

WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, February 7, 2012 - 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, Mark Doyle, Christel Donahue and Jerry Iazzetta
Arnaldo Rivera was excused.

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**

Joe Marsalisi, Willimantic, spoke in support of purchasing a new ambulance. He believes we should go along with the Chief's recommendation to purchase the modular type ambulance.

Harry Carboni, Willimantic, spoke in support of giving the Skateboard Park an additional \$10,000. He thinks the Committee for the Skateboard Park and the youth are doing a tremendous job. He thinks the Town should start utilizing more of the people in Town for Committee's and stop always putting the same people on Committee's.

Jeff Viens, spoke against the 3 minute limit for Citizens and Delegations. He asked if the Council remembers who elected them and stated they aren't listening to the people. He also asked that Councilman DeVivo divulge the amount of money his company gets from the Town.

Mike Westerfield, Director of the Willimantic Housing Authority, spoke in support of John Schwenk and Jean Gaskin who are on the agenda for appointment to the Housing Authority. He also noted Laurel Freeman's resignation was due to work conflicts and stated she would be applying to serve on some other boards.

Susan Johnson, State Representative, noted she was at tonight's meeting to discuss the following issues on the agenda: Economic Development, the Resolution for the Legislative Agenda and Reval for the Town. She stated opening day for the Legislative Session begins tomorrow, February 8th.

Charles Pennewill, Windham, and Member of the Board of Finance, wanted to set the record straight and noted the ambulance issue was presented to the Board of Finance as an agenda item and had no backup material with it. He stated he feels responsible to the Town for not voting a blank check because there was a Resolution but does not want fingers pointed at the Board of Finance because they had no backup information on either the ambulance or the dispatch center.

David Walencewicz, Windham, spoke about the recommended ambulance study that Town Manager Beets is suggesting and gave a brief history of the research that had been done previously regarding this matter. He also spoke on the success of the Skateboard Park and explained the reason the additional \$10,000 was needed. He thanked the youth of the Town for their help with the Park.

4. Town Council Comment

Tom DeVivo asked if more rocks from the Magnet School were still needed for the Skateboard Park.

Lorraine McDevitt, stated on behalf of the Skateboard Park, she was here when the petitions were given for the Park. She feels it is wonderful to be able to give the youth the opportunity to have such a great place and feels by supporting the Skateboard Park and the Silverback's they will come back to the Town with their opinions and become more involved in the community.

5. Adoption of Minutes

a. Discussion and possible action to adopt the minutes for the January 10, 2012 Town Council special meeting.

Underwood MOVED, DeVivo seconded, to adopt the minutes for the January 10, 2012 Town Council special meeting. MOTION PASSED UNANIMOUSLY.

b. Discussion and possible action to adopt the minutes for the January 17, 2012 Town Council meeting.

Underwood MOVED, DeVivo seconded, to adopt the minutes for the January 17, 2012 Town Council meeting. MOTION PASSED UNANIMOUSLY.

6. Resignations. Receive the resignation of:

a. Laurel Freeman, Housing Authority of the City of Willimantic
NOTED.

7. Appointments. Discussion and possible action to:

a. Appoint John Schwenk as a regular member of the Housing Authority of the City of Willimantic with term ending July 31, 2016.

b. Re-appoint Jean Gaskin as a regular member of the Housing Authority of the City of Willimantic with term ending July 31, 2015.

Doyle MOVED, Underwood seconded, to appoint John Schwenk as a regular member of the Housing Authority of the City of Willimantic with term ending

July 31, 2016 and to Re-appoint Jean Gaskin as a regular member of the Housing Authority of the City of Willimantic with term ending July 31, 2015.
MOTION PASSED UNANIMOUSLY.

8. Presentations & Special Reports

a. Emergency Management Director's presentation and report about emergency shelter operations, and possible Council discussion and action.

Mike Licata, Fire Marshall Emergency Management Director, reported on the emergency shelter operations. He gave the Council a handout on Sheltering and explained the 3 Classifications of emergencies. He also explained the criteria for opening shelters and the States view on Regionalizing shelter operations.

In addition, Mr. Licata reported on the Ever Bridge system and how that system will work to notify residents in the event of an emergency. Sargeant Evans also noted training is being done for the dispatchers and residents may enroll now on the Ever Bridge system on the website.

b. Economic Development Chair Bill Hettinger's report about a façade program in downtown Willimantic, and possible Council discussion and action.

Bill Hettinger, Chair of the Economic Development Commission, reported on the façade portion of the Jobs Bill that was passed by the State in October and State Representative, Susan Johnson, handed out a copy of the CGS pertaining to the bill.

Mr. Hettinger gave a brief history of the program. He also explained the Main Street Investment Fund; what it is and how it must be used. He reported OPM has not yet released the guidelines for the grant and noted the steps that were being taken for the Town to be prepared to apply for the grant when the guidelines become available.

In addition, State Representative Johnson, stated the Economic Development Commission is doing an excellent job in researching the information and talking to businesses in Town. She stated she wants to make sure we connect any of the improvements with jobs and noted it is a competitive grant which other Towns would be vying for.

c. Registrars' presentation about redistricting and polling locations.

Bunny Lescoe, Democratic Registrar of Voters, gave a brief presentation on redistricting and polling locations. Mrs. Lescoe stated the Republican Registrar and both the Republican and Democratic Deputy Registrar of Voters were at the meeting.

Mrs. Lescoe explained the difficulties with the traffic at the Windham Center Fire Department and the many complaints received by her office after the Governor's

Election. She also reported on the confusion of the voter by having different polling places for different elections. The Registrar's Office believes something must be done before the Presidential Election in November and due to redistricting this is the time to make the changes.

She noted several locations have been researched as to where to possibly add another polling place and explained after her office reviewed the available locations they feel the best location at this time was having a polling place at the French Club. The office believes with redistricting this is the best option for the voters. She also addressed the issues surrounding transportation and explained the benefit of using the French Club. Mrs. Lescoe noted this option had been presented to the Council three years ago for consideration.

Mrs. Lescoe explained the process of adding a new polling place and the deadlines that must be met to do this. The Registrar's Office would like to make a decision that would be in the best interest of the Town and benefit the Town until the next redistricting takes place in ten years.

9. Mayor's Report

No report.

10. Town Manager's Report

a. Update on Senior Center.

Town Manager Beets reported the Town is continuing to meet with the current Non-Profit Corporation that is operating the Senior Center. He also explained the goals and objectives of the Town in taking over the Senior Center.

b. Update on Town Budgets.

Town Manager Beets reported Department budgets are almost complete. He also noted several other items that are being worked on in the budget process and answered questions from the Council.

d. Update on Dispatch.

Town Manager Beets reported the he had met with the Willimantic Switchboard Fire Chiefs' Association and noted the Town Attorney is drafting a dispatch contract. He reviewed the contract items and noted the next meeting of the Switchboard Association will be February 16th where the contract would be discussed. Mr. Beets answered questions from the Council.

c. Update on Ambulance.

Marc Scrivener, Fire Chief, gave a brief update on the purchase of a new ambulance. He gave the Council a hand out which included proposals, the 4 different types of ambulances including the pros and cons for each and a list of "must haves" and "like to haves".

Chief Scrivener recommended the Type III, 553C, GMC ambulance because of the safety features and the spaciousness of the ambulance. He also asked Council for their direction on the Trade In of the 2002 ambulance.

In addition, Chief Scrivener mentioned the need for power lift stretchers because of the injuries that result from using manual stretchers. He noted CIRMA was surprised to see manual stretchers still being used.

MOTION: DeVivo MOVED, Krich seconded to move Item 12c to follow Item 10c. All were in favor except Iazzetta who opposed. MOTION PASSED.

12. Resolutions and Ordinances

- c. Discussion and possible action to adopt a Resolution regarding purchasing a new ambulance, recommend to Board of Finance for approval and set a Town meeting for appropriation not to exceed \$175,000.**

DeVivo MOVED, McDevitt seconded, to adopt Resolution #2559

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Town Council wishes to purchase an ambulance as soon as possible; and

WHEREAS, the Ambulance Fund does not contain sufficient funds to purchase a new type III ambulance; and

WHEREAS, the Town Charter requires a favorable recommendation of the Board of Finance and approval of Town Meeting for unbudgeted appropriations in excess of \$40,000;

NOW, THEREFORE, BE IT RESOLVED that the Town Council sets a Town Meeting on March 6, 2012, at 6:00 p.m., at the Windham Town Hall Meeting Room, 979 Main Street, Willimantic, Connecticut, to approve an appropriation not to exceed \$175,000, for the purchase of a type III ambulance.

This Town meeting will be held contingent upon first receiving the favorable recommendation of the Board of Finance.

MOTION: DeVivo MOVED, McDevitt seconded, to amend and adopt Resolution #2559 regarding purchasing a new ambulance, recommend to Board of Finance for approval and set a Town meeting for appropriation not to exceed \$175,000 with the following amendments: to include in paragraph one; equipped with a power lift stretcher and to include in paragraph four; a Horton 553C type III ambulance equipped with a power lift stretcher.

The Resolution with the amendments reads as follows:

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Town Council wishes to purchase an ambulance equipped with a power lift stretcher as soon as possible; and

WHEREAS, the Ambulance Fund does not contain sufficient funds to purchase a new type III ambulance; and

WHEREAS, the Town Charter requires a favorable recommendation of the Board of Finance and approval of Town Meeting for unbudgeted appropriations in excess of \$40,000;

NOW, THEREFORE, BE IT RESOLVED that the Town Council sets a Town Meeting on March 6, 2012, at 6:00 p.m., at the Windham Town Hall Meeting Room, 979 Main Street, Willimantic, Connecticut, to approve an appropriation not to exceed \$175,000, for the purchase of a Horton 553C type III ambulance equipped with a power lift stretcher.

This Town meeting will be held contingent upon first receiving the favorable recommendation of the Board of Finance.

All were in favor.

MOTION PASSED UNANIMOUSLY.

MOTION: Krich MOVED, Iazzetta seconded, to trade in the 2002 ambulance. All were in favor except Fantoli, DeVivo, McDevitt and Underwood who opposed and C. Donahue who abstained. MOTION PASSED.

11. Discussion and Review of Communications

Mayor Eldridge read a letter from Patricia Lein in response to Mr. Quercia's allegations at the Town Council Meeting on January 3, 2012. (See Attachment A)

12. Resolutions and Ordinances

a. Discussion and possible action to adopt a Resolution opposing construction of an additional CL&P Transmission Line through Windham.

Doyle MOVED, K. Donohue seconded to adopt Resolution #2560

BE IT RESOLVED by the Town Council THAT

WHEREAS, Connecticut Light and Power is asking the Connecticut Line Siting Council to approve a new transmission line serving northeast Connecticut; and

WHEREAS, one of the alternative alignments for that new transmission line would travel through Windham, and

WHEREAS, the alternative alignment through Windham would be enormously expensive and would disturb the useful enjoyment of land owned by Windham residents;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that the Town of Windham opposes the siting of a new transmission line through Windham, and the Town Council directs the Town Manager to send a copy of this Resolution to the Connecticut Line Siting Council.

MOTION: Doyle MOVED, K. Donohue seconded, to amend and adopt Resolution #2560 opposing construction of an additional CL&P Transmission Line through Windham with the following amendments: to include in paragraph four; recommend Connecticut Light & Power follow their preferred alignment and to correct in paragraph four the spelling of the word Siting.

The Resolution with the amendments reads as follows:

BE IT RESOLVED by the Town Council THAT

WHEREAS, Connecticut Light and Power is asking the Connecticut Line Siting Council to approve a new transmission line serving northeast Connecticut; and

WHEREAS, one of the alternative alignments for that new transmission line would travel through Windham,

WHEREAS, the alternative alignment through Windham would be enormously expensive and would disturb the useful enjoyment of land owned by Windham residents;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that the Town of Windham opposes the siting of a new transmission line through Windham, recommend Connecticut Light and Power follow their preferred alignment, and the Town Council directs the Town Manager to send a copy of this Resolution to the Connecticut Line Siting Council.

All were in favor.

MOTION PASSED UNANIMOUSLY.

- b. Discussion and possible action to adopt a Resolution establishing the Town's Legislative Agenda for the General Assembly.**
No Action Taken.
- d. Discussion and possible action to adopt a Resolution regarding cost for dispatch services, recommend to Board of Finance for approval and to set a Town meeting for appropriation not to exceed \$65,155.00.**
Iazzetta read the resolution and moved for its adoption.

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Town Council wishes to fund the full cost for dispatch services by the Willimantic Fire Chiefs Switchboard Association; and

WHEREAS, the Town of Windham Ambulance Budget for FY11-12 does not contain sufficient funds to pay the full invoice; and

WHEREAS, the Town Charter requires a favorable recommendation of the Board of Finance and approval of Town Meeting for unbudgeted appropriations in excess of \$40,000;

NOW, THEREFORE, BE IT RESOLVED that the Town Council sets a Town Meeting on March 6, 2012, at 6:00 p.m., at the Windham Town Hall Meeting Room, 979 Main Street, Willimantic, Connecticut, to approve an appropriation not to exceed \$46,000.00 in order to pay for the full cost of dispatch services by the Willimantic Fire Chiefs Switchboard Association.

This Town meeting will be held contingent upon first receiving the favorable recommendation of the Board of Finance.

MOTION: Iazzetta MOVED, Underwood seconded, to adopt a Resolution regarding cost for dispatch services, recommend to Board of Finance for approval and to set a Town meeting for appropriation not to exceed \$46,000. All were in favor except Krich, DeVivo, Underwood, McDevitt and Doyle.

MOTION FAILED.

MOTION: DeVivo MOVED, McDevitt seconded, to amend the Resolution to increase the amount for appropriation to \$60,000. All were in favor except Fantoli, Iazzetta, Eldridge, Doyle, C. Donahue and K. Donohue.

MOTION FAILED.

Mayor Eldridge turned the Meeting over to President of the Council Underwood.

13. Reports of Committees, Boards and Commissions

a. Administration, Finance, Health and Human Services Subcommittee.

K. Donohue reported the Administration, Finance, Health and Human Services Subcommittee had met and discussed the following agenda items: the cost benefits of a unified financial software system for the Town of Windham and Board of Education, approaches to the Economic Development of the Town, and the Non-Profit Funding process. K. Donohue noted a recommendation will be made to the full Council at their next meeting regarding the Non-Profit Agencies. He also noted the Subcommittee meets the 1st Wednesday of each month.

b. Public Safety, Public Works, Culture and Recreation Subcommittee.

Mr. Iazzetta reported the Subcommittee had discussed the following; making a recommendation to the Council for an allocation of \$10,000 from the LOCIP funds for an addition to the Skateboard Park for the novice skateboarders, a recommendation to the Council for the purchase of an ambulance, and a recommendation to the Council to approve an appropriation for additional monies for the dispatch center.

Mr. Iazzetta reported the Subcommittee was given an update from the Town Engineer regarding the Parking Garage. He also reported the Windham Fire Chief gave a preliminary proposal on opening the three Fire Houses in Windham for shelters in case of a major event until permanent shelters are available. Mr.

Iazzetta also reported the Subcommittee had asked Don Muirhead for a list of LOCIP projects being considered.

In addition, the Subcommittee will meet tomorrow night to select the next CUPID. The next regular scheduled meeting will be the 4th Wednesday of the month.

President of the Council Underwood turned the meeting back over to Mayor Eldridge.

c. Tri-Board.

Andy Carey, Chair of the Tri-Board, reported the Tri-Board will be proposing to the Council a new ordinance on bidding procedures and explained the changes. He noted the focus of the Tri-Board was moving onto the Finance Department.

14. Old Business

a. Discussion and possible action to enter into a contract to provide an ambulance cost of service study.

No Action Taken.

b. Discussion and possible action to amend the Capital Improvement Plan for the skate park line item by \$10,000 to \$160,000.

Iazzetta MOVED, Underwood seconded, to amend the Capital Improvement Plan for the skate park line item by \$10,000 to \$160,000. All were in favor.
MOTION PASSED UNANIMOUSLY.

15. New Business

b. Discussion and possible action:

i. setting a special Town Council meeting date on Tuesday, February 28, to receive and review the Town Manager's recommended budgets for FY 2012-13;

Underwood MOVED, McDevitt seconded, to set a special Town Council meeting date on Tuesday, February 28, to receive and review the Town Manager's recommended budgets for FY 2012-13. All were in favor.
MOTION PASSED UNANIMOUSLY.

ii. dedicating the regular Town Council Meeting of Tuesday, March 6, to the Budget (NOTE: I also recommend the Willimantic Service District meet in special session at 5:30 p.m. this same evening to address the WSD budget); and

iii. setting a special Town Council meeting on Tuesday, March 13, to deal with the budget. (NOTE: I also recommend the Willimantic Service District dedicate to the budget its Tuesday, March 13 meeting; I propose the WSD meet in special session at 5:30 p.m., with the complete Town Council meeting in special session at 7:00 p.m.)

K. Donohue MOVED, DeVivo seconded, to dedicate the regular Town Council Meeting of Tuesday, March 6, to the Budget, with the Willimantic Service District meeting in a special session at 6:00 P.M. the same

evening, to address the WSD budget, with the complete Town Council meeting in special session at 7:00 P.M. and to set a special Town Council meeting on Tuesday, March 13, to deal with the budget, with the Willimantic Service District meeting in a special session at 6:00 P.M. the same evening, to address the WSD budget with the complete Town Council meeting in special session at 7:00 P.M. All were in favor.
MOTION PASSED UNANIMOUSLY.

MOTION: DeVivo MOVED, Underwood seconded, to add under New Business Item 15b. iv. a resolution for the cost for dispatch services, a recommendation by the Board of Finance and to set a Town meeting. All were in favor except Iazzetta who opposed. **MOTION PASSED.**

DeVivo MOVED, Underwood seconded, to adopt the following Resolution:

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Town Council wishes to fund the full cost for dispatch services by the Willimantic Fire Chiefs Switchboard Association; and

WHEREAS, the Town of Windham Ambulance Budget for FY11-12 does not contain sufficient funds to pay the full invoice; and

WHEREAS, the Town Charter requires a favorable recommendation of the Board of Finance and approval of Town Meeting for unbudgeted appropriations in excess of \$40,000;

NOW, THEREFORE, BE IT RESOLVED that the Town Council sets a Town Meeting on March 6, 2012, at a time to be determined at the Windham Town Hall Meeting Room, 979 Main Street, Willimantic, Connecticut, to approve an appropriation determined by the Board of Finance, in order to pay for the full cost of dispatch services by the Willimantic Fire Chiefs Switchboard Association.

This Town meeting will be held contingent upon first receiving the favorable recommendation of the Board of Finance.

All were in favor except Krich, Fantoli, Underwood, Eldridge, K. Donohue, Doyle and Iazzetta.
MOTION FAILED.

16. Future Agenda Items

- Recommendation from Administration, Finance, Health and Human Services Subcommittee regarding Non-Profit Funding.
- Report on the Dispatch Center, including amount of money spent to date, how much needed for the remainder of the FY and where the \$125,000.
- Update on the Natchaug School Roof.

17. Adjournment

Iazzetta MOVED, K. Donohue seconded, to adjourn the Town of Windham Town Council meeting at 10:28 P.M. MOTION PASSED UNANIMOUSLY.

Submitted By:

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

" Attachment A "

Patricia O. Lein

161 Chestnut Street

Willimantic, Connecticut 06226

1/20/2012

Dear Windham Town Council,

I am writing in response to Mr. Quercia's allegations regarding a newsletter he claims I wrote and distributed. His allegations were shared at the Town Council Meeting on January 3, 2012 and became part of the record.

The newsletter he claims I sent out was an official intake form, submitted to the North Central District Health Department. He refers to me as "alias Patricia Dechamps". Patricia Dechamps was the person who took the intake report and works at the North Central District Health Department.

The Town of Windham, specifically the North Central District Health Department released my name with that complaint which was an FOI violation. I have enclosed the Connecticut State Statute which states "A complainant's identity in the records of local health is not subject to disclosure under CT FOI."

I respectfully request that this information is clarified in the record and shared at the next Town Council Meeting.

Very truly yours,



Patricia Lein

of Information Act, CGS section 1-200, et seq. For purposes of CT FOI law, local health is a "public agency" generally subject to disclosure of records. However, it is important to note that CT FOI laws exempt certain local health records from disclosure. CGS Sections 1-210 (b) (16), exempts from disclosure in relevant part:

CGS 1-210 (b)(16) Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e or a district department of health pursuant to chapter 368f, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first;

It has previously been decided that the issuance of a legal order to abate marks the conclusion of the local health investigation. However, the complainant often expresses a desire to keep their identity confidential out of fear of threat or intimidation by the wood smoke site owner. On this particular issue, the State Freedom of Information has repeatedly concluded that the complainant's identity is permissively exempt from disclosure. In doing so, the CT FOI Commission has determined that local health is a "law enforcement agency" for purposes of CGS 1-210(b)(3) and that the identity of the requested complaining person constitutes "that of an informant not otherwise known." In relevant part, CGS 1-210(b)(3) exempts from disclosure:

CGS 1-210(b)(3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;

Therefore a complainant's identity in the records of local health is not subject to disclosure under CT FOI at any time where the disclosure would subject the complainant/informant to threat or intimidation if their identity were made known. See CT Freedom of Information Commission, Final Decisions, Docket #s FIC 1991-125, 1996-086; 199-144 and 2009-094.