

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, December 20, 2011 - 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, Charles Krich, Tony Fantoli, Tom DeVivo, Lorraine McDevitt, N. Joseph Underwood, Arnaldo Rivera, Mark Doyle, Christel Donahue and Jerry Iazzetta
Kevin Donohue was excused.

Town Manager Neal Beets was also in attendance.

2. Pledge of Allegiance

Mayor Eldridge led all in the Pledge of Allegiance.

NOTE: We would like a motion to change the order in which one of the following agenda items is addressed. In order to get Town Council approval of a proposed land sale before sending the land sale to Town Meeting for approval, we would like a motion to move item 14.a to follow item 11 and precede item 12.

MOTION: DeVivo MOVED, McDevitt seconded to move item 14a to follow item 11 and precede item 12. All were in favor except Iazzetta who opposed. MOTION PASSED.

3. Citizens and Delegations

Peter Quercia, 300 Walnut Street, Willimantic, wished Neal Beets and Mark Doyle a Happy Birthday. He also stated his position on standing for the Pledge of Allegiance and spoke on the needles section of The Chronicle regarding Citizens and Delegations.

Attorney John Fussell, representing the Teamsters Union explained the arbitration ruling regarding Public Works employee Rob Chasse and urged the Council to reinstate Mr. Chasse based on the decision.

Henry Crane, Windham Street, Willimantic, spoke in support of the reappointment of Doug Lary on the Ethics Commission.

Dawn Niles, North Windham, spoke on the purchase of a new ambulance and the spaghetti supper fund raiser for the McSweeney Senior Center.

Marjorie Roach, Director of the McSweeney Senior Center, gave a brief background of the center and explained the financial support that is received through grants and other Towns.

Doug Vining, taxpayer, spoke in support of Public Works employee Rob Chasse.

James Flores, Willimantic, shared his thoughts on the Democratic Party, the number of polling places currently being used and the removal of the second Citizens and Delegations from the Town Council agenda.

4. Town Council Comment

Iazzetta wished everyone at the meeting and those watching on TV a Merry Christmas.

5. Adoption of Minutes

a. Discussion and possible action to adopt the December 6, 2011 Town Council meeting minutes.

DeVivo MOVED, Underwood seconded, to adopt the December 6, 2011 Town Council meeting minutes with the following notation on Item 13a: (A vote of 2/3 of the Council is required. See Sec. 7-188 (b) of the CGS). All were in favor.
MOTION PASSED UNANIMOUSLY.

6. Resignations

NONE

7. Appointments. Discussion and possible action to:

- a.** Reappoint Elsie Jenkins to the Willimantic Public Library Board of Directors with term ending December 2, 2012.
- b.** Reappoint Barbara Lacey to the Willimantic Public Library Board of Directors with term ending December 2, 2014.
- c.** Reappoint Laura Lambert to the Willimantic Public Library Board of Directors with term ending December 2, 2014.
- d.** Reappoint William Hettinger, Jr., to the Economic Development Commission with term ending December 15, 2016.
- e.** Reappoint Doug Lary to the Ethics Commission with term ending December 15, 2014.
- f.** Reappoint Joe Underwood to the Town Council's Administration, Finance, Health and Human Services Subcommittee.
- g.** Reappoint Kevin Donohue to the Town Council's Administration, Finance, Health and Human Services Subcommittee.
- h.** Reappoint Christel Donahue to the Town Council's Administration, Finance, Health and Human Services Subcommittee.
- i.** Appoint Mark Doyle to the Town Council's Administration, Finance, Health and Human Services Subcommittee.
- j.** Appoint Tony Fantoli to the Town Council's Administration, Finance, Health and Human Services Subcommittee.

- k. Appoint Thomas DeVivo to the Town Council's Public Safety, Public Works, Culture and Recreation Subcommittee.
- l. Reappoint Lorraine McDevitt to the Town Council's Public Safety, Public Works, Culture and Recreation Subcommittee.
- m. Reappoint Jerry Iazzetta to the Town Council's Public Safety, Public Works, Culture and Recreation Subcommittee.
- n. Reappoint Arnaldo Rivera to the Town Council's Public Safety, Public Works, Culture and Recreation Subcommittee.
- o. Reappoint Charles Krich to the Town Council's Public Safety, Public Works, Culture and Recreation Subcommittee.

Krich MOVED, McDevitt seconded, to include Items 7a-7o as one Item and to appoint and reappoint all individuals to each respected board. All were in favor. MOTION PASSED UNANIMOUSLY.

8. Presentations & Special Reports

- a. **Report updating the status of discussions between the Regional Board of Directors for the Senior Center and Town Staff. Discussion and possible direction to Town Staff about the Senior Center.**

Krich MOVED, DeVivo seconded, that on or before March 1, 2012 the Town Manager, with the assistance of Town Staff and other interested individuals, shall submit to the Administration and Finance Subcommittee of the Town Council a range of proposals for the operation of a local senior center. All were in favor. MOTION PASSED UNANIMOUSLY.

9. Mayor's Report

Mayor Eldridge reported January 6th is Three King's Day and toys are still needed. He noted toys or donations could be given to Human Services Director, Mary DeMarco. Mayor Eldridge wished everyone a Happy Holiday.

He also stated he is looking forward to working together with the Council in the New Year to help move the Town forward. He reported new businesses are looking to move into town.

10. Town Manager's Report

No Report.

11. Discussion and Review of Communications

NONE

14. Old Business

- a. **Discussion and possible action to sell 629R Back Road, pursuant to the Town Council's policy on surplus property.**

Iazzetta MOVED, Rivera seconded, to sell 629R Back Road pursuant to the Town Council's policy on surplus property to ADA Wolf Trust. All were in favor.
MOTION PASSED UNANIMOUSLY.

12. Resolutions and Ordinances

a. Discussion and possible action to adopt a Resolution approving Town conveyance of easements and/or acquisition of Town property and referring these transactions to Town Meeting on Tuesday, January 17, 2011, at 5:30 pm for approval:

- i. the sale of surplus land at 629R Back Road, pursuant to the Town's policy regarding disposal of surplus real estate;**
- ii. an easement between CL&P and the Town across town land located at 55 Bridge Street;**
- iii. the acquisition of open space at the Oxbow Drive, Tunxis Lane and Cherry Lane current residential subdivision;**
- iv. granting an easement over town land for possible future access to Old Mansfield Road to Mr. and Mrs. Cuoghi;**
- v. the acquisition of a public utility easement for the medical office building at Windham Hospital;**

Iazzetta read the resolution and moved for its adoption.

Iazzetta MOVED, DeVivo seconded, to adopt Resolution #2551 approving Town conveyance of easements and/or acquisition of Town property and referring these transactions to Town Meeting on Tuesday, January 17, 2011, at 5:30 pm for approval:

- i. the sale of surplus land at 629R Back Road, pursuant to the Town's policy regarding disposal of surplus real estate;**
- ii. an easement between CL&P and the Town across town land located at 55 Bridge Street;**
- iii. the acquisition of open space at the Oxbow Drive, Tunxis Lane and Cherry Lane current residential subdivisio;**
- iv. granting an easement over town land for possible future access to Old Mansfield Road to Mr. and Mrs. Cuoghi;**
- v. the acquisition of a public utility easement for the medical office building at Windham Hospital;**

BE IT RESOLVED by the Town Council THAT

A Town meeting be held on January 17, 2012, at 5:30 p.m., in the Windham Town Hall meeting room, 979 Main Street, Willimantic, Connecticut regarding the following:

ITEM #1

BE IT RESOLVED THAT the Town of Windham convey Town owned land by quit claim deed at 629R Back Road in “as is” condition to the Ada Wolf Trust in the amount of \$20,400.00 situated in the Town and County of Windham as shown on Assessor’s Map 7-6, Block 242, Lot 3, and as described in Volume 263, Page 507 on file in the Windham Town Clerks Office.

ITEM#2

BE IT RESOLVED THAT for payment of \$1,025.00 the Town of Windham grant an easement to CL+P for overhead electrical lines on property at 55 Bridge Street as shown on a map to be filed in the Windham land records entitled “Northeast Utilities Service Co. for The Connecticut Light and Power Company titled Exhibit “A” Proposed Easement Acquisition, Windham Conn.”

ITEM #3

BE IT RESOLVED THAT the Town of Windham accept two tracts of land identified as “Open Space to City of Willimantic for Recreational Use” as shown on a plan entitled “ Final Subdivision Plan – Rosebrooks Acres, Section II, prepared for T & M Building” dated February 22, 1972 and recorded in the Windham Land Records in Plan Book P-14

ITEM #4

BE IT RESOLVED THAT the Town of Windham grant an easement to Victor and Roxanna Cuoghi to pass and repass over land identified as “20 Foot Wide, Access Easement over a portion Of Lands Of The Town Of Windham, Connecticut, Being A Portion Of Property Designated As Tax Map 5-5, Block 233, Lot 1 Also Known As No. 141 Tuckie Road Situated In The Town Of Windham, County Of Windham, State Of Connecticut.”

ITEM #5

BE IT RESOLVED THAT the Town of Windham accept an easement from Windham Community Memorial Hospital, Inc and Windham Professional Office Condominium Association, Inc., for a water line, over land indentified as “PROPOSED 25' WATER MAIN EASEMENT” shown on a plan entitled: “WATER MAIN EASEMENT TO BE CONVEYED TO THE TOWN OF WINDHAM BY WINDHAM COMMUNITY MEMORIAL HOSPITAL, INC. AND WINDHAM PROFESSIONAL CONDOMINIUM ASSOCIATION Mansfield Avenue and Valley Street Willimantic, Connecticut Scale: 1"= 100' Date: January 20, 2011.”

MOTION PASSED UNANIMOUSLY.

- b. **Discussion and possible action to adopt a Resolution approving a tax abatement for 699 Main Street, LLC, relating to the renovation of the Hurley/Murray Building within the officially designated Entertainment District within the Town of Windham, in accordance with the recommendation of the Economic Development Commission.**

Fantoli read the resolution and moved for its adoption.

Fantoli MOVED, DeVivo seconded to adopt Resolution #2552 approving a tax abatement for 699 Main Street, LLC, relating to the renovation of the Hurley/Murray Building within the officially designated Entertainment District within the Town of Windham, in accordance with the recommendation of the Economic Development Commission.

BE IT RESOLVED by the Town Council THAT

The tax abatement agreement for 699 Main Street, LLC be as follow:

WHEREAS, Connecticut General Statutes Section 32-74 authorize towns to use tax abatements to encourage the rehabilitation of existing buildings, encourage new development and the expansion of businesses to promote economic development and attract businesses that will generate additional tax revenues and create employment opportunities for the town and improve the quality of life for its citizens by expanding the array of goods and services available; and

WHEREAS, pursuant to state law, the Town of Windham adopted a Tax Deferral Program within its designated Entertainment District, as outlined under Resolution #994; and

WHEREAS, it is the policy of the Town to abate and defer increases in taxes for improvements to real property in accordance with the enabling provisions of state law and its Tax Deferral Program; and

WHEREAS, the Windham Economic Development Commission considered a tax abatement for 699 Main Street and made its findings as follows: The project will rehabilitate an existing blighted building that is currently identified as unsafe and a hazard; that the plan for rehabilitation will convert the empty upper stories into apartments, and that the first floor level will have two commercial tenants; that the abatement of taxes is only for a short period of time that will bring additional taxable revenue to the Town; that the project will enhance the condition of the property in an effort to save the historic character of a key building in the Downtown area; that the project is likely to influence neighboring property owners to investments in their properties; the project will result greater economic activity, life, and vibrancy in the immediate area, and provide a place for residents, and consumers. Given these factors, the Commission voted unanimously to endorse the project, and urges favorable action.

NOW, THEREFORE, BE IT RESOLVED that the Windham Town Council hereby agrees to a reduce the real property assessment for the proposed project of **699 Main St., LLC** as outlined

in Resolution #994, commencing with the Grand List following the date the Certificate of Occupancy is issued for the Real Property; provided, however, that if such assessment is changed by any Town revaluation, the new assessed value of the Real Property shall be reduced by the percentage applicable to the year within the seven (7) year period such assessment is changed.

MOTION PASSED UNANIMOUSLY.

- c. **Discussion and possible action to adopt a Resolution modifying a previously approved tax abatement for Windham Community Hospital, relating to the construction of a medical office building on the Hospital's campus.**

Underwood read the resolution and moved for its adoption.

Underwood MOVED, DeVivo seconded to adopt Resolution #2553 modifying a previously approved tax abatement for Windham Community Hospital, relating to the construction of a medical office building on the Hospital's campus.

BE IT RESOLVED by the Town Council TO

Amend a Tax Abatement and Assessment Resolution as follows:

WHEREAS, on February 15, 2011, the Windham Town Council approved Resolution 2528 authorizing a tax abatement for the construction of a medical office building on the campus of the Windham Community Hospital as identified in Resolution 2528 (this is the first phase of a project that has subsequently gone through subdivision review before the Windham Planning and Zoning Commission and is now identified as Lot #1 of a Subdivision Plan for Windham Hospital Medical Campus for Windham Community Memorial Hospital, Inc., in the Map files of the Town Clerk's Office as Map Vol 35, pages 1a, b, c, and d); and

WHEREAS, subsequent to the Town Council's approval of a tax abatement in Resolution 2528, Windham Hospital changed the ownership of the medical office building from Windham Medical Associates LLC to **Windham Community Memorial Hospital/Hatch Corporation;**

NOW, THEREFORE, BE IT RESOLVED that the Windham Town Council hereby modifies Resolution 2528 to authorize the Town Manager to enter into an agreement pursuant to Connecticut General Statutes Section 12-65b to establish the real estate tax assessment for the proposed project of **Windham Community Memorial Hospital/Hatch Corporation** on the same terms and conditions as adopted in Town Council Resolution 2528 save those terms and conditions that change as a consequence of the change in ownership of the project.

MOTION PASSED UNANIMOUSLY.

- d. **Discussion and possible action to adopt a Resolution expanding the role of the Inter-District Magnet School Building Committee to include review and ratification of capital improvements at the Natchaug Elementary School. Doyle read the resolution and moved for its adoption.**

Doyle MOVED, Underwood seconded to adopt Resolution #2554 as modified to include in Section 3a, **to replace the roof system**, in Section 3c, **replacing the roof system** & in Section 4, **a final inspection for the roofing system** expanding the role of the Inter-District Magnet School Building Committee to include review and ratification of capital improvements at the Natchaug Elementary School.

BE IT RESOLVED by the Town Council THAT

A Resolution of the Windham Town Council Modifying the Role of the Inter-District Magnet School Building Committee to Include Capital Improvements to Natchaug Elementary School

Whereas, on July 20, 2010, the Windham Town Council adopted Resolution 2511 re-establishing the Inter-District Magnet School Building Committee; and

Whereas, the roof at the Natchaug Elementary School needs to be replaced; and

Whereas, state statutes require towns to utilize building committees when they make capital improvements to public schools when those towns wish to receive state reimbursement for their capital expenditures; and

Whereas, the current Magnet School building committee is doing an excellent job and, for the sake of efficiency, is willing to add to its role the oversight of capital improvements to the Natchaug Elementary School;

Now, Therefore, the Windham Town Council amends Resolution 2511 as follows:

Section 1. Ad Hoc Inter-District Magnet School Building Committee Established.

There shall be a Town of Windham Inter-District Magnet School and Natchaug Elementary School Building Committee having the powers and duties set forth in this Resolution. The Committee shall foster effective public communication and decision-making regarding the construction of the School.

Section 2. Composition.

- (a) The Committee shall consist of not less than three (3) and no more than seven (7) members.
- (b) The Mayor shall appoint Committee members subject to concurrence by the Council.
- (c) Upon a vacancy occurring, the Mayor shall appoint a successor subject to the concurrence of the Council.
- (d) Commission members shall serve without compensation or reimbursement of expenses incurred.
- (e) Commission members may consist of members of the Town Council, the Board of Finance, the Board of Education and other persons interested in educational excellence, fiscal restraint, design distinction, construction contracting quality, and decision-making transparency.

Section 3. Powers and Duties.

The Committee shall have the following enumerated powers and duties, and all powers and duties necessary or appropriate to accomplish effectively these enumerated powers and duties:

- (a) To keep itself and the community accurately informed about the status of the construction for the Magnet School and the status of the project to replace the roof system for Natchaug Elementary School, responding to all public questions and concerns about the projects;
- (b) To select, evaluate, and direct the work of project and construction contractors;
- (c) To work with State officials to preserve and implement the funding grant by which 95% of eligible construction costs are paid for by the state for the Inter-District Magnet School, and to assure that the state reimburses the Town to the maximum extent allowed under law for replacing the roof system to Natchaug Elementary School;
- (d) To request the assistance of the Superintendent of Schools and the Town Manager, their staff, or persons under contract with the Board of Education or the Town.

Section 4. Sunset

The Ad Hoc Inter-District Magnet School and Natchaug Elementary School Building Committee shall sunset upon issuance of a Certificate of Occupancy for the Magnet School and a final inspection for the roofing system for Natchaug Elementary School.

MOTION PASSED UNANIMOUSLY.

13. Reports of Committees, Boards and Commissions

a. Administration, Finance, Health and Human Services Subcommittee
No Report.

b. Public Safety, Public Works, Culture and Recreation Subcommittee
Iazzetta reported the Subcommittee will be meeting December 28, 2011 and requested the following: a copy of the RFQ or RFP that was sent out regarding the

dispatch center including any replies received and all information pertaining to the ambulance fund. Iazzetta also requested the Public Works Director attend the subcommittee meeting to review the next 2 years and the Recreation Director or other staff member also attend the meeting to discuss the process for selecting CUPID and other pertinent issues.

c. Tri-Board

McDevitt reported there are communications taking place between the Town and Board of Education Finance and IT Departments. She also noted the Tri Board, through the school representatives and Dr. Ortiz, are communicating to find more economical ways to move forward.

14. Old Business

a. Discussion and possible action to sell 629R Back Road, pursuant to the Town Council's policy on surplus property.

Iazzetta MOVED, Rivera seconded, to sell 629R Back Road pursuant to the Town Council's policy on surplus property to ADA Wolf Trust. All were in favor. MOTION PASSED UNANIMOUSLY.

15. New Business

a. Discussion and possible action to accept \$42,000 from Yankee Gas toward the total cost of re-surfacing the following streets and re-constructing their sidewalks in the next construction season: Bellevue, Hewitt, and Oak Streets.

Iazzetta MOVED, Doyle seconded, to accept \$42,000 from Yankee Gas toward the total cost of re-surfacing the following streets and re-constructing their sidewalks in the next construction season: Bellevue, Hewitt, and Oak Streets. All were in favor. MOTION PASSED UNANIMOUSLY.

b. Discussion and possible action to award a service contract to Datum Engineering and Surveying, Mansfield, CT, the lowest responsible and responsive bidder, to survey seven Town roads for either new or replacement sidewalks.

Iazzetta MOVED, Doyle seconded, to award a service contract to Datum Engineering and Surveying, Mansfield, CT, the lowest responsible and responsive bidder, to survey seven Town roads for either new or replacement sidewalks. All were in favor. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items

- Magnet School Report
- Charter Revision Appointments

17. Adjournment

Doyle MOVED, Krich seconded, to adjourn the Town of Windham Town Council meeting at 9:00 P.M. MOTION PASSED UNANIMOUSLY.