

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, December 6, 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, Kevin Donohue, Arnaldo Rivera, Mark Doyle, Christel Donahue and Jerry Iazzetta

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

Andrew Gutt, 560 Main Street, Willimantic, Owner of Cafemantic and President of Thread City Development. Mr. Gutt noted the Thread City Development received a \$12,500 grant to develop a downtown themed website

Doug Lary, 183 Summit Street, Willimantic, stated Thread City Development has two slots for representatives from local government and noted they only have to be a representative and not a Council member.

Peter Quercia, 300 Walnut Street, Willimantic, handed some correspondence to the Council. He also believes the Town is wasting taxpayer money for court hearings and he shared his position on the occupy movement organization.

Lorraine McDevitt, Willimantic, reported the Windham Regional Arts Council held their youth competition Sunday at the Burton Levitt Theatre. She noted there were 20 area participants, from grades 7-12 and two of the participants from Windham High School received highest honors in strings and piano.

Lori Jeffers, Willimantic, commented on the number of parking spaces needed for downtown.

Susan Johnson, State Representative, 120 Bolivia Street, gave the Council a copy of the latest Municipal Acts and provided the Town with a copy of the reapportionment map for Windham. She explained the reapportionment. She also hopes to be invited back to talk about the Mills site.

4. Adoption of Minutes

a. Discussion and possible action to adopt the November 22, 2011, special Town Council meeting minutes.

Iazzetta MOVED, McDevitt seconded, to adopt the November 22, 2011, special Town Council meeting minutes. All were in favor except Rivera and K. Donohue who abstained. MOTION PASSED.

5. Resignations

The following resignation was submitted:

Jean Jakoboski, Library Board

NOTED

6. Appointments

a. Discussion and possible action to appoint a Parliamentarian.

K. Donohue MOVED, DeVivo seconded, to appoint Charles Krich as Parliamentarian. All were in favor except Krich who abstained. MOTION PASSED.

b. Discussion and possible action to appoint a President of the Town Council.

DeVivo MOVED, Krich seconded to appoint Joe Underwood as President of the Town Council. All were in favor. MOTION PASSED UNANIMOUSLY.

c. Discussion and possible action to re-appoint Jean Chaine to the Planning and Zoning Commission with term ending December 28, 2015.

Iazzetta MOVED, Underwood seconded, to re-appoint Jean Chaine to the Planning and Zoning Commission with term ending December 28, 2015. All were in favor. MOTION PASSED UNANIMOUSLY.

d. Discussion and possible action to re-appoint Dawn Niles to the Planning and Zoning Commission with term ending December 28, 2015.

Iazzetta MOVED, DeVivo seconded, to re-appoint Dawn Niles to the Planning and Zoning Commission with term ending December 28, 2015. All were in favor except Fantoli who opposed. MOTION PASSED.

e. Discussion and possible action to appoint a Town Council member to the Thread City Development Inc. as a Town Council representative.

DeVivo MOVED, Krich seconded, to appoint Christel Donahue to the Thread City Development Inc. as a Town Council representative. All were in favor except McDevitt and C. Donahue who abstained. MOTION PASSED.

f. Discussion and possible action to appoint Dennis O'Brien as the Town's representative to CCJEF – the Connecticut Council on Justice in Education Funding.

Iazzetta MOVED, Rivera seconded, to appoint Dennis O'Brien as the Town's representative to CCJEF – the Connecticut Council on Justice in Education Funding. All were in favor except Fantoli who opposed. MOTION PASSED.

7. Presentations & Special Reports

a. Presentation by Walker Parking Consultants on preliminary design concepts for a downtown parking garage. Discussion and possible action authorizing

Walker Parking Consultants to work with the Town Engineer and the Connecticut Department of Transportation to proceed to final design.

Town Manager, Neal Beets, introduced the Walker Parking Consultants and gave a brief overview of the project.

A presentation on the preliminary design concept for the downtown garage was given by the Walker Parking Consultants including the functional and architectural designs of the building. The consultants also answered questions from the Council.

Rivera MOVED, Doyle seconded, to authorize Walker Parking Consultants to work with the Town Engineer and the Connecticut Department of Transportation to proceed to final design to match the design guidelines. All were in favor. MOTION PASSED UNANIMOUSLY.

8. Mayor's Report

Mayor Eldridge thanked Josh Niles for the fire truck parade, Andrew Gutt for the grant funding for the themed website and the police department for the stuff the cruiser event at Stop & Shop. He also thanked the school personnel for putting on the vigil that was held on Jillson Square for Athena and noted it was very heart wrenching.

Mayor Eldridge also noted Town Wide Town Pride was moving forward and noted ECSU and UCONN were also on board.

Mayor Eldridge also reported on January 13th a spaghetti dinner will be held at the ELKS Club to benefit the McSweeney Senior Center. He noted tickets were \$7.00 adults/\$5.00 children and were available at Town Hall and Willi Waste, or you may contact Mayor Eldridge, Dawn Niles, Susan Johnson, Tom DeVivo or any of the McSweeney Center Staff.

In addition, Mayor Eldridge reported he was working on reappointing members and filling the vacancies on the various Boards and Commissions.

9. Town Manager's Report

Town Manager, Neal Beets, reported a few months ago we lost Jessie Collins from WILI as a reporter and now reporter Dave Hinchey from The Chronicle is leaving. He stated despite the fact Mr. Hinchey is quite a talkative fellow he chose not to attend tonight's meeting however he did write a letter to the Council. (See Attachment A) Mr. Beets commended Dave Hinchey for his fairness, accuracy and consistency and wished him well. He noted Mr. Hinchey was not only leaving the job but was also leaving the community to take a job with a Credit Union in Hamden.

The Chronicle has assigned Heather Lake to cover Windham.

John Silva from WILI introduced himself to the Council and noted he would be covering Windham as Jessie Collins' replacement.

10. Discussion and Review of Communications

Letters from Peter Quercia.

11. Resolutions and Ordinances

a. Discussion and possible action to adopt a resolution regarding the Town Council Standing Rules.

Krich MOVED, K. Donohue seconded, to adopt Resolution #2549 as presented. All were in favor except Fantoli, McDevitt, Eldridge and Doyle.

Iazzetta requested a five minutes recess to review the resolution.
The Council recessed at 8:25 PM.
The Council reconvened at 8:30 PM.

Krich explained the Resolution. Discussion followed.

Rivera, MOVED, seconded by K. Donohue to call the question. All were in favor except Fantoli, McDevitt, Eldridge and Doyle. MOTION PASSED.

McDevitt read Items #1-4 and 13-18 of the Resolution.
DeVivo read Items #5-12 and 19-23 of the Resolution.

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; and
- Q. 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.** 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 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, Health and Human Services; and Public Safety, Public Works, 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 the Willimantic Service District and 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 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.

12. Reports of Committees, Boards and Commissions

a. Administration & Finance, Health and Human Services Sub Committee

No Report

b. Public Safety, Recreation and Public Works Sub Committee

No Report

c. Tri-Board

Mrs. McDevitt reported the Tri Board had met with Ana Ortiz, the Superintendent of Schools, regarding combining some services between the Town and the Board of Education. She stated the meeting was attended by members of the community as well as members from different boards and noted it was a very good meeting.

13. Old Business

a. Discussion and possible action regarding the Charter Review recommendations of the Administration, Finance, Health and Human Services Subcommittee.

K. Donohue MOVED, DeVivo seconded, to adopt a Resolution regarding a Charter Revision Commission. All were in favor except Fantoli, McDevitt, Eldridge and Doyle. (A vote of 2/3 of the Council is required. See Sec. 7-188 (b) of the CGS).

BE IT RESOLVED by the Town Council of the Town of Windham that

Pursuant to Section 7-188 of the Connecticut General Statutes and Section XIII-10 of the Charter of the Town of Windham, a Charter Revision Commission consisting of six electors be established to amend the Charter of the Town of Windham. These electors will be recommended by the Mayor and approved by the Town Council no later than January 3, 2012.

BE IT FURTHER RESOLVED by the Town Council of the Town of Windham that The Charter Revision Commission consider the following general and specific recommendations:

1. Elimination of the Board of Finance and transfer its powers and duties to the Town Council;
2. Make the town finance department responsible for a single, transparent, all-funds budget including the town of Windham, Willimantic Service District, Board of Education, Water Commission and Water Pollution Control Authority;
3. Change the Board of Education to a seven-member board with four members appointed by the Town Council and three elected at large;
4. Determine the legality and efficacy of setting term limits of 12 years for an elected office
5. Clarify the Town Manager's role and authority regarding emergency powers;
6. Assure that provisions regarding the Windham Service District and Windham Taxing District are consistent with state law and the charter and consider the need for separate districts; and
7. Update language to reflect the present type of town government rather than the former type. This should include:
 - Language of the current vs. the former type of town government
 - Clarity on votes regarding new council members and affirmatives for passing
8. Make the Board of Education a 7 member board with 4 members appointed by the Town Council and 3 members elected at large.

MOTION FAILED

DeVivo MOVED, Iazzetta seconded, to adopt Resolution #2550. All were in favor except Fantoli who opposed.

BE IT RESOLVED by the Town Council of the Town of Windham that

Pursuant to Section 7-188 of the Connecticut General Statutes and Section XIII-10 of the Charter of the Town of Windham, a Charter Revision Commission consisting of seven electors be established to amend the Charter of the Town of Windham, These electors will be recommended by the Mayor and approved by the Town Council no later than January 3, 2012.

MOTION PASSED.

- b. Discussion and possible action to set a joint meeting with the Board of Education, Board of Finance and Town Council on Tuesday, January 10, 2012, to discuss budget goals and targets.**

DeVivo MOVED, McDevitt seconded, to set a joint meeting with the Board of Education, Board of Finance and Town Council on Tuesday, January 10, 2012, to discuss budget goals and targets. All were in favor.

MOTION PASSED UNANIMOUSLY.

14. New Business

a. Discussion and possible action to set meeting dates for the Town Council for year 2012.

McDevitt MOVED, DeVivo seconded, to set the meeting dates for the Town Council for year 2012 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.

b. Discussion and possible action to go into executive session to discuss the contents of the RFP's for Town Attorney with Town Manager Neal Beets and Personnel Director Don Muirhead.

Iazzetta MOVED, Rivera seconded to go into executive session at 9:22 PM to discuss the contents of the RFP's for Town Attorney's with Town Manager Neal Beets and Personnel Director Don Muirhead. All were in favor.

MOTION PASSED UNANIMOUSLY.

Rivera MOVED, Iazzetta seconded, to come out of executive session at 9:40 PM. All were in favor. MOTION PASSED UNANIMOUSLY.

c. Discussion and possible action to appoint a Town Attorney.

Iazzetta MOVED, Rivera seconded, to appoint Rich Cody as the Town Attorney and Sussman & Shapiro as the Town's Labor Attorney's. All were in favor. MOTION PASSED UNANIMOUSLY.

15. Future Agenda Items

- Report on the McSweeney Senior Center
- Report on the Hurley Building regarding potential buyer and possible tax abatement
- Discussion on Legislative Agenda
- Appointment to Standing Committee's
- Applications for Charter Revision Commission

16. Citizens and Delegations

Peter Quercia, 300 Walnut Street, Willimantic, spoke in favor of the Council answering questions after public comment and he opposes removing the second Citizens and Delegations from the agenda. Mr. Quercia made comments regarding the Mayor.

Lori Jeffers, Willimantic, opposes removing the second Citizens and Delegations. She also spoke about a legal opinion regarding voting rights and shared her concerns regarding the parking garage.

Doug Lary, 183 Summit Street, Willimantic, stated he enjoyed the Parking Garage presentation however was concerned with the number of spaces, maintenance, safety and security of the garage.

Bernie D'Auteuil, 168 Walnut Street, Willimantic, opposed the vote on the Standing Rules.

17. Adjournment

McDevitt MOVED, Doyle seconded, to adjourn the Town of Windham Town Council meeting at 9:58 P.M. MOTION PASSED UNANIMOUSLY.

Submitted by

**Barbara J. McKinney
Clerk of the Council**