



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final Town Council

Tuesday, December 16, 2014

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 5 - Roy Moore, Bob Muir, Dennis Welch, David Nadeau and Thomas Gleason

Absent: 1 - Donna Chapman

II. Pledge of Allegiance.

Chairman Nadeau led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 14-415](#) To approve the minutes of the November 18, 2014 meeting.

Attachments: [Minutes - 11-18-14.pdf](#)

A motion was made by Councilor Muir, seconded by Councilor Gleason that the minutes be approved. The motion carried by the following vote.

In Favor: 4 - Councilor Moore, Councilor Muir, Councilor Welch and Councilor Gleason

Absent: 1 - Vice Chair Chapman

Abstain: 1 - Council Chair Nadeau

[CD 14-422](#) To approve the minutes of the November 25, 2014 meeting.

Attachments: [Town Council Minutes of the November 25, 2014 Meeting.pdf](#)

A motion was made by Councilor Welch, seconded by Councilor Muir that the Minutes be approved. The motion carried by the following vote.

In Favor: 4 - Councilor Moore, Councilor Muir, Councilor Welch and Councilor Gleason

Absent: 1 - Vice Chair Chapman

Abstain: 1 - Council Chair Nadeau

[CD 14-423](#) To approve the minutes of the Special Meeting of November 25, 2014.

Attachments: [Special Meeting Minutes-Nov 25, 2014.pdf](#)

A motion was made by Councilor Welch, seconded by Councilor Gleason that the minutes be approved. The motion carried by the following vote.

In Favor: 4 - Councilor Moore, Councilor Muir, Councilor Welch and Councilor Gleason

Absent: 1 - Vice Chair Chapman

Abstain: 1 - Council Chair Nadeau

IV. Public Participation.

Marty Norton: He is a real estate broker for the Maine Real Estate Network. He brought Tabitha Cummings with him who owns Creative Explorations in Windham. He said there is a property located at 389 Gray Road, and Tabitha would like to purchase this property, but it needs a zone change for her to do that. The property itself needs changes to the septic system, interior changes and a parking lot. They are in the process of putting together an offer for this property but do not want to proceed unless they have a positive response from the Council.

Tabitha Cummings: Read a letter to the Council. (See attachment)

Councilor Gleason: He suggested that it might be better if they looked into putting the property into a contract zone, and they said they would talk to Ben Smith about it.

V. Councilors' Comments.

David Nadeau: Thanked everyone for their support. He thanked Tom Bartell for providing him with the list. He thanked the local business for letting the town use their property: Seacoast Fun Park, Norway Savings Bank, Key Bank, Cross Insurance, Windham Shopping Plaza, and a special thank you to the Councilors for supporting the lights. He said there have been good comments towards them. He thanked the Windham Public Works and Ground Maintenance crew, Dave, John, Matt, Dave V, Russ, Councilor Chapman, Elizabeth Schidzig, Steve Gonyea, Windham Town Clerk Linda Morrell, Merry Christmas Trees for their Town Hall tree donation, People's United Bank, Windham Economic Development Corp, Rich Plaza, Christmas Decor, Lucas Tree Experts and the Brena International for the lighted grape vine ornaments and Northern Lights Display for the holiday signs and decoration. A big thank you to all of you.

VI. Council Correspondence.

No Councilor correspondence.

[CD 14-407](#) Code Enforcement Monthly Report - October 2014

Attachments: [Code Enforcement Report October 2014](#)

[Inspections Summary - By Inspection Type 2014-10-01 to 2014-10-31 \(5\)](#)

[Inspections Summary - By Project Type 2014-10-01 to 2014-10-31 \(1\)](#)

[Activity Report - By Project Type 2014-10-01 to 2014-10-31 \(5\)](#)

[Activity Report - By Violation Type - 2014-10-01 to 2014-10-31](#)

[Impact Fee - North Route 302 Road Improvements 2014-10-01 to 2014-10-31](#)

[Impact Fee - Recreation 2014-10-01 to 2014-10-31](#)

[CD 14-418](#) HomeHealth Visiting Nurses "Report to the Community 2014"

Attachments: [Report to the Community 2014](#)

[CD 14-419](#) Little Sebago Lake Association Newsletter

Attachments: [LSLA Winter Newsletter 2014](#)

[CD 14-420](#) Southern Maine Agency on Aging "Senior News"

Attachments: [Senior News November-December 2014](#)

[CD 14-421](#) Windham Public Library Newsletter

Attachments: [Check It Out - December 2014](#)

VII. Town Manager's Report.

[CD 14-425](#) Town Manager's Report

Attachments: [Town Manager's Report 20141204](#)

Tony Plante: Tony explained to Tabitha Cummings the process she would go through to have the property changed so she could put a day care/school on the property. Councilor Nadeau said they could go for a zone change or a contract zone. The contract zone was explained to her, and Councilor Gleason said it might be easier to go that way.

He also gave a brief update on the school event that occurred on Monday. On Monday when the e-mail threat was discovered, school officials and the Police Department worked together, and they locked down the schools and sent the kids home. With the on-going investigation they decided to keep schools closed Tuesday and Wednesday. He said the town had been coordinating with the school district to get information out through the channels the town uses. Tony expressed his appreciation to the Cumberland County Sheriffs Office for their quick response to support the Windham Police Department and the on-going efforts of the Maine Computer Crimes Tasks Force.

At the October 28 meeting they spoke briefly about the Lowell Preserve harvest that was conducted in May/June of 2013, and that we were in the process of getting quotes from loggers to conduct another round of harvesting. The original plan was to conduct the second phase in the winter of 2014 but decided not to proceed at that time. They reviewed the harvest report, and his impression from that was he was okay in getting quotes from the forester and low impact harvesting techniques. The window is almost closed for harvesting this year but he wanted to bring it back to the Council. Tony asked Brian Ross and Forester Mike Mains to give a brief report on where we are, what some of the issues are, and whether he thinks the town should go forward.

Mike Mains: The first cut was a May/June 2013 harvest, and he said the summer job went well, but there was a little bit more ground disturbance and mud than you would have during a winter harvest, and he thinks they should try really hard to do a winter harvest no matter what. He still thinks there is a window of opportunity to get things going this winter if the Council wishes, but it would not be the end of the world if they had to wait until next year. He passed out a few map copies of the Lowell Preserve and talked about each section outlined. He also said they would like to ask the property

owners, the Austin family, to see if they could make a new landing that would be closer to the next section of harvesting, because it costs a lot of money to skid wood an extra 1000 feet through the woods; it uses a lot of diesel fuel and extra time on the part of the logger. Mike also talked about the wood in harvest block two which is smaller and not as dense and there said was a possibility of combining it with harvest block three to make it work out better, as the wood markets are pretty good now.

Councilor Nadeau: He said that if we were to do this again he had 3 issues he would like addressed: if they don't make the window and it would run into the spring or close to it, he would strongly suggest they hold off for another year. He said they got a lot of feedback on water runoff for Highland Lake, also the size of the skidder trails were quite large and he would like an agreement that they would be narrower this time, and he asked Brian to please keep up on the trail markings while they are out there working.

Tony said they will proceed with getting quotes, and if it can't be done this winter they will wait. He would also like to get in touch with the people who had concerns the last time. It was decided that they will plan to bring this back for the January 13th meeting.

They discussed the contribution for the fire/police equipment van on November 25, and he has had contact with Mr. Warren after that meeting, and the \$20,000 is supposed to be used for the van and equipment for the van. The van discussed that night is no longer available, and they have checked with 5 dealers and have been told they will have a larger inventory after the new year. They have until around January 13 to find one under Mr. Warren's conditions.

In regard to the RFP for a due diligence review of the former Maine Cedar Log Homes building as a potential replacement for the South Windham Fire Station. He said at the November 18 meeting they discussed a quote from SMRT, the same firm that did our space needs analysis and facilities plan, and their quote to do this review will costs about \$6,800 plus reimbursable expenses. They were asked to get other quotes, and those were due by December 9. He asked four firms to give quotes and he received two back, one from Oak Point Associates, who did our property condition assessment, and their quote was \$12,920, and the other quote was from Port City Architecture for \$11, 880. He would propose to fund this out of contingency and he would like to move forward with it to save on time.

The Public Library reconfiguration is the same approach, and he had a quote from SMRT but also put a RFP out to four other firms and they got a response from one; Oak Point Associates, and their costs was \$11,700. SMRT's quote for the full scope; design, development, construction documents, contract administration was \$17,300. Given Oak Points quote on the due diligence review, he is wondering if it really includes everything they talked about so he will check with them first.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Muir: He said Tammy Hodgman will be posting which vacancies are available.

2. Finance Committee.

Councilor Nadeau: He said they have not met, but if everything goes they way they like tonight, they might be real busy very soon.

B. Other Committees.

1. Land Use Ordinance Committee.

Councilor Nadeau: They have not met, as Ben has been very busy with the Comp Plan.

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

Councilor Gleason: He reported that he spoke to Doug on Friday, and the letters are being sent out by Friday on those two streets that have issues. Councilor Nadeau said they started plowing them already this year, so they can't stop for this year.

3. Windham Economic Development Corporation

Councilor Gleason: Stated they have a meeting tomorrow morning at the Library.

4. Wastewater Management Planning Advisory Committee.

Tony Plante: He reported that they had a meeting last night, and had a their first reorganizational meeting. They split up the work among the fiver different areas in the revised charge, and they are going to get together again in mid-January.

IX. PUBLIC HEARINGS.

[CD 14-416](#) To receive public comment on amendments to the Town's Land Use Ordinance, Chapter 140, Section 1200, Impact Fees, to correct typographical errors and errors of omission.

Attachments: [CH 140 Section 1200 Impact Fee Corrections](#)

Ben Smith: This is coming back to the Town Council after Planning Board public hearing review. There were changes to sections of the Impact Fee Ordinance; the first had to do with the North Windham Sidewalk Impact Fee, and it had to do with the formula that is used to calculate the amount of the fee, and the second was the North Route 302 Road Improvements Fee, and that is for the improvements associated with Angler's Road, Whites Bridge Road intersection. There were errors in the table at the end of the ordinance; that is the short cut table that is used in lieu of an engineering study.

[CD 14-417](#) To receive public comment on amendments to the Town's Land Use Ordinance, Chapter 140, Cluster Subdivision standards, in order to create density bonuses in exchange for public access, reduce dimensional requirements for lots in a cluster subdivision, and allow cluster subdivisions in all residential zoning districts.

Attachments: [CH 140 Cluster Subdivision revisions](#)

Ben Smith: I think that introduction covers the highlights of the changes. The purpose of these changes were coming from several different angles. One was to potentially increase the amount of recreational land available to the community as part of a cluster

subdivision. It was also designed to incentivise projects to go through a subdivision process, some smaller projects may end up creating lots outside a subdivision review, and that is what is meant to incentivise that review process, and it also provides benefits to the reduction in the amount of infrastructure and street length. These standards propose to reduce lot frontage requirements, and thereby, result in basically shorter streets with less storm water impact.

X. CONSENT AGENDA.

[14-510](#) To grant a blanket letter of approval to the Windham Veterans Association for its application for licenses to conduct games of chance (Texas Hold-Em) at Windham Veterans Center and Dena's Lobsterhouse & Tavern for the period of January 1, 2015 through December 31, 2015.

Attachments: [14-510 CoverSheet](#)
[Windham Vets-Game of Chance.pdf](#)

[14-511](#) To find that the requirements of 28-A MRSA § 653 have been met and to approve an application submitted by Roy A. Moore d/b/a Deck House Sports Tavern (formerly Seacoast Fun Park) for a renewal liquor license.

Attachments: [14-511 CoverSheet](#)
[Deck House Sports Tavern.pdf](#)

Heather McNally: She let the Council know that the Deck House Tavern does not have its occupancy permit yet, but it is scheduled for a temporary occupancy on Friday. She said she did not see any issues.

A motion was made by Councilor Welch, seconded by Councilor Gleason that the Consent Agenda be approved. The motion carried by the following vote.

In Favor: 4 - Councilor Muir, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Absent: 1 - Vice Chair Chapman

Abstain: 1 - Councilor Moore

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[14-491](#) To approve proposed amendments to the Town's Land Use Ordinance, Chapter 140 Cluster Subdivision standards in order to create density bonuses in exchange for public access, reduce dimensional requirements for lots in a cluster subdivision, and allow cluster subdivisions in all residential zoning districts.

Attachments: [14-491 CoverSheet](#)
[PB toTC Cluster Revisions 11-21-14 combined](#)

Councilor Gleason: He asked Ben if they have any control over what the open space is that is written in the cluster subdivision? Ben said there is a provision in the draft

ordinance language that 50% of the developable area of the overall property must be included in the open space area. So if there were a 20 acre property and 18 acres were wetlands or steep slopes or some other type of land use that is not considered buildable, that buildable 2 acres, 1 acre of that would need to be in the common open space and one acre would be available for lots.

Councilor Muir: So you are reducing all the cluster subdivisions if it is 5 acres or more and they can have a cluster subdivision? Ben said the proposal is to lower the threshold for that; it is what they call the mother lot. The farm zone today is 20 acres to be eligible for cluster; in the farm residential it is 10, and the proposal is to bring those down to 5, and then also make 5 acre lots in the medium density residential zoning district, and the low density residential zoning district, which would also be eligible for cluster provisions.

Chairman Nadeau: He said very few people used to use our cluster subdivision because of the restrictions on it, and this is trying to give them some incentives to use them.

A motion was made by Councilor Gleason, seconded by Councilor Welch that the Order be approved. The motion carried by the following vote.

In Favor: 4 - Councilor Moore, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Opposed: 1 - Councilor Muir

Absent: 1 - Vice Chair Chapman

[14-502](#)

To approve proposed amendments to the Town's Land Use Ordinance, Chapter 140, Section 1200, Impact Fees to correct typographical errors and errors of omission.

Attachments: [14-502 CoverSheet](#)

[PB toTC Impact Fee Corrections 11-25-14 combined](#)

A motion was made by Councilor Muir, seconded by Councilor Welch that the Order be approved. The motion carried by the following vote.

In Favor: 5 - Councilor Moore, Councilor Muir, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Absent: 1 - Vice Chair Chapman

[14-505](#)

To approve a mutual aid agreement for emergency services to aid with public safety emergencies, pursuant to 30-A M.R.S.A. §3156, with the town of Gorham, and to authorize the town manager to sign the agreement on behalf of the town.

Attachments: [14-505 CoverSheet](#)

[Mutual Aid Agreement](#)

A motion was made by Councilor Muir, seconded by Councilor Welch that the Order be approved. The motion carried by the following vote.

In Favor: 5 - Councilor Moore, Councilor Muir, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Absent: 1 - Vice Chair Chapman

[14-512](#)

To approve a renewal Memorandum of Understanding with the Windham-Raymond School District (RSU 14) authorizing the School Resource Officer Program, and to authorize the Town Manager to sign the Memorandum of Understanding and to take any other necessary action related thereto.

Attachments: [14-512 CoverSheet](#)

[School Resource Officer MOU](#)

Councilor Muir: He said this is a wonderful program and supports it 100%. The School Resource Officer brings a lot of positives to the school and is a need.

Councilor Nadeau: He said he did some research on a renewal memorandum, and the one he came up with seems a lot simpler. Tony said this one was developed with the school department, legal counsel and the town's legal counsel. He said it is a contract, and he thinks it does a good job outlining the respective rights and responsibilities of the party.

A motion was made by Councilor Gleason, seconded by Councilor Muir that the Order be approved. the motion carried by the following vote.

In Favor: 5 - Councilor Moore, Councilor Muir, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Absent: 1 - Vice Chair Chapman

[14-500](#)

To enter into executive session in accordance with Title 1 M.R.S.A. §405(6)(C) for "discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

Attachments: [14-500 CoverSheet](#)

A motion was made by Councilor Muir, seconded by Councilor Gleason that they go into executive session. The motion carried by the following vote of 5-0 at 8:32 p.m.

A motion was made by Councilor Muir, seconded by Councilor Gleason to come out of executive session at 8:57 p.m. No votes were taken in executive session.

In Favor: 5 - Councilor Moore, Councilor Muir, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Absent: 1 - Vice Chair Chapman

XII. Discussion Items.

[CD 14-382](#)

The Council will discuss the proposed Gateway North A Tax Increment Financing District.

Attachments: [Gateway North Development Program](#)
[Gateway North Exhibit A-1](#)
[Gateway North Exhibit A-2](#)
[Gateway North Exhibit C TIF Estimates and Tax Shifts](#)

[CD 14-413](#) The Council will continue its work on setting goals for 2015.

Attachments: [Council Goals 2015 DRAFT 20141204](#)
[Council Goals 2014 Update 20141028](#)

[CD 14-353](#) The Council will discuss its approach to the budget process for fiscal 2015-2016.

Attachments: [Recommended Budget Practices](#)

XIII. Agendas & Scheduling.

[CD 14-424](#) Agenda Items Reports

Attachments: [Agenda Items Report - Items Scheduled 20141204](#)
[Agenda Items Report - Items Yet To Be Scheduled 20141204](#)

XIV. ADJOURN.

A motion was made by Councilor Welch, seconded by Councilor Gleason to adjourn at 10:36 p.m. The motion carried by the following vote.

In Favor: 5 - Councilor Moore, Councilor Muir, Councilor Welch, Council Chair Nadeau and Councilor Gleason

Absent: 1 - Vice Chair Chapman

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM