

WINDHAM TOWN COUNCIL MINUTES

REGULAR COUNCIL MEETING

WINDHAM TOWN HALL MEETING ROOM

Tuesday, October 2, 2012 - 7:00 P.M.



1. **Call to Order**

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

Town Council members present: Mayor Ernest S. Eldridge, Tony Fantoli, Tom DeVivo, Lorraine McDevitt, N. Joseph Underwood, Kevin Donohue, Arnaldo Rivera, Mark Doyle, Christel Donahue and Jerry Iazzetta

Charles Krich arrived at 7:05 P.M.

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: Public Comment**

Donna Nicolino, Summit Street, Willimantic, supports the Town Council taking action on Corporate Citizenship. She also shared her concerns on a news article regarding 760 Main Street and encouraged Council to do what they could to get the owner to bring the building up to code. She would like to save the character of downtown.

Doug Lary, 183 Summit Street, thanked the Town Council on how they received the request to consider a resolution on Corporate Citizenship.

David Walencewicz, 6 North Windham Road, spoke as a resident and business owner and supports the STEM changes to the Magnet School. He believes the school will be a great benefit to the Town.

Lorraine McDevitt, stated it is very nice seeing students walk by in their uniforms looking like good scholars rather than them wearing baggy jeans. She also noted she has a granddaughter in the STEM program that loves the program and is doing extremely well in it.

Bernie D'Auteuil, 168 Walnut Street, spoke with regards to the condition of the Natchaug School Roof and asked the Council to keep in mind that money is tight and Windham is a

distressed Municipality. He also believes the seniors need and deserve a new facility and he is not in favor of the Access Location for the Center.

4. Town Council Comment

Jerry Iazzetta, asked that Town Council turn off their cell phones so they are not texting during the meeting. He also shared his concerns on the delays with the Town Managers evaluation.

Arnaldo Rivera, extended an invitation to everyone to attend the 11th annual celebration of the Julius Burgos Park, where there will be music, food and poetry. He noted the event will take place Saturday from 1:00 P.M. to 4:00 P.M. and he hopes to see everyone there.

5. Adoption of Minutes

a. Discussion and possible action to adopt the minutes for the September 4, 2012 Public Hearing.

Iazzetta MOVED, Underwood seconded, to adopt the minutes for the September 4, 2012 Public Hearing. All were in favor except Fantoli, Rivera and Krich who abstained. MOTION PASSED.

b. Discussion and possible action to adopt the minutes for the September 18, 2012, Town Council Meeting.

Iazzetta MOVED, DeVivo seconded, to adopt the minutes for the September 18, 2012, Town Council Meeting with the following clarification: under Item #4, Tom DeVivo's comment was referring to the Natchaug School Roof Project. All were in favor. MOTION PASSED UNANIMOUSLY.

6. Resignations. Receive the resignation of:

- a.** Victor Rayhall resigned from the Planning & Zoning Commission at tonight's meeting prior to the Town Managers report.

7. Appointments. Discussion and possible action to appoint:

- a.** None.

8. Presentations & Special Reports

a. Presentation by Special Master Dr. Steven Adamowski regarding the STEM component – Science, Technology, Engineering, and Math – of the new Magnet School, and other BOE matters. (Magnet School Operations Plan attached.) (Action item is a Resolution under 12.a., below.)

Tom DeVivo, Chairman of the Inter District Magnet School Building Committee, gave a Power Point presentation updating the status and showing the changes to the Magnet School due to the curriculum.

Norm Benjamin, Senior Program Manager representing Arcadis, briefly spoke on the design changes that are needed to support the new STEM Program curriculum.

Dr. Adamowski first thanked the Council for the gift for the purchase of the new reading program. He then addressed the Council regarding the reasons for the changes in the STEM Program and the importance behind the changes.

Dr. Adamowski also answered questions from the Council regarding student enrollment and State funding for the project. He also thanked the Council for their support.

9. Mayor's Report

Mayor Eldridge reported on the following; the paving on Main Street, the Main Street Investment Fund, flyers regarding the arson on the South Street Fire and the Train ride going to Brattleboro Vermont.

Mayor Eldridge also reported he and Anita had attended several events including the Soroptomist event.

10. Town Manager's Report

a. Town Attorney's Opinion about the appointment of Victor Rayhall to the Senior Citizens Advisory Board.

Town Manager Beets reported on the Town Attorney's opinion on serving on two permanent Committees or Commissions. He noted as the Charter is currently written, one cannot serve on 2 permanent Committees or Commissions however a person can serve on an Ad-Hoc or temporary Committee or Commission if also serving on a permanent Committee or Commission. Mr. Beets noted when Mr. Rayhall was appointed to the Senior Center Advisory Board he was also serving on the Planning & Zoning Commission but he had just received a letter of resignation from Mr. Rayhall from the Planning & Zoning Commission.

Town Manager Beets also reported on the Senior Center and stated it is continuing to operate under the leadership of Mary DeMarco and Tara Risley. He noted all of the legal papers authorized by the Council have been signed and the deed will be recorded tomorrow. He also commended Dennis O'Brien and Susan Johnson for the free legal work they provided to the regional non-profit group and he thanked Attorney Cody for his work as well.

11. Discussion and Review of Communications

a. None.

12. Resolutions and Ordinances

a. Discuss and consider approving a Resolution regarding the Magnet School.

Doyle read the Resolution and moved for its adoption.

Doyle MOVED, K. Donohue seconded, to approve Resolution #2581 regarding the Magnet School with an amendment to (vi) adding the words **and shall apply**. All were in favor except Iazzetta and Fantoli who opposed and DeVivo who abstained.

BE IT RESOLVED by the Town Council THAT

RE: Additional Appropriation of \$2,000,000 for the Windham Magnet School to expand the educational curriculum of the School to Science, Technology, Engineering and Mathematics, Bond Authorization of \$2,000,000 to meet the Town's Local Share of Such Appropriation and Set Date for Town Meeting.

RESOLVED, that the Town Council of the Town of Windham (the "Town") hereby approves and recommends to the Board of Finance that:

(i) The sum of \$2,000,000 be appropriated for the cost of the Windham Magnet School, including but not limited to, the acquisition of real property, site improvements, the creation of athletic fields, building construction and the purchase and installation of information technology and furnishings and all alterations, repairs and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs (the "Project"), said appropriation being in addition to the appropriation approval at referendum on June 28, 2006 and inclusive of any and all State of Connecticut (the "State") and Federal grants-in-aid.

(ii) It is expected that approximately 95% of the cost of the reimbursable portions of the Project will be paid with State grants. To meet the Town's local portion of said appropriation and in lieu of a tax therefor, bonds of the Town are hereby authorized to be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, the Charter of the Town or any other provision of law thereto enabling, in the amount of \$2,000,000 (in addition to the bonds approved at referendum on June 28, 2006) or so much thereof as may be necessary after deducting grants or other sources of funds available therefor, provided, however, that no money shall be spent or bonds issued pursuant to this resolution until after the State has approved a grant for the additional cost for the Project.

(iii) The Town Manager and the Treasurer be authorized to issue and sell temporary notes of the Town not to exceed \$2,000,000 in anticipation of the receipt of proceeds from the sale of the bonds authorized above and to determine the amount, date, date of maturity, interest rate, form and other details of such notes or bonds, pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, provided that the proceeds from the sale of such notes shall be used for said purpose.

(iv) The Town Manager and the Treasurer shall sign the bonds or notes by either manual or facsimile signatures and that the law firm of Pullman & Comley, LLC is designated as bond counsel to approve the legality of the bonds or notes.

(v) The Town Manager is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Town Manager and the Treasurer are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(vi) The Board of Education is hereby authorized in the name and on behalf of the Town to apply **and shall apply** to the State Department of Education and any other entity which may provide a grant for this Project for any and all grants which may be available for the Project.

BE IT FURTHER RESOLVED, that the Town reasonably expects to incur expenditures (the “Expenditures”) in connection with the capital project for which a general functional description is provided above. The Town reasonably expects to reimburse itself for the cost of the Expenditures with the proceeds of general obligation bonds and notes of the Town described above. The maximum principal amount of such bonds is not expected to exceed \$2,000,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2.

BE IT FURTHER RESOLVED, that should the resolution authorizing the appropriation for \$2,000,000 and bond authorization for \$2,000,000 be approved by the Board of Finance, a Special Town Meeting is hereby called to be held on Tuesday, November 20, 2012 at the Windham Town Hall, Meeting Room, 979 Main Street, Willimantic, Connecticut at 6:30 p.m. to consider and vote upon the resolution for the Windham Magnet School as set forth above.

MOTION PASSED UNANIMOUSLY.

b. Discuss and consider approving a Resolution extending the sunset date for the Ad Hoc Sister City Committee.

McDevitt read the Resolution and moved for its adoption.

McDevitt MOVED, Underwood seconded, to approve Resolution #2582 extending the sunset date for the Ad Hoc Sister City Committee. All were in favor.

A Resolution of the Windham Town Council Modifying the Sunset Date for the Ad Hoc Sister City Committee

The Windham Town Council hereby amends section 4 of Resolution 2577 by changing the sunset date for the Ad Hoc Sister City Committee from October 16, 2012, to November 13, 2012, as requested by the Ad Hoc Committee.

In all other respects, Resolution 2577 remains the same and in full force and effect.

MOTION PASSED UNANIMOUSLY.

- c. **Discuss and consider approving a Resolution authorizing the Town Manager to sign an amendment to a contract with the DOT so that the Town may proceed to final design on the parking garage at Walnut and Meadow.**

DeVivo read the Resolution and moved for its adoption.

DeVivo MOVED, Iazzetta seconded, to approve Resolution #2583 authorizing the Town Manager to sign an amendment to a contract with the DOT so that the Town may proceed to final design on the parking garage at Walnut and Meadow. All were in favor.

BE IT RESOLVED by the Town Council THAT

Neal J. Beets, Town Manager, is hereby authorized to sign the agreement entitled:

"First Supplemental Agreement to the original agreement dated October 15, 2012 between the State of Connecticut and the Town of Windham for preliminary engineering for the Parking Garage Feasibility Study and Parking Program Plan Utilizing Federal Funds Under the Transportation, Community and System Preservation Program."

MOTION PASSED UNANIMOUSLY.

- d. **Discuss and consider adopting a Resolution authorizing the Town Manager to sign a contract with Connecticut State Library for an Historic Documents Preservation Grant.**

Iazzetta read the Resolution and moved for its adoption.

Iazzetta MOVED, McDevitt seconded, to adopt Resolution #2584 authorizing the Town Manager to sign a contract with Connecticut State Library for an Historic Documents Preservation Grant. All were in favor.

BE IT RESOLVED by the Town Council THAT

Neal J. Beets, Town Manager, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

MOTION PASSED UNANIMOUSLY.

13. Reports of Committees, Boards and Commissions

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

K. Donohue reported the Committee will be meeting tomorrow and will be discussing the following: the grant for the Senior Center, finalizing the evaluation on the Town Manager for the full Town Councils next meeting, naming of the Magnet School and a number of other smaller items. Mr. Donohue also stated the Committee will be asking to go into executive session at the next Town Council Meeting.

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

Iazzetta reported the Committee had met on September 26th and discussed the following; the new vehicle for the Fire Marshal and possibly adding money into next year's budget for the purchase of the vehicle, the Dispatch Center and the need for both parties to come together at the Committees next meeting to work toward a resolution on the issue, some possible legislative items and the bids for recreation.

14. Old Business

a. None.

15. New Business

a. Discuss and consider awarding the contract for a pavilion at Lauter Park to Probuilt Construction in the amount of \$39,260, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Recreation and Culture.

Iazzetta MOVED, Rivera seconded, to award the contract for a pavilion at Lauter Park to Probuilt Construction in the amount of \$39,260, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Recreation and Culture. All were in favor. MOTION PASSED UNANIMOUSLY.

b. Discuss and consider awarding the contract for playground equipment at Shetucket Plains Park to New England Recreation in the amount of \$31,160, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Recreation and Culture.

Iazzetta MOVED, Underwood seconded, to award the contract for playground equipment at Shetucket Plains Park to New England Recreation in the amount of \$31,160, as recommended by the Town Council Subcommittee on Public Safety, Public Works, Recreation and Culture. All were in favor. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items

- a.** Executive Session regarding the evaluation of the Town Manager.
- b.** Resolution about the Citizens' United case, corporations as persons, and campaign contributions as free speech.
- c.** Request for funding regarding the Town's Finance Department.

17. Adjournment

K. Donohue MOVED, Underwood seconded, to adjourn the Town of Windham Town Council Meeting at 8:51 P.M. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney
Clerk of the Town Council