



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Agenda

Town Council

Tuesday, October 14, 2014

7:00 PM

Council Chambers

I. Roll Call of Members.

II. Pledge of Allegiance.

"We, the Windham Town Council recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to 'Be the Influence' and to recognize that decisions matter." (Resolution 14-285, in support of the "Be the Influence" community collaborative in addressing the pervasive adverse effects of substance use and abuse in the community.)

III. Minutes to be Approved.

[CD 14-348](#)

Approve the minutes of the September 23, 2014 meeting.

Attachments:

[Minutes of 9-23-2014](#)

IV. Public Participation.

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

NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.

All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.

Persons present at Council meetings are requested not to applaud or otherwise express, other than verbally, their approval or disapproval of any statements made or actions taken at such meeting.

Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.

V. Councilors' Comments.

VI. Council Correspondence.

VII. Town Manager's Report.

[CD 14-355](#) Town Manager's Report.

Attachments: [Town Manager's Report 20141010](#)

VIII. Committee Reports.**A. Council Subcommittees.**

1. Appointments Committee.
2. Finance Committee.

B. Other Committees.

1. Land Use Ordinance Committee.
2. Public Easement Advisory Committee/Roads Policy Task Force.
3. Windham Economic Development Corporation.

IX. PUBLIC HEARINGS.

[CD 14-337](#) To receive public comment on proposed changes to sections of the Land Use Ordinance, Chapter 140, to define and create standards for an Automobile Auction Facility.

Attachments: [Planning Board memo to Council - Auto Auction Facilities](#)
[Staff to TC Auto Auction 10-10-14](#)

X. CONSENT AGENDA.

[14-399](#) To find that the requirements of 28-A MRSA §653 have been met and to approve an application submitted by JMA Enterprises Inc. d/b/a Pat's Pizza-Windham for a renewal liquor license.

Attachments: [14-399 Cover Sheet](#)
[Pat's Pizza Liquor renewal.pdf](#)

[14-400](#) To approve the Town Clerk's roster of Warden and Deputy Warden for the November 4, 2014 election: for Districts 24 & 25, Warden Marcia Blanchard, and Deputy Warden Paulette Shepard.

Attachments: [14-400 Cover Sheet](#)

[14-401](#) To set the date and time for extended hours of the Registrar of Voters as 4:00 to 7:00 p.m. on October 29, 2014.

Attachments: [14-401 Cover Sheet](#)

[14-402](#) To set poll hours and polling location for the November 4, 2014 General & Municipal Election as 7:00 a.m. to 8:00 p.m. at the Windham High School's Main Gym.

Attachments: [14-402 Cover Sheet](#)

[14-405](#) To approve an application submitted by Central Maine Power Company to locate one(1) utility Pole and cables and wires there on Albion Road, approximately (45') northeasterly of Pope Rd.

Attachments: [14-405 Cover Sheet](#)
[CMP Pole Permit-Albion Rd.pdf](#)

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[14-381](#) To provide policy guidance to staff in the implementation of the General Assistance Ordinance that for the purposes of determining eligibility for assistance, immigration status not be considered.

Attachments: [14-381 CoverSheet](#)
[Memo G.A. Policy Guidance](#)
[Memo - Amended order language 14-381](#)

Legislative History

9/23/14 Town Council postponed

[14-387](#) To approve amendments to the Town's Land Use Ordinance, Chapter 140, to define and create standards for an Automobile Auction Facility.

Attachments: [14-387 Cover Sheet](#)
[Planning Board memo to Council - Auto Auction Facility](#)
[Staff to TC Auto Auction 10-10-14](#)

[14-396](#) To refer proposed ordinance changes to Chapter 140, to amend 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 to the Planning Board for review and recommendation.

Attachments: [14-396 Cover Sheet](#)
[LUOC to TC combined 09-22-14](#)

14-406

To authorize the Town Treasurer to negotiate the terms of an Equipment Lease Purchase Agreement or Agreements and related documents providing financing of up to \$232,051 including the interest rate, maturity and other terms and conditions with whatever financial institutions the Treasurer deems appropriate and to award the Equipment Lease Purchase Agreement(s) to such financial institution or institutions as he deems to be in the best interests of the Town in order to provide the Town with two (2) cardiac monitors, five (5) defibrillators, and one (1) 2013 dump truck and plow gear (collectively the "Project") at an aggregate cost of up to \$232,051 plus interest at a rate or rates to be determined by the Town Treasurer,

FURTHER VOTED: That under and pursuant to the provisions of Maine law and the Town Charter, the Treasurer be and hereby is authorized to execute and deliver a tax-exempt Equipment Lease Purchase Agreement or Agreements in the name and on behalf of the Town for the purpose of providing the Project, at an aggregate cost of not more than \$232,051 in such form as the Treasurer may approve; and to execute and deliver in connection with such Equipment Lease Purchase Agreement(s) such other documents as required by the Lessor of such equipment; and the Treasurer is further authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with such tax-exempt equipment lease purchase agreement, including an Arbitrage and Use of Proceeds Certificate and a Signature and Award Certificate; and no part of the proceeds of such tax exempt equipment lease purchase agreement shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 142 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the tax-exempt lease purchase agreement issued pursuant hereto be and hereby is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B)(ii) of said Code; and the Treasurer be and hereby is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof. The Town, pursuant to Internal Revenue Service Treas. Reg. 1.150-2, hereby declares its official intent to pay, on an interim basis, costs of the Project, which costs the Town reasonably expects to reimburse with proceeds of such tax exempt Equipment

Lease Purchase Agreement(s) to be issued by the Town in the maximum principal amount of \$232,051.

Attachments: [14-406 Cover Sheet](#)

[14-407](#) To authorize a three-year lease purchase agreement in an amount not to exceed \$232,051 (principal amount) at an interest rate of 2.25% with TD Equipment Finance for the purpose of financing the purchase of (2) cardiac monitors, (5) defibrillators, and (1) 2013 dump truck and plow gear.

Attachments: [14-407 Cover Sheet](#)
[Lease quotes & capital budget plan](#)

[14-410](#) To find that the requirements of 28-A MRSA §653 have been met and to approve an application submitted by New England 9 Ball LLC d/b/a Sneaky Pete Billiards for a renewal liquor license.

Attachments: [14-410 Cover Sheet](#)
[28-A MRSA 653](#)
[Sneaky Pete's Liquor renewal.pdf](#)

[14-411](#) To adopt mission, vision, and values statements as part of the town's strategic planning process.

Attachments: [14-411 Cover Sheet](#)
[Mission, Vision and Values Summary REVISED 20141006](#)

XII. Discussion Items.

(Please note the time allotted for each item; if additional time is needed, it may have to be scheduled for another meeting.)

[CD 14-318](#) Report of the Wastewater Management Planning Advisory Committee.

Attachments: [CD 14-318 Cover Sheet](#)
[Map 10-2014 Exhibit 1](#)
[WMPAC Report Final](#)

XIII. Agendas & Scheduling.

[CD 14-356](#) Agenda Items Report.

Attachments: [Agenda Items Report - Scheduled Items 20141010](#)
[Agenda Items Report - Items Not Yet Scheduled 20141010](#)

XIV. ADJOURN.