



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, August 23, 2016

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 5 - Donna Chapman, Roy Moore, Bob Muir, David Nadeau and Tim Nangle

Absent: 1 - Dennis Welch

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

[CD 16-302](#) To approve the minutes of the August 9, 2016 Council meeting.

Attachments: [Minutes - Town Council - 8-9-2016.pdf](#)

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

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

Absent: 1 - Vice Chair Welch

IV. Public Participation.

No public participation.

V. Councilors' Comments.

Councilor Nangle: He expressed his condolences to the McNally family for their loss. He also congratulated the Manager for his award of Town Manager of the Year.

VI. Council Correspondence.

No Council Correspondence.

[CD 16-275](#) Planning Department Monthly Report - June 2016

Attachments: [06-2016 Monthly Report](#)

[CD 16-288](#) Fire-Rescue Department Monthly Report - July 2016

Attachments: [July 2016 Monthly Report](#)

[CD 16-294](#) The Town Clerk's Monthly report for July 2016.

Attachments: [Town Clerk's Monthly Report for July 2016.pdf](#)

[CD 16-296](#) Police Department Monthly Report - July 2016

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

[CD 16-297](#) Parks and Recreation Department Monthly Report - July 2016

Attachments: [Parks & Rec Monthly Report - July](#)

[CD 16-299](#) Public Works Monthly Report - July 2016

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

[CD 16-300](#) Planning Department Monthly Report - July 2016

Attachments: [07-2016 Monthly Report](#)

[CD 16-301](#) Windham Public Library Monthly Report - July 2016

Attachments: [Library Monthly Report - July 2016](#)

[CD 16-303](#) Social Services Monthly Report - July 2016

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

VII. Town Manager's Report.

[CD 16-304](#) Town Manager's Report.

Attachments: [Town Manager's Report 20160819](#)
[SWFS Construction Meeting Minutes 20160803](#)
[Projects & Issues List 20160819](#)
[Projects & Issues Sheets 20160819](#)

Tony Plante: Tony thanked Councilor Nangle and the members of the Council who attended the awards banquet at the recent New England Management Institute held by the Maine Town, City & County Management Association. He said it was quite a surprise and a little humbling being singled out in front of a group of as many good, professional, talented people as he was.

He said that Angler's Road is, largely, in place. They are awaiting finish paving, closing off the old Angler's Road with sidewalk and curb, and finishing landscaping. The biggest issue right now is the mast arms and signals, and waiting to hear when they can expect those. Depending on when that is, they may end up with a temporary setup there so they can get the intersection functioning. The project has run pretty smoothly, but with any complex project there is going to be an occasional change order but nothing major. The

one decision they made after the fact was to pave the entire intersection. He said that was mainly due to a change in the schedule by DOT.

The South Windham Fire station structural modifications are going in. Framing of the office space and training room will begin after the insulation crew has been in, possibly towards the end of this week. They meet every two weeks to review the progress and will have another meeting on the 31st if this month. They will be working on finalizing the pavement plan at that point. Because of permitting delays with the State Fire Marshall's Office and the supplier on some of the structural steel, it looks like they will have to extend the schedule into October.

The Council has a follow-up discussion on private roads from its meetings of July 26th and August 9th. From those meetings there was some ideas and some feedback that were going to be provided to staff. He said it would be helpful for them to have, either before then, from anybody who has not been in touch with the Planning Director to provide that, if not, they will be looking to get some clear direction.

Members of the Waste Water Management Planning Advisory Committee are meeting with Wright-Pierce tomorrow. In doing the update to the hydrogeological model Ransom Environmental says they have had to put in a greater degree of effort than they anticipated, and they think there is more work that needs to be done to get to the answers the town is looking for. The purpose of the meeting Wednesday is to go over that with Wright-Pierce and figure out what is really needed to get to the answers. Tony said it will be most likely be November when they get answers back from Wright-Pierce.

There will be a discussion on a possible local regulation of consumer fire works at the meeting of September 6.

There is a Special Meeting planned for next Tuesday, August 30 at 7:00 pm for a discussion item on the towns Historic Preservation Ordinance, and how it might benefit efforts of the Windham Historical Society.

Tony said he was contacted by the Superintendent's Office a few weeks ago. They are interested in exploring school impact fees, and wanting to know what information the town might have or what resources the town might be able to reach out to. Tony said he has reached out to a couple, and he is working on setting up an informal introductory meeting about impact fees for schools.

He sent an email forwarding some figures from Allied Engineering on the Public Works/School Transportation Maintenance Facility. Last year they put out a \$7.7 million dollar referendum for a new facility, which failed by 113 votes. They have had several discussions, and the last discussion was to update the numbers. He said Councilor Nadeau, Doug Fortier, Bill Hanson, Donn Davis, Sandy Prince and Tony met to look at the Westbrook Facility, which is being built by Great Falls Construction. They are also doing the South Portland Public Works Facility. Great Falls put the revised estimate, together and their revised estimate with the other add on they had from the project last time, would result in a project cost of about \$8.6 million dollars, which is about a \$900,000 increase in a year's time.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: They have not had any applicants this month, and have held no meetings.

Council Chair Chapman said she had a conversation with Tony to go over some things to do with the committee. In looking at some things she said that maybe having a calendar tied in so that the Chair of a committee might have access to it, so they know who is up, when they are up and what the vacancies are. She thinks this would help get a handle on the committees.

2. Finance Committee.

Councilor Nadeau: He said Judith and Linda will have a webinar on Friday to make sure that all their issues can be looked at and to make sure Munis can take care of their needs.

To Tim's point with the Appointment's Committee; the way things are done now is with spread sheets and the new software is multilayered, so when someone is up for an application you will get a little flag pop up to know something is due. It will be a backbone of the community; there are other pieces that can be added in the future.

B. Other Committees.

1. Land Use Ordinance Committee.

Councilor Nangle: They have had no meetings, and nothing is scheduled.

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

Councilor Nadeau: He said they are all set so far for this year.

3. Windham Economic Development Corporation.

Tony Plante: They met last week but he had to leave early to go to a construction meeting. There were some items discussed by the board and probably acted on authorizing transfer of property. The WEDC has been working on selling lots on the Angler's Road property. They agreed to an amendment to the articles of incorporation such if WEDC ever dissolves, goes out of business, stops functioning, then its assets revert to the Town of Windham, which clarifies WEDC's tax exempt status.

Roy Moore: They had a presentation from Ben Smith on the Comp Plan, and will be given again tonight.

4. Wastewater Management Planning Advisory Committee.

This was covered in the Town Manager's Report.

5. Parks & Recreation Advisory Committee.

Councilor Chapman: They have a meeting next Monday, August 29.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.**XI. UNFINISHED BUSINESS & GENERAL ORDERS.****16-101**

To set the tax rate for 2016-2017 at \$15.70 per thousand dollars of assessed value.

Attachments: [16-101 CoverSheet](#)

[TaxRateCalcMemo](#)

[TaxRateMinMax](#)

[Tax Rate History 2003-2017](#)

Councilor Muir said he liked the way the presentation was prepared by the Assessor. He said she had the different tax rates laid out really well, so you could see the difference in overlays opposed to what the tax rate would be. The recommendation of \$15.70 is about 3.6% in total, and that would give an overlay of \$59,912.

Tony said for fiscal 2016 they included \$325,000 in the budget, so you will see on the tax rate calculation form they used \$325,000. They are trying to work revenue sharing out of our budget for fiscal 2017, it is zero. The figure they use in setting the tax rate lags by a year, and the tax rate form uses \$325,000, and next year that figure will be zero. He said that is by design to insulate our budget process from whatever is going on.

Elisa Trepanier: After looking at the perimeter affecting this years tax rate and after factoring in the reduced revenue sharing and the increase in the Homestead exemption, she is suggesting the mil rate of \$15.70 per thousand. She said there is one minor adjustment to note; after running a recalculation of personal property of the data base today, she discovered a \$1,300 increase; this increase does not change the mil rate but it does increase the overlay amount by \$20.00.

Councilor Nadeau: Wanted to note that the Homestead Exemption went from \$10,000 to \$15,000 and next year it goes to \$20,000, and this was done by the Legislature. That showed up as a loss of taxable value of \$22,720,000. We get 50% of that back from the state, and that left us with \$11,360,000 that the state imposed on us that we couldn't collect taxes on. It saves some people money, but that \$11,360,000 caused the increase of 9.5 cents in the mil rate. Tony said it will shift a portion of the tax burden from one class of tax payers to another.

Councilor Muir: He said the School Tax is \$9.94, County Tax is \$0.69 and the Municipal Tax is \$5.07 totaling \$15.70.

Elisa acknowledged her Assessing staff Kara Taylor, Joan Hodgdon and Teresa Konczal. She said they have done a great job this year.

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: 5 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau and Councilor Nangle

Absent: 1 - Vice Chair Welch

16-102

To set the dates on which 2016-2017 taxes will be due as October 3, 2016

and April 3, 2017.

Attachments: [16-102 CoverSheet](#)

Tony Plante: He reminded people that even though the taxes are due in two installments, only one tax bill will go out, and it will have two coupons attached. Also, the reason for the due dates being October 3 and April 3 is because April 1 and October 1 fall on a Saturday, so this is the next business day.

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: 5 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau and Councilor Nangle

Absent: 1 - Vice Chair Welch

[16-103](#)

To set the rate of interest that will be charged on overdue taxes for 2016-2017 at seven percent (7.00%).

Attachments: [16-103 CoverSheet](#)

Tony Plante: This is established based on a statute; a figure that is issued annually by the State Treasurer based on commercial unsecured loans. It has been at 7% for the last four years.

A motion was made by Councilor Nangle, Seconded by Councilor Nadeau that the Order be approved. The motion carried by the following vote.

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

Absent: 1 - Vice Chair Welch

[16-134](#)

To approve an application for a renewal Motion Picture Theater License submitted by Milton Smith d/b/a Smitty's Cinema-Windham LLC at 795 Roosevelt Trail.

Attachments: [16-134 Cover Sheet](#)

[Smitty's Cinema Motion Picture Theater License.pdf](#)

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

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

Opposed: 1 - Vice Chair Welch

[16-135](#)

To approve an application submitted by Northern New England Telephone Operations LLC and Central Maine Power Company to locate (1) utility pole, cables and wires there on Barnes Road, approximately 1280' in a generally Northeasterly direction of Maine St.

Attachments: [16-135 Cover Sheet](#)

[Pole Location Permit-Barnes Road.pdf](#)

A motion was made by Councilor Nadeau, seconded by Councilor Muir that the Order be approve. The motion carried by the following vote.

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

Absent: 1 - Vice Chair Welch

16-136

To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by the Lake Region Eagles #4352 for a renewal liquor license.

Attachments: [16-136 Cover Sheet](#)

[Lake Region Eagles - Liquor renewal.pdf](#)

[Lake Region Eagles - Chief Schofield's Letter.pdf](#)

Brian Askov: He said he has been a resident in Windham for about 50 years and has been a member of the Lake Region Eagles for around 12 years and an Officer for about 10 years. He read a police report in regard to the Lake Region Eagles Club and stated that he had just seen it today. Brian said he believed that there were 3 reports that ended up on Chief Skofield's desk, and he did not believe any of them resulted in any convictions of any offense. He feels the letter is a little heavy handed, not 100% accurate. Brian said as a trustee it is their obligation to tell the bartender not to over serve. They do not promote people drinking outside or being over served. If they are over served, they offer them a ride home. Their motto is people helping people.

Chief Skofield: The Chief said he was trying to outline some concerns that were brought to his attention on some events that had occurred at the Eagles Club, as well as the steps that were taken to monitor the situation and hopefully resolve it. He said his objective is to make sure the Council has only the necessary information that they need prior to making a decision on the liquor license. He was not advocating not to renew it but wanted to address the concerns. He said in late May, early June he was made aware of some concerns by members of the club that they were admonished by the club for some activities, to include calling the Police when they felt somebody left the club while intoxicated. There was another concern, as reported to the Chief, that people were consuming alcohol outside, which is beyond the permit of their liquor license. They also handled an assault investigation there in late May. He noted that this all really happened over a course of a few days.

Not unlike any other establishment, and if they recalled a meeting several months ago, what he started doing each month was asking his staff to review calls of service at licensed liquor establishments that the town has. He said the rationale behind that is to try and be proactive and work with our businesses and social organizations, so if they are identifying patterns and problems, they can work with business owners and hopefully keep complaints off of the Council's table.

Since early June, to the time he penned the memo, there has been no problems or concerns at the Eagles Club. He has stopped by the club and shared his goal with the managers. The goal is if there are problems, they want the Police to be called to prevent any injuries. They want to work with all the establishments to give advice on training, etc.

Brian Askov: He said they did make changes. They expelled two members and removed one member completely from that situation. They look at everything, and they tell the servers not to over serve, and they usually do a good job, but sometimes people

come in and one minute they are fine and the next minute they are not. If they do get someone like that, and if they need the Police's help, they would certainly call them.

Councilor Nangle: He read from one of the reports about a member leaving the bar and driving erratically. They called the Police with the license plate and vehicle information when the member left the parking lot. Councilor Nangle said he would not want anyone feeling that they can't call the Police without having some type of retribution from the Eagles Club. He said he would see that as a problem and asked Mr. Aaskov if he agreed, and Mr. Aaskov did agree. Mr. Aaskov said that report really was not wrote up properly. Their objective is if someone is doing something to be harmful, they want to know about it and they will give them a ride home or call the Police if they cannot get to them in time. Brian said he was one of the people they pulled over. He was given a full sobriety test and he was fine. He said they are not doing something to help the community, they are targeting people.

Councilor Chapman: She wants everybody to play nice. They want to see businesses thrive but said we have a substance and drug abuse problem in our community, as in other communities. She hopes they will be an influence and help prevent that.

Dawn Kime: They provide community service and she has letters from the Town Manager. They donate monies to local food pantry and other foundations.

Councilor Nadeau: He supports the Chief, and he appreciates seeing the reports and it being resolved.

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

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

Absent: 1 - Vice Chair Welch

[16-137](#)

To approve an application submitted by the Lake Region Eagles Aerie #4352 located at 456 Roosevelt Trail for a renewal Special Amusement permit.

Attachments: [16-137 Cover Sheet](#)
[Lake Region Eagles - Special Amusement.pdf](#)

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

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

Absent: 1 - Vice Chair Welch

XII. Discussion Items.

[CD 16-250](#)

Comprehensive Plan Update.

Attachments: [1st Draft Comp Plan update](#)

XIII. Agendas & Scheduling.

Discussion of agenda & scheduling.

[CD 16-305](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20160819](#)
[Projects & Issues List 20160819](#)
[Projects & Issues Sheets 20160819](#)

XIV. ADJOURN.

A motion was made by Councilor Nadeau, seconded by Councilor Muir that they adjourn. The motion carried by the following vote at 9:10 p.m.

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM