

WINDHAM TOWN COUNCIL MINUTES

REGULAR TOWN COUNCIL MEETING WINDHAM TOWN HALL MEETING ROOM

Tuesday, July 16, 2013 - 7:00 P.M.



1. **Call to Order**

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

Town Council members present: Mayor Ernest S. Eldridge, Tom DeVivo, Lorraine McDevitt, Charles Krich, Christel Donahue, N. Joseph Underwood, Kevin Donohue, Mark Doyle and Dawn Niles.

Tony Fantoli and Arnaldo Rivera were 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**

Neil Mesick, Grove Street, stated that the reason for the code enforcement fees is for employing individuals in that office.

Heather Meehan, owner of Meehan & Daughters Real Estate, provided the council with information and a statement which she read to the Council. She stated that she has made several complaints about the YMCA building to the owner and nothing is being done.

Leslie Sweeney, property owner in Town, stated that she owns property to support her family. She explained that it is becoming difficult with the increase in fees. She also explained that it is unfair to smaller unit houses because the fees are causing rental prices to increase. She would like this to be looked at again.

Kathy Dubay, property manager in Town and small business owner, supports the health and safety aspect of the Housing Code resolution however she would like to see consistency.

John Walker, property and business owner spoke about fees. He stated he is a good landlord and is being penalized for bad landlords. He noted that the fees are unreasonable and noted inspections take time as well as money.



Joanne Clark, resident and property owner in Town, provided the council with a typed statement which she read to the Council. She stated the problems that she has with the Housing Code resolution.

Henry Crane, resident from Windham Street, noted he is a renter. He stated he would like to be able to go to Town Hall with problems concerning landlords and noted he has a good landlord.

Jim Preston, South Windham home owner and business owner, shared that no one should be able to tell him they are coming to inspect his property.

Bonnie Calkins, Columbia resident and landlord, expressed his concern about the outside contractors that are allowed to do the inspections.

John Zimmer, Zimmer Real Estate in Manchester and owner of property in Town, explained that fees get higher and higher and noted State taxes began as a temporary fee.

Richard Dubina, Elm Street, explained that when an apartment is vacant you should do the inspection.

Pam Viens, Columbia Resident/Windham Taxpayer, commented that 65% of landlords live in Willimantic. She feels the landlord information is inaccurate.

Michael Westerfield, Willimantic resident, would like to see an Ad-Hoc working committee that brings everyone together.

K. Donahue MOVED, DeVivo seconded, to ask that the Mayor, under the standing rules allow the delegation from WALA to speak for 15 minutes under Citizens and Delegations, postpone indefinitely agenda Item 8b under Presentations and postpone Item 12a until the next meeting (vote on housing ordinance) until Matt Vertefeulle can appear before the Council to answer any questions that arise. All were in favor. MOTION PASSED UNANIMOUSLY.

Niles MOVED, DeVivo seconded, to move Item 15c up on the agenda to follow Item 5a at the request of the Collector of Revenue. All were in favor. MOTION PASSED UNANIMOUSLY.

Jeffrey Viens, one of the managing members of WALA, spoke in support of defeating the resolution on housing code changes. He introduced Paul Russo of Hartford who is the President of Connecticut Property Owners Association. Mr. Russo wanted the Council to know that he supports WALA and their effort to defeat this resolution. Mr. Veins also introduced Attorney Gary Greene. Attorney Greene provided the Council with a statement outlining his 15 minute presentation. He feels the proposed housing code changes are not being applied in a proper manner.

4. Town Council Comment

Niles spoke on the housing code issue. She would like to see the Town Attorney look into the issue. She would also like to see a Fire Chief from the Windhams on the

Housing Code Enforcement Committee and believes landlords should be included on the Committee as well.

McDevitt would like to see a timeline placed on this housing code committee. She feels this has been going on for some time and would like to see these issues move forward.

Mayor Eldridge thanked everyone for coming to the meeting tonight. He wishes the turnout would be this good for every meeting.

5. Adoption of Minutes

a. Discuss and possibly move to adopt the minutes for the June 4, 2013, Town Council Meeting.

DeVivo MOVED, McDevitt seconded, to adopt the minutes for the June 4, 2013, Town Council Meeting. All were in favor except C. Donahue and Krich who abstained. MOTION PASSED.

15c. Discuss and possibly move to approve the concept of providing tax collection services to the Town of Chaplin from the Windham Town Hall

Collector of Revenue, Gay St. Louis, spoke on the issue of the Town of Chaplin-Town of Windham Tax Collecting service consolidation. She noted she is currently acting Tax Collector for the Town of Chaplin and stated this would be the first consolidation of a town's tax collection department in the State of Connecticut. She answered questions from the Council on implementing this process.

DeVivo MOVED, K. Donahue seconded, to negotiate an agreement to provide tax collection services to the Town of Chaplin from the Windham Town Hall. All were in favor. MOTION PASSED UNANIMOUSLY.

6. Resignations. Receive the resignation of:

a. Helmut Traichel as an alternate member of the Inland, Wetlands & Watercourse Commission.
NOTED

7. Appointments. Discuss and possibly move to appoint or reappoint the following persons:

- a. Appoint Helmut Traichel as a regular member of the Inland, Wetlands & Watercourse Commission with a term ending date of 7/1/2015.
- b. Appoint Elizabeth Ostwald as a regular member of the Energy Commission with a term ending date of 4/20/2015.
- c. Reappoint Joseph Wagner as a regular member of the Inland, Wetlands & Watercourse Commission with a term ending date of 7/1/2017.
- d. Reappoint Linda-Jo Stevens as a regular member of the Willimantic Housing Authority with a term ending date 7/31/2018.
- e. Reappoint Anna Hope as a regular member of the Water Commission with a term ending date of 7/1/2019.
- f. Reappoint Daniel Roth as a regular member of the Water Commission with a term ending date 7/1/2019.
- g. Reappoint Maxine Smith as a regular member of the Water Commission with a term ending date 7/1/2019.

- h. Reappoint Mary Burnore as a regular member of the Windham Water Pollution Control Authority with a term ending date 7/1/2019.
- i. Reappoint Stanley Morytko, Jr. as a regular member of the Windham Water Pollution Control Authority with a term ending date 7/1/2019.

DeVivo MOVED, Niles seconded, to take Item 7a thru 7i as one Item. All were in favor. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, Niles seconded, to accept all appointments and re-appointments. All were in favor. MOTION PASSED UNANIMOUSLY.

8. Presentations & Special Reports

- a. **Presentation from the Board of Education regarding a request for an appropriation of approximately \$4 million to replace the roof at Windham High School, including asbestos abatement and other corresponding renovations that are necessary and directly related to this roof project. (see Action Items = 12.b and 15.b)**

Tracy Lambert, Board of Education Planning and Building Chairperson, spoke on the proposed resolution regarding the replacement of the roof at Windham High School. She then introduced Wayne Donaldson, Director of Buildings and Grounds for the Windham School System who spoke about the issue with the roof. Bob Brouch, Architect for the Board of Education, also spoke with regards to the cost of the roof replacement. A handout was given to the Council.

Mrs. Lambert, Mr. Donaldson and Mr. Brouch answered questions from the Council.

- b. **Presentation from WALA about Housing Code changes.**
Postponed indefinitely per above motion.

9. Mayor's Report
No Report

10. Town Manager's Report

Neal Beets reported that the State is in a heat wave and encouraged everyone to try to conserve energy to avoid a blackout. He sent out an email notifying everyone about our Town's cooling centers.

11. Discussion and Review of Communications
None

12. Resolutions and Ordinances

- a. **Discuss and possibly move to adopt an Ordinance amending the Housing Code.**
No Action Taken. (postponed to August 20, 2013 meeting)

- b. **Discuss and possibly move to adopt a Resolution approving a bond issue for approximately \$4 million to repair and replace the roof at Windham High School, subject to the favorable recommendation of the Board of Finance and approval of this appropriation at Town Meeting.**

DeVivo MOVED, Niles seconded, to waive the reading of Resolution. All were in favor. MOTION PASSED UNANIMOUSLY.

McDevitt MOVED, Doyle seconded, to adopt the Resolution. All were in favor except Krich, K. Donahue, Niles, and C. Donahue who opposed and DeVivo who abstained.

RE: Appropriation and Bonds Authorization of \$4,000,000 for the Windham High School Roof Replacement Project.

RESOLVED:

that the Town Council of the Town of Windham (the “Town”) approves and recommends to the Board of Finance that the sum of \$4,000,000 be appropriated for the cost of the Windham High School Roof Replacement Project, such project to include asbestos abatement and other corresponding renovations as necessary and appropriate, 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 pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in the amount of \$4,000,000 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor, which bonds shall be general obligations of the Town to which its full faith and credit is pledged; and

BE IT FURTHER RESOLVED that should the appropriation and bond authorization be approved by the Board of Finance and the voters at Town Meeting,

(i) the Town Manager and the Treasurer be authorized to issue and sell such bonds and notes in anticipation of such bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such bonds and notes, pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling; and

(ii) the Town Manager and the Treasurer shall sign the bonds and 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; and

(iii) the Town Manager and the Treasurer, or either of them, is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds; to sell the bonds and notes at public or private sale or negotiation; to deliver the bonds and notes; and to perform and comply with all requirements of the Internal Revenue Code of 1986, as amended, and to perform all other acts and execute such documents which are necessary or appropriate to issue the bonds and notes including, but not limited to, the execution and delivery of a bond purchase agreement, tax compliance agreement and bond insurance agreement; and

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 of the Town described above. The maximum principal amount of such debt is not expected to exceed \$4,000,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2; and

BE IT FURTHER RESOLVED that should the Board of Finance approve an appropriation and bond authorization for the Windham High School Roof Replacement Project, a Special Town Meeting is hereby called to be held on August 20, 2013 at the Windham Town Hall, 979 Main Street, Willimantic, Connecticut 06226 at 6:00 p.m. to consider and vote upon the resolution for the Windham High School Roof Replacement Project as set forth above.

MOTION FAILED

- c. **Discuss and possibly move to approve a non-binding Resolution pledging that the Town will reduce its energy consumption and use renewable energy sources, in order to make the Town eligible for grants.**

DeVivo MOVED, K. Donahue seconded, to adopt Resolution #2603. All were in favor.

BE IT RESOLVED by the Town Council THAT

WHEREAS: the Windham Town Council promotes conservation, energy efficiency and the study of the use of clean energy sources; and

WHEREAS: generation of electricity produces harmful air pollution more than any other single human activity and emission from traditional methods can trigger asthma attacks and other respiratory illnesses, as well as significantly contributes to climate change; and

WHEREAS: the Town of Windham passed a resolution on December, 2006 to join the Connecticut Clean Energy Communities program and committed the Town to purchase 20% of its need for electricity from clean energy sources by the year 2010; and

WHEREAS: the Town met this pledge and promise in 2010 to purchase at least 20% of its energy from clean energy sources; and

WHEREAS: the Town of Windham now agrees to take on a new challenge put forth by the Clean Energy Communities program to reduce its municipal building energy consumption 20% by the year 2018, with technical assistance by CL&P program administrators of the Energy Efficiency Fund, and commits to benchmarking Town buildings’ energy usage and developing a Municipal Action Plan (MAP) for the Town to reduce energy consumption; and

WHEREAS: the Town of Windham pledges to maintain its commitment to voluntarily purchase 20% of its municipal building electricity from clean, renewable energy sources by the year 2018, with technical assistance from the Clean Energy Finance & Investment Authority, and will investigate all options for meeting that goal and beginning the purchases as soon as possible, including purchasing RECs (Renewable Energy Certificates) and installing local clean energy installations; and

NOW, THEREFORE BE IT HEREBY RESOLVED that the Town of Windham makes its commitment to the Clean Energy Communities Program by affirming its Clean Energy Communities Municipal Pledge and will track and report progress towards these goals and will continue to promote energy efficiency and clean, renewable technologies in the community. By doing so, the Town of Windham is eligible to receive incentives that may include free clean energy systems and up to two \$10,000 Bright Idea Grants per fiscal year that can be used toward energy-saving projects.

MOTION PASSED UNANIMOUSLY

13. Reports of Committees, Boards and Commissions

a. Administration, Finance, Health, and Human Services Committee

K. Donahue spoke about the consolidating of the finance departments and noted things were moving forward. He stated a meeting was scheduled with the candidates for the position of Finance Director on August 5, 2013.

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

Krich stated that the committee would be meeting on July 24. He noted they will be looking into the emergency operations center and holiday lighting concerns. In addition, he noted, Animal Control and boiler issues are on the current agenda.

c. Magnet School & Natchaug Roof Building Committee

DeVivo stated that the committee would be having a special meeting next Monday. He stated they will be reviewing a final design for the Natchaug School roof and have a November 2, 2013 completion date. He also stated the school system will be seeing a cost savings by changing to the gas boilers.

In addition, DeVivo noted the Magnet School is on schedule and on August 9th they will be turning on the blinking traffic light on Tuckie Road.

14. Old Business

a. Discuss and possibly move to approve a contract for a School Readiness Program Director as recommended by the Administration, Finance, Health, and Human Services Committee.

No Action Taken.

b. Discuss and possibly move to approve a consulting and project management contract for \$114,000 with Blum Shapiro, as recommended by the Administration, Finance, Health, and Human Services Committee, subject to approval of the funding appropriation at Town Meeting.

DeVivo MOVED, Underwood seconded, to approve a consulting and project management contract not to exceed \$114,000 with Blum Shapiro, as

recommended by the Administration, Finance, Health, and Human Services Committee, subject to a favorable recommendation of the Board of Finance and approval of the funding appropriation at Town Meeting with a signature from the State appointed Special Master Dr. Adamowski. All were in favor. MOTION PASSED UNANIMOUSLY.

- c. **Discuss and possibly move to approve an MOU with the Board of Education establishing a unified Finance Office with a unified Financial Officer, as recommended by the Administration, Finance, Health, and Human Services Committee.**

Doyle MOVED, McDevitt seconded, to approve an MOU with the Board of Education establishing a unified Finance Office with a unified Financial Officer, as recommended by the Administration, Finance, Health, and Human Services Committee with a signature from the State Special Master Dr. Adamowski. All were in favor. MOTION PASSED UNANIMOUSLY.

- d. **Discuss and possibly move to approve issuing an RFP for Animal Control Services, as recommended by the Public Safety, Public Works, Culture and Recreation Committee.**

Krich MOVED, McDevitt seconded, to approve issuing an RFP for Animal Control Services, as recommended by the Public Safety, Public Works, Culture and Recreation Committee. Council asked that Lieutenant Reed be notified in writing. All were in favor. MOTION PASSED UNANIMOUSLY.

- e. **Discuss and possibly move to approve a collective bargaining agreement with Police Union UPSEU/COPS #340, as recommended by the Willimantic Service District Council.**

DeVivo MOVED, Underwood seconded, to approve a collective bargaining agreement with Police Union UPSEU/COPS #340, as recommended by the Willimantic Service District Council. All were in favor. MOTION PASSED UNANIMOUSLY.

15. New Business

- a. **Discuss and possibly move to approve a contract with James Carboni Plumbing and Heating for \$66,062.06 to replace four oil boilers in Town Hall with two, energy-efficient, gas boilers, as recommended by the Public Safety, Public Works, Culture, and Recreation Committee.**

Niles MOVED, DeVivo seconded, to approve a contract with James Carboni Plumbing and Heating for \$66,062.06 to replace four oil boilers in Town Hall with two, energy-efficient, gas boilers, as recommended by the Public Safety, Public Works, Culture, and Recreation Committee. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. **Discuss and, subject to the favorable recommendation of the Board of Finance, move to set a Town Meeting for Tuesday, August 20th, at 6:00 PM in the Bellingham Auditorium to consider approving an appropriation for approximately \$4 million to replace and repair the Windham High School roof; and, to approve the Town accepting a 1.8 acre, open-space, no-cost dedication of a parcel of land abutting the Noznick property.**

No Action Taken.

- c. **Discuss and possibly move to approve the concept of providing tax collection services to the Town of Chaplin from the Windham Town Hall.**
Item 15c moved up on the agenda to follow Item 5a

McDevitt left meeting at 9:19 P.M.

- 16. **Future Agenda Items**
None

- 17. **Adjournment**
DeVivo MOVED, Doyle seconded, to adjourn the Town of Windham Regular Town Council meeting at 9:25 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:

Kathy L. Quinn
Acting Clerk of the Town Council