

Minutes of the Windham Town Council Regular Meeting

Windham Town Hall Bellingham Auditorium, 2nd Floor
Tuesday, June 21, 2016 - 7:00 P.M.



1. **Call to Order.**

Mayor Ernest S. Eldridge called the Windham Town Council Regular Meeting to order at 7:01 P.M.

Town Council members present: Ernest S. Eldridge, Tom DeVivo, Charles Krich, Tony Fantoli, Nectalis Martinez, Dawn Niles, Dennis O'Brien, James Flores and Lynne Ide.

Town Council members excused: Mike Lessard and Lorraine McDevitt

Town Manager Neal Beets was also in attendance.

2. **Pledge of Allegiance.**

Mayor Ernest S. Eldridge led all in the Pledge of Allegiance

Mayor Ernest S. Eldridge presented a proclamation and State Representative Susan Johnson presented a state citation to Emilyn Jozelle Auriantal as one of 18 winners of the Zaner Bloser 2016 National Handwriting Contest.

Mayor Ernest S. Eldridge and Councilwoman Dawn Niles presented a proclamation to Emma Dawn Vining and Allin Cuevas, Windham High School students for being 2016 Kids Court Competition finalists at the University of Connecticut School of Law

3. **Citizens and Delegations: Public Comment.**

Jeff Viens, property owner, spoke in regards to the proposed ordinance for the transfer station. Mr. Viens stated that he pays over \$10,000 a year for garbage collection and he should not be charged a fee to use the dump.

Angel Vazquez stated that he had a complaint against the Willimantic Housing Authority. Mr. Vazquez mentioned that he was approved housing than denied. He appealed and won and now they are telling him that he has to go back on the waiting list. He asked for some guidance from the Town.

Mary Gallucci mentioned that if a landlord is not aware of his responsibilities they are not running a good business. She stated that she emailed two council members in regards to her interest in serving in the Charter Revision Commission and never heard back. Mrs. Gallucci asked that they please answer her back because she is curious to hear why they didn't submit her name.

Henry Crane, Willimantic resident, spoke regarding the “town dump”. He mentioned that he remembered about a year ago seeing information about the “dump” posted in the town hall. He suggests that we publicize the “dump” hours more since a lot of residents have no idea that we have a transfer station.

Kevin Hoxie informed the Town Council that he frequently uses the transfer station and the two town employees who work there have to take so much from the people that go to the transfer station. He mentioned that other towns charge big bucks to use the transfer station.

4. Town Council Comment.

James Flores stated that it was about time the Town Council invited someone from the Willimantic Housing Authority to give an update. He mentioned that there are some issues that need to be addressed.

Dawn Niles mentioned that the council appoints the members to the Willimantic Housing Authority.

MOTION: DeVivo MOVED, Niles seconded, to move item 14.b.2 up on the agenda right after item 6. **MOTION PASSED UNANIMOUSLY.**

5. Adoption of Town Council Minutes.

a. Regular Meeting of June 7, 2016.

DeVivo MOVED, Fantoli seconded, to approve the Town Council meeting minutes for June 7, 2016. All were in favor except O’Brien who abstained. **MOTION PASSED.**

6. Resignations.

a. Olga Kurnyk-Ezis as a regular member of the Willimantic Public Library Board of Directors and as a Windham Representative on the Charter Advisory Community Council.

Niles thanks Olga Kurnyk-Elzis for her long years of service.

14. Old Business.

b. Discuss and possibly act on the following recommendations to the full Town Council from the Town Council’s Committee on Administration, Finance, Development, Health, and Human Services:

2. A motion to authorize the transfer of Town of Windham pension funds from Great West/Empower to Morgan Stanley, as recommended by the Finance Director.

DeVivo MOVED, Krich seconded, to authorize the transfer of Town of Windham pension funds from Great West/Empower to Morgan Stanley, as recommended by the Finance Director effective July 1, 2016. **MOTION PASSED** with all in favor except Flores who voted against.

7. Appointments, Reappointments, as recommended by the Nominating Commission.

None

8. Presentations & Special Reports.

None

9. Mayor's Report.

Mayor Ernest S. Eldridge thanked Dawn Niles for bringing the names forward of the 3 students who received proclamations tonight.

10. Town Manager's Report.

Town Manager Neal Beets informed the Town Council that on May 12, 2017 the Town of Windham will be celebrating their 325th year of establishment by the State of Connecticut. He mentioned that in 1992 the Town had a huge celebration for the 300th year anniversary and asked the council if they wish to have another celebration and if so maybe it should be an item to discuss at the committee level or even to form a committee just to work on that.

11. Discussion and Review of Communications to Council.

DeVivo raised a question in regards to some communication between the Willimantic Housing Authority and the state pertaining to an elevator issue at Ashton Towers.

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

None

13. Resolutions and Ordinances.

a. Discuss and possibly enact an ordinance pertaining to the Windham Transfer Station.

Ide MOVED, Flores seconded, to enact the following ordinance pertaining to the Windham Transfer Station and the ordinance will be effective once the Town Council approves the resolution setting the fees.

**TOWN OF WINDHAM
TOWN COUNCIL**

Ordinance # 2684A

BE IT RESOLVED by the Town Council THAT

Sec. 11-3. Use of Transfer Station.

(a) Intent. The intent of this Ordinance is to provide for the health, safety and welfare of the residents of the Town of Windham by encouraging recycling and reuse of discarded materials, and by encouraging the proper disposal of municipal solid waste that is destined to go to an energy recovery facility or a landfill.

(b) Definitions. The following terms shall have the meanings ascribed to them herein, except where context clearly indicates a different meaning:

Bulky waste means construction, demolition or land-clearing debris other than clean fill, brush stumps, and may include other items as defined by the state department of environmental protection.

Clean fill means materials suitable for cover in the landfill which are virtually inert and pose neither a groundwater or surface water pollution threat or a fire hazard.

Hazardous waste means all waste which may pose a threat or potential hazard to human health when improperly treated, stored or disposed of, or otherwise managed as defined by the state department of energy and environmental protection.

Transfer Station means the premises constituting any waste disposal area owned and designated by the Town of Windham for the transfer and disposal of solid and bulky waste by residents.

Permittee means the holder of a currently valid permit issued pursuant to this Ordinance.

Recyclables shall include, but not be limited to, newspapers, magazines and catalogs, corrugated cardboard and fiberboard/paperboard/boxboard containers, office paper, paper envelopes, flyers, computer paper, coupons, brochures, magazines, catalogs, telephone books, cartons, plastics, beverage and household containers, motor oil, scrap metal, mattresses and box springs, all state department of energy and environmental protection mandated items, and such other materials as may be identified in any rule adopted hereunder.

Resident means any person who resides in Windham and generates household trash.

Rental unit owner means any person who owns no more than five rental units within the Town of Windham.

Solid waste means any recyclables, and any solid, liquid, semi-solid or contained gaseous material, but excludes bulky waste and hazardous waste.

(c) Prohibited conduct.

- (1) No person shall dispose of any solid waste or bulky waste at the Transfer Station except in accordance with the provisions of this Ordinance.
- (2) No person shall dispose of solid waste or bulky waste at the Transfer Station without having a valid permit for the disposal of such waste, as provided in this Ordinance.
- (3) No person shall conduct scavenging activity at the Transfer Station.
- (4) No person shall dispose of motor vehicle bodies or chassis, boats, manufactured or other mobile homes, campers, hot coals, animal remains,

hazardous waste as defined by the department of energy and environmental protection and other materials identified as prohibited by any rule adopted under this Ordinance, at the Transfer Station.

- (5) No person shall dispose of any solid waste or bulky waste originating outside the boundaries of the Town of Windham, at the Transfer Station, except in accordance with an agreement as authorized by the Town Council.
- (6) No person shall fail to comply with any rule adopted hereunder for the use of the Transfer Station.

(d) User permits.

- (1) *Residents.* Use permits shall be issued biennially to any resident of the Town of Windham upon proof of residency in the Town of Windham and a corresponding vehicle registration in the Town of Windham. Permits shall be issued for a vehicle, and the resident must affix the permit to the windshield of the vehicle. Permits shall not be transferable. Resident permits shall authorize the permittee to dispose of only the solid waste and bulky waste generated at their residences.
- (2) *Rental Unit Owners.* Use permits shall be issued biennially to any Rental Unit Owner upon proof of ownership of no more than five rental units in the Town of Windham. Permits shall be issued for a vehicle, and the permit holder must affix the permit to the windshield of the vehicle. Permits shall not be transferable. A use permit shall authorize the permittee to dispose of only the solid waste and bulky waste generated by the five or fewer rental units owned by the permittee in the Town of Windham.
- (3) *Landlords owning six or more units in the Town of Windham.* Use permits shall be issued biennially to any person who owns six or more rental units within the Town of Windham upon proof of ownership of six or more rental units in the Town of Windham. Permits shall be issued for a vehicle, and the permit holder must affix the permit to the windshield of the vehicle. Permits shall not be transferable. Permits shall authorize the permittee to dispose of only the solid waste and bulky waste generated by the rental units owned by the permittee in the Town of Windham.
- (4) *Temporary permits for hardships.* The Town Manager or his designee may issue temporary permits to use the Transfer Station where:
 - i. A person duly acts on behalf of an estate of a decedent who was a resident of the Town of Windham and who acts consistent with the administration and closing of an estate;
 - ii. A person duly acts on behalf of another as a conservator or under a durable power of attorney;

- iii. A person presents circumstances showing a unique hardship;
- iv. There is an emergency.

No temporary use permit shall be issued for the disposal of any solid waste or bulky waste generated from outside of the boundaries of the Town of Windham. A temporary permit shall be issued only for such period of time as is necessary.

(e) Fees.

The Town Council shall establish by resolution user permit fees and disposal fees, and in respect of Resident Unit Owners or owners of six or more units, such fee may be based upon the number of rental units. The Town Council may also establish by resolution fees for disposal. No user fee or fee for disposal shall be charged to a resident.

(f) Rules.

The Town Manager or his designee may establish reasonable rules for the operation of the Transfer Station not inconsistent with the provisions of this Ordinance or resolution of the Town Council adopted hereunder. Such rules shall be posted at the Transfer Station and, where practicable, posted on the Town of Windham website.

(g) Enforcement.

This Ordinance shall be enforced by the Superintendent of Public Works or his agent. Any violation of this Ordinance or of any rule shall be grounds to suspend or revoke a permit issued hereunder, and shall be punishable also under Section 1-7 of the Code of Ordinances.

MOTION PASSED UNANIMOUSLY.

14. Old Business.

a. Discuss and possibly act on the following recommendations to the full Town Council from the Town Council's Committee on Public Safety, Public Works, Environment, Culture, and Recreation:

1. Discussion about creating and distributing informational notices about recycling.

Assistant Superintendent of Public Works Scott Clairmont passed out a recycling guide and explained the recycling issues we are facing in Windham. Discussion took place, but no action was taken. The council requested that Mr. Clairmont come back to the council with the recycling guide in both English and Spanish and with the total cost to mail the information to the residents.

2. Motion to remove sidewalks in front of three homes.

DeVivo MOVED, Flores seconded to remove sidewalks in front of three homes in Washburn Street. MOTION FAILED with Krich, O'Brien,

Fantoli and DeVivo in favor. Niles, Martinez, Ide and Eldridge against and Flores abstained.

3. Motion to work with Douglas Manor on an access easement and walking trail on the Noznick property.

Niles MOVED, Fantoli seconded, to authorize Town Manager Neal Beets to work with Douglas Manor on an access easement and walking trail on the Noznick property. MOTION PASSED UNANIMOUSLY.

b. Discuss and possibly act on the following recommendations to the full Town Council from the Town Council's Committee on Administration, Finance, Development, Health, and Human Services:

1. Process and evaluation forms for the Town Manager's performance appraisal.

Krich MOVED, Niles seconded, to approve the process and evaluation forms for the Town Manager's performance appraisal. MOTION PASSED UNANIMOUSLY.

2. A motion to authorize the transfer of Town of Windham pension funds from Great West/Empower to Morgan Stanley, as recommended by the Finance Director.

This item was moved up on the agenda after item 6.

3. Discussion only of possible cuts to the Town General Government budget for FY 16-17.

Krich mentioned that the committee will be holding a special meeting once the budgets are approved. He would like Town Council members to forward any recommendations or thoughts to the committee.

4. Possible transfer of Town General Government contingency account funds to a professional service line account to pay for emergency repairs to the Town Hall's HVAC system.

Niles MOVED, Fantoli seconded, to transfer \$40,000 from the Town General Government contingency account funds to pay for emergency repairs to the Town Hall HVAC system. MOTION PASSED UNANIMOUSLY.

15. New Business.

None

16. Future Agenda Items

a. Thursday, June 23, 2016: 7 pm Public Hearing and Meeting of the Charter Commission.

b. Tuesday, June 28, 2016: 6 am - 8 pm BUDGET REFERENDUM, 7:00 pm Regular Meeting of the Willimantic Taxing District Board of Directors. Possible consideration of a new boat for the Fire Department.

c. Tuesday, July 5, 2016: 7 pm. Regular meeting of the Windham Town Council.

- d. **Tuesday, July 12, 2016:** 7 pm. Regular meetings of the Committees of the Windham Town Council.
- e. **Tuesday, July 19, 2016:** 7 pm. Regular meeting of the Windham Town Council.
- f. **Tuesday, July 26, 2016:** 7 pm. Regular meeting of the Board of Directors for the Willimantic Taxing District

17. Citizens and Delegations: Public Comment.

Kevin Hoxie mentioned that the town council is discussing sidewalks and meanwhile there are no crosswalks in front of the high school. He informed the town council that suspending the collection of garbage if you don't recycle is not a good idea especially for those neighborhoods around Lynwood where college students live and they don't recycle.

Jeff Viens spoke regarding the sidewalks in town and against the proposed transfer station ordinance.

Henry Crane, Willimantic resident, spoke in regards to the sidewalks in town.

James Flores stated he was confused on the budget cut line item. He asked that someone please explain to him why we are not making cuts.

Nectalis Martinez informed the public that if they ever have an issue or a problem and need some feedback or direction to please come to the meetings and speak to the Council and we might be able to help or give them some direction to where they can get questions answered.

18. Adjournment

NILES MOVED, Krich seconded, to adjourn the Windham Town Council Regular Meeting at 9:00 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:
Neida I. Rosado