WINDHAM TOWN COUNCIL MINUTES

WINDHAM TOWN HALL MEETING ROOM

Tuesday, August 16, 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, Mike Lessard, Jerry Iazzetta, Arnaldo Rivera, N. Joseph Underwood, Teresa Santucci, Charles Krich, and Lorraine McDevitt
Town Council members excused: Erika Haynes, Christel Donahue and Kevin Donohue

2. **Pledge of Allegiance**
Mayor Eldridge led all in the Pledge of Allegiance.

3. **Citizens and Delegations**
Doug Lary spoke in reference to Item 11a. He stated he is in agreement with the suggested changes to Sections A & leaving Section B of the proposed amendments to the sidewalk ordinance as is however he is concerned with the proposed changes in Section C and the additional changes to Section D.

Peter Quercia, 300 Walnut Street, Willimantic, does not support the sidewalk ordinance. He feels if the ordinance is passed it is blatant favoritism to Mr. Lein.

Peter DeCarli, Prospect Street, Willimantic, noted the Silverback Wrestling Club attended a walk-thru of the Kramer Building with the Tri-Board. He explained additional space may be available to the Club although a lot of work is needed to make it functional. He stated he is hopeful that the space will work however he wants the Council to know in the event it does not the Club would still like the cafeteria space.

Dawn Niles, North Windham, stated the Windham Center Fire Department was doing the MDA boot drive on August 26, 27 & 28th. Ms. Niles also hopes we are moving forward with the ambulance.

Lori Jeffers, Willimantic, believes sidewalks are a safety issue. She asked the Council to reject the ordinance.

Kevin Hoxie, Ridgewood Road, Willimantic, noted there were 87 college's disturbances last year. He feels the Noise Ordinance must be enforced. He also believes the Town must cut costs so there are no tax increases.

Joe Underwood, read a letter from Mark Dressler of D & W Development for the record. (See Attachment A)

Teri Santucci, noted the matters concerning the Willimantic Police Department do not belong in front of the full Council they belong in front of the Willimantic Service District Council. She stated the Police Chief complains on a regular basis that there is no money and the Willimantic Service District Council is in agreement with her however Mrs. Santucci feels if the laws were enforced we would have the money. She gave an example of the Noise Ordinance and the fee structure of that ordinance.

4. Adoption of Minutes

a. Discussion and possible action to adopt the July 19, 2011 Town Council public hearing minutes.

Underwood MOVED, McDevitt seconded, to adopt the July 19, 2011, Town Council public hearing minutes. All were in favor except Lessard, Rivera and Santucci who abstained. MOTION PASSED.

b. Discussion and possible action to adopt the July 19, 2011 Town Council regular meeting minutes.

Rivera MOVED, Underwood seconded, to postpone accepting the July 19, 2011 Town Council regular meeting minutes until the next meeting.
MOTION PASSED UNANIMOUSLY.

5. Resignations

The following resignation was received:

Arlene Maclure, Ad-Hoc Senior Center Building Committee

NOTED.

6. Appointments

NONE.

7. Presentations & Special Reports

a. Presentation by Mike Wolter regarding KIDSAFE CT Mentoring Services.

Mike Wolter, Coordinator of the KIDSAFE CT Mentoring Services gave a brief presentation on the program. Mr. Wolter stated the program is a local, private, non-profit organization based in Rockville CT for the prevention and treatment of child abuse and neglect. He explained the role of a mentor and the need for volunteers as well as the benefits to both the Mentees and Mentors. He answered questions from the Council and thanked them for the giving him the opportunity to speak. He also asked them to spread the word about the program and he encouraged people to come forward to volunteer.

b. Magnet School Update by Tom DeVivo.

Mr. DeVivo reported blasting had begun and there was a lot of activity going on at the Magnet School. He noted Beebe is doing a very good job and sub-

contractors are now being brought in for the rock and wood chipping work. Mr. DeVivo stated the blasting for the hole for the school would also begin fairly soon and he encouraged people to visit the site.

In addition, he stated there had been some problems with storm water run-off however DEP had come out and gave their recommendations on how to address the issue. Mr. DeVivo noted barriers had been set up to hopefully alleviate the problem and hay bales were also set up on Old Mansfield Road where water was present.

Mr. DeVivo also reported the final building plan was complete and Pierz Associates had been hired to review all the documents to insure nothing had been overlooked in the building of the school.

Mr. DeVivo noted a team had been put in place to handle any citizen questions or complaints and he gave the contact information to the Council. He also stated a ground breaking ceremony will be taking place on September 17th at 10:30 a.m.

Mr. DeVivo answered questions from the Council.

c. **Presentation by Paula Stahl regarding changes to the Planning and Zoning regulations.**

Ms. Stahl thanked the Planning & Zoning Commission members and stated they are a great group of people to work with. She also shared her personnel background with the Council.

Ms. Stahl outlined the work the Commission had done from January 2010 to present. She noted when the Commission had been formed roles and responsibilities had been discussed and overall goals were determined.

Ms. Stahl reported the Commission had held working meetings on commercial development including retail areas, parking, and development standards in addition to reviewing the regulations needed for the Windham Hospital expansion. She also noted the routine business the Commission handles on a monthly basis.

Ms. Stahl also answered questions from the Council.

8. **Mayor's Report**

NONE.

9. **Town Manager's Report**

NONE.

10. **Discussion and Review of Communications**
NONE.

11. **Resolutions and Ordinances**

a. **Discussion and possible action to adopt the proposed amendments to the sidewalk ordinance, as recommended by the Town Council's Subcommittee on Public Works.**
Underwood read the Ordinance and MOVED for its adoption. There was no second to the motion. MOTION FAILED.

b. **Discussion and possible action to adopt the new solid waste ordinance, as recommended by the Town Council's Subcommittee on Public Works.**
Iazzetta MOVED, McDevitt seconded, to waive the reading of the Ordinance. MOTION PASSED UNANIMOUSLY.
Iazzetta MOVED, McDevitt seconded, to adopt the new solid waste ordinance #2545, as recommended by the Town Council's Subcommittee on Public Works.

BE IT ORDAINED by the Town Council THAT

The Town of Windham adopts the following ordinance:

Town of Windham
Solid Waste Ordinance

RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL

Article I – General Provisions

Purpose:

The purpose of this ordinance is to ensure that the accumulation, collection, removal and disposal of waste is managed to protect the public health, safety and welfare.

Definitions:

REFUSE BIN – a container provided by the Town for use by the owner or occupant of a Dwelling. Together with or separate from a Recycle Bin, the term may be referred to as a "Bin" or as "Bins."

BULKY WASTE – stoves, refrigerators, water tanks, carpeting, mattresses, box springs, washing machines, discarded household furniture, tires, appliances, building waste, or other non-

putrescible and non-hazardous materials with weights or volumes greater than those specified for a Refuse Bin.

DWELLING - A house or building, or portion thereof, or any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and/or eating by one or more families or households.

GARBAGE - means all putrescible wastes, including, but not limited to, vegetable matter, animal offal, excluding recognized industrial by-products.

HAZARDOUS WASTE – Waste or substances designated or identified as hazardous by any law enforced by, or regulation of, the United States Department of Environmental Protection, the Commissioner of Environmental Protection for the State of Connecticut, any Town Ordinance, or by the Recycling Coordinator.

INDUSTRIAL WASTE – Includes processing wastes or rubbish associated with mechanical or chemical transformation of inorganic or organic substances into new products or from assembling component parts.

OCCUPANT - Any person living or sleeping in a building or having possession of a space within a building.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES – Any dwelling, house, building or other structure and the real property located thereon.

PUTRESCIBLE MATERIALS - means solid waste containing organic material that can be rapidly decomposed by microorganisms, and that may give rise to foul smelling, offensive products during decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies, including but not limited to bones; meat; meat scraps; fat; grease; fish; fish scraps; vegetables; fruit; and food containers or products contaminated with food wastes, particles or residues.

RECYCLE BIN – a container provided by the Town for use by the owner or occupant of a dwelling for the storage and disposal of recyclables. Together with or separate from a Refuse Bin, the term may be referred to as a "Bin" or as "Bins."

RECYCLABLES - means reusable materials including newsprint, glass, aluminum, bi-metal cans, plastics or any material that may be established as a recyclable by the Recycling Coordinator from time to time.

REFUSE - All putrescible and non-putrescible solid wastes, including garbage and rubbish, generated by residential activities. Refuse shall not include recyclables, bulky waste, construction and demolition waste, household hazardous waste or yard waste.

SOLID WASTE –such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, household, community and private operations, excluding earth material from construction, mining, demolition operations, and slag. Such material shall be deemed to include, but not be limited to, garbage, rubbish (both combustible and non-combustible), street dirt, debris, ashes, yard waste, any discarded matter to be removed from public and private properties and other like substances which may be harmful or inimical to public health, as well as other items determined to be solid waste by the Town of Windham.

TOWN – The Town of Windham, Connecticut, and includes its agents, officers and employees.

VECTOR – An insect, rodent, bird or other animal, which can transmit infectious diseases from one person or animal to another person or animal.

YARD WASTE - Organic materials including cut branches, limbs of no more than three inches in diameter, leaves, mowed grass, shrubbery trimmings, weeds and Christmas trees, primarily generated from landscaping and yard care activities.

Article II – Enforcement; Violations; Penalties for Offenses

1. Waste Control.

(a) No person shall accumulate, store or require the storage or handling of refuse or solid waste in such a manner so as to promote the propagation, harbor, or attraction of vectors or so as to create a nuisance.

(b) Every occupant of a dwelling shall properly manage and dispose of all refuse in a clean and sanitary manner, and place it in a refuse bin for collection in accordance with this ordinance.

(c) Every occupant of a dwelling shall properly segregate recyclables for collection, and properly manage them for timely collection in compliance with this ordinance.

(d) Every occupant of a dwelling shall properly dispose of all recyclables in a clean and sanitary manner, and place them in a recycle bin for collection in accordance with this ordinance.

(e) Every occupant and owner of a dwelling shall use and maintain the recycle bin and the refuse bin in good condition.

(f) The owner of a building which contains more than five dwellings shall provide for use by the occupants refuse, solid waste and recycling containers for the sanitary and safe storage of solid

waste, refuse and recyclables, and to provide for the safe and adequate removal and disposal of the same in accordance with applicable statutes, regulations and this ordinance.

2. Prohibited Activities:

(a) No owner or occupant of any dwelling shall place any solid waste, refuse or recyclables in any street, alley or other public place, in any river or other body of water, or upon any premises whether owned by such person or not, except in compliance with this ordinance.

(b) Accumulation of uncontrolled, unmanaged, or unreasonably kept refuse, recyclables or solid waste on any premises is hereby declared to be a public nuisance and prohibited. Failure to remove any uncontained accumulation of refuse, solid waste or recyclables within two days after written notice from the Recycling Coordinator shall subject the owner and the occupant to a fine as set forth in Section 7 of this Article II.

(c) No person shall cast, place, sweep or deposit anywhere any refuse, recyclables or solid waste in such a manner that it may be carried or deposited by the wind, rain or other elements upon or in any street, sidewalk, alley, sewer, premises or public place.

(d) The scavenging, or the removal by any person other than the Town, the Town's solid waste contractor or the property owner or occupant, of any recyclables, metals or other items which have been placed in designated containers for collection, is prohibited.

(e) No person shall combine recyclables, hazardous waste, bulky waste and refuse for collection by the Town.

3. Promulgation or Rules and Regulations

(a) To further this ordinance, the Town Council may promulgate regulations from time to time, by resolution.

(b) The Town Manager may promulgate rules that reasonably and consistently advance the provisions of this ordinance, to advance efficient collection and disposal procedures, times and manners.

4. Enforcing Agent

The director of code enforcement and the assistant superintendent of public works are designated as the Recycling Coordinator, separately or combined, and in addition to the Town Manager or his designee, are authorized to interpret, apply and enforce the provisions of this Ordinance.

5. Inspections

All solid waste, refuse and recyclables are subject to inspection upon and after the time it is placed at the curb or in a dumpster. The Recycling Coordinator, his designated agent, or an agent designated as such by the Town Manager may carry out inspections. Any person denying or obstructing such inspection shall be in violation of this Ordinance.

5. Notices

Except where the violation involves a business, industry or a building containing more than five dwellings, one warning notice shall be given in writing whenever it is discovered that a person has violated any provision of this ordinance, before the issuance of any fine. No written warning shall be required before an abatement order may be issued.

6. Refusal to Collect

Where any person is discovered to have violated any provision of this ordinance, any other Town of Windham ordinance, or where the Commissioner of Environmental Protection for the State of Connecticut, or the State Director of Health, has determined that a person is in violation of any law or regulation of the State of Connecticut, the Town, in addition to other remedies, may refuse to collect any refuse or solid waste. In addition, such person shall also be subject to fines in accord herein and shall comply with abatement orders, which may be issued hereunder.

7. Penalties for Offenses

Any person or property owner who shall violate any provision of this chapter or any provision of any regulation adopted by resolution of the Town Council pursuant to the authority granted by this chapter shall be punishable by a fine of ninety ($90.00) dollars, and each failure to comply shall constitute a separate violation. In addition, the said violator, or property owner may be found to violate the Town's blight ordinance and shall be subject to abatement order.

ARTICLE III: Commercial Waste

1. Commercial Waste

For the purposes of this Ordinance commercial waste shall include all refuse, recyclables and solid waste generated from any business, industry or building containing six or more dwellings.

2. Management

a) All waste containers and dumpsters used or maintained for the collection, storage or disposal of commercial waste shall be tightly closed with a lid or cover at all times, except during the act of loading or unloading, so as to prevent insect breeding, spillage of refuse and other health and safety problems.

b) All persons who produce commercial waste shall manage, control and dispose of, or recycle, such wastes in accordance with all federal, state and local regulations, and hauled to transfer facilities, transfer and disposal facilities, or private disposal facilities, licensed by the State, and do so at such person's sole cost and expense.

c) The Recycling Coordinator is authorized to establish policies and procedures for the collection and removal of commercial wastes.

ARTICLE IV: Waste Removal Charge for Evictions

The owner or other person having the right of possession of residential property who evicts someone from the property shall be charged by the Town for the increased waste disposal costs equal to the Town's actual cost of disposal including its administrative costs, labor and overhead.

ARTICLE V: Management, Use and Care of Bins at Dwellings

1. The Town will provide a dwelling with the use of a refuse bin and a recycle bin, in accordance with the following table:

Dwellings	Refuse Bins	Recycle Bins
1	1	1
2	2	2
3	3	2
4	3	3
5	3	3

2. Dwellings situated in a building containing business premises will be provided the use of Bins, unless the number of dwellings in such a building exceeds five. The business shall not use the bins under any circumstance. If the business is found to have used, or to be using, one or more of the bins, the Town may suspend collection service to the entire building until the business has provided proof, in form satisfactory to the Recycling Coordinator, that arrangements have been made for continuous, safe storage and removal of solid waste, refuse and recyclables.

3. Connected or adjacent buildings are considered to be one for the purposes of this ordinance where there is internal communication between units or where they are operated or used in combination.

4. The owner or occupant shall not place any materials into a bin in excess of its size, load or weight limitation. The owner or occupant shall place garbage into plastic bags before placing the materials into the refuse bin. The plastic bags shall be of sufficient gauge to prevent easy tearing.

5. No person, except the Town or its contractor, shall have any property or ownership right in any bin. The Town may remove, change or substitute any bin, in its absolute and sole discretion.

6. No person shall destroy, discard, lease, rent, harm, sell, trade, remove, lend or alienate any bin. If a resident sells his house or vacates an apartment, all bins must remain with the property. In the event that one or more of the bins are not left for use, the new homeowner or the landlord, at their sole cost and expense, shall immediately purchase from the Town the requisite bins.

7. Bins shall be used and maintained in good condition and good working order by the occupant or property owner. The occupant or owner shall report bins that have been damaged through negligence or act of the owner or the occupant, or through vandalism, to a Town Recycling Coordinator. The cost for bin repair or replacement shall be the homeowner's sole responsibility.

8. Each occupant or owner shall close the lid upon placing the bin on the curbside.

9. *For refuse and recyclable collection, each owner or occupant of a dwelling shall care for and use bins under the following requirements:*

a) No person shall set out recyclables or refuse for collection except in an appropriate bin.

b) No person shall set out for collection recyclables or refuse that cannot be reasonably contained in a bin.

c) No person shall set out a bin for collection at any place other than the tree lawn in front of the property or at another designated place as set forth in subsection (g) hereof.

d) No person shall set out any bin earlier than 12:00 noon on the day preceding a regular collection day.

e) No person who has set out a bin for collection shall fail to remove it from the tree lawn or other designated place for waste collection no later than 12:00 noon on the day following the date of collection. During snowstorms, the bins shall be removed as soon as possible.

f) The owner or occupant of any dwelling shall maintain the tree lawn of the premises, or other designated place for bin placement, in such a way that bins may be placed and collected, and keep such area free from any refuse, solid waste or recyclables, except that it shall not be a violation of this division if:

i. The bin is found on the tree lawn or other designated place for waste collection not earlier than noon the day before a regular collection day; and

ii. The bin is removed from the tree lawn or other designated place for collection no later than 12:00 noon on the day following the date of collection.

iii. The Town Manager or his designee may issue rules consistent with the requirements of this chapter to establish designated places for waste collection.

g) The owner or occupant of any dwelling shall clear, and keep clear snow, and other obstructions, from around the bin in such a way as to comply with subsection (j) hereof and to permit the free operation of the collection process.

h) As used in this section:

i. The phrase "tree lawn" means the area between the curb and the sidewalk or the area between the curb or street line and property line if there is no sidewalk.

ii. The phrase "another designated place for waste collection" or "other designated place for waste collection" means an alleyway adjacent to the property if waste collection occurs there, and also means any other place designated for waste collection pursuant to rule of the Recycling Coordinator.

i) Except during collection times, bins shall be located on the property or premises of the person producing such refuse outside of the public right of way for any street, in such areas so as to be secure and free from the potential for damage due to weather, accident or vandalism. At no time shall the bin placement restrict or interfere with the free flow of traffic and pedestrians on any public way or public sidewalk.

j) Bins placed 'curbside' for collection shall be located such that their front edge shall be not more than 18" away from the road edge, and in such a place where access from automated equipment will not be blocked or impeded (i.e. the collection bin is blocked by a vehicle, snow bank, or otherwise inaccessible from the street).

ARTICLE VI. MISCELLANEOUS

1. Ownership of Refuse

All refuse, recyclables, bulky waste and solid waste, upon being removed by the Town or by any contractor of the Town from the premises shall become and be the property of the Town

2. *Other Refuse*

a) Yard waste, lawn clippings, leaves and similar garden or yard wastes are prohibited from disposal in bins and should be composted on the property of origin or brought by the person to a properly authorized composting facility.

b) No bulky waste, including furniture, tires, items containing Freon, bundle of brush, tree trunk, appliances, and no special wastes (as determined by state law or the Recycling Coordinator) shall be placed in a bin. The property owner, at their sole cost and expense, shall make separate arrangements for removal of these items.

c) Hazardous wastes are prohibited from the household waste and recyclable collection program and shall not be placed in bins. Hazardous wastes must be taken to the MidNEROC or another properly licensed chemical waste drop-off facility

3. *Removal of Refuse, Recyclables and Solid Waste by Town*

a) Any Solid Waste, including bulky waste, garbage, refuse, recyclables or other materials that have been placed on the curbside for collection that is either not eligible for curbside collection or has been placed on the curbside improperly shall be subject to removal by the Town in accordance with the provisions of this subsection.

b) The Town or the Town's contractor shall place a notification sticker on the waste materials so as to be readily visible. The notice shall state (1) the date it was posted, (2) that the Town does not collect this type of waste or in the manner in which it is left, (3) that the waste must be removed within 3 days, and (4) that if not removed within 3 days, the Town will remove the waste and bill the owner for the expense.

c) If the Town incurs any expenses by removing the solid waste, the costs shall be the responsibility of the property owner of record. The Recycling Coordinator shall prepare a bill and send it to the property owner's address of record. If the bill remains unpaid for a period of 30 days, the Town may recover its expenses in a civil action against the property owner. In addition, the Town shall have a lien against the property for such recovery and may file a certificate of lien in the land records of the Town, and such lien shall have priority over all other liens and encumbrances in the same manner as real estate tax liens, shall bear interest at the same rate as delinquent real estate tax liens, and may be foreclosed in the same manner as real estate tax liens.

d) Nothing in this subsection shall limit, in addition to the collection of expenses, the Town's authority to issue fines for violations in accordance with this ordinance.

4. Carcasses, Dead Animals and Offensive Substances

a) No person shall throw or deposit, or cause to be thrown or deposited, in or on any court, thoroughfare, harbor, river, canal, pond, creek or other public water, yard, lot or area, premises, or on a building, any dead animal, garbage or filth or any substance that is foul, putrid, offensive or dangerous, or that is detrimental to the public health.

b) The person having the possession, charge or control of the building or premises on which a dead animal, garbage or filth or any other substance that is foul, putrid, offensive or dangerous, or that is detrimental to the public health, has been thrown or deposited shall immediately cause the same to be removed when ordered to do so by the Recycling Coordinator.

c) The owner or custodian of a dead horse or other large dead animal shall secure the removal of the carcass.

d) No person shall deposit a carcass of a dead animal with Refuse or Recyclables.

ARTICLE VII Dumping Prohibited

1. No person shall dump or otherwise dispose of refuse, recyclables or solid waste on any public property or premises, unless it is properly placed at a licensed solid waste disposal facility. Any owner of a car, commercial car, trailer, semi-trailer, pole trailer, truck or other vehicle who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this section shall be found in violation of this ordinance.

2. Solid waste dumped or otherwise deposited on public property or premises not licensed as a solid waste disposal facility, constitutes a public nuisance which may be abated by the Town. Any expense or costs incurred by the Town, including staff time, in removing waste dumped or deposited in violation of this section shall be paid by the violator. The Recycling Coordinator is hereby authorized to send written notice to violators of this section to remove waste dumped or deposited in violation of this section within five (5) days of receipt of the notice. If the violator fails to remove the waste within the time provided in the notice, the Town may remove or cause to be removed the waste and the Town Manager may take any legal action necessary to collect the cost of the removal from the violator. In addition, the Town shall have a lien against the property for such recovery and may file a certificate of lien in the land records of the Town, and such lien shall have priority over all other liens and encumbrances in the same manner as real estate tax liens, shall bear interest at the same rate as delinquent real estate tax liens, and may be foreclosed in the same manner as real estate tax liens. Nothing in this

subsection shall limit, in addition to the collection of expenses, the Town's authority to issue fines for violations in accordance with this ordinance.

3. In addition, a violation of this section shall constitute a violation of the Town's blight ordinance.

4. The Town Manager is hereby authorized to pay a reward to any person who provides the Town with information leading to the identification and conviction of any person for a violation of divisions 1 or 2 of Article VII. Such reward shall be in an amount equal to one-half of the fine that is actually imposed by a court against the violator and collected by the Town. A person entitled to a reward as provided in this section must file a claim with the Town Manager to collect the reward.

5. The Town Manager shall include in all such contracts a provision providing that it is a material breach and cause to cancel the contract for the contractor to dump solid waste from the demolition on any public or private property or place not licensed as a solid waste disposal facility. In the event that a demolition contract is cancelled pursuant this subsection; the contractor shall be barred from obtaining another contract with the Town for demolition services for a period of one (1) year from the date of cancellation.

ARTICLE VIII. MISCELLANEOUS.

1. The requirements and prohibitions in this ordinance shall be supplemental and in addition to all other town codes and ordinances.

2. This ordinance shall become effective after publication in accordance with Section V-5 of the Town Charter.

3. Sections 11-1, 11-2, 11-3 and 11-5 are repealed. Section 11-6 shall be amended by replacing all references to the Board of Selectmen by the Town Council. Article II "Energy Recovery Facility" is repealed.

All were in favor except Underwood who opposed.
MOTION PASSED.

c. Discussion and possible action to adopt the New England Central Rail Corridor Coalition Resolution.

Krich read the Resolution and MOVED for its adoption, Iazzetta seconded, to adopt the New England Central Rail Corridor Coalition Resolution #2544.

BE IT RESOLVED by the Town Council THAT

WHEREAS, a coalition of communities have met to discuss collaboration on re-establishing passenger rail service for our residents, and

WHEREAS, these New England Towns, as well as universities and a tribal nation, would benefit from transit-oriented development along an enhanced rail line from New London, CT, to Brattleboro, VT, and

WHEREAS, the coalition of communities will work together towards the re-establishment of passenger Rail Service.

Now, therefore, the Windham Town Council HEREBY RESOLVES that:

The Windham Town Manager, Neal J. Beets is authorized to execute a Memorandum of Agreement to work with the coalition of New England Towns and Communities to pursue efforts to re-establish passenger Rail Service for our community on behalf of the Town of Windham, CT

MOTION PASSED UNANIMOUSLY.

d. Discussion and possible action to adopt the proposed ordinance to revise the Conservation and Open Space Commission.

McDevitt MOVED, Krich seconded, to waive the reading of the Ordinance. MOTION PASSED UNANIMOUSLY.

McDevitt MOVED, Iazzetta seconded to adopt the proposed ordinance #2543 to revise the Conservation and Open Space Commission.

BE IT ORDAINED by the Town Council THAT

Whereas: *The Town had established a Conservation & Open Space Commission in 2003, and*

Whereas: *The Commission has determined that it is necessary to add Agriculture to their mission, and name, and*

Whereas: *The Town has adopted an Open Space Plan which includes a recommendation to protect Agriculture as part of the Town's Open Space Plan; and*

Whereas: **the Windham Charter Section VII-11 on Appointive Offices authorizes the Town Council to change the composition of certain Commissions as the need arises, or circumstances change;**

Now, therefore, be it hereby ORDAINED by the Windham Town Council *that Part 3, Chapter 10 Article V of the Code of Ordinances, Town of Windham, Connecticut, relating to the establishment of the Conservation & Open Space Commission is hereby amended (1) to revise the name of the Commission to be known as the Conservation Open Space & Agriculture Commission as follows:*

Revise this Section to read as follows:

Article V - Windham Conservation, Open Space, and Agriculture Commission

Sec. 10-81. - Established

There is hereby established a conservation, open space, and agriculture commission, to advise and educate public bodies and private citizens on the preservation, prudent use and development of natural resources, including water, air, and agricultural resources, within the town. It shall be known as the Town of Windham Conservation, Open Space and Agriculture Commission. In addition to the authority given to this Commission under Chapter 97, Section 7-131a of the Connecticut General Statutes, the conservation, open space, and agriculture commission also shall foster agricultural viability in Windham.

The conservation, open space, and agriculture commission shall consist of five (5) members and three (3) alternate members with terms of four (4) years. Insofar as practical, members appointed by the Town Council shall be representative of all groups interested in the management and protection, air, land and water resources, and the promotion of a viable agricultural economy in Windham.

Sec. 10-82. - **Election of officers -** The commission shall elect one (1) of its members as chairman and elect other officers, as it deems necessary, during its first regular meeting annually.

Sec. 10-83. – The purpose of this Ordinance is to revise Sections 10-81 and 10-82 of the Town of Windham Code of Ordinances, by expanding the scope of responsibilities of the currently constituted Conservation, Open Space, and Agriculture Commission. Nothing herein shall affect otherwise the continuity and validity of the work and authority of the currently constituted Conservation, Open Space, and Agriculture Commission. The authority of the members currently holding office shall not be impaired or affected by this ordinance, and each shall continue in office for the remainder of his or her regular term.

Sections 10-81 and 10-82 are hereby deleted and are replaced in their entirety by this

Ordinance.

This Ordinance shall be effective after publication in accordance with the Town Charter.

(Ordinance notes: the Windham Board of Selectmen originally established the Conservation Commission in 1961, but it was discontinued. In 1992, the Board of Selectmen re-established the Conservation Commission and delegated to them the authority to serve as the Town's Inland Wetlands and Watercourses Agency. On October 21, 2003, Ordinance #2177 created a separate Conservation and Open Space Commission, and an Inland Wetland's and Watercourses Commission)

MOTION PASSED UNANIMOUSLY.

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. Mr. Iazzetta noted the Sub Committee was canceling their meeting for next month due to the lack of information received. He stated information had been requested from the Town Manager and other staff however nothing had been received to date. He stated no meeting would be held until the Sub Committee was given the requested information.

c. Tri-Board
Mrs. McDevitt reported the Tri-Board had met and had a very successful meeting. She noted the Board had another opportunity to speak with the Silverback's and stated the Town Manager was going to meet with Mr. DeCarli to look at the alternate space and determine what would need to be done if the Club choose to use it.

Mrs. McDevitt also stated the Tri-Board asked the two school representatives to provide a line by line of all the expeditures in the school board budget. She noted the Tri-Board is interested in what the bulk of the costs are to the School and Town with reference to the Kramer Building.

Mrs. McDevitt also noted the Tri-Board would like each representative to bring forth their concerns however she stated the first hurdle of the Board was to get past the Silverback and Kramer Building situation. She is hopeful to have a solution within the next month.

Mrs. McDevitt answered questions from the Council.

13. Old Business
NONE.

14. New Business

a. Discussion and possible action to award the paving of 3.3 miles of rural roads to B & W Paving and Landscaping in the amount of $440,900.

Iazzetta MOVED, McDevitt seconded to award the paving of 3.3 miles of rural roads to B & W Paving and Landscaping in the amount of $440,900.
MOTION PASSED UNANIMOUSLY.

15. Future Agenda Items

a. Charter Review

16. Citizens and Delegations

Dawn Niles, North Windham, stated the Council should be aware that the regulations were being written not only by the staff but by Paula Stahl, the Chair of the Planning & Zoning Commission which is a cost savings to the Town in upwards of $75,000 to $100,000. Ms. Niles also noted Ms. Stahl has provided the members of the Commission with books, workshops and any information she can to educate them on what is being done. Ms Niles stated she is very impressed.

Peter DeCarli, Prospect Street, Willimantic, highly supports the KIDSAFE CT Mentoring Services program.

James Flores, Willimantic, stated the voter list needs to be updated. He also noted he had requested information from the Registrar of Voters office and it took them 2 weeks to provide the information he requested.

Mary Lou DeVivo, 434 Ash Street, Willimantic, stated the SIFT Committee had asked to see more cooperation between the Schools and the Public Library. She asked that people visit the library to see the numerous drawings that had been done through the summer reading program. She also noted there is very good cooperation between the Schools and the Public Library. In addition, Ms. DeVivo feels the Kramer Building is not a secure place for small children. She noted there is no security and that anyone can access the building. She would like to see the children moved to a more secure location.

Kevin Hoxie, Ridgewood Road, Willimantic, brought up an issue with the garbage cans and how the kids in his neighborhood use them. He also noted teachers should not be giving themselves a raise when the budget has not even passed.

Doug Lary, 183 Summit Street, Willimantic, thanked James Flores for bringing to the attention of the Council the atrocious state of the voter registration list. He noted he has been reviewing data given to him from the Registrar of Voters office and stated it is in rather bad shape. He believes the registrars need to be taught how to download and sort data.

Lori Jeffers, Willimantic, gave an example of a stopped school bus and car that went around the stopped bus. She stated the police were right there and were able to go after the car. She also noted the Chief had stated the noise ordinance was going to be difficult to enforce and she is glad the police are putting public safety first. Ms. Jeffers stated she is very happy with much of the work of the Police Department.

Charles Krich, Prospect Street, Willimantic, thanked Arnaldo for the speech that he gave at the July 19th meeting. He stated the speech was heartfelt and moving and that he spoke for many more people than just himself. Mr. Krich also stated it was beautiful to witness that as a response to hatred and bigotry which he also believes should not be tolerated in our community. In addition, he noted he had posted Arnaldo's speech to the State website and many people remarked that they were inspired by it.

17. Adjournment

Iazzetta MOVED, Underwood seconded, to adjourn the Town of Windham Town Council meeting at 8:55 p.m. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney
Clerk of the Council

"Attachment A"

August 15, 2011

Dear Town Council Member.

I am writing in support of the proposed change to Article VII. Streets and Sidewalks of the Code of Ordinances, section 13-161, subsection (c).

I have always felt that this ordinance, which mandated sidewalks for all new non-subdivision, single family homes, was a waste of money. The ordinance mandated installing sidewalks regardless if there any other sidewalks on that street.

Unfortunately, the ordinance clearly states in section 13-161, subsection (c)—"There can be no waiver of the requirements of subsection (b) of this section." What this ended up doing is that you could not get a "certificate of occupancy" without installing the sidewalks, or the bond that was posted would be used to pay for the installation of the sidewalks. If that happened, my bond rating would have been ruined, so the reality was that a sidewalk had to be installed. There was simply no choice.

With the new proposal, the owner or builder could pay 2/3 of the cost of the sidewalk and not have to install one. This seems fair and prudent, with the funds collected allocated for repair and installation of sidewalks where they are needed.

Unfortunately, when I built a home for my daughter on 349A North Street, we had to install a sidewalk in since that was the regulation when I pulled a building and zoning permit on March 9, 2010.

Dan Lien received his building permit on June 14, 2010, so it would be my understanding that he too would be subject to the same regulations that my daughter had to comply with, and he should have to install a sidewalk in front of his house.

If this change to the ordinance is approved, and Dan Lien is not required to install sidewalks in front of his house, and can pay only 2/3 of the cost of installing the sidewalks, I will be seeking relief for 1/3 of the cost of installing my daughter's sidewalk.

Further, I will be seeking relief for 1/3 of the cost of installing the sidewalk in front of my own home and will encourage all of the people, I and others have built homes for in Town, to seek relief for 1/3 of their costs for installing a sidewalk.

Thank you for your time.
Sincerely,
Mark Dressler
D&W Development