



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, February 27, 2018

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 7 - Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

II. Pledge of Allegiance.

Council Chair Chapman led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

CD 18-047 To approve the minutes of the January 30, 2018 (Postponed from January 23, 2018) Council meeting.

Attachments: [Minutes-Town Council-1-30-2018](#)

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

CD 18-066 To approve the minutes of the February 6, 2018 Council meeting.

Attachments: [Minutes-Town Council-2-6-2018](#)

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

CD 18-067 To approve the minutes of the February 13, 2018 Council special meeting.

Attachments: [Minutes-Town Council Special-2-13-2018](#)

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

IV. Public Participation.

Tom Bartell spoke about the Legislative Forum that the Sebago Lakes Region Chamber of Commerce & Saint Joseph's College is presenting. It will be with the Lakes Region

Delegation, along with our own delegation and they will be gathering all the Lakes Region delegation. It is an opportunity for questions and answers and sharing thoughts about doing business in the Sebago Lakes Region. This will take place on Saturday, March 10 from 10 am to 12 pm at the Baggot Street Cafe-Heffeman Center at Saint Joseph's College.

Rick Haskell of Rocklinn Drive came to talk about the fire code the town has for new residential properties going in that do not have any fire hydrants. His mother-in-law had to pay \$10,000 for the installation, and he would like to know what needs to be done to try and change this code? He thinks it should be a decision of each family to put a sprinkler system in their home. He said smoke detectors and fire alarms have been proven to work. He has spoken to the Chief of the fire department about giving out smoke detectors or carbon monoxide detectors to families who do not have them. He would like the Council's support. He asked to have a meeting with everyone.

Lorne Smith of Windham Center Road said he sent an email to the Council about four weeks ago, and was disappointed he did not receive any response or a reply from anyone concerning the email. He wonders what kind of a message that sends? He has watched meetings before and has heard a lot about getting town participation involving the community. He said they have an issue in the town at the Public Works Department and for full disclosure he is also the Teamster business representative for the Windham Public Works Department. He said he was not here for that, but was there as a citizen. He considers these guys his friends as well, and they are concerned about the processes that are in place. He said, typically, when there is an issue at this level, and you can see your entire Public Works Department here tonight, you have a problem.

He said they looked at the Charter, he asked the members to contact the Council but the Council cannot talk to the employees and the employees can't talk to the Council, another fundamental problem, but the Council does have it within their power to order an investigation into it. He strongly urged them to do that. He noted that they are dealing with it with the Town Manager on another issue, but sometimes you need a third party to look at it. They also would like to know that the Town Council is aware that there is an issue. Again, he said he is very disappointed, he was hoping they would reply saying they got his email, so when the members asked him if the Council is aware, he told them he sent them an email.

Darren Emerson of Breezy Hill Drive, which is located off Brand Road said that Brand Road has been trouble for many years. There is approximately 50-60 homes on the road, and the way the road has been maintained and currently maintained he is pathetic. He has been a lifelong resident of Windham, he owns a business in Windham and has been in the dirt business for 24 years. He asked why does he always have to call to have the road graded or maintained? It is very frustrating when you call and ask for a specific person to call you back and you get the new operations manager, who has an attitude. He said the Director was the one he wanted to talk to and he did finally get a call back from him.

Darren said this road is a thru-way, not a dead end road and is also a heavily traveled road in the town. They need answers to who sets up the grading schedules, and want to know how is this going to get resolved? He said it comes down to "how are we going to take care of these in the future?" Three weeks ago there was a bus crossways in the road and luckily the bus was not totally full of kids, but what if the bus slid down the hill and rolled over? He has lived on the road for sixteen years and the last five have been the worst it has ever been.

Joe Gagne of Brand Road said he has lived there for 14 years. He knew what he was getting into when he moved there, and after talking to other residents on the road he knew it would be a battle to get the road paved. He has a business and enjoys supporting the community and would like the community to support them on their road.

Joe said he has over 40 years of experience in construction and excavation, and he holds a certification for maintaining roads and stated this is not given out lightly. He is disenchanted with the leadership from Public Works over the years. He has tried several times to have the discussion with the Director on how to maintain the road and get some longevity out of the road after the work is done. He has to call the Town Manager any time he can't get any satisfaction out of the Public Works Director. He said there is a meeting on for Friday morning with a couple of Councilors and the Town Manager to talk about a few different things about Brand Road.

He would like to have the Council look into what the policy is for personal cell phone usage with the public works people. The town has some really good guys who work for the town, and we have lost quite a few good guys. A small community like Windham should not have anything to hide; everything should be out and above board. He said he is willing and allowed to meet with the Council two at a time, according to Council Rules.

Steven Napolitano of Adalynn Drive moved away from Brand Road about a year and a half ago but had lived on Brand Road for several years previously and agreed that Brand Road is terrible. He feels this road should be considered to be paved and with the tax dollars from the people who have been paying for years, there should be money to pay for paving.

Steven said he has been watching the Planning Board Meetings because of the 21st Century Downtown Plan. He said the last Council meeting he ever attended, was his first one back in 2000 and this same exact topic was being talked about then. They determined that it was too expensive and too late because the infrastructure was already in place. It does not mean we can't beautify certain things, but in his opinion, it is extremely dangerous for the future of the town and thinks they will run a lot of people out of town and create taxes that are like Yarmouth and Freeport. The people who want that should go move to those towns.

Tom Peterson - He recently learned that there is a fertilizer that does not have any phosphorous in it. He called Aubuchon Hardware Store and was told it is a 10-0-10 product and does not have any in it at all. The Naples golf course requires using it and the State of New York uses it state-wide. He brought it up because it is a simple ordinance to pass before summer gets here.

V. Councilors' Comments.

Councilor Maxfield said with regard to Mr. Haskell's comments he could not say that he agreed or disagreed but if the rest of the Council wants to discuss it and look into it. He sees both sides in the equation and why fire inspections are important but he also sees it is "my land, my house, my money" and he sees both sides.

He told Mr. Smith that he did get his email and he did not reply due to the rules on how they interact with staff, and he thinks everyone received it and knows his concerns.

As a Councilor he said that was the first project he ever took on. He had been invited down by Mr. Gagne and Mr. Emerson, and he met with them a year ago to hear what they were saying. In terms of the road he believes the town is in the customer service

business, and the way he runs his business is, any news is better than no news. He hopes, as a town, they strive at customer service, know where our problem areas are and move towards that.

He reminded people that the town has an app, a ticket system which is electronic and trackable and he recommends opening up tickets with your comments.

In regard to Mr. Napolitano's comments on the 21st Century Downtown Plan, he does support this plan. It was adopted five years ago by the Council. He does not look at that plan as a beautification program; he looks at it as investing in the town's infrastructure.

Councilor Haskell asked who was running our Facebook page and how is it run? Who answers the questions that are sent to the Council? He said in his opinion we should not be on Facebook because this is a public meeting and you should go to the meeting and talk about the issue one-on-one. He would like to see them ban the use of cell phones at Council meetings and thinks the iPads are a waste, paper is a lot better and simpler. He thanked the Public Works people for coming to the meeting, and he would like to hear from some of them. He said, rest assured, it will come to a head and they will get taken care of somehow.

Councilor Cummings said email does get tricky with what they can and cannot respond to. She does see their emails, and she might not call back right away but she will call back.

Councilor Muir mentioned that some of the emails he does not respond to because of the way things are set up in the Charter, especially if it involves personnel issues. The attorney said it is best to stay out of it but can't stay out of it completely. He wants the Council to get with Tony to get some questions answered.

As for the 21st Century Downtown Plan, he was on the committee when it was adopted, and there was a lot of discussion about different things. He thinks they have to look at it in the context of what is going to be best for Windham. There may be some parts they can't do, even though it has been adopted, and just because it has been adopted does not mean they can't amend it.

He has spoken with Mr. Gagne a few times, and he understands it, but he wants to get some answers from Tony. He thanked everyone for showing up.

Councilor Chapman spoke in regard to the Public Works concern and said they have been told they are not allowed in the day-to-day but they all received it and have read it. They have their concerns and they will address it. They may have to sit back for a bit to see if things get better, and if not, they may have to get involved.

She has the list of questions, and noted that a copy was given to the Manager and Clerk for the minutes. There is a meeting on Friday and she would like the questions answered and brought to the meeting.

Social media was in the newspaper recently for the Town of Yarmouth. Councilor Chapman said she does have a problem with social media when opposing view points are blocked or not shown. She said they need to have both view points if they are going to have social media, whether they like it or not or lose it. She said she would like to adopt, in the Council Policy, the Town of Yarmouth's newly adopted section on social media. Councilor Chapman read what was in the article.

Questions from Constituents

- 1.) Does Public Works have a master plan for road improvements or maintenance?
- 2.) Windham has 7 miles of Public Dirt Roads, Brand Road is 7/10 of a mile and gravel. Unlike Hall and Swett Roads Brand Road has heavy cut through traffic that requires more maintenance. Why is this road worked on with an as needed basis and not regular schedule maintenance?
- 3.) Why does it take numerous trips for viewing Brand Road with little or no work performed?
- 4.) Why does Public Works just grade the road after a rain event to try and fill in potholes and create wind rows that just get pushed back into the ditch thus repeatedly filling in the ditch work. Is there no solution based management practices?
- 5.) With our best management practices the town taxpayers money is being wasted on materials, time, and labor costs for repeated efforts with no results, please explain.
- 6.) What credentails are required to be an Operations Manager?
- 7.) Does the Town Public Works Deparmtent have a policy on Winter Vacations due to storm demands?
- 8.) When an employee matter negatively impacts the community when does the town council or management take action?
- 9.) Does the town have a "no vehicals taken home policy" unless the person is on call?
- 10.) Why does Public Works service calls go to the Police Department or County Dispatch? Does Public Works not have a call forwarding system for

services to the on call person using cell phones?

- 11.) What type of training process is done for new employees and is this in writing? Does Public Works provide hands on training?
- 12.) Does Public Works have SOP's in place, as well as Employee Handbooks?
- 13.) Does Public Works have a 3 month calendar of operations?
- 14.) Would like to see a excel version of the PW operations budget in random months of work orders is that possible?
- 15.) Why doesn't the town Subcontract out ditching?

In regard to the 21st Century Downtown Plan she thinks a lot of the concern is with the form-based codes. She, personally, is not a hundred percent sold on it, and said she did not see the Planning Board meeting.

Councilor Welch addressed Mr. Haskell and said he had not forgotten about the issue. He will try to get it on the agenda soon. He will not say he agrees or disagrees, but he wants to hear from both sides.

He told Mr. Smith that he did get his email and should have sent a message saying he got it. The policy about town employees not talking to the Council, he does not like it, and he will bring it up to see if they can get rid of it; people should have the right to talk to their elected officials. He thanked them for coming in and bringing the issue to light.

Councilor Chapman announced that George Maley Sr. had recently passed away.

Tony said he was sorry for the Maley family's loss. He said he remembered when he was appointed by the Town Council and after the Council meeting George came up to Tony and introduced himself as the self-appointed Council watchdog. Tony said George was at almost every Council meeting and frequently had something to say or contribute. Tony remembered George telling him he had plans to retire to Florida, so they had a little trophy made up with a little bulldog on it that said "Council Watchdog" and the dates and they made a big deal out of giving it to him.

CD 18-039

Legislative Delegation Update.

Bill Diamond, Mark Bryant and Patrick Corey came to give some updates in the Legislature. Bill said that Patrick was the marijuana expert and Mark was the transportation expert and they both do a great job.

Councilor Chapman told Mark that they really do need a traffic light up to the Dugout and whoever is doing the studies is wrong! She also recently found out that Route 302 is the second highest traveled road in the state, and she learned this at the Maine Association of Agricultural Fairs, so we really need a light there. Bill said after a lot of fighting they finally got a light going in at Route 202 and Falmouth Road. He said it just takes persistence and be able to show numbers.

She also said that when she and Tony go to Washington in a couple of weeks, they are going to ask them, at the state level-DEP, to fund the EPA. She said they are not the scary people that everyone thinks they are, they have been wonderful in helping with some of the planning, surveying and the management plan to help with funding for our community. They helped with the Forest Lake plan and now they are working with the town on Highland Lake.

Bill said they have had to work with DEP on other parts of this district and they have been excellent. He said one of the successful aspects of that is inviting them into a meeting, such as this, so they feel like they become part of whatever the issue the town is dealing with. Bill said they could be available to be part of those discussions as well.

River Road is on for 2019-2020 and will be three million plus to finish it up. Bill said the question is, can we drive on it until it is due for construction? He said it is really a battlefield going through there, and it may be appropriate for them to request a two-inch cover like they did on the north-end to get us by until they start the project. Councilor Nangle is concerned about the bad corner on River Road that is by his house. He thinks there is a fatal crash there almost every year, and they need to be a little more aggressive with DOT in doing something in that bad spot.

Councilor Nangle said it was his understanding that with the marijuana committee there is no money from the taxes going back to the cities and towns? Patrick said they had a committee bill come out but it has not gone out to the full legislature yet. There are a lot of concerns of what people would view as a local option sales tax. Up at the state they have other taxes that go back to towns, so a decision was made a long time ago that there is no local option sales tax for a town like Windham. He said where we have a Wal-Mart a local option sales tax might seem like a great idea, but when you get up into rural Maine and you may have a legislator up there that represents fifteen towns and they have no Wal-Marts and maybe have a gas station between a few of those towns and then a local option sales tax isn't such a good thing because we live in a rural state. He said what they have chosen to do is to spread those taxes out in the state and send them out to the different communities that needs those taxes. He said every town will have to opt into this. Councilor Nangle said he thinks the town is going to be on the hook for a lot of increased costs related to marijuana.

Councilor Haskell asked if they were still talking about doing something with the Correctional Center? Bill said they made the effort and got it approved to spend well over a hundred million dollars to renovate MCC. He said the renovation will probably start in 2019. Part of the deal is that Washington County would have a prerelease center. Councilor Haskell asked if they were going to have a sewer filtration plant on-site? Patrick said they will tie into the South Windham sewer.

Councilor Welch said the issue they are having in Corrections is mental health, and it is not being addressed. It is easier for the state to say lock them up and put them jail, and that is not where they belong. The staff is not trained for these type of inmates. He said the state needs to get them out of the jails and put them where they need to be. Bill said it needs to be a group effort to take care of this problem.

Councilor Maxfield said he appreciated that the three of them got a long so well. In regard to River Road, he hopes maybe they can be a team with their concerns on River Road. He also agrees with Councilor Chapman in regard to Enterprise Drive. Bill said DOT can be flexible, and they have shown that with Falmouth Road & Route 202, and Windham Center Road and Route 202. Councilor Maxfield said he would love to work with them, on a state level, on the waste water issue in North Windham. It would not be just an improvement for Windham, it is an improvement for the region.

Councilor Muir asked if there is anything else that has not been made public up there, but is on your radar that may come down to affect a community like Windham? Bill said possibly in education, as it has an impact on the municipalities.

Councilor Chapman wanted to know if they had any information on broadband? Bill said if you go from the most rural parts of the state to the most urban parts of the state, you will see a tremendous difference in availability to people, and that is the common denominator. How do they get it so it is more equalized, and he said many think broadband is going to do that.

Representative Bryant said another huge issue in Maine is the opioid crisis. It seems like every twenty hours there is one person dying in Maine, and that is the biggest death rate they have as an indicator. He said it affects everything, and is a huge cost to a community. There was also talk about the Needle Exchange Program.

Councilor Nangle asked if the towns would see an increase in revenue sharing? Bill said they have not seen a supplemental budget yet, and he would guess they will see it come

Windham

This report shows the 2018-2020 Work Plan entries for Windham. The costs listed are the total cost of these projects—some of which may extend into neighboring towns. It also shows a listing of maintenance work specifically recorded to Windham in 2017, as well as any 2017 Local Road Assistance payments. Activities that are managed on a larger scale, such as snow & ice control, and maintenance work done by contract are not listed. The maintenance accomplishments may also extend into neighboring towns, but are listed in the first town where the work was reported. Finally, any capital projects that were completed in 2017 are also listed.

Planned Capital and Maintenance Work 2018-2020**Work Plan Year:** 2018**Municipalities(s):** Windham**Asset(s):** Route 302

Description: Brush removal beginning at the intersection of Mineral Spring Road and extending north 1.15 miles to the Windham-Raymond town line.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
WR 34951	Custodial Maintenance	HCP 1	\$4,000

Work Plan Year: 2018**Municipalities(s):** Windham**Asset(s):** River Road

Description: Municipal Partnership Initiative Program. Beginning at Route 302 and extending south 0.32 of a mile to Pottersville Road.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
021928.11	Highway Construction/ Rehabilitation Reconstruction	HCP 3	\$600,000

Work Plan Year: 2018**Municipalities(s):** Windham**Asset(s):** Falmouth Road

Description: Municipal Partnership Initiative Program. Beginning 0.04 of a mile north of Nash Road and extending northerly 1.16 miles.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
021928.09	Highway Construction/ Rehabilitation Highway Rehabilitation	HCP 4	\$973,000

Work Plan Year: 2019/20**Municipalities(s):** Windham**Asset(s):** River Road

Description: Doles Bridge (No.5061) over Colley Wright Brook. Located 0.11 of a mile south of Willow Drive.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
021924.00	Bridge Replacement	HCP 3	\$1,700,000

Work Plan Year: 2019/20**Municipalities(s):** Windham**Asset(s):** Route 35

Description: Beginning at Basin Road and extending east 0.36 of a mile to Route 302. PACTS Sponsored.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
022166.00	Bicycle-Pedestrian New Construction Trail, On-Road	HCP 2	\$300,000

Work Plan Year: 2019/20**Municipalities(s):** Windham**Asset(s):** River Road

Description: Beginning at the Westbrook town line and extending north 3.07 miles.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
011219.20	Highway Construction/ Rehabilitation Highway Rehabilitation	HCP 3	\$6,550,000

Work Plan Year: 2019/20

Maine Department of Transportation**Work Plan for Calendar Years 2018-2019-2020****Municipalities(s):** Casco, Naples, Raymond, Windham**Asset(s):** Route 302**Description:** Beginning at Whites Bridge Road and extending northwest 11.41 miles to Route 11.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
022476.00	Highway Paving Hot In Place Recycled	HCP 1	\$3,944,993

Work Plan Year: 2019/20**Municipalities(s):** Windham**Asset(s):** Route 202**Description:** Installation of traffic signal at the intersection of Route 202 and Falmouth Road.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
023801.00	Highway Safety and Spot Improvements Safety Improvements	HCP 2	\$320,000

Local Road Assistance – Fiscal Year – 2018**\$252,604****Maintenance Accomplishments – 2017**

Activities managed on a larger scale, such as snow & ice control, and work done by contract are not listed. The maintenance accomplishments may extend into neighboring towns, but are listed in the first town where the work was reported.

- 1.00 Emergency Event Responses
- 220.00 Linear Feet of Brush Removed
- 25.00 Linear Feet of Guardrail or Fence Maintained
- 65.00 Linear Feet of Backhoe Ditching
- 6.00 Minor Sign(s) Installed or Maintained
- 3.00 Trees Removed
- 1.50 Mile(s) of Shoulder Graded
- 2.00 Bridge Inspection(s) Performed
- 72.40 Miles of Striping Applied
- 260.00 Linear Feet of Bridge Rail Repaired or Replaced
- 32.00 Drainage Structures Cleaned
- 17.80 Shoulder Miles of Mowing
- 9.00 Bridge(s) Washed
- 4.80 Ton(s) of Patch Applied
- 6.50 Shoulder Miles of Sweeping

Completed Capital Projects – 2017

- 021978.00 WESTBROOK- WINDHAM, ROUTE 302 Beginning 0.22 of a mile northwest of Duck Pond Road and extending northwesterly 4.57 miles.
- 021972.00 WINDHAM, ROUTE 115 Beginning 0.08 of a mile northeast of Route 35 and extending northeasterly 2.82 miles.
- 018802.00 WINDHAM - GRAY, ROUTE 202 Beginning 0.40 of a mile south of Lotts Drive in Windham and extending easterly 7.42 miles.
- 020892.00 WINDHAM, ROUTE 35 Beginning at the Standish town line and extending northeast 0.65 of a mile. PACTS Sponsored.
- 021848.00 CENTERLINE RUMBLE STRIPS 2017 Install centerline rumble strips on high volume Highway Corridor Priority 1 and 2 roads.

around at the end of March or the first of April.

Councilor Chapman asked Tony if they could get an update on overdoses in Windham, and how the "Be the Influence" campaign is going? Tony said he would check into it, and how many people the police and EMS people have been able to save.

Bill said that the three of them feel they have set the example for Republicans and Democrats in a delegation working together. They put all the party stuff aside and not just for the town, but for other issues they deal with, and they think they may be setting an example for other delegations in other parts of the state to do the same thing. They know that it is the best way they can serve the people.

VI. Council Correspondence.

Councilors Nangle received a couple of emails on road issues, and has forwarded them to the Manager so he forward them to the entire Council.

CD 18-065 March 10, 2018 Legislative Forum Invitation

Attachments: [Legislative Forum - Sebago Lakes Region](#)

CD 18-068 Nomination Request for GPCOG Regional Voice Committee

Attachments: [GPCOG Regional Voice Committee](#)
[GPCOG Strategic Plan Brochure](#)

CD 18-069 2018 MMA Municipal Member Dues and Service Program

Attachments: [2018 MMA Member Dues and Service Program Letter](#)
[2017 MMA Year in Review](#)
[MMA Contact List](#)

CD 18-070 Team Hailey Hugs - Childhood Cancer Awareness Month Recognition Request

Attachments: [Team Hailey Hugs - Childhood Cancer Awareness](#)

CD 18-072 Michael Devoid Correspondence - Private Road Concerns

Attachments: [Michael Devoid Email re. Private Roads](#)

CD 18-048 Town Clerk's Monthly Report - January 2018

Attachments: [Town Clerk's Report-January 2018](#)

CD 18-049 Assessing & GIS Department Monthly Report - January 2018

Attachments: [Assessing & GIS Department January 2018](#)

CD 18-054 Fire-Rescue Department Monthly Report - January 2018

Attachments: [Fire-Rescue Monthly Report - January 2018](#)

CD 18-055 Code Enforcement Monthly Report - January 2018

Attachments: [Code Enforcement Monthly Report - January 2018](#)

CD 18-056 Police Department Monthly Report- January 2018

Attachments: [Police Department Report - January 2018](#)

CD 18-057 Parks and Recreation Monthly Report - January 2018

Attachments: [Parks and Recreation Monthly Report - January 2018](#)

[Upcoming Programs and Events - Jan/Feb 18](#)

CD 18-058 Public Works Department Monthly Report - January 2018

Attachments: [Public Works Monthly Report - January 2018](#)

[January 2018 Storm Reports](#)

CD 18-064 Financial Reports as of January 31, 2018

Attachments: [Revenue Report](#)

[YTD Budget Report](#)

CD 18-071 Social Services Monthly Report - January 2017

Attachments: [Social Services Monthly Report - January 2018](#)

VII. Town Manager's Report.

CD 18-074 Town Manager's Report.

Attachments: [Town Manager's Report 20180223](#)

[Projects & Issues List 20180223](#)

[Projects & Issues Sheets 20180223](#)

Tony Plante reported on the following items:

The Library renovations continue, and they are continuing to operate in a reduced space. There is another construction meeting tomorrow, and other than some issues with the carpet removal the project has been going along pretty smoothly. They are waiting for the shelving manufacturer to ship the shelving so they can install it and start moving things back into place.

The Shared Maintenance Facility Project is in its early stages, and they have issued an RFQ for prequalification of contractors. They had five submit and four were invited to continue with the process and to submit proposals in response to their technical RFP. They had one of the four drop out from consideration. In speaking with Bill Faucher, the

head of our design team, he spoke with somebody from The Sheridan Corporation who said they had so much work they didn't think they could meet the schedule Windham was looking for. There are three that are expected to submit proposals by March 22 deadline.

Tony wanted to express his appreciation for the Council and the work they did last week on their Goals. He said it is always a challenge to whittle things down to a manageable few. There is a ton of things going on and it is hard to keep up with it all, and it is hard not to take on every issue that comes their way, and he thanked them for that work. He said received an email from Mr. Smith about four weeks ago and following that he was in contact with the Council and made them aware that he would be engaging a management consultant to conduct a department evaluation. They had a process where employees would be able to meet with the management consultant and that their conversation is between them and what the town gets back is aggregated feedback. What they are focused on is identifying any issues or problems that may be present in the Public Works Department and try to develop recommendations for resolving those.

Tony said when the work is complete he has no problem sharing that work with the Council. Tony said he met with the crew briefly this afternoon, and it was not the first time that they had to bring somebody, in who is not part of the town, to take an objective look at what is going on or not going on. He said as management and the elected governing body, is to acknowledge there are problems and look into it and find out what is going on.

With regard to Brand Road there is a three-year plan; they are in the first of three years to engineer and build Brand Road. The issue of Brand Road being paved has come back before the Council a few times and there have been many discussions, to the point where people think that road was supposed to have been paved years ago, but there was only talk of paving it, there was never any decision to do it or to budget the money to do it. The road that is there today isn't worth paving because it has not been built. The town engineer, public works director and a third party engineer, under the supervision of the town engineer, have been working on a plan for improvements to Brand Road. Phase 1 goes roughly from Varney Mill Rd. to the hill, and at the end of the three years they will have engineered, built and completed it to a gravel so at least they have a graveled road. Tony said there is no plan to pave it at this point, but they are still a couple of years away to do that and be worth doing. There was some discussion about making it a "Not a Thru Street".

In regard to the town's social media presence Tony said there are a couple of ways that things get posted to the town's Facebook page and Twitter account. He said our website platform, if people post events, news flashes and alerts, those go out on our website, by text message, by email and cross-post to the town's Facebook page and twitter account. When it is direct interaction Tony is the most of our social media presence. Before they started doing all of this they had some conversations with an attorney and the Cumberland County Manager's Association about first amendment issues with public agencies having websites and social media. He said he has not ever deleted a post, or a comment, and people have a right to say what they are going to say, and for the most part people have been pretty much behaved.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Maxfield said they met tonight with three applicants and will be putting them forward for consideration. They are Karen Rillo for the Summerfest Organizing Committee with no term limit, Flora Woodside to the Library Board of Trustees for a 3-year with term ending February 15, 2021, and Ron Eby to the Summerfest Organizing Committee with no term limit. They thanked everybody for volunteering.

2. Finance Committee.

No Report.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Haskell said they had a meeting last Wednesday and are moving along pretty good. They will start looking at zoning and housing and trying to preserve some of the natural beauty of the town.

2. Parks & Recreation Advisory Committee.

Councilor Cummings said they will have the 5th annual Mother/Son Sports Night event on March 9 from 7 to 8:30. Tickets are available, and they will have the early bird price up until March 7.

The Easter event through Parks & Recreation was cancelled but the Easter Bunny will be with the Boy Scouts and you can still eat with the Bunny.

3. Public Easement Advisory Committee.

No report.

4. Highland Lake Leadership Team.

Tony said the Leadership Team is meeting tomorrow and there is a public forum coming up on March 7 from 7 to 9 p.m. at the Windham High School Auditorium.

5. Shared Maintenance Facility Joint Project Team.

Tony reported on this in his Manager's report.

6. Windham Economic Development Corporation

No report.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

Councilor Welch moved to remove Order 18-031 from the Consent Agenda and to postpone the Order to March 27, seconded by Councilor Muir.

All in favor.

18-029 To set seasonal weight limits on roads.

Attachments: [Cover Sheet 18-029](#)
[Public Works Director Memo](#)
[2018 Road Posting List](#)

18-031 To find that the requirements of 28-A M.R.S.A. §605 have been met to approve an application submitted by Windham Billiards located at 824 Roosevelt Trail Suite 9/10, moving to 770 Roosevelt Trail for an on premise transfer of a liquor license by a current licensee.

Attachments: [Cover Sheet 18-031](#)
[Windham Billiards On Premise Transfer](#)

18-040 To approve an application submitted by Northern New England Telephone Operations LLC and Central Maine Power Company to locate (1) utility pole and cables and wires thereon, including the necessary sustaining, supporting and protecting fixtures on Roosevelt Trail/US Rt. 302 (Compact area), approximately 705 feet Southerly of the intersection of center line of River Road.

Attachments: [Cover Sheet 18-040](#)
[Fairpoint Pole Location-Roosevelt Tr](#)

18-034 To postpone the Council meeting of March 13, 2018 to March 20, 2018.

Attachments: [Cover Sheet 18-034](#)
[Council Rules](#)

Councilor Haskell what the seasonal weight limits were on the posted roads? Doug Fortier said they have to be under 23,000 pounds and it runs from February 28th to May 15th or sooner if weather allows.

A motion was made by Councilor Welch, seconded by Councilor Muir to approve the Consent Agenda. the motion carried by the following vote.

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

18-027 To amend the Retirement Health Savings (RHS) Plan and require eligible employees, those with ten or more years of service, upon separation from service, to contribute to the RHS Plan for the benefit of the employee, his or her beneficiaries and/or survivors.

Attachments: Cover Sheet 18-027RHS Plan Amendment

Tony explained that is a provision under the tax code where at separation from service, these are plans that can be customized by employers where payouts are, instead of being paid to the employee directly, are paid into a Retirement Health Savings Account that pays the compensation to the employee tax free. They can use it only to pay for eligible medical expenses, which would be tax free and the town does not have to pay social security contributions on it. It is a benefit to the employee, they get that payout anyway. It is their accrued sick time that they would otherwise be eligible to get paid out.

Tony said this plan was set up about four years ago, and they are amending it to reduce the length of service that somebody has to have to qualify for it, so when they leave their sick leave payout goes into their Retirement Health Savings Account instead of being paid out as cash and paying all the taxes on it. This is only for the Department Heads, Senior Staff and Town Manager. All this Order is doing is decreasing the length of service from 30 years to down to 10 years of service.

Councilor Welch said he thinks it should be up to the employee to decide, and if it was a choice they had he would be okay with it.

Councilor Maxfield asked if they polled those affected to see if they had a preference for the cash option or the Retirement Health Savings Account? Tony said they do not have the option of giving individuals the choice of opting in or opting out. If you have the plan, and a defined group, it applies to everybody in that group. Tony said this is something their in favor of and this does not mean it cannot be modified later.

Tony explained that this came about because this select group were people who tended to have accrued unused sick leave and were being paid at higher rates of pay, meaning that payout is more costly, which means the town is paying more in social security taxes, and the employee is paying more in taxes, so there was a greater benefit to this group. He said not everybody really wants that but this was a decision the town made as the employer to say this is a benefit they can provide to employees, not only does it not cost the town anything but it actually saves the town money.

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

18-028 To approve the July 1, 2018 to June 30, 2019 contract for services provided by the Animal Refuge League.

Attachments: Cover Sheet 18-028Animal Refuge League Contract Renewal

18-028 To approve the July 1, 2018 to June 30, 2019 contract for services provided by the Animal Refuge League.

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

18-030 To approve a contract with the Hartigan Company of Middlesex, Vermont d/b/a Hartigan Wastewater Services for catch basin cleaning as outlined in

the attached memorandum from public works director Doug Fortier dated January 19, 2018 and proposed contract for calendar years 2018, 2019, and 2020.

Attachments: [Cover Sheet 18-030](#)

[Catch Basin Cleaning Contract](#)

Rosie Hartzler asked if it included the cleaning of the catch basin on Falmouth Road near the ball field because it needs it.

Doug Fortier said all public catch basins are cleaned but he was unclear about the one Rosie mentioned. She said it was installed about 5 years ago below the ball field, it is a settling basin. Doug said a settling basin is different than catch basins and those would not be part of this contract.

A motion was made by Councilor Maxfield, seconded by Councilor Nangle, that the Order be approved. The motion carried by the following vote:

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

18-032 To adopt, as an emergency, an extension of the moratorium ordinance on certain development activities in the Highland Lake watershed adopted by the Council on September 12, 2017, extending the moratorium for an additional period of 180 days.

Attachments: [Cover Sheet 18-032](#)

[Moratorium on Highland Lake development to Council 090717](#)

Tom Peterson of Johnson Road said he spoke against this when it first came about. In the document there are a lot of things in here that aren't true, they are not accurate. He said with him being involved on this committee there is a lot of political pressure for him to not say what the truth is; he is having a problem with that.

He said after a meeting with the fishing people at USM, and what happened at that meeting, he came out with the understanding of something totally different than that of another person from that same meeting. On the way home he was told to not make an issue of the fish because it will divert from the phosphorus concerns.

Councilor Chapman said she believed there was some information that was supposed to come back clarifying that from where ever that. She will double check her notes.

Tom said that Falmouth does not have a moratorium on building in the watershed, and the answer he was given was that they do not have any major development that is trying to be stopped. He said there are agendas all over the place, and he is just trying to get the scientific facts and find out what the best solutions are and to get them resolved. He said he was against extending the moratorium for another 180 days.

Tony said what he handed out tonight is a slight revision of what was in the published agenda and this has a couple of changes as what was recommended by the town attorney. As revised, this is to extend the existing moratorium for a period of 180 days. He said originally it was worded as an amendment that would have the same affect but the attorney cleared that up for him. In section 2 of the Order cover sheet that spells out the reason for Council action Paragraphs e & f.

e. Pursuant to Title 30-A M.R.S.A. 4356 a moratorium may be extended for additional periods of 180 days if (A) the problem giving rise to the moratorium still exists; and (B) reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium," and

f. Since the moratorium was enacted on September 12, 2017 progress has been made through the formation and work of the Highland Lake Leadership Team, amendments to the town's surface water protection ordinance, and coordination of efforts to better understand the water quality issues in the Highland Lake and the watershed, though the outcome of those efforts will not be known for at least several months, meaning the lake is still at risk of adverse impacts related to development and other activities in the watershed.

Tony said it is important to point out that where this is still being considered by the Council as an emergency measure, by Charter, in order for it to remain in effect, it will have to be acted on again within 60 days. Right now a permanent vote, being for the balance of the 180 days if this were to pass, is scheduled for the Council meeting of March 27th.

He said, like Mr. Peterson, he has heard, and he thinks there has been some discussion at the Council level of finding some way to carve out certain types of development. His concern was, they don't have time to work through ordinance language to carve out because they don't want to a) leave somebody out who should be included in an exception or exclude types of development that would present more of a risk to the lake.

Rosie Hartzler thanked the Council for bringing this up tonight and for their on-going support for the moratorium. There has been a great deal of activity within the Highland Lake Association and within the Highland Lake Leadership Team. They are making significant strides in setting up the things that need to be done this next season. They are committed to getting to the bottom of this issue and she hopes they all will be at the Forum.

Dustin Roma of Harvest Hill Road said he feels that there are two separate issues that have very different timelines and they seem to keep being put together. The moratorium is putting a lot of people in town at significant costs and they put their faith in the town for the six month moratorium. He said after the moratorium started Code, Planning and others worked diligently to put together an ordinance change to the surface water protection ordinance that dealt with additional erosion controls and other mechanism that would help to promote the health of the lake over time. He said there really hasn't been other proposals made since that time, and there has been a lot of property owners sitting back waiting six months for this to be addressed, which is simple a way to deal with new development so that they are not creating an unreasonable burden on the lake. New development is not going to fix the lake, no matter what they do. He thinks it is important to look at what they have already done. They need to get back to the heart of the issue, which is the moratorium on all development in the watershed and which everyone is just waiting while ordinances are written.

Councilor Chapman was at a meeting with the DEP that day and Highland Lake is impaired, it is already tipped and beyond the phosphorus load it should have been able to handle. It is two shakes from death and cannot handle anymore new phosphorus, period. She knows that they are holding up projects because of the moratorium, but they don't have control of that because of how bad the lake is. She said if we lose the lake there will be a thirty percent drop in property taxes for everybody around that lake; will the town be able to afford that revenue loss?

Dustin Roma said he thinks they all need to be working towards those things, but he said what they have done is put all the costs on these people who have land and can't develop it. Why are they bearing all of the costs for this while we wait and fix everything around the lake? Ordinances are already in place that sponsor responsible development. He would like the Council to continue to promote these best management practices on these lots and at the same time work with the Lake Association and try and continue to support the lake, but they really need to take the handcuffs off these people who are waiting.

Councilor Muir said when they first did the moratorium it was to find out the condition of the lake, but he hears now it is back on the impaired list, and he would like to know if there are any scientists who can tell him they can build some more houses now or do you need more time? Councilor Chapman said the man from the DEP told them way back that you need to get a grip on the existing phosphorus before you add anymore new phosphorus.

Councilor Nangle said they still have additional information to get, but he thinks as soon as they get it they need to start looking at how they can alter the moratorium that will meet both needs to an extent. He does not want to put anymore phosphorus into the lake, and the watershed is pretty big. Is there a hot zone and a cold zone where things could happen?

Councilor Maxfield said six months ago when it passed as an emergency he said then he would have a hard time voting for it again. The moratorium still exists but does anybody think in six months they are going to figure out the science and determine where this is coming from? Councilor Chapman said they will find the hot spots. He would like to see a short moratorium if they could and use the 60 days and not do a public hearing. He thinks they could get a lot done in the next 60 days, just like they did in the first 60 days.

He said in the last six months he has seen no ordinance that addresses the people who are there now. The folks who can't build are saying they are not the problem, and the people who are there now created the problem. The town allowed the over-development, folks moved in, roads and properties were not taken care of and that is the thing that is not fair.

If the point system is in place, if there is anything they can do in the next sixty days for the small additions and single homes and get those people going, and then take a little more time for the bigger fish i.e. multi-family and subdivisions, and also focus on who is there now what do we do.

He said he thinks there are a couple of things they can do as a Council to force the people who are there now to do best management practices and that is in the Council's power to pull off immediately.

Councilor Chapman said there was a paper sewer survey of septic systems done at one time and wondered if they could find that? Tony said it must exist somewhere, but is very out of date.

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

In Favor: 6 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Opposed: 1 - Councilor Haskell

XII. Discussion Items.**XIII. Agendas & Scheduling.****CD 18-075 Agenda Items Reports.**

Attachments: [Agenda Items Scheduled 20180223](#)
[Agenda Items to be Scheduled 20180223](#)
[Projects & Issues List 20180223](#)
[Projects & Issues Sheets 20180223](#)

Councilor Welch would like to see the sprinklers in homes be put on an agenda, and the policy of town employees not being able to contact their elected officials.

Councilor Nangle wants to discuss and enact a fertilizer ban before the sixty days are up.

Councilor Chapman wants the information on the Highland Lake Leadership Team discussions given to all Councilors so they can see what is being discussed.

Councilor Maxfield would like an additional discussion, not just on fertilizer but ideas in general. Also, if the town wants to have a center lane put in up in North Windham we should the plan funding for it.

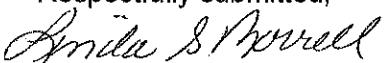
Councilor Chapman wants to discuss Mobile Food Trucks on March 20th.

XIV. ADJOURN.

A motion was made by Vice Chair Muir, seconded by Councilor Welch, that they be adjourned. The motion carried by the following vote at 10:40 p.m.

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM