



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final Town Council

Tuesday, May 27, 2014

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 7 - Donna Chapman, Thomas Gleason, Roy Moore, Bob Muir, David Nadeau, Matthew Noel and Dennis Welch

II. Pledge of Allegiance.

Chairman Gleason led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 14-166](#) To approve the Council Minutes from the May 13, 2014 meeting.

Attachments: [Draft Council Minutes-5-13-2014](#)

CD 14-166 To approve the Council Minutes from the May 13, 2014 meeting.

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

Abstain: 2 - Council Chair Gleason and Councilor Moore

IV. Public Participation.

Jim McBride: Lives on Many Oaks Lane, and earlier today he sent a letter to Tony in regard to suggested improvements to the Smith Road. He said their association strongly encouraged the Windham Town Council to plan for and dedicate funding for major repairs to Smith Road from Route 115 West to the end of Little Sebago Lake. Their association represents 17 homeowners and taxpayers living on the private road off the end of the Smith Road on Little Sebago Lake. He said it is in need of major construction, not just patching or a coat of paving, nearly every stretch from top to bottom needs repairs. He also said the road is not safe for school buses, emergency vehicles and plows. He said if repair funds for Smith Road are not available this year, they request that Public Works revisit the road soon to repair the worst of the pot holes, and that the Town Council commit bond funding to compete a major overhaul early in 2015. He invited the Council to take a drive down Smith Road to see what he is talking about.

Don McCormack: He is the coordinator of the activities for Memorial Day in Windham.. He thanked the town for their continued support of Memorial Day and their activities. He thanked Tony Plante, Bob Muir and Dave Nadeau for handing out flags, he also thanked Doug Fortier and staff, Chief Hammond and staff, Chief Lewsen and his staff, including Dave DeGruchy and Jason Andrews for the Color Guard. Rene Daniels received thanks for coming in on Saturday so they could drop off the food from the food drive. He thanked the high school staff, band and custodians who all pitched in and made it a great event.

V. Councilors' Comments.

Councilor Noel: In regard to the grant application; he would like to have more information on the preventative maintenance and the reoccurring costs, if any, to that grant. It appears that there may be a need of up to \$10,000 in this budget, and he was not sure if it was too late.

In regard to CD-14-167 - it is regarding the application time-line to Planning Board, Town Council and ZBA. He said when it was presented by the Director of our Planning Office he suggested that the ZBA be extended. He felt it was a hardship and it shouldn't be extended, it should be reduced; instead of going from 14 days to 21 days, it should be 14 days to 7 days, and he would like it considered as it moves through the process. Councilor Nadeau said it should probably be a discussion item.

VI. Council Correspondence.

[CD 14-135](#) Windham Public Library April 2014 monthly report

Attachments: [Windham Public Library April 2014 monthly report](#)

[CD 14-136](#) Grant application from the Energy Advisory Committee to Efficiency Maine for a Renewable Energy Demonstration Project consisting of a solar photovoltaic system on Town property near the skate park.

Attachments: [TC memo Demonstration grant 2014_05-08-14](#)
[RFP Renewable-Resource-RDD-Projects-3-7-2014-1 Town of Windham response](#)

[CD 14-138](#) Code Enforcement Monthly Report - April 2014

Attachments: [Code Enforcement Report April 2014](#)
[Inspection history with Staffing Current](#)
[Permit history with Staffing Current](#)

[CD 14-139](#) Parks and Recreation Department Monthly Report April 2014

Attachments: [Monthly report April 2014 \(Autosaved\)](#)

[CD 14-145](#) Cumberland County Commissioners' Meeting Minutes of April 7, 2014

Attachments: [Cumberland County Commissioners Meeting Minutes of 4-7-14](#)

[CD 14-147](#) Citizen Request for Signage

Attachments: [Letter from Ken Brann requesting 'no engine brake' signs on Route 202](#)

[CD 14-149](#) Social Services Report Monthly Report - April 2014

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

[CD 14-150](#) Public Works Department Monthly Report - April 2014

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

[CD 14-155](#) Town Clerk's Monthly Report - April 2014

Attachments: [Town Clerk's Monthly Report - April 2014](#)

[CD 14-158](#) Tax Collection Monthly Report - April 2014

Attachments: [Tax Collection Monthly Report - April 2014](#)

[CD 14-159](#) Lincoln Field update 2014

Attachments: [Lincoln field council memo 2014](#)

[CD 14-160](#)

Planning Department Monthly Report April 2014

Attachments: [Planning Board Monthly Report - April 2014](#)

[CD 14-162](#) Public Works Cumberland County Plow Rodeo Results

Attachments: [2014 Highway Congress RoadEO](#)

[CD 14-167](#)

Memo from Planner Amanda Lessard regarding proposed ordinance amendments to Planning Board and Zoning Board of Appeals application deadline changes going to the Planning Board for review and recommendation.

Attachments: [TC Memo Submission Deadline Amendment_05-22-14_combined](#)

VII. Town Manager's Report.

[CD 14-164](#) Town Manager's Report - May 21, 2014

Attachments: [Town Manager's Report 20140521](#)

Tony Plante: With regard to the solar panel grant he said some of the matching funds could come in the form of in-kind services. We do not have the grant yet, and they are up against a dead line.

With regard to the application time-line for Planning Board and ZBA; it is being reviewed and Council will be able to take the Planning Board's recommendation, and if there are further changes needed from there, they can be discussed at that time.

Reminder: River Road construction from 302 in North Windham to 202 in South Windham is beginning. Tree and utility work begins tomorrow, and he suggested that people use an alternate route for the next several months.

He reported that Windham had three teams participate in the Cumberland County Snow

Plow Rode, they placed second, sixth and ninth. The second place team will go to the state championship in June. Our ninth place team was Steve Prescott and Matt Millett, our sixth place team Mike Fardon and Jamie Leighton, and our second place team, who will go on to the states is Dave Rampino and Chris Hodgdon.

Tony noted the passing of Barbara Strout on May 11 th. She was a long time Windham resident, a former town clerk, tax collector and treasurer, and former Representative to the Maine House of Representatives. She and her husband, Winn, who predeceased her in 2005, were both pillars of the community. They were both very well respected and admired for their contributions to the community.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Chapman: Reported that they had an interview that evening for the Human Services Committee and appointments will be made later in the evening.

2. Finance Committee.

Councilor Nadeau: Reported that they had met three times since the last Council meeting, and after working long hours they reduced the proposed budget by \$7,478; down to \$14,351,000 and voted 5-1 to bring it to the Council. He thanked everyone who participated in the long process.

B. Other Committees.

1. Land Use Ordinance Committee.

Councilor Nadeau: Reported that they met last week, and they went of a couple of their "A" priorities and Ben is working on putting things together for them.

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

Councilor Nadeau: Reported that they notified a road that they need to make changes within 60 days and it is still in process. They will not start looking at roads until Doug Fortier goes out and inspects them.

3. Windham Economic Development Corporation

Councilor Noel: Reported that the WEDC met on May 14th and discussed various things, specifically the Angler's Project and the pending sale that is on the agenda. They also heard reports from the Planning Committee, Business Growth Committee, Review and Approval Process Committee, and Community Engagement Committee. Ben also spoke to and discussed the Comprehensive Plan review and the activity as it relates to the WEDC, and they are looking for a recommended member to the WEDC.

IX. PUBLIC HEARINGS.

[CD 14-142](#)

To receive public comment on the proposed FY 2014-2015 municipal budget.

Attachments: [Budget Transmittal](#)
[1000 Administrative Services](#)
[2000 Public Works Services](#)
[3000 Police Services](#)
[4000 Fire Rescue Services](#)
[5000 Recreation and Cultural Services](#)
[6000 Property and Inspection Services](#)
[7000 Town Clerk Services](#)
[8000 Social Services](#)
[9000 Capital Outlay and Fixed Charges](#)
[9900 Contingency](#)
[Object Summary](#)
[Appendices](#)

No public comment.

X. CONSENT AGENDA.

[14-159](#) To set poll hours and polling location for the June 10, 2014 State Primary & RSU14 Budget Validation Election as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym.

Attachments: [CoverSheet 14-159](#)

[14-160](#) To approve the Town Clerk's roster of Warden and Deputy Warden for the June 10, 2014 election: For districts 24 and 25, warden Marcia Blanchard, and deputy warden Paulette Shepard.

Attachments: [CoverSheet 14-160](#)

[14-161](#) To set the date and time for extended hours of the Registrar of Voters as 4:00 to 7:00 p.m. on June 4, 2014.

Attachments: [CoverSheet 14-161](#)

[14-188](#) To find that the requirements of 28-A MRSA §653 have been met to approve an application submitted by Windham House of Pizza d/b/a Rose's Italian Restaurant for a renewal liquor license.

Attachments: [CoverSheet 14-188](#)
[Rose's Liquor License Renewal](#)

[14-189](#) To find that the requirements of 28-A MRSA §653 have been met and to approve an application submitted by Treblig Enterprises and James Gilbert d/b/a Gilberts Chowder House II for a renewal liquor license.

Attachments: [CoverSheet 14-189](#)
[Gilbert's Chowder House Liquor License Renewal](#)

[14-191](#) To approve applications for renewal Victualer's permits.

Attachments: [CoverSheet 14-191](#)
[Victualers Permits for 2014-2015](#)

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

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[14-125](#) To find that the requirements of 28-A MRSA §653 have been met and to approve an application submitted by Kenneth Ray d/b/a Club 302 for a new liquor license.

Attachments: [CoverSheet 14-125](#)
[Club 302 Liquor License Application](#)

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

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

[14-150](#) To approve a request from the Summerfest Committee to make charitable contributions in support of the Windham Primary School Playground and D.A.R.E. to Adventure.

Attachments: [CoverSheet 14-150](#)
[Summerfest Committee Charitable Contribution Request Letter](#)

Tony Plante: Explained that the town provided \$5,000 in funding in 2008, prior to that fund raising started in June 2007 and they received about \$9,300 in donations that first year. The current account balance is \$7,564. Councilor Noel said they are asking for to spend \$1,000 of the money they raised and if the Board of Director's of Summerfest think that it is an appropriate spend, so be it, as long as they are not spending the town's donation towards Summerfest.

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

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

[14-158](#) To approve one (1) application submitted by North East Ice Cream for a mobile food service unit license.

Attachments: [CoverSheet 14-158](#)
[Northeast Ice Cream Mobile Food Application](#)
[North East Ice Cream background check](#)

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: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

[14-171](#) To approve a municipal services budget for fiscal year 2014-2015.

Attachments: [CoverSheet 14-171](#)
[Budget Transmittal](#)
[1000 Administrative Services](#)
[2000 Public Works Services](#)
[3000 Police Services](#)
[4000 Fire Rescue Services](#)
[5000 Recreation and Cultural Services](#)
[6000 Property and Inspection Services](#)
[7000 Town Clerk Services](#)
[8000 Social Services](#)
[9000 Capital Outlay and Fixed Charges](#)
[9900 Contingency](#)
[Object Summary](#)
[Appendices](#)

Tony: Suggested a motion be made to adopt the Finance Committee's recommendation as listed S1, S2 and F1 - F14 and a reduction of the proposed property tax levy by \$7,478, which would result in a recommended budget of \$14,396,348.

Councilor Nadeau: Made a motion that Council accept the Finance Committee's amendments to the Manager's proposed budget, reducing it by \$7,478, seconded by Councilor Gleason.

Vote 7-0 on amendment - Passed

Councilor Noel: Moved to amend Order 14-171 to account 3110-41010 and to reduce it by \$45,000. (no second)

He said it is the Public Safety and he believed there is an error in the budget that should have been corrected during the Finance Committee meetings. This compensation line in the proposed Manager's budget shows 27 sworn, whereas it is explicitly stated in the narrative that we are to maintain the level of service, and in the current fiscal budget there are only 26 sworn. Tony explained if you take out the non-sworn, Califano and Lemieux (civilian employees), and count up the remaining there are 26, and the total on the right is \$1,555,319, which is the number that appears in the Manager's proposal.

The error is in the narrative, not in the number. Councilor Noel disagreed. Tony said they only budgeted the 26th position for half-year and the amount would be around \$23,000 - \$25,000.

Councilor Noel: Moved to amend his motion to reduce account 3110-41010 by \$22,000, seconded by Councilor Moore.
There was a lot of discussion on the matter.

Vote 1-5 (Nadeau, Muir, Gleason, Welch, Chapman) and 1 abstention (Moore) - Amendment fails

Councilor Noel: Moved to amend Fire/Rescue Services account 4110-41010, 41030, & 41130. - (no second)

The budget represents a proposed increase of \$68,000; about \$50,000 of that or 4.5% increase is on those three accounts, some is contractual and some is not. Tony said last Wednesday night they identified \$18,988 that was counted twice, and there are also full-time and part-time non-union positions that are covered in 41010 and 41010 & 41130. Chief Hammond gave some explanation.

Councilor Noel: Asked Chief Hammond about the proposed increase of \$8,500 in account 4210-43160, and he noted that the Police and PWD for the same line item is flat, what was the reason for this year? Chief Hammond explained and said they could reduce it to 10,000.

Councilor Noel: Moved to reduce account 4210-43160, pg. 119, and to reduce diesel fuel by \$3,500, seconded by Councilor Welch.
Vote 7-0 - Amendment Passed

Councilor Noel: In regard to account 2130-42190, pg. 74 Contracted Services. It is being recommended that the fall stripping be added back in the budget but it was not done in 2013 as part of the town's budget; it has not been paid for in the last two budgets, and he recommend they don't add it back in because we have done without the fall stripping and it went fine. Doug spoke about the stripping and the requirements.

Councilor Noel: Moved to amend account 2130-42190, pg. 74 to reduce it by \$12,500, seconded by Councilor Chapman.
Vote 5-2 on amendment (Nadeau, Muir) Passed

Councilor Noel: In regard to account 2510-43250, pg. 87 Public Works Vehicle Maintenance was increased last year due to the old street sweeper, and now we have a new sweeper, and he would like to reduce this account. Doug explained why he thought reducing it by \$15,000 was a mistake.

Councilor Noel: Moved to amend account 2510-43250, pg. 87 Vehicle Maintenance reducing it by \$10,000, leaving a balance of \$75,000, seconded by Councilor Welch.
Vote 6-1 (Nadeau) Passed

Councilor Noel: In regard to the Capital Equipment Fund there was a discussion about some of the equipment and the replacement schedule it was on. He said he did a simplified version of the fund and handed them out. He explained why he would propose to eliminate the third cruiser for this year only and next year it would be back to three cruisers. After much more discussion and an explanation given by Chief Lewsen the following amendment was made.

Councilor Noel: Moved to amend the Capital Equipment Replacement Fund, pg. 179 by \$50,000 to reduce the appropriation from \$625,000 to \$575,000, seconded by Councilor

Welch.

Vote 3 - 4 (Nadeau, Muir, Gleason, Chapman) Amendment failed

Councilor Noel: He proposed a reduction to have a flat cola of 1.25% be applied equally to non-union employees in fiscal year 2015, this would represent about \$38,750 in wages or about \$23,250 less than proposed, not including wage driven benefits, etc. After an explanation by Tony and some discussion a motion was not made.

Councilor Nadeau: Moved to amend account 4110-41030 and add two (2) nighttime Paramedics for a cost of \$158,750. He explained that you would take \$18,988 away from that, as we are already paying someone \$25.00 a night which would bring it down to \$139,762, then add in FICA at 7.65% which is \$10,692 and that totals \$150,454, seconded by Councilor Muir.

Vote 4-3 (Noel, Welch, Moore) Amendment passed.

Councilor Chapman: Asked Brian Ross about funding of the Skate Park. Councilor Chapman asked if maybe they could charge a simple fee for the park. Brian said it may bring in \$2,000 - \$3,000 but you would not cover the \$10,590 that is needed per year, which includes staff, telephone, electricity and porta potties, etc.

Councilor Chapman: Moved to amend to fund Skate Park staffing starting on 04-18-2015 in the amount of \$4,540 with funding coming from unassigned fund balance, seconded by Councilor Muir.

Chief Lewsen was asked to speak about the drug problem at the Skate Park, and Chief Lewsen said he had not heard of problems. Councilor Muir said there are kids on scooters, bikes and skate boards all using it at the same time, and he thinks it is an unsafe situation. He thinks the alternative is to either close the skate park and take the ramps out, or have supervision. Councilor Noel said there is a volunteer who has been working down at the the Skate Park and he doing a great job down there and it is not costing anything. Brian said the man is just working mostly in the mornings looking after the trash and keeping the place looking good.

Vote 2-5 (Nadeau, Noel, Gleason, Welch, Moore) Amendment failed

Councilor Chapman: Moved to amend to take \$40,000 out of TIF revenue and assign it to account 1150-44070 - Community Participation for holiday banners, lights and decorations, seconded by Councilor Gleason.

Councilor Muir said he would like to see the money go to something tangible other than studies. Councilor Nadeau said they have been funding economic development up there, yet at Christmas time it is not inviting, and maybe businesses might get on board. Councilor Noel said he thought it was a good idea, however, not knowing if the revenue is enough to accomplish it, he would need more of a detailed plan, and because it is TIF monies they can be expended at anytime. He said there is time to get a project plan together. Councilor Chapman said she and Tom had been inquiring and Lucas Tree puts lights up and down, and they plan to have a meeting with the WEDC.

Vote 5-2 (Noel, Moore) Amendment passed.

Tony Plante said the budget started as \$14,513,843 and with the changes that were recommended by the Finance Committee and a reduction in the proposed tax levy of \$7,478, brought the budget to a new starting point of \$14,388,282. Amendments thus far, bring the appropriations to \$14,552,736, and without that we have revenues of \$14,428,282, which is \$124,454 short.

Councilor Nadeau: Moved to increase the revenue account R0400 by \$124,454,

seconded by Councilor Chapman.
Vote 4-3 (Noel, Welch, Moore) Amendment passed

Councilor Nadeau: Moved Order 14-171 to approve the Municipal Budget for 2014/2015 as amended in the amount \$14,552,736, seconded by Councilor Gleason.
Vote 4-3 (Noel, Welch, Moore) Passed

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

- In Favor:** 4 - Councilor Chapman, Council Chair Gleason, Councilor Muir and Councilor Nadeau
- Opposed:** 3 - Councilor Moore, Councilor Noel and Vice Chair Welch

[14-172](#) To approve the warrant for the 2014 town meeting.

Attachments: [CoverSheet 14-172](#)
[Warrant for June 2014 Town Meeting](#)

A motion was made by Councilor Muir, seconded by Vice Chair Welch, that the Order 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
- Opposed:** 2 - Councilor Moore and Councilor Noel

[14-180](#) To make appointments to boards and committees.

Attachments: [CoverSheet 14-180](#)

Councilor Chapman: The Appointment's Committee offered up the following appointments: Lucretia Gilheany and David Stultz to the Dundee Park Advisory Committee for 3-year terms, Brian Haskell to the Zoning Board of Appeals for a 3-year term, Jim Cummings to the Land Use Ordinance Committee for a 3-year term, Margaret Pinchbeck to the Planning Board as a regular member and Scott Symonds as the Alternate, both for 3-year terms.

Councilor Noel: He asked if all the nominations were unanimous by the Appointment's Committee? Councilor Chapman said one member was absent for one of the meetings. Councilor Noel asked that each nominee be voted on individually.

Dundee Park Advisory Committee - Lucretia Gilheany and David Stultz
Vote 7-0

Zoning Board of Appeals - Brian Haskell
Vote 7-0

Land Use Ordinance Committee - Jim Cummings
Vote 7-0

Planning Board Committee - Margaret Pinchbeck, regular member and Scott Symonds,

alternate
Vote 5-2 (Noel, Moore)

[14-185](#) To approve a partial release of the mortgage on property owned by the Windham Economic Development Corporation.

Attachments: [CoverSheet 14-185](#)

[WEDC Partial Mortgage Release Letter from Ken Cole 20140519](#)

[Order 09-186 Materials](#)

[WEDC Council cover letter Anglers Road mortgage partial release Momentum](#)

[Momentum P and S](#)

[Momentum conveyance](#)

Councilor Noel: He explained that the WEDC has a buyer for one portion of the Angler's Road property. It is the inner most piece relative to the Route 302 portion of the property. The Town Council holds a note on that full segment for approximately \$450,000. The sale of an approximately 2 acre lot is for approximately \$100,000, and that \$100,000 is to be paid back on the note per the memo from the Town Attorney.

He said Momentum is the name of the business, and they have been doing business in Windham for several years, and they have been looking for a place to expand and grow.

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

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

[14-190](#) To countersign the Regional School Unit No. 14 warrant calling a regional school unit budget referendum to be held on June 10, 2014.

Attachments: [CoverSheet 14-190](#)

[Countersigned Warrant-Municipal-RSU](#)

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

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

[14-193](#) To approve the July 1, 2014 to June 30, 2015 contract for services provided by the Animal Refuge League.

Attachments: [CoverSheet 14-193](#)

[Animal Refuge League contract](#)

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

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

XII. Agendas & Scheduling.

[CD 14-169](#) Agenda Items Report

Attachments: [Agenda Items Report 20140522](#)

XIII. ADJOURN.

A motion was made by Councilor Noel, seconded by Councilor Nadeau, that the be adjourned. The motion carried by the following vote at 11:15 p.m.

In Favor: 7 - Councilor Chapman, Council Chair Gleason, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Noel and Vice Chair Welch

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM