



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

---

Tuesday, August 22, 2017

7:00 PM

Council Chambers

---

#### I. Roll Call of Members.

Present: 7 - David Nadeau, Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Brett Jones

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

CD 17-244 To approve the minutes of the August 8, 2017 Council meeting.

Attachments: Minutes-Town Council-8-8-2017

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

In Favor: 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

#### IV. Public Participation.

*No Public Participation.*

#### V. Councilors' Comments.

*No Councilor Comment.*

#### VI. Council Correspondence.

*No Councilor Correspondence.*

CD 17-238 Southern Maine Agency on Aging Letter of Thanks

Attachments: SMAA Thank You

CD 17-237 Town Clerk's Office Monthly Report - July 2017

Attachments: Town Clerk's Report for July 2017

CD 17-239 Fire-Rescue Department Monthly Report- July 2017

Attachments: Fire-Rescue Monthly Report July 2017

CD 17-240 Social Services Monthly Report - July 2017

Attachments: Social Services Monthly Report - July 2017

CD 17-241 Parks and Recreation Department Monthly Report - July 2017

Attachments: Monthlyreportsjuly2017

CD 17-242 Police Department Monthly Report - July 2017

Attachments: July 17

CD 17-243 Public Works Department Monthly Report - July 2017

Attachments: Public Works Department Monthly Report - July 2017

Mission, Success, and Measurement Table

CD 17-250 Assessing Office & GIS Monthly Report - July 2017

Attachments: Assessing & GIS Report July 2017

## VII. Town Manager's Report.

CD 17-248 Town Manager's Report

Attachments: Town Manager's Report 20170818

Projects & Issues List 20170818

Projects & Issues Sheets 20170818

*Tony Plante: The Council's regular schedule, with meetings the first through fourth Tuesdays of the month as defined in the Council's rules, resumes in September.*

*In regard to the Request Tracker and the mobile app they have been working on, they have received the testing information from Civic Plus, and they have tested the app. They are evaluating the app before submitting it to Apple & Google for approval and distribution through their app stores.*

*The Strategic Plan discussion that had been scheduled for tonight has been moved to September 5.*

*Tony then invited Sarah Crichton up to speak. Sarah, our former summer intern, has been working for the Manager's Office but actually working out of the Parks & Recreation Department. She has been working on a range of projects and issues. Sarah will be returning to the University of Maine next week.*

*Sarah Crichton: Sarah thanked Tony for her wonderful experience she had with her internship. She also thanked Phyllis Moss and said Phyllis had been a great mentor.*

*She began her internship the end of May. Sarah began with MUNIS doing a lot of prep work inputting lots of information. After that she started studying the budget and was a little intimidated by how huge it is.*

*She created events on Facebook for the Parks & Rec Department. She loves taking pictures, so she went around to all the town parks and trails and updated them every couple of weeks. Tony asked her to take a picture of the Covered Bridge for the new app.*

*The biggest part of her job this summer was mostly research for projects such as the Senior Tax Assistance Program. She also worked on the Comprehensive Plan and the Capital Plan doing a lot of research and looking at policies.*

*Sarah attended different meetings, i.e. department head meetings, ecomaine's annual meeting, strategic meetings and she spent time in different departments learning what each office handled.*

*She got to take a tour of the ecomaine facility, and said they are doing really interesting, cool and innovative things there, and she recommends that everyone should go check it out.*

*Sarah went on ride-a-longs with Code, Police Department and the Fire Department. She said it is really a different experience to be right there and observe, you learn so much more and have an appreciation for what they do on a daily basis.*

*Her favorite experience was attending the Maine Town's & City Management Association meeting. It was focused on bringing young people into local government and there was an intern panel there as well.*

*She also worked on the broadband project and worked with Tom Bartell, Windham's Economic Director.*

*Sarah said she learned a lot because of this internship and cannot wait to someday be a part of local government. She thanked Tony for the opportunity.*

## **VIII. Committee Reports.**

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

#### *Appointment's Committee:*

*Councilor Nangle: They will appoint a candidate tonight. The town is always looking for volunteers to assist on committees, the updated list is on the town's website or feel free to contact Tammy Hodgman if you are interested.*

*Councilor Chapman: She reminded them about Charges for the Natural Resource Committee Charge and the Summerfest Committee Charge. The Summerfest Charge needs to be on the agenda because they have a meeting in September, and they need to get those done.*

#### *Maintenance Facility Joint Project Team:*

*Tony Plante: The meeting will be this Thursday at 6:00 pm in the bus driver's ready room. They will continue to work on the nuts and bolts of the communication's program and reviewing an updated draft flyer for the project.*

## B. Other Committees.

## IX. Discussion Items.

CD 17-246 Highland Lake Association on Water Quality, Other Concerns.

Attachments: Email and Letter from Dennis Brown re. Highland Lake  
Maine DEP Highland Lake Phosphorus Control Action Plan

*Tony Plante: Tony gave a brief history of the lake over the last 20 years. Tony noted that a couple weeks ago there were a few representatives from the Highland Lake Association and other residents including Dennis Brown, one of the representatives speaking tonight, who came to the Council with concerns with an ongoing bacterial bloom in the lake. They asked to be added to an agenda so they could inform everyone of the crisis the lake is in, and to put a hold on all high density development so to give them time to figure out the cause of the problem.*

*People who spoke at the meeting:*

*Rosie Hartzler, President of the Highland Lake Association (See attached)*  
*Dennis Brown from the Highland Lake Association*  
*Robyn Saunders Director of the Cumberland County Soil & Water Conservation District*  
*Town Attorney Kristen Collins*  
*Chantal Scott, Falmouth resident*

## X. PUBLIC HEARINGS.

## XI. CONSENT AGENDA.

17-147 To appoint LeAnn Luczek to a three-year term on both the Human Services Advisory Committee , to expire May 15, 2020 and the Natural Resources Advisory Committee, to expire August 15, 2020.

Attachments: 17-147 Cover Sheet

17-148 To approve an application for a renewal motion picture theater license submitted by Smitty's Cinema-Windham LLC at 795 Roosevelt Trail.

Attachments: 17-148 Cover Sheet  
Smitty's Cinema-Motion Picture (2)

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

**In Favor:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

## XII. UNFINISHED BUSINESS & GENERAL ORDERS.

17-124 To set the tax rate for 2017-2018 at \$16.43 per thousand dollars of assessed value.

Good evening

My name is Rosie Hartzler, President of the Highland Lake Association board of directors, and a resident of Windham since 1997.

I want to thank the WTC for this opportunity to interact at this special meeting .

I am here tonight with the following request:

**That the WTC institute a moratorium for 1 year on all high density development within the Highland Lake Water shed**

Why are I asking for this ? Quite simply, it is all about the lake!

HL is showing signs of stress. The outbreak of Picocyanobacteria for the fourth summer in a row, is sounding an alarm around the HL water shed community. This microscopic nontoxic outbreak of bacteria reduces water clarity from 6 meters down to less than 2 meters. This bloom is a symptom of a much bigger and very complex problem.

In addition to the PCB bloom, an outbreak of metaphyton, a type of algae that looks like green cotton candy, has been on display at the shoreline in higher than normal amounts.

In reality there are two boogey men at HL – both of which have the scientific community scrambling to figure out what is going on.

There are multiple contributors to both the picocyanobacteria and the excessive metaphyton; One of the prime culprits is excess nutrients (namely P and N ).

The beautiful lake evident in the photo is sending an alarm.

This is not the first alarm from HL .

In the late 90's data revealed a declining water clarity. Phosphorus levels in the lake were increasing and it was determined in an EPA funded 1997 watershed study that 60% of the increased P in HL was due to unchecked runoff from increased shoreline development. Floating mats of algae frequented HL.

Keith Williams reported for four years in a row ending in 1999 the total phosphorus exceeded ten parts per billion – 10 PPB is the goal set by DEP for a healthy lake

Then from 99 – 2010 over a million \$\$ of federal, state and local money, volunteer effort, match money from residential owners, engagement of various local, state and federal agencies successfully implemented mitigation efforts to reduce P levels in HL.

For a brief period it appeared that HL was back in recovery mode. The lake was removed from the DEP list of lakes most at risk from new development .

Then a mere 4 years later , the lake again sent out its alarm. A sudden drop in the water clarity in July 2014, prompted WQ monitors to take note. When a more pronounced change in water clarity occurred in the next two seasons, the WQ team went on high alert.

By the end of the 2016 season, it was clear that a new phenomenon was raising its ugly head in HL. Whereas algae was the primary culprit in the early 2000, now it was evident that a cyanobacteria (which had always been present in HL, but heretofore was a sleeper in the lake ecosystem) demanded a new level of focus and scientific inquiry.

This spring the T of W allotted \$4,000 to the HLA to work on the problem of PCB.

Karen Wilson , USM professor of Environmental Studies fears that the outbreak of PCB in HL may be indicative of things to come. Even though this bloom has been determined to be non-toxic, given the right circumstances, this bloom can become toxic. In other words, if the circumstances are favorable to spawn the bloom that is not harmful – then it would only be a very short step toward blooms that are toxic. This implies the potential of a looming health threat.

Our lake is right on the edge. We may be at a tipping point. A 2013 Maine Lakes Report issued by the Volunteer Lakes Monitoring Program rated 27 lakes in Southern Maine for overall water quality. HL came in as # 22 – just 5 places from the bottom of that list ....

Currently the DEP lists HL as a lake most at risk from new development.

We are very apprehensive about the potential impact of high density development in the watershed, This water shed is already one of the most densely developed watersheds in southern Maine.

The lake is calling for a pause.

In reality the bottom line is the investment that deeded shoreline lake front property owners have made. The DEP has determined that for every 3 feet of decline in water clarity, shoreline property values can decline as much as 20% . There is a direct correlation between water clarity, property values and tax revenue.

We all have a stake in the lake.

I urge you as members of the WTC to institute a moratorium on high density development in the HL water shed –

Quite simply – it is all about the lake !

**Attachments:** 17-124 Cover SheetTax Rate RecommendationTax Rate History 2004-2018

*Tony Plante: Tony said this represents an increase of approximately 4.7%, and the Council has materials in their packet from Assessor Ellsa Trepanier with the calculation as well as her discussion of how this relates to the previous year, and the pick up in value. Tony also included a graph that shows the history for the last 15 years of the rate and broken down into various components. Tony said the tax rate is simply a function of the amount of the respective budgets, i.e. the school districts, county and municipality, less other revenues that they collected, divided by the total taxable value of the town. He said there are some fine points they could get into, such as the homestead exemption, because there was a change in that this year.*

*Councilor Nangle: He wanted to point out that the School's portion of the tax rate went up .54 cents and the municipal side went up .19 cents. The School Department's rate is \$10.48, the Municipal side is \$5.26. He said he thinks a lot of people equate the \$16.43 as a total tax rate that something that the Council sets, and it is not.*

*Councilor Nadeau: He stated that the legislative change on the Homeowners Exemption accounted for .10 cents of that 19 cents.*

*Tony Plante: He said last week was the result of the budget that was passed by the legislature after they shut down. There was additional funding included in this state budget for schools, and the portion that came back to Windham, as a result of the School Board action last Wednesday, was about \$375,374.*

*Councilor Maxfield: Windham needs to invest in Windham. Between 2007 and 2011, prime recession time, our rate for the town side did not go up that much, but since 2012 it has crept up quite a bit, and we are in a great economy, low interest rates; we are missing out on investments. We need to spend money that we invest and it will never, necessarily, make our tax rate go down, but he said those numbers tell him that we need to keep the momentum going in looking at infrastructure in Windham, targeting our growth areas and making it a priority, which will cost money. We are paying a lot in taxes, and we do not have a lot to show for it. Investing in ourselves is the only way we will break that trend.*

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

**In Favor:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-125

To set the dates on which 2017-2018 taxes will be due as October 2, 2017 and April 2, 2018.

**Attachments:** 17-125 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:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-126

To set the rate of interest that will be charged on overdue taxes for

2017-2018 at seven percent (7.00%).

Attachments: [17-126 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:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-140 To confirm an appointment made by the Town Manager to the position of Director of the Code Enforcement and Zoning Administration Department.

Attachments: [17-140 Cover Sheet](#)

*Tony Plante: Several months ago we began the process of selecting a new director for the Code Enforcement & Zoning Administration Department. As with other senior leadership searches, we spent some time developing an understanding of the characteristics we needed in a new director - beyond the simply quantifiable elements of education and experience, we were looking at the needs of the organization, and the community, the personality traits and the temperament of the candidate that would fill the position. Members of the Council, the management team and some community members were asked to weigh in and contribute to what would become our candidate profile and the basis for our search.*

*After posting and advertising the position, then extending the search, we received about sixteen applications, we pulled together an interview committee to do the initial screening of applicants with the assistance of Phyllis Moss, the town's assistant town manager and HR director. I would like to thank the interview committee members for their diligence in carefully reviewing the qualifications of the applicants and selecting candidates whom they interviewed. Members of the interview committee were:*

*Marge Govoni, Windham resident, Chair of the zoning board, and Chair of the school district board  
David Douglass, Windham resident and Chair of the planning board  
Don Nichols, Windham resident and contractor  
Tim Tandberg, Windham resident, excavation and earthwork contractor  
Roy Moore, Windham resident and business owner, former Councilor  
Christine Weymouth, Windham resident and local banker  
David Galbraith, Gorham code enforcement officer  
Chief Brent Libby, Windham Fire-Rescue Department and Windham resident*

*Following their interviews with the candidates I met with the committee to receive their recommendations and observations, and to ask them about their choices, after which I had my own rounds of interviews and follow up questions.*

*Last month I had two candidates meet individually with the Council. The members of the Council who were there were asked to complete a brief online survey regarding your observations about the candidates and whether they would be a good fit for Windham. I really appreciate the feedback I got from you, I appreciate the feedback I got from the interview committee. Those both help inform my considerations and some of the discussions and follow up questions I had with candidates. After which it was my pleasure to offer the position of code enforcement director to Christopher Hanson.*

*Mr. Hanson is the current code enforcement officer in Raymond, a position he has held since 2009, after three years with the City of Portland Code Office, and twenty or so years*

*in construction as a manager or owner and manager. With the Council's vote to confirm Mr. Hanson's appointment as Windham's next code enforcement director, we will have someone with a demonstrated ability and knowledge of this area as well as the field and certificate in code enforcement, but also to help chart a positive path for code enforcement and the community. Thank you very much.*

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

**In Favor:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-146 To approve the transfer of defendant Racquel Matthews-Leavitt's \$5,018.00, or any portion thereof, 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:** 17-146 Cover Sheet

Forfeited Assets

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

**In Favor:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-149 To approve a Joint Funding Agreement with the U.S. Geological Survey (USGS) for calendar 2017 in the amount of \$40,000 for continued water quality monitoring in the well network in North Windham, with local funding in the amount out \$23,000 to come from the Roosevelt Promenade TIF fund.

**Attachments:** 17-149 Cover Sheet

WindhamFY17JFA.Coverletter

WindhamJFA

**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:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-150 To establish a Long Range Planning Committee and adopt a charge therefor as outlined in a memorandum from the planning director and town manager dated July 21, 2017.

**Attachments:** 17-150 Cover Sheet

TC Memo\_LRPC charge packet\_07-21-17

*Tony Plante: He said they had talked about this at the Council meeting of August 8. This was a key recommendation in the Comp Plan to make sure that we have somebody to oversee or assist with over site of implantation. That was one of the areas we fell short last time, despite which we accomplished nearly 40% of what was in the Comp*

*Plan. The idea behind having the long range planning committee, aside from adopting a charge and establishing the committee, is that we begin work to imbed the long range planning committee into our processes, such as capital planning, strategic planning and the budget process. So that the recommendations, the goals that are reflected in the Comp Plan are, at least, part of the discussion and that we make progress towards realizing those.*

**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:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

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

#### CD 17-249      Agenda Items Reports

Attachments: Agenda Items Report 20170818

Projects & Issues List 20170818

Projects & Issues Sheets 20170818

*There was discussion of agendas and scheduling.*

### **XIV. ADJOURN.**

**A motion was made by Councilor Chapman, seconded by Councilor Muir, that the be adjourned. The motion carried by the following vote at 9:30 p.m.**

**In Favor:** 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM