



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft Town Council

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Tuesday, October 28, 2014

7:00 PM

Council Chambers

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### I. Roll Call of Members.

**Present:** 6 - Donna Chapman, Thomas Gleason, Roy Moore, Bob Muir, David Nadeau and Dennis Welch

**Absent:** 1 - Matthew Noel

### II. Pledge of Allegiance.

Chairman Gleason led the assembly in the Pledge of Allegiance.

### III. Minutes to be Approved:

#### III. Minutes to be Approved:

**CD 14-377** To approve the Council meeting minutes of October 14, 2014.

**Attachments:** [Town Council Minutes - 10-14-2014.pdf](#)

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

**In Favor:** 5 - Councilor Chapman, Council Chair Gleason, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Noel

**Abstain:** 1 - Councilor Moore

### IV. Public Participation.

Carol Waig: Carol spoke about the rescue billing through the town. (See attached)

Linda Morrell: Reminded people that the Town Clerk's Office would be open late on Wednesday, October 29 from 4:00 to 7:00 p.m. to allow people to absentee vote, register to vote or change their name or address.

### V. Councilors' Comments.

Councilor Nadeau: Spoke about the two meetings coming up about the comp plan public forums. One will be on Thursday, November 13th at the Manchester School from 6:00 p.m. to 9:00 p.m. and the other will be on Saturday, November 22nd at the Town Hall gym from 9:00 a.m. to 12:00. Both meetings will have the same agenda and you will only have to attend one meeting. A survey was mailed to residents asking for them to fill them out and return them to town hall. He said the information is very important to help them move forward.

October 28, 2014

Good Evening,

I am here this evening to discuss a rescue bill and subsequent e-mail I received yesterday from the Town Manager. The e-mail did not clear up all of my questions and only added to my concerns.

First the Town chooses not to work with all insurance companies, if they did they would more than likely not have half of the bills in collections they have, as the checks would be sent directly to them and most of them paid in full.

The Town is choosing not to work with insurance companies in what is called "in network" because they would have to change their rates lowering them to more reasonable amounts and would have to right off whatever the insurance company stated was an unfair assessment.

In my case it is not my insurance company that will not work with Windham but rather Windham who will not work with them, as they are choosing to not be a participating provider. This allows the Town to charge whatever it chooses for Rescue rides. If the Town was "in network" they would send the bill to my insurance company who in turn would pay what the fair rate was and the town would receive a check directly from them for the charges. As of now the bill is sent to me, I send it to my insurance company, the insurance company pays a small portion as it is not "in network", then they send me the check in my name which I can choose to do with as I see fit. I can pay the bill with this or not. This is where the problem may lie with your accounts not being paid.

I chose to send this payment to Windham with a portion of the rest of the bill and ask for a payment plan as a 16.55 mile BLS ride cost me \$668.00 dollars. However people do not have to send this check to Windham as it is made out to them they can use it for whatever they choose. Being "in network" may lower rates however you will be assisting the residents more as well as getting all of the insurance money made out and sent directly to the town.

Now on to the breakdown of my bill, I specifically asked why I was being billed over 12 dollars now I have found it is actually over 16 dollars per mile and received no answer, I also asked for a breakout of what I paid for in the BLS rate and received no answer. I think \$668.00 for a rescue ride is outrageous considering I pay taxes where salaries, rescues, benefits and the rest are included in my taxes so why am I paying such a high rate for a life saving measure? I can completely understand perhaps a \$300.00 fee but \$668.00 for 16.55 miles at over \$16.00 per mile is ridiculous.

And there was no attachment as the e-mail stated so I have no idea what the cardiac monitor, oxygen and intravenous meds rate schedule is! My sons insurance information was given at the time of the call!

He also commended Officer Matt Cyr for being named Officer of the Year, which made the third individual from three different departments to receive an award.

Councilor Chapman: She asked when was the last time the rescue fees were set, and which insurance companies do we work with and which ones we do not work with?

Councilor Nadeau: He congratulated Officer Eugene Gallant for being appointed to Detective/Evidence Technician, a new roll in the Police Department, and congratulations to Sergeant Boudreau on being promoted to Lieutenant.

Councilor Chapman: She said there is a lot of community work going on and she was asked by a friend from SMCT to help collect tooth brushes for Zambia because the kids over there have to use sticks to clean their teeth. If anyone is interested in helping to support this, please get a hold of her or the link - WCSHTV6.

## VI. Council Correspondence.

Councilor Nadeau: He had a question in regard to the Fire Department's report, he noticed an overlap in a couple of places.

**CD 14-354** Collections Monthly Report - September 2014

Attachments: [MONTHLY REPORT-SEPTEMBER 2014](#)

**CD 14-370** PACTS Annual Report

Attachments: [PACTS Annual Report](#)

**CD 14-376** Planning Board Agenda - October 27, 2014

Attachments: [Planning Board Agenda](#)

**CD 14-351** Public Works Monthly Report - September 2014

Attachments: [Public Works Monthly Report - September 2014](#)

**CD 14-358** Assessor's Office Monthly Report - September 2014

Attachments: [Monthly Reports Assessor](#)

**CD 14-359** Social Services Monthly Report - September 2014

Attachments: [Social Services Report - September 2014](#)

**CD 14-360** Police Department Monthly Report - September 2014

Attachments: [Police Monthly Report - September 2014](#)

**CD 14-361** Code Enforcement Department Monthly Report - August 2014

Attachments: [Code Enforcement Report August 2014 revamp](#)

**CD 14-363** Parks and Recreation Department Monthly Report September 2014

Attachments: [Parks and Recreation Monthly Report September 2014](#)

**CD 14-366** Fire-Rescue Department Monthly Report - September 2014

Attachments: [September Monthly Activity Report](#)  
[9-September 2014 Report](#)

**CD 14-364** Public Library Monthly Report - September 2014

Attachments: [September 2014](#)

**CD 14-365** Town Clerk's monthly report for September 2014.

Attachments: [Town Clerk's Report-Sept. 2014.pdf](#)

**CD 14-367** Planning Department Monthly Report - September 2014

Attachments: [Planning Department Monthly Report - September 2014](#)

**CD 14-368** Comprehensive Plan Review Team - Quarterly Town Council Report

Attachments: [Q3 2014 Progress Update](#)

**CD 14-374** Monthly Financial Reports.

Attachments: [Appropriation & Revenue Control reports](#)

**CD 14-381** Quarterly Budget Variance Analysis.

Attachments: [Quarterly Budget Variance Analysis FY14 Q1](#)

**VII. Town Manager's Report.****CD 14-378** Town Manager's Report.

Attachments: [Town Manager's Report 20141024](#)  
[Town Manager's Report Supplement 20141028](#)

Tony Plante: He said they will get back to Carol Waig in regard to some of her questions. He said the email that was addressed to the Council was not originally addressed to him, a member of the Council forwarded it to him, and he forwarded it to the Fire/Rescue Chief to get some answers. As far as being in or out of a network, it is true that there are providers in some networks and not in others, and he imagines there are other networks they are not part of, but if you are not in their network it is fair to say that the insurance company won't deal with you as a provider but they will deal with the patients. Councilor Chapman said insurance companies dictate more and more how they are going to pay us, and she said she doesn't understand why we out-source

billing. Tony said we do not have the capacity to do it in-house. Councilor Nadeau said he would like to look at other area rescues to see what they charge for a trip. Councilor Welch asked how much we pay the agency for billing services? Tony said he could not quote a figure off the top of his head. Councilor Muir said he would like to see what it actually costs to transport a patient. It was decided to put it on as a discussion item.

Because Veterans' Day falls on the second Tuesday of November the Town Office will be closed, and by Council Rules the Council meeting will be moved to November 18th.

There will be an Audit Presentation scheduled for 6:00 p.m. Tuesday, December 9th, which is the date of the first regular Council meeting in December. It will require calling a Special Meeting for 6:00 p.m. that day.

In a reference to agendas and scheduling at the last meeting, Tony said they would be talking about a possible contract zone on property located on Swett Road, but at this point the discussion has now been canceled. There is no plan to reschedule that at this time.

The Fire/Rescue Chief search process had 30 applicants apply. Tony has assembled an interview committee, and they will be doing interviews of the candidates this Thursday, after which, he will be meeting with them to talk about the next round of interviews that will be with Tony. There will be other group meetings with the candidates before anyone is brought before the Council.

They posted the position of Police Chief last week. Chief Lewsen announced his retirement at about the same time Chief Hammond did. Chief Hammond will retire around the end of this calendar year, and Chief Lewsen will be around until the end of next April. They will follow a similar process with the Police Chief as they are for the Fire/Rescue Chief.

The Comp Plan survey is out, and they sent it out to 7,800 households and 800 businesses an invitation to participate in the Comp Plan survey. It is the most extensive, most comprehensive community survey the town has ever done, and it will be critically important to the Comp Plan writing process. There will be two community visioning forums that will be held on Thursday, November 13th from 6-9 pm at the Manchester School and the second on November 22nd from 9-12 pm at the Community Center Gym. You do not have to attend both, as they will be set up as being the same kind of meeting. Councilor Nadeau said you need to be there at the start of the meetings because you will be put into groups, and you really need to stay for the whole meeting.

Tony reported to Council last week about rebates approved by the ecomaine Board of Directors at its meeting of October 16. Windham's share of the million dollar rebate is \$44,159, which we have already received and recorded as miscellaneous revenue.

East Windham's Fire Station solar array has been in operation for almost a year. The goal was to generate as least enough electricity to offset the usage of the North Windham and East Windham Fire Stations. It took 3 months to get our credits for electricity generated and applied correctly and the kilowatts are in the bank, so they are not going anywhere. We do have three months of winter coming up and we will see at the end of winter where we stand when we've been in a complete 12 months of operation.

The Leaf & Brush disposal area is open now and will remain open until November 17 for people to bring their bagged leaves and brush.

The Planning Board acted on the status of amendments with regard to rockeries and

the Code Enforcement interpretation at last night's meeting and their vote was 5-2 to recommend approval of the amendments, as presented, with some discussion with wanting to make a distinction between free standing rock walls and retaining walls. That recommendation will be coming back to the Council shortly. Heather McNally went to Tony with an alternative that she had discussed with the Town Attorney that accomplishes the same end and can be accomplished on the same time table. Tony said his intent would be to schedule a public hearing on the proposed amendments to Chapter 140 for the first Council meeting following the election, and to include a public hearing for amendments to Chapter 66, which do not have to go to the Planning Board, and that would repeal the existing building code ordinance, which was rendered, largely, inoperative by the Legislative action and replace it with a new version that reflects MUBEC and among other things, exempt rockeries for requiring a permit. It accomplishes the same thing and reduces the town's exposure to some risk of challenge that we've exceeded our authority.

With regard to Facilities Planning they had the meeting on September 30, and Council came up with going with option "E" as an alternative. David Mains at SMRT is evaluating that at no additional charge.

Tony met with Brian Ross to talk about the Lowell Preserve Harvest, and they are going to move forward with getting proposals from loggers, which will come back to the Council so they can discuss options before making a decision before moving forward with that.

Coming up in December they have a proposal for the Gateway North A Tax Increment Financing District, and it is tentatively scheduled for December 9th and tentatively scheduled for a public hearing and vote on December 23rd.

## **VIII. Committee Reports.**

### **A. Council Subcommittees.**

#### **1. Appointments Committee.**

Councilor Chapman: Stated that they have not interviewed anybody. She reminded them that they still would like to look into some of the Charges for certain committees.

#### **2. Finance Committee.**

Councilor Nadeau: Reported that they have a presentation scheduled for December 9th in front of the Council.

### **B. Other Committees.**

#### **1. Land Use Ordinance Committee.**

Councilor Nadeau: He said they have not met due to the Comp Plan project taking up so much time and preparing for the meetings coming up.

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

Councilor Nadeau: Reported that there are two roads that have been given until the end of the month to make the changes, but nothing has been done on those roads. He said they might see something by December.

### 3. Windham Economic Development Corporation

Tony Plante: Reported that there was a Board meeting recently, and the committees are continuing to work.

## IX. PUBLIC HEARINGS.

## X. CONSENT AGENDA.

- 14-414** To approve a Victualer's permit application submitted by J & K Caffah-Nation d/b/a Aroma Joes, located at 704 Roosevelt Tr.

Attachments: [14-414 CoverSheet](#)  
[Aroma Joes Victualer.pdf](#)

- 14-426** To find that the requirements of 28-A MRSA §653 have been met and to approve an application submitted by Capital Pizza Hut, Inc. d/b/a Pizza Hut for a renewal liquor license.

Attachments: [14-426 CoverSheet](#)  
[Pizza Hut Liquor Lic renewal.pdf](#)

- 14-440** To find that the requirements of 28-A M.R.S.A. §605 have been met to approve an application submitted by the Lake Region Eagles #4352 located at 824 Roosevelt Trail, moving to 456 Roosevelt Trail for an On Premise Transfer.

Attachments: [14-440 CoverSheet](#)  
[Lake Region Eagles Premise Transfer.pdf](#)

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

In Favor: 6 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

Absent: 1 - Councilor Noel

## XI. UNFINISHED BUSINESS & GENERAL ORDERS.

- 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](#)

- 14-425** To approve the addition of Loon Lane to the Town's winter road maintenance schedule.



**Attachments:** 14-425 CoverSheetOctober 8 2013 Meeting Minutes for Order 13-15513-155 Winter Maintenance Request for Loon Lane 10.8.2013Loon Lane Winter Maintenance Request

Doug Fortier: He said they came back in on August 12th or 15th, the same woman as before, and he asked her if anything had changed, and she said "no". Doug went up to take a look at it, and it is in the same condition as in previous year when the Council voted not to put it on the list of public easement roads because it does not meet the criteria.

Councilor Gleason: Read the list of things that does not meet the Council criteria. Councilor Muir said he was wondering where you would put the snow? Doug said when areas are tight like that it is very hard. Councilor Chapman: She said she feels for them, but she would not support this, because we can't keep adding sketchy roads. Doug said there are too many unknowns. Tony said Mrs. Gosselin stated concerns that there had been rescue calls down their road, and Tony said they would do whatever they need to do to get there in an emergency.

**The Order failed by the following vote.**

**Opposed:** 6 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Noel

**14-427** To approve the addition of a portion of Mourning Dove Lane to the Town's winter maintenance schedule.

**Attachments:** 14-427 CoverSheetMourning Dove Lane Release

Councilor Chapman: She asked how can we get a resource list out to folks to help get their roads passable? Tony said it was part of the work that initially the Public Easement Advisory Committee was going to be doing, they worked with someone but it has not been done for about 3 years. Councilor Nadeau said GPCOG has not put it out there, and the town went to the vendor who was supplying the materials, but 2 years ago they stopped. Councilor Chapman asked Tony to look into why they have stopped doing that for the towns. Doug said the last time GPCOG tried to go out for a gravel bid they got no response. As the economy improved some of the bigger vendors did not want to pick up some of the smaller bids anymore.

Tony said he thought the town could put a bid out saying it is for these private road associations, but the companies would need to understand that they would be selling directly to the road associations, the town would not be acting as a pass through, we would just be the agent to run the bid process, which is the same as what GPCOG does.

Doug said Mourning Dove Lane has been built to town standard and has been paved. Tony said the only factor he'd point out for disclosure purposes is the deadline was

September 1st and we did get it shortly after the deadline, but noted that this road is the complete opposite of Loon Lane.

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

**In Favor:** 5 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir and Vice Chair Welch

**Opposed:** 1 - Councilor Nadeau

**Absent:** 1 - Councilor Noel

**14-428** To accept the payment of \$30,000 from Edward Emerson as payment in full of a promissory note secured by a mortgage to the town for \$24,000 dated March 26, 1992 on premises located at 79 Windham Center Road.

Attachments: 14-428 CoverSheet

Emerson Property

Tony explains: About 20 years ago the town worked with Habitat for Humanity and collaborated on the development of a number of houses around town on Allen Drive, River Road, Windham Center Road and a few others; there were mortgages on the properties and this Order is one of those. The principal amount of the note was \$24,000 and the amount of interest would continue to accrue, but wasn't to be paid until the property was transferred or at the end of the term. Tony said we were contacted a few years ago and the understanding at the time was there was no prepayment allowed under the mortgage. We were contacted again by Mr. Emerson earlier this year, and we went back to the town attorney and found out otherwise, and the interest had continue to accrue. The amount of principal and interest at this point, under the terms of the note, would be about \$45,000, and Mr. Emerson is to asking the town to accept \$30,000 as payment in full of the note for principal and a portion of the interest that would have accrued since 1992.

Mrs. Emerson: She said her husband came to the town several years ago to pay it off, and he was told we didn't have enough money due to the interest, and so he asked if he could make payments at that time but he was not allowed to. They would like to pay it off now, but because so much interest has accrued at this point, they are only able to pay \$30,000, the \$24,000 and the rest to go towards the interest. They also noted that the town's gate is on this land that the Emerson's own so maybe that can be dealt with too?

Tony said in all of these cases the town provided the land from land that had been acquired through automatic foreclosure or some other means. He says they have been trying to piece all of these properties together as the files have been scattered around. Councilor Chapman asked if the town could waive the interest fees? Tony said he only knows of one that the mortgage had been forgiven, as long as the same owner stayed in the house, but this is not one of those. Tony said all the mortgages were done individually back then, and the town was acting as the bank for the mortgage. Councilor Nadeau asked when was the mortgage supposed to be paid, and Mr. Emerson said he understood it never had to be paid as long as they lived there. Tony read the promissory note. Councilor Chapman asked if they could waive the interest and just collect the \$24,000, and all Councilor's were in agreement.

Councilor Nadeau: Moved to amend 14-428 to a figure of the original \$24,000 to be accepted as full payment, seconded by Councilor Welch.

Vote on Amendment 6-0 Passed

**A motion was made by Councilor Welch, seconded by Councilor Nadeau that the Order be approved as amended. The motion carried by the following vote.**

**In Favor:** 6 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Noel

**14-429** To amend the charge of the Wastewater Management Planning Advisory Committee.

Attachments: [14-429 CoverSheet](#)

[WMPAC Report Final](#)

Tony Plante: Tony said the idea would be to amend the existing Charge by replacing it with the recommended Charge; that way we do not have to go through the exercise of the appointment process again.

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

**In Favor:** 6 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Noel

**14-433** To refer proposed ordinance changes to Section 1200 of Chapter 140, to correct typographical errors and errors of omission, to the Planning Board for review and recommendation.

Attachments: [14-433 CoverSheet](#)

[Staff to TC Impact Fee Corrections comb 10-20-2014](#)

Ben Smith - Planning Director: There are two changes for the North Windham Sidewalk Impact Fee and one for the North Route 302 Road Improvement Impact Fee. The first change for the sidewalk is there is an internal inconsistency within the ordinance between the narrative description between the wording and the formula on how the fee is calculated. He referred to the memo of October 20, 2014 from Amanda Lessard, Planner.

Ben explained that today the impact fee that the town calculates for projects that are subject to that fee is 5 times lower than the amount that the Town Council had approved, based on review of the tape and minutes of those meetings. The second is that the maximum sidewalk fee, based on the properties frontage, is not included in the ordinance language that is in the book; as part of the staff memo dated April 10, 2013 the sliding scale recommendation, which calculates the fee based on the size of the building or addition; that part is included, but the second portion of that was to cap the maximum sidewalk impact fee based on the property's frontage, regardless of the size of the building or addition proposed, so you wouldn't be paying for 300' of sidewalk if you had a 100' of frontage, and that is not included in the ordinance language and is proposed to be included.

For the North Route 302 Road Improvements Impact Fee there are errors in the Table

1 at the end of the ordinance language, and that came about when the Town Council adopted the impact fee; it was for one half of what had been calculated and what staff had recommended for a "per trip" impact fee. That resulted in not updating the chart basically, all of the numbers in the Table located in section L, Table 1 of the North Route 302 Impact Fee, which is kind of meant to be a shortcut for folks who do not need to go through the development route process of the Planning Board; all of those fees are twice as high as they should be, and this would amend that to the lower impact fee approved by the Town Council.

Tony said they tried to make the argument with the town attorney that these did represent insignificant typographical errors; the changes are supported by the record, which they are, but their position was that these needed to go back to the Planning Board, as they were not simple scribblers errors that we could correct, they were not minor enough. Tony said what needs to do is change the numbers, change the formula to match what the Council's intent was, which we can clearly demonstrate, and if the Council wants to change the policy intent, subsequent to that, fine, but as long as we have this the town needs to implement the policy effectively and be able to show somebody who comes in that we can show them ambiguously what it is they are supposed to be paying and not be hog tied by the error in the numbers.

Council agreed to send it to the Planning Board for review and recommendation.

**14-433 To refer proposed ordinance changes to Section 1200 of Chapter 140, to correct typographical errors and errors of omission, to the Planning Board for review and recommendation.**

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

**Opposed:** 2 - Councilor Chapman and Councilor Moore

**Absent:** 1 - Councilor Noel

**14-361 To adopt a Complete Streets Policy as one of the implementation items in the 21st Century Plan.**

**Attachments:** 14-361 CoverSheet

Complete Streets memo 06-24-14

MaineDOTCompleteStreetsPolicyFinal061814

Windham Complete Streets 2nd draft 06-24-14

Windham Complete Streets 3rd draft 07-17-14

Councilor Chapman: She said she thought they had already been adopted? Tony said complete streets is one of the principals that was outlined in the 21st Century Downtown Plan, and this was discussed at a Council meeting in July. The feedback they got was that it didn't make sense to apply the same approach everywhere in town, but they wanted to look at the complete streets philosophy looking at the needs of all users in different context.

Ben gave a brief presentation and stated the town has a number of assets and public property, including Dundee Park - 20 acres, Lowell Preserve - 308 acres, Donnabeth Lippman Park and Chaffin - 123 acres but said there are other public assets that we do not think about and that is the areas within the public rights-of-way. If you take all the length of the roads by 50 foot right-of-way, that is 768 acres of public land, and is many times, invisible. We use it to get around, to move people and goods from region to region, provide access to homes, business, but there are also a number of rolls that public roads can serve in other situations, i.e. economic rolls such as creating a place to

have customers, to have businesses and providing access to jobs. There is the social roll where streets are a place for people to bump into each other, and the environmental roll is a place where green infrastructure comes into play, the utility value, a recreational value and a roll for public health as well.

A complete street is designed for all users, it is maintained for all ages and abilities regardless of how they choose to get around. It also takes context of the surrounding land use into account. Each road should be viewed in its own context addressing the needs of bicyclists, motorists, pedestrians, and transit users. The design of the road does dictate who the users are going to be and what the surrounding lane users were going to look like.

He said one of the key portions of the 21st Century Downtown Plan is Implementation Item 1.A is to have the town adopt a complete streets policy. That plan is based on complete streets and context sensitive solutions, and meant to be the embodiment of that.

Tony said the goal of the complete streets policy is to provide a guide for us as we are working on other ordinances and policies as we are planning projects for the town. It ensures we are taking into account the needs for all users in our own plan, and not all amenities will be right in every place.

Councilor Muir asked how did this relate to the Comp Plan if the Council adopts this? Ben said this specific item is an implementation item of the 21st Century Downtown Plan, and in his mind, it is a part of the planning process that happened as the 21st Century Plan, but it also was implemented independently of the Comprehensive Plan process that is happening now. The Comp Plan process will hear things about North Windham, and in the November forums about infrastructure, and North Windham specifically about walking and biking etc. They have already been through a good process to get where they are with the 21st Century Plan. Councilor Muir asked if Ben thought there would be any conflicts between the two when the Comp Plan is discussing it and this comes before them? If the Council adopts this, does it mean it is written in stone or if there is a conflict with the plans, can we go back and change it? Ben said all of these plans will be referenced in the Comprehensive Plan and they will be under the umbrella of the Comp Plan.

Councilor Chapman: It concerns her a bit that if we don't have the vision right up front, that all of sudden they might implement something that maybe we should not have. How would they protect against that? She thinks the vision should be first thing to come out of the Comprehensive Plan before we do some things.

Tony said he understands where Councilor Chapman is going with that, but he would point out that as a Policy, it is not going to require a potential developer to commit to anyone of these things. What it will require us to do is within the ordinances we have, is to take these factors into account. We can't require anybody to do anything that is not in the ordinance. This ensure that we are taking these things into account, and we are doing some of our own project planning and when we are working with the state on doing some of their project planning. As important as the Comp Plan is, he is excited about the whole community survey, as it will be the first time we get a good look at what the communities priorities and values are in a demographically relevant way. Completion of the Comp Plan is about 2 1/2 years away. The 21st Century Downtown Plan has been adopted and is a vision for one part of town, and Councilor Chapman is correct, but where they are starting to embody these principals here, we need to take into account some of those principals elsewhere in the community without having the regulatory language to require anybody to do it, but have them be part of the consideration.

Councilor Nadeau: In the 2-3 years it takes for the Comp Plan you could have a whole different Council sitting there. This is looking at all the roads and giving you an idea on certain roads that you should be starting to look at with certain aspects of transportation on those roads. A good example is the Windham Center Road when it was redone two years ago, and now you see people out there walking their dogs, and they thank you for it. This plan will start to tell you that if you are doing something on Falmouth Road, you should look at the guidelines to utilize them.

Ben said one is about the appropriate infrastructure to balance all users, sometimes to make a road wider to accommodate pedestrians or make it narrower to reduce speeds. The second point, and included in your packet, is a copy of the state's policy, and that is what they used. It is about taking other modes of transportation and other users of the roadway systems when making decisions about infrastructure, and that is what the policy says.

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

**In Favor:** 6 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Noel

## **XII. Discussion Items.**

**CD 14-352** The Council will review progress on its goals for the last year.

**Attachments:** [Council Goals 2014 Update 20140822](#)  
[Council Goals 2014 Update 20141028](#)

## **XIII. Agendas & Scheduling.**

**CD 14-379** Agenda Items Report.

**Attachments:** [Agenda Items Report - Items Scheduled 20141024](#)  
[Agenda Items Report - Items Not Yet Scheduled 20141024](#)

## **XIV. ADJOURN.**

**A motion was made by Councilor Welch, seconded by Councilor Chapman that they adjourn. The motion was carried by the following vote.**

**In Favor:** 6 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Noel

Respectfully submitted,



Linda S. Morrell  
Town Clerk, CCM