

Minutes of the Windham Town Council Regular Meeting

Windham Town Hall Bellingham Auditorium, 2nd Floor
Tuesday, November 17, 2015 - 7:00 P.M.



1. Call to Order.

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

Town Council members present: Mayor Ernest S. Eldridge, Charles Krich, Tony Fantoli, Nectalis Martinez, Lorraine McDevitt, Tom DeVivo, Charlotte Patros, Michael Lessard, Dennis O'Brien, Lynne Ide and James Flores

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.

Charles Krich provided information on the Festival of Lights Holiday Santa Parade and Holiday Toy Drive.

James Flores thanked those who supported Dennis O'Brien.

Tom DeVivo made note of the resignations in Items #6a & 6b.

4. Town Council Comment.

a. Swearing in of newly-elected and newly-reelected Town Council members and other Town officials.

State Representative Susan Johnson, Probate Judge John McGrath Jr., Attorney Dennis O'Brien and Deputy Town Clerk Barbara McKinney gave the oath of office to the newly-elected and newly-reelected Town Council members and other Town officials.

MOTION: DeVivo MOVED, Krich seconded, to move Item #7a & 7b up on the agenda to follow Item #4a.

7. Appointments, Reappointments.

a. Appoint Dennis O'Brien to replace Joe Underwood on the Town Council, with a term to expire on November 21, 2017. (Nomination of Democratic Town Committee. Per the Town Attorney's legal opinion, this nomination is deemed approved unless $\frac{3}{4}$ of the Council votes "No" on the appointment.) Swearing in.

DeVivo MOVED, Flores seconded, to appoint Dennis O'Brien to replace Joe Underwood on the Town Council, with a term to expire on November 21, 2017.

All were in favor except McDevitt, Fantoli and Lessard. MOTION PASSED UNANIMOUSLY. State Representative Susan Johnson gave the oath office to Dennis O'Brien.

- b. Appoint Glenn Chester to replace Nectalis Martinez on the Board of Finance, with a term to expire on November 21, 2017. (Nomination of Democratic Town Committee. Per the Town Attorney's legal opinion, this nomination is deemed approved unless $\frac{3}{4}$ of the Council votes "No" on the appointment.) Swearing in.**

DeVivo MOVED, Flores seconded, to appoint Glenn Chester to replace Nectalis Martinez on the Board of Finance, with a term to expire on November 21, 2017. All were in favor. MOTION PASSED UNANIMOUSLY. Deputy Town Clerk Barbara McKinney gave the oath office to Glenn Chester.

MOTION: DeVivo MOVED, Krich seconded, to take a 10 minute recess. All were in favor. MOTION PASSED UNANIMOUSLY.

5. Adoption of Town Council Minutes.

- a. Public Hearing of October 6, 2015.**

DeVivo MOVED, Flores seconded, to approve the Public Hearing Minutes of October 6, 2015. All were in favor except Krich, O'Brien, Martinez and Ide who abstained. MOTION PASSED.

- b. Council Meeting of October 6, 2015.**

DeVivo MOVED, Fantoli seconded, to approve the Town Council Meeting Minutes of October 6, 2015. All were in favor except O'Brien, Martinez and Ide who abstained. MOTION PASSED.

- c. Council Meeting of October 20, 2015.**

DeVivo MOVED, McDevitt seconded, to approve the Town Council Meeting Minutes of October 20, 2015. All were in favor except O'Brien, Martinez and Ide who abstained. MOTION PASSED.

6. Resignations.

- a. Nectalis Martinez from the Board of Finance.**

Noted

- b. Glenn Chester from the Board of Zoning Appeals.**

Noted

7. Appointments, Reappointments.

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- b. Appoint Glenn Chester to replace Nectalis Martinez on the Board of Finance, with a term to expire on November 21, 2017. (Nomination of Democratic Town Committee. Per the Town Attorney's legal opinion, this nomination is**

**deemed approved unless $\frac{3}{4}$ of the Council votes “No” on the appointment.)
Swearing in.**

Item #7a & 7b were moved up on the agenda to follow Item #4a.

c. Reappoint Councilmember DeVivo as the Willimantic representative to the Nominating Committee.

Fantoli MOVED, Patros seconded, to reappoint Councilmember DeVivo as the Willimantic representative to the Nominating Committee. All were in favor except DeVivo who abstained. MOTION PASSED.

d. Reappoint Councilmember Fantoli as the Windham representative to the Committee.

DeVivo MOVED, Krich seconded, reappoint Councilmember Fantoli as the Windham representative to the Committee. All were in favor except Fantoli and Flores who abstained. MOTION PASSED.

MOTION: DeVivo MOVED, McDevitt seconded, to take Items #7e-7g as one Item. All were in favor. MOTION PASSED UNANIMOUSLY.

e. Appoint Andrew Carey, III, as a regular member of the Wastewater Pollution Control Authority, with a term to expire on July 1, 2021.

f. Appoint Charles Kratt as a regular member of the Wastewater Pollution Control Authority, with a term to expire on July 1, 2017.

g. Appoint Victor Rayhall as a regular member of the Wastewater Pollution Control Authority, with a term to expire on July 1, 2017.

DeVivo MOVED, McDevitt seconded, to appoint Andrew Carey, III, Charles Kratt and Victor Rayhall as regular members of the Wastewater Pollution Control Authority. All were in favor. MOTION PASSED UNANIMOUSLY.

h. Appoint Christopher Mezzarone as a regular member of the Energy Commission, with a term to expire on April 20, 2019.

McDevitt MOVED, Patros seconded, to appoint Christopher Mezzarone as a regular member of the Energy Commission, with a term to expire on April 20, 2019.

i. Appoint Enevia Baidoo-Keene as an alternate member of the Conservation, Open Space and Agriculture Commission, with a term to expire on January 1, 2017.

DeVivo MOVED, Patros seconded, to appoint Enevia Baidoo-Keene as an alternate member of the Conservation, Open Space and Agriculture Commission, with a term to expire on January 1, 2017.

8. Presentations & Special Reports.

- a. Presentation from Town Engineer Joe Gardner about a project with the Connecticut Department of Transportation and the Town of Columbia to build a regional trail segment of the Hop River Trail by Mackey's. Action item is the Resolution at agenda item 13.a.**

Town Engineer Joe Gardner briefly explained the Hop River Trail project. He noted the anticipated cost of the project and stated he would be overseeing the project. He also answered questions from the Town Council.

b. Presentation from Town Engineer Joe Gardner about a road, street, and sidewalk bond to finance improvements over the next three years. Action item is the Resolution at agenda item 13.b.

Town Engineer Joe Gardner gave a brief update on the road, street, and sidewalk projects that have been completed and stated the focus will now be on sidewalks. He noted within the next 3 years all roads, streets, and sidewalk projects will be complete. He also answered questions from the Town Council.

9. Mayor's Report.

Mayor Eldridge reported on the Festival of Lights Holiday Santa Parade and the Holiday Toy Drive and provided information on both events.

10. Town Manager's Report.

No Report

11. Discussion and Review of Citizen Communications to Council.

None

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

None

MOTION: Flores MOVED, Patros seconded, to take Items #13a, 13b & 13c as one Item. All were in favor. MOTION PASSED UNANIMOUSLY.

MOTION: DeVivo MOVED, Krich seconded, to waive the reading of all 3 Resolutions. All were in favor. MOTION PASSED UNANIMOUSLY.

MOTION: DeVivo MOVED, Krich seconded, to adopt Resolution #2668, Resolution #2669 and Resolution #2670. All were in favor. MOTION PASSED UNANIMOUSLY.

13. Resolutions and Ordinances.

- a. Discuss and possibly enact a Resolution appropriating \$500,000 to rehabilitate the Hop River Trail subject to 100% cost reimbursement from the Connecticut Department of Transportation, and setting a Town Meeting for December 15, 2015, at 6:20 pm in the Town Hall's Bellingham Auditorium, subject to approval of the Board of Finance.**

RESOLVED:

That the Town of Windham appropriate \$500,000 from the undesignated fund balance of the General Fund for rehabilitation of the Hop River Trail Bridge over the Willimantic River subject to 100% reimbursement from the Connecticut Department of Transportation.

The appropriation may be expended on engineering, surveying, construction and other expenses related to the project. The Town intends to reimburse the General Fund for expenditures pursuant to the appropriation from grants administered by the Connecticut Department of Transportation. No portion of the appropriation shall be expended until such time as approval to proceed with the project has been received from the Connecticut Department of Transportation.

To move to a Town Meeting on December 15, 2015 at 6:20 p.m. contingent upon Board of Finance approval

MOTION PASSED UNANIMOUSLY

- b. Discuss and possibly enact a Resolution appropriating \$4 million and authorizing the sale of bonds or bond anticipation notes in order to improve the Town's roads, streets, sidewalks, guardrails, and appurtenances, and setting a Town Meeting for December 15, 2015, at 6:40 pm in the Town Hall's Bellingham Auditorium, subject to approval of the Board of Finance.**

RESOLVED:

that the Town Council approves and recommends to the Board of Finance that the sum of \$4,000,000 be appropriated for the cost of the Road & Sidewalk Phase III Project, such project to include the construction, reconstruction, repair and resurfacing of roads, guard-rails, sidewalks and appurtenances in the Town of Windham (the "Town"), as well as site improvement, engineering, architectural and temporary and permanent financing costs (the "Project") and to meet said appropriation and in lieu of a tax therefor, bonds of the Town be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in the amount of \$4,000,000 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor, which bonds shall be general obligations of the Town to which its full faith and credit is pledged; and

BE IT FURTHER RESOLVED that should the appropriation and bond authorization be approved by the Board of Finance and the voters at Town Meeting,

(i) the Town Manager and the Treasurer be authorized to issue and sell such bonds and notes in anticipation of such bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such bonds and notes, pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling; and

(ii) the Town Manager and the Treasurer shall sign the bonds and 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; and

(iii) the Town Manager and the Treasurer, or either of them, is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds; to sell the bonds and notes at public or private sale or negotiation; to deliver the bonds and notes; and to perform and comply with all requirements of the Internal Revenue Code of 1986, as amended, and to perform all other acts and execute such documents which are necessary or appropriate to issue the bonds and notes including, but not limited to, the execution and

delivery of a bond purchase agreement, tax compliance agreement and bond insurance agreement; and

(iv) 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 bonds of the Town described above. The maximum principal amount of such debt is not expected to exceed \$4,000,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2; and

BE IT FURTHER RESOLVED that should the Board of Finance approve an appropriation and bond authorization for the Road and Sidewalk Phase III Project, a Special Town Meeting is hereby called to be held on December 15, 2015 at the Windham Town Hall, Bellingham Auditorium, 979 Main Street, Willimantic, Connecticut 06226 at 6:40 p.m. to consider and vote upon the resolution for the Road and Sidewalk Phase III Project as set forth above.

MOTION PASSED UNANIMOUSLY

- c. Discuss and possibly enact a Resolution appropriating approximately \$4,964,000, and authorizing the sale of bonds or bond anticipation notes in order to combine the Micro-Grid Project of \$1,800,000 with the Windham Middle School Roof Replacement Project of \$3,113,914, and setting a Town Meeting for December 15, 2015, at 6:00 pm in the Town Hall’s Bellingham Auditorium, subject to approval of the Board of Finance.**

RESOLVED:

that the Town Council of the Town of Windham (the “Town”) approves and recommends to the Board of Finance that the sum of \$4,964,000 be appropriated for the cost of the Microgrid Project, such project to include, but not be limited to, the replacement of the Middle School roof and the purchase, construction and installation of a combined heat and power microgrid system and solar photovoltaic system, including all site preparation work, as well as engineering, architectural and temporary and permanent financing costs (the “Project”) and to meet said appropriation and in lieu of a tax therefor, general obligation bonds of the Town be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in the amount of \$4,964,000 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor. It is expected that approximately 70% of the cost of the Project will be paid with grant funds.

BE IT FURTHER RESOLVED that should the appropriation and bond authorization be approved by the Board of Finance and the voters at Town Meeting,

(i) the Town Manager and the Treasurer be authorized to issue and sell such bonds and notes in anticipation of such bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such bonds and notes, pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling; and

(ii) the Town Manager and the Treasurer shall sign the bonds and 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; and

(iii) the Town Manager and the Treasurer, or either of them, is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds; to sell the bonds and notes at public or private sale or negotiation; to deliver the bonds and notes; and to perform and comply with all requirements of the Internal Revenue Code of 1986, as amended, and to perform all other acts and execute such documents which are necessary or appropriate to issue the bonds and notes including, but not limited to, the execution and delivery of a bond purchase agreement, tax compliance agreement and bond insurance agreement; and

(iv) should such bonds be issued as bonds whose interest is includable in gross income, it is hereby found that such issuance is in the public interest.

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 bonds of the Town described above. The maximum principal amount of such debt is not expected to exceed \$4,964,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2; and

BE IT FURTHER RESOLVED that should the Board of Finance approve an appropriation and bond authorization for the Microgrid Project, a Special Town Meeting is hereby called to be held on December 15, 2015 at the Windham Town Hall, Bellingham Auditorium, 979 Main Street, Willimantic, Connecticut 06226 at 6:00 p.m. to consider and vote upon the resolution for the Microgrid Project as set forth above.

MOTION PASSED UNANIMOUSLY

14. Old Business.

- a. Discuss and possibly make a motion to convene an executive session with the Town Attorney, the Economic Development Director, and the Town Manager regarding possible litigation with the Windham Mills.**

DeVivo MOVED, Flores seconded, to postpone Item 14a. All were in favor.
MOTION PASSED UNANIMOUSLY.

- b. Discuss and possibly approve the attached draft letter from the Town Manager to the Willimantic Housing Authority stating the Town Council’s intent to seek CDBG funds to rehabilitate public housing in the next, 2016 CDBG Small Cities Funding Round.**

DeVivo MOVED, McDevitt seconded, to approve the attached draft letter from the Town Manager to the Willimantic Housing Authority stating the Town Council’s intent to seek CDBG funds to rehabilitate public housing in the next, 2016 CDBG Small Cities Funding Round. All were in favor except Flores who abstained.
MOTION PASSED.

15. New Business.

- a. Discuss and possibly approve a request by Willimantic Renaissance to serve alcohol at the Third Annual Thread City Hop Fest fundraiser for non-profit agencies on Sunday, May 1, 2016, at Jillson Square.**

DeVivo MOVED, Krich seconded, to approve a request by Willimantic Renaissance to serve alcohol at the Third Annual Thread City Hop Fest fundraiser for non-profit agencies on Sunday, May 1, 2016, at Jillson Square. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. Discuss and possibly approve a request by the Willimantic Brewing Company to serve alcohol at VultureTown Art's New Year's Eve Gala on December 31, 2015, at the Town Hall's Bellingham Auditorium.**

Krich MOVED, Fantoli seconded, to approve a request by the Willimantic Brewing Company to serve alcohol at VultureTown Art's New Year's Eve Gala on December 31, 2015, at the Town Hall's Bellingham Auditorium. All were in favor except Eldridge who abstained. MOTION PASSED.

- c. Discuss and possibly approve a contract with Sarazin General Contractors for \$127,025, paid out of state LOCIP funds, to install new gutters and a new ADA-accessible and energy efficient front door assembly on Town Hall, to replace ceiling tiles in the Bellingham Auditorium, to install a new sound system and fans in the Bellingham Auditorium, as described in staff's memo.**

DeVivo MOVED, McDevitt seconded, to approve a contract with Sarazin General Contractors for \$127,025, paid out of state LOCIP funds, to install new gutters and a new ADA-accessible and energy efficient front door assembly on Town Hall, to replace ceiling tiles in the Bellingham Auditorium, to install a new sound system and fans in the Bellingham Auditorium, as described in staff's memo. All were in favor. MOTION PASSED UNANIMOUSLY.

- d. Discuss and possibly act on organizational matters for the new Town Council:**

- i. Changes to the Windham Town Council's Standing Rules of Procedure.**

Krich MOVED, Ide seconded, to postpone Item #15d-i until the December 15, 2015 Town Council meeting. All were in favor. MOTION PASSED UNANIMOUSLY.

- ii. A 2016 Meeting Schedule for the Windham Town Council.**

Flores MOVED, Fantoli seconded, to set the 2016 meeting schedule for the Windham Town Council to the 1st & 3rd Tuesday of the month for regular meetings and the 2nd Tuesday of the month for work study meetings with all meetings beginning at 7:00 P.M. in the Windham Town Hall Bellingham Auditorium. All were in favor. MOTION PASSED UNANIMOUSLY.

iii. Select a Chairperson, *pro tempore*, of the Town Council to preside at meetings when the Mayor is unavailable.

Krich MOVED, McDevitt seconded, to appoint Tom DeVivo as the Chairperson, *pro tempore*, of the Town Council to preside at meetings when the Mayor is unavailable. All were in favor except DeVivo who abstained. MOTION PASSED.

iv. Select a Parliamentarian of the Town Council, to rule on parliamentary questions.

DeVivo MOVED, Fantoli seconded, to appoint Charles Krich as the Parliamentarian of the Town Council, to rule on parliamentary questions. All were in favor except Krich who abstained. MOTION PASSED.

v. Appoint a Town Attorney, to advise and represent the Town.

DeVivo MOVED, McDevitt seconded, to appoint Attorney Richard Cody as the Town Attorney, to advise and represent the Town. All were in favor. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items

- a. Tuesday, December 1, 2015:** Discussion and possible action on the Town Council's Policy regarding repayment of CDBG Small Cities loans

17. Citizens and Delegations: Public Comment.

James Flores spoke about his political preference of voting on progressive agendas.

Dennis O'Brien thanked everyone for supporting his appointment to the Town Council.

Henry Crane thanked those who ran for election and encouraged everyone to work together.

18. Adjournment

DeVivo MOVED, McDevitt seconded, to adjourn the Windham Town Council Regular meeting at 8:40 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney
Clerk of the Town Council