

WINDHAM TOWN COUNCIL MINUTES

Windham Town Hall Bellingham Auditorium, 2nd Floor
Tuesday November 18, 2014 - 7:00 P.M.



1. Call to Order.

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

Town Council members present: Mayor Ernest S. Eldridge, Charles Krich, Tony Fantoli, Tom DeVivo, Lorraine McDevitt, Joseph Underwood, Mark Doyle, Michael Lessard, James Flores, Christel Donahue and Charlotte Patros

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.

Bill Powers Scotland Road, Windham, spoke about the signage at Windham Center School as well as about the need for contact information on the website for Board/Commission members.

Lloyd Niles, North Windham, noted the Christmas Light Parade will be the Friday after Thanksgiving at 5:30 PM and the Christmas Tree Lighting will be the Sunday after Thanksgiving at 6:00 PM. In addition, Mr. Niles asked the Council to consider moving the agreement with the Dispatch Center along. He also stated he had received a letter from the Town of Lebanon stating they would be coming back to the Dispatch Center effective July 1st.

Joe Marsalisi, Willimantic, spoke in support of using the Tin Tsin Lot as a parking lot and believes it serves the downtown businesses and citizens well.

Bob Horrocks, Lewiston Avenue, Willimantic, and member of the Economic Development Commission, noted the Commission recommended maintaining or refurbishing the Tin Tsin Lot as a parking lot. They believe it is an ideal location and greatly needed for the Economic growth of the community.

Jim Preston, co-owner of A Cupcake For Later, spoke in support of using the Tin Tsin Lot as a parking lot.

Rosita Vining, spoke in support of using the Tin Tsin Lot as a parking lot and would like white lines painted on Main Street for parking.



Heather Valentin, employee of Eminence Ink on Main Street, spoke in support of using the Tin Tsin Lot as a parking lot. She believes it will help the Main Street businesses.

Susan Johnson, State Representative, noted she and Mayor Eldridge are working on scheduling a meeting for the Town Council, Board of Finance and Board of Education to get together to discuss issues for the next legislative session. She also asked if the Council had any issues at this time that she could help with.

Henry Crane, Windham Street, Willimantic, spoke in support of the appointment of Curtis Ehler as a member of the Housing Code Enforcement Committee.

Cathy Dubay, Willimantic resident and small business owner, introduced herself to the Council and noted her interest in serving on the Housing Code Enforcement Committee. She also gave a brief summary of her background.

Curtis Ehler, 162 Walnut Street, Willimantic, introduced himself to the Council and noted his interest in serving on the Housing Code Enforcement Committee. He also gave a brief summary of his background.

George Hernandez, 248 Lewiston Avenue, Willimantic, and former Business Developer of SAMA, encouraged the Town Council to use the Tin Tsin Lot as a parking lot.

Brooke Lafreniere, Principal of the Path Academy on Main Street, supports using the Tin Tsin Lot as a parking lot and believes it would be a disservice to the community if it was eliminated.

4. Town Council Comment.

Tom DeVivo noted the sound was not working on cable and would like to appoint members to the Cable Commission. He stated he does not believe the community is being served well by the cable company and noted several issues including the Council's meeting being moved to a higher channel and recent price increases. Mr. DeVivo also stated he is very interested in the Council holding a pre-budget retreat this winter possibly at ECSU to discuss long range planning and other important issues to move the community forward.

James Flores would like to address how the Town's money is being spent. He gave an example of the money received from the State for the Board of Education and noted most of the administration lives out of Town. He feels this is a big problem and believes the Council needs to figure out a way to retain people in the community. He would like to implement a program to solve this issue.

Lorraine McDevitt, agrees with holding a pre-budget meeting however she stated in addition to making long term plans, plans would also have to be made to accomplish things quicker. She also noted people were displeased with her comments to make the Tin Tsin Lot a pocket park however she stated her comments made people start thinking about what should ultimately be there.

Mayor Eldridge apologized to Charlotte Patros for not calling her for the Special Teleconference Meeting.

Joe Underwood believes if the Town has land in the community being used for public use it should be kept up by our Public Utilities.

Town Manager Beets stated the difference between a vacant lot being used for parking and a parking lot. He explained the requirements for making the lot a parking lot and also noted the cost that was estimated in approximately the year 2002 to do so. He stated at that time the Board of Selectmen decided against turning it into a parking lot. Mr. Beets stated it could be done however a new estimate would be needed and it may be a budget item.

5. Adoption of Minutes. Discuss and possibly move to adopt the minutes for:

DeVivo MOVED, McDevitt seconded, to add to the agenda, Item 5b, discuss and possibly move to adopt the minutes for the September 15, 2014 Public Hearing and Item 5c, discuss and possibly move to adopt the minutes for the Special Teleconference Town Council meeting on November 3, 2014. All were in favor. MOTION PASSED UNANIMOUSLY.

a. the October 7, 2014, regular Town Council Meeting.

DeVivo MOVED, McDevitt seconded, to adopt the minutes for October 7, 2014, regular Council Meeting. All were in favor. MOTION PASSED UNANIMOUSLY.

b. the September 15, 2014 Public Hearing

Underwood MOVED, McDevitt seconded, to adopt the minutes for the September 15, 2014, Public Hearing. All were in favor. MOTION PASSED UNANIMOUSLY.

c. the November 3, 2014 Special Teleconference Town Council Meeting

Underwood MOVED, DeVivo seconded, to adopt the November 3, 2014, Special Teleconference Town Council Meeting. All were in favor except Krich, Fantoli and Patros who abstained. MOTION PASSED.

6. Resignations.

Mayor Eldridge noted Daniel Lein resigned from the Planning & Zoning Commission effective immediately.

NOTED

7. Appointments.

a. Curtis Ehler as a regular member of the Housing Code Enforcement Committee.

b. Cathy Dubay as a regular member of the Housing Code Enforcement Committee.

DeVivo MOVED, Krich seconded, to appoint Curtis Ehler as a regular member of the Housing Code Enforcement Committee. All were in favor. MOTION PASSED UNANIMOUSLY.

Underwood MOVED, Doyle seconded, to appoint Cathy Dubay as a regular member of the Housing Code Enforcement Committee. All were in favor except Krich and Donahue who abstained. MOTION PASSED.

8. Presentations & Special Reports.

None

9. Mayor's Report.

Mayor Eldridge reported Wednesday, November 26th, is a day of giving at ECSU. He explained it is a great event and serves several people in the community.

Mayor Eldridge also reported emails had been sent out to set the Legislative meeting with State Senator Mae Flexer and State Representatives Susan Johnson and Linda Orange. He also noted if anyone had certain issues they would like to discuss they could contact State Representative Johnson.

10. Town Manager's Report.

Town Manager Beets reported the legislative meeting is being arranged however he noted there were approximately 30 people involved. He asked how the Council would like to handle the legislative meeting and the pre-budget meeting; should it be a combined meeting or would they prefer separate meetings.

Town Manager Beets apologized for the problems with the cable situation. He noted changes are being made at the company and it is affecting the whole community.

James Flores asked Town Manager Beets to address the lack of minority hiring and believes it is time to abolish the Whites Only Policy.

11. Discussion and Review of Communications.

Town Manager Beets reported a Press Release had been issued regarding the newly instituted parking program. He explained there will be 2 parking monitors who will be supervised by Sgt. Rob Rosado and parking permits will be issued by the Town Clerk's Office. He also noted courtesy warnings were being issued this week.

DeVivo MOVED, McDevitt seconded, to move Items #13a, 13b and 13c to follow Item #11. All were in favor except Krich and Fantoli who abstained. MOTION PASSED.

13. Reports of Committees, Boards and Commissions.

a. Administration, Finance, Economic Development, Health, and Human Service Committee. (Councilmember DeVivo)

DeVivo reported that at the last Administration, Finance, Economic Development, Health, and Human Service Committee they had discussed the Town Council Standing Rules and the elimination of the two standing committees and having one working group.

DeVivo also reported the committee had met with Jean de Smet, Chair of the Energy Commission and noted she will be sending minutes of the Commission's meetings to be included in the Town Council's packet. He reported Ms. de Smet had spoke to the Committee about several grants and awards the Energy Commission had received and she shared her concerns regarding the disbursement of those funds.

b. Magnet School Building Committee, and Windham High School Roof Building Committee. (Councilmember DeVivo)

DeVivo reported he and Board of Education member Paul Kalajian had attended a very informative workshop of the American Institute of Architects to better understand, manage and work with some of the building projects we have. He explained there are various criteria depending on the type of grant that is received and the workshop provided insight on how to optimize the State grants we do receive.

DeVivo reported the Magnet School will likely be ready to ask the Board of Education to accept the building in December. He stated shortly thereafter the Committee will ask the Town Council to disband the Magnet School Building Committee.

DeVivo reported the Windham High School Roof Committee will also be asking the Board of Education to accept the project fairly soon. He noted there had been a few issues with leaks however they have been addressed. He also mentioned the issues with the floor around the library and music rooms and noted there was no funding left to redo them.

DeVivo also reported the Natchaug School Roof Committee was still in review and some items have been kicked back from the Bureau of School Facilities as being non-eligible. He explained clarification is needed for those items and noted an appeal is in the process.

c. Public Safety, Public Works, Environment, Recreation, and Culture Committee. (Councilmember Krich)

Krich reported the Committee had a good meeting and noted a few of the recommendations that they had made were on tonight's agenda.

Krich also reported one item that was not on the agenda tonight was the Dispatch Center. He explained the status of the agreement and noted further revisions were being made. He is hopeful that after meeting with the Town Manager and Town Attorney on Friday, there will be a more coherent response from the Town. He noted he and Attorney Barbara McGrath will continue working on the agreement when they receive a written response from the Town.

Krich also answered questions from the Council.

12. Resolutions and Ordinances.

a. Discuss and possibly approve a Resolution amending the Town Council's Standing Rules of Procedure, effective January 1, 2015, as recommended by the Administration, Finance, Economic Development, Health, and Human Service Committee.

McDevitt MOVED, Doyle seconded, to waive the reading of the Resolution. All were in favor. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, McDevitt seconded, to approve Resolution #2650 with an amendment to #17 from 30 hours to 2 business days. All were in favor except Krich and Flores who opposed.

**TOWN OF WINDHAM
Town Council**

Resolution No. 2650

BE IT RESOLVED by the Town Council THAT

1. At each regular meeting of the Town Council, the order of business shall be as follows:
 - A. Call to Order;
 - B. Pledge of Allegiance;
 - C. Citizens and Delegations;
 - D. Town Council Comment;
 - E. Adoption of Minutes;
 - F. Resignations;
 - G. Appointments;
 - H. Presentations and Special Reports;
 - I. Mayor's Report;
 - J. Town Manager's Report;
 - K. Discussion and Review of Communications;
 - L. Resolutions and Ordinances;
 - M. Reports of Committees, Boards and Commissions;
 - N. Old Business;
 - O. New Business;
 - P. Future Agenda Items;
 - Q. Citizens and Delegations; and
 - R. Adjournment.

2. At each regular meeting of the Town Council, the presiding officer shall preserve order and decorum, may speak on questions of order in preference to other members and shall decide questions of order, subject to appeal to the Council of two (2) members.

3. There shall be two periods at each regular meeting of the Town Council to hear from Citizens and Delegations. Speakers shall address the Town Council and not the audience. During Citizens and Delegations, a citizen or delegation may speak once for a period of time not exceeding three (3) minutes. No transferring of time to speakers shall be allowed. Threats of lawsuit or violence or use of racial or other name calling will not be permitted and may result in a loss of speaking privileges.

4. During Town Council Comment, the Mayor or a member of the Town Council may address questions asked during Citizens and Delegations or comment on any other matter of concern. Unless waived by unanimous consent, the Mayor or member may speak for a period of time not exceeding three (3) minutes.

5. If 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 **work session** of the Council.

6. In addition to regular Council meetings at which the business of the Council is addressed by Council action on ordinances, resolutions, and contracts, the Council shall hold such informal Council meetings as they deem useful to receive and share information and ideas about policy issues before the Town. Such informal meetings **shall** be called **work sessions** for the purpose of having interactive, round table discussions among Council Members, staff, and **invited** members of the public. Such informal meetings of the Town Council are still subject to the Connecticut Freedom of Information Act. The order of business for **work sessions** of the Town Council is as follows:

- A. Call to Order and Pledge of Allegiance;
- B. Citizens and Delegations: Public Comment;
- C. Town Council Comment;
- D. Briefings, presentations, discussions, interaction, and possible direction to staff about specified policy issues;
- E. Discussion about items on the agenda for future regular Council Meetings;
- F. Citizens and Delegations: Public Comment;
- G. Adjournment.

7. At both regular and work sessions of the Town Council, Members of the Council shall address the presiding officer respectfully and shall confine their remarks to the question under debate, avoiding personalities or imputations of improper motives to any other member. The presiding officer shall do likewise.

8. If any member, in speaking or otherwise, transgresses the rules of the Council, **such as leaving the table during the meeting** the presiding officer or any member may call him or her to order, in which case the member called to order shall stop speaking unless permitted to explain **or shall immediately return to the table**. Where there is an appeal to the Council and a decision made in favor of the member called to order, he or she shall be at liberty to proceed. If otherwise, he or she shall not be permitted to proceed without permission of the Council.

9. A motion made and seconded orally shall be stated to the Council by the presiding officer before any debate begins. A motion made in writing shall be read aloud by the presiding officer before any debate begins. A motion shall be reduced to writing if the presiding officer so directs or any member so desires. No motions shall be made or acted upon at **work** sessions of the Town Council except to give **the Town Manager** direction in researching or otherwise dealing with a policy issue.

10. All motions shall be put by the presiding officer and all members shall signify their assent, dissent or abstention by a show of hands.

11. If two (2) or more members address the presiding officer at the same time, the presiding officer shall recognize the member who is to speak first.

12. No member shall speak more than five (5) minutes at any one time without permission from the presiding officer.

13. Except to explain or ask a question, which shall not be counted as an instance of speaking, no member shall speak more than twice on the same motion without leave of the Council, and no member shall speak a second time in preference to a member who has yet to

speak. 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. At **work sessions** the presiding officer shall allow members to speak without being formally recognized and for more than two times, subject, however, to the presiding officer's prerogative to prevent two or more members from speaking at the same time and subject to the need to maintain order and conduct an efficient meeting.

14. No ordinance shall be acted upon by the Town Council unless submitted to the Mayor 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.

15. All special committees of the Council shall be appointed by the Mayor, subject to the approval of the Town Council. The Mayor shall be an ex officio member of any standing special committee of the Council without the right of vote.

16. Questions arising on parliamentary procedure not covered by these rules shall be decided by the parliamentarian in accordance with the most current edition of Robert's Rules of Order, as modified by this resolution.

17. A member of the Town Council may place an item or items on the Town Council agenda, provided two other members of the Council agree in writing to the proposed agenda item(s) and the Town Manager receives the proposed agenda item(s) no later than **2 business days** to the first or second regular monthly meeting or one business day prior to any special meeting called by five (5) members of the Town Council. **At any special work session of the Town Council each member may submit in writing to the Town Manager one item to be included on the agenda for discussion no later than two business days prior to the meeting.**

18. If five (5) members of the Town Council request in writing that the Mayor call a special meeting of the Town Council, the Mayor shall call a special meeting.

19. The Mayor may conduct special or emergency meetings of the Town Council by telephone or otherwise provided that they comply with provisions of the Connecticut 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. The Mayor and 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 Act.

20. Because the Charter of the Town of Windham gives power and duties to the Town Council as a collective body, but not to Council members acting individually, 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 of Windham.

21. If the Mayor is unable to attend any Town or other function, the President Pro Tem of the Town Council shall stand in his or her place. If the President Pro Tem is unable to attend, the Mayor shall designate another member of the Council to attend on behalf of the Town.

22. Upon approval by the Town Council, this resolution will go into effect on January 1, 2015, without further Council action, and supersedes all other standing rules adopted by the Town Council or Board of Selectmen.

MOTION PASSED

13. **Reports of Committees, Boards and Commissions.**
- a. **Administration, Finance, Economic Development, Health, and Human Service Committee. (Councilmember DeVivo)**
 - b. **Magnet School Building Committee, and Windham High School Roof Building Committee. (Councilmember DeVivo)**
 - c. **Public Safety, Public Works, Environment, Recreation, and Culture Committee. (Councilmember Krich)**

Items # 13a, 13b & 13c was moved up on the agenda to follow Item #11.

14. **Old Business.**
- a. **Discuss and possibly approve a motion giving the Town Manager policy direction regarding the former Chapman Block (a/k/a the Tin Tsin Lot), 804 Main Street, as discussed by the Public Safety, Public Works, Environment, Recreation, and Culture Committee and the Economic Development Commission. Options discussed include: using the property as a pocket park, improving the lot to be a legally complying parking lot with improvements to the grade, paving, parking space paint, handicapped spots; putting the property up for sale through an RFP; repealing the Board of Selectman's approval of parking on the lot; and doing nothing.**

Doyle asked to move the question. All were in favor except Krich who opposed. MOTION PASSED UNANIMOUSLY.

Flores MOVED, Lessard seconded, to ask our Town Manager to study and report back to the Town Council by January 20, 2015, on how much it will cost to make the Tin Tsin Lot a legal parking lot and to put it in the budget for next year. All were in favor except Donahue and Krich who opposed. MOTION PASSED.

DeVivo MOVED, Underwood seconded, to add to the agenda Item #14b discuss and possibly move to direct Town Staff to make some small improvements to 804 Main Street aka the Chapman Block. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. **Discuss and possibly move to make some small improvements to 804 Main Street aka the Chapman Block.**
DeVivo MOVED, Underwood seconded, directing the Town Manager to direct Town Staff to fill in some of the potholes at 804 Main Street. All were in favor except Krich, McDevitt, Eldridge, Patros and Donahue. MOTION PASSED.

15. New Business.

a. Discuss and possibly move to adopt a regular meeting schedule for 2015.

DeVivo MOVED, McDevitt seconded, to adopt the meeting schedule for 2015 for the Windham Town Council meetings on the 1st and 3rd Tuesday of each month at 7:00 PM in the Bellingham Auditorium and the Working Sessions on the 2nd Tuesday of each month at 7:00 PM in the Bellingham Auditorium. All were in favor except Krich who abstained. MOTION PASSED.

b. Discuss and possibly move to request that the Connecticut Department of Transportation conduct a School Zone Speed Study for state Route 203 in the area around Windham Center Elementary School, as recommended by the Public Safety, Public Works, Environment, Recreation, and Culture Committee.

Underwood MOVED, DeVivo seconded, to request that the Connecticut Department of Transportation conduct a School Zone Speed Study for state Route 203 in the area around Windham Center Elementary School, as recommended by the Public Safety, Public Works, Environment, Recreation, and Culture Committee and at the North Windham Elementary School. All were in favor. MOTION PASSED UNANIMOUSLY.

c. Discuss and possibly move to approve the Town's participation in an arts grant from the National Endowment for the Arts, as recommended by the Public Safety, Public Works, Environment, Recreation, and Culture Committee, and by the Economic Development Commission.

DeVivo MOVED, Underwood seconded, to approve the Town's participation in an arts grant from the National Endowment for the Arts, as recommended by the Public Safety, Public Works, Environment, Recreation, and Culture Committee, and by the Economic Development Commission. All were in favor. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items

- a.** Report from the Finance Department requested for next meeting as to the how the Town ended the year.
- b.** Report from the Town Manager requested for next meeting on who owns and maintains the bus shelters.

17. Citizens and Delegations: Public Comment.

Henry Crane, Windham Street, Willimantic, thanked the Council for appointing Curtis Ehler to the Housing Code Enforcement Committee. He noted he is happy to see renters, homeowners and landlords on the Committee.

Cheryl Preston, Owner of A Cupcake For Later, questioned the 3 hour parking signs in the Tin Tsin Lot. She also asked why the Town was maintaining the lot and who is putting it up for sale.

Joe Marsalisi, Willimantic, stated it shouldn't be difficult for Public Works to fill in a few potholes in the Tin Tsin Lot. He also noted Councilmember Doyle's statement regarding a surplus in the Willimantic Service District and stated after paying for special duty there should only be approximately \$30,000 left.

Rosita Vining stated she has been a member of the Charter Cable Board for five years and the transition to digital has been completed. She also spoke about parking and the exemptions for handicapped people. In addition, Ms. Vining again asked for white lines on Main Street to help with parking.

Jim Preston, Co-Owner of A Cupcake For Later, believes a vacant lot changes to a parking lot when three hour parking signs are put there. He also thinks the Tin Tsin Lot is a central location for people coming from Boston, Rhode Island and other areas to be able to walk our historic Main Street.

James Flores noted he is one person with one vote and soon the people will be voting on the Town budget. He stated if any Town agency or organization with less than a 10% minority asks for money he is voting no. He also does not want anyone to call him or ask him how he is voting. He will listen to everyone and then make up his mind.

Bob Horrocks thanked the Council for considering the Economic Development Commissions recommendation to retain or turn the Tin Tsin Lot into a parking lot. He believes it will be a terrific addition to Main Street and noted the businesses would enjoy it and it would like a lot nicer.

George Hernandez thanked the Council for giving direction to the Town Manager to study the Tin Tsin Lot. He also reminded the Council to be considerate of the business owners.

Tom DeVivo reminded everyone there will be a Willimantic Service District meeting tomorrow night at 7:00 PM with a fairly long agenda.

18. Adjournment

DeVivo MOVED, Doyle seconded, to adjourn the Windham Town Council Special Teleconference meeting at 9:05 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney
Clerk of the Town Council