

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, August 20, 2013 - 7:00 P.M.



1. Call to Order

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

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

Town Manager Neal J. 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 Galluci, Willimantic, read a letter to the Town Council regarding the conditions of the schools, Town and Board of Education Finance Department merger and other issues pertaining to the school and Town.

Dennis O'Brien, 120 Bolivia Street, Willimantic, spoke regarding the recommendation from the Democratic Town Chairman to appoint Ms. Evelyn Solla-deCambre to the Board of Assessment Appeals. Mr. O'Brien mentioned that she is a great resident and is the Assistant Director for Windham Area Interfaith Ministry.

Devin Godbout, Windham High School student, spoke in support of the Windham High School roof. Ms. Godbout stated that when visitors come in they have to see all the yellow tape and buckets collecting water at the main entrance of the school. She is concerned with the condition of the school.

Lynne Ide, Chairman of the Board of Finance, reported that the CIP Committee met and recommends that the Town take the issue of the Windham High School roof to a Town Meeting for approval. She mentioned that there were buckets and yellow tape at the high school a year ago and they are still there. Mrs. Ide stated that it is a quality of life issue for staff and students and we need to take care of it.

Heather Meehan, owner of Meehan & Daughters Real Estate, provided the council with a letter regarding the procedure and closing of the Public Hearing that was held pertaining to the proposed Housing Code changes. She also spoke regarding the meeting the Landlord Association had with Town Attorney Richard Cody and Code Enforcement Director Matt Vertefeuille.

Lorraine McDevitt, Willimantic, spoke in support of the Windham High School roof. Mrs. McDevitt stated that as a community we need to be more responsible to the students and seniors. She mentioned that the Town buildings are old and we need to take care of them.

Rebecca ?, Windham High School senior, stated that every year buckets are placed around the school to collect the water that's coming down from the ceiling, students walk under wet ceiling tiles, mold is growing and students are allergic to mold. She hopes the Town Council approves the resolution and gets the roof fixed because it is a safety issue.

Pam Viens, Columbia resident/Windham Taxpayer, stated that the school is in violation of the Town Code. She also spoke regarding the public hearing that was held regarding the proposed changes to the Housing Code. Mrs. Viens mentioned that when the ACCESS Agency performed the inspections on properties they never had an issue. She also stated that the Landlord Association was forwarding a formal complaint against a Code Inspector and invited the council members to a meeting on August 28, 2013 at 5:30 p.m. at Leventi's Restaurant.

James Flores, Memorial Drive, Willimantic, spoke regarding the people's right to vote yes or no and urged the Town Council to send the issue of the roof to a Town Meeting.

Mary Lou DeVivo, spoke regarding the envelopes that are send to residents in the tax bills. Mrs. DeVivo suggested to the Town Council to save the money because only 10% of towns in Connecticut give envelopes.

Dorothy Pattern, Windham High School Stem Academy, spoke in support of the roof. She stated that if her home had a leaky roof she would have it fix, therefore she doesn't understand the debate around the issue.

Barbara McGrath spoke regarding the Whitewater Park money for the trails. She stated that the trail has a gap and when it is finished the Town will be a hub of that gap. Mrs. McGrath also spoke about the grant they just received from DEP for \$200,000.

Charlie Kratt, Willimantic, spoke regarding a company who we are losing and pushing them out of town. He stated that the business is laying off people because they couldn't expand.

Susan Kratt, Windham High School Administrator, spoke in support of the Windham High School roof.

Diane Ayer, Oxbow Drive, Willimantic, spoke in support of the Windham High School roof and the trail.

Mary DeMarco, Human Services Director, invited the Town Council to the event at the Windham Senior Center next Thursday. She informed them U.S. Representative Joe Courtney will be speaking to the seniors regarding social security fraud.

Henry Crane, Windham Street, Willimantic, spoke regarding warrants to enter resident's homes. He is concerned with the language on the proposed housing code ordinance.

Rebecca ?, parent and Chairman of the Windham High School Governance Council spoke in support of the Windham High School Roof.

Bernie D'Auteuil, 168 Walnut Street, Willimantic, stated that a few years back Tracy Lambert spoke about the conditions of town buildings during the Board of Education budget presentation. He is concerned that the town never did anything to address the issues that were brought up regarding the high school roof.

Joe Maya, local landlord, hilltop resident, spoke regarding the proposed housing code changes and asked why the Town of Windham does not follow them.

4. Town Council Comment

Mark Doyle stated that the Town needs to look at our arrangement with the Town Board of Education Master. He suggested that Town Officials meet with the State Board of Education and discuss what things are working and what are not working.

Dawn Niles stated that the resolution regarding the Windham High School roof was voted down at the last meeting because it was not clear whether or not it was an emergency. She also recommended that another public hearing be held regarding the proposed changes to the housing code since it was not closed properly. Ms. Niles also mentioned that a local DJ is collecting backpacks for the children in town. The backpacks are being collected at ADA Market and QVCC.

Thomas DeVivo spoke regarding the Magnet School project. He thanked everyone including residents, teachers and the members of the Town Council for their dedication to this project. Mr. DeVivo stated that we are thirsty and starving for a better education system.

Charlie Krich mentioned that today is Town Council member Christel Donahue's birthday.

Mayor Ernest S. Eldridge thanked Thomas DeVivo and N. Joseph Underwood for their dedication and for working so hard on the Magnet School Project.

Kevin Donohue stated that in large it was Thomas DeVivo efforts that made a lot of the Magnet School things happen. He mentioned that good governance comes from thoughtful process in order for things to happen.

MOTION: Niles MOVED, Rivera seconded, to move up agenda Item 12a and 15a to follow Item 4. **MOTION PASSED UNANIMOUSLY.**

12. Resolutions and Ordinances

a. 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;**
- **approval of this appropriation at a Town Meeting set for September 3, 2013 at 6:00 PM in the Bellingham Auditorium; and**
- **the State of Connecticut reimbursing the Town in accordance with prevailing state law and policy.**

Niles MOVED, Donohue seconded, to waive the reading of the resolution. **MOTION PASSED UNANIMOUSLY.**

McDevitt MOVED, Rivera seconded, to adopt Resolution #2604.

BE IT RESOLVED by the Town Council THAT

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 September 3, 2013 at 6:00 PM in the the Bellingham Auditorium for the Windham Town Hall, 979 Main Street, Willimantic, Connecticut 06226 to consider and vote upon the resolution for the Windham High School Roof Replacement Project as set forth above.

MOTION PASSED UNANIMOUSLY.

15. New Business

- a. Discuss and possibly move to approve a contract charging the Town of Chaplin \$21,000 for tax collection services provided to Chaplin residents by the Windham Town Hall's Tax Collection Department, as well as Chaplin paying approximately \$9,000 for direct costs.**

DeVivo MOVED, Underwood seconded, to approve a contract charging the Town of Chaplin \$21,000 for tax collection services provided to Chaplin residents by the Windham Town Hall's Tax Collection Department, as well as Chaplin paying approximately \$9,000 for direct costs. MOTION PASSED UNANIMOUSLY.

5. Adoption of Minutes

- a. Discuss and possibly move to adopt the minutes for the July 16, 2013 Town Council Meeting, and the July 16, 2013 Public Hearing on the Housing Ordinance.**

DeVivo MOVED, Underwood seconded, to adopt the July 16, 2013, meeting minutes. MOTION PASSED with all in favor except Fantoli and Rivera who abstained.

DeVivo MOVED, Donahue seconded, to adopt the July 16, 2013, public hearing minutes. MOTION PASSED with all in favor except McDevitt who opposed and Rivera, Fantoli and Underwood abstained.

6. Resignations. None.

7. Appointments.

- a. Evelyn Solla-deCambre to the Board of Assessment Appeals. (Ms. Solla-deCambre is the nominee of the Windham Democratic Town Committee to replace John Nimlo, Democrat, whose resignation was previously accepted by the Town Council.)**

Underwood MOVED, Niles seconded, to appoint Evelyn Solla-deCambre to the Board of Assessment Appeals. MOTION PASSED UNANIMOUSLY.

8. Presentations & Special Reports. None.

9. Mayor's Report

Mayor Eldridge reported on the following: Ribbon cutting at Windham Hospital and Ground breaking for the New Fine Arts Center at Eastern Connecticut State University which will take place next Tuesday at 11:00 a.m.

10. Town Manager's Report

Town Manager Neal J. Beets reported to the Town Council that the EPA will begin work cleaning Mill Site #4 and make road improvements to the bridge between the two sites. He also mentioned that there is going to be a meeting on September 4th to consider improving the rail corridor from New London to Massachusetts. Mr. Beets informed the Town Council that he will be visiting Norwich, CT on Wednesday along with the Chief of Police to look at the camera system they have in place. He also reported on the following: Eastern Town and Gown meetings start on September 6, deadline for Animal Control RFP is on Friday, August 23rd and discussion continues in WINCOG regarding which COG to join.

11. Discussion and Review of Communications

None.

12. Resolutions and Ordinances (Continued)

a. 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;**
- **approval of this appropriation at a Town Meeting set for September 3, 2013 at 6:00 PM in the Bellingham Auditorium; and**
- **the State of Connecticut reimbursing the Town in accordance with prevailing state law and policy.**

This resolution was voted on at the beginning of the meeting right after Item 4. Town Council Comments.

b. Discuss and possibly move to adopt a Resolution approving an appropriation for approximately \$448,000 to acquire MUNIS financial software, to pay for project management services, and to obtain off-site server services, subject to the favorable recommendation of the Board of Finance and approval of this appropriation at a Town Meeting set for September 3, 2013 at 6:00 PM in the Bellingham Auditorium.

DeVivo MOVED, McDevitt seconded, to adopt Resolution #2605.

BE IT RESOLVED by the Town Council THAT

RE: Appropriation of \$450,000 for the Town and BOE Financial Software Project, and setting a Town Meeting to Approve the Same.

RESOLVED:

That the Town Council of the Town of Windham (the "Town") approves and recommends to the Board of Finance that the sum of \$450,000 be appropriated for the cost of the Financial Software Project, such project to include acquisition, configuration, installation, and operation of Tyler MUNIS financial software at various Town and BOE offices, including the first-year cost of contracts with Tyler/MUNIS to purchase the software, CCAT (the Connecticut Center for Advanced Technology) for off-site server services, and BLUM SHAPIRO for project management services; and

BE IT FURTHER RESOLVED that, in lieu of a tax therefor, said appropriation shall be paid from the Town's undesignated, unassigned Fund Balance, or so much thereof as may be necessary after deducting grants or other sources of funds available therefor, including but not limited to grants or other sources of funds available therefor such as those received through the State of Connecticut's Special Master to Windham, Steven Adamowski; and

BE IT FURTHER RESOLVED that should the appropriation and authorization of undesignated, unassigned Fund Balance be approved by the Board of Finance, a Special Town Meeting is hereby called to be held on Tuesday, September 3, 2013 at 6:00 PM in the Bellingham Auditorium for the Windham Town Hall, 979 Main Street, Willimantic, Connecticut 06226 to consider and vote upon the resolution for the Financial Software Project as set forth above.

MOTION PASSED UNANIMOUSLY.

- c. Discuss and possibly move to adopt a Resolution accepting the donation of fee simple title to approximately 1.8 acres of Open Space, as recommended by the Planning and Zoning Commission, subject to the favorable recommendation of the Board of Finance and approval of accepting this land donation at a Town Meeting set for September 3, 2013 at 6:00 PM in the Bellingham Auditorium.**

Niles MOVED, Rivera seconded, to waive the reading. MOTION PASSED UNANIMOUSLY.

Niles MOVED, McDevitt seconded, to adopt Resolution #2606.

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Windham Planning & Zoning Commission has adopted subdivision regulations that require the dedication of open space with any residential subdivision; and

WHEREAS, the Windham Planning & Zoning Commission approved a four lot residential subdivision in January 2012 for Walter Landon for property located at 42 Lovers Lane; and

WHEREAS, Mr. Landon has provided a deed to a 1.8 acre parcel of land to satisfy the open space for the Town to accept that the Planning & Zoning Commission agreed to accept for land abutting the Noznick Farm recreational site; and

WHEREAS, The Town must hold a Town Meeting to accept said land; and

NOW, THEREFORE, BE IT RESOLVED that the Windham Town Council schedule a Town meeting to consider acceptance of said property described as a certain parcel located easterly of Lovers Lane in the Town of Windham shown as “Open Space” on a map entitled: “Subdivision Plan Prepared For Walter Landon, 42 Lovers Lane, Windham Connecticut”, dated 8/26/2011 and recorded in the Windham Land Records Map Book # P35, Map #2.

...And move to a Town Meeting on September 3, 2013 at 6 PM at the Bellingham Auditorium, Windham Town Hall, 979 Main St., Willimantic, CT.

MOTION PASSED UNANIMOUSLY.

- d. **Discuss and possibly move to adopt a Resolution accepting the donation of a conservation easement over approximately 15.8 acres of Open Space, as recommended by the Planning and Zoning Commission, subject to the favorable recommendation of the Board of Finance and approval of accepting this land donation at a Town Meeting set for September 3, 2013 at 6:00 PM in the Bellingham Auditorium.**

Niles MOVED, Rivera seconded, to waive the reading. MOTION PASSED UNANIMOUSLY.

Niles MOVED, McDevitt seconded, to adopt Resolution #2607.

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Windham Planning & Zoning Commission has adopted subdivision regulations that require the dedication of open space with any residential subdivision; and

WHEREAS, the Windham Planning & Zoning Commission approved a four lot residential subdivision in November 2009 of Martie Krohn for property now or formerly known as 10 Jerusalem Rd; and

WHEREAS, Ms. Krohn has granted two conservation easements to the Town of Windham – one for a 50 foot wide visual streetscape buffer along the easterly line of Jerusalem Rd, and another at the rear portion of 46 Jerusalem Rd., for a 15.8 acre parcel of land for conservation to satisfy the open space requirements that the Planning & Zoning Commission agreed to accept; and

WHEREAS, The Town must hold a Town Meeting to accept said conservation easements; and

NOW, THEREFORE, BE IT RESOLVED that the Windham Town Council schedule a Town meeting to consider acceptance of said easements located easterly of Jerusalem Road in the Town of Windham described and shown as ‘Streetscape Buffer’, and ‘Conservation Easement’ on a map entitled: “Boundary Plan – Krohn Estates...”, recorded in the Windham Land Records Map Book # P29, Map #49A, and further as described in deed for each recorded in Vol. 1078, pages 137 -163.

...And to move to a Town Meeting on September 3, 2013 at 6 PM at the Bellingham Auditorium, Windham Town Hall, 979 Main St., Willimantic, CT.

MOTION PASSED UNANIMOUSLY.

13. Reports of Committees, Boards and Commissions

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

Chairman Kevin Donohue reported that the Committee discussed the proposed Housing Code Ordinance and will be reviewing it again after hearing recommendations from the public hearing. He noted they had also approved and finished the process for the School Readiness Grant position. In addition, the Committee is always contacting the State Representatives regarding the bonding agenda item for the proposed new Senior Center location.

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

Vice Chairman Arnaldo Rivera reported that the Committee discussed the incident on the Garden on the Bridge and decided to have the police check it more often. He noted they also discussed the possibility of cameras and holding a joint meeting with the Willimantic Service District. He also reported the Town is looking into a dog park either at Lauter or Young Park. The Committee also

discussed the trails as presented by Barbara McGrath, Chairman of the Whitewater Park Partnership, Dispatch Center and the Public Works garage expenditures.

c. Capital Planning Action Group

Chairman Mark Doyle reported the Committee held a special meeting and recommended that the resolution on the Windham High School be adopted and moved to a Town Meeting.

Tom DeVivo, Chairman of the Magnet School Building Committee, reported the schools open house is on Thursday. He stated the curriculum has been approved by the State Board of Education. He also spoke about the fish tanks and gave an update on the Natchaug School roof.

14. Old Business

a. Discuss and possibly move to approve an employment letter for approximately \$42,000 per annum for a School Readiness Program Liaison, contingent on receipt of state grant funds, as recommended by the Administration & Finance Committee.

Underwood MOVED, McDevitt seconded, to approve an employment letter for approximately \$42,000 per annum for a School Readiness Program Liaison, contingent on receipt of state grant funds, as recommended by the Administration & Finance Committee. MOTION PASSED UNANIMOUSLY.

b. Discuss and possibly move to approve a contract for approximately \$399,000 with Tyler Technologies for MUNIS financial software, as recommended by the Administration & Finance Committee.

Rivera MOVED, McDevitt seconded, to approve a contract for approximately \$399,000 with Tyler Technologies for MUNIS financial software, as recommended by the Administration & Finance Committee. MOTION PASSED UNANIMOUSLY.

c. Discuss and possibly move to approve a contract for approximately \$20,000 with CCAT, the Connecticut Center for Advanced Technology, for off-site server services for the MUNIS system, as recommended by the Administration & Finance Committee.

Rivera MOVED, McDevitt seconded, to approve a contract for approximately \$20,000 with CCAT, the Connecticut Center for Advanced Technology, for off-site server services for the MUNIS system, as recommended by the Administration & Finance Committee. MOTION PASSED UNANIMOUSLY

- d. **Discuss and possibly move to approve the Town's revised Affirmative Action Plan, as recommended by Councilmembers Krich and Niles to whom the Council had assigned this review responsibility.**

Rivera MOVED, McDevitt seconded, to approve the Town's revised Affirmative Action Plan, as recommended by Council members Krich and Niles to whom the Council had assigned this review responsibility. MOTION PASSED UNANIMOUSLY.

- e. **Discuss and possibly move to accept the transfer of DEEP trail grant #2009-9239 to the Town of Windham pertaining to the Hop River and Airline Trails in Windham, as recommended by the Public Safety, Public Works, Culture, and Recreation Committee.**

Underwood MOVED, McDevitt seconded, to accept the transfer of DEEP trail grant #2009-9239 to the Town of Windham pertaining to the Hop River and Airline Trails in Windham, as recommended by the Public Safety, Public Works, Culture, and Recreation Committee. MOTION PASSED UNANIMOUSLY.

15. **New Business (Continued)**

- a. **Discuss and possibly move to approve a contract charging the Town of Chaplin \$21,000 for tax collection services provided to Chaplin residents by the Windham Town Hall's Tax Collection Department, as well as Chaplin paying approximately \$9,000 for direct costs.**

This resolution was voted on at the beginning of the meeting after Item 4, Town Council Comments.

- b. **Discuss and possibly move to approve an amendment to the collective bargaining agreement with AFSCME and MEIU pertaining to tax collection services for the Town of Chaplin.**

DeVivo MOVED, McDevitt seconded, to approve an amendment to the collective bargaining agreement with AFSCME and MEIU pertaining to tax collection services for the Town of Chaplin. MOTION PASSED with all in favor except Krich and Rivera who opposed.

- c. **Discuss and possibly move to authorize \$25,000 - \$30,000 of Town General Government contingency funds to enhance security at the Garden on the Bridge and to study security in other Town parks, as recommended by the Public Safety Committee.**

Niles MOVED, McDevitt seconded, to authorize \$25,000 - \$30,000 of Town General Government contingency funds to enhance security at the Garden on the

Bridge and to study security in other Town parks, as recommended by the Public Safety Committee. MOTION PASSED UNANIMOUSLY.

- d. Discuss and possibly move to approve the Windham Textile Museum serving alcohol in the Town Hall's Bellingham Auditorium on January 25, 2014, as part of the Textile Museum's fundraising ball that evening, so long as alcohol is served consistent with the Town Council's alcohol policy for the Bellingham Auditorium.**

Niles MOVED, McDevitt seconded, to approve the Windham Textile Museum serving alcohol in the Town Hall's Bellingham Auditorium on January 25, 2014, as part of the Textile Museum's fundraising ball that evening, so long as alcohol is served consistent with the Town Council's alcohol policy for the Bellingham Auditorium. MOTION PASSED UNANIMOUSLY.

- e. Discuss and possibly move to approve the award to Mattern Construction of a contract for \$154,044 to construct an addition to the Public Works Garage, as recommended by the Public Safety, Public Works, Culture, and Recreation Committee.**

Underwood MOVED, McDevitt seconded, to approve the award to Mattern Construction of a contract for \$154,044 to construct an addition to the Public Works Garage, as recommended by the Public Safety, Public Works, Culture, and Recreation Committee. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items

- a. September 3, 2013:** Town Meeting re the Windham High School roof, financial software, and open-space land donations.
- b. September 17, 2013:** Consider naming Caisse Park Gazebo in honor of Richard A. Kelley.

17. Adjournment

McDevitt MOVED, Underwood seconded, to adjourn the meeting at 9:05 p.m. MOTION PASSED UNANIMOUSLY.

Submitted By:

Neida I. Rosado