

WINDHAM TOWN COUNCIL
MINUTES

Windham Town Hall
Council Chambers
March 25, 2014 – 7:00 p.m.

I. Roll Call of Members.

Present: Donna Chapman, Thomas Gleason, Roy Moore, Robert Muir, David Nadeau, Matthew Noel, and Dennis Welch.

II. Pledge of Allegiance.

Chairman Gleason led the assembly in the Pledge of Allegiance.

III. Minutes of the March 11, 2014 meeting.

Councilor Noel:

Moved to approve the minutes of March 11, 2014, seconded by Councilor Muir.

Vote 6-0 - 1 Abstention (Welch)

IV. Public Participation.

The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.

No public participation.

V. Councilors' Comments.

Councilor Chapman:

Stated that she thought the Planning Board was upset with them. She was at their meeting last evening, unintentionally, as she was in the building for another meeting, and she mentioned to them about how the Council has the authority to override something the Planning Board might have done, but she wanted to make it clear that it was not in reference to last night's meeting. She referred to the Town Charter, under Town Council, Section 3-E reads - "The Council may make investigations into the affairs of the Town and conduct of any Town department, office or agency." F - "Adopt, reject, or modify and carry out plans proposed by the Planning Board." She said she had e-mailed Tony with some concerns and she believed Tony had already set it up prior for a training session for the Planning Board. She hopes that the Planning Board members are open enough to stay with

the Planning Board, hear their concerns and move forward after they have had some training. She asked Tony if possibly they could have a discussion with them, if they feel it is necessary, so they could express their concerns or they can just move forward with the training. She does not want to lose volunteers but there are rules and policies that have to be followed.

She mentioned that maybe it is time for the town to use a different law firm. She made a call to Eaton and Peabody, and if the Council is interested in pursuing this further, she spoke with Andy Hamilton. He would prefer to have a conference call about budgetary numbers with the Manager and a couple of the Councilors, because Councilor Chapman asked if their firm would be in-line with what the town spends currently. Councilors Muir and Welch stated they would not mind looking at other options, Councilor Noel mentioned they did have a conversation a month or so ago, and he did not remember any grievances or other comments at the time about changing. Councilor Nadeau said he did not mind the discussion, he just does not think it is an appropriate time for it; they could have the discussion after they look at the budget and there is more time to do so. Councilor Muir said if we had some concise questions and outline, a conference call should not take long.

VI. Council Correspondence.

Councilor Nadeau:

He said he thought the Library's new handout was pretty cool, and Jen Leo is pretty creative. In regard to the General Assistance report, it showed Windham had 39 and Gorham had 32, he wanted to know where we stood with Gorham? Tony said those were applicants and that they were meeting with the Gorham Town Manager tomorrow.

In regard to dog licensing he asked if we always have that many unlicensed, and Linda said we do, but the Animal Control Officer does a pretty good job whittling it down to a very few. It takes a lot of work getting those numbers down. Councilor Nadeau mentioned getting creative and offering an amnesty plan to do away with the late fee.

Councilor Chapman:

Stated she'd been emailing Tony and Phyllis in regard to the GA, and she is meeting with Phyllis and Rene to go over somethings. They hope to talk about an emergency fund where they could make an exception if someone did not qualify for the heating assistance.

VII. Town Manager's Report.

Tony Plante:

With the Department of Labor Inspection Report the original deadline for corrective action was the end of last week. His report stated there were a few people to run through the cone course. He said we got an extension from the Department of Labor until April 15th and as of last Thursday there is two drivers left to go through the cone course.

Yesterday was the deadline for applications for this year's round of Watershed Protection grants. Three applications were received, one from the Windham Land Trust for \$3,155, Collins Pond Improvement Association for \$1,500 and the Little Sebago Lake Association for \$10,000. This will be a discussion item at the meeting of April 8 with award tentatively scheduled on April 22nd.

He said the Legislative Management System that they've been working on is now ready to go live. This will automate the creation of Council agendas, it will improve the ability to track issues through the process, and keep things from falling through the cracks. We will be able to associate Council actions, discussion items with Council goals, so at any point in the year we can get a look at how much progress the Council is making toward its goals. It will also replace the current view page for our agendas, minutes and videos for the meetings. It will still be available and people can view that as far back as the fall of 2008. There will be a new search portal called Insight and it will be integrated into our website so both staff and public will be able to search for things.

VIII. Committee Reports.

Council Subcommittees.

1. Appointments Committee.

Councilor Chapman:

Reported that they had two interviews that evening; Clayton Richardson for the Wastewater Management Planning Advisory Committee and Terry Bishop for the Windham Economic and Community Development Corp. They did not meet with Steve Clauson or Peter Gilman and hope to see them in the future. She asked Tony if they could possibly put a term limit in for the Wastewater Management Committee. Tony said when that committee was set up it was not envisioned as something that would continue forever.

Councilor Chapman said that all the committees are 3-year term limits

expiring February 15, 2017 but in the WEDC by-laws it says the Directors annually are 2-year terms each, so that should be looked into. Councilor Noel said he would look into that.

Councilor Nadeau:

The ZBA had someone resign, and he asked if the alternate automatically get the position because it had not happened yet? Tony said automatically, as alternate, the person would sit but they do not automatically take the full seat; they remain as an alternate unless appointed otherwise.

2. Finance Committee.

Councilor Gleason:

They will receive the budget at the next meeting, and right after that they will make a schedule for the department heads to meeting with the Finance Committee.

Other Committees.

1. Land Use Ordinance Committee.

Councilor Nadeau:

Reported that they will be bringing ordinances back to see if the Council is still in favor of them. As soon as that is done they will be back to work.

2. Public Easement Advisory Committee/Roads Policy Task Force.

Councilor Nadeau:

He said they will not be involved with anything until Doug Fortier looks at the roads after the spring.

3. Windham Economic Development Corporation.

Councilor Noel:

Reported that the WEDC met recently at its annual meeting on March 18. They elected new officers, and he congratulated Dustin Roma as the new President, returning as Vice President is Elizabeth Schidzig, returning as Treasurer is Terry Bishop and newly appointed Secretary is Steve McFarland.

Sub-Committee had reports; sub-committees are specific task oriented strategic teams, and they look at various items in the strategic plan. They are working on items like Angler's Road, they have submitted a

recommendation on the Impact Fees, discussions and alternatives and a new proposal may be forth coming from the WEDC as it relates to that Impact Fee. They are also working on some potential clean-ups, relative ordinance and zone changes. They are also working on a handbook on how to work with the Town of Windham from an economic perspective, and it should be a useful tool when complete. They are also evaluating training, specifically, the training is to help the commercial district property owners to better understand what their properties are zoned for, what their usages could be used for.

IX. PUBLIC HEARINGS. None.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

Order 14-034: To approve amendments to the Town's Land Use Ordinance, Chapter 140 with regard to the establishment of an impact fee to pay for a portion of the costs associated with the alignment of Whites Bridge Road and Anglers Road, at their intersection with Route 302 in North Windham and other improvements to Route 302. (postponed to April 8, 2014)

Order 14-035: To approve amendments to the Floodplain Management Ordinance, Chapter 98, to add citations to additional map references. (postponed pending receipt of information regarding the benefits of the National Flood Insurance Program and proposed changes to flood insurance rate maps)

Order 14-039: To make appointments to boards and committees.

Councilor Chapman:

Moved to appoint Dustin Roma to the Wastewater Management Planning Committee and Catherine Millett to the Library Board of Trustees for a 3-year term, seconded by Councilor Muir.

Vote 7-0 - Passed

Order 14-040: To amend the charge of the Parks and Recreation Advisory Committee to remove the requirement that there be one representative each from the Conservation Commission and Water Resources Commission, both of which are no longer in existence.

Councilor Noel:

Moved the Order, seconded by Councilor Chapman.

Vote 7-0 Passed

Order 14-041: To adopt a charge for and establish a Comprehensive Plan Review Team to assist in updating the Town's 2003 Comprehensive Plan.

Councilor Welch:

Moved the Order, seconded by Councilor Chapman.

Tony Plante:

He said this went back to a discussion they had at the Council meeting of March 11th. It is a restart of the Comp Plan due to the departure of our Planning Director, Brooks More. In order to bring the process back on schedule and on budget, the new Planning Director, Ben Smith, and Tony talked about how to realize some efficiencies in the project while still making sure we are getting the best of public input, in terms of public meetings, public forums, surveys and other means of reaching out to the public, but also to represent the public as part of the team drafting the plan, with the review team reviewing work being done by staff to make sure it reflects what we heard from the public.

Councilor Chapman did not think there were enough slots for the general public to participate; she'd like to see more community members verses the business owners and real estate agents. Councilor Nadeau agreed and would suggest 15 members.

Councilor Muir said where it said "the Town Manager shall designate appropriate staff and consultants to provide support", he would like the Council to approve any consultants retained. Under the Charge - number 1 - he would like to add the wording "make an effort" to be consistent with the State of Maine Growth Management Act, as it states it that way under the Purpose section. Councilor Noel said he thought the words "make the effort" were removed appropriately under the charge and not removed above under Purpose, and he would recommend they remove it, not add it.

Again, Councilor Muir said he would like to have the Council have oversight on the consultants and facilitators. Tony asked how do they reconcile that with other professional services that the town engages? Councilor Muir said he wants the Council to be involved with the consultants. Tony said he did not know how to reconcile that with the policies the Council already has? Councilor Nadeau said they are not looking at consultants to do the comp plan; staff is doing it. The old comp plan was done that way, but this one is not. He said the way he looked at it was if you needed a consultant, it would be a consultant on demographics or other input that is needed for the plan, not a consultant to do the plan. Tony said they are talking about, in addition to, things like research, mapping other than what we can do in-house or having somebody to facilitate at public meetings to guide the discussion, not

to be engaged in the content of the plan. There would be someone from the outside who has no interest in the content itself, but who is there to run good public process. Councilor Muir was okay with that as long as it was just to keep things in order and running.

Councilor Nadeau said some of his concerns and thoughts were having 15 members, and on Page 7 he thinks there should be one person to run the meeting of the review, and he would suggest to put staff in to do that. Ben said the draft Ground Rules is not part of the charge, but he wanted it included to give the Councilors a flavor for how he envisioned the group interacting and working together and ensuring all voices are equal and have an opportunity to be heard. Councilor Nadeau said on page 8 he thinks it is missing "business and school" under Topics to be Covered in the Plan. Ben said there is any number of things that could be added, but this is a list of those subjects that have to be dealt with for consistency with the plan.

Councilor Noel:

Made a motion to exclude the wording "make an effort" from the "Purpose" section, so to read "The Plan shall be consistent with the State of Maine Growth Management Act (30-A M.R.S.A. §§ 4312-4350), seconded by Councilor Nadeau.

Vote 7-0 on amendment

Vote 7-0 on Order as amended

- XI. Discussion Items. (Please note the time allotted for each discussion item. If additional time is needed, it may be continued to, or rescheduled for, another meeting.)

7:30 p.m. Little Sebago Lake Association Presentation.

The Council will hear a presentation from the Little Sebago Lake Preservation Association with regard to its milfoil eradication efforts.

Public Comment.

8:00 p.m. Lowell Preserve Harvest Review.

The Council will discuss the timber harvest conducted at the Lowell Preserve in 2013, the forestry management plan approved in 2011, and next steps, including whether to continue with the plans for future harvesting.

Public Comment.

9:00 p.m. Town Office Hours.

The Council will continue its discussion regarding town office hours, scheduling and staffing issues, and potential costs related to returning the town offices to a five day per week schedule.

Public Comment.

9:30 p.m. Gun Range Ordinance Discussion.

The Council will discuss whether to pursue drafting standards for firing ranges in the Land Use Ordinance or a new gun range ordinance.

Public Comment.

10:00 p.m. Volunteer Recognition.

The Council will discuss plans to recognize town volunteers.

Public Comment.

***Note:** The discussion items were taken out of order. Council started with B and C first.

XII. Agendas & Scheduling.

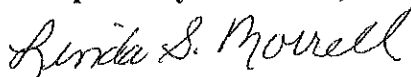
XIII. ADJOURN.

Councilor Noel:

Moved to adjourn, seconded by Councilor Muir.

Vote 7-0 at 10:36 p.m.

Respectfully submitted,



**Linda S. Morrell
Town Clerk, CCM**