



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final Town Council

Tuesday, January 13, 2015

7:00 PM

Council Chambers

I. Roll Call of Members.

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

II. Pledge of Allegiance.

Chairman Nadeau led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 15-009](#) To approve the minutes of the December 23, 2014 Council meeting.

Attachments: [Minutes - 12-23-2014.pdf](#)

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

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

Abstain: 1 - Councilor Moore

[CD 15-010](#) To approve the minutes of the January 6, 2015 Council special meeting.

Attachments: [Minutes-Special -1-6-2015.pdf](#)

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

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

Abstain: 1 - Councilor Moore

IV. Public Participation.

Carol Waig: She reminded the Council that she came before the Council a few weeks ago with questions about her rescue bill and asking for answers. The Council said they would discuss it, but she did not hear anything. Since then she has received a bill from the Thomas Agency, which is the collection agency the town uses. She said it was the same rescue bill that the Council was supposed to be looking into and getting back to her. Carol printed off the town's budget and in the Fire/Rescue budget there is everything she was billed for. Her bill was for a 16 mile ride and she was charged \$668. She wants to know why the town residents are being billed twice for a service, because if they are paying for it in their taxes, why are they getting a rescue bill? She also wants to know why her bill went to the collection agency when the bill was supposed to be looked into.?

She would like answers, and wants the bill removed from the Thomas Agency. Chairman Nadeau said they are looking at the way the billing of rescue calls were done for the 27th. Councilor Chapman said she did not like the fact that the bill was sent to the collection agency, and she did not know why it is taking so long to get on the agenda. She said they will have answers for Carol on the 27th. Carol said if the town worked with the insurance companies there would be a lot more people who would not be receiving bills.

V. Councilors' Comments.

Councilor Chapman: She attended the Governor's inauguration and heard the Governor's speech. She sent Tony an email containing a few things, and she had some thoughts about possibly working on some collaborate efforts amongst the town and other town surrounding us. One thought was the Senior Center that they are doing in Gorham; can we collaborate with them? Southern Maine EMS - are we duplicating any areas there? She was shocked at the County's budget proposal - are we duplicating anything there? Would the School Department be willing to talk about a Public Works joint effort with the RSU and the town?

VI. Council Correspondence.

No comments.

[CD 15-001](#) Cumberland County Commissioners' Meeting Minutes

Attachments: [November 10, 2014 Meeting Minutes](#)

[CD 15-003](#) Maine Development Foundation Report

Attachments: [Making Maine Work: Preparing Maine's Workforce](#)

[CD 15-006](#) Comprehensive Planning Process Update - Q4 2014

Attachments: [Q4 2014 progress Comp Plan Update](#)

[CD 15-008](#) Windham Public Library Newsletter

Attachments: [Windham Public Library Newsletter January 2015](#)

[CD 14-428](#) Town Clerk's Monthly Report - November 2014

Attachments: [Town Clerk November Report.pdf](#)

[CD 15-005](#) Parks and Recreation Department December Monthly Report

Attachments: [Monthly Report December 2014](#)

VII. Town Manager's Report.

[CD 15-013](#) Town Manager's Report.

Attachments: [Town Manager's Report 20150109](#)
[14-0905 Final Report](#)
[Public Safety Estimate Option E](#)
[11x17 13137 Public Safety Opt E](#)

Tony Plante: He reminded the Council that the Chairman had previously called a Special Meeting for January 20 at 7:00 p.m. regarding Capital Planning. In regard to work done by SMRT to price out another option for the Public Safety building, as part of the Space Needs Assessment & Master Plan, he said this restates the other Public Safety options but it includes Public Safety option E; which was a combination of a couple of the others that came up during a December 30 discussion. He handed out hard copies.

He wished everyone a Happy New Year.

Last Monday we held a brief swearing in ceremony for our new Fire/Rescue Chief Brent Libby. Chief Hammond is staying on for a short time to assist with the transition. The week before we said farewell to Windham Police Department Lieutenant Dave DeGruchy after 30 plus years with the department. Earlier today they had a meeting with the search committee/interview panel for the new Police Chief. They had 39 candidates apply by the deadline, and the group met today to review those candidates and select a group for interview. They will be conducting interviews later this month.

SMRT began their due diligence work of the former Maine Cedar Log Homes building as a potential replacement for the South Windham Fire Station. They will continue to do some more work; there is another meeting scheduled for this Friday.

Part of SMRT's work revealed the possibility of doing some reconfiguration of the circulation space at the Library. They put out an RFP after getting a quick quote. In his report there is a table that outlines the different components of the work Designed Development Construction Documentation & Construction Administration. SMRT's total was \$17,300, Oak Point, the only other firm to give a quote, and was also the firm that did our 2011/2012 Property Condition Assessment, gave us a total price of \$11,700. Tony checked with them to make sure that it included the full scope of work, and they said it did. Tony suggests they go through Design Development and Construction Documentation, but not sign on for Construction Administration yet, because they do not know where they are going to end up in terms of the design and terms of the estimated project costs, and it will have some funding implications. He suggests that they put something on the agenda for January 27 to award Design Development & Construction Documentation Services to Oak Point Associates. They will do that for the \$10,300, and they will hold off and see whether they move forward to construction, and depending on the nature of the project; whether it is something we can administer in-house or whether we need help to get it done and done right.

They did take advantage of the donation made by Kaile Warren and Donna Leith back in November. They presented the town with a check for \$20,000 to pay for a Fire/Police equipment van for the Fire/Rescue Department. The Fire Department found a 2012 Ford Econoline Cargo Van at Brunswick Ford for \$19,035; the other \$935 will be used to help outfit the van.

Last Saturday they were going to have a meeting at the East Windham Fire Station to

talk about plans for another round of harvesting at the Lowell Preserve. They received word mid-week that because of warm weather in December, from the logger that had given us the quotes, that he wouldn't be able to guarantee doing the harvest during the winter. They know what they ran into two years ago when they did not get the harvest done in the winter, so they decided to defer the harvest until at least next year. The idea now is to restart the conversation in September.

In regard to the Governor's release of his budget last week there are some things that would present challenges to communities all over the state with revenue sharing being a big part. Revenue sharing is all about providing property tax relief; the law does not say anywhere that it is welfare for cities and towns, nor does it say it is free money for cities and towns to spend anyway they want. It very clearly says in the legislative intent section of that statute that it is for property tax relief. Windham fell into the practice some years ago of reflecting this as revenue on their budgets because it was something they could plan on and you could at that time. Over the last ten years state government unwind that sharing of revenue. Tony said in the Governor's proposal in the second year of his budget, revenue sharing would go to zero, and the only saving grace for us was we had already planned to have revenue sharing go to zero by 2017. Windham started this year reducing our revenue sharing by a third compared to what it was previously; the plan was to reduce it by another \$325,000 this coming year and to reduce it to zero the following year. We are already on a path with being able to manage that impact, so whatever the legislature gives or doesn't give, it will or will not come off the tax levy in the future.

Tony said they will be talking about rescue fees on January 27. He said when they sent a copy of the fee schedule to Carol, that was in answer to her question. The \$400 BLS fee is a base rate, and that is basic life saving and that covers the protocol for emergency medical services. As far as the mileage rate, he knows there is a mileage rate that was approved by the Council, it is part of what the town charges. When they handle these calls they call in the starting mileage and the ending mileage. He was sorry that Carol is unhappy about this, it is never the intent, but he thought they had answered that part of the question. In regard to it being in the budget; it is in the budget because they operate the rescue service as part of the Fire Department, and they budget for the personnel, equipment, supplies, etc. They also budget off-setting revenue; which includes rescue fees, and because the budget shows expenses for rescue, does not mean your taxes pay for that. Taxes pay for part of a lot of things but they don't pay for everything. Rescue fees have been charged for many years to help offset running the rescue, including when Carol was part of the Council and should not come to any surprise. He said they will be talking about a change to rescue fees, and instead of making it more detailed the proposal is going to be they make it simpler; that there just be based rates instead of itemizing, because Medicare and other insurance payers won't pay itemized bills anymore.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Chapman: Reported that they had a brief meeting, and Donna was appointed Chair of the Committee. They are looking forward to doing some work on committee charges while they are waiting for applicants to step up.

2. Finance Committee.

Chairman Nadeau: Reported that they have not met yet but will be meeting soon, as budget season is approaching.

Councilor Moore said he will need someone to step in and take his place on the Financing Committee because he has something coming up that will not allow him to give the appropriate time that will be needed to serve on that committee. Councilor Gleason said he would be interested. It was stated that it would be put on the January 27 agenda.

B. Other Committees.

1. Land Use Ordinance Committee.

Chairman Nadeau: Reported that they have been tied up with comp plan but they will be meeting later this month.

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

Councilor Gleason: He reported that letters went out, and they are waiting for a response from the two roads that need to be addressed.

3. Windham Economic Development Corporation

Councilor Gleason: Reported that there will be a meeting on the 21st, and he will have a report after that.

4. Wastewater Management Planning Advisory Committee.

Tony Plante: Reported that there was a meeting planned for tomorrow but it has been rescheduled to February.

IX. PUBLIC HEARINGS.

[CD 15-004](#) To receive public comments on the designation of proposed Development District #4, the Gateway North A Infrastructure Omnibus Municipal Tax Increment Financing District (the "District") and the adoption of a Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

Attachments: [Gateway North Development Program](#)
[Gateway North Exhibit A-1](#)
[Gateway North Exhibit A-2](#)
[Gateway North Exhibit C TIF Estimates and Tax Shifts](#)

Dustin Roma: He said speaking on behalf of the WEDC and as a resident in town, they are very much in support of this TIF district. They are trying to identify the property that will benefit from this and ultimately keep the tax dollars with in Windham and help accomplish the things they want to do. He urges the Council to move it forward.

X. CONSENT AGENDA.

[15-003](#) To find that the requirements of 28-A MRSA § 653 have been met and to approve an application submitted by Smoke This Two, LLC d/b/a Buck's Naked BBQ & Steakhouse for a renewal liquor license.

Attachments: [15-003CoverSheet](#)
[Buck's Naked BBQ-Liquor renewal.pdf](#)

[15-004](#) To approve a Victualer's permit application submitted by Momentum Inc. d/b/a Bomb Diggity Bakery & Café, located at 781 Roosevelt Trail.

Attachments: [15-004 CoverSheet](#)
[Victualer's-Bomb Diggity Bakery & Cafe.pdf](#)

[15-005](#) To grant a blanket letter of approval to the Lake Region Eagles #4352 for its application for licenses to conduct games of chance, i.e. Sealed Tickets, Dice, Pot of Gold, Cards, Poker and Wheel at the Lake Region Eagles Club located at 456 Roosevelt Trail, Windham, ME for the period of February 1, 2015 to January 31, 2016.

Attachments: [Lake Region Eagles-Games of Chance.pdf](#)

[15-008](#) To approve an application for coin-operated device licenses submitted by JMA Enterprises Inc. d/b/a Pat's Pizza for 11 machines.

Attachments: [15-008 CoverSheet](#)
[Coin-op - Pat's Pizza.pdf](#)

[15-009](#) To approve an application for a coin-operated device license submitted by Milton S. Smith d/b/a Smitty's Cinema-Windham, LLC for 7 machines.

Attachments: [15-009 CoverSheet](#)
[Coin-op - Smitty's Cinema.pdf](#)

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

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

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[14-458](#) To approve the designation of Development District #4, the Gateway North A Infrastructure Omnibus Municipal Tax Increment Financing District (the "District") and the adoption of a Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

Attachments: [14-458 CoverSheet](#)
[Gateway North Development Program](#)
[Gateway North Exhibit A-1](#)
[Gateway North Exhibit A-2](#)
[Gateway North Exhibit C TIF Estimates and Tax Shifts](#)

Councilor Gleason: He said he will support this, and he has been studying it for along time. He has been at some of the meetings with WEDC, and out of all of the TIF districts we have had this one is the most important to get the town moving.

Councilor Welch: He said he had a couple of issues, 1) 30 years and 2) the loans. He said for him to support this he would have to make an amendment. He would suggest they go from 30 years down to 20 years and any loan given out would be for infrastructure loans only, which would benefit the town, nothing to do with the business itself.

Councilor Moore: He said is okay with as written because the Council has the say as to what gets done.

Councilor Chapman: Donna said she was okay with reducing it to 20 years because you can always renew them. She did have concerns with loans. Donna noted that she was absent the night this was discussed.

Councilor Gleason: He said the length of the TIF was discussed and he thought bringing it down a bit would be applicable. Councilor Moore agreed that he was okay with it being 20 years as well.

Councilor Muir: He stated he was against the loans completely. If a business wants a loan, they can go out and get one just like anybody else. He also had a problem with the 100% going back in; he said that was a game stopper as well. He wants to see some of that money coming back to the town.

Councilor Welch: Moved to amend Order 14-458 to amend the years of the TIF from 30 years to 20 years, seconded by Councilor Chapman.

Tony Plante: Tony said he wants to make sure the Council understands that in making any adjustment to the term will change the total amount of revenue generated, so there will be some work in recalculating.

Vote 6-0 - 1st Amendment Passed

Councilor Muir: Moved to amend that they remove the loan language completely from the TIF. Dies for lack of a second.

Councilor Welch: Moved to amend that the loan language be changed so loans are only given for public infrastructure, seconded by Councilor Chapman.

Vote 5-1 (Muir) 2nd Amendment Passed

Councilor Welch: Moved to reduce the money that goes into the TIF from 100% to 70% and have 30% go to the general fund, seconded by Councilor Muir.

Tom Bartell: He explained that the use of the value in the TIF district at 100% allows for 100% of the dollars generated through taxes to be used for the infrastructure improvements and other programs that are within that TIF district. When we start reducing the percentage of the collection and percentage of value captured in that TIF; the

other 30% does go to the General Fund but that other 30% of value is then used by the state (held against us as a town) and used by the state to reduce funding for schools and revenue sharing, if there is any, and also goes towards increasing the value that is calculated for the Cumberland County tax. We end up losing a significant amount of those tax dollars on the other end of collecting them. If we are going to be doing those infrastructure projects and the other things within the program it really does make sense to try and capture as much of that value as possible. During the course of the district's length or if any amendment occurs at the 20 years, the percentage can be reduced through an amendment if we find that we don't need those TIF dollars to complete the project. After more discussion a vote was taken.

Vote 2-4 (Gleason, Nadeau, Chapman, Moore) 3rd Amendment Failed

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

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

Opposed: 1 - Councilor Muir

[15-001](#) To appoint a registrar of voters to serve a two-year term.

Attachments: [15-001 CoverSheet](#)
[Appointment of Registrar of Voters.pdf](#)

A motion was made by Councilor Chapman, seconded by Councilor Muir to appoint Judith Vance as Registrar of Voters to serve a 2-year term. The motion carried by the following vote.

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

XII. Discussion Items.

[CD 14-385](#) Fireworks: discussion of any recent incidents, complaints, or concerns and whether to change the Town's posture with regard to regulating the use of consumer fireworks.

[CD 14-444](#) Council Vacancy Process: discussion about how to proceed with filling a vacancy on the Town Council.

Attachments: [Charter](#)
[Legal Opinion](#)

[CD 15-002](#) Council Goals: discussion of specific tasks and timelines for making progress on the Council's goals for 2015.

Attachments: [Council Goals 2015 DRAFT 20150113](#)
[Council Goals 2015 DRAFT 20141204](#)
[Council Goals 2015 DRAFT 20150113 Updated](#)

XIII. Agendas & Scheduling.

[CD 15-014](#) Agenda Items Reports

Attachments: [Agenda Items Report - Scheduled Items 20150109](#)
 [Agenda Items Report - Items Yet to be Scheduled 20150109](#)

XIV. ADJOURN.

A motion was made by Councilor Gleason, seconded by Councilor Muir to adjourn at 9:13 p.m. The motion carried by the following vote.

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

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM