

# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

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Thursday, January 26, 2017

7:00 PM

Council Chambers

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Rescheduled from 1/24/2017

#### I. Roll Call of Members.

**Present:** 5 - David Nadeau, Dennis Welch, Tim Nangle, Bob Muir and Donna Chapman

**Absent:** 1 - Jarrod Maxfield

#### II. Pledge of Allegiance.

Council Chair Welch led the assembly in the Pledge of Allegiance.

#### III. Minutes to be Approved:

CD 17-029 To approve the minutes of the January 10, 2017 Council meeting.

Attachments: Minutes-Town Council-1-10-2017

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

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

**Absent:** 2 - Councilor Nangle and Councilor Maxfield

#### IV. Public Participation.

*No public participation.*

#### V. Councilors' Comments.

*No Councilor comment.*

#### VI. Council Correspondence.

*Councilor Nadeau: He asked if the Portland Water District Assessment was up or down? Tony said he believed it increased from the previous year but had been the same for a number of years running, but he would check.*

*Councilor Chapman: She asked Tony if he double checked on the Recreation Impact Fees for the month of December and why did we only collect for five when there was more action in December, in regard to permits?*

*Tony said he did, and there was one that was issued in November, but was not included*

*in the permit count until December. They collected the Recreation Impact Fee in November; there was one permit for a replacement house, and they do not collect impact fees for replacements because it is a one-for-one; there is no net add of dwelling units. There was one accessory apartment that was not charged at the time the permit was issued, but will be collected before the certificate of occupancy is issued.*

CD 17-016      Portland Water District 2017 Assessment

Attachments:   Portland Water District 2017 Assessment

CD 17-017      MMA Membership Service Program Correspondence

Attachments:   2017 MMA Membership Dues and Service Program  
                         2016 MMA Year in Review

CD 17-018      MDOT Project Notifications

Attachments:   MDOT Project Notices  
                         MDOT Centerline Rumble Strip Installation

CD 17-019      Maine Public Request for Funding

Attachments:   Maine Public Request for Funding

CD 17-014      Fire-Rescue Department Monthly Report - December 2016

Attachments:   Fire-Rescue Monthly Report - December 2016

CD 17-015      Code Enforcement Monthly Report - December 2016

Attachments:   Code Enforcement Department Report December 2016  
                         Activity Report - By Violation Type  
                         Activity Report by Project Type December 2015  
                         Activity Report by Project Type December 2016  
                         Activity Report by Project Type Fiscal 2015 to 2016  
                         Code Door Thru December 2016  
                         Fiscal Year Activity Comparison to December 2016  
                         Impact Fee - Recreation Dec 2016  
                         Inspections Summary - By Project Type December 2016

CD 17-020      Town Clerk's Monthly Report - December 2016

Attachments:   Monthly Town Clerk's Report for December

CD 17-021      Windham Public Library Monthly Report - December 2016

Attachments:   Windham Public Library Monthly Report - December 2016

**CD 17-025**      Public Works Monthly Report - December 2016

**Attachments:**   Public Works Monthly Report - December 2016  
                         Winter Storm Reports - December 2016

**CD 17-026**      Parks and Recreation Department Monthly Report - December 2016

**Attachments:**   Parks & Recreation Monthly Report - December 2016

**CD 17-028**      Police Department Monthly Report - December 2016

**Attachments:**   Police Department Monthly Report - December 16

**CD 17-030**      Social Services Monthly Report - December 2016

**Attachments:**   Social Services Monthly Report - December 2016

**CD 17-033**      Financial Reports

**Attachments:**   Appropriation Control Report  
                         Revenue Control Report

**VII. Town Manager's Report.****CD 17-031**      Town Manager's Report.

**Attachments:**   Town Manager's Report 20170120  
                         Projects & Issues List 20170120  
                         Projects & Issues Sheets 20170120

*Tony Plante: He checked on the question of performance guarantee's for subdivisions that Elaine and Alan Pollock brought up. He checked in with a local bank on what a ball park amount would be for letters of credit costs, as these are the most commonly used performance guarantees for subdivisions and site plans. The ball park figure they got was 2% per year of the face amount. If the performance guarantee has to be \$50,000 for improvements, your annual costs per year would be \$1,000. He said with subdivisions it is 100% of the improvements plus 10% contingency, because as time goes on it tends to erode the value of the performance guarantee.*

*At the end of December there was discussion about the Town's cable TV franchises. He said he had an initial conversation with Mike Edgecomb, who is now with the Sewall Company, which has branched out into different infrastructure areas, cable TV being one of them. Mike said he will put together a draft scope of work for an initial assessment with the town's franchise agreements, with the current landscape of what cable TV franchising looks like, and some idea of where the opportunities may be.*

*Councillor Nadeau asked if he would be into LED street lights now? Tony said Sewall also does work with communities on their LED street light conversions. Tony explained to Mike what the town is likely to do, but that depends on the Council's vote tonight.*

*Tony handed out a chart from the Council's Goal setting session on January 7. He said, at this point, they would plan to have the Council take some formal action acknowledging these as their goals for the balance of 2017. It is still a work in progress, but this lists all the goals and tasks that were talked about that day.*

*Today Tony attended a press conference for the Westbrook Recovery Liaison Program. This is a collaborative effort of the Westbrook, Windham, Gorham and Buxton Police Departments acting through their police departments under a state grant to work on substance abuse disorder, particularly, the opioid use disorder. Most emergency responders are equipped with a Narcan, and they are able to save a lot of those people, but not all of them.*

*This program is intended to connect people who are either suffering from substance abuse disorder or people who have friends or family who are, to connect them through the four Police Departments with treatment and recovery resources in the community. He gave credit to Chief Jeanine Roberts and her staff for taking the lead and putting the grant application together. It is a 21 month grant, but over the next 18 months they will be able to work on these, and hopefully begin to build those relationships and create the infrastructure to support people who are either suffering from opioid use disorder themselves or know somebody who is.*

*Tony noted that there was a good article in the last issue of the Maine Townsman, which was exactly this kind of issue.*

*Next Tuesday is a special meeting on private roads. It will take place in two main parts - one is executive session with the town's attorney to go over some legal issues, and then they will come back to continue the discussion in a public session to talk about areas where there is already some agreement around standards for roads that provide access to subdivisions, but then tackle the bigger question of how to deal with development that occurs out of subdivision, small scale, large scale and try to get to some conclusion next Tuesday night.*

*Next Thursday, February 2 is a special meeting and he noted that it will not be televised. It will be for the Council to interview applicants for the vacant Council seat. He noted that they have had another candidate withdraw. In the last email he sent to the Council they had someone submit an application after the deadline. He asked how they wanted to handle that application? With the latest withdrawal they have an empty slot for the interviews. They need to get back to all of the candidates that will be interviewed and let them know what the logistics are. The Council decided to wait until they got to Agendas and Scheduling.*

## **VIII. Committee Reports.**

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

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

*Councilor Nangle: Stated that they have had no meetings, and they did have a candidate who was interested in the ZBA but since has withdrawn.*

*Councilor Chapman: She said she spoke with Tony after she had a conversation with Jim Hanscom, and she suggested to Tony that maybe Councilor Nangle might be able to input into a shared Google calendar, all the committees and when they are expiring. She said that Margaret Pinchbeck's term is up, and she*

*was waiting for someone to reach out to her to see if they wanted her to stay on the committee. Councilor Chapman feels we need to be better at reaching out to our committee members as to when their term is up to see if they are still interested in staying on.*

*Council Chair Welch asked Tony if he could see if they could get something set up, and Tony said they would see what they could do.*

2. Finance Committee.

*Councilor Nadeau: They have not met yet but they shall be.*

**B. Other Committees.**

1. Land Use Ordinance Committee.

*Councilor Nangle: There are no meetings scheduled.*

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

*Councilor Nadeau: Everything is all set and looking good.*

3. Windham Economic Development Corporation

*Tony Plante: He said they were to have a meeting last week, but due to the weather and the fact that some board members were unable to attend or were attending the MEREDA Conference last Thursday, the board meeting was called off. The next meeting is in February.*

4. Parks & Recreation Advisory Committee.

*Councilor Chapman: They have not met since the last time, but February 3 is the S'more's Skating Event at the Donna Lippman Park.*

*She also thanked Shaw Brothers for letting them use the light up tower so they can skate up there.*

5. Wastewater Management Planning Advisory Committee.

*Tony Plante: They are awaiting an updated schedule, and some suggestion about how they might improvise the scope of work for tasks 3 and 4 of the Wastewater Project. They will schedule a meeting as soon as they get those.*

**IX. PUBLIC HEARINGS.**

**X. CONSENT AGENDA.**

17-014

To approve an application for 7 coin-operated device licenses submitted by Dena Withey d/b/a Dena's Lobster House and Tavern.

**Attachments:** 17-014 Cover SheetDena's Lobster House-7 Coin-ops

- 17-015 To find that the requirements of 28-A M.R.S.A. §653 have been met and to approve an application submitted by Smoke This Two, LLC d/b/a Buck's Naked BBQ for a renewal Liquor License.

**Attachments:** 17-015 Cover SheetBuck's Naked BBQ-Liquor Renewal (2)

- 17-016 To approve an application submitted by Smoke This Two, LLC d/b/a Buck's Naked BBQ located at 4 Turning Leaf Drive for a renewal Special Amusement permit.

**Attachments:** 17-016 Cover SheetBuck's Naked BBQ-Special Amusement

- 17-017 To appoint Nicholas Kalogerakis to a three-year term on the Planning Board, to expire February 15, 2019.

**Attachments:** 17-017 Cover SheetN Kalogerakis request

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

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

Absent: 1- Councilor Maxfield

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

- 17-009 To endorse an application for Community Development Block Grant (CDBG) funds for the "Depot Street Sewer Improvement Project."

**Attachments:** 17-009 Cover Sheet

DEPOT STREET SEWER IMPROVEMENT PROJECT CDBG APPLICATION

*Tony Plante - This is a project to improve the sewer in South Windham on Depot Street, roughly from High Street to Main Street. There is a small diameter gravity sewer and syphon that has been there about as long as there has been sewer in South Windham. It doesn't work very well and has been in need of replacement for quite a long time. The town has been working with the Portland Water District on plans that they have to upgrade the water main in that area. The town has been wanting to rebuild Depot Street for awhile, and it makes sense to do all of these things at the same time.*

*The issue they are faced with on the sewer project is Windham already has the highest sewer rates in the Portland Water District's service area. If they do this project that is projected in the materials from the PWD, their assessment will continue to go up, which*

will mean that they need to either increase the sewer rates or they need to begin to plan paying for a portion of that out of general revenues and property taxes.

They do have an area in South Windham that is already defined as low to moderate income, which is one of the threshold requirements for CDBG funds. The town is asking for the Council's endorsement on an application for \$300,000 in CDBG funds to offset part of the estimated \$475,000 cost. That will reduce the town's need to increase sewer rates or find other revenues in the future.

He said they are assuming that the matching funds for this would come from sewer rates as they use those to pay the assessment that they pay the PWD.

Councilor Chapman: She asked if the new women's facility being built down on the River Road would tie in, and if so, would that help mitigate some of this costs? Tony said the connection of the Women's Prerelease Center will help offset some of the costs of existing capital and increased operating costs once the town gets those new 68 units in, but that all connects through the line on Mallison Falls Road, it does not affect this section of sewer at all. Tony said they do not know if they will get the grant, but in any case, whether it does or doesn't there will be some amount to which sewer rates will have to go up to account for the Prerelease Center, which most of that is operating costs so that will pay for itself and a portion of the current capital. They will have to consider that they will be adding another \$475,000 of capital expense over the next 10-20 years.

He said this will offset just the sewer portion. The water main upgrade is on the water district and water users. The rebuilding of Depot Street, except for the portion that Avesta contributed to, would come out of the towns road improvement budget.

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

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

**Absent:** 1 - Councilor Maxfield

**17-030** To endorse an application for Community Development Block Grant (CDBG) funds for a revolving loan fund for the replacement of failing septic systems within MS4 areas of Gorham and Windham.

**Attachments:** 17-030 Cover Sheet  
septic cdbg-01312017105623

Councilor Chapman: She said the town does not own the school, the RSU does, so why is the town putting this forward for a block grant versus the school?

Tony Plante: The School District is not eligible to apply for funds. At some point the John Andrews School property will no longer be needed by the School District. By law, that property has to be offered first to the town, and we would get it back. No improvements have been made to it, it would come back to the town at no costs. They are trying to plan ahead. He said they have two properties in town that the town will have some control over. They are both central to the village, the former South Windham Fire Station, and they plan to have temporary uses in that building but they do not have a long-term strategy for that property. He said they have been talking about the Andrew School property for years and what it might be.

*They are trying to get ahead of the game a little bit and leverage \$3,000 of local funds with \$12,000 of requested CDBG funds, to give them a chance to look at what the options are for both of these properties. The town does not own the Andrew School property. They did make the school aware that they were looking at this; all they are doing is looking at it and trying to plan ahead.*

*Councilor Chapman: She said she didn't like doing a feasibility study on something the town does not own. She doesn't understand why the WEDC did not apply for this block grant on their own?*

*Tony Plante: Tony said WEDC is not eligible to apply on its own because they are not a municipality.*

*Tom Bartell: Tom said it needs to come through the town, and that is for all CDBG funds in Cumberland County. Municipalities have to endorse all projects going forward. He said the reason to combine the two is to get them both going and get the work done. Outside of the Superfund site, this property is the largest property being abandoned down there. He does not think they should allow it to be a place for storage and not be useful to the village.*

*Councilor Nangle: He sees it as a \$3,000 match to get \$12,000, if the grant even goes through. If the town doesn't get the grant, they are not obligated to spend the money. He thinks planning ahead, as far as the two properties go, makes sense to include the two of them, especially in this economy. He thinks they should move forward with it.*

*Tom Bartell: He said he did run it by the Superintendent and he said to move forward with it.*

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

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

**Absent:** 1 - Councilor Maxfield

**17-013**

To endorse an application to the Portland Area Comprehensive Transportation System (PACTS) for funding in support of \$6.8 million in transportation improvements as part of Windham's 21st Century Downtown initiative, including a letter in support of the City of Westbrook's 2017 application for PACTS capital funds for improvements to William Clark Drive as part of a PACTS West Region cooperative effort, consistent with a memorandum from Town Engineer Jonathan Earle dated January 20, 2017.

**Attachments:** 17-013 Cover Sheet

Council Memo 1-24-2017

Draft Windham letter

Draft letter of support PACTS 2017 application Gorham

Draft letter of support PACTS 2017 application Westbrook

*Tony Plante - At their meeting of January 17th they had discussion of whether to consider burying the overhead utilities. This is the first piece of that; an application to the*



*Portland Area Comprehensive Transportation System for funding the transportation improvements. They recognize that this represents several years worth of all of PACTS transportation improvement funds. He said the goal is to go on record with PACTS to be able to go hand in hand with PACTS to MDOT or wherever else they need to go to identify funding to help pay for this project.*

*He said they are part of a sub-region that impacts the west region and they are working with other communities in our region in a cooperative effort to support each other's projects. He said some improvements they make have area wide or region wide benefits, so they are supporting Windham's project applications and Windham is supporting their applications, but the main point is to go on records with PACTS saying "this is what we want to pursue and we want you to work with us."*

*Councilor Chapman: She asked if it included revamping where the bus goes?*

*Jonathan Earle - Town Engineer: He said this is solely a capital transportation project funded through PACTS; corridor improvements for capacity and safety on Route 302.*

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

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

**Absent:** 1 - Councilor Maxfield

**17-018**

To approve an agreement with the Maine Office of GIS in the amount of \$11,325 for the purpose of updating orthoimagery in the town's geographic information system (GIS), such agreement to be paid for from the Pipeline Development District (TIF) Fund.

**Attachments:** 17-018 Cover Sheet

Orthoimagery 2017-2022 Community Info Sheet

Orthoimagery Memo of Agreement

*Tony Plante: He said this to update our aerial photos in our GIS, and every so many years the photos need to be updated when things on the ground change. This is participating in a flight that the Maine Office of GIS has contracted for. Cumberland County has contributed to this to help reduce the costs to what you see here.*

*Elisa Trepanier-Assessor: She explained that the term orthoimagery just means aerial photos. Councilor Nangle asked how much of a difference was there between the 3 inch imagery versus the 6 inch, and she said about \$28,000.*

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

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

**Absent:** 1 - Councilor Maxfield

**17-019**

To establish a Joint Public Works/School Maintenance Facility project team with the Windham-Raymond School District as outlined in a memorandum from town manager Anthony Plante dated January 20, 2017.

**Attachments:** 17-019 Cover SheetJoint Project Team Memo 20170120

*Councilor Chapman: She said that Shaw Brothers invited the whole team to go down to tour their facility. Then they can talk to them about some of the problems they encountered and some of the costs savings when they did theirs.*

*Tony Plante: This sets up a joint project team from the town and the school district, which would make recommendations or to come up with ideas and shared costs of the shared facility, with the idea of them to be able to do that within 60 days, and to identify appropriate costs shares for the project and the method of sharing those costs.*

*He spoke with a School Board member and as they get further into this, if the project is approved, they could become the project committee if issues come up during construction.*

*He said for this portion the team would consist of two members of the Council, two members of town staff or administrative staff to be designated by the Manager, most likely the Manager and the Public Works Director. Two members of the RSU Board of Directors to be chosen by the RSU Board, two members of the RSU Staff, chosen by the RSU Board, and two members of the community with demonstrated experience as part of the design or construction team for facilities of similar size and complexity to be chosen by the other eight members of the joint project team.*

*Councilor Nangle: Asked if the meetings would be during the day or evenings? Tony said they will be determined by the team. Tony also suggested the team tour the Westbrook Facility, which is the most comparable facility. After some talk it was determined that Councilor's Nadeau and Nangle would be the two Council members and with Councilor Chapman as an alternate.*

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

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

**Absent:** 1 - Councilor Maxfield

17-020

To direct the Energy Committee and appropriate staff, through the town manager, to develop a draft request for qualifications/proposals (RFQ/RFP) for acquisition of the town's streetlights and conversion to LED fixtures.

**Attachments:** 17-020 Cover Sheet

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

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

**Absent:** 1 - Councilor Maxfield

17-025

To grant consent to a proposed easement on property owned by the Windham Youth Soccer Association to S.D. Warren for a car-top boat

launch facility at the Gambo field complex.

**Attachments:** 17-025 Cover Sheet

Gambo Boat Launch Easement Windham 22Nov16

Gambo Boat Launch Site Plan 2016 7 28

*Tony Plante: Tony said the reason they need to do this is because it is part of the purchase and sale agreement that the town retained a right of first refusal should Windham Youth Soccer ever decide to sell the property. Because of that, WYSA is planning to grant an easement for a car-top boat launch, which is part of SD Warrens or Sappi's dam relicensing under the rules of the Federal Energy Regulatory Commission, they have to get the town's consent as well.*

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

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

**Absent:** 1 - Councilor Maxfield

## **XII. Agendas & Scheduling.**

CD 17-032      Agenda Items Reports.

**Attachments:** Projects & Issues List 20170120

Projects & Issues Sheets 20170120

*There was discussion of agendas and scheduling.*

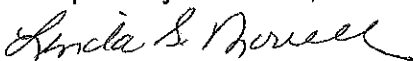
## **XIII. ADJOURN.**

**A motion was made by Councilor Muir, seconded by Vice Chair Nadeau, that they be approved. The motion carried by the following vote at 8:20 p.m.**

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

**Absent:** 1 - Councilor Maxfield

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM