

WINDHAM TOWN COUNCIL MINUTES

REGULAR COUNCIL MEETING

WINDHAM TOWN HALL MEETING ROOM

Tuesday, October 16, 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, Arnaldo Rivera, Mark Doyle, Christel Donahue and Jerry Iazzetta

Town Manager Neal Beets was also in attendance.

2. **Pledge of Allegiance**

Mayor Eldridge led all in the Pledge of Allegiance.

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

Lori Jeffers, Willimantic, shared her concerns on the Natchaug School Roof and does not support the project.

Kevin Hoxie, Ridgewood Road, Willimantic, does not support the Natchaug School Roof project and thinks the building should be taken down. He also believes there are issues with teaching and busing at the Middle School and with people's property due to the Magnet School. Mr. Hoxie also believes the Seniors deserve a new Senior Center.

Donna Nicolino, Summit Street, Willimantic, supports and urges the Council to pass the Resolution on Citizens United and thinks it's important for Windham to be on the right side of history.

Mary Gallucci, North Street, noted several complaints about the process for the Natchaug School project. She also noted she has been asking for a meeting with the Board of Education, Superintendent and families of students since May and it has not yet happened.

Miles ?, Willimantic, stated he has worked at Natchaug School through a program at ECSU where he is a student. He believes the school system is in disrepair and that education should be a top priority.

Susan Johnson, State Representative, Willimantic, complimented the Town Council on the Citizens United Resolution and supports the Resolution. She also noted she is available to assist if help is needed for funding on the Natchaug School Roof project.

Henry Crane, Windham Street, Willimantic, encouraged the Council to support the idea of one Police Department for the Town.

John Schwenk, South Street, Willimantic, supports and urges the Council to support the Citizens United Resolution.

Dennis O'Brien, Bolivia Street, Willimantic, supports the Citizens United Resolution. He also noted he represents the Town of Ashford who has passed a similar Resolution. Mr. O'Brien also thanked those who worked on this very important Resolution and believes we as a Town must do our part.

John Clark, Summer Street, Willimantic, supports the Citizens United Resolution and believes it's time for citizens to unite and fight for our freedom.

Jean Rotter, Pleasant Street, believes it is important for her Town to stand on the right side of issues. She spoke in support of the Citizens United Resolution.

Bill Potvin, Mountain Street, Willimantic, believes uninformed people could vote against their own interest. He supports the Citizens United Resolution.

Kristen Fortier, Bolivia Street, asked for a show of hands from those who are in support of the Resolution. Ms. Fortier then shared her thoughts on the effects of corporate powers. She also spoke in support of the Citizens United Resolution.

4. Town Council Comment

Tom DeVivo asked that before Item 12a he provide an update from last night's Magnet School meeting to report on the comments made by the Committee prior to voting on the issue. (This report is part of Item 13c).

K. Donohue stated if the Town Council offered a Citizens and Delegations 2012 oratory award he would nominate Judge Dennis O'Brien.

5. Adoption of Minutes

a. Discussion and possible action to adopt the minutes for the October 2, 2012 Town Council Meeting.

Doyle MOVED, Underwood seconded, to adopt the minutes for the October 2, 2012 Town Council Meeting. All were in favor. MOTION PASSED UNANIMOUSLY.

6. Resignations. Receive the resignation of:

a. None.

7. Appointments. Discussion and possible action to appoint:

a. None.

8. Presentations & Special Reports

a. Presentation from Friar Associates about the condition of the Natchaug School roof and from Tracy Lambert about the BOE's proposed action regarding that roof. (Action item under agenda item 12.a.)

Murphy Sewall, Chair of the Board of Education, gave a brief overview on the status of Natchaug School.

Bob Roach, Architect with Friar Associates Inc., gave a power point presentation on the Natchaug School Roof including the problems, issues, proposed solutions and estimated costs surrounding the roof project.

Tracy Lambert, Chair of the Facilities and Maintenance Committee of the Board of Education and Superintendent Ana Ortiz also provided information on the proposed action regarding the roof project.

9. Mayor's Report

Mayor Eldridge reported his office has moved upstairs to the former Recreation Office. He stated the large room will be used as a conference room for meetings and the probate Court will also be using it on certain days for Probate Hearings.

Mayor Eldridge also reported on his meeting with Dr. Nunez from ECSU and Dan Rather, the train ride he went on to Brattleboro VT, and the visit from the Toy Collectors of America who came to the Town Hall to view the exhibit he and Anita put together on the Titanic.

10. Town Manager's Report

Town Manager Beets reported a problem with one of the chimney's at Town Hall that is leaking. He explained a company is being brought in to diagnose and provide an estimate for the repairs.

Town Manager Beets also reported the Main Street Investment Fund grant application had been submitted however 63 other Towns had submitted grant applications. He also noted there is only \$5,000,000 available and the State would be awarding the grants next spring. He stated there was an opportunity for three other grants, one with an arts component, one with a component to work with the Chamber and one other grant.

In addition, Town Manager Beets, stated new radios had been installed in the new ambulance but it had not yet passed the State inspection. He reported it was being returned to the dealership for more work and we are hoping to get it back next week and it passes the State inspection.

11. Discussion and Review of Communications

Letter received from Andrew M.

12. Resolutions and Ordinances

a. Discussion and possible action on a Resolution relating to the repair of the Natchaug School roof.

K. Donohue read Resolution #2585 and moved for its adoption, DeVivo seconded.

MOTION: Iazzetta MOVED, Fantoli seconded, to change the cost in (ii) from \$266,000 to \$271,000. All were in favor. MOTION PASSED UNANIMOUSLY.

MOTION: DeVivo MOVED, Iazzetta seconded, to change the time of the Special Town Meeting from 6:30 P.M. to 6:00 P.M. All were in favor.
MOTION PASSED UNANIMOUSLY.

MOTION: K. Donohue MOVED, DeVivo seconded to adopt Resolution #2585 relating to the repair of the Natchaug School roof with the following changes: to change the cost in (ii) from \$266,000 to \$271,000 and to change the time of the Special Town Meeting from 6:30 P.M. to 6:00 P.M. All were in favor except Iazzetta and Fantoli who opposed and Eldridge who abstained.

RE: Appropriation of \$1,330,000 to replace the roof at the Natchaug School, Bond Authorization of \$1,330,000 to fund the roof replacement and to meet the Town's Local Share of Such Appropriation, and to Set a Date for a Town Meeting.

RESOLVED, that the Town Council of the Town of Windham (the "Town") hereby approves and recommends to the Board of Finance that:

(i) The sum of \$1,330,000 be appropriated for the cost of the replacement of the roof at the Natchaug School, including but not limited to, all repairs and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs (the "Project"), said appropriation being inclusive of any and all State of Connecticut (the "State") and Federal grants-in-aid.

(ii) It is expected that approximately 80% of the cost of the reimbursable portions of the Project will be paid with State grants, leaving the Town responsible for approximately \$271,000 in cost, plus a currently undetermined amount of cost for portions of the Project that may be deemed ineligible for state reimbursement. To meet the Town's local portion of said appropriation and in lieu of a tax therefor, bonds of the Town are hereby authorized to be issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, the Charter of the Town or any other provision of law thereto enabling, in the amount of \$1,330,000 or so much thereof as may be necessary after deducting grants or other sources of funds available therefor,

provided, however, that no money shall be spent or bonds issued pursuant to this resolution until after the State has approved a grant for the cost of the Project.

(iii) The Town Manager and the Treasurer be authorized to issue and sell temporary notes of the Town not to exceed \$1,330,000 in anticipation of the receipt of proceeds from the sale of the bonds authorized above and to determine the amount, date, date of maturity, interest rate, form and other details of such notes or bonds, pursuant to Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, provided that the proceeds from the sale of such notes shall be used for said purpose.

(iv) The Town Manager and the Treasurer shall sign the bonds or notes by either manual or facsimile signatures and that the law firm of Pullman & Comley, LLC is designated as bond counsel to approve the legality of the bonds or notes.

(v) The Town Manager is authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Town Manager and the Treasurer are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(vi) The Board of Education is hereby authorized in the name and on behalf of the Town to apply and shall apply to the State Department of Education and any other entity which may provide a grant for this Project for any and all grants which may be available for the Project.

BE IT FURTHER RESOLVED, that the Town reasonably expects to incur expenditures (the "Expenditures") in connection with the capital project for which a general functional description is provided above. The Town reasonably expects to reimburse itself for the cost of the Expenditures with the proceeds of general obligation bonds and notes of the Town described above. The maximum principal amount of such bonds is not expected to exceed \$1,330,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.150-2.

BE IT FURTHER RESOLVED, that should the resolution authorizing the appropriation for \$1,330,000 and bond authorization for \$1,330,000 be approved by the Board of Finance, a Special Town Meeting is hereby called to be held on Tuesday, November 20, 2012 at the Windham Town Hall, Meeting Room, 979 Main Street, Willimantic, Connecticut at 6:00 p.m. to consider and vote upon the resolution for the Natchaug School as set forth above.

MOTION PASSED.

- b. Discussion and possible action on a Resolution relating to the Citizens' United decision of the U.S. Supreme Court.
Krich read the Resolution and moved for its adoption.
Krich MOVED, K. Donohue seconded, to adopt Resolution #2586 relating to the Citizens' United decision of the U.S. Supreme Court. All were in favor.

BE IT RESOLVED by the Town Council THAT

WHEREAS, the Town of Windham believes that freedom of speech as guaranteed by the First Amendment to the U.S. Constitution is a right of each natural person and not of artificial entities such as corporations;

WHEREAS, the Town of Windham has grave concerns about the United States Supreme Court's decision in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010);

WHEREAS, the Town of Windham agrees with communities across the country that have voiced concern over the effect big money will have on elections; and

WHEREAS, the Town of Windham wishes to join cities and towns in the State of Connecticut including Hartford, Ashford, New London and New Haven that have adopted ordinances calling on Congress to take steps to overturn the Citizens United ruling;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WINDHAM, CONNECTICUT:

Section 1. The Town of Windham calls for an amendment to the Constitution of the United States to provide that the rights protected by the Constitution are the rights of natural persons only and that the spending of money to influence elections by artificial entities such as corporations is not speech under the First Amendment.

Section 2. The Town of Windham calls on Congress to begin the process of amending the Constitution and to take other action within its power to overturn Citizens United.

MOTION PASSED UNANIMOUSLY.

13. Reports of Committees, Boards and Commissions

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

K. Donohue reported the Town Managers evaluation was on tonight's agenda. He also noted the naming of the Magnet School was expected to be decided at the Committee's next meeting.

In addition, Mr. Donohue reported the Committee is currently working on the Ethics Ordinance and a number of other smaller issues.

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

Iazzetta reported the Committee had not met and that next Wednesday's meeting has been cancelled. He noted the Committee is trying to set up a special meeting to talk about the Dispatch Center. He stated the meeting would be in executive session with the Attorney's and the parties involved. Iazzetta noted the special meeting will be on October 30th at 7:00 P.M. in the Town Hall.

c. Magnet School and Roof Building Committee Natchaug

DeVivo reported the Committee would be attending the Board of Finance meeting tomorrow night. He noted he had met with Norm Benjamin and Beau ? from Skanska and Arcadis and Tom Pesce and had reconciled some of the books. He noted it was not a professional audit however the books appeared to be in very good order. He noted everyone's books balanced, the State's payments have been timely and the Committee has spent \$19,000,000 to date.

14. Old Business

a. Discussion and possible action to convene an executive session (i.) to discuss a proposed collective bargaining agreement with the Teamsters Local 493 (Sewer Department and (ii.) to discuss the Town Manager's performance evaluation. The Town Council will decide whether and when to include the Town Manager, the Personnel Director, and the Sewer Superintendent during portions of this executive session.

DeVivo MOVED, Rivera seconded, to convene an executive session at 8:53 P.M. (i.) to discuss a proposed collective bargaining agreement with the Teamsters Local 493 (Sewer Department and (ii.) to discuss the Town Manager's performance evaluation. All were in favor. MOTION PASSED UNANIMOUSLY.

Christel Donahue left the meeting prior to the executive session.

DeVivo MOVED, McDevitt seconded, to come out of executive session at 10:03 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

b. Discussion and possible action on a collective bargaining agreement with the Teamsters Local 493 (Sewer Department).

DeVivo MOVED, McDevitt seconded, to approve a collective bargaining agreement with the Teamsters Local 493 (Sewer Department). All were in favor. MOTION PASSED UNANIMOUSLY.

c. Discussion and possible action regarding the Town Manager's performance evaluation.

K. Donohue read the summary portion of the Town Manager's Evaluation for the record.

SUMMARY:

Clearly the foundations of honesty, ethics and good professional knowledge are evident and highly rated. We see this as of paramount importance since a lack of any of these would be a critical shortcoming. The areas of potential improvement seem to circle around employee management. We see these as areas which can be improved with attention and would like to concentrate attention there.

Donohue also noted there are some goals for the Town Manager that will be addressed by June 30, 2013.

MOTION: Doyle MOVED, Iazzetta seconded, to accept the Town Manager's Evaluation. All were in favor. MOTION PASSED UNANIMOUSLY.

15. New Business

a. Discussion and possible action to contract with Blum Shapiro to conduct an independent assessment of the Town's Finance Department, as recommended by the Town Council's Committee on Administration, Finance, Health, and Human Services.

K. Donohue MOVED, DeVivo seconded, to allocate the sum of up to \$25,000 to contract with Blum Shapiro to conduct an independent assessment of the Town's Finance Department, as recommended by the Town Council's Committee on Administration, Finance, Health, and Human Services. All were in favor. MOTION PASSED UNANIMOUSLY.

16. Future Agenda Items

- a.** Next Town Council Meeting November 20, 2012
- b.** Special Town Council Meeting to create a legislative agenda
- c.** Dispatch Center

17. Adjournment

DeVivo MOVED, McDevitt seconded, to adjourn the Town of Windham Town Council Meeting at 10:14 P.M. All were in favor. MOTION PASSED UNANIMOUSLY.

Submitted By:

Barbara J. McKinney
Clerk of the Town Council