

Minutes of the Windham Town Council Regular Meeting

Windham Town Hall Bellingham Auditorium, 2nd Floor
Tuesday, October 18, 2016 - 7:00 P.M.



1. Call to Order.

Mayor Eldridge called the Windham Town Council Regular Meeting to order at 7:00 P.M.

Members Present: Mayor Eldridge, Charles Krich (arrived @ 7:07 P.M.), Tony Fantoli, Nectalis Martinez, Tom DeVivo, Lorraine McDevitt, Mike Lessard, Dawn Niles, Dennis O'Brien, James Flores and Lynne Ide

Town Manager Neal Beets was also in attendance.

2. Pledge of Allegiance.

Mayor Eldridge led all in the Pledge of Allegiance.

Lessard MOVED, Niles seconded, to move Items #13a & 13b up on the agenda to follow Item #2. All were in favor. MOTION PASSED UNANIMOUSLY.

13. Resolutions and Ordinances.

a. Discuss and possibly approve a Fracking Ordinance.

Niles MOVED, McDevitt seconded, to waive the reading of the Fracking Ordinance. All were in favor. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, McDevitt seconded, to approve the Fracking Ordinance #2690 prohibiting the storage, disposal or use of waste oil from oil and gas exploration or extraction activities, or any derivative therefor, in the Town of Windham with an amendment to Section 3, changing it from \$1,000 to \$250. All were in favor.

TOWN OF WINDHAM

ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF WASTE FROM OIL AND GAS EXPLORATION OR EXTRACTION ACTIVITIES, OR ANY DERIVATIVE THEREOF, IN THE TOWN OF WINDHAM, CONNECTICUT.

Section 1. Prohibitions.

- A. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
- B. The introduction of natural gas waste or oil waste into any wastewater treatment facility or solid waste facility within or operated by the Town is prohibited.
- C. The storage, disposal, sale, acquisition, handling, treatment and/or processing of waste from natural gas or oil extraction activities is prohibited within the Town.

Section 2. Provision to be included in bids and contracts for construction or maintenance of Town roads and real property.

A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that the materials shall not contain natural gas waste or oil waste.

B. All bids and contracts related to the solicitation of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas waste or oil waste shall be utilized in providing such services to the Town.

C. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all bids related to the solicitation of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: "We _____ hereby submit a bid for materials, equipment and/or labor to the Town of Windham. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that, if this bid is selected, no natural gas waste or oil waste will be used by the undersigned bidder in the performance of the contract. We further certify that no subcontractor, agent or vendor will be allowed or permitted to use materials containing natural gas waste or oil waste."

Section 3. Penalties.

In addition to any other remedy the Town has in law or equity, the Town Manager or his/her designee is authorized to issue written orders ordering any person in violation of this ordinance to cease activities which do or may violate this ordinance and to desist from the same. Where such activities cause damage or injury to property within the Town, whether such property be land, a road, a building, an aquifer, a well, water course or other asset, public or private, the Town Manager or his/her designee may order such person to remedy the damage or injury and to restore, at such person's sole cost and expense, the property to the condition in which it was prior to such damage or injury. Notwithstanding Section 1-7 of the Town's Code of Ordinances, a violation of this ordinance may be punished by a fine not exceeding \$250.00 per violation, with each day any violation of this ordinance shall continue constituting a separate offense.

Any person receiving a cease and desist or remedial order or fine from the Town Manager or his/her designee may appeal in accordance with the Town's Code of Ordinances.

Section 4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICATION - The physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Windham.

HYDRAULIC FRACTURING - The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

NATURAL GAS EXTRACTION ACTIVITIES - All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited, to, core and rotary drilling and hydraulic fracturing.

NATURAL GAS WASTE -

- A. Any liquid or solid waste or its constituents, that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
- B. Leachate from solid wastes associated with natural gas extraction activities;
- C. Any waste that is generated as a result of or in association with the underground storage of natural gas;
- D. Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and
- E. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

OIL EXTRACTION ACTIVITIES - All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

OIL WASTE -

- A. Any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
- B. Leachate from solid wastes associated with oil extraction activities; and
- C. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

TOWN - The Town of Windham.

Section 5. Transportation.

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway through the Town of Windham.

MOTION PASSED

b. Discuss and possibly approve a revised Fee Ordinance.

DeVivo MOVED, Niles seconded, to waive the reading of the Fee Ordinance.

Niles MOVED, McDevitt seconded to approve the revised Fee Ordinance #2691. All were in favor except Fantoli and Krich who opposed.

BE IT ORDAINED by the TOWN COUNCIL THAT

Whereas: The Town has instituted fees to off-set the costs of services from taxpayers to those who generate a need for services; and

Whereas: The town has had a system of fees in place for a number of years, and this system was established by ordinance, and

Whereas: the Code of Ordinances as codified under Chapter 4 Article I, Section 4, and Chapter 10 Article I, Section 10-3 authorizes the Town Council to establish fees by ordinance as the need arises, or circumstances change; and

Now, therefore, be it hereby ordained by the Town Council, that fees charged be revised and amended as indicated on the attached fee schedule. Further, the Policies and Procedures for collecting the fees shall be as follows:

A. Permits

1. Permits for building and development activities must be secured prior to the commencement of such activities. Fees for permits must be paid in full at the time of application.
2. Permits for any development shall be withheld where real estate taxes on the property for which a permit is sought are delinquent.
3. Exceptions or waivers may be granted where an emergency exists affecting health or safety of occupants, or to comply with an order of a local authority having jurisdiction. The Town Manager may waive any fee at his/her discretion.

B. Appeals

Where it is alleged that the administrative official in calculating the applicable fees has made an error, a written complaint shall be filed with the Town Manager.

C. Refunds

Refunds shall be requested in writing by the applicant and shall be subject to the following:

1. Permits and applications that have been abandoned or become expired as per the State Building Code shall be nonrefundable.
2. The town shall retain \$2 for each \$1,000 of value of work with a minimum fee of \$40 as administrative review.

D. Special Inspections and Professional Review of Plans

1. The building official may require that a professional peer review of plans be performed by a licensed architect or engineer of his choice to insure that the design complies with the building code. In addition, the building official may require special inspections be performed for unique or special construction. All fees and costs related to the performance of such reviews or inspections shall be borne by the applicant.
2. The Town will not inspect buildings or other structures for banks, insurance companies or individuals- except in the course of routine inspections when a permit has been issued.
3. Where it has been determined by any Town Commission that it must consult with experts to analyze, review and report on areas requiring a detailed, technical peer review in order to assist the Commission in evaluating the effect of a proposal on the Town, the Commission may require the applicant to pay these costs. These fees will be paid to the Town for the Commission's use prior to proceeding on the application in advance based on a preliminary estimate from such experts, times 150%. Upon completion of the technical review, and a full accounting of the charges owed, or paid, any excess funds will be refunded to the applicant.

**TOWN OF WINDHAM, CONNECTICUT
GENERAL FEE SCHEDULE**

1. BUILDING FEES:

Valuation of work

In order to properly determine the cost of construction for commercial or industrial buildings, the applicant/contractor must provide information on the cost of construction. If a low cost is presented, or does not include the cost of labor, the Building Official shall examine the plans and determine the market value of the cost of work. Fees for new residential construction shall be based on value of construction at the following rates:

Item	Fee (per square foot)
Basement unfinished	Included with new house/addition
Basement finished	\$30
Living space	\$80
Garage unfinished	\$40
Garage finished	\$50
Shed	\$25
Deck	\$20
Covered porch	\$35
Storage (unfinished areas convertible to living space)	\$40
a. Building Permits:	\$15.00 for every \$1,000.00 (or fraction thereof) of market rate of work being performed.
b. Demolition permits:	\$3.00/1,000.00 of Assessed Value – Min. \$40.00.
c. Special Inspections and Professional reviews of Plans	The building Office will charge the actual costs of any professional peer review as required by Connecticut General Statutes.
d. Repeated Inspections for same violation	\$25.00
e. Events/carnival inspections	\$150 per event. \$50 per private event requiring issuance of a building permit.
f. Certificate of Occupancy/Compliance:	\$5.00 per 1000 sq ft of construction
g. Temporary and partial Certificate of Occupancy	\$75 residential per request \$150 commercial per request
h. Requests for non-permit related inspections or letters of approval	\$35 per request.
2. <u>ZONING FEES:</u>	
a. Certificate of Occupancy/Compliance:	\$5.00 per 1000 sq ft of construction

- b. **Certificate of Zoning Compliance:** Minimum of \$5.00 per 1000 sq ft of Construction on renovation work; minimum \$25.00 on new construction
- c. **Certification letters** \$30.00 one & two family
\$50.00 commercial
- d. **Enterprise/Entertainment zone letters** \$25.00
- e. **Permits for temporary & permanent signs** \$25.00

3. FIRE MARSHAL FEES:

- a. **Life Safety Code/Certificate Inspection** \$125.00
- b. **Temporary permit fee & late charge fee** \$50.00, \$25.00 late charge
- c. **Fire Marshal Review of plans (commercial)** \$100.00 minimum or \$50 per hour, whichever is greater
- d. **Burning Permit** \$5.00 per permit
- e. **Tank removal permit & late charge fee** \$50.00, \$25.00 late charge
- f. **New Business Inspection fee** \$25.00

4. HOUSING CODE FEES:

Collected at time of inspection:

- a. **Rooming House/Apartment permit** \$30.00 per unit annually
- b. **Emergency inspections** \$100.00 per hour
(during non-business hours)
- c. **Court appearances/Meetings other than Town interest** \$100.00 per hour
- d. **Housing Code Inspection** \$50.00 per inspection per unit, 1 follow up free
- e. **Housing Code Appeals** \$125.00
- f. **Landlord Registry** \$10.00 per ordinance # 2379

5. COLLECTOR OF REVENUE/TAX:

a .	Tax Research - Banks, Non Escrow	\$1.00 per item
b.	Memo Bill Processing Fee	\$3.00 per item
c.	Tax Bill Reprint	\$.50 per page
d.	Tax Statement Reprint	\$.50 per page
e.	Payment History Reprint	\$.50 per page
f.	Motor Vehicle Release Fee	\$5.00
g.	Delinquent Notices by Mail	\$1.00
h.	Motor Vehicle Delinquent Reporting	\$5.00 per ordinance # 2368
6.	<u>SANITATION AND PRIVATE WELLS:</u>	Contact: Local Health District
7.	<u>PUBLIC WATER CONNECTIONS:</u>	Contact: Windham Water Works
8.	<u>PUBLIC SEWER CONNECTIONS:</u>	Contact: Water Pollution Control Authority
9.	<u>WETLANDS, HISTORIC DISTRICT, PLANNING, ZONING; OR ZONING BOARD OF APPEALS:</u>	
a.	Subdivision/Resubdivision	\$250.00 minimum or \$50.00 per lot whichever is greater * plus Engineering
b.	Home (based business) Occupation Permits	\$25.00 initial fee \$20.00 annual renewal
c.	Minor Special Exception/Permits	\$125.00
d.	Major Special Exception/Permits for new development or earth excavation permit	\$250.00 Plus site plan fee, plus Engineering, and where applicable, an additional \$25.00 per dwelling unit.
e.	Site Plan Review fee	\$0.025 per square foot of floor area. Minimum \$100.00
f.	Erosion and sedimentation control plan	\$0.005 per square foot of new parking area Plus Engineering, and E&S Plan fee. Minimum \$50
		\$10.00 per acre of disturbed area (\$25.00

Minimum-\$250.00 maximum)

- g. Site Plan Review fee for Earth Excavation** \$10.00 per acre of disturbed area; minimum of \$100.00
- h. Annual Inspection fee for Earth Excavation** \$200.00
- i. Revision or extension of prior approval** \$60.00 plus Engineering Review fee
- j. Zone Change/amendment** \$300.00 applicant shall also pay for zoning map revisions

k. Inland/Wetland Permit

The following fees are in addition to the Engineering Review fee Determination of

- Jurisdictional/Declaratory Ruling \$30.00
- Individual Home Owner Permit \$50.00
- Minor Commercial Activities Requiring a Permit \$75.00
- Major Commercial Activities Requiring a Permit \$250.00
- Revisions/Renewal of Existing Permits \$25.00 residential, \$65.00 Commercial (i.e., alterations to conditions)

l. Zoning Board of Appeals

- Appeals 125.00
- Variance \$125.00 plus \$50.00 for each additional variance request

- m. Legal Notices** \$100.00 per notice

NOTE: A State Land Use Surcharge will be charged for all applications to the Commission/Board as required by Connecticut State Law. CURRENT SURCHARGES \$60.00 or as amended by State

10. HISTORIC COMMISSION:

- a. Certificate of Appropriateness** \$30.00 plus legal notice fee

11. ENGINEERING SERVICES:

- a. Inspection by Town Engineer/Review of Plans and calculations** \$75.00 per hour
- b. Escrow for inspection of development** 10% of Bond amount in cash
- c. Application for excavation/construction On Town property** \$50.00
- d. Curb, driveway and sidewalk bonds** \$100 per linear foot, or cost of improvement as determined by Town Engineer. Minimum \$1,000.00 (deposit)

12. TOWN PUBLICATIONS:

- a. **Subdivision, or Wetland Regulations** \$30.00 each
- b. **Public Works specifications** \$30.00
- c. **Zoning Regulations** \$50.00
- d. **Plan of Development** \$50.00
- e. **Zoning Map** \$10.00 each
- f. **Copy of existing Maps max sheet size of 24"X36"** \$10.00 per sheet
- g. **Town Charter** \$5.00

13. DOCUMENT COPIES: \$.50 per page or fraction thereof

14. PUBLIC HEARING TRANSCRIPTS:

- a. **Audio or visual duplication** \$5.00 plus administrative time

15. NOTARY SERVICES: \$2.00 one page document
\$5.00 multiple page document

16. TRANSFER STATION FEES:

- a. **Trash Bags** \$2.00
- b. **Auto Tires** \$1.50
- c. **Small Truck Tire to 20 in.** \$3.50
- d. **Large Truck Tire 20 plus in.** \$7.00
- e. **Off Road Tire** \$50.00
- f. **Appliances (CFC)**
 - Refrigerators \$10.00
 - Air Conditioners \$10.00
 - Humidifiers \$10.00
 - Freezers, Etc. \$10.00

g.	Furnishings	
	Sofa, Love Seat	\$10.00
	Stuffed Chair	\$5.00
	Mattresses	\$5.00
	Box Spring	\$5.00
	Carpets 8 x 6 or Larger	\$5.00
	Wood Furniture	\$5.00
h.	Propane Tanks	
	20 lbs	\$3.00
	Less Than 20 lbs	\$1.00
	More Than 20 lbs	\$20.00
i.	Brush – Per Load	\$10.00
j.	Permit Fees:	
	Residents	Free
	Landlords	\$100 (2 year permit)

17. PARKS AND RECREATION FEES:

a.	Adult Leagues	\$100.00 per team \$25.00 per non-resident on each team
b.	Use of Lights	\$45.00 per night per field
c.	Field Preparation	
	Painting of lines on turf for local teams:	
	Flag football	\$75.00 per week per field
	Full sized soccer field	\$80.00 per week per field
	Micro soccer fields	\$40.00 per week per field
	Softball fields	\$25.00 per week per field
	Baseball field	\$25.00 per week per field
	Line marker for infields for local teams	\$5.00 per day
	Any field preparation for a non local team	\$100.00 per day
	Any field preparation needed on a non work day	\$100.00 for overtime plus any other applicable fee listed above
d.	Porta-potties	\$75.00 per month
e.	Bathroom Facilities	\$1,000.00 deposit

NOTE: DPW staff will check the bathrooms the next working day. If there is any damage or if the bathrooms require extra cleaning (besides normal use), Public Works will perform the repairs/cleaning and draw off the deposit to cover any expenses. Any deposit money remaining after the use will be returned to the organization. If the damage exceeds the deposit the organization responsible will receive a bill.

f. Special Event Fees

	Non Profit/Resident charging an entry fee	\$100.00 per day
	Non Profit/Resident not charging an entry fee	No charge
	For Profit charging an entry fee	\$500.00 per day
	For Profit not charging an entry fee	\$250.00 per day
g.	Non resident fee	\$10.00 per registration per program

NOTE: Reasonable administrative fees may be established from time to time by the Public Works Superintendent and the Recreation Director for the use of recreational facilities, field trips and/or special events.

**This ordinance supersedes all previous ordinances/resolutions in conflict.
This fee schedule is effective November 1, 2016.**

MOTION PASSED

3. Citizens and Delegations: Public Comment.

Mike Westerfield addressed the way an item is listed on the agenda regarding appointments and reappointment.

4. Town Council Comment.

Mayor Eldridge responded to Mr. Westerfield's comment and explained the process for appointments and reappointments. He assured the public that individuals are listed separately in Item #7 and are welcome to speak and express their interest in serving on a Board or Commission.

Tom DeVivo stated as a member of the Nominating Committee, there are many openings on various Committee's and volunteers are needed. He urged anyone interested in serving to come forward.

5. Adoption of Town Council Minutes.

a. Regular Council Meeting of October 4, 2016.

DeVivo MOVED, McDevitt seconded, to approve the Town Council Regular Meeting Minutes of October 4, 2016. All were in favor except Ide who abstained. MOTION PASSED.

6. Resignations.

None

7. Appointments, Reappointments, as recommended by the Nominating Commission.

None

8. Presentations & Special Reports.

a. Hear a presentation and receive a report from Finance Director Chris Johnson about financial expenditures and revenues for the first quarter of FY 16-17. Possible discussion and action.

Finance Director Chris Johnson provided the Town Council with a Budget Report from July 1 through September 30. He explained the report and reviewed some notable areas in the report. He also answered questions from the Town Council.

9. Mayor's Report.

Mayor Eldridge reported there is a ribbon cutting next Tuesday at 10:00 A.M for the Railroad Museum. He noted Joe Courtney and other dignitaries will be at the event and he invited everyone to attend.

10. Town Manager's Report.

Town Manager Beets reported CCM will be holding their annual convention on November 14 & 15 at Foxwood Resorts and noted the registration deadline is October 31. If anyone is interested in attending, please contact Neida Rosado.

Town Manager Beets also reported on the following Halloween events:

- Trick or Treat on Main Street and Trunk or Treat from 4:00 pm – 6:00 pm on October 31st
- Halloween Flashlight Egg Hunt at Jillson Square at 6:00 pm sharp on October 31st
- Malloween on Saturday, October 22 from 12:00 pm – 2:00 pm at the East Brook Mall in Mansfield
- Children's Halloween Party on Saturday, October 29 from 12:00 pm – 4:00 pm at ECSU, North Campus in Mead Hall. Children and Families in Kindergarten to 4th grade welcome

11. Discussion, Review, and Possible Action on Communications to Council.

O'Brien commented on the North Central District Health Departments statistics of population estimates and shared his concerns regarding the reported drop in Windham's population. He noted he will contact the State Department of Health for further information.

DeVivo stated O'Brien's comments regarding our population are very important. He asked that this be looked into as soon as possible and reported back to the Town Council.

12. Discussion, Review, and Possible Action on Agendas, Minutes, Reports of Town Boards, Committees, and Commissions.

None

13. Resolutions and Ordinances.

- a. Discuss and possibly approve a Fracking Ordinance.**
- b. Discuss and possibly approve a revised Fee Ordinance.**
Moved up on the agenda to follow Item #2

14. Old Business.

- a. Report from the Chairman of the Town Council's Committee on Administration, Finance, Development, Health, and Human Services regarding the Committee's meeting on October 17, 2016. Possible Town Council discussion and action.**

Chairman Krich reported on last night's special meeting of the Administration, Finance, Development, Health, and Human Services. He noted the following items were discussed:

- The Board of Education request to spend up to \$45,000 for paving and an air conditioner come back to the full Town Council with a suggestion that the money come from undesignated funds rather than contingency.
- No action was taken to co-designate the Columbus Day holiday as Indigenous People Day
- Awarding salary increases (asked not to bring forward tonight)

Chairman Krich also answered questions from the Town Council including the renaming of the Library (which will be on the next agenda) and salary increases for non- union members.

b. Report from the Chairman of the Town Council’s Committee on Public Safety, Public Works, Environment, Culture, and Recreation regarding the Committee’s meeting on October 11, 2016. Possible Town Council discussion and action.

DeVivo reported the Committee on Public Safety, Public Works, Environment, Culture, and Recreation met on October 11th and noted it was requested that he add to the agenda; discussion of the paving of the parking lot and air conditioner for the Board of Education. DeVivo reported on the following:

- An idea from Joe Marsalisi regarding a possible Veterans walk way in lieu of renaming Watson Street
- A citizen’s complaint about trash under the foot bridge
- The band shell project – Economic Development Director Jim Bellano will be moving forward on this project in conjunction with the Committee
- A Willimantic Firefighter to work as a part time Fire Marshal
- Leaf Collection
- The repairs to the gym floor at the Kramer Building and the HVAC repairs (Councilmember Martinez is assisting with some of the repairs).
- Discussion of the paving of the parking lot and air conditioner for the Board of Education.

DeVivo also answered questions from the Town Council.

i. Transfer of funds from the Town’s undesignated fund balance or the Town’s contingency fund for improvements at a school parking lot and for purchase of a window air conditioning unit for a school student.

DeVivo MOVED, Ide seconded, to transfer funds from the undesignated fund balance for improvements to the Windham High School parking lot in the amount of \$32,000 and the purchase of an air conditioning unit at North Windham School in the amount of \$13,000 for a total of \$45,000. DeVivo, Martinez, O’Brien, Niles and Ide were in favor, Krich, Fantoli and Eldridge opposed and Lessard, Flores and McDevitt abstained.
MOTION PASSED.

15. New Business.

None

16. Future Agenda Items

None

17. Citizens and Delegations: Public Comment.

James Flores reminded everyone that November 8th is Election Day and encouraged everyone to get out and vote.

Charles Krich commented on the poor acoustics in the room and requested we accelerate any progress we are making to solve the problem.

Tom DeVivo suggested we try two meetings two different ways to possibly help with the acoustics; one meeting, putting the speakers in the front of the room and another meeting, being on the stage.

Ray Chaput stated there will be a Veterans Ceremony at the Jillson House on November 12th. He noted he will be doing the benediction and people could contact him for more information.

18. Adjournment

DeVivo MOVED, McDevitt seconded, to adjourn the Windham Town Council Regular Meeting at 8:07 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted by

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