

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, October 19, 2010 - 7:00 P.M.



1. Call to Order

Mayor Eldridge called the Town of Windham Town Council meeting to order at 7:00 pm

Town Council members present: Mayor Ernest S Eldridge, Kevin Donohue, Erika Haynes, Jerry Iazzetta, Lorraine McDevitt, Arnaldo Rivera, Teresa Santucci, N. Joseph Underwood, Christel Donahue

Town Council members excused: David Howe Sr. and Mike Lessard

Town Manager Neal Beets was also in attendance.

2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance

3. Citizens and Delegations

Dawn Niles, North Windham, gave an update on the HeartSafe Committee. She thanked Mayor Eldridge and Town Manager Neal Beets for having the signs put up. She also mentioned that in the month of February in honor of Valentine's Day, the committee would be holding certification/re-certification classes for Town of Windham staff. The committee will also be holding classes for people who live or work in Windham at all 4 Fire Departments throughout the month. The certification is for 2 years and there will be a \$5.00 donation to the committee. She also thanked Mayor Eldridge, Mr. Beets and Tom Pesce for getting the money from the State for the train derailment.

Jean deSmet, expressed her concerns with the Mitlitsky's business. She stated the Mitlitskys distribute to Tennessee, Michigan and Pennsylvania and as the power point showed this is not an egg business but a commercial business. She doesn't want the residents to allow the Attorneys to intimidate them. She believes we have a good land Attorney in Mr. Cody and we should use every appeal possible. She questioned whether Shipman & Goodwin worked for any Town departments, such as the Board of Education. She noted that Lebanon is receiving the tax revenue and she feels the Town needs to protect its residents and taxpayers. She is in favor of passing the ordinance.

Leo Santucci, 74 Windham Street, feels the quality of life is the issue and a noise ordinance has been passed, however it is not being enforced. He gave an example of a loud Domino's Pizza delivery vehicle going back and forth through town and would like the Police to follow up on this.

Lori Jeffers, believes that Councilman Underwood has ties to Pinnacle One therefore he should not be on the Magnet School Board. Mr. Underwood explained he has nothing at all to do with Pinnacle One. Ms. Jeffers would like a revote on the Magnet School.

Ann King, read 4 of the 5 letters for the record from concerned residents on Pleasant Street and Card Street regarding the Mitlitsky's business. They are in favor of passing the ordinance. (Attachment A)

Tom DeVivo, would like a sign posted on the door that no cell phones are allowed in the meeting room because it is too distracting. He asked to be added to the agenda for purposes of making a report on the Magnet School. He also thanked Lorraine McDevitt for asking him to speak as a caregiver for Relay for Life.

Peter Quercia, Willimantic, feels the residents of Pleasant Street and Card Street have legitimate concerns regarding the Mitlitsky's business. He stated that since we've passed the noise ordinance we should stick to it and start enforcing it. He thinks there are things we aren't being told about the Magnet School and he is afraid the State may pull the money. He has bad vibes about this.

Jerry Iazzetta, South Windham, noted that when the fire inspection was done on Clark Street there were no smoke detectors in place. Mr. Iazzetta stated that our enforcement people are doing a great job however he believes they dropped the ball on this one.

4. Adoption of Minutes

a. **Discussion and possible action to adopt the September 21, 2010 Town Council Public Hearing minutes.**

Underwood MOVED, Santucci seconded, to adopt the September 21, 2010 Town Council Public Hearing minutes. MOTION PASSED UNANIMOUSLY.

b. **Discussion and possible action to adopt the September 21, 2010 Town Council regular meeting minutes.**

Underwood MOVED, Rivera seconded, to adopt the September 21, 2010 Town Council regular meeting minutes with the following amendment: Under Item 13a remove the sentence and replace it with "Discussion took place regarding the memo from BSC Group dated January 29, 2010 regarding Tuckie Road traffic report that pertained to turning and bypass lanes." MOTION PASSED UNANIMOUSLY.

c. **Discussion and possible action to adopt the October 5, 2010 Town Council Public Hearing minutes.**

Underwood MOVED, McDevitt seconded, to adopt the October 5, 2010 Town Council Public Hearing minutes. All in favor with One Abstention from Iazzetta. MOTION PASSED.

d. **Discussion and possible action to adopt the October 5, 2010 Town Council regular meeting minutes.**

Iazzetta MOVED, Underwood seconded, to adopt the October 5, 2010 Town Council regular meeting minutes. MOTION PASSED UNANIMOUSLY.

5. Resignations

NONE.

6. Appointments

NONE.

MOTION: McDevitt MOVED, Underwood seconded, to add Tom DeVivo to the agenda under Presentations & Special Reports. All in favor with One Abstention from Iazzetta.
MOTION PASSED.

7. Presentations & Special Reports

a. Tom DeVivo reported on the Inter District Magnet School Building Committee

Mr. DeVivo gave a brief report on the Magnet School. The committee met with the State in September and everything is on track. Appraisals have begun as well as some clearing and soil analysis. He also met with Mr. Beets and Mr. Pesce to discuss contracts. A public presentation is being prepared, however it is not quite ready. Mr. Iazzetta asked what the maximum cost would be. Mr. DeVivo explained he did not have the cost of the full project. McDevitt asked for clarification on the companies involved. Mr. DeVivo said there were no contracts with Pinnacle One. The contract is with Arcadis.

8. Mayor's Report

Mayor Eldridge reported on the following items: the Co-op Art Festival was very successful; Clark Street fire-Thanks to all Fire Dept's & personnel, Apologized for not being able to attend Relay for Life, had other commitments. McDevitt added that the Relay was a tremendous success and \$145,000 had been collected with 1279 survivors walking. She is very proud of our community and the support given by Willimantic Waste, Wile Motors, Bacon's Funeral Home, ECSU, etc.

9. Town Manager's Report

a. Update on proposed Blight and Housing Code ordinances

Mr. Beets reported that at the Public Hearing many concerns were heard with regards to the Blight and Housing Code Ordinance. The Town Attorney and the Zoning Enforcement Officer have since met and are working to rewrite certain areas of the ordinance pertaining to the vegetation and paint provisions. A second meeting will take place in November.

Mr. Beets also reported that the Town did a Bond Refinance-\$5 million of existing debt @ 3% interest over a 5 to 6 year period, a saving of \$261,000 to the taxpayers. Some bonds were also sold. The Town rating is Aa3, which is exceptional for Windham. Our newsletter has been prepared, published and distributed. The Town did not incur any charges for this. Mr. Beets thanked Mr. Crosbie for his help.

10. Discussion and Review of Communications

NONE.

11. Resolutions and Ordinances

a. Discussion and possible action to adopt an ordinance regarding the naming of town property.

Underwood MOVED, Haynes seconded, to waive the reading. MOTION FAILED with all in favor except McDevitt, Rivera, Santucci, C. Donahue, Iazzetta and Eldridge who opposed.

Mr. Underwood MOVED, Haynes seconded, to adopt ordinance # 2518.

BE IT ORDAINED by the Town Council THAT

An Ordinance of the Windham Town Council Establishing Article VI. Town Property Naming Policy and Process; Created in Chapter 2 of Title Administration of the Windham Town Code.

1. New Article VI. Town Property Naming Policy and Process in Chapter 2 of Title Administration of the Windham Town Code is adopted as follows:

Section 2-122. Purpose:

This ordinance provides mandatory requirements for determining the name of Town parks, roads, recreation facilities, memorials, auditoriums, and buildings or facilities owned, possessed, acquired, built, established or installed by the Town, including all Town property under the operational control of the Board of Education, Water Pollution Control Authority, and Water Commission.

Section 2-123. Policy:

A. Public Parks, roads, recreation facilities, memorials, auditoriums, buildings and facilities (“Public facility” or “Public facilities”) are enduring and visible elements of a community. The selection of a name for a Public facility must be done with care and concern and reflect the community spirit and nature.

B. It is the policy of the Town to choose names for Public facilities based upon the site’s relationship to the following criteria:

1. Neighborhood, geographic or common usage identification;
2. A historical figure, place, event or other instance of historical or cultural significance;
3. Natural or geological features;
4. An individual (living or deceased) who has made a significant land and/or monetary contribution to the Town or who has had the contribution made “in memoriam” and when the name has been stipulated as a condition of the donation; or

5. An individual who has contributed outstanding civic service to the Town and who has been deceased for a period of at least one year.

Section 2-124. Committee Responsibility:

The responsibility and prerogative to recommend a name for a Public facility is hereby vested in the Town Council Subcommittee for Administration, Finance, Health and Human Services, or the successor subcommittee to that body, hereafter “the Committee.”

Section 2-125. Application:

A. For a name to be considered for a Public facility, a detailed resume and justification, as applicable, must be submitted in writing to the Committee which, at minimum, must include, 1) if a person, the contribution of the honoree(s) to the Windham community, 2) the connection between the proposed name(s) and the purpose to which the facility is being dedicated and 3) the historical or geographical significance, if any, of the proposed name(s).

B. Naming proposals shall also describe a format for displaying the name commemorating the honoree(s), shall describe the proposed funding and funding source for naming signage or other forms of memorials, and shall describe any recommended ceremonial activities for the naming or dedicating of the Public facility.

Section 2-126. Public Hearing:

A. The Committee shall notice and conduct a Public Hearing to receive public comment and input before making a written naming recommendation to the Town Council.

B. Following the Public Hearing the Committee’s written recommendation to the Town Council shall contain, at minimum,

1. the name(s) to be associated with the Public facility,
2. the reason for the selection,
3. the preferred means of presenting and displaying the selected name(s), and
4. the funding amount and source for naming signage or memorials.

Section 2-127. Designation of Name by Town Council:

A. The Town Council shall designate the name of all Public facilities.

B. To accept a name, the Town Council shall take two votes. The first will be by motion to accept, modify, or reject the recommendation of the Committee. The motion must be approved by the affirmative vote of two thirds of those present and voting. If the name is approved, the second and final vote on the name shall be tabled until after the next general municipal election. Upon election and the taking of office, the Town Council shall place on one of its first three agendas a vote to approve the name. The motion to approve the name must garner the affirmative vote of two thirds of those present and voting.

Section 2-128. Road Names and other special cases:

Notwithstanding all other provisions of this ordinance and Town Code, this section shall apply to all Town Roads or other Public facilities whose name is necessary without delay in order to serve public safety or provide public direction. In such cases, the Town road or other special Public facility shall be named through one motion of the Town Council adopted by a simple majority of those present and voting. A recommended name or names for such Town road or other Public facility under this section shall be forwarded for consideration to the Town Council by a developer and Town staff, as applicable.

Section 2-129. Enforcement:

No public funds shall be expended on naming signage or memorials for Public facilities except after compliance with this ordinance. Any person who violates this ordinance shall be personally liable for treble the cost of the illegal signage and memorials, as well as for all costs to enforce this ordinance and to correct the violation.

2. Effective Date:

This Ordinance shall be published pursuant to the Charter and unless repealed by initiative this Ordinance shall be effective 30 days after the date of publishing.

Santucci MOVED, McDevitt seconded, to amend Section 2-127 B from two votes to a single vote by Town Council and approved by a 2/3 vote of those present. The language will read as follow on section 2-127 B: B. To accept a name, the Town Council shall take one vote. The motion must be approved by the affirmative vote of two thirds of those present and voting. MOTION PASSED with all in favor of the amendment with the exception of Iazzetta who opposed.

ORIGINAL MOTION PASSED with amendments with all in favor except Iazzetta who opposed.

The ordinance will read as follow with amendments:

Mr. Underwood MOVED, Haynes seconded, to adopt ordinance # 2518.

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B. It is the policy of the Town to choose names for Public facilities based upon the site’s relationship to the following criteria:

1. Neighborhood, geographic or common usage identification;
2. A historical figure, place, event or other instance of historical or cultural significance;
3. Natural or geological features;
4. An individual (living or deceased) who has made a significant land and/or monetary contribution to the Town or who has had the contribution made “in memoriam” and when the name has been stipulated as a condition of the donation; or
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Windham community, 2) the connection between the proposed name(s) and the purpose to which the facility is being dedicated and 3) the historical or geographical significance, if any, of the proposed name(s).

B. Naming proposals shall also describe a format for displaying the name commemorating the honoree(s), shall describe the proposed funding and funding source for naming signage or other forms of memorials, and shall describe any recommended ceremonial activities for the naming or dedicating of the Public facility.

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A. The Committee shall notice and conduct a Public Hearing to receive public comment and input before making a written naming recommendation to the Town Council.

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2. the reason for the selection,
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Section 2-129. Enforcement:

No public funds shall be expended on naming signage or memorials for Public facilities except after compliance with this ordinance. Any person who violates this ordinance shall be personally liable for treble the cost of the illegal signage and memorials, as well as for all costs to enforce this ordinance and to correct the violation.

2. Effective Date:

This Ordinance shall be published pursuant to the Charter and unless repealed by initiative this Ordinance shall be effective 30 days after the date of publishing.

b. Discussion and possible action to adopt an ordinance relating to setting a weight limit for vehicles on Card Street.

Iazzetta MOVED, Rivera seconded, to adopt the following ordinance:

BE IT ORDAINED by the Town Council THAT

Sec. 8-51. Card Street

- (a) Load Limitations: No person shall operate any vehicle on Card Street having a gross weight in excess of twenty thousand (20,000) pounds unless such person is engaged on a trip with an origin or destination on Card Street within the Town of Windham
 - (b) Violation: Any violations of the provisions of this article shall subject the violator to a fine of not more than ninety-nine (99) dollars.
 - (c) Provisions: the provisions of this article shall not apply to vehicles owned or operated by the Town of Windham and any emergency /fire department vehicle.
- (Ord. of 11-8-06)

MOTION FAILED with all but McDevitt, Santucci and Iazzetta in favor.

c. Discussion and possible action to adopt a resolution authorizing Town Manager Neal Beets to contact the appropriate agencies regarding setting a weight limit for vehicles on Card Street.

McDevitt MOVED, Haynes seconded, to adopt resolution # 2519.

BE IT RESOLVED by the Town Council THAT

That the Town Manager is directed to investigate truck traffic restrictions and prohibitions on Card and Pleasant streets, and, where he determines it to be legally necessary, to request the State Traffic Commission to impose such restrictions or prohibitions in the interest of public safety; and at the same time to investigate the Town taking other measures, including the erection of street signs and the enforcement of existing laws, to reduce or eliminate the adverse effects of the truck traffic, like noise, dust and other pollution, upon persons who live on these streets.

Haynes MOVED, Donohue seconded, to amended the resolution to add that the Lebanon Planning & Zoning Commission decision be investigated and the word

safety to be included in the last sentence of the resolution. MOTION PASSED with all in favor except McDevitt who opposed.

Santucci MOVED, Haynes seconded, to amend the resolution to add time frames of 90 days for a status report update from the State and for the ordinance to be put back on the agenda in 150 days. MOTION PASSED with all in favor except McDevitt, Underwood and Iazzetta who opposed.

ORIGINAL MOTION PASSED with amendments with all in favor except Iazzetta and McDevitt who opposed.

The resolution will read as follow with amendments:

BE IT RESOLVED by the Town Council THAT

That the Town Manager is directed to investigate truck traffic restrictions and prohibitions on Card and Pleasant streets, and, where he determines it to be legally necessary, to request the State Traffic Commission to impose such restrictions or prohibitions in the interest of public safety; and at the same time to investigate the Town taking other measures, including the erection of street signs and the enforcement of existing laws, to reduce or eliminate the adverse effects of the truck traffic, like noise, dust, safety and other pollution, upon persons who live on these streets.

That the Lebanon Planning & Zoning Commission decision be investigated and to give the Town Manager a time frame of 90 days for a status report update from the State and for the ordinance to be put back on the agenda in 150 days.

12. Reports of Committees, Boards and Commissions

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

No Quorum. Special meeting on October 27, 2010

b. Public Safety, Recreation and Public Works Sub Committee

Mr. Iazzetta questioned the bid process and time constraints facing the committee.

Mr. Beets was given approval from the Council to enter into contracts.

13. Old Business

NONE.

14. New Business

NONE.

15. Future Agenda Items

None noted.

16. Citizens and Delegations

Lori Jeffers, stated Mr. Underwood did indeed say he had ties to Pinnacle One; Magnet School lots are not landlocked therefore why should owner be allowed to subdivide. Ms. Jeffers has attended many of the Magnet School meetings and would like a revote on the School for the sake of the children.

Mary Lou DeVivo, wants to continue living in Windham and would like to see Senior Housing not only for lower income people but for all people. She would like the Town to start looking at this and encourages them to speak to developers. Masonic Care is one of many developers who provide Senior Housing.

Henry Crane, questioned the person video taping the meeting. He believes it may intimidate people and they may not speak openly. He feels that if the Mitlitsky's have a building permit they may continue with the building and the Town should fight it. It is money well spent.

Richard Drena, noted that by the Lebanon Planning & Zoning decision it is not only the quality of life as much as the safety of the public. He is not against the Mitlitsky's but is concerned for the public's safety.

Jerry Iazzetta, thinks the Town's decision tonight was to do nothing. We have a responsibility to our residents. We should have passed the ordinance.

Mayor Eldridge turned the meeting over to Mr. Underwood.

Mayor Eldridge, clarified that he did not vote to pass the ordinance because he feels if a weight limit is set it should be for all trucks not just those coming out of Lebanon.

Mayor Eldridge took back control of the meeting from Mr. Underwood.

Lorraine McDevitt, questioned whether it was legal for the gentleman to videotape the meeting.

Tom DeVivo, affirmed the taping was legal and the meetings regarding the Windham Mills had also been taped.

17. Adjournment

Santucci MOVED, McDevitt seconded, to adjourn the Town of Windham Town Council meeting at 9:08 p.m. MOTION PASSED UNANIMOUSLY.

Submitted By:

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