

WINDHAM TOWN COUNCIL

WINDHAM TOWN HALL MEETING ROOM

Tuesday, April 3, 2012 - 7:00 P.M.

MEETING MINUTES



1. Call to Order

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

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

2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance.

3. Citizens and Delegations: Public Comment

Dawn Niles updated the Town Council on the 7 CPR Training sessions that were put together by the HeartSafe Committee. She also reminded the Council that the Attorney General needs to ok the use of the cemetery funds. Ms. Niles spoke in regards to the reason why the Planning and Zoning Commission forwarded the issue on the usage of the Mills to the Town Council.

Harri Carboni, Willimantic, spoke regarding the no smoking in town parks. He spoke in favor of a new library and senior center. He suggested that the town look into raising funds for the projects just like Town Manager Neal Beets suggested during his budget presentation.

Henry Crane, Windham Street, Willimantic, spoke regarding town employees stealing money and would like to see a resolution authorizing the Town Manager to put language in all union contracts. He suggested that the state statutes should also be changed to reflect that if an employee steals from the employer that can't be appealed through arbitration.

Jeff Veins spoke regarding Mansfield development and informed the Town Council that they have 600 housing units. He questioned the Town Council why we always come in second or last when it comes to development projects. He spoke in support of housing at the mills site.

David Walencewicz read a letter in support of no smoking in town parks. He mentioned that it is no different than the drug zone and that the proposed regulation is healthy.

Doug Lary, 183 Summit Street, Willimantic, spoke in favor of the two appointments on the agenda for the Ethics Commission. He also urged the Council to approve the appointments and stated that Mr. Mike Sikoski has experience on Ethics.

Peter Quercia, 300 Walnut Street, Willimantic, spoke in favor of Henry Crane's appointment to the Ethics Commission. He stated that Henry is always at meetings and is a great listener.

Lori Jeffers, Willimantic, spoke regarding the mills and the ambulance being on the agenda again. She spoke in support of the no smoking in town parks, but suggested that it be enforced also in front of the library, sidewalks and all town properties. Ms. Jeffers is not in favor of more housing.

4. Town Council Comment

Jerry Iazzetta asked that when a member of the public speaks regarding a petition they should submit the petition with the individuals names to the Town Council.

Tom DeVivo asked if anyone knew of a company or individual who has a lunch truck or wagon to go to the magnet school site to please let him know. There will be a lot of workers at the site for the next few months.

5. Adoption of Minutes

a. Discussion and possible action to adopt the minutes for the March 20, 2012 Town Council Meeting.

Iazzetta MOVED, DeVivo seconded, to adopt the minutes for the March 20, 2012 Town Council meeting minutes. MOTION PASSED UNANIMOUSLY.

6. Resignations

None.

7. Appointments. Discussion and possible action to appoint:

a. Mike Sikoski as a regular member of the Ethics Commission with term ending December 15, 2012.

Donohue MOVED, Rivera seconded, to appoint Mike Sikoski to the Ethics Commission with term ending December 15, 2012. MOTION PASSED UNANIMOUSLY.

b. Henry Crane as a regular member of the Ethics Commission with term ending December 15, 2012.

Iazzetta MOVED, DeVivo seconded, to appoint Henry Crane to the Ethics Commission with term ending December 15, 2012.

8. Presentations & Special Reports

a. Tom Briggs, President, TWB Properties (a/k/a Lock View LLC – Windham Mills) proposal for mixed use development at Windham Mills. Council discussion and possible direction regarding Windham Mills.

Tom Briggs gave a lengthy presentation on what they would like to see on the Windham Mills site. He passed out several packets of information for the Town Council to read before they make a decision on his request to be allowed to put some housing on the site. They are looking into market rate housing for elderly and/or student housing.

Lengthy discussion took place between members of the Town Council and Mr. Tom Briggs.

Donohue MOVED, DeVivo seconded, to ask the planning and zoning to ask the Mill Owners to come up with a plan for development and that that plan should not be rejected simply due to the inclusion of housing units. MOTION FAILED with all in favor except Krich, Iazzetta, McDevitt, Fantoli, Eldridge and Doyle.

DeVivo MOVED that we provide Tom Briggs a response by the first meeting in May. No one seconded.

Krich MOVED, Iazzetta seconded, that on the second meeting in May the Economic Development Commission give the Town Council a recommendation on the proposal from Mr. Briggs and that the Town Council will have a recommendation for the Planning and Zoning Commission. MOTION PASSED unanimously.

c. Bill Hettinger, Chairman, Economic Development Commission, recommendations on property and business improvement policies. Action items under agenda 12.a, below.

Bill Hettinger gave a lengthy presentation on the recommendation from the Economic Development Commission regarding property and business improvements and spoke regarding the regulations for tax abatements that are on the books. He urged the Town Council to approve the resolution on the agenda tonight.

9. Mayor's Report

MOTION: Underwood MOVED , McDevitt seconded, to amend the agenda and add under the Mayor's Report a. Discussion and possible action to go into executive session with Town Attorney Richard Cody and Code Enforcement Officer Matt Vertefeuille regarding Town of Windham v. Eugene Arsenault pending litigation. b. Discussion and possible action regarding Town of Windham v. Eugene Arsenault, pending litigation. MOTION PASSED with all in favor except Iazzetta who opposed and Rivera abstained.

- a. **Discussion and possible action to go into executive session with Town Attorney Richard Cody and Code Enforcement Officer Matt Vertefeuille regarding Town of Windham v. Eugene Arsenault pending litigation.**
Fantoli MOVED, DeVivo seconded, to go into executive session with Town Attorney Richard Cody and Code Enforcement Officer Matt Vertefeuille regarding Town of Windham v. Eugene Arsenault, pending litigation at 8:40 p.m. MOTION PASSED with all in favor except Rivera and Iazzetta who abstained.

McDevitt MOVED, Iazzetta seconded, to adjourn the executive session at 9:00 p.m. MOTION PASSED UNANIMOUSLY.

- b. **Discussion and possible action regarding Town of Windham vs. Eugene Arsenault pending litigation.**
Krich MOVED, Iazzetta seconded, that the Town Council authorize the Town Attorney to file an appeal of the recent decision in the matter of Town of Windham v. Eugene Arsenault. MOTION PASSED UNANIMOUSLY.

MOTION: DeVivo MOVED, McDevitt seconded, to move up on the agenda item 14 b. MOTION PASSED with all in favor except Iazzetta who opposed.

14. Old Business

- b. **Discussion and possible action regarding new ambulance proposal.**
Town Manager Neal J. Beets, Deputy Fire Chief Marc Scrivener and Town Attorney Richard Cody gave a brief update to the Town Council regarding the status of the ambulance contract. Mr. Beets explained that the reason why the contract has not been signed is because of the time frame they gave us of 180 days for delivery. Attorney Cody stated that he added some language in the contract, and the company removed it and has not agreed to it.

10. Town Manager's Report

Town Manager Neal Beets reported on the upcoming Board of Finance budget meetings. He informed the Town Council that the Health Care programs are going to be discussed at the Board of Finance meeting. Mr. Beets mentioned that QVCC is looking into expanding the college and are looking to staying in downtown and that we just received the letter of intent from the McSweeney Senior Center.

Mayor Eldridge mentioned that the Railroad Museum would like to invite the Town Council for a visit with them. He will let the members know the date and time.

11. Discussion and Review of Communications

None.

12. Resolutions and Ordinances

- a. Discussion and possible action on a resolution and other recommendations from the Economic Development Commission relating to policies for property improvement and business incentives.**

Doyle MOVED, DeVivo seconded, to adopt Resolution # 2565.

BE IT RESOLVED by the Town Council THAT

Whereas: The Town is interested in promoting private investment to revitalize, and re-build the Downtown area of Town; and

Whereas: The State of Connecticut has designated areas in Town as either an Enterprise Zone or for an Entertainment District; and

Whereas: The Town of Windham is interested in expediting approval for property owners who qualify for these benefits;

Now, therefore, BE IT RESOLVED by the Town Council that the Town Manager or his designee is authorized to sign or certify documents on behalf of the Town as necessary for any property or property owner qualifying for the Enterprise Zone or for the Entertainment District benefits.

MOTION PASSED UNANIMOUSLY.

13. Reports of Committees, Boards and Commissions

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

Chairman Donohue reported that the committee will be meeting tomorrow, April 4, 2012 at 7:00 p.m. in the Town Hall Auditorium.

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

Council member Rivera reported on the Smoke Free policy for Town parks. He explained the reason why they didn't pass the ordinance was because we have too many on the books and they don't get enforced. They adopted the proposal for the cemetery to repair the roads and the roof of the maintenance garage and they voted on placing temporary speed bumps on Baker Road.

- c. Tri-Board**

Council member McDevitt reported that they met with Town Departments and discussed IT. They will be meeting with Superintendent Ana Ortiz at the next meeting.

14. Old Business

- a. Discussion and possible action approving an application to the Probate Court to withdraw an amount not to exceed \$100,000 from the Town's Cemetery Trust Fund in order to pave the drives in the New Willimantic Cemetery and**

to repair the roof at the maintenance building in the Old Willimantic Cemetery, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Culture and Recreation. Rivera MOVED, DeVivo seconded, to approve the submission of an application to the Probate Court to withdraw an amount not to exceed \$100,000 from the Town's Cemetery Trust Fund in order to pave the drives in the New Willimantic Cemetery and to repair the roof at the maintenance building in the Old Willimantic Cemetery, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Culture and Recreation and seek approval of the State of Connecticut Attorney General. MOTION PASSED UNANIMOUSLY.

- b. **Discussion and possible action regarding new ambulance proposal.**
This item was moved up on the agenda after Mayor's Report.

15. New Business

- a. **Discussion and possible action to install 3 temporary speed bumps on Gamache and Baker Lane, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Culture and Recreation.**
Iazzetta MOVED, Rivera seconded, to install 3 temporary speed bumps on Gamache and Baker Lane, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Culture and Recreation. MOTION PASSED with all in favor except Underwood, Donohue and Krich who abstained.
- b. **Discussion and possible action to hold a public hearing on May 1, 2012 regarding a proposed ordinance for Tobacco-Free Parks, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Culture and Recreation.**
McDevitt MOVED, Krich seconded, to accept the policy for Tobacco-Free Parks in the Town of Windham. MOTION PASSED with all in favor except DeVivo who opposed.
- c. **Discussion and possible action for the Town Council to go into executive session with Town Manager, Neal Beets and other persons the Town Council may deem necessary to discuss the performance and/or evaluation of the Town Controller.**
Iazzetta MOVED, McDevitt seconded, to go into executive session with Town Manager, Neal Beets and other persons the Town Council may deem necessary to discuss the performance and/or evaluation of the Town Controller at 9:37 p.m. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, Underwood seconded, to adjourn the executive session at 10:10 p.m. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items
None.

17. Adjournment

McDevitt MOVED, DeVivo seconded, to adjourn the Town Council meeting at 10:11 p.m. MOTION PASSED UNANIMOUSLY.

Submitted By:

Neida I. Rosado
Clerk of the Town Council