

# MINUTES OF SPECIAL MEETING OF THE WINDHAM TOWN COUNCIL



WINDHAM TOWN HALL MEETING ROOM

Tuesday, January 29, 2013 - 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 and Christel Donahue

Jerry Iazzetta was excused.

Town Manager Neal Beets was also in attendance.

## 2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance.

## 3. Citizens and Delegations: Public Comment

Mary Gallucci, North Street, Willimantic, questioned why the \$750,000 for the books and the \$250,000 for the Magnet School had not been hashed out. She also questioned why the issue of the safety and well being of the children of Natchaug is being delayed by the actions of the Board of Finance and stated she is outraged. She feels the Boards are using their offices as personnel platforms.

Dennis Cronin, Willimantic, supports the repair of the Natchaug School Roof and any capital improvements to our schools.

Cindy Lewellyn, Ash Street, Willimantic, noted she has a great grandson at Natchaug School and she feels we are letting our children down. She supports the repair to the Natchaug School Roof.

Kevin Hoxie, Willimantic, believes the Board of Education should be maintaining the school buildings and have failed to do so. He does not support the roof repair to Natchaug School and suggested the 8<sup>th</sup> graders be moved to the High School.

Jeff Viens, Windham taxpayer, asked for clarification on who can vote at a Town Meeting and how many signatures are required to bring this matter to a referendum. He noted times are tough and people can't afford an increase in their taxes. He likes Kevin Hoxie's idea of moving the 8<sup>th</sup> graders to the High School. He also stated he had heard someone was interested in purchasing the Natchaug School building and thinks we should look into it.

James Flores, Willimantic, thanked Mr. Krich for standing up for his rights to speak. He also noted as a renter he pays taxes and that the landlords do not. He spoke in support of the roof but believes the community should have the right to vote in this matter at a referendum.

Joel Meyers, Willimantic resident and landlord, believes kids deserve the best however he does not support the repair of the Natchaug Roof.

Pam Viens, Windham taxpayer, does not believe the community has received the correct information on the Natchaug School Roof and would like the matter looked at further.

Murphy Sewall dispelled rumors about a 5 year limit on the Natchaug School building. He explained if the roof was repaired the building would be used for educational purposes for at least 10 years. He believes the people should decide what should be done but would like that to be at a Town Meeting rather than a referendum. He also stated the mill rate would not be affected because of the State reimbursement to the Town.

John French, High Street, Willimantic, spoke in support of a Referendum for the roof. He believes there would be parking issues if a Town Meeting was held at Town Hall and people would be limited. He also noted a "Plan B" if the Natchaug School Roof was not repaired, which would move the swing space to the Middle School. He also stated there are people who are interested in developing the Natchaug School building. In addition, he feels the Board of Education should have another presentation regarding the 10 year plan and how the Natchaug School fits into that plan.

Mary Lou DeVivo, North Windham, supports the roof repair however asked that if a vote is held at a Town Meeting at Town Hall the road be secured for senior citizens who would like to attend.

#### **4. Town Council Comment**

Tony Fantoli, would like to see the issue go to a Referendum. He also believes we will be facing the same problems in the 10 year master plan with students being taken from Kramer and placed in the Middle School.

Tom DeVivo, stated it was very helpful to him after listening to the citizens. He noted he does not want to let our children down. He believes it is the Town Council's role to support the infrastructure in our community. He believes our focus should be on Economic Development, and our School System. DeVivo also noted he had been out tonight, working on counting the homeless people in our community and fortunately he hadn't found anyone. He explained it was a National effort this week to do so. He noted if anyone was interested in helping in this effort, Leigh Duffy, Director of the No Freeze Shelter, is looking for volunteers and should be contacted directly.

Lorraine McDevitt noted she has worked with children for a long time and is aware of the conditions at the Middle School. She feels when we do something in the community it either hurts the children or the seniors. She does not want our children to suffer and spoke

in support of a referendum.

Mayor Eldridge stated he believes 200 signatures were needed for a referendum.

Attorney Cody explained the section of the Charter regarding Special Town Meetings. He also made reference to the Supreme Court ruling involving the Windham Middle School. In addition, Attorney Cody answered questions from the Council.

**5. Discussion and Possible Action on a Resolution Authorizing an Appropriation, Bonding, and a Town Meeting regarding the Natchaug Elementary School.**

DeVivo read the resolution and moved for its adoption.

**RE: Appropriation of \$1,361,802 to repair and replace the roof at the Natchaug Elementary School, Bond Authorization of \$1,361,802 to meet the Town's Local Share of Such Appropriation, and To Set a Date for a Town Meeting.**

**RESOLVED**, that the Town Council of the Town of Windham (the "Town") hereby approves that:

(i) The sum of \$1,361,802 be appropriated for the cost of repairing and replacing the Natchaug Elementary School roof, including but not limited to, all alterations, repairs and improvements in connection with the repair and replacement of said roof, as well as engineering, architectural and temporary and permanent financing costs (the "Project"), said appropriation being inclusive of any and all State of Connecticut (the "State") and Federal grants-in-aid.

(ii) It is expected that approximately 80% of the cost of the reimbursable portions of the Project will be paid with State grants. To meet the Town's local portion of said appropriation and in lieu of a tax therefor, bonds of the Town are hereby authorized to be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, the Charter of the Town or any other provision of law thereto enabling, in the amount of \$1,361,802 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor, provided, however, that no money shall be spent or bonds issued pursuant to this resolution until after the State has approved a grant for the cost for the Project.

(iii) The Town Manager and the Treasurer be authorized to issue and sell temporary notes of the Town not to exceed \$1,361,802 in anticipation of the receipt of the proceeds from the sale of the bonds authorized above, and to determine the amount, date, date of maturity, interest rate, form and other details of such notes or bonds, pursuant to Chapter 109 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 shall be used for said purpose.

(iv) The Town Manager and the Treasurer shall sign the bonds or notes 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 or notes.

(v) The Town Manager is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Town Manager and the Treasurer 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 or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(vi) The Board of Education is hereby authorized and directed in the name and on behalf of the Town to apply to the State Department of Education and any other entity which may provide a grant for this Project for any and all grants which may be available for the Project.

**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 the funds and the general obligation bonds and notes of the Town described above. The maximum principal amount of such bonds or notes is not expected to exceed \$1,361,802. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2.

**BE IT FURTHER RESOLVED**, that subject to the Board of Finance approving the appropriation for \$1,361,802 for the repair and replacement of the Natchaug Elementary School roof, that a Special Town Meeting is hereby called to be held on Tuesday, February 12, 2013 at the Windham Town Hall, Bellingham Auditorium, 979 Main Street, Willimantic, Connecticut at 6:00 p.m. to consider and vote upon this resolution for the Natchaug Elementary School as set forth above.

DeVivo MOVED, Rivera seconded, to adopt Resolution #2589 authorizing an Appropriation, Bonding, and a Town Meeting regarding the Natchaug Elementary School.

**MOTION:** Doyle MOVED, Fantoli seconded, to amend the Resolution to add to the final paragraph that the Town Meeting be adjourned to referendum. All were in favor except Krich, DeVivo, K. Donohue, Underwood, Rivera and C. Donahue who opposed. **MOTION FAILED.**

**MOTION:** DeVivo MOVED, Rivera seconded, to amend the Resolution to change the location of the Special Town Meeting from the Windham Town Hall to the Windham Middle School. All were in favor except Fantoli who opposed.

**Resolution #2589 as amended reads as follows:**

**RE: Appropriation of \$1,361,802 to repair and replace the roof at the Natchaug Elementary School, Bond Authorization of \$1,361,802 to meet the Town’s Local Share of Such Appropriation, and To Set a Date for a Town Meeting.**

**RESOLVED**, that the Town Council of the Town of Windham (the “Town”) hereby approves that:

(i) The sum of \$1,361,802 be appropriated for the cost of repairing and replacing the Natchaug Elementary School roof, including but not limited to, all alterations, repairs and improvements in connection with the repair and replacement of said roof, as well as engineering, architectural and temporary and permanent financing costs (the “Project”), said appropriation being inclusive of any and all State of Connecticut (the “State”) and Federal grants-in-aid.

(ii) It is expected that approximately 80% of the cost of the reimbursable portions of the Project will be paid with State grants. To meet the Town’s local portion of said appropriation and in lieu of a tax therefor, bonds of the Town are hereby authorized to be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, the Charter of the Town or any other provision of law thereto enabling, in the amount of \$1,361,802 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor, provided, however, that no money shall be spent or bonds issued pursuant to this resolution until after the State has approved a grant for the cost for the Project.

(iii) The Town Manager and the Treasurer be authorized to issue and sell temporary notes of the Town not to exceed \$1,361,802 in anticipation of the receipt of the proceeds from the sale of the bonds authorized above, and to determine the amount, date, date of maturity, interest rate, form and other details of such notes or bonds, pursuant to Chapter 109 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 shall be used for said purpose.

(iv) The Town Manager and the Treasurer shall sign the bonds or notes 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 or notes.

(v) The Town Manager is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Town Manager and the Treasurer 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 or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(vi) The Board of Education is hereby authorized and directed in the name and on behalf of the Town to apply to the State Department of Education and any other entity which may provide a grant for this Project for any and all grants which may be available for the Project.

**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 the funds and the general obligation bonds and

notes of the Town described above. The maximum principal amount of such bonds or notes is not expected to exceed \$1,361,802. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2.

**BE IT FURTHER RESOLVED**, that subject to the Board of Finance approving the appropriation for \$1,361,802 for the repair and replacement of the Natchaug Elementary School roof, that a Special Town Meeting is hereby called to be held on Tuesday, February 12, 2013 at the Windham Middle School Auditorium, 123 Quarry Street, Willimantic, Connecticut at 6:00 p.m. to consider and vote upon this resolution for the Natchaug Elementary School as set forth above.

**MOTION PASSED.**

**6. Adjournment**

K. Donohue MOVED, DeVivo seconded, to adjourn the Town of Windham Special Town Council meeting at 7:58 P.M. MOTION PASSED UNANIMOUSLY.

**Submitted By:**

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