

# WINDHAM TOWN COUNCIL MINUTES

## WINDHAM TOWN HALL MEETING ROOM

Tuesday, March 2, 2010 - 7:00 P.M.



### 1. Call to Order

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

Town Council members present: Mayor Ernest S. Eldridge, Jerry Iazzetta, Teresa Santucci, Erika Haynes, N. Joseph Underwood, Davie Howe Sr., Lorraine M. McDevitt, Mike Lessard, Arnaldo Rivera, Christel Donahue and Kevin Donohue (arrived at 7:03 p.m.)

Staff present: Neal J. Beets, Town Manager

### 2. Citizens and Delegations

Dawn Niles spoke regarding the Noise Ordinance and informed the Council the PTSO for Windham Middle School is donating \$2,000.00 for an AED at the middle school. She also mentioned that the budget needs to be cut more, and is surprised to see outside agencies back in the budget when they were cut last year and increases to those who were reduced. Ms. Niles suggested that travel be cut but suggested that leave pick up be put back in since it is a quality of life issue. She also spoke about PILOT funding, rerouting traffic, street lights out and teachers not taking cuts.

Alan Giordano, North Windham, informed the Council that 18 lights on High Street to end of the Windham Mills are out. He questioned who is in charge. Mr. Giordano commented on the holes in roof at Town garage and asked when is it going to be fixed.

Mike Lessard informed the Council that the Spring Fling would take place on March 19th, which is a Project Graduation fundraiser.

Jan-Maya Schold questioned what happened to public hearings.

Diane Rayhall stated she was in favor of the Magnet School, but not on Tuckie Road. She raised questions about the Town road, drainage and the removal of stonewall.

David Fenn stated that Tuckie Road is not a good location for the Magnet School. He commented on exclusions on the proposed Noise Ordinance and questioned why barking dogs were exempted.

Ray Evans informed the Town Council that the ribbon cutting for the new Willimantic Dispatch Center would be on Saturday at 11:00 a.m.

**MOTION:** Santucci MOVED, Rivera seconded to table items 3 to 9 until after item 10. MOTION PASSED with all in favor except Iazzetta who opposed.

**10. Resolutions and Ordinances**

**a. Open Public Hearing to hear comments on proposed Noise Control Ordinance**

Public hearing was opened by Mayor Eldridge to hear public comments on proposed Noise Control Ordinance at 7:18 p.m.

Leo Santucci, 74 Windham Street, stated that it is going on year four and that the ordinance was passed with understanding it had gone to DEP. He mentioned that the Town Manager made changes and recommended that they do it.

Shirley Mustard, 266 Walnut Street, mentioned that quality of life is important and the Noise Ordinance is part of it.

Teresa Santucci, Willimantic, stated that the ordinance is only as good as enforcement and would like to see that it is enforced because is very important.

Lorraine M. McDevitt stated that with the warm days the boom box has returned and we need to pass it.

The public hearing comments were closed at 7:24 p.m.

**b. Open Public Hearing to hear comments on proposed Energy Commission Ordinance**

Public hearing was opened by Mayor Eldridge to hear public comments on proposed Energy Commission Ordinance at 7:24 pm.

No public comment, therefore public hearing was closed at 7:25 p.m.

**c. Discussion and possible action to adopt a resolution amending the Town Council Standing Rules.**

Iazzetta MOVED, Santucci seconded, to adopt resolution # 2479.

BE IT RESOLVED by the Town Council THAT

**This resolution is amending section I. of the Town Council Standing Rules resolution 2472, which describes the order of business that the Council follows. The amendment replaces # 2 with Pledge of Allegiance and renumbering the rest of the items.**

**The Standing Rules will read as follow with the amendments:**

The standing rules of the Town Council of the Town of Windham shall be and remain as appears in the following paragraphs, to wit:

Standing Rules of the Town Council of the Town of Windham:

**I.** At each regular meeting of the Town Council, the order of business shall be as follows:

1. Call to Order
2. **Pledge of Allegiance**
3. Citizens and Delegations
4. Adoption of Minutes
5. Resignations
6. Appointments
7. Presentations & Special Reports
8. Mayor's Report
9. Town Manager's Report
10. Discussion and Review of Communications
11. Resolutions and Ordinances
12. Reports of Committees, Boards and Commissions
13. Old Business
14. New Business
15. Future Agenda items
16. Citizens and Delegations
17. Adjournment

**NOTE:** Any items for the agenda need to be submitted to the Town Manager's Office before 5:00 p.m. by Monday the week before the scheduled regular meeting.

**II.** The presiding officer shall preserve order and decorum, may speak on question of order in preference to other members and shall decide questions of order, subject to appeal to the Council of two (2) members.

**III.** All motions shall be put by the presiding officer and all members shall signify their assent or dissent by a show of hands.

**IV.** When a motion is made and seconded, it shall be stated to the Council by the presiding officer, or, if in writing, it shall be read aloud, before any debate be had thereon.

- V.** Every motion shall be reduced to writing if the presiding officer so directs or any member desires it.
- VI.** All sub and special committees shall be appointed by the Mayor subject to the approval of the Town Council. All committee reports of any committee reporting to the Town Council will be submitted in writing by the 2<sup>nd</sup> Tuesday of the month in order that these reports be included in the Councilmen's packet for the second meeting of the month. Should any Councilman or committee member wish to include a "minority" report separate from the "majority" findings and recommendations of any committee, s/he must do so on his or her own, and submit said "minority" report within the same time frame. The reporting of the monthly discussion and actions of the sub committees of the Town Council may be given no later than the 2<sup>nd</sup> regularly scheduled meeting of the Council.
- VII.** Members shall address the Chair at all times when the Council is in session as "Mayor."
- VIII.** If two (2) or more members address the Chair at the same time, the Mayor recognizes the member who is to speak.
- IX.** No member shall speak more than twice on the same motion unless to explain, without leave of the Council. However, during the discussion of an "action item," the presiding officer, may at his or her discretion, refer additional explanation to an appropriate Council member who may have knowledge of the matter at hand.
- X.** No member shall speak more than five (5) minutes at any one time without permission from the presiding officer of the Council.
- XI.** When an member is about to speak in debate, he shall respectfully address the presiding officer, shall confine himself/herself to the question under debate and avoid personalities or imputing to any member improper motives
- XII.** If any member, in speaking or otherwise, transgress the rules of the Council, the presiding officer shall, or any member may call him to order, in which case the member so called to order shall stop speaking unless permitted to explain. Where there is an appeal to the Council and a decision in favor of the member called to order, he shall be at liberty to proceed. If otherwise, he shall not be permitted to proceed without permission of the Council.

- XIII.** No ordinance shall be acted upon by the Town Council unless submitted to the TOWN MANGER at least ten (10) days prior to the regular meeting, except in extraordinary circumstances. This rule may be waived by 2/3 of the members present.
- XIV.** Questions arising on parliamentary ruling not covered by these rules shall be decided by the presiding officer in accordance with Robert's Rules of Order.
- XV.** These rules shall be read at the organizational meeting of the Town Council by the Clerk of the Council.
- XVI.** If five (5) members of the Town Council request that the Mayor call a special meeting of the Town Council then the Mayor is required to call a special meeting. If a majority of any standing committee of the Town Council requests the calling of a committee meeting, the Mayor or Chairman of committee shall call such meeting.
- XVII.** During Citizens and Delegations, the Mayor or a member of the Town Council shall be afforded the opportunity to address questions asked of them during Citizens and Delegations. It is the desire of the Town Council to be able to respond, through the chair, to these inquiries or comments in a timely manner. At no time will the members of the Town Council enter into a "debate" with a citizen or delegation, but rather, will attempt to answer the question or comment presented to them in a factual manner. Being mindful of the "time constraint" citizens and delegations are asked to adhere to, the response of the Council member shall not diminish the generally agreed to three minutes afforded to all and no transferring time to speakers. When it becomes apparent that the concerns of the citizen or delegation will require a longer discourse, the Mayor shall facilitate a time in agreement with the Council that is mutually acceptable to both parties to further explore the issue at hand/or refer the issue to the appropriate sub-committee of the Council.
- XVIII.** At the time that these standing rules are adopted, the presiding officer shall remind the Council that the Charter of the Town of Windham gives power and duties to the Town Council as a collective body, but not to Councilmen acting individually and no member of the Town Council acting individually shall give orders to any employee or member of any Board, Commission, agency or Authority of the government of the Town Windham.

- XIX.** The Mayor may conduct special or emergency meetings of the Town Council by telephone provided that they comply with provisions of CT General Statutes and the Charter of the Town of Windham and provided further that the subject of such meeting requires action prior to the next regularly scheduled meeting of the Town Council. Members of the Town Council will refrain from conducting electronic business through the use of e-mails or any other electronic communication not permitted by the Freedom of Information statutes.

### **ADDENDUM**

The agenda for the Town Council shall be established to reflect the ability of the Mayor to reorder the agenda to allow for the best use of the agenda items (for all parties concerned). It is understood that the 2<sup>nd</sup> item on the agenda will always be Citizens and Delegations and the 2<sup>nd</sup> to last item on the agenda will be Citizens and Delegations. Otherwise, the agenda items will be presented as established by ordinance. (Any other changes to the order of the Town Council meetings would have to be approved by the members of the Town Council if they are allowed to do so.)

When the need arises for a Councilman to have an item placed on the Town Council agenda he or she may have an item or items placed on the Town Council agenda provided two other Councilmen (three Councilmen in total) are in agreement with the proposed agenda item(s). These proposed agenda item(s) must be agreed to in written communication to the Town Manager no later than the Thursday (beginning of business day) prior to the first or second meeting or one business day prior to any special meeting called by five members of the Town Council

MOTION PASSED with all in favor except Haynes, Donahue, Donohue and Rivera who opposed.

- d. Discussion and possible action to adopt a resolution regarding appropriation for an Inter-modal Transportation Center.**

Howe MOVED, McDevitt seconded, to adopt resolution # 2480.

BE IT RESOLVED by the Town Council THAT

The Town of Windham commits to completing the construction of a Inter-modal transportation center at the corner of Walnut and Meadow Streets utilizing Transportation, Community, and System Preservation funds in the amount of

\$430,650 for the preliminary/final design of the facility. The Council further commits to appropriate \$538,312 by May 30, 2010 and to provide necessary funds to meet the 20% match in the amount of \$107,662.

MOTION PASSED with all in favor except Donahue and Santucci who abstained.

**e. Discussion and possible action to adopt a resolution regarding appropriation for proposed pedestrian bike path.**

Haynes MOVED, Donohue seconded, to adopt resolution # 2481.

BE IT RESOLVED by the Town Council THAT

The Town of Windham commits to completing the construction of a section of a proposed pedestrian bike path beginning at Bridge Street and proceeding westerly a distance of 1,200 feet utilizing Transportation, Community, and System Preservation funds in the amount of \$129,195. The Council further commits to appropriate \$161,493 by May 30, 2010 and to provide necessary funds to meet the 20% match in the amount of \$32,298.

MOTION PASSED UNANIMOUSLY.

**f. Discussion and possible action to adopt a resolution regarding appropriation for milling and resurfacing town roads and to move to a Town Meeting on April 6, 2010.**

Lessard MOVED, Howe seconded, to adopt resolution # 2482.

BE IT RESOLVED by the Town Council THAT

The Town of Windham appropriate \$575,000.00 from the undesignated fund balance of the General Fund for milling and resurfacing of:  
High Street from Main Street to the Mansfield Town Line  
Jackson Street from Union Street to Prospect Street  
Valley Street from Walnut Street to Jackson Street

The appropriation may be expended on construction and other expenses related to the project. The Town intends to reimburse the General Fund for expenditures pursuant to the appropriation for construction related items estimated at \$565,000.00 from a grant administered by the Department of Transportation. Unless otherwise determined by the Town Council, no portion of the appropriation shall be expended until such time as approval to proceed with the project has been received from the Department of Transportation. Non reimbursable items for advertising and testing are estimated at \$10,000.

To move to a Town Meeting on April 6, 2010.

MOTION PASSED UNANIMOUSLY.

- g. Discussion and possible action to adopt a resolution regarding appropriation for energy efficiency projects and to move to a Town Meeting April 6, 2010.**  
McDevitt MOVED, Underwood seconded, to adopt resolution # 2483.

BE IT RESOLVED by the Town Council THAT

The Town of Windham appropriate \$94,562.00 from the undesignated fund balance of the General Fund for improving energy efficiency projects as follows:  
Perform energy audit of town buildings  
Install radiant heaters and door closers at the Willimantic Fire Department  
Purchase recycling barrels, distribute educational material on recycling  
Install lighting sensors in town buildings.

The appropriation may be expended on construction and other expenses related to the project. The Town intends to reimburse the General Fund for expenditures pursuant to the appropriation for construction related items estimated at \$93,562.00 from a grant administered by the Office of Policy Management. Unless otherwise determined by the Board of Selectmen, no portion of the appropriation shall be expended until such time as approval to proceed with the project has been received from the Office of Policy Management. Non reimbursable items for advertising and testing are estimated at \$1,000.

To move to a Town Meeting on April 6, 2010.

MOTION PASSED UNANIMOUSLY.

- h. Discussion and possible action to adopt a resolution regarding a pedestrian bike path and to move to a Town Meeting on April 6, 2010.**  
Santucci MOVED, Rivera seconded, to adopt resolution # 2484.

BE IT RESOLVED by the Town Council THAT

The Town of Windham appropriate \$161,493 from the undesignated fund balance of the General Fund for the construction of a pedestrian/ bike path beginning at Bridge Street and extending westerly a distance of approximately 1,200 feet.

The appropriation may be expended on design, construction and other expenses related to the project. The Town intends to reimburse the General Fund 80% for expenditures pursuant to the appropriation for design, construction and related items from a grant administered by the Connecticut Department of Transportation. Unless otherwise determined by the Town Council, no portion of

the appropriation shall be expended until such time as approval to proceed with the project has been received from the Department of Transportation.

To move to a Town Meeting on April 6, 2010 subject to Board of Finance Approval.

MOTION PASSED UNANIMOUSLY.

**i. Discussion and possible action to adopt a resolution regarding an Inter-model Transportation Center and to move to a Town Meeting on April 6, 2010.**

Rivera MOVED, Iazzetta seconded, to adopt resolution # 2485.

BE IT RESOLVED by the Town Council THAT

The Town of Windham appropriate \$538,312 from the undesignated fund balance of the General Fund for the preliminary and final design of a Inter-model Transportation Center, public parking garage located at the corner of Walnut and Meadow Streets.

The appropriation may be expended on preliminary design, final design, and other expenses related to the project. The Town intends to reimburse the General Fund 80% for expenditures pursuant to the appropriation for the preliminary design, final design and related items from a grant administered by the Connecticut Department of Transportation. Unless otherwise determined by the Town Council, no portion of the appropriation shall be expended until such time as approval to proceed with the project has been received from the Department of Transportation.

To move to a Town Meeting on April 6, 2010 subject to Board of Finance Approval.

MOTION PASSED with all in favor except McDevitt who opposed and Santucci abstained.

**j. Discussion and possible action to adopt a resolution regarding authorization to issue refunding bonds to refund certain of the town's outstanding bonds and authorizing the appropriation of the proceeds of such refunding bonds.**

Underwood MOVED, Rivera seconded, to adopt resolution # 2486.

BE IT RESOLVED by the Town Council THAT

RE: AUTHORIZATION TO ISSUE REFUNDING BONDS TO REFUND CERTAIN OF THE TOWN'S OUTSTANDING BONDS AND AUTHORIZING

THE APPROPRIATION OF THE PROCEEDS OF SUCH REFUNDING BONDS.

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

(i) that the Town is hereby authorized to issue its refunding bonds, in an amount not to exceed TEN MILLION DOLLARS (\$10,000,000) (the "Refunding Bonds"), to fund the appropriation authorized by section (ii) of this resolution. The Refunding Bonds shall be issued pursuant to Section 7-370c of the Connecticut General Statutes, as amended, and any other enabling acts. The Refunding Bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town; and

(ii) that the Town appropriate the proceeds of the Refunding Bonds to fund the redemption and the payment, in whole or in part, as determined by the Town Manager and the Treasurer of the Town, of the outstanding principal, accrued interest and any call premium on all or any portion of any issue of the Town's General Obligation Bonds including, but not limited to, the Town's General Obligation Bonds issued in 1999 and 2002 (the Prior Bonds"), together with the costs of issuance including but not limited to, any applicable consultants' fees, legal fees, trustee's and escrow agent fees, investment fees, verification fees, credit enhancement fees, underwriters' fees, bond insurance premiums, net temporary interest and other financing or transactional costs, and other expenses related to the payment or redemption of such bonds for the purposes of refunding them; and

(iii) that the Town Manager and the Treasurer shall sign the Refunding Bonds 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 Refunding Bonds; and

(iv) that the Town Manager and the Treasurer are authorized to determine which of the Prior Bonds are to be redeemed and the amount, date, interest rates and interest mode maturities, redemption provisions, form and other details of the Refunding Bonds; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the Refunding Bonds and escrow agent with respect to the refunding escrow or escrows to be funded with proceeds of the Refunding Bonds; to provide for the keeping of a record of the Refunding Bonds; to sell the Refunding Bonds at public or private sale; to deliver the Refunding Bonds; and to perform all other acts which are necessary or appropriate to issue the Refunding Bonds; and

(v) that the Town Manager and the Treasurer are authorized to call irrevocably for redemption such of the maturities of the Prior Bonds, as they shall

determine to refund from the proceeds of the Refunding Bonds and other moneys as they may determine to make available for this purpose and to defease such Prior Bonds by executing and delivering an escrow agreement in such form and upon such terms as they shall approve, such approval to be conclusively evidenced by their execution thereof; and

(vi) that 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 Refunding Bonds authorized by this resolution, including covenants to pay rebates of investment earnings to the United States in future years; and

(vii) that the Town Manager and the Treasurer, or either of them, are authorized to make representations and enter into written agreements for the benefit of holders of the Refunding Bonds to provide secondary market disclosure information, which agreements may include such terms as he deems advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such Refunding Bonds; and

(viii) that the Town Manager, the Treasurer and the Director of Finance, or any one of them, are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Prior Bonds and to issue Refunding Bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with underwriters, trustees, escrow agents, bond insurers, and others to facilitate the issuance of the Refunding Bonds, the escrow of the proceeds thereof and investment earnings thereon and the payment of the Prior Bonds in whole or in part; and

(ix) that the Town Manager and the Treasurer, or either of them, are hereby authorized if they determine it is in the Town's best interest, to acquire, on behalf of the Town, bond insurance or other forms of credit enhancement guaranteeing the Refunding Bonds on such terms as the Town Manager or the Treasurer, as the case may be, determines to be appropriate, such terms to include, but not be limited to, those relating to fees, premiums and other costs and expenses incurred in connection with such credit enhancement, the terms of payment of such expenses and costs and such other undertakings as the issuer of the credit enhancement shall require; and the Town Manager or the Treasurer, as the case may be, are authorized, on the Town's behalf, to grant security to the issuer of the credit enhancement to secure the Town's obligations arising under the credit enhancement, including the establishment of a reserve from the proceeds of the Refunding Bonds; and

(x) that the Town Manager and the Treasurer are hereby authorized in connection with the issuance of the Refunding Bonds to execute and deliver on behalf of the Town such reimbursement agreements, remarketing agreements, standby bond purchase agreements, interest rate swap agreements, and any other appropriate agreements the Town Manager and the Treasurer deem necessary, appropriate or desirable and the Town Manager and the Treasurer are hereby authorized on behalf of the Town to secure the payment of such agreements with the full faith and credit of the Town, if they deem it necessary, appropriate or desirable.

MOTION PASSED UNANIMOUSLY.

**3. Adoption of Minutes**

**a. Discussion and possible action to adopt the February 2, 2010 Town Council special meeting minutes.**

Iazzetta MOVED, Rivera seconded, to adopt the February 2, 2010 Town Council special meeting minutes. MOTION PASSED with all in favor except Donahue and Haynes who abstained.

**b. Discussion and possible action to adopt the February 2, 2010 Town Council regular meeting minutes.**

Iazzetta MOVED, Underwood seconded, to adopt the February 2, 2010 Town Council regular meeting minutes. MOTION PASSED with all in favor except Haynes who abstained.

**c. Discussion and possible action to adopt the February 16, 2010 Town Council regular meeting minutes.**

Iazzetta MOVED, Santucci seconded, to postpone the February 16, 2010 Town Council regular meeting minutes. MOTION PASSED UNANIMOUSLY.

**d. Discussion and possible action to adopt the February 24, 2010 Town Council special meeting minutes.**

Underwood MOVED, McDevitt seconded, to adopt the February 24, 2010 Town Council special meeting minutes. MOTION PASSED UNANIMOUSLY.

**4. Resignations**

None.

**5. Appointments**

None.

**6. Presentations & Special Reports**

None.

**7. Mayor's Report**

None.

**8. Town Manager's Report**

Town Manager Neal J. Beets recognized employees James and Matt and Town Attorney for moving quickly and responsibly to business owners. He informed the Council that he received a phone call about the library from a librarian of another community regarding the libraries warming and inviting environment.

**9. Discussion and Review of Communications**

None.

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

**a. Administration & Finance, Health and Human Services Sub Committee.**

Chairman Donohue mentioned that the committee has not met and will be meeting Wednesday.

**b. Public Safety, Recreation and Public Works Sub Committee.**

Chairman Iazzetta reported that the committee met last Wednesday and discussed the Magnet School traffic study and bypass lane, which can cost roughly about \$400,000. Consultant will give good estimates for work. The drainage from should not be dumped on Tuckie Road. They need to look at the proposed Town Road further more. The committee also discussed the butterfly garden and bike path. They discussed the need for the whitewater group to make an effort to increase funding.

**12. Old Business**

**a. Discussion and possible action on proposed Town of Windham budget for FY 10-11.**

Town of Windham Department Heads introduced themselves. Town Assessor Joan Paskewich updated on Grand List, which consist of 1/10 % and Willimantic had a .5 % increase and Windham decreased due to St. Joseph's Living Center tax break.

**13. New Business**

**a. Discussion and possible action to proceed with the final decision of the Hop River/Air-line Trail Pedestrian/Bike Project.**

Donohue MOVED, Rivera seconded, to proceed with the design of the Trail. MOTION PASSED UNANIMOUSLY.

**b. Discussion and possible action to award the purchase and installation of playground equipment to P. Corsetti Inc. in the amount of \$38,825.00.**

Iazzetta MOVED, McDevitt seconded, to award the purchase and installation of playground equipment to P. Corsetti Inc. in the amount of \$38,825.00. MOTION PASSED UNANIMOUSLY.

**14. Future Agenda Items**

Noise Ordinance, Energy Commission and Magnet School Update.

Mayor Eldridge thanked Department Heads for attending the meeting.

**15. Citizens and Delegations**

Tony Pantelli, Tuckie Road, stated that the Magnet School Project Manager told him that the Town Road is the Town's responsibility. He suggests that more turning for buses be put in place. He also raised concerns on houses getting flooded.

Barbara McGrath stated that Whitewater is an economic development issue and if we add back leaves and asphalt in the budget we need to look at bigger picture issues.

Brad Wojick informed the Council that the building with the hole on the roof would be down by July 1st.

Marc Scrivener stated that they had a fire a week ago and would like to recognize firefighters from Town volunteer departments for a great job done.

Chief Lisa Maruzo-Bolduc stated that if you cut budget there is a lack of service.

Kevin Hoxie stated that the Public Works Department have been cut a lot and if bulky waste and leaves are not done there will be a lot of leaves. He mentioned that Public Works Department need new building.

Lori Jeffers asked what are we going to cut when the Town built a Magnet School and Town road. She would like to see a revote on the Magnet School.

**16. Adjournment**

Iazzetta MOVED, McDevitt seconded to adjourn the meeting at 9:48 p.m.

Submitted By:

Don Muirhead  
Personnel Director