

**TOWN OF WINDHAM  
TOWN COUNCIL**

**WINDHAM TOWN HALL MEETING ROOM**

**DECEMBER 1, 2009**

**MEETING MINUTES**

**1. Call to Order**

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

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

Town Council members absent: Kevin Donohue

Staff Present: Neal J. Beets, Town Manager

**2. Citizens and Delegations**

Jean Chaine, Windham Center, nominee for the Planning & Zoning Commission was present to answer any questions the Council might have.

Tom White, expressed his opposition to serving alcohol in a Town building, feeling it opens the Town up for law suits. He stated if it is allowed, the occupant should hire license bartenders and the Town should ensure adequate insurance coverage by the occupant.

Randy Goss, Chairman of the W.P.C.A., introduced himself and invited Council members to stop down any time to see the update project at the plant.

Nicole Bangs, Windham Middle School Teacher, and nominee for the Magnet School Committee was present to answer any questions the Council might have.

Tom Millerd, North Windham, expressed his opposition to serving alcohol in a Town building, feeling it opens the Town up for law suits. He stated that when he was on the Board of Selectman the idea of utilizing the upstairs was for a meeting room. Millerd feels allowing functions upstairs takes away from social clubs in the area.

James Finger, Town Planner, noted that due to a mis-communication, Robert Horrocks, a senior member of the Zoning Commission did not get his paperwork in for eligibility on the new Planning and Zoning Commission.

Shirley Mustard, Willimantic, congratulated the new Town Council and stated that she feels very optimistic about the future of Windham. She noted the WVNA open house at Doug and Claire Lary's home on Sunday 12/13/09.

Daniel McMullen, stated the MEUI contract has been reached and encouraged the Town Council to approve it.

Bev York, South Windham, requested the Town Council allow serving alcohol on a case by case basis, noting it is a big part of fundraising for non-profits.

Steve Kenton, President of the Windham Textile Museum, stated that he is distressed over all the issues Windham faces with the infrastructure, education and budget and serving alcohol in a Town building is the first issue the Town Council is spending its energy on.

Curtis Ehler, 376 Pleasant Street, nominee for the Planning & Zoning Commission was present to answer any questions the Council might have. He also stated that he feels alcohol should not be allowed in Town buildings.

Lynn Duvall, asked for clarification if the vote is for all Town properties or just Town Hall. She also stated that they provide insurance and licensed bartenders for the events and without an event center to hold fundraisers, the museum will be unable to survive. She urged the Town Council to allow events with alcohol on a case by case basis.

John Monihan, endorsed Curtis Ehler for the PZC, and expressed his opposition to serving alcohol in a Town building.

David Fenn, Windham, supports Curtis Ehler and getting youth in Town involved.

Sue Humes, Willimantic, clarified that Fire and Police have to sign on State issued liquor permits, and stated she thinks it's unreal to expect non-profits to hold events without alcohol.

Pam Horrocks, Willimantic, feels the ballroom is beautiful and can't believe that it would be used for anything other than events and encouraged the Council to allow alcohol in Town Buildings on a case by case basis.

Doug Lary, Willimantic, member of the Ethic Board informed the Council that they currently have complaints before the Board and is wondering what the status of the Board is. Mayor Eldridge responded that he is still working on populating the board.

Charlie Kratt, endorsed Curtis Ehler for the PZC, and expressed that serving alcohol in a Town building should be approved on a case by case basis.

Lori Jeffers, Chairman of the Republican Town Committee, asked for a re-vote of the Magnet School, noting fiscally this is not the time to build it.

Leo Santucci, Willimantic, is in favor of serving alcohol in the Town Buildings to allow for fundraising for non-profits.

Bernard D'Auteille, Willimantic, noted that the Windham Relay For Life is the #1 per capita in the United States for fundraising of all the Relay For Life's across the country, noting that this was all raised without alcohol. He feels if \$180,000 can be raised without the use of alcohol the local non-profits can find other ways and send a positive message to the children of our community.

Mayor Eldridge noted that Horrocks should have sent in his paperwork and did not want anyone to think it was the fault of James Finger, Town Planner.

Council Member Lorraine McDevitt noted that the public safety fees ordinance for the use of Police, Fire and ambulance will be forwarded to the Town Council for the next meeting.

### **3. Adoption of Minutes**

- a. Discussion and possible action to adopt the November 17, 2009 meeting minutes  
Iazzetta MOVED, Underwood seconded to adopt the November 17, 2009 meeting minutes. MOTION PASSED UNANIMOUSLY.

### **4. Resignations**

Noted.

### **5. Appointments**

Underwood MOVED, Iazzetta seconded to approve items a-d, f-l, and o. MOTION PASSED UNANIMOUSLY.

- a. Discussion and possible action to appoint Steven Edelman to the Board of Assessment Appeals with term ending 11-22-2011  
See motion above.
- b. Discussion and possible action to appoint Axel Oschmann to the Conservation and Open Space Commission as a full member with term ending 01-01-2013  
See motion above.
- c. Discussion and possible action to appoint Dawn Niles to the HeartSafe Committee as the Windham Center Fire Department representative  
See motion above.
- d. Discussion and possible action to appoint Nicole Bay to the Inter District Magnet School Committee  
See motion above.

- e. Discussion and possible action to appoint Norman J. Allard Jr. to the Planning and Zoning Commission as a full member and Chairman with term beginning on December 28, 2009 and ending December 28, 2013  
Iazzetta MOVED, Rivera seconded, to appoint Norman J. Allard Jr. to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2013. MOTION PASSED with all in favor except Mayor Eldridge who was opposed.
- f. Discussion and possible action to appoint Curtis Ehler to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2013  
See motion above.
- g. Discussion and possible action to appoint Claire M. Lary to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2012  
See motion above.
- h. Discussion and possible action to appoint Paula L. Stahl to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2012  
See motion above.
- i. Discussion and possible action to appoint Victor L. Rayhall to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2012  
See motion above.
- j. Discussion and possible action to appoint Jean A. Chaine to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2011  
See motion above.
- k. Discussion and possible action to appoint Dawn M. Niles to the Planning and Zoning Commission as a full member with term beginning on December 28, 2009 and ending December 28, 2011  
See motion above.
- l. Discussion and possible action to appoint Robert Golas to the Ambulance Service Study Committee as the 2nd Willimantic Fire Department Union Representative  
See motion above.
- m. Discussion and possible action to appoint Lorraine M. McDevitt as Chairman, Jerry Iazzetta, Arnaldo Rivera, Teresa S. Santucci and David J. Howe Sr. to the Town Council Public Safety, Recreation and Public Works Sub Committee  
Iazzetta MOVED, Rivera seconded, to appoint Lorraine M. McDevitt, Jerry Iazzetta, Arnaldo Rivera, Teresa S. Santucci and David J. Howe Sr. to the Town Council Public Safety, Recreation and Public Works Sub Committee. MOTION PASSED UNANIMOUSLY.
- n. Discussion and possible action to appoint N. Joseph Underwood as Chairman, Kevin C. Donohue, Mike M. Lessard, Christel K. Donahue and Erika L. Haynes to the Town Council Administration & Finance, Health and Human Services Sub Committee  
Iazzetta MOVED, Howe seconded, to appoint N. Joseph Underwood, Kevin C. Donohue, Mike M. Lessard, Christel K. Donahue and Erika L. Haynes to the Town Council Administration & Finance, Health and Human Services Sub Committee. MOTION PASSED UNANIMOUSLY.
- o. Discussion and possible action to appoint Christel K. Donahue to the Windham/Eastern Community Action Network WE/Can as the Town Representative  
See motion above.

## **6. Presentations & Special Reports**

- a. Mary Lou DeVivo regarding "Windham Reads" banners  
Underwood MOVED, Iazzetta seconded, to table item until later in the meeting.  
MOTION PASSED UNANIMOUSLY.

## **7. Mayor's Report**

Mayor Eldridge reported that he has visited the Thirsty Frog regarding the noise issue and feels with Matthew Vertefeuille, Director of Code Enforcement's assistance the issue has been addressed. He also noted there will be a Magnet School status update meeting with Department Heads and Board of Education, and will report to the Town Council at the first meeting of the month.

## **8. Town Manager's Report**

Town Manager, Neal Beets referred to his November 21, 2009 Town Manager's Department Head meeting minutes and highlighted his expectations of staff and department issues. He also noted the following items of importance: fence at the cemetery that was damaged by a motorist won't be fixed until spring noting they have contacted the motorist's insurance company regarding compensation; status of the sale of YMCA, Windham House and Nathan Hall.

## **9. Discussion and Review of Communications**

- a. Letter from Attorney General Richard Blumenthal in response to First Selectman Jean de Smet's letter dated October 17, 2009 regarding sidewalks within the state highway right of ways.  
Town Manager, Neal Beets summarized the letter stating that the Town is responsible.

## **10. Resolutions and Ordinances**

- a. Discussion and possible action to adopt a resolution authorizing Town Manager Neal J. Beets to sign contract with the State of Connecticut Department of Social Services  
Iazzetta MOVED, to adopt resolution # 2467.

BE IT RESOLVED by the Town Council THAT

The Town Manager, Neal J. Beets, is empowered to enter into or amend contractual instruments in the name and on behalf of the Town of Windham, with the Department of Social Services of the State of Connecticut for the Windham Willimantic Child Care and Family Development Program, Inc. if such an agreement is offered and to have the corporate seal affixed to all documents required as a part of any offered agreement.

Underwood seconded the motion. MOTION PASSED UNANIMOUSLY.

- b. Discussion and possible action to adopt a resolution regarding ad-hoc and regular committees  
McDevitt MOVED, to adopt resolution # 2468.

BE IT RESOLVED by the Town Council THAT

Any regular and/or ad-hoc committees that are in affect and as the membership consist of a Board of Selectmen representative the Town Clerk is authorized to change it to say Town Council representative. In any case where it states First Selectman the Town Clerk can change it to say Town Mayor.

Iazzetta seconded the motion. MOTION PASSED UNANIMOUSLY.

- c. Discussion and possible action to adopt a resolution extended the time for the Ambulance Service Study Committee

Donahue MOVED, to adopt resolution # 2469

BE IT RESOLVED by the Town Council THAT

The Ambulance Service Study Committee is extended until March 2010.

Underwood seconded the motion. MOTION PASSED UNANIMOUSLY.

- d. Discussion and possible action to adopt a resolution amending resolution #2406 regarding the members on the Capital Improvement Plan Committee

McDevitt MOVED, to adopt resolution # 2470

BE IT RESOLVED by the Town Council THAT

The Capital Improvement Plan Committee (CIP) resolution # 2406 that was adopted by the Board of Selectmen on December 2, 2008 be amended as follow:

4 members of the Board of Selectmen (Each Chairman of the Standing Committees) would be replaced by the Chairman of each Town Council sub committee.

This is effective immediately.

Iazzetta seconded the motion. MOTION PASSED UNANIMOUSLY.

- e. Discussion and possible action to adopt a resolution dissolving the Windham Mills State Heritage Park Committee, Ad-Hoc Signage Design Review Team and the Windham Renewable Energy Committee

Rivera MOVED, to adopt resolution # 2471.

BE IT RESOLVED by the Town Council THAT

The following committees be dissolved immediately:

Windham Mills State Heritage Park Committee  
Ad-Hoc Signage Design Review Team  
Windham Renewable Energy Committee

McDevitt seconded the motion. MOTION PASSED UNANIMOUSLY.

- f. Discussion and possible action to adopt a resolution regarding Town Council standing rules

Iazzetta MOVED, to adopt resolution # 2472.

BE IT RESOLVED by the Town Council THAT

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

Lessard seconded the motion. MOTION PASSED UNANIMOUSLY.

- g. Discussion and possible action to adopt a resolution regarding conveyance tax  
Underwood MOVED, to adopt resolution # 2473.

BE IT RESOLVED by the Town Council THAT

The Town Clerk's Office is hereby directed to collect additional conveyance tax authorized by Chapter 223, Sec. 12-494(c) thereby allowing an additional tax on each deed, instrument or writing, whereby any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration for the interest of property conveyed equals or exceeds two thousand dollars, which additional tax shall be at the rate of one-fourth percent of the consideration for the interest in real property conveyed by such deed, instrument or writing.

Rivera seconded the motion. MOTION PASSED UNANIMOUSLY.

- h. Discussion and possible action to adopt a resolution to authorize the Town Manager to sign a grant application of \$10,000.00 for the Windham Textile and History Museum  
Santucci MOVED, to adopt resolution # 2474.

BE IT RESOLVED by the Town Council THAT

Whereas: The Town of Windham has a rich cultural and historical resource that could be used in promoting the economic development of the community, and

Whereas: the Windham Textile and History Museum is a Town owned building housing such cultural and historical resources,

Whereas: the Connecticut Trust for Historic Preservation provides funding to communities through Historic Preservation Technical Assistance grant program that would be necessary to examine Town owned building to evaluate the need for preservation and rehabilitation;

Now, therefore, be it hereby resolved by the Town Council, that the Town Manager be authorized to file an application for financial assistance on forms prescribed by the Connecticut Trust for Historic Preservation for financial assistance, in an amount not to exceed \$10,000 or the maximum available, and upon approval said request to enter into and execute a Grant Contract with said agency for such financial assistance to the Town of Windham for the evaluation and study of the need for rehabilitation and repair of the Windham Textile and History Museum.

McDevitt seconded the motion. MOTION PASSED UNANIMOUSLY.

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

None.

## **12. Old Business**

- a. Discussion and possible action regarding whether or not to allow the serving of alcohol in Town buildings  
After extensive discussion Iazzetta MOVED, Santucci seconded, to instruct the Town manager to create a draft copy of criteria to allow alcohol to be served in Town buildings and property on a case by case basis based on the criteria for adoption by the Town Council at the next meeting. MOTION PASSED with all in favor except Howe and Mayor Eldridge.

### **13. New Business**

- a. Discussion and possible action to set a public hearing for December 10, 2009 at 6:00 p.m. in the Windham Middle School Auditorium, to hear public comment on the application from the Windham Textile and History Museum to serve alcohol at the Snowball on January 16, 2010  
McDevitt MOVED, Rivera seconded, to set a public hearing for December 10, 2009 at 6:00 p.m. in the Windham Middle School Auditorium, to hear public comment on the application from the Windham Textile and History Museum to serve alcohol at the Snowball on January 16, 2010, MOTION PASSED UNANIMOUSLY.
- b. Discussion and possible action to approve the union agreement between the Town Council and the Municipal Employees Union "Independent" (MEUI) Local 506 from July 1, 2009 to June 30, 2012  
McDevitt MOVED, Underwood seconded, to approve the union agreement between the Town Council and the Municipal Employees Union "Independent" (MEUI) Local 506 from July 1, 2009 to June 30, 2012. MOTION PASSED UNANIMOUSLY.
- c. Discussion and possible action to approve the union agreement between the Town Council and the Teamsters (WPCA), Local 493 from July 1, 2009 to June 30, 2012  
Iazzetta MOVED, McDevitt seconded, to approve the union agreement between the Town Council and the Teamsters (WPCA), Local 493 from July 1, 2009 to June 30, 2012. MOTION PASSED UNANIMOUSLY.
- d. Discussion and possible action reducing the number of furlough days for the non-unionized employees from 5 days to 2 days and increasing their medical plan deductibles and co-pays  
Underwood MOVED, Howe seconded, to reduce the number of furlough days for the non-unionized employees from 5 days to 2 days and increasing their medical plan deductibles and co-pays. MOTION PASSED UNANIMOUSLY.
- e. Discussion and possible action regarding the holding of a Town Council meeting on Tuesday, December 15, 2009  
Santucci MOVED, McDevitt seconded to hold a Town Council meeting on Tuesday, December 15, 2009. MOTION PASSED UNANIMOUSLY.

### **14. Future Agenda Items**

Noted.

### **6. Presentations & Special Reports**

Mary Lou DeVivo regarding "Windham Reads" banners

Iazzetta MOVED, Underwood seconded to take off the table and move to the next agenda. MOTION PASSED UNANIMOUSLY.

### **15. Citizens and Delegations**

James Flores asked for clarification regarding Mayor Eldridge's comments about saying no to any organization or affiliation.

Lorraine McDevitt, Willimantic, noted Sunday at 1pm at the Burton Levitt Theatre there is a youth competition and encouraged all to attend.

Bernard D'Auteille, Willimantic, stated the museum is Town property and we used grant money to fix the ballroom emphasizing his opposition of allowing alcohol in Town buildings. Lori Jeffers, Willimantic, feels the decision to allow alcohol in Town buildings sets the Town up for a law suit. She also requested a re-vote regarding the Magnet school.

Joseph Underwood, Willimantic, provided factual responses to Jeffers as a member of the Magnet School Committee.

Jerry Iazzetta, Windham, asked that members of the Town Council to speak from the citizens microphone so as to be sure the public understands they are speaking not as Council members but as citizens.

Tom Millerd, North Windham, expressed his displeasure that the Council is allowing alcohol in Town buildings without having rules in place.

## **16. Adjournment**

Santucci MOVED, McDevitt seconded, to adjourn the Town of Windham Town Council at 9:38 p.m. MOTION PASSED UNANIMOUSLY.

### **Submitted By:**

**Jessie L. Shea**  
**Clerk of the Town Council**