

WINDHAM TOWN COUNCIL MINUTES

Windham Town Hall Bellingham Auditorium, 2nd Floor
Tuesday, September 16, 2014 - 7:00 P.M.



1. Call to Order.

Mayor Eldridge called the Town of Windham Town Council regular meeting to order at 7:04 P.M.

Town Council members present: Mayor Ernest S. Eldridge, Charles Krich, Tony Fantoli, Tom DeVivo, Lorraine McDevitt, Joseph Underwood, Mark Doyle (arrived at 8:40 PM), Michael Lessard, James Flores, Christel Donahue and Charlotte Patros (arrived at 7:09 PM)

Town Manager Neal Beets was also in attendance.

2. Pledge of Allegiance.

Mayor Eldridge led all in the Pledge of Allegiance.

3. Citizens and Delegations: Public Comment.

Dawn Niles, North Windham, announced the Windham Center Fire Department is having their annual Memorial Service on October 5th at 2:00 at the fire department and State Representative Linda Orange will be the guest speaker.

John Walker, property owner, noted he had reviewed all aspects of the Housing Code Ordinance and finds many reasons it should not be passed. He read a few passages from the Windham Code and from another Towns Code. He also asked that the Council consider giving the landlords 30 days to give them a proposal.

Pam Viens, Columbia resident and Windham taxpayer, provided the Council with New Haven's Housing Code and asked the them to read the document and give it another 30 days before trying to push something through which she stated may end up back in Court.

Mary Ellen McLaughlin, Willimantic resident, hopes the Council does not approve the Housing Code Ordinance and shared her concerns regarding Section 6-25c on page 5 of the ordinance.

Jeff Viens, Columbia resident and Windham taxpayer, stated the Council didn't have the landlords prepare anything for them with regards to the Housing Code. He believes New Haven has a simple and exact housing code that Windham should adopt. He also referred to a court battle in New Haven on this matter and believes Windham should prioritize where their money is spent.



Patricia Garcia, Windham Superintendent of Schools, reminded everyone of the upcoming budget referendum on September 23rd and encouraged people to vote. She noted the budget is a tool to achieve the vision, mission and goals of the school district.

David Fenn, shared his admiration for Dr Garcia however he would like an answer on why a music teacher was cut at the High School and administrator's were hired on the same night. He also spoke in support of Dr. Garcia and what she is doing.

Pete Nesovich, property owner, spoke against the Housing Code Ordinance and stated the housing code people should know the codes. He gave a few examples of certain incidents in which he was written up for violations when there were no violations and questioned whether we follow Willimantic Code or State Code.

Joel Meyers, property owner and resident, spoke against passing the Housing Code Ordinance and requested the Council sit down and discuss the ordinance with the landlords so they become more educated on the issue.

Henry Crane, Willimantic resident, stated he appreciates what the housing code inspectors do and also spoke in favor of the school budget.

4. Town Council Comment.

James Flores asked that Matt Vertefeuille stay at the meeting through Item #12b.

Tom DeVivo explained the situation that took place at the Willimantic Service District meeting and apologized to the public for ending the meeting in the manner in which he ended it. He also stated he has since researched Roberts Rules of Order however at the time of the meeting he was unaware of how to handle a situation where there is no longer a quorum of the members.

5. Adoption of Minutes. Discuss and possibly move to adopt the minutes for:

a. the September 2, 2014, regular Council Meeting.

Underwood MOVED, DeVivo seconded, to adopt the minutes for the September 2, 2014, regular Council Meeting. All were in favor except Donahue who abstained. MOTION PASSED.

6. Resignations. None.

7. Appointments.

a. Pamela Miela DeVivo as a regular member of the Economic Development Commission with a term to expire on December 15, 2018.

Underwood MOVED, Patros seconded, to appoint Pamela DeVivo as a regular member of the Economic Development Commission with a term to expire on December 15, 2018. All were in favor except DeVivo who abstained. MOTION PASSED.

MOTION: DeVivo MOVED, Underwood seconded, to add to the agenda Item #7b, the appointment of Brian Saucier as a regular member of the Board of Assessment Appeals as recommended by the Windham Republican Town Committee. All were in favor. MOTION PASSED UNANIMOUSLY.

- b. **Brian Saucier as a regular member of the Board of Assessment Appeals**
DeVivo MOVED, Underwood seconded, to appoint Brian Saucier as a regular member of the Board of Assessment Appeals. All were in favor. MOTION PASSED UNANIMOUSLY.

8. Presentations & Special Reports.

- a. **Presentation by Principal Brooke Lafreniere about the opening and operation of the Path Academy on Main Street.**

A brief presentation was given by Path Academy Principal Brooke Lafreniere, President/CEO of Our Piece of the Pie Bob Rath and Chief Academic Officer of Our Piece of the Pie Christopher Leone. They spoke of the impact the Academy has on Main Street and the community, the mission and model of the Academy and the enrollment and achievement of its students. They also answered questions from the Council.

9. Mayor's Report.

Mayor Eldridge reminded everyone that this Thursday will be the last 3rd Thursday of the season. He also reported he and Neal had attended a luncheon at QVCC and had discussed with them the possible expansion of the college. He noted Tom DeVivo and Lorraine McDevitt were also at the luncheon.

Mayor Eldridge also reported he had attended the Path Academy ribbon cutting ceremony and the CLICK salsa party.

10. Town Manager's Report.

Town Manager Beets reported on an issue involving two wells; one at Windham Center School and one at North Windham School. He explained the situation and noted it will be on the October 7th agenda for discussion. He also explained the Council will have to create a building committee to handle the issue and a Resolution and/or Ordinance will be ready for the meeting to address the creation and charges of the committee.

11. Discussion and Review of Communications.

None.

12. Resolutions and Ordinances.

- a. **Discuss and possibly take action on a Resolution that amends the Town's Fair Housing Plan.**

McDevitt read the Resolution and moved for its adoption.

MsDevitt MOVED, Underwood seconded, to adopt Resolution #2647 that amends the Town's Fair Housing Plan. All were in favor.

**TOWN OF WINDHAM
Town Council**

Resolution No. 2647

BE IT RESOLVED by the Town Council THAT

WHEREAS: The Town of Windham has amended its 2010 Fair Housing Action Plan;

WHEREAS: This amendment shall reflect the deletion of Action Step 15, “Develop a formal procedure for inspecting and monitoring new construction and substantial rehabilitation for compliance with the fair housing laws, the Americans with Disabilities Act and related laws”, from the 2010 Fair Housing Action Plan; and

WHEREAS: This amendment shall reflect the addition of Action Step 32, “Encourage local lenders to adopt ‘second look’ policies before rejecting mortgage applications”, to the 2010 Fair Housing Action Plan.

MOTION PASSED UNANIMOUSLY

- b. Discuss and possibly take action on the Housing Code ordinance that was reviewed at the Monday, September 15, 2014, Public Hearing.**

DeVivo MOVED, Flores seconded, to waive the reading of the Resolution. All were in favor. MOTION PASSED UNANIMOUSLY.

DeVivo MOVED, Flores seconded, to approve the Housing Code Ordinance as presented. DeVivo, Donahue, Patros and Flores were in favor. Lessard, Fantoli and McDevitt opposed. Underwood, Krich and Eldridge abstained. MOTION FAILED

13. Reports of Committees, Boards and Commissions.

- a. Administration, Finance, Economic Development, Health, and Human Service Committee. (Councilmember DeVivo)**

DeVivo reported the Committee had met last night and finalized the Town Manager’s evaluation.

DeVivo also reported the Committee had voted unanimously to eliminate the sub-committees and add to tonight’s Council meeting under new business, discussion on the issue. He also explained why the Committee was in favor of this and how it may help better serve the community.

In addition, DeVivo reported the Committee had a short discussion on the need to review the Town’s Code of Ordinances.

- b. Magnet School Building Committee and/or the Windham High School Roof Building Committee. (Councilmember DeVivo)**

DeVivo reported the Natchaug Roof project was 100 % complete.

DeVivo also reported the Windham High School Roof project was within budget however he noted there have been challenges with the flooring.

In addition, DeVivo reported the canopy was up at the Magnet School which is the last building project. He stated the project should be wrapped up and turned over by the 1st of the year. He explained the process of turning the school over to the Town.

c. Downtown Parking Garage Urban Act Grant Request. (Councilmember DeVivo)

No report. DeVivo did note a parking meeting was held to discuss the parking issues in Town.

d. Public Safety, Public Works, Environment, Recreation, and Culture Committee. (Councilmember Krich)

No report. Krich noted the Committee will be meeting next Wednesday.

MOTION: Underwood MOVED, McDevitt seconded, to add under new business, Item #15c, a motion to entertain eliminating the sub-committees and replace it with a working committee of the full Town Council.

14. Old Business.

None

15. New Business.

a. Discuss and possibly move to go into an executive session regarding the Town Manager's Performance Evaluation.

Mayor Eldridge announced the Town Manager would like his performance evaluation in open session.

b. Discuss and possibly act on the Town Manager's Performance Evaluation.

Mayor Eldridge explained the goals given to the Town Manager, read the pros and cons from the Town Council comments and the rating that was given by the Town Council. Some individual Town Council members shared their opinions of the Town Manager's performance. The overall rating was a 2.81.

Krich MOVED, DeVivo seconded, that we adopt as the Town Council's performance of the Town Manager the report that is attached that the overall evaluation be 2.81 and that we adopt as the Town Managers goals those goals that were set forth in the document. All were in favor except Flores who opposed. MOTION PASSED.

c. Discuss and possibly move to entertain eliminating the sub-committees and replace it with a working committee of the full Town Council.

A lengthy discussion followed. No action was taken.

16. Future Agenda Items

None

17. Citizens and Delegations: Public Comment.

Jim Preston, resident of Windham and business owner, thought it was ridiculous to try to pass a document that was flawed. He also took offense to a remark made by a Council member regarding landlords and also shared his concerns regarding the Path Academy.

Pam Viens, Columbia resident and Windham taxpayer, spoke about the Housing Code and the need for the Town Council to sit down with the landlords and work with them. She also questioned who the 300 landlords were who were informed.

Cheryl Preston, South Windham and owner of A Cupcake for Later, shared her concerns regarding the Path Academy and gave examples of how she feels the school is hurting her business.

Jeff Viens, Columbia resident and Windham taxpayer, thanked the Council for listening to the landlords. He stated the landlords are representing the tenants. He urged the Council to read the document they provided. Mr. Viens also noted the landlords can be a valuable resource.

Kevin Hoxie shared his thoughts on the ordinances the Town has and the need to work with the people and be fair. He stated the Town can't just be a one way street.

Henry Crane, asked for a copy of what the landlords provided the Council. He encouraged them to read and consider the document.

James Flores, spoke in defense of himself for the position he took at the Willimantic Service District meeting. He explained what happened and for the record stated "he was in the building".

18. Adjournment

DeVivo MOVED, Underwood seconded, to adjourn the Town of Windham Town Council regular meeting at 9:39 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney

Clerk of the Town Council