



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

---

Tuesday, December 22, 2015

7:00 PM

Council Chambers

---

#### I. Roll Call of Members.

Present: 4 - Donna Chapman, Bob Muir, David Nadeau and Tim Nangle

Absent: 3 - Roy Moore, Thomas Gleason and Dennis Welch

#### II. Pledge of Allegiance.

Chairman Chapman led the assembly in the Pledge of Allegiance.

#### III. Minutes to be Approved:

CD 15-392 To approve the minutes of the December 8, 2015 Council meeting.

Attachments: [Minutes - Town Council - 12-8-15.pdf](#)

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

In Favor: 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and Councilor Nangle

Absent: 3 - Councilor Moore, Councilor Gleason and Vice Chair Welch

#### IV. Public Participation.

*Wanda Pettersen, Marge Govoni & Laura Pecoraro - All from the Human Services Advisory Committee (See attachment).*

*Tom Bartell - Executive Director of the Windham Economic Development Corporation: He wanted to remind people of the final holiday season event, which is called Wrap It Up In Windham. It is tomorrow night from 5-9 at the Deck House Sports Tavern. The Real School and Interact Students will wrap gifts for a charity donation. There will be other activities going on as well. In support of that, Walgreens has donated all of the supplies.*

#### V. Councilors' Comments.

*Councilor Nadeau: He thanked the Human Services Advisory Committee for presenting this; they did it last year, but the Council did not follow through on it because they thought it would cost the town money. He mentioned they should take another look at it this year.*

*Council Chair Chapman: She and Tony have discussed it in Leadership, and they want to hold off a little bit because they want to have a plan in place. They are also discussing the same thing in the Parks & Rec Advisory Committee. They are going to have a working meeting to put a survey out with critical questions. Location is key for one, and how do we plan to pay for this? They know there is a need and they know we want one.*

*Wanda Pettersen: The grant they want is for planning purposes; which would give them a facilitator who would help them with the survey and other types of funding options. Marge Govoni said a survey is a prudent thing to do but many have been done over the years, and it shows the need is there. They explained they will miss the deadline for the grant if it gets put off.*

*Council Chair Chapman: She said she received a card from Jensen Baird Gardner & Henry saying they gave a donation, in lieu of cards this year, to the Good Shepard's Food Bank. Also, the Historical Society has been put off for 3 months with regard to needing sprinklers in the building they are putting up, and now they don't need the sprinklers. She would like the Council to consider doing an in-kind assistance for them to get electrical put in for the gazebo at the Village Green. They are getting a gazebo donated by Peter Anania if they can get the electric put in so they can do music in the park this summer.*

*Also, she said there seems to be an issue with the youth basketball and them having access to the gym, and she is wondering why they cannot give one of the coaches a key so they can get in to use the gym; Tony said he needs to know more.*

*They also received a letter from Lifeflight Foundations for a \$2,000 request. Tony explained they get requests from many organizations and they typically will go through a process with the Human Services Advisory Committee.*

## **VI. Council Correspondence.**

*Chairman Chapman: She asked why Human Services would look into the Lifeflight request? Tony said the town gets letters seeking funding routinely. The town has a process they go through where agencies that seek Social Service Agency funding from the town, make application to the town, and those applications are reviewed by the Human Service's Advisory Committee. You will see those in the budget in account 8120.*

*In regard to GPCOG and Steven Gordon, she asked Tony if they had responded to the letter to let them know that, either way, the town is still wanted to be part of the program. She feels it is more professional if we respond to them.*

*She announced that 405 boxes were donated by Windham shoppers. The Lake Region Chamber of Commerce presented the Food Pantry with a check for \$3,340.77, which represented the Food Pantry's portion of the proceeds from the coin drive during October Fest. The Windham Knights of Columbus delivered 130 turkeys and a check for \$1,250 to purchase the fixings for the Thanksgiving baskets. Windham Weaponry and Superior Embroidery of Windham delivered a combined total of 60 pies to help fill the Thanksgiving baskets. The food drive and the Windham Fraternal Order of Eagles donated multiple boxes of food and a check for \$1,414.50. The Parks & Rec Department's annual tree lighting brought in almost 100 food items for the pantry and Our Lady of Perpetual Help Social Justice Committee donated items for 20 Thanksgiving baskets. Barbara Muir donated over 327 pounds of pet food, and just in the nick of time, as they were running low. All clients are reminded to come to the Food Pantry each week in addition to their monthly visits for fresh fruit, vegetables and pastries.*

[CD 15-387](#) Cumberland County Community Development Program - Cooperation Agreement

Attachments: [Cumberland County Community Development Program](#)

[CD 15-388](#) The Lifeflight Foundation - Requesting Support Consideration

Attachments: [The Lifeflight Foundation](#)

[CD 15-378](#) Social Services Monthly Report - November 2015

Attachments: [Social Services Monthly Report - November 2015](#)

[CD 15-379](#) Windham Public Library Monthly Report - November 2015

Attachments: [November 2015](#)

[CD 15-380](#) Windham Police Department Monthly Report - November 2015

Attachments: [November report](#)

[CD 15-386](#) Code Enforcement Department Monthly Report - November 2015

Attachments: [Code Enforcement Report November 2015](#)

[Activity Report by Project Type November 2015](#)

[Activity Report by Violation Type November 2015](#)

[Impact fees collected November 2015](#)

[Inspection Summary by Project Type November 2015](#)

[CD 15-384](#) Parks and Recreation Department Monthly Report - November 2015

Attachments: [Monthlyreportnovember2015](#)

[CD 15-385](#) Fire-Rescue Monthly Report - November 2015

Attachments: [November 2015 Monthly Report](#)

[CD 15-389](#) November Financial Reports

Attachments: [November Appropriation Control Report](#)

[November Revenue Control Report](#)

[CD 15-390](#) Tax Collection Monthly Report - November 2015

Attachments: [Monthly Report - November 2015](#)

CD 15-396

*(Re)Building Downtown: A Guidebook for Revitalization* is a resource for local elected officials who want to re-invigorate and strengthen neighborhood centers of economy, culture and history through a smart growth approach to development. Published by Smart Growth America, December 2015.

Attachments: [\(Re\)Building Downtown Guidebook](#)

CD 15-397

Planning Department Monthly Report - November 2015

Attachments: [11-2015 Monthly Report](#)

## VII. Town Manager's Report.

CD 15-391

Town Manager's Report.

Attachments: [Town Manager's Report 20151218-signed](#)

[Council Orientation Agenda 2016](#)

*Tony Plante: While on the issue of CDBG and the issue of a planning grant or any planning grant for the community center, he said they came to the Council late last year and had a proposal for the Council to consider an application for a planning grant for a Community Center study. It is true that planning grants have a matching requirement, but the amount of funding that is available in the CDBG Program is very limited, it is very competitive, and having served on the design team and being the former Chair the the Municipal Oversight Committee and Evaluation Team, he said grant applications that do not include any match, typically do not score as high as those that do. Providing local funding is an indication of commitment on the part of the community that is applying, even though it is not required. In addition, part of the process they went through last year was to develop a draft scope of work for a community center study and come up with an estimate. They actually spoke with a facility consultant to work through a good community process to identify the component the community was looking for in a community center. They did all of that, including local matching funds. He would caution of looking at it as an easy source of free money.*

*The town offices will be closed on the next two Fridays for Christmas and New Year's Day. Also, the Library and town offices will be closing at 1:00 p.m. on Christmas Eve and at 3:00 p.m. on New Year's Eve. There is no change to the trash and recycling schedule.*

*On January 12 there is a Legislative update scheduled and discussion on development on private ways. They have scheduled a meeting with the Wastewater Management Planning Advisory Committee and representatives from Wright-Pierce to go over a proposed initial scope of work for coming back to wastewater management planning, looking at advanced treatment for small scale clustered systems in North Windham instead of the large scale single point of disposal being looked at a few years ago.*

*He spoke about the "project and issue tracking" that started a few weeks ago. He has included it in the agendas and scheduling portion for now. As major projects or other issues are identified and occupying his and Council's time, or if they need to be paid attention to, that is where they are going to live. He added the Paramedic's Union contract, and noted there will be another contract expiring June 30 as well, which will be added.*

*In regard to the Library Space Reconfiguration Oak Point sent what they refer to is 95% of plans and specifications, and they are virtually ready for us to take them and put the project out to bid. The estimate, now stands, based on the development of construction documents at about \$206,000. Some of that is due to changes in the scope of the original plan. There have been changes in the bidding climate; things are more competitive, there is more work out there and contractors are busy. The Library Director reminded him that they still have about \$25,000 remaining from the Annie Akers Bremon Fund for the e-Book's Project. There's about \$40,000 left in that same fund for this project, specifically, the Friends of the Windham Public Library have committed \$10,000 from the Mary Carl Fund. They have \$20,000 in capital that was set aside for carpet replacement, and Jen has also been applying for a number of grants. They heard on Monday that the Davis Family Foundation has awarded a grant of \$25,000. That puts them, without standing invoices, at about \$115,000, a total of \$120,000 with a bill from Oak Point that needs to be paid. He thanked Jen for her efforts and hopes they continue to pay off.*

*Also Tony gave them a revision to an Order coming up later in the meeting for Angler's Road.*

*A reminder that on January 23 at 9:00 a.m. at the Maine Correctional Center there will be a facility tour.*

## **VIII. Committee Reports.**

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

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

*Councilor Muir: They have not met, but they will need to elect a Chair, look at the committee lists and see if they can get some volunteers.*

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

*Councilor Nadeau: They will have their first meeting on January 13 at 6:00 p.m.*

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

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

*Councilor Nangle: They have not had a meeting, but he said they will most like be having one in January or February.*

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

*No report.*

#### **3. Windham Economic Development Corporation.**

*No report.*

#### **4. Wastewater Management Planning Advisory Committee.**

*Tony Plante: They have the meeting with the Council on January 12, 2015.*

5. Parks & Recreation Advisory Committee.

*Chairman Chapman: They met last night and they talked about the plans for next year's annual Christmas Tree Lighting. The video that recorded the event is not airing on Channel 7 and she asked if he could look into that? Tony said he heard from Tom Trautlein today, and they are working on it.*

*They also discussed the community center and fields, a joint effort with the PTA for Winter Fest during the Derby, and maybe an ice skating party at the Donna Lippman Park as well as a sledding party at the school.*

*Tony Plante: He wanted to let the Council and community know that the town has been working to acquire the Gambo Road soccer field complex from the Portland Water District. The PWD's Board of Trustee's Planning Committee met a week ago, and recommend 2-1 to accept the town's offer on a property. They meet next Monday at 6:00 p.m. to act on the committee's recommendation.*

## IX. PUBLIC HEARINGS.

## X. CONSENT AGENDA.

## XI. UNFINISHED BUSINESS & GENERAL ORDERS.

15-196 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Joseph Ruggiero d/b/a Ruggieros Pizza for a renewal liquor license.

Attachments: [15-196 Cover Sheet](#)  
[Ruggiero's Liquor App.pdf](#)

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

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and Councilor Nangle

**Absent:** 3 - Councilor Moore, Councilor Gleason and Vice Chair Welch

15-197 To enter into executive session under 1 M.R.S.A. §405(6)(A), which provides for the "Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency," for the purpose of discussing appointments to the position of assessor.

Attachments: [15-197 Cover Sheet](#)

**A motion was made by Councilor Chapman, seconded by Councilor Muir to go into executive session at 7:40 pm.**

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and

Councilor Nangle.

**Absent:** 3 - Councilor Moore, Councilor Gleason and Vice Chair Welch.

**A motion was made by Councilor Muir, seconded by Councilor Nangle to come out of executive session at 8:00 pm.**

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

**Absent:** 2 - Councilor Moore and Councilor Gleason

15-199 To make an appointment to the position of assessor.

**Attachments:** [15-199 Cover Sheet](#)

**Councilor Nangle moved to appoint Elisa Trepanier to the position of Assessor at an annual salary of \$67,000 per year, with all other benefits in accordance with the town policy, effective immediately, seconded by Councilor Muir.**

**Councilor Muir:** He congratulated Elisa, and he said he knows they made the right decision. He said she has been here a long time, and they look forward to the new ideas that she has concerning the department.

**Council Chair Chapman** thanked Elisa for being willing to take the position, and she said her new ideas will be a refreshing change.

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and Councilor Nangle

**Absent:** 3 - Councilor Moore, Councilor Gleason and Vice Chair Welch

15-201 To approve a partial release of the mortgage on property owned by the Windham Economic Development Corporation and located in the general vicinity of Anglers Road, to accept an easement from the Windham Economic Development Corporation for a bioinfiltration basin located on the southerly side of Anglers Road, and to accept a deed from the Windham Economic Development Corporation for a parcel of land for the purpose of relocating a portion of Anglers Road.

**Attachments:** [15-201 Cover Sheet](#)

[Partial Release of Mortgage Town to WEDC 12.17.15](#)

[Drainage Bioinfiltration Basin Easement-12.17.15](#)

[Deed - WEDC to Town for New Anglers Road - 12.17.2015](#)

[RETT \(WEDC to TOWN\) 12.18.15](#)

**Tony Plante:** Tony explained that one of the parties to whom WEDC was going to grant an easement has passed away. Dave Garry who was the owner of Thatcher's Restaurant and his estate, is still the owner of the property where Franco's Bistro is. That restaurant has had, on the opposite side of the existing Angler's Road, a parking easement on property now owned by WEDC for many years. As part of relocating Angler's Road some of the parking along the front will go away. The easement which was supposed to run from WEDC to Mr. Garry, and then be an encumbrance on the land, transferred by WEDC to the town, can't be granted because there is nobody to grant it to.

*The town's attorney's suggestion is to add to the Order language as following this sentence -for the purpose of relocating a portion of Anglers Road; (adding) "also to authorize the Town Manager to execute an amendment to an existing parking easement benefiting the property identified on Tax Map 80 as Lot 65, and to grant an easement for access to the same property over a portion of the property being acquired from WEDC, running generally from the southerly sideline of the existing Anglers Road to the northerly sideline of the to-be-realigned Anglers Road. Said amendment to easement and easement shall be granted after the determination of the successor in interest to David Garry." The idea behind this is to have the Council authorize this as part of accepting the land from WEDC, rather than having to come back once Mr. Garry's estate has been settled.*

*Councilor Nadeau moved to approve the amendment as pointed out by the Town Manager, seconded by Councilor Muir.*

*In Favor of amendment: 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and Councilor Nangle.*

*Absent: 3 - Councilor Gleason, Councilor Moore and Councilor Welch.*

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

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and Councilor Nangle

**Absent:** 3 - Councilor Moore, Councilor Gleason and Vice Chair Welch

15-202 To accept Harvest Hill Road and Thrush Terrace as public ways as described in a warranty deed from Sebago Heights, LLC.

**Attachments:** [15-202 Cover Sheet](#)

[Sebago Heights Phase 3 As Built Plans 11-17-2015](#)

[Sebago Heights Phase III Email Comments 20151201](#)

[Sebago Heights FR 10-30-15](#)

[SebagoHeights\\_Phase3\\_RoadAcceptance\\_09-24-15](#)

[TC memo SebagoHeights\\_Phase3\\_PubAccept 11-25-15](#)

*Councilor Nadeau: He said he would vote not to accept this order. He said our engineer has been out there, and he supplied pictures of culverts with the sediment build-up and hardly anything on top of the culverts, along with a split in the road. They have also had some issues with this gentleman on sidewalks when the first part was in front of them several years ago. He said until everything is done, he does not feel comfortable doing this. It has also come to his attention that Phase 2, when it was accepted, the utilities were never given, and now the poles are there but there are no fixtures on them so Phase 2 has no lights.*

*Ben Smith: He asked if they are not approved, is the applicant able to correct any deficiencies noted, and then bring that back or is that a type of thing that needs to wait a certain length of time?*

*Tony Plante: Tony explained the Council could postpone until the condition is satisfied and demonstrated to the Council they have been corrected. Or the Council can take a vote, and if it fails, it couldn't be brought back within the same Council session so that would be until after the November 2016 election, also have the town's engineer re-evaluate.*

**A motion was made by Councilor Nangle, seconded by Councilor Muir that the Order be postponed.**

**In Favor:** 4 - Council Chair Chapman, Councilor Muir, Councilor Nadeau and Councilor Nangle

**Absent:** 3 - Councilor Moore, Councilor Gleason and Vice Chair Welch

## **XII. Discussion Items.**

[CD 15-370](#) 21st Century Downtown preliminary engineering supplemental improvements. The Council and staff will discuss whether to include storm water improvements, signal modernization, and/or relocation of aerial utilities underground in the current engineering scope of work on the project.

**Attachments:** [RFP for Services - 21st Century Downtown\\_North Windham\\_09-04-15](#)  
[Final Submission 21st Century Downtown Plan Engineering Services TYLI](#)  
[Windham Route 302 Preliminary Design contract 11-04-15](#)

[CD 15-393](#) 9 Main Street Notice of Sale. The Council will review a draft notice of sale of the tax-acquired property located at 9 Main Street, with the existing building to be demolished and disposed of and the site redeveloped.

**Attachments:** [9 Main Street Tax Acquired Property Sale Notice 20151207](#)

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

[CD 15-398](#) Agenda Items Reports.

**Attachments:** [Agenda Items Report 20151218](#)  
[Projects & Issues List 20151218](#)  
[Projects & Issues Sheets 20151218](#)

## **XIV. ADJOURN.**

**A motion was made by Councilor Nangle, seconded by Councilor Muir to adjourn. The motion carried by the following vote at 9:11 p.m.**

Respectfully submitted,

Linda S. Morrell

Town Clerk, CCM