



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Agenda

### Town Council

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Tuesday, September 27, 2016

7:00 PM

Council Chambers

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#### I. Roll Call of Members.

#### II. Pledge of Allegiance.

*"We, the Windham Town Council recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to 'Be the Influence' and to recognize that decisions matter." (Resolution 14-285, in support of the "Be the Influence" community collaborative in addressing the pervasive adverse effects of substance use and abuse in the community.)*

#### III. Minutes to be Approved:

[CD 16-346](#) To approve the minutes of the September 13, 2016 Council meeting.

Attachments: [Minutes-Town Council - 9-13-2016](#)

#### IV. Public Participation.

*The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.*

*NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.*

*All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.*

*Persons present at Council meetings are requested not to applaud or otherwise express, other than verbally, their approval or disapproval of any statements made or actions taken at such meeting.*

*Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.*

#### V. Councilors' Comments.

#### VI. Council Correspondence.

[CD 16-343](#) The Opportunity Alliance - Note of Thanks

**Attachments:** [The Opportunity Alliance - Note of Thanks](#)

[CD 16-345](#) VNA Home Health Hospice - Note of Thanks

**Attachments:** [VNA Home Health Hospice - Note of Thanks](#)

[CD 16-324](#) Town Clerk's Monthly Report - August 2016.

**Attachments:** [Town Clerk's Monthly Report for August 2016](#)

[CD 16-329](#) Fire-Rescue Department Monthly Report - August 2016

**Attachments:** [August 2016 Monthly Report](#)

[CD 16-330](#) Windham Public Library Monthly Report - August 2016

**Attachments:** [Windham Public Library Report - August 2016](#)

[CD 16-337](#) Code Enforcement Department Monthly Report - July 2016

**Attachments:** [Code Enforcement Department Report July 2016](#)  
[Activity Comparison Final Report Fiscal Year 15-16](#)  
[Fiscal Year Activity Comparison July 2016](#)  
[Activity Report by Project Type July 2016](#)  
[Activity Report - By Violation Type July 2016](#)  
[Impact Fees Collected July 2016](#)  
[Inspections Summary - By Project Type July 2016](#)  
[Walk in Customers To Date Monthly 2016](#)

[CD 16-338](#) Code Enforcement Department Monthly Report - August 2016

**Attachments:** [Code Enforcement Department Report August 2016](#)  
[Fiscal Year Activity Comparison August 2016](#)  
[Activity Report by Project Type August 2016](#)  
[Inspections Summary - By Project Type August 2016](#)  
[Activity Report - By Violation Type](#)  
[Impact Fees Collected August 2016](#)  
[Walk in Customers August 2016](#)

[CD 16-332](#) Parks and Recreation Department Monthly Report - August 2016

**Attachments:** [Monthly Report - August 2016](#)

[CD 16-342](#) Windham Police Department Monthly Report - August 2016

**Attachments:** [Windham Police Department Monthly Report - August 2016](#)

[CD 16-335](#) Financial Reports as of 09/15/2016

**Attachments:** [Appropriation Control Report as of 091516](#)  
[Revenue Control Report as of 091516](#)

[CD 16-340](#) Social Services Monthly Report - August 2016

**Attachments:** [Social Services Monthly Report - August 2016](#)

[CD 16-357](#) Public Works Monthly Report - August 2016

**Attachments:** [Public Works Monthly Report - August 2016](#)

[CD 16-358](#) Tax Collection Monthly Report - August 2016.

**Attachments:** [Tax Collection Monthly Report - August 2016](#)

## **VII. Town Manager's Report.**

[CD 16-348](#) Town Manager's Report.

**Attachments:** [Town Manager's Report 20160923](#)  
[Chapter 96 Consumer Fireworks DRAFT 2016 Update](#)  
[Projects and Issues List 20160922](#)  
[Projects and Issues Sheets 20160922](#)

## **VIII. Committee Reports.**

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

1. Appointments Committee.
2. Finance Committee.

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

1. Public Easement Advisory Committee/Roads Policy Task Force.
2. Windham Economic Development Corporation
3. Parks & Recreation Advisory Committee.

**IX. PUBLIC HEARINGS.**

[CD 16-327](#) To receive public comment on an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to add Service Businesses, Landscaping as permitted uses in the C-3 District.

**Attachments:** [Chapter 140, Section 400 Proposed Amendments](#)

[CD 16-341](#) To receive public comment relative to the issuance of licenses for junkyard/automobile graveyards in the Town of Windham.

**Attachments:** [Junkyard Inspection Memo - 2016](#)  
[Junkyard Applications](#)

[CD 16-344](#) To receive comment on a new Liquor License application submitted by Craig Newton d/b/a Take A Break Billiards.

**Attachments:** [New Liquor-Take A Break Billiards](#)

**X. CONSENT AGENDA.**

[16-149](#) To approve a Victualer's permit application submitted by Meris J. Bickford d/b/a Maine State Society for the Protection of Animals, located at 279 River Road.

**Attachments:** [16-149 Cover Sheet](#)  
[Victualer's-Maine State Society Prot of Animals](#)

[16-150](#) To approve the application of Lewis Weatherby d/b/a Atlas Auto Parts for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-150 Cover Sheet](#)  
[Lewis Weatherby-Atlas Auto](#)

[16-151](#) To approve the application of Jack & Albert Bazinet d/b/a Auto & Truck Recyclers for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-151 Cover Sheet](#)  
[Bazinet-Auto & Truck Recyclers](#)

[16-152](#) To approve the application of Roy Thistle d/b/a Roy Thistle for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-152 Cover Sheet](#)  
[Thistle-Roy Thistle](#)

[16-153](#) To approve the application of Robert Wolstenhulme d/b/a Bob's Salvage Yard for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-153 Cover Sheet](#)  
[Wolstenhulme-Bob's Salvage Yard](#)

[16-155](#) To approve the application of David Bailey d/b/a Pete's Auto for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-155 Cover Sheet](#)  
[Bailey-Pete's Auto](#)

[16-156](#) To approve the application of Stephen Rogers d/b/a Serv-U-Garage for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-156 Cover Sheet](#)  
[Rogers-Serv-U-Garage](#)

[16-157](#) To approve the application of Jeffrey Whitney d/b/a Jeffrey Whitney for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [16-157 Cover Sheet](#)  
[Whitney-Jeffrey Whitney](#)

[16-158](#) To appoint Fred Panico to a three-year term on the Zoning Board of Appeals, to expire February 15, 2019.

**Attachments:** [16-158 Cover Sheet](#)

[16-159](#) To appoint Marge Govoni to a three-year term on the Zoning Board of Appeals, to expire February 15, 2019.

**Attachments:** [16-159 Cover Sheet](#)

[16-160](#) To appoint Nicholas Kalogerakis to a three-year term on the Planning Board, to expire February 15, 2019.

**Attachments:** [16-160 Cover Sheet](#)

[16-161](#) To appoint Donna Chapman to the Windham Economic Development Corporation, to serve a term that expires on the date of the next municipal election.

**Attachments:** [16-161 Cover Sheet](#)

## **XI. UNFINISHED BUSINESS & GENERAL ORDERS.**

[16-148](#) To approve an amendment to the Town's Land Use Ordinance, Chapter 140, Section 400, to add Service Businesses, Landscaping as permitted uses in the C-3 District.

**Attachments:** [16-148 Cover Sheet](#)  
[Chapter 140, Section 400 Proposed Amendments](#)

- [16-154](#) To approve the transfer of defendant Pamela Kilmartin's 2002 BMW 525i sedan to the Town of Windham pursuant to 15 M.R.S.A. Section 5824(3) and Section 5826(6) on the grounds that the Town of Windham Police Department did make a substantial contribution to the investigation of this or a related criminal case.

**Attachments:** [16-154 Cover Sheet](#)  
[Memo - Chief Schofield](#)

- [16-163](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Craig Newton d/b/a Take A Break Billiards for a new Liquor License.

**Attachments:** [New Liquor-Take A Break Billiards](#)  
[16-163 Cover Sheet](#)

- [16-164](#) To approve a new Victualer's permit application submitted by Craig Newton d/b/a Take A Break Billiards, located at 824 Roosevelt Trail.

**Attachments:** [16-164 Cover Sheet](#)  
[Victualer's-Take A Break Billiards](#)

- [16-167](#) To write off the outstanding balance of taxes property identified as Map 82, Lot 136C, tax account G1520R, at 487 Falmouth Road plus interest, fees and any other costs since tax year 2010, following any abatement under the authority of the assessor, and to release any claim the town may have on this property.

**Attachments:** [16-167 Cover Sheet](#)  
[G1520R Letter 20160914](#)

- [16-170](#) To authorize the transfer of a 1981 Mack fire engine (former Engine 1) to the City of Portland in exchange for 900 feet of large diameter hose valued at approximately \$7,200 as outlined in a memorandum from Fire-Rescue Chief Brent Libby dated September 19, 2016.

**Attachments:** [16-170 Cover Sheet](#)  
[Disposition of Engine 1 Memo 9-19-16](#)

## **XII. Discussion Items.**

*None.*

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

[CD 16-349](#)      Agenda Items Reports.

**Attachments:**      [Agenda Items Report 20160922](#)  
                                 [Projects and Issues List 20160922](#)  
                                 [Projects and Issues Sheets 20160922](#)

**XIV. ADJOURN.**