

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, January 3, 2012 - 7:00 P.M.



1. Call to Order

Mayor Eldridge called the Town of Windham Council meeting to order at 7:00 P.M.

Town Council members present: Mayor Ernest S. Eldridge, Charles Krich, Tony Fantoli, Tom DeVivo, Lorraine McDevitt, N. Joseph Underwood, Kevin Donohue, Arnaldo Rivera, Mark Doyle, Christel Donahue and Jerry Iazzetta

Town Manager Neal Beets was also in attendance.

2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance.

Mayor Eldridge asked for a moment of silence for Lucy Crosbie, the former editor of The Chronicle.

Awards were presented for the Holiday Lighting Contest.

- Best Display – Willimantic Victorian Home Association
- Window Display – City Side Deli
- Modern Christmas – Jacqueline Beaudette
- Christmas Spirit – Jessie & Janice Nye
- Classic Christmas – Sally Lis
- Inspirational – Debra Morin

3. Citizens and Delegations

Atty Fussell, representing the Public Works Employees, spoke on behalf of Rob Chasse. Atty Fussell explained the arbitration award of 12/8/2011 in favor of Mr. Chasse and asked the Town to adhere to what the arbitrator and contract states.

Paula Haney, Machine Shop Hill Road, South Windham, expressed her gratitude to the Mayor for placing her name on the list as a possible member of the Charter Review Commission and requested the support of the Council.

Donna Nicolino, 41 Summit Street, Willimantic, gave a brief summary of her background and is looking forward to being part of the Town in an official manner if appointed to the Charter Review Commission.

Dawn Niles, thanked the Council for considering her to serve on the Charter Review Commission. Ms. Niles also spoke on the upcoming Spaghetti Supper fundraiser on January 13th to benefit the McSweeney Senior Center and expressed the need for a new ambulance, which was voted on by the Public Works Subcommittee.

Erik Blomberg, South Windham, stated he thought arbitration was binding.

Lori Jeffers, Willimantic, thought City Side Deli did a spectacular job on Main Street. She also feels we should purchase a new ambulance, should wait on appointing members to the Charter Review Commission and she questioned the new roof at Natchaug School and the authority of the Magnet School Building Committee.

Ian Brown, President of the Local Police Union, is concerned with the possible moving of the dispatch center and the impact it will have on the Town. He asked the Council to visit the dispatch center and to look at the bigger picture not only the bottom line.

Joe Marsalisi, Willimantic, is in favor of purchasing a new ambulance. He is also concerned with the impact to the Town in moving the dispatch center and feels the ambulance service provided is excellent.

Peter Quercia, 300 Walnut Street, Willimantic, distributed correspondence to the Council. He also mentioned the legacy of Lucy Crosbie. Mr. Quercia also read a neighborhood newsletter from Patricia Lein regarding his property and animals.

Dennis O'Brien, Willimantic, thanked the Council and people who placed his name on the list for the Charter Review Commission. He spoke in support of the other nominees for the Charter Review Commission.

4. Town Council Comment

NONE

5. Adoption of Minutes

a. Discussion and possible action to adopt the December 20, 2011 Town Council meeting minutes.

Underwood MOVED, Iazzetta seconded, to adopt the December 20, 2011 Town Council meeting minutes. All were in favor.

MOTION PASSED UNANIMOUSLY.

6. Resignations

NONE

7. Appointments. Discussion and possible action to:

a. Appoint Dawn Niles, Democrat, as a member of the Charter Review Commission.

b. Appoint Dan Lien, Unaffiliated, as a member of the Charter Review Commission.

- c. Appoint Dennis O'Brien, Democrat, as a member of the Charter Review Commission.
- d. Appoint William Rood, Republican, as a member of the Charter Review Commission.
- e. Appoint Donna Nicolino, Green Party, as a member of the Charter Review Commission.
- f. Appoint Paula Haney, Democrat, as a member of the Charter Review Commission.
- g. Appoint Erika Haynes, Democrat, as a member of the Charter Review Commission.

Krich MOVED, Doyle seconded, to resolve and appoint Dawn Niles, Dan Lein, Dennis O'Brien, William Rood, Donna Nicolino, Paula Haney and Erika Haynes to the Charter Review Commission. All were in favor.

MOTION PASSED UNANIMOUSLY.

- h. Appoint Patricia Lein, Unaffiliated, to the Water Pollution Control Authority with term ending July 1, 2017.
DeVivo MOVED, Underwood seconded, to appoint Patricia Lein to the Water Pollution Control Authority with term ending July 1, 2017. All were in favor.
MOTION PASSED UNANIMOUSLY.

8. **Presentations & Special Reports**

a. **Magnet School Report**

Tom DeVivo gave a brief report on the Magnet School. He reviewed the following: the accomplishments through December 2011, the work planned for January 2012, budget & schedule priorities, and qualities & safety issues.

Mr. DeVivo also reported the committee will be meeting with Special Master Adamowski regarding changes to the curriculum and are continuing to meet with the Board of Education.

Mr. DeVivo answered questions from the Council.

9. **Mayor's Report**

Mayor Eldridge thanked the Council for taking a moment of silence for Lucy Crosbie.

He also reported Three King's Day, January 6th, will be held from 1:00-4:00 at the ECSU Sports Center. Arnaldo Rivera gave a brief overview of the event and noted support from the community is greatly needed.

In addition, Mayor Eldridge reminded everyone of the Spaghetti Supper on January 13th from 4:30-7:30 at the Elks Club to benefit the McSweeney Senior Center.

10. Town Manager's Report

Town Manager Beets reported on the small airplane that landed in the Mansfield Hollow reservoir and assured everyone there was no impact on the water treatment facility.

Town Manager Beets also reported work on the Natchaug School roof will begin Thursday at 10:00AM to begin analyzing the current roof so requests can be put out to repair the roof.

Town Manager Beets also noted Jim Hooper, Water Superintendent, had lost his dad and the funeral was being held on Thursday.

11. Discussion and Review of Communications

Letters from Peter Quercia

12. Resolutions and Ordinances

a. Discussion and possible action to adopt a Resolution establishing a deadline for the Charter Review Commission to complete its draft report and submit to the Town Clerk's Office.

Iazzetta read to resolution and moved for its adoption.

Iazzetta MOVED, DeVivo seconded to adopt Resolution #2555 establishing a deadline for the Charter Review Commission to complete its draft report and submit to the Town Clerk's Office. All were in favor.

BE IT RESOLVED by the Town Council THAT

Pursuant to Section 7-190(b) of the Connecticut General Statutes, the Town of Windham Charter Review Commission shall submit its draft report to the Town Clerk by April 3, 2013.

MOTION PASSED UNANIMOUSLY

b. Discussion and possible action to adopt a Resolution authorizing the Town Manager to perform the duties delegated to the First Selectman in connection with the Water Pollution Control Facility Upgrade, as recommended by the Town's Bond Attorney.

DeVivo MOVED, McDevitt seconded, to waive the reading authorizing the Town Manager to perform the duties delegated to the First Selectman in connection with the Water Pollution Control Facility Upgrade, as recommended by the Town's Bond Attorney. All were in favor. MOTION PASSED UNANIMOUSLY.

Doyle MOVED, Iazzetta seconded, to adopt Resolution #2556 authorizing the Town Manager to perform the duties delegated to the First Selectman in connection with the Water Pollution Control Facility Upgrade, as recommended by the Town's Bond Attorney. All were in favor. (See Attachment A for Resolution)

MOTION PASSED UNANIMOUSLY.

- c. **Discussion and possible action to adopt a Resolution to participate in the WINCOG Regional Performance Incentive Program GIS & Cadastral Data Center Expansion.**

Rivera read to resolution and moved for its adoption.

Rivera MOVED, DeVivo seconded to adopt Resolution #2557 to participate in the WINCOG Regional Performance Incentive Program GIS & Cadastral Data Center Expansion. All were in favor.

BE IT RESOLVED by the Town Council THAT

**WINCOG
Regional Performance Incentive Program
GIS & Cadastral Data Center Expansion**

WHEREAS: The State of Connecticut is making available regional service sharing funds through Section 5 of Public Act 11-61 (An Act Concerning Responsible Growth) which encourages regional collaboration;

BE IT HEREBY RESOLVED: that the Town of Windham hereby agrees to participate in the WINCOG Regional Performance Incentive Program:

Windham Region GIS & Cadastral Data Center Expansion.

The Geographic Information Systems project will expand on the current WINCOG Cadastral Data Center and provide additional GIS services to the member towns.

MOTION PASSED UNANIMOUSLY

- d. **Discussion and possible action to adopt a Resolution to participate in the WINCOG Regional Performance Incentive Program Risk Management/Brokerage Services Analysis.**

Underwood MOVED, Rivera seconded, to adopt Resolution #2558 to participate in the WINCOG Regional Performance Incentive Program Risk Management/Brokerage Services Analysis. All were in favor.

BE IT RESOLVED by the Town Council THAT

**WINCOG
Regional Performance Incentive Program
Risk Management/Brokerage Services Analysis**

WHEREAS: The State of Connecticut is making available regional service sharing funds through Section 5 of Public Act 11-61 (An Act Concerning Responsible Growth) which encourages regional collaboration;

BE IT HEREBY RESOLVED: that the Town of Windham hereby agrees to participate in the WINCOG Regional Performance Incentive Program:

Risk Management/Brokerage Services Analysis

The Risk Management / Brokerage Analysis project will involve reviewing and making recommendations for cost savings across a wide spectrum of Risk Management and Brokerage services currently undertaken by our member towns.

MOTION PASSED UNANIMOUSLY

13. Reports of Committees, Boards and Commissions

a. Administration, Finance, Health and Human Services Subcommittee

K. Donohue reported the Subcommittee will be meeting January 11th and stated the McSweeney Senior Center will be on the agenda.

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

Iazzetta reported the Subcommittee had met on December 28th and discussed the wonderful job the existing dispatch center is doing however the subcommittee is concerned with the funding of the center and feels that must be resolved with the Board of Finance.

Iazzetta also reported the process for selecting CUPID and the Holiday Lighting Contest was discussed. He noted Charlie Olbrias from the Recreation Department would be advertizing through the newspaper, radio, cable and the Towns newsletter for CUPID. He also stated CUPID will be selected at the Subcommittee's February 8th meeting at 6:00 P.M. in Executive Session and will be announced on February 14th at 10:00 A.M. at Town Hall.

In addition, Iazzetta reported capital purchases for the Public Works Department and funds for a new ambulance were discussed. He stated there is concern regarding funds that were established several years ago are not being used properly. He would like to discuss this with the Board of Finance, Controller Tom Pesce and the Town Manager. Mr. Iazzetta stated the Subcommittee had voted unanimously to recommend to the full Council that we go out to bid for a new ambulance.

Iazzetta reported Town Engineer, Joe Gardner, gave an update on road bond expenditures and roads being paved and noted there is money for the next two years. He also noted an update was given on the Hop River Bike Path.

c. Tri-Board

McDevitt reported the Tri-Board would be meeting at 5:30 P.M. on January 10th.

14. Old Business

- a. Discussion and possible direction to staff regarding ambulance services.**
- b. Discussion and possible direction to staff regarding dispatch services.**
- c. Discussion and possible action to go out to bid for a new ambulance.**

Items 14a & 14c were discussed as one item.

Town Manager Beets explained the approach that has been taken over several years regarding the ambulance and recommended we fund capital through a capital budget as revenues and expenditures fluctuate.

Iazzetta MOVED, Krich seconded to go out to bid for a new ambulance not to exceed \$175,000. All were in favor except Fantoli, Rivera, K. Donohue and Rivera. MOTION PASSED.

b. Discussion and possible direction to staff regarding dispatch services.

DeVivo MOVED, Underwood seconded, requesting the Fire Chiefs' Association work with the WPD, WFD and the Town Manager's Office to create a detailed proposed agreement for the provision of dispatch services to the Town. All were in favor. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, Krich seconded, requesting the Board of Finance allocate funds appropriate to cover the shortfall for the Fire Chiefs' Association for dispatch services through the end of the year. All were in favor. MOTION PASSED UNANIMOUSLY.

15. New Business

NONE

16. Future Agenda Items

- Monthly Budget Reviews
- Update on Emergency Shelter Plans

17. Adjournment

Iazzetta MOVED, McDevitt seconded, to adjourn the Town of Windham Town Council meeting at 8:55 P.M. MOTION PASSED UNANIMOUSLY.

Submitted by:

**Barbara J. McKinney
Clerk of the Council**

TOWN OF WINDHAM
TOWN COUNCIL

RESOLUTION AUTHORIZING THE TOWN MANAGER TO PERFORM THE DUTIES
DELEGATED TO THE FIRST SELECTMAN IN CONNECTION WITH THE WATER
POLLUTION CONTROL FACILITY UPGRADE

WHEREAS, on December 7, 2004, the Board of Selectman of the Town of Windham (the "Town") adopted Resolutions regarding the \$29,999,000 Appropriation and Financing of the Water Pollution Control Facility Upgrade attached hereto as Exhibit A (the "Resolution"); and

WHEREAS, pursuant to the Resolution, the Board of Selectman delegated certain duties and authority to the First Selectman or to the First Selectman or a majority of the Board of Selectmen; and

WHEREAS, the Town's Charter was amended to eliminate the office of First Selectman and the Board of Selectmen and replaced such officer and board with the Town Manager and the Town Council, respectively; and

WHEREAS, the Water Pollution Control Facility Upgrade is nearing completion and its costs will need to be permanently financed; and

WHEREAS, the Town Council desires to delegate the authority and the duties which were delegated by the Resolution to the First Selectman and the First Selectman or a majority of the Board of Selectmen to the Town Manager.

NOW THEREFORE be it resolved that the Town Manager is hereby authorized to perform the duties and to take such other actions that were delegated to the First Selectman or the First Selectman or the majority of the Board of Selectmen pursuant to and in accordance with the Resolution.

Introduced by:

Paul Doyle

Date:

1/3/2012

EXHIBIT A

TOWN OF WINDHAM
BOARD OF SELECTMEN

RESOLUTION REGARDING THE \$29,999,000 APPROPRIATION
AND FINANCING OF THE
WATER POLLUTION CONTROL FACILITY UPGRADE

At a meeting of the Board of Selectmen of the Town of Windham (the "Town") held on December 7, 2004, the following resolutions were adopted:

RESOLVED, that

(i) the sum of \$29,999,000 be appropriated for the cost of the Water Pollution Control Facility Upgrade, including the planning, design, construction and reconstruction of the water pollution control facility including, but not limited to, the replacement of raw sewage pumping equipment, primary tank repair and equipment replacement, aeration tank equipment replacement, new final clarifiers and associated equipment, new return sludge pumps and associated equipment, new ultra violet disinfection system, new emergency generator and electrical switchgear and renovated office areas and locker rooms and all alterations, repairs and improvements in connection therewith as well as engineering, architectural and temporary, and permanent financing costs (the "Project"), and to meet said appropriation and in lieu of a tax therefor, bonds of the Town be issued, or project loan obligations ("PLO") be issued and sold to the State of Connecticut (the "State") pursuant to Section 22a-475 through Section 22a-483 inclusive of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in the amount of \$29,999,000 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor provided, however, that such bonds or PLOs shall be paid and secured solely by a pledge of revenues of the municipality and the water pollution control authority derived from the Town's sewer system; and

(ii) the First Selectman or a majority of the Board of Selectmen and the Treasurer of the Town be authorized to issue, secure and sell temporary notes of the Town or interim funding obligations ("IFO") to the State in an amount not to exceed \$29,999,000 in anticipation of the receipt of the proceeds from the sale of such bonds or PLOs, as the case may be, and to determine the amount, date, date of maturity, interest rate, form and other details of such notes, bonds, PLOs or IFOs pursuant to Section 22a-475 through Section 22a-483 inclusive of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, provided that the proceeds from the sale of such notes or IFOs shall be used for said purposes and secured in the same manner as the bonds or PLOs; and

(iii) the First Selectman or a majority of the Board of Selectmen and the Treasurer of the Town shall sign the bonds, PLOs, notes or IFOs by either manual or facsimile signatures and that the law firm of Pullman & Comley, LLC is designated as bond counsel to approve the legality of the bonds, PLOs, notes or IFOs; and

(iv) the First Selectman is authorized to designate a bank or trust company to be the trustee and certifying bank, registrar, transfer agent and paying agent of the bonds, PLOs, notes or IFOs; to sell the bonds, PLOs, notes or IFOs at public or private sale; to deliver the bonds, PLOs, notes or IFOs and to perform all other acts which are necessary or appropriate to issue, secure and deliver the bonds, PLOs, notes or IFOs, including, but not limited to, the negotiation and execution of project loan and grant agreements with the State and an indenture of trust and any supplemental indentures thereto with a trustee and entering into a confirming disclosure agreement pursuant to the Securities and Exchange Commission Rule 15(c)(2)(12). If the bonds, PLOs, notes or IFOs authorized by this resolution are issued on a tax-exempt basis, the First Selectman or a majority of the Board of Selectmen and the Treasurer of the Town are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, PLOs, notes or IFOs, including covenants to pay rebates of investment earnings to the United States in future years; and

(v) the water pollution control authority is hereby authorized to construct the Project, to approve planning, design and construction expenditures incurred for the Project and to contract with engineers, contractors and others on behalf of the Town for said Project; and

(vi) the water pollution control authority is hereby authorized to apply for and accept federal and state grants to help defray the appropriation for the Project and any grant proceeds may be used to pay Project costs or principal and interest on bonds, PLOs, notes or IFOs; and

(vii) the First Selectman, on behalf of the Town, is hereby authorized to apply for and accept state grants to defray the appropriation for the Project and state loans to finance the Project, and to enter into any grant or loan agreement prescribed by the State, and the First Selectman, Treasurer and water pollution control authority are hereby authorized to take any other actions necessary to obtain or secure such grants or loans pursuant to Section 22a-475 to 22a-483 inclusive of the Connecticut General Statutes, as amended, and any other provision of law thereto enabling or to implement such grant or loan agreements; and

(viii) the First Selectman, the water pollution control authority, Treasurer and other proper officers of the Town are hereby authorized to take all other action which is necessary or desirable to plan, design, construct and complete the Project and to issue and secure bonds, PLOs, notes or IFOs to defray the aforesaid appropriation.

BE IT FURTHER RESOLVED, that the Town reasonably expects to incur expenditures (the "Expenditures") in connection with the capital project for which a general functional description is provided above. The Town reasonably expects to reimburse itself for the cost of the Expenditures with the proceeds of bonds, PLOs, notes or IFOs described above. The maximum principal amount of such debt is not expected to exceed \$29,999,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2.