

**TOWN OF WINDHAM
TOWN COUNCIL**

WINDHAM TOWN HALL MEETING ROOM

May 4, 2010

MEETING MINUTES

1. Call to Order

Mayor Eldridge called the Town of Windham Town Council meeting to order at 7:05 p.m.

Town Council members present: Mayor Ernest S. Eldridge, Kevin Donohue, Erika Haynes, David Howe Sr., Jerry Iazzetta, Mike Lessard, Lorraine McDevitt, Arnaldo Rivera, Teresa Santucci, N. Joseph Underwood

Town Council members absent: Christel Donahue

Underwood MOVED, McDevitt seconded, to take a five minute recess. MOTION PASSED UNANIMOUSLY. Meeting re-convened at 7:10 p.m.

2. Pledge of Allegiance

Mayor Eldridge lead all in the Pledge of Allegiance.

3. Citizens and Delegations

Harry Carboni, stated there are 10 lights out from Town Hall to the Frog Bridge and 8 lights out from the Frog Bridge to the Windham Mills and would like to get an answer on when this will be taken care of. He discussed the need for Main Street to be paved and reduce the truck traffic, and the condition of the cemetery fence, noting it is a gateway to our community and is in disrepair. Beets noted that CL&P is awaiting the arrival of the bulbs and will replace all the bulbs within the next 2 weeks with these "more reliable" bulbs.

Leo Santucci, is glad the noise ordinance was approved and will be going into effect, but noted that we don't need a noise ordinance to enforce traffic violations i.e.: speeding. He also noted that 50% of the property in the Service District is not taxed.

Larry Kellog, would like to see a line by line education budget.

Lori Jeffers, would like to see a re-vote on the Magnet School. She noted a problem with the timing of the traffic light at the intersection of High and Main Streets, and feels the number of garbage cans for multi-family housing should have been confirmed prior to accepting the contract.

Peter Quercia, questioned how garbage cans will be emptied if cars are parked in the way. He also noted that paying more for a teacher doesn't make a good teacher, and that he would like to continue work on the street sign painting. Mr. Quercia stated that while he was out working with the Census he visited properties and people complained because a lot of the street signs were missing.

Lorraine McDevitt, expressed her disappointment with Stop and Shop backing out of their proposal and feels that cars leaving the Stop & Shop gas station to go into the parking lot via the sidewalk is an accident waiting to happen.

Jerry Iazzetta, agrees with Jeffers regarding the light, noting he feels it is the Bridge Street light that is off and causing the back up in traffic and requested the Town Manager ask the Town Engineer to contact DOT.

Bernard D'Auteuille, requested that the Board of Education and Magnet School meetings be televised, and suggested the Town use the Juvenile Court as a detention Center for students that have been suspended or are in detention.

4. Adoption of Minutes

- a. Discussion and possible action to adopt the April 20, 2010 Town Council Public Hearing minutes.
McDevitt MOVED, Haynes seconded, to adopt the April 20, 2010 Town Council Public Hearing minutes. MOTION PASSED with all in favor except Lenard, Rivera and Iazzetta who abstained.
- b. Discussion and possible action to adopt the April 20, 2010 Town Council meeting minutes.
Iazzetta MOVED, Underwood seconded, to adopt the April 20, 2010 Town Council meeting minutes. MOTION PASSED with all in favor except Rivera who abstained.

5. Resignations

None.

6. Appointments

- a. Discussion regarding request from Peter Quercia to be appointed to several committees
Iazzetta disqualified himself. Several members expressed concern over the potential for a conflict of interest due to the ongoing issues raised surrounding the painting of street signs and disagreements with several staff members and Town Council members. No action was taken.

7. Presentations & Special Reports

None.

8. Mayor's Report

Mayor Eldridge reported on the following noteworthy items: Luv-Ur-Pet Event; Windham Chamber of Commerce Awards; Generations ground breaking; Rotary Club "Roaring 20's Party" to support the purchase of "Sasha" the new police dog purchased by the Rotary Club; Service Expo at ECSU; Best Windham Business awarded to Willi Brewing Company.

9. Town Manager's Report

Town Manager, Neal Beets reported on the following noteworthy items: Coventry RFP for electricity; Anita Sebastian read the first proclamation at the Little League games on Sunday; PW laid footings for the new score board and batting cages and did a wonderful job grooming the fields; the new Generations Building will be a 7 million building and will create approximately 100 trade jobs during construction; the cemetery fence pieces are done being fabricated and will begin to be installed shortly, then removal of lead paint will begin and hopefully be painted and complete by the end of summer.

Howe thanked Beets for the updates and questioned if there has been any resolution to the sneakers on street wires, Beets noted that CL&P will continually work on this and asked that residents let the Town know about locations.

10. Discussion and Review of Communications

Noted.

11. Resolutions and Ordinances

- a. Discussion and possible action to adopt a resolution for the CDBG application to the State of Connecticut for \$300,000 for a Small Cities Community Development Program.
Iazzetta MOVED, McDevitt seconded, to waive the reading of the resolution. MOTION PASSED UNANIMOUSLY.
Iazzetta MOVED, to adopt resolution # 2497.

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

(Governing Body)

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
(State Statutory Reference)

2. That the filing of an application for State financial assistance by
Town of Windham

(Municipality)

in an amount not to exceed \$ 300,000 is hereby approved and that

Neal Beets, Town Manager

(Title and Name of Authorized Official)

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

(Municipality)

3. That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Act 07-142, and for which purposes the “contractor” is Town of Windham and “contract” is said Assistance Agreement:
(Name of Municipality)

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.

Underwood seconded the motion. MOTION PASSED UNANIMOUSLY.

- b. Discussion and possible action to adopt a resolution adopting the CDBG Program Income Plan and Program Reuse Income Plan.

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

Iazzetta MOVED, to adopt resolution # 2498.

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 three responses 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.

McDevitt seconded the motion. MOTION PASSED UNANIMOUSLY

- c. Discussion and possible action to adopt a resolution to contract with Peter Huckins, Community Consulting for the Town's Small Cities Community Development Activities.
Underwood MOVED, to adopt resolution # 2499.

BE IT RESOLVED by the Town Council THAT

WHEREAS, 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 Community Development Block Grant Program.

WHEREAS, The Town of Windham will generate Program Income from it's Housing Rehabilitation Program;

NOW, THEREFORE, BE IT RESOLVED by the Windham Town Council that the following Program Income Plan and Program Reuse Income Plan is hereby approved and further authorizes, Town Manager Neal 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. All eligible applicants will receive a loan that is one hundred percent (100%) deferred until the property transfers ownership.

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 this 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 Beets, Town Manager

Typed Name of Authorized Official

Date

Iazzetta seconded the motion. MOTION PASSED UNANIMOUSLY

12. Reports of Committees, Boards and Commissions

- a. Administration & Finance, Health and Human Services Sub Committee
Chairman Donohue noted a meeting this week; vacancies on the Ad-Hoc Open Government Committee; new Feedback forms for Town Hall.
- b. Public Safety, Recreation and Public Works Sub Committee
Chairman Iazzetta noted a meeting on 5/28/10.

13. Old Business

None.

14. New Business

- a. Discuss and consider approving contract award to lowest responsible and responsive bidder for improvements to Public Works Maintenance Facility.
Iazzetta MOVED, Howe seconded, to award the contract to Ivan Construction in the amount

of \$37,425.00 for improvements to the Public Works Maintenance Facility. MOTION PASSED UNANIMOUSLY.

15. Future Agenda Items

Report from Magnet School Committee at the next meeting.

16. Citizens and Delegations

Lori Jeffers, expressed displeasure with Generations building at that location; wants to know how many garbage cans per multi-family; suggested the Town look at Franklin, Pennsylvania's downtown.

Kevin Hoxie, feels the middle school is out of control and like D'Auteuille's suggested use for the old courthouse to help the troubled kids.

Charlie Pennewell, suggested students from ECSU pay for parking permits to park in the city. James Handfield, questioned if the Public Works Department has done any of the street signs since the grievance, and suggested the Council sit down with the union, Wojick and Quercia to get these signs done.

17. Adjournment

Iazzetta MOVED, Haynes seconded, to adjourn the Town of Windham Town Council at 8:19 p.m. MOTION PASSED UNANIMOUSLY.

Submitted By:

Jessie L. Shea
Clerk of the Town Council