

Minutes of the Windham Town Council Regular Meeting

Windham Town Hall Bellingham Auditorium, 2nd Floor
Tuesday, December 15, 2015 7:00 P.M.

1. Call to Order

Town Council President Tom DeVivo called the Windham Town Council Regular Meeting to order at 7:00 P.M.

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

Mayor Ernest S. Eldridge was excused

Acting Town Manager Neida Rosado was also in attendance

2. Pledge of Allegiance

Town Council President Tom DeVivo led all in the Pledge of Allegiance

3. Citizens and Delegations: Public Comment

None

4. Town Council Comment

Town Council President Tom DeVivo noted he has spoken to IT Manager Brian Hathaway about cleaning up what the Council is seeing.

5. Adoption of Town Council Minutes

a. Regular Meeting of December 1, 2015.

Lessard MOVED, Krich seconded, to approve the Town Council Regular meeting minutes of December 1, 2015 with a correction to Item #12 to insert the word personal prior to the words Conflict of Interest in the Ethics Ordinance. All were in favor. MOTION PASSED UNANIMOUSLY.

MOTION: Krich MOVED, Ide seconded, to amend the agenda to add action Item #14c; Discussion and possible adoption of Standing Rules for the Town Council. All were in favor. MOTION PASSED UNANIMOUSLY.

6. Resignations

None

7. Appointments, Reappointments

None

8. Presentations & Special Reports

None

9. Mayor's Report

Town Council President Tom DeVivo noted the Mayor was at the Library tonight playing Santa Claus.

Town Council President Tom DeVivo reported the Recreation Department has a Christmas Party for the youth on Friday and Saturday from 12:00 to 4:00 is the Toy Drive at the Kramer Building and everyone is invited. Councilmember Flores noted the Toy Drive is sponsored by Willimantic Cares and the Windham Fire Departments.

Councilmember McDevitt also reported the Museum will have different groups at the East Brook Mall wrapping gifts from 10:00 to 10:00 and donations are welcome.

10. Town Manager's Report

Acting Town Manager Neida Rosado reported on the following:

- Our School Readiness liaison had twins yesterday on Town Manager Beets birthday.
- Renovations will begin tomorrow at Town Hall in the Town Clerk's office and Building Department.
- Controller position and Finance III position have been advertised and interviews will take place over the next couple of weeks with hopes of having a new Controller by the 2nd week of January.
- Code Enforcement Officer Rey Soto will be leaving for the position of Assistant Building Director and Zoning Officer in the Town of Windsor effective December 31st.
- The Mitten Tree in memory of former Police Officer Margaret Gagnon is in the Town Clerk's office and all items will be donated to the Soup Kitchen on December 23rd.

11. Discussion and Review of Communications to Council

None

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

None

13. Resolutions and Ordinances

- a. Discuss and possibly approve a Resolution asking the State of Connecticut for permission to modify the State of Connecticut CDBG Small Cities Loan**

Repayment Policy Resolution for the Windham Town Council if they wish to ask the State for permission to modify the State of Connecticut CDBG Small Cities Loan Repayment Policy

O'Brien read the Resolution and moved for its adoption.

O'Brien MOVED, Flores seconded, to adopt Resolution #2672. All were in favor except Fantoli, McDevitt and Lessard.

BE IT RESOLVED by the Town of Windham Town Council THAT

WHEREAS, the State of Connecticut through its Department of Housing requires "full repayment" of CDBG Small Cities loans for housing rehabilitation, pursuant to its policy document attached as Exhibit A; and

WHEREAS, the State of Connecticut Department of Housing further requires that any change or deviation in that full repayment policy must be approved by the Connecticut Department of Housing; and

WHEREAS, the Windham Town Council adopted a repayment policy for CDBG Small Cities loans consistent with the full repayment policy mandate of the Connecticut Department of Housing but now wishes to modify its repayment policy to facilitate short sales in order to encourage home ownership, to avoid the blight of vacant, abandoned housing in the Town, and to possibly recover partial CDBG loan repayment rather than seeing its CDBG lien extinguished in a foreclosure or bankruptcy with no repayment;

NOW, THEREFORE, the Windham Town Council hereby resolves as follows:

1. That the "2015 Town of Windham Housing Rehabilitation Program Guidelines" are amended, contingent on the approval of the Connecticut Department of Housing, by adding to the last sentence at the end of paragraph C. on page 3 of the Guidelines the following material:

"unless the value of all liens and mortgages prior in right to the lien of the town exceeds the fair market value of the property and the property is subject to a short sale transaction which will avoid foreclosure and result in partial payment of the lien of the town."

Except as so amended, the 2015 Town of Windham Housing Rehabilitation Guidelines remain the same.

We authorize and direct the Town Manager, Neal Beets, to submit this proposed change in policy to the State of Connecticut Department of Housing for their review and approval.

MOTION PASSED

b. Discuss and possibly approve a Resolution forming the AdHoc Outside Agencies Budget Review Committee

Lessard read the Resolution and moved for its adoption.

Lessard MOVED, Fantoli seconded, to adopt Resolution #2673. All were in favor.

BE IT RESOLVED by the Town Council THAT

The Outside Agencies Budget Review Committee is established to review the yearly outside agencies budget request applications. The committee will consist of the following 5 members:

3 Town Council Members
Recreation Director
Human Services/Senior Center Director

The committee will make its recommendations to the Town Manager by the 2nd Monday in February of each year. The Town Manager will make his/her final recommendations to the Town Council by February 28th per Town Charter.

MOTION PASSED UNANIMOUSLY

14. Old Business.

a. Discuss and possibly authorize an increase of \$48,750 to outside agencies budget line item for the Windham Regional Community Council as a one-time stop gap request due to the reduction of State Funding from DCF.

Pat Calvo updated the Council on the status of the funding and answered questions from the Town Council.

O'Brien MOVED, Ide amended, Krich seconded, to authorize an increase of \$48,750 to outside agencies budget line item for the Windham Regional Community Council as a one-time stop gap request due to the reduction of State Funding from DCF, however should the funding come through before the fiscal year ends, the money shall be repaid or the portion thereof that is not needed. All were in favor except McDevitt who abstained. MOTION PASSED.

b. Discussion with Windham Regional Transit District Representatives and possibly authorize an increase of up to \$30,000 to the outside agencies budget line item under Windham Regional Transit District for replacement and/or maintenance of bus shelters in the Town of Windham.

Ellen Grant, Administrator for WRTD, explained the position of WRTD regarding the cleaning and maintenance of bus shelters. She also answered questions from the Town Council.

After discussion, Acting Town Manager Neida Rosado suggested she would meet with Town Manager Beets and Superintendent of Public Works Brad Wojick and come back to the Council at their next meeting with a recommendation on how to handle snow removal for the bus shelters this year and in the future. She also stated she would contact CCM and other agencies that may be able to provide information and assistance regarding the shelters.

- c. Discussion and possible adoption of Standing Rules for the Town Council.**
Krich MOVED, Ide seconded, that the document being passed around be adopted as the Standing Rules for the Town Council of the Town of Windham effective January 1, 2016. All were in favor except Fantoli who opposed.

Krich requested a waiver of the reading. He reviewed and explained the changes to the document.

Krich MOVED, Ide seconded, to adopt Resolution #2674. All were in favor.

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. Public Comment;
- 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. Public Comment; 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 reference to the parliamentarian. 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.

3. There shall be two periods at each regular meeting of the Town Council to hear from the public. Speakers shall address the Town Council and not the audience. A citizen or delegation may speak at one Citizens and Delegations period or the other but not both. During Public Comment, a person 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, profanity 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, 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 member may speak for a period of time not exceeding three (3) minutes.

5. There shall be two standing committees of the Town Council, each consisting of five (5) members: Administration, Finance, Development and Health and Human Services; and Public Safety, Public Works, Environment, Culture and Recreation.

6. All reports of any committee reporting to the Town Council will be submitted in writing by the second Tuesday of the month and be included in the Council members' packets for the second meeting of the month. Any Town Council or committee member may submit a separate minority report within the same time frame. The reporting of the discussion and actions of the committees of the Town Council may be given no later than the second regularly scheduled monthly meeting of the Council.

7. Members of the Council shall address the presiding officer, the public and each other respectfully and shall confine their remarks to the question under debate, avoiding personalities or imputations of improper motives to any other member or other person. 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 without good cause, 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.

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.
- 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 standing and special committees of the Council shall be appointed by the Nominating Committee, subject to the approval of the Town Council. The Mayor shall be an ex officio member of any standing committee of the Council without the right of vote.
- 16.** 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 two (2) business days prior 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.
- 17.** 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. If a majority of any standing committee of the Town Council requests the calling of a committee meeting, the Chair of the committee shall call such meeting.
- 18.** The Town Council may conduct special or emergency meetings of the 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 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.
- 19.** 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, including the Mayor, shall give orders to any employee or member of any Board, Commission, agency or Authority of the government of the Town of Windham.
- 20.** 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 officially attend on behalf of the Town. Any invitation to any event received by the Mayor or Town Manager shall be timely shared with all members of the Town Council.

21. Upon approval by the Town Council, this resolution will go into effect on January 1, 2016 without further Council action, and supersedes all other standing rules adopted by the Town Council or Board of Selectmen.

MOTION PASSED

15. New Business

None

16. Future Agenda Items:

- a. Possible Executive Session with the Town Attorney regarding an update on the Windham Mills correspondence and an update on the Senior Center negotiations**
- b. Possible Executive Session with the Town Attorney regarding an update on the Hurley Building**
- c. Revision to the annual meeting schedule to note the schedule for the two Town Council Sub-Committees**
- d. Town Council Workshop with IT Manager Brian Hathaway on using the chrome books**

17. Citizens and Delegations: Public Comment.

Doug Lary, 183 Summit Street, Willimantic, thanked the Council their quality of discussion on Item #13a.

Henry Crane, Willimantic, thanked the Council for the disclosure when discussing State Funding from DCF and a possible conflict of interest. He also supports having 2 public comment periods.

Mike Lessard spoke about the New England Association of Schools and Colleges and noted their examination of every facet of schools and reporting. He stated Windham is not a failing school.

James Flores stated he was speaking on behalf of the poor people of the community. He spoke about the bus shelters and invited everyone to walk through Town to discover their community.

Lorraine McDevitt spoke about residents shoveling sidewalks and the need to enforce the ordinances of the Town.

Tom DeVivo thanked the Town Staff (Neida & Barbara) for their assistance in helping him through his first meeting as President of the Town Council.

18. Adjournment

Lessard MOVED, McDevitt seconded, to adjourn the Windham Town Council Regular meeting at 8:28 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney
Clerk of the Town Council