



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final Town Council

Tuesday, June 17, 2014

7:00 PM

Council Chambers

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:

[CD 14-174](#) To approve the Council minutes from the May 27, 2014 meeting.

Attachments: [Council Meeting Minutes of May 27, 2014](#)

A motion was made by Vice Chair Welch, seconded by Councilor Nadeau, that the Minutes 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

IV. Public Participation.

Ben Smith: The town has received the coveted Maine Association of Planner's Plan of the Year Award for the 21st Century Downtown Plan. It is a testament to the work that the Steering Committee put into that plan along with the Town Manager and Council. It was nice to see that all this hard work has been recognized, and he noted that this plan is still very much on their agenda.

V. Councilors' Comments.

Donna chapman: Someone left a trailer full of junk on the side of Anderson Road, and she hopes they can find who did it as that costs the taxpayers money to clean it up.

VI. Council Correspondence.

None.

[CD 14-171](#) Smith Road Repair Request

Attachments: [Smith Road repair request 5-27-14](#)

[CD 14-172](#) Windham Historical Society Artisans Fair Poster

Attachments: [Windham Historical Society Artisans Fair Poster](#)

[CD 14-173](#) Windham Public Library Newsletter, "Check It Out," June 2014

Attachments: [Check It Out Library Newsletter June 2014](#)

[CD 14-178](#) Windham Historical Society Program Announcement, "Stone Walls"

Attachments: [Windham Historical Society Program Announcement, "Stone Walls"](#)

[CD 14-176](#) Windham Historical Society Newsletter April-June 2014

Attachments: [Windham Historical Society Newsletter April-June 2014](#)

[CD 14-179](#) Local and Legendary: Maine in the Civil War theater performance

Attachments: [Local & Legendary: Maine in the Civil War](#)

[CD 14-180](#) Monthly Financial Reports

Attachments: [Appropriation Control & Revenue Control Reports - May 2014](#)

[CD 14-193](#) County Commissioners' Meeting Minutes - May 12, 2014

Attachments: [Cumberland County Commissioners Meeting Minutes - May 12, 2014](#)

VII. Town Manager's Report.

[CD 14-190](#) Town Manager's Report.

Attachments: [Town Manager's Report 20140613](#)
[Council Goals 2014 Update 20140610](#)

Tony Plante: On Saturday, June 14th Town Meeting adopted the proposed budget for 2014-2015. They are estimating an overall tax impact (School, Cumberland County assessment and Municipal) of about 1.7%. The tax rate would go from \$14.45 to approximately \$14.70. More details to come around the end of July; the Assessor's Office is finishing up their work.

They are working on completing the final budget document and posting it on-line; they will also have a few bound copies.

River Road is under construction from Route 202 to Route 302. Tree work and drainage work, etc. is being done on the southern end, and Tony said you might want to choose an alternate route, as there will be lane closures throughout the day. The estimated completion date is November 2015.

Public Works has completed their annual sweeping. It is the first time that they have completed annual street sweeping before July 1st.

In his report this week he included an update on the Council's goals. They are looking at a 6 month update and where they are with them.

He included some search processes for the two Chief's positions. They will be working on a process to fill their positions, and they will start with a departmental and community needs assessment. They will be talking to internal and external stake holders, including Council members and members of the public, employees and other organizational stakeholders to understand what the status and needs are of those departments. He has four proposals in to do this work, and he expects to make a decision within the next couple of days to help with the process.

He reminded folks that on Saturday, June 21st is Summerfest.

[CD 14-112](#) Report on the search processes for the positions of police chief and fire-rescue chief.

Attachments: [Search Process Timeline Memo 20140613](#)
[Search Process Timeline DRAFT 20140513](#)

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Donna Chapman: They will make an appointment that tonight. She said they also met with Ben Smith in regard to the Comprehensive Plan Review Team, and they will start looking at interviewees.

2. Finance Committee.

Councilor Nadeau: He thanked all who were involved in the budget process, and to all who participated in moving it forward. No meetings are scheduled.

B. Other Committees.

1. Land Use Ordinance Committee.

Councilor Nadeau: They have met, and have gone over a couple of things, one of which will be coming to the Council soon. He said they will be meeting twice a month.

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

Councilor Nadeau: Doug is just getting ready to start looking at the third of the roads, and they still have not heard back from the road that has the issue.

3. Windham Economic Development Corporation

Nothing to report.

4. Wastewater Management Planning Advisory Committee.

Councilor Gleason: The Committee met on May 8th. It was decided to meet twice a month in order to meet their goals. Dustin Roma was selected to serve as Chair of the committee. He noted that they held a second meeting on June 5th, and the next meeting will be on June 18th.

[CD 14-185](#) Wastewater Planning Committee Status Report

Attachments: [Wastewater Planning Committee Status Report 6-10-14](#)

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

[14-204](#) To approve applications for victualer's permits for Summerfest participants.

Attachments: [Cover Sheet 14-204](#)
[Summerfest Victualers' Permits - 2014](#)

[14-209](#) To approve an application for a renewal victualer's permit.

Attachments: [Cover Sheet 14-209](#)
[Taco Bell Victualer's Permit Application](#)

[14-214](#) To approve an application for renewal victualer's permit.

Attachments: [Cover Sheet 14-214](#)
[Sneaky Pete's Victualer Renewal](#)

A motion was made by Councilor Nadeau, 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

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[14-164](#) To approve changes to the Land Use Ordinance related to standards for Automotive Repair Services and Automobile Storage Lots.

Attachments: [Cover Sheet 14-164](#)
[TC Auto Repair and Storage combined 05-08-14](#)

Ben Smith: Ben reiterated what he heard for concerns and questions at the last meeting of May 13, 2014, and potentially putting limits on acreage or the number of cars allowed, among other things. He pointed out that it did seem that most of the concerns had to do with perceptions about gateway areas to the community and allowing these facilities in the C1 district.

Councilor Nadeau: He said the way it is written as an ordinance now, he does not feel comfortable with it. He thinks it is putting two different uses together. Other Councilors

still had some questions and concerns for Ben.

Ken Grondin: He owns the land being talked about and he said fifteen plus years ago they started the project up there. He said there has been a little partnership with the Town of Windham where they have all been working together to design a nice project. It is basically the closing out of a gravel pit. He said his land is large enough to have diversity in the park for many different types of businesses. He wants to do what is best for everyone and find a balance, as it is very important to look at the whole picture. He said he is really pushing DOT to put a light in because they are losing sales as people find it hard to make a left-hand turn.

Dustin Roma: He said he was encouraged by the discussion he heard tonight. He agreed it was a complicated process, and he thinks this is the right decision, to take a step back and spend a bit of time to separate out the uses.

Councilor Chapman moved to postpone Order 14-164 to July 8th, seconded by Councilor Welch.

Tom Bartell: He asked if it was being postponed to a meeting or a discussion. Councilor Chapman said she would like to see some discussion and then vote on it that night.

Jeff Buschagen General Manager of the proposed corporation. He said he understood what the Council was proposing, and setting the performance standards by zone made sense to him. He said he did not want his business in a C1 zone, it belongs in an ED zone. Jeff said they operate under some of the most stringent environmental regulations in the country, and they have over a dozen operations in the State of California that makes our environmental regulations pale in comparison, and they are more than willing to work with the town. He offered his knowledge to the town, and he brought along a fact sheet and pictures of his current location in Lyman.

He wants to be open and honest as to what they do and how they do it, and have the Council be comfortable with the fact they are in town. He said they do stormwater mediation all over the country based on what the local ordinances and uses are. They are basically outdoor warehousing, and their job is to auction, sell the vehicles and move them along as quickly as possible. A junkyard or graveyard is not their type of business at all. Jeff said what they are currently discussing is a total parcel of 30 acres, and he would guess 25 acres would actually be developed and the rest being set aside for screening, green space, etc.

Tony suggested the Council reach out to Ben with what their concerns were and what they would like to see.

A motion was made by Councilor Chapman, seconded by Councilor Welch to postpone Order 14-164 to the meeting of July 8, 2014. 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

[14-195](#)

To adopt an order regarding committed fund balance.

Attachments: [Cover Sheet 14-195](#)
[Committed Fund Balance resolution - FY '15](#)

Brian Wolcott: This is an action that is required to take place prior to the beginning of every fiscal year. The Governmental Accounting Standards requires the government's decision making body to make certain fund balances for specific purposes prior to the fiscal year. All of the revenues generated by the following funds will remain with each fund for exclusive use by each of the respected funds. Funds involved are the Recreation Fund, the Sewer Fund, Cemetery Acquisition Fund and the Library Fund. Along with that, the Council needs to commit a Capital Equipment Replacement Fund to purchase those items that are identified in the approved Capital budget for fiscal 2015. He said once they are committed they cannot be used for any other purpose unless you, as the Council, decide changes need to be made.

A motion was made by Councilor Chapman, 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

[14-203](#) To make appointments to boards and committees.

Attachments: [Cover Sheet 14-203](#)

A motion was made by Councilor Chapman that Marge Govoni be appointed to the Human Services Advisory Board, 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

Absent: 1 - Councilor Noel

Abstain: 1 - Councilor Nadeau

XII. Discussion Items.

[CD 14-096](#) The Council will review proposed changes to building and other permit fees.

Attachments: [Permit Fee Proposal Memo](#)
[FEE 2013 WORKING COPY](#)

[CD 14-120](#) The Council will discuss an agreement with the Little Sebago Lake Association to allow the Association to purchase fuel from the Town solely for its use in safety patrols and milfoil eradication efforts.

Attachments: [Memo on LSLA Fuel Agreement 20140509](#)
[Agreement with Little Sebago Lake Association 20120509](#)
[LSLA Agreement \(original draft\)](#)

XIII. Agendas & Scheduling.

[CD 14-194](#) Agenda Items Report 20140613

Attachments: [Agenda Items Report 20140613](#)

XIV. ADJOURN.

A motion was made by Vice Chair Welch, seconded by Councilor Chapman, that the be adjourned. The motion carried by the following vote at 9:13 p.m.

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