

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, May 3, 2011 - 7:00 p.m.



1. Call to Order

a. Presentation of Spelling Bee certificates

The presentation of the spelling bee certificates took place before the call of the meeting.

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

Town Council members present: Mayor Ernest S. Eldridge, Jerry Iazzetta, N. Joseph Underwood, Kevin Donohue, Teresa Santucci, Mike Lessard and Charles Krich.

Town Council members excused: Arnaldo Rivera, Erika Haynes, Lorraine McDevitt and Christel Donahue.

2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance.

3. Citizens and Delegations

Peter Quercia Willimantic, spoke regarding the May 10th budget referendum. Mr. Quercia spoke about his recent arrest by the Willimantic Police Department. He stated that he was arrested for walking on town property and he will continue to get arrested because Mr. Merlino continues to call the police.

Mike Sikowski, Manfield and Windham property owner spoke in favor of the proposed ordinance. He mentioned that the only issue he has with the ordinance is the proposed \$30.00 fee per unit annually. He stated that he can't justify the increase to the tenants; therefore he would like the Council to reconsider that amount.

Joel Meyer, landlord and resident, said he loves Willimantic, but he would like the Town of Windham to delay passing section d of the ordinance because we don't even know what the governor is going to do yet. Mr. Meyer's concern was that if taxes go up 10 to 12% that amount will need to be passed on to the tenants and they can't afford that.

Jeff Veins, property owner, informed the Council that he doesn't see the need for a Town Fire Marshal, that is why we pay firefighters. Mr. Veins mentioned that the fees that the Town is charging the landlords is passed to the individuals who were present at the beginning of the meeting during the spelling bee presentation. "Many of those residents present are my tenants," Veins said "and they can't afford to pay more rent."

Faith Kenton, resident and landlord, spoke in favor of the ordinance. Mrs. Fenton stated that she does not mind paying the modest fees for all properties to be inspected in order to make sure people have safe homes.

Mary Lou DeVivo, Hill Top, North Windham, thanked everyone for coming out tonight and bringing their children to accept the spelling bee certificate. Mrs. DeVivo mentioned that many people told her that she was not going to have a good turnout and she is glad people proved them wrong. She said people do care and the turnout she got for the presentation of certificates for the students proved that.

Heather Meehan, Meehan and Daughters, and grew up on prospect street, spoke against the proposed fee ordinance. Ms. Meehan was concerned with the fees because that will force her to increase her rents and tenants can't afford it.

Pam Veins, Columbia resident, stated that 9 of the individuals present earlier before the meeting were her tenants and they struggle every day. She said that now the Council is going to make her raise the rents instead of going after the landlords that break the rules.

Joe Marsalisi mentioned that Councilman Jerry Iazzetta had asked him if the Switchboard Association ever performed a study and he said no, but he found a study that was done in 1995. Mr. Marsalisi submitted a copy of the study to Mr. Iazzetta.

Teresa Santucci invited everyone to attend the fundraising event at the Windham Airport. The event is regarding the disappearance of flyer Amelia Earhart on May 15th at 3 p.m.

Paul Palmer, landlord, stated that he was very young when he started to buy property and he thought it was going to be easy, but it's not. He understands that budgets are going up, but his biggest issue is that there are no incentives for those landlords that take care of their properties. Mr. Palmer requested that the Town look into a PILOT program for landlords.

John Walker stated that it's a real intrusion to individuals and tenants because we get inspected to death.

Doug Lary, Summit Street, Willimantic, stated that it was a pleasure to speak to more seats than earlier. He mentioned that he owned a couple of multi families in town. Mr. Lary mentioned that many of the landlords present have improved the properties since they took over, but would like to have more services.

Lori Jeffers, stated that we had a public hearing on the fee ordinance and only three Council members were present. Ms. Jeffers hopes that those who were not present abstain from voting. She spoke regarding the Magnet School and the Board of Education budget.

Kevin Hoxie, Willimantic, stated that we have a lot of landlords in town, but most of the problems are with the absentee landlords. It takes a long time to get a hold of the absentee landlords, Hoxie said, but it is not fair to punish the families by raising the rents.

Charles Kratt, Monticello Street, Willimantic, stated that he looked at the proposed fees but unfortunately the poor working people are going to be the ones that will hurt the most. He suggests that the Fire Marshal is not needed and it should be done by the Fire Department.

Bernie stated that he hopes the Town Manager has information pertaining to the train derailment and the parking garage study. He also would like information about the study that was performed at the Nassiff's building.

4. Adoption of Minutes

a. Discussion and possible action to adopt the April 19, 2011 Town Council regular meeting minutes.

Santucci MOVED, Donohue seconded, to adopt the April 19, 2011 Town Council regular meeting minutes. MOTION PASSED with all in favor except Krich who abstained.

5. Resignations

None.

6. Appointments

None.

7. Presentations & Special Reports

None.

8. Mayor's Report

Ernie gave a brief update on the Titanic at the library. He also mentioned that he went and participated in the school reading program. The Willimantic Little League was a huge event. Mr. Eldridge couldn't believe the amount of people present. Ernie reported that he was going to be at Thirsty Frog for a fundraising event for the homeless and was entering the competition eating frog legs.

9. Town Manager's Report

Town Manager Neal Beets gave a report on the parking garage. He gave a brief history on the funds earmarked for a study of the parking garage. Mr. Beets reported that the contract has been signed and the state approved to have an architect do the design.

Mr. Beets informed the Town Council that the Town has not yet submitted a bill to the railroad company. He reminded everyone that May 10th is the day of the referendum.

10. Discussion and Review of Communications

None.

11. Resolutions and Ordinances

b. Discussion and possible action to adopt a resolution for the Town of Windham to submit an application to the State for \$300,000 in order to undertake the Small Cities Community Development Program.

Iazzetta MOVED, Underwood seconded to waive the reading. MOTION PASSED UNANIMOUSLY.

Lessard MOVED, Iazzetta seconded, to adopt resolution # 2533.

BE IT RESOLVED by the Town Council THAT

WHEREAS, federal monies are available under the Title I of the Housing and Community Development Act of 1974, 42 U.S.C § 5301, et. seq., as amended, also known as Public Law 93-383, and administered by the State of Connecticut, Department of Economic and Community Development as the Connecticut Small Cities Community Development Block Grant Program; and

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of Connecticut General Statutes, the Commissioner of the State of Connecticut Department of Economic and Community Development is authorized disburse such federal monies to local municipalities; and

WHEREAS, it is desirable and in the public interest that the Town of Windham make an application to the State for \$ 300,000 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE

Windham Town Council

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and,
2. That the filing of an application for State financial assistance by Town of Windham in an amount not to exceed \$ 300,000 is hereby approved and that Neal J. Beets, Town Manager is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Windham.
3. ***That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in Connecticut General Statutes sections 4a-60 and 4a-60a, respectively and for which purposes the "contractor" is***

Town of Windham and "contract" is said Assistance Agreement:

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including,

but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved.

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

MOTION PASSED UNANIMOUSLY.

- b. Discussion and possible action to adopt a resolution authorizing a contract with Peter Huckins, owner of Community Consulting. for the Town's proposed Small Cities Community Development Program.**

Underwood MOVED, Donohue seconded, to adopt resolution # 2534.

BE IT RESOLVED by the Town Council THAT

**Contract for services with Peter Huckins, Community Consulting
for the Town's proposed Small Cities
Community Development Activities**

Whereas, the State Department of Economic & Community Development has announced the availability of funds for the Small Cities Community Development Activities; and

Whereas, the Town of Windham has advertised for consulting services for application and implementation of small cities activities; and

Whereas, the Town of Windham received one response to our advertisement;
and

Whereas, the Town of Windham chose Peter Huckins, Community Consulting, a local consulting service to pursue opportunities through the Small Cities Community Development

Now therefore be it Resolved that the Town Council hereby authorize the Town Manager to contract with Peter Huckins, Community Consulting for services for the Town's Small Cities Community Development Activities.

Be it Further Resolved that the fees for these services will not exceed the amount set forth in any application approved by the State of Connecticut.

MOTION PASSED with all in favor except Krich who abstained.

- c. Discussion and possible action to adopt a resolution regarding the Program Income Plan and Program Reuse Income Plan for the Town of Windham Housing Rehabilitation Program.**

Iazzetta MOVED, Santucci seconded, to waive the reading. Jerry read a section of the resolution. MOTION PASSED UNANIMOUSLY.

Iazzetta MOVED, Santucci seconded, to adopt resolution # 2535.

BE IT RESOLVED by the Town Council THAT

WHEREAS, Program Income is defined in federal regulation at 24 CFR 570.489 (e) which specifies that program income is the gross income received by the jurisdiction that has been directly generated from the use of Community Development Block Grant Program.

WHEREAS, Examples of program income include: payments of principal and interest on housing rehabilitation loans made using Community Development Block Grant funds; interest earned on program income pending its disposition, and interest earned on funds that have been placed in a revolving loan account;

WHEREAS, The Town of Windham will generate Program Income from its current activity, Housing Rehabilitation Program;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that the following Program Income Plan and Program Reuse Income Plan is hereby approved and further authorizes Town Manager Neal J. Beets to sign such document.

Program Income Plan

The Town of Windham's Housing Rehabilitation Program will produce Program Income as a result of liens placed on the property of residential rehab projects.

Financial assistance is offered in the form of no-interest loans. Low and moderate-income eligible applicants will receive a loan that is one hundred percent (100%) deferred until the property transfers ownership. The deferred loan amount is secured by a lien filed with the Town Clerk.

All Program Income generated from this project will be used for additional housing rehabilitation projects within the community. This activity is an eligible activity under 24 CFR 570.208 (a) (1), and meets national objective 24 CFR 570.483 (b) (1), activities benefiting low to moderate income persons.

PROGRAM INCOME REUSE PLAN

Town of Windham

A Reuse Plan Governing Program Income from CDBG-Assisted Activities

The purpose of plan is to establish guidelines on the policies and procedures for the administration and utilization of program income received as a result of activities funded under the State Community Development Block Grant Program.

Need for Plan Governing Reuse of Program Income. This Plan is intended to satisfy the requirements specified in Federal statute and regulation at Section 104 (j) of the Housing and Community Development Act ("the Act"), as amended in 1992 and 24 CFR 570.489 (e) (3). These statutory and regulatory sections permit a unit of local government to retain program income for CDBG-eligible

community development activities. Under federal guidelines adopted by the State of Connecticut's CDBG program, local governments are permitted to retain program income so long as the local government has received advance approval from the state of a local plan that will govern the expenditure of the program income. This plan has been developed to meet that requirement.

Program Income Defined. Program Income is defined in federal regulation at 24 CFR 570.489 (e) which specify that program income is the gross income received by the jurisdiction that has been directly generated from the use of CDBG funds. (For those program income-generating activities that are only partially funded with CDBG funds, such income is prorated to reflect the actual percentage of CDBG participation). Examples of program income include: payments of principal and interest on housing rehabilitation or business loans made using CDBG funds; interest earned on program income pending its disposition, and interest earned on funds that have been placed in a revolving loan account; net proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG funds; income (net of costs that are incidental to the generation of the income) from the use or rental of real property that has been acquired, constructed or improved with CDBG funds and that is owned (in whole or in part) by the participating jurisdiction or subrecipient.

If the total amount of income (from all sources) generated from the use of CDBG funds (and retained by the Town) during a single program year (July 1 through June 30) is less than \$25,000, then these funds shall not be deemed to be program income and shall not be subject to these polices and procedures. However, Quarterly Reports must be submitted regardless of whether the \$25,000 threshold is reached or not. Costs incurred that are incidental to the generation of Program Income may be deducted from the gross program revenue to determine the net Program Income amount.

General Administration (GA) Cost Limitation. Up to 16 percent of the total PI expended during a PY may be used for CDBG general administration (GA) expenses. Total administration and program soft costs (Housing Rehabilitation activities) cannot exceed 25 percent.

Total administration and program soft costs (all activities except for housing rehabilitation) cannot exceed 21 percent.

Reuses of Program Income. Program income must be: a) disbursed for an activity funded under an existing open grant prior to drawing down additional Federal funds (i.e. disbursed to an amount that is \$50,000 or less); b) forwarded to the State of Connecticut, Department of Economic and Community Development (Department); c) with DECD's permission, apply to a future grant or (d) distributed according to this Program Income Plan that has been approved by the Department. The Town's program income will be used to fund *eligible* CDBG activities that meet a *national objective*. Eligible activities and national objective requirements are specified in federal statute at Section 105(a) and in federal regulations at 24 CFR 570.482 and 24 CFR 570.483. The PI Reuse Plan shall be used for Housing Rehabilitation.

The Town reserves the option of utilizing program income to fund/augment a CDBG funded activity (that is different from the activity that generated the PI) included in a grant agreement. The Town must first follow the citizen

participation process, provide for public disclosure (public notice), obtain a governing body resolution, and obtain approval from the State CDBG Program.

Planning Activities. The Town reserves the option of utilizing program income, within the 16 percent general administration annual cap, to fund planning for CDBG-eligible activities. Such planning activities may include: environmental reviews or other studies necessary for CDBG-eligible projects or programs; or application preparation for CDBG or other grants/loans to supplement funding for CDBG-eligible activities. The costs of such planning activities may be charged to an RLA if the planning is for the same activity as the RLA. Otherwise, PI may only be expended on planning activities in conjunction with an existing open CDBG Planning grant.

Distribution for Reuse of Program Income. The Town's program income that has not been committed to an existing open grant will be distributed, as follows:

One revolving loan accounts (RLAs) or PI account is currently established to utilize the Town's program income.

The allocations to the RLAs are as follows:

a) 100 percent (100%) of all program income will be deposited into the Housing Rehabilitation Revolving Loan Account from which it was generated and will be used again for the same activity; Housing Rehabilitation.

Funds shall not be transferred between RLAs or to an open grant activity without conducting a properly noticed CDBG Citizen Participation public hearing. If it becomes necessary to transfer funds between RLAs we will consider revising the above distribution formula.

Reporting and Federal Overlay Compliance.

The Town shall comply with all State CDBG reporting requirements, including submittal of a Quarterly GPR on all PI. The Town shall ensure that the use of program income under this PI Reuse Plan complies with all CDBG program requirements, including citizen participation, environmental review, equal opportunity, Section 3 employment, lead-based paint, labor standards, procurement and property management, and maintenance of adequate accounting and recordkeeping systems. To ensure ongoing compliance with CDBG requirements, the Town shall utilize the latest available State CDBG Program Grant Management Manual for guidance on compliance procedures and polices. The Town shall obtain the Department's written approval before proceeding with any PI-funded activity.

Maximum Funds in Revolving Loan Accounts.

Program Income received by the RLAs during the program year (July 1 through June 30) shall be substantially expended by the end of the program year (June 30). At any given time, the funding balance for either of the RLAs should not exceed \$50,000.

Revising this plan. The Town has the authority to amend this document with a properly noticed Council/Board meeting and approval by the State Department of Economic & Community Development (DECD).

Revolving Loan Accounts. The purposes and allowed uses of funds under these RLAs are, as follows:

Housing Rehabilitation Revolving Loan Account.

This fund will be principally used for the purpose of making loans to rehabilitate residential units occupied by households which have an annual income which is 80 percent (80 percent) or less of the area's median income. At least 51 percent of the funds expended for the activity funded under this RLA during the program year shall be used on revolving activities (i.e., loans).

No more than 51 percent of the program income funds actually expended during the program year under this RLA shall be expended for housing rehabilitation grants. No more than up to 16 percent of the total PI expended during a PY may be used for CDBG general administration (GA) expenses. Total administration and program soft costs (Housing Rehabilitation activities) will not exceed 25 percent. In any event, the total expended for non-revolving activities (grants, program costs, and general administration) shall not exceed 49 percent of the total funds actually expended during the program year (July 1 thru June 30).

The review and funding of requests for CDBG loan or grant assistance under this RLA shall be conducted under the Housing Rehabilitation Program Guidelines that have been adopted by the Town. All assistance provided to activities under this RLA shall be made for activities that are located within the Town's jurisdiction.

If the activities funded under the RLA are for the same activities as those funded under an open State CDBG grant agreement, then the funds available in this RLA shall be expended prior to drawing down funds from the State CDBG program.

Signature

Neal J. Beets, Town Manager

Typed or Printed Name of Authorized
Official

Date

MOTION PASSED UNANIMOUSLY.

- d. **Discussion and possible action to adopt an ordinance regarding the Town of Windham Fee Schedule.**

Iazzetta MOVED, Underwood seconded, to postpone to a later meeting.
MOTION PASSED UNANIMOUSLY.

12. Reports of Committees, Boards and Commissions

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

Chairman Donohue reported that the committee is meeting Wednesday and they will be discussing the naming of the auditorium, ATV ordinance, options for parking and options of eliminating taxing districts.

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

Chairman Iazzetta reported that they met and it was a long meeting. They discussed the dispatch center and invited Joe Marsalisi and the Fire Chiefs. They also discussed the energy efficient projects and request that the Town Attorney review the contract that was signed

13. Old Business

a. Update on Card Street regarding truck traffic. (Town Manager Neal Beets)

Town Manager Neal Beets gave an update on the Card Street truck traffic. He explained the letter to the Council that he received from the State DOT. He also mentioned that several residents of Card Street talked about hiring an attorney.

b. Update on Noznick Property (Route 203/14). (Recreation Director Tara Risely)

Tara Risley, Recreation Director gave a brief update on the Noznick property. She showed drawings and explained the process that the committee went through when they hired the architect.

14. New Business

a. Discussion and possible action to award the guard rail installation in various Town locations to PPG Group LLC, dba The Atlas Companies, in the amount of \$318,485.00, as recommended by the Town Council Subcommittee on Public Safety, Public Works, and Recreation.

Iazzetta MOVED. Santucci seconded, to award the guard rail installation in various Town locations to PPG Group LLC, dba The Atlas Companies, in the amount of \$318,485.00, as recommended by the Town Council Subcommittee on Public Safety, Public Works, and Recreation. MOTION PASSED UNANIMOUSLY.

b. Discussion and possible action regarding naming of the Town Hall Auditorium, as recommended by the Town Council Subcommittee on Administration, Finance, Health, and Human Services.

No action was taken. Item is going back to the committee to set a public hearing.

15. Future Agenda Items

Tri-Board
Fee Ordinance

16. Citizens and Delegations

Lori Jeffers, Willimantic, asked why we need a parking garage when we gave parking spaces to 560 Main Street. She stated that based on the way the Town Council does their business they should meet once a week. Mrs. Jeffers also spoke about tax abatements.

Kevin Hoxie stated that the Town throws away 1.5 million to the Board of Education and the Board of Education needs to go. He mentioned that kids have no sports, art or music. Mr. Hoxie is glad to see a police officer at the schools.

Doug Lary, 183 Summit Street, Willimantic, mentioned that he is looking forward to the next meeting where they are going to be discussing the Tri-Board. Mr. Lary said we are not getting a good product for \$40,000,000. He also spoke about overnight parking for residents.

Bernie mentioned that they started to dig up Summit Street for gas lines and he would like to see the stone curbing put back when they put in the new sidewalks. He understands there was some issue regarding curbing that was pulled on Main Street a few years ago.

17. Adjournment

Donohue MOVED, Iazzetta seconded to adjourn the meeting at 9:10 p.m. MOTION PASSED UNANIMOUSLY.

Submitted By:

**Neida I Rosado
Clerk of the Town Council**