for activities that are located within the Town's jurisdiction.

If the activities funded under the RLA are for the same activities as those funded under an open State CDBG grant agreement, then the funds available in this RLA shall be expended prior to drawing down funds from the State CDBG program.

\_\_\_\_\_  
Signature

Neal J. Beets, Town Manager  
\_\_\_\_\_  
Typed or Printed Name of Authorized Official

\_\_\_\_\_  
Date

**Introduced by:** Thomas DeVivo **Date:** 4/17/12