

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, December 3, 2013 - 7:00 P.M



1. Call to Order

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

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

Lorraine McDevitt arrived at 7:05 PM

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

Maria Seger, 215 Church Street Apt 1, Willimantic, spoke against the parking ban. She is concerned with safety issues and questioned the motivation for the parking ban. She offered a few alternative suggestions for parking and asked the Council to reconsider.

Kathleen Beckett, 470 Pleasant Street, Willimantic, spoke as a representative from Embracing the Same Dream, a local group that supports immigration reform. She spoke about the federal immigration reform and the S.A.F.E. Act and provided information on both. She also thanked James Flores for bringing this issue to the Council.

Abby Williams, 175 North Street, Willimantic, echoed the comments made by Maria Seger and also spoke against the parking ban. She suggested parking on opposite sides of the street and gave an example of how parking is handled in Syracuse NY. She would like to be more involved in a decision that directly impacts her.

Larry Tala, landlord in Town and owner of I Ride Limousine spoke about transporting autistic children to school. He stated he was informed there was no funding available for transporting the children and asked the Council to take care of this issue.

Jeff Viens, Willimantic taxpayer and Columbia resident, noted he had a copy of a letter from Neal Beets to the Willimantic Traffic Authority which sites "congestion by ECSU students" regarding the parking ban which he believes is targeting ECSU students. He also stated the letter has been mailed to the CT Citizens Action Group and the CT Civil Liberties Union because it violates people's rights.



Henry Crane, Windham Street, Willimantic, spoke in favor of a second Citizens and Delegations and believes a sign-up sheet could be helpful.

Kevin Hoxie, Ridgewood Road, Willimantic, spoke about the lack of attendance of the Town Council at the Town and Gown meetings and some of the issues being discussed at the meetings. He also spoke about the parking ban and believes it will be difficult to enforce with the resources available.

Joel Meyers, Willimantic, spoke of the importance of attending Town and Gown meetings and his concerns with the parking ban. He noted a disabled tenant of his had to move because of the foreseeable difficulties he would have getting to his vehicle because of the parking ban.

Katie Kornacki, 175 North Street, Willimantic, agreed with the previous speakers who spoke against the parking ban. She too shared her concerns with safety and asked the Council to re-visit the parking issue. She also gave an example of being towed where a resident only parking sign is posted.

Pam Viens, Windham taxpayer and Columbia resident, noted she had been attending Town and Gown meetings for some time and stated ECSU had approached the Town when Jean de Smet was in office in an effort to have both ECSU Police and Willimantic Police work together. Ms. Viens suggested someone speak to Ms. de Smet about the issue and start working together.

4. Town Council Comment

Lessard noted he would like the Council to re-visit the parking ban.

McDevitt suggested the gentleman who spoke regarding the transporting of autistic children to school contact the Board of Education.

Mayor Eldridge noted the Willimantic Service District and not the full Town Council put together the parking ban.

James Flores asked how many Public Hearings were held regarding the parking ban and asked who the members were who asked for the parking ban. He stated Dr. Nunez had told him she was never invited to any kind of dialogue. He encouraged the Council to re-visit the parking ban and believes the whole Town should be invited to discuss this issue.

Mayor Eldridge noted the Willimantic Service District and the Willimantic Traffic Authority put the parking ban together and stated there are two other entities people can go to.

DeVivo spoke about the immigration status and would like the Mayor to prepare a letter to send to our federal delegation for the next Town Council meeting.

5. Adoption of Minutes

- a. Discuss and possibly move to adopt the minutes for the November 19, 2013, Town Council Meeting.**

DeVivo MOVED, Underwood seconded, to adopt the minutes for the November 19, 2013, Town Council Meeting with the correction of a grammatical error in Town Council Comments from James Flores, changing he **was** hearing impaired to he **is** hearing impaired. All were in favor. MOTION PASSED UNANIMOUSLY.

MOTION: DeVivo MOVED, Underwood seconded, to amend the agenda to add under “Old Business” item 14d; to set a Public Hearing on an Ordinance amending the bidder’s preference provisions of the Town Code. All were in favor. MOTION PASSED UNANIMOUSLY.

6. Resignations.
None

7. Appointments.

- a. **Chuck Pennewill as a regular member of the Charter Revision Commission, to take the place of Donna Nicolino, whose resignation was previously acknowledged by the Council, with a term ending when the Charter Revision Commission expires.**

McDevitt MOVED, Doyle seconded, to appoint Chuck Pennewill as a regular member of the Charter Revision Commission, to take the place of Donna Nicolino, whose resignation was previously acknowledged by the Council, with a term ending when the Charter Revision Commission expires. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. **Roger Morin as an alternate member of the Zoning Board of Appeals, with a term ending on November 21, 2017.**

DeVivo MOVED, Underwood seconded, to appoint Roger Morin as an alternate member of the Zoning Board of Appeals, with a term ending on November 21, 2017. All were in favor. MOTION PASSED UNANIMOUSLY.

8. Presentations & Special Reports.

- a. **Presentation from Neal Beets, Town Manager, about the budget process for FY 14-15.**

Town Manager Beets gave a brief overview of the budget process for FY 14-15 and provided the Council with the date schedule for the process.

- b. **Presentation from Chris Johnson, unified Finance Director, about the status of the audit process.**

Finance Director Chris Johnson explained the audit process and gave a brief update on the status of the audit. He also briefly explained the process for transitioning to the new MUNIS software. Mr. Johnson answered questions from the Council.

- c. **Presentation from Joan Paskewich, Assessor, about the status of the revaluation.**

Town Assessor Joan Paskewich updated the Council on the status of the revaluation and provided a copy of the timeline of events. She explained how information is collected for revaluation and noted the economic climate plays a big role in revaluation. She also explained the appeals process. In addition, Ms. Paskewich answered questions from the Council.

9. Mayor's Report

Mayor Eldridge reported he had attended the ECSU Day of Giving, the fire truck parade and lighting of the tree and the tree lighting ceremony in Windham Center. He noted all the events were a success. Mayor Eldridge also reported, although he was unable to attend, Small Business Saturday was also a very successful event.

10. Town Manager's Report

No Report

11. Discussion and Review of Communications.

a. Correspondence from David Fenn regarding a high school civics class and an award.

Noted. Mayor Eldridge will refer Mr. Fenn to the Board of Education.

12. Resolutions and Ordinances.

a. Discuss and possibly move to approve a Resolution amending the Resolution establishing the Magnet School & Natchaug Roof Building Committee to include the replacement of the Windham High School Roof.

Krich MOVED, Underwood seconded, to waive the reading of Resolution #2610. All were in favor. MOTION PASSED UNANIMOUSLY.

Krich MOVED, Underwood seconded, to adopt Resolution #2610. All were in favor.

A Resolution of the Windham Town Council Modifying the Role of the Inter-District Magnet School Building Committee to Include Capital Improvements (Roof) to the Windham High School

BE IT RESOLVED by the Town Council THAT

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 Windham High 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 (roof) to the Windham High 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 and Windham High School Roof 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, and to replace the roof system for the Windham High 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 and the Windham High 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 and Windham High School Roof 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 and a final inspection for the new roofing system at the Windham High School.

MOTION PASSED UNANIMOUSLY

- b. Discuss and possibly move to approve a Resolution amending the Resolution creating the Long-Term Capital Improvement Committee extending the deadline for their report to February 28, 2014.**

Lessard read Resolution #2611 and moved for its adoption.

Lessard MOVED, Doyle seconded, to adopt Resolution #2611. All were in favor.

BE IT RESOLVED by the Town Council THAT

1. Resolution 2600 establishing the Capital Improvement Plan Action Group is amended to change the deadline for the report from this Group from six (6) months after their first meeting to eight (8) months after their first meeting.
2. In all other respects, Resolution 2600 remains in full force and effect.

MOTION PASSED UNANIMOUSLY

- c. Discuss and possibly move to approve a Resolution adopting CDBG Housing Rehabilitation Standards and Guidelines for the Town of Windham.**

DeVivo read Resolution #2612 and moved for its adoption.

DeVivo MOVED, Underwood seconded, to adopt Resolution #2612. All were in favor.

BE IT RESOLVED by the Town Council THAT

WHEREAS, The Town of Windham has received funding to continue its Housing Rehabilitation Program through a 2013 Small Cities Grant from the Connecticut Department of Housing.

WHEREAS, The following 2013 Housing Rehabilitation Guidelines outlines eligibility criteria, procedures and regulations for operation of the 2013 program.

WHEREAS, The Town of Windham will adhere to and refer Program participants to the following 2013 Housing Rehabilitation Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that the following 2013 Housing Rehabilitation Program Guidelines is hereby approved.

MOTION PASSED UNANIMOUSLY

13. Reports of Committees, Boards and Commissions

- a. Magnet School, Natchaug Roof, and High School Roof Building Committee**

DeVivo reported there is an open house tomorrow night at the Magnet School from 5:00 to 7:00 PM for anyone interested in seeing the school. He noted tours

would be given. DeVivo also reported the project is nearing completion and final reports are being prepared to submit to the State.

DeVivo reported the Natchaug School Roof project is on schedule and he does not foresee any delays in the project as stated in a recent article in the Norwich Bulletin. DeVivo did note there are some challenges on the school side due to work needed inside the building.

In addition, DeVivo reported the Windham High School Roof project has been put out to bid and the committee is hoping to hire an architect with construction administration experience if possible, otherwise they will look to hire a construction administrator and an architect. He explained why it is important and in the best interest of the Town to have someone with experience as a construction administrator.

DeVivo noted the two roof projects are 80% reimbursable from the State and not 95% reimbursable as is the Magnet School project.

- b. Charter Revision Commission**
No Report

14. Old Business:

- a. Re-appoint Town Attorney Rich Cody for another 2-year term at the same hourly rate.**
Krich MOVED, McDevitt seconded, to re-appoint Town Attorney Rich Cody for another 2-year term at the same hourly rate. All were in favor. MOTION PASSED UNANIMOUSLY.
- b. Update from Town Manager Neal Beets, BOE Facilities Manager Wayne Donaldson, and Fire Marshall/Emergency Management Director Mike Licata about a micro-grid for the campus of the Windham Middle School and the Sweeney Elementary School.**
Town Manager Beets reviewed the concept, timeline and the improvement process for a micro-grid for the campus of the Windham Middle School and the Sweeney Elementary School. He noted no decision is needed tonight. He also noted the Town had applied for State grants however the Town will be responsible for any remaining cost of the project. Town Manager Beets explained the importance of the project and answered questions from the Council.
- c. Discuss and possibly move to approve spending \$30,311 for additional lighting and/or \$28,842 for surveillance cameras at the Garden on the Bridge, to be paid for out of the Town General Government contingency account.**
Krich MOVED, Underwood seconded, to approve spending up to \$30,311 for additional lighting at the Garden on the Bridge, to be paid for out of the Town General Government contingency account. All were in favor. MOTION PASSED UNANIMOUSLY.
- d. Discuss and possibly move to set a Public Hearing on an Ordinance amending the bidder's preference provisions of the Town Code.**
Underwood MOVED, DeVivo seconded, to set a Public Hearing on an Ordinance amending the bidder's preference provisions of the Town Code, December 17,

2013 at 6:30 PM at Windham Town Hall Meeting Room. All were in favor except McDevitt. MOTION PASSED (McDevitt had stepped out of the room and did not vote).

15. New Business

- a. Discuss and possibly move to expand one of the Code Compliance positions from part-time to full-time effective January 1, 2014, to be paid for out of the savings achieved by reducing the hours for the other part-time Code Compliance position, which is currently vacant.**

DeVivo MOVED, Doyle seconded, to expand one of the Code Compliance positions from part-time to full-time effective January 1, 2014, to be paid for out of the savings achieved by reducing the hours for the other part-time Code Compliance position, which is currently vacant. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. Discuss and possibly move to authorize the purchase of electronic tablets for Councilmembers, as recommended by the Administration, Finance, Health, and Human Services Committee.**

Underwood MOVED, McDevitt seconded, not to authorize the purchase of electronic tablets for Council members, as recommended by the Administration, Finance, Health, and Human Services Committee. All were in favor except Fantoli, Doyle, Lessard and C. Donahue. MOTION PASSED.

- c. Discuss and possibly take action on the Town Council Standing Rules of Procedure:**

- **Committees or Work/Study Sessions**
- **Citizens and Delegations**
- **Meeting schedule**
- **President**
- **Parliamentarian**

DeVivo read Resolution #2613, Town Council Standing Rules of Procedure and moved for its adoption.

DeVivo MOVED, Underwood seconded, to adopt Resolution #2613 as presented. All were in favor except Fantoli.

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. A citizen or delegation may speak at one Citizens and Delegations period or the other but not both.** 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 appropriate standing committee of the Council.

6. 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.

7. If any member, in speaking or otherwise, transgresses the rules of the Council, 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. 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.

8. 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.

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

10. 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.
11. No member shall speak more than five (5) minutes at any one time without permission from the presiding officer.
12. 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.
13. 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.
14. 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.
15. All standing and 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 committee of the Council without the right of vote.**
16. 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 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.
17. 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.
18. 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 30 hours 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.
19. 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.

20. 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.

21. 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.

22. 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.

23. This resolution supersedes all other standing rules adopted by the Town Council or Board of Selectmen.

MOTION PASSED

Krich MOVED, Underwood seconded, to set the meeting dates for the Town Council for year 2014, to the first and third Tuesday of the month at 7:00 PM at Windham Town Hall Meeting Room. All were in favor. MOTION PASSED UNANIMOUSLY.

Krich MOVED, DeVivo seconded, to appoint Joe Underwood as President Pro Tem of the Windham Town Council. All were in favor except Underwood who abstained. MOTION PASSED.

DeVivo MOVED, McDevitt seconded to appoint Charles Krich as Parliamentarian of the Windham Town Council. All were in favor except Krich who abstained. MOTION PASSED.

16. Future Agenda Items
None

17. Adjournment
DeVivo MOVED, Doyle seconded, to adjourn the Town of Windham Regular Town Council meeting at 9:45 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:
Barbara J. McKinney
Clerk of the Town Council