

# WINDHAM TOWN COUNCIL MINUTES

## REGULAR COUNCIL MEETING

### WINDHAM TOWN HALL MEETING ROOM

Tuesday, September 4, 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, Mark Doyle, and Jerry Iazzetta

Christel Donahue arrived at 7:18 P.M.  
Arnaldo Rivera was absent.

Town Manager Neal Beets was also in attendance.

#### 2. **Pledge of Allegiance**

Mayor Eldridge led all in the Pledge of Allegiance.

Mayor Eldridge introduced Druscilla Carver, the new Library Director. Library Director, Druscilla Carver, expressed her enthusiasm for her new position and encouraged everyone to visit the Library.

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

State Representative Susan Johnson, thanked the Council for their work with regards to the Senior Center.

Kevin Hoxie, Ridgewood Road, Willimantic, shared his concerns surrounding the Blight Ordinance and speeding issues in Town. He also passed out pictures of houses where he feels there is a blight issue.

Dawn Niles, North Windham, urged the Council to support Mr. Nectalis Martinez as a replacement member of the Board of Finance. She also spoke about the current Animal Ordinance and doesn't believe the Council should be entertaining the motion of euthanizing animals.

Heidi Bardelli, Owner of Pampered Pet and Founder of Windham 4 Paws. Ms. Bardelli explained the role of Windham 4 Paws and assured the Council food donations are available to help feed the dogs. She also showed a backboard with pictures of dogs that she stated are the types of dogs coming into the pound.

George Hurry, Asst. Animal Control Officer for the Town and member of Windham 4 Paws. Mr. Hurry noted he has been a dog trainer for many years and he rates the dogs that come into the pound to see if they are adoptable. He stated there is a problem with the breeding of pitbulls but believes legislation should be put in place to control that issue. He also explained the process used when a dog bites someone or is left at the pound.

Luzella Roos, noted she helps Heidi at the shelter and has also adopted dogs from there. Ms. Roos gave the Council a petition with 164 signatures showing support for the dogs and suggests the current Ordinance be followed.

**4. Town Council Comment**

Tom DeVivo reminded the Willimantic Service District Council that there will be a Willimantic Service District meeting on September 11, 2012 to discuss items that they may want to discuss with the Charter Review Commission.

**5. Adoption of Minutes**

**a. Discussion and possible action to adopt the minutes for the August 7, 2012, Town Council Meeting.**

Underwood MOVED, DeVivo seconded, to adopt the minutes for the August 7, 2012, Town Council Meeting. All were in favor except Krich who abstained. MOTION PASSED.

**6. Resignations. Receive the resignation of:**

**a. Lucy Simard as a regular member of the Ad Hoc Sister City Committee.**  
NOTED

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

**a. John DeVivo as a regular member of the Ad Hoc Sister City Committee.**

McDevitt MOVED, Underwood seconded, to appoint John DeVivo as a regular member of the Ad Hoc Sister City Committee. All were in favor except DeVivo who abstained. MOTION PASSED.

**b. Nectalis G. Martinez as a regular member of the Board of Finance. (Note: This is one of those appointments where the Town Charter provides that the applicable Town Committee nominates the new member and that individual is appointed unless  $\frac{3}{4}$ 's of you vote against the appointment.)**

DeVivo MOVED, K. Donohue seconded, to appoint Nectalis G. Martinez as a regular member of the Board of Finance. All were in favor. MOTION PASSED UNANIMOUSLY.

**8. Presentations & Special Reports**

**a. Presentation by Zoning Enforcement Officer Matt Vertefeuille about Cedarwoods, in response to a Council inquiry.**

Zoning Enforcement Officer Matt Vertefeuille gave a brief report on Cedarwoods, in response to a Council inquiry. He also noted a letter was included in the Council's packet outlining the owner's compliance with Section 56 of the Town's Zoning Regulations and stated an updated report would be provided to the Zoning Office every six months. Mr. Vertefeuille answered questions from the Council.

In addition, Mr. Vertefeuille responded to the concerns about the blight issues.

**b. Presentation by Economic Development Director (EDC) Bill Hettinger about the status of the MSIF (Main Street Investment Fund) application, due for Town Council action on September 18.**

Bill Hettinger, Chairman of the Economic Development Commission reported on the status of the MSIF application. He reviewed the application requirements and explained how the Commission would like to allocate the funds. He also answered questions from the Council.

**c. Presentation by Mark Fields seeking a letter of support from the Town Council for development of the Mill #4 site. (Town Manager recommends referral to EDC.)**

Mark Fields, Representative of Thames River Landing LLC, addressed the Council and asked for a letter of support for the development of the Mill Site #4. Mr. Fields very briefly explained that his company is proposing a Commercial Agriculture Center and gave a few examples of where this type of Center is successful.

The Council referred Mr. Fields to the Economic Development Commission.

**9. Mayor's Report**  
No Report.

**10. Town Manager's Report**

**a. Review of collective bargaining agreements described in agenda items 14.b and 15.a, 15.b, and 15.c., that follow.**

Town Manager Beets reviewed the collective bargaining agreements described in agenda items 14.b and 15.a, 15.b, and 15.c. He explained the terms of the agreement, general wage increases, Code of Ethics Article, health insurance, and the fiscal impact to the Town. He also answered questions from the Council.

**11. Discussion and Review of Communications**

**a. Town Audit**

Town Manager Beets noted on August 22<sup>nd</sup> the Auditor shared with the Board of Finance the Audit for fiscal yr 10/11. Mr. Beets explained the audit was still not final because it was still being reviewed by the Grant Thompson people. He noted although the audit is unacceptably late there were only a couple of deficiencies identified. He stated the auditors were able to render an opinion about our financial records without any reservations. Mr. Beets also noted the Board of

Finance has sent out an RFP for auditing services and explained who should be appointed to the Town Auditor Interview Committee.

**12. Resolutions and Ordinances**

**a. Discussion and possible action approving an Ordinance that establishes a permanent citizen advisory board known as the Senior Center Advisory Board.**

McDevitt read the Resolution and moved for its adoption.

McDevitt MOVED, DeVivo seconded, to approve Ordinance #2578 that establishes a permanent citizen advisory board known as the Senior Center Advisory Board. All were in favor.

An Ordinance of the Windham Town Council modifying Articles II and III of Chapter 2, Part III, of the Windham Town Code; creating a new section 2-28 relating to Senior Services; and creating a new Division 6 of Article III that establishes a Windham Senior Center Advisory Board, and describes its powers, duties, and composition.

**Be It Ordained by the Windham Town Council as follows:**

1. A new section 2-28 of the Windham Town Code is created to read as follows:

**Section 2-28 Senior Services.**

The Town shall provide such services to its senior citizens as the Town Council budgets for each year. Senior services shall be provided by Town staff and by volunteers who donate their services. The Town shall operate a Senior Center at such locations and under such terms and conditions as the Town Council shall approve.

2. A new Division 6 of Art. III, Chapter 2, Part III, of the Windham Town Code is created to read as follows:

**DIVISION 6: SENIOR CENTER ADVISORY BOARD**

**Section 2-79.1 Windham Senior Center Advisory Board Established.**

There shall be a Town of Windham Senior Center Advisory Board (Board) having the powers and duties set forth in this Ordinance. The overall goal of the Board will be to advise the Town Council about the efficient and effective operation of the Windham Senior Center.

**Section 2-79.2 Appointment of Members; Terms; Vacancies, Removal; Compensation.**

(a) The Board shall consist of five (5) regular members and two (2) alternate members with term limits of 2 years and 4 years to be staggered terms.

(b) Pursuant to the Town Charter, the Mayor shall appoint the members of the Board subject to the concurrence of the Town Council.

(c) Upon a vacancy on the Board, the Mayor shall appoint a successor subject to the concurrence of the Town Council.

(d) Board members shall serve without compensation or reimbursement of expenses incurred.

**Section 2-79.3 Powers and Duties.**

The Board shall have the following enumerated powers and duties, and all powers and duties reasonably necessary to accomplish these enumerated powers and duties:

(a) To research and review best practices for senior centers and to advise and recommend those best practices to the Town Council and Town staff.

(b) To reach out to the entire Windham community and seek ways to involve Windham seniors in healthy, productive activities at the Windham Senior Center.

(c) To recommend programs and activities for the Senior Center.

(d) To recruit volunteers and volunteer agencies to work at the Senior Center.

(e) To seek grants, foundation support, and charitable donations for the Senior Center.

(f) To regularly report to the Town Council about policies and practices to improve the Senior Center.

**3. Delayed Effective Date.**

This ordinance shall take effect twenty-one (21) days after publication, or on October 1, 2012, whichever occurs later. In enacting this ordinance, the Town Council is not approving an agreement formally transferring the real and personal property of the current Regional McSweeney Senior Center Board. The Town Council expects such formal and official transfer of title to the real and personal property to occur no later than October 1, 2012.

**MOTION PASSED UNANIMOUSLY.**

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

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

K. Donohue reported the Administration, Finance, Health, and Human Services Subcommittee will be meeting tomorrow.

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

Iazzetta noted a copy of the Committees minutes were included in the Councils packet. He also briefly reviewed the items and recommendations discussed at the meeting including the Town's policy on euthanizing animals, the Fire Marshal's vehicle, the Dispatch Center and the paving of Lauter and Recreation Park.

**c. Magnet School Building Committee**

DeVivo reported the school was on schedule. He noted the Committee was going before the Administration, Finance, Health, and Human Services Committee tomorrow to discuss some financial issues and the naming of the school. He also explained the field will be seeded on Thursday, the walking path had been established and the last FFE (furniture, fixtures & equipment) meeting will be tomorrow. He reported the school should be ready to turnover to the Town Council on August 8, 2013 and they would then turn it over to the Board of Education.

DeVivo also responded to a question from Councilman Doyle regarding the Natchaug School Roof.

**14. Old Business**

**a. Discussion and possible action to approve an agreement with the non-profit McSweeney Regional Senior Center Board transferring title to the Town of Windham for the real and personal property at the McSweeney Senior Center, effective October 1, 2012.**

Town Manager Beets explained a few issues surrounding the transfer of title of the McSweeney Senior Center including a \$15,000 debt owed to the Savings Institute by the McSweeney Senior Center.

State Representative Susan Johnson and Attorney Dennis O'Brien, Attorneys representing the Center, also addressed the Council and shared their knowledge on the status of the Center.

No Action was taken.

**b. Discussion and possible action to convene an executive session with the Town Manager, Personnel Director, and Water Superintendent, as applicable and as determined by the Town Council, to discuss:**

**i. collective bargaining negotiations with MEUI, the Municipal Employees Union Independent, Local 506; and/or**

**ii. collective bargaining negotiations with CSEA, the Service Employees' International Union, Local 760; and/or**

**iii. the Town Manager's performance evaluation.**

DeVivo MOVED, K. Donohue seconded, to convene an executive session at 8:30 P.M. with the Town Manager, Personnel Director, and Water Superintendent, as applicable and as determined by the Town Council, to discuss:

- i. collective bargaining negotiations with MEUI, the Municipal Employees Union Independent, Local 506; and/or
- ii. collective bargaining negotiations with CSEA, the Service Employees' International Union, Local 760; and/or
- iii. the Town Manager's performance evaluation.

All were in favor. MOTION PASSED UNANIMOUSLY.

McDevitt MOVED, Underwood seconded, to come out of executive session at 8:50 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

**15. New Business**

- a. Discussion and possible action to approve a collective bargaining agreement with MEUI, Municipal Employees Union Independent, Local 506.**

Doyle MOVED, McDevitt seconded, to approve a collective bargaining agreement with MEUI, Municipal Employees Union Independent, Local 506. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. Discussion and a possible motion authorizing salary and benefit changes for non-union department heads consistent with the salary and benefit changes the Town Council approves for the department heads within MEUI, the Municipal Employees Union International, Local 506.**

Iazzetta MOVED, McDevitt seconded, to authorize the salary and benefit changes for non-union department heads to be consistent with the salary and benefit changes the Town Council approved for the department heads within MEUI, the Municipal Employees Union International, Local 506. All were in favor. MOTION PASSED UNANIMOUSLY.

- c. Discussion and possible action to approve a collective bargaining agreement with CSEA, Service Employees' International Union, Local 760.**

Krich MOVED, DeVivo seconded, that we adopt a collective bargaining agreement with CSEA, Service Employees' International Union, Local 760 with the exception of paragraph 16.10 which is not part of this motion to adopt. All were in favor. MOTION PASSED UNANIMOUSLY.

- d. Discussion and possible action regarding the Town Manager's performance evaluation.**

DeVivo MOVED, Underwood seconded, to postpone the Town Manager's performance evaluation until the Town Council's first meeting in October. All were in favor except Eldridge and Iazzetta who opposed. MOTION PASSED.

- e. **Discussion and possible action regarding a motion recommended by the Town Council's Subcommittee on Public Works, Public Safety, Recreation, and Culture regarding the operation of the Town's Animal Control Facility.** Krich MOVED, McDevitt seconded, that it is the spirit of the Town Council that the Animal Control Ordinance be enforced as written.

Eldridge MOVED, K. Donohue seconded, to call the question. All were in favor. MOTION PASSED UNANIMOUSLY.

All were in favor of the motion except Doyle and Fantoli who opposed. MOTION PASSED.

- f. **Discussion and possible action to award a contract to Hain Materials to pave certain driveways and parking lots in Town parks, as recommended by the Town Council's Subcommittee on Public Works, Public Safety, Recreation, and Culture.**

Iazzetta MOVED, Underwood seconded, to award a contract to Hain Materials to pave certain driveways and parking lots in Town parks, as recommended by the Town Council's Subcommittee on Public Works, Public Safety, Recreation, and Culture. All were in favor. MOTION PASSED UNANIMOUSLY.

- g. **Discussion and possible action appointing Councilmember Kevin Donohue to the Town Auditor Interview Committee.**

McDevitt MOVED, Krich seconded, to appoint Councilmember Kevin Donohue to the Town Auditor Interview Committee. All were in favor except K. Donohue who abstained. MOTION PASSED.

## 16. **Future Agenda Items**

- a. **Tuesday, November 6, 2012. The Board of Selectmen's past practice has been not to meet on a Presidential Election date due to the busyness at Town Hall and throughout the community on that day. Need Council direction.** No Meeting Tuesday, November 6, 2012, Election Day, by direction of the Town Council.

## 17. **Adjournment**

K. Donohue MOVED, Underwood seconded, to adjourn the Town of Windham Regular Town Council Meeting at 9:15 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

### **Submitted By:**

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