

Town of Windham

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MEMO

To : Town Council
From : Anthony T. Plante, Town Manager
Date : November 14, 2014
Re : Manager's Memo



Schedule.

T	November 18	7:00 p.m.	Council Meeting (Council Rules Section 1)
Sat	November 22	9:00 a.m.	Community Visioning Forum
T	November 25	7:00 p.m.	Council Meeting
Th	November 27		Offices Closed – Thanksgiving Day
F	November 28		Offices Closed – Thanksgiving Observance
T	December 9	7:00 p.m.	Council Meeting
T	December 23	7:00 p.m.	Council Meeting
Th	December 25		Offices Closed (Christmas Day)
Th	January 1		Offices Closed (New Year's Day)
T	January 13	7:00 p.m.	Council Meeting
M	January 19		Offices Closed (Martin Luther King, Jr. Day)
T	January 27	7:00 p.m.	Council Meeting

Scheduling Notes.

The first of two community visioning forums (see notes below) was held on Thursday, November 13. Another forum is scheduled for Saturday, November 22 as part of the comprehensive planning project.

Report.

Rockery Amendments.

Included in the agenda materials are four documents relating to ordinance amendments that will be the subject of two public hearings and scheduled votes at the meeting next Tuesday. The first, "Chapter 140 Amendments Relative to Rockeries and Code Interpretation (14-324).pdf," is what the Council sent to the Planning Board at the end of August for its review and recommendation. Another version of that same document "with Modification" shows what we propose the Council actually adopt, along with a replacement Building Code Ordinance, Chapter 66. The proposed replacement Chapter 66 is included along with the current version.

The goal, following the discussions that led up to these amendments being proposed, was to exempt features considered rockeries from permitting requirements under the Maine Uniform Building and Energy Code (MUBEC). This was accomplished first by defining what rockeries are and then declaring them not to be structures and, therefore, not subject to permitting requirements.

The way the Legislature established MUBEC removed the authority of cities and towns to modify the code; however, in adopting the specific codes, the Technical Building Codes and Standards Board (the only body charged by law with actually adopting the code) left an opening for local ordinances with respect to "permits, permit fees, boards of appeals and violations."

The Planning Board made a recommendation at its meeting of October 27 for the Council to adopt the changes to Chapter 140 as proposed, though there was some discussion as to making a distinction between free-standing rock walls and retaining walls that were part of another structure. At that same meeting, code enforcement director Heather suggested an alternative to accomplish the same policy goals, but in a way that would minimize the risk of having any Council action overturned because it would constitute an amendment to the building code outside the scope of the town's authority.

The alternative we recommend involves adopting the definition of rockeries in Section 300 of the Land Use Ordinance included in the proposal sent to the Planning Board at the end of August **and** the addition of Section 1001 paragraph C (in an earlier email I mistakenly said this was ad-

dressed in the proposed new Chapter 66; it is not). The adoption of a new Chapter 66 is needed anyway because the Legislature's action rendered much of the existing ordinance inoperable, and is allowed by the administrative rules adopting MUBEC.

Public hearings for both the proposed amendments to the Land Use Ordinance and the replacement of the Building Construction Ordinance have been scheduled and posted for next Tuesday's Council meeting.

Facilities Planning.

David Mains from SMRT has gotten back to me with the narrative and estimate for "Option E" at the public safety building under the facilities master plan. He is also preparing a revised site plan graphic. Option E, which is essentially two Option A's and Option B, is estimated at \$1,260,000. This is compared to \$189,000 for Option A and \$782,000 for Option B, neither of which meet the space needs of the departments, while Option E is nearly the just over 26,000 square feet identified in the SMRT report.

SMRT is also preparing estimates for them to put together a plan and specifications for reconfiguring space on both floors of the library to make one circulation area, and an evaluation of the former Maine Cedar Log Homes building in South Windham as a potential replacement for the fire station. I will have more to share at next Tuesday's meeting

Chief Selection Processes.

The process of examining candidates for fire-rescue chief continued last week. Group meetings have been with one candidate for Monday, November 17th. After considering feedback from those meetings along with the work the search committee and I have done so far, it is possible that we will need to schedule an executive session for the Council to meet with one or more candidates on November 25th. This sets up the potential for an appointment to be made and a confirmation vote by the Council as early as December 9th.

As reported previously, the position of police chief was posted last month. Applications are being accepted through November 21. After the closing date we will begin the same process we have been using for the fire-rescue chief's position in the hopes of having chosen a successor in time for a transition in command around the end of April.

TIF Proposal.

Tom Bartell, Dave Sawyer and I reviewed the proposal for the "Gateway North A" tax increment financing district and development plan, and made some changes that we've gotten back from Ron Epstein at Jensen Baird.

Broadband.

WEDC executive director Tom Bartell and I have been exploring options for bringing higher speed Internet access to Windham, similar to other efforts reported in Rockport and South Portland. Some of the challenges include identifying the nearest point of access to a main line ("backbone"), estimating the cost of a fiber connection to the backbone, identifying potential customers and partners, and finding a telecommunications partner to operate ("light") the fiber and run the service. WEDC and the town will be working more on this in the weeks and months ahead.

Anglers Road MPI Update.

Ben Smith, Doug Fortier, Tom Bartell, and I met with engineers from Gorrill-Palmer and Milone & MacBroom (the town's two competitively selected review engineers) to set the scope for engineering work on the Anglers Road/302/Whites Bridge Road intersection under the MPI agreement we have with MDOT. We expect to have their proposals by noon on the 17th. The goal is to have the engineering work done in time to bid the project out for spring. Timing the work to minimize impacts will be an important consideration.

Community Visioning Forums.

The first of two community visioning forums was held November 13 at Manchester School. About sixty were in attendance, with good participation and conversation in the small group exercises. The second forum will be Saturday, November 22 from 9-noon in the Community Center (town office) gym. Visible Council support for the comprehensive plan is important to the success of the effort and the eventual plan.

Council Goals.

In anticipation of the Council's goal setting for 2015 I have asked department heads and senior staff to provide any ideas or suggestions they might have for consideration. I expect to have these by the end of next week and compile them for Council discussion December 9th. In keeping with the practice over the last couple of years, the list of goals should be limited in number, spe-

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cific in terms of what is to be accomplished and when, and we should diligently examine new issues and potential priorities against these goals as they come up during the year.

Holiday Lights.

Lights at Foster's Corner, River Road and Route 302, Routes 302 and 115, and the fire stations have started going up. Lighted globes have appeared along with the lights on trees at the rotary, lighted signs are on their way, and the town offices will have an outdoor Christmas tree again after several years. Though Thanksgiving is still more than a week away, the lights are festive and, especially with the change back to Standard Time, a welcome bit of brightness during a dark time of year – at least based on many of the public comments we already have received.

Please let me know if you have any questions.