



Town of Windham

Meeting Minutes - Final

Town Council

Town Offices
8 School Road
Windham, Maine

Tuesday, September 13, 2016

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - Donna Chapman, Roy Moore, Bob Muir, David Nadeau, Dennis Welch and Tim Nangle

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

[CD 16-315](#) To approve the minutes of the August 23, 2016 Council meeting.

Attachments: [Minutes - Town Council 8-23-2016.pdf](#)

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

In Favor: 6 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

IV. Public Participation.

No public participation.

V. Councilors' Comments.

Council Chair Chapman: She said she drove over the covered bridge and was appalled the damage the children or young adults have done to to the bridge while over there swimming. MDOT is going to fix the bridge, again, and she is hoping that the word is spread that they would appreciate it if they would stop vandalizing the bridge. It is a historical landmark.

She mentioned they received three thank you notes, one from the Southern Maine Agency on Aging, the Windham Historical Society and The Center for Therapeutic Recreation. They all thanked the town for supporting them. Also, the American Red Cross made a request for future funding considerations. Councilor Nadeau said this year they asked for \$275, and we funded them \$200.

Councilor Chapman attended the fund raiser with the Windham Police Department and the Gorham Police Department at Applebee's. This was to help raise money for the Special Olympics. It was a great turnout, fun had by all and the food was great.

Councilor Chapman spoke to Tony to see if they could put back on the agenda the ordinance that failed for pulling out Business Services and Landscaping Services & left it

Construction Services. Tony checked with Legal and said it could be done. She asked if they can consider adding Business Services and Landscaping Services in the C3 Zone for the meeting of September 27?

Tony said at that June meeting there was, in a single order, 2 additional uses that were being proposed to be added as permitted uses in the C3 Zone - Construction Services and Service Businesses, Landscaping. That motion failed, reconsideration did not happen, so what this would do is bring back an amendment to add Service Businesses, Landscaping in the C3 Zone and nothing else.

Councilor Moore asked if they could consider, at the same time, to have it put into the C2 zone as well, as it is a very lite use. Tony said they will have to check on that.

VI. Council Correspondence.

No Council Correspondence.

[CD 16-310](#) Southern Maine Agency on Aging - Note of Thanks

Attachments: [Southern Maine Agency on Aging - Note of Thanks](#)

[CD 16-311](#) Windham Historical Society - Note of Thanks

Attachments: [Windham Historical Society - Note of Thanks](#)

[CD 16-312](#) Center for Therapeutic Recreation - Note of Thanks

Attachments: [Center for Therapeutic Recreation - Note of Thanks](#)

[CD 16-313](#) American Red Cross - Request for Future Funding Consideration

Attachments: [American Red Cross Request for Future Funding](#)

[CD 16-316](#) Windham Public Library Newsletter, September 2016.

Attachments: [Check It Out - September 2016](#)

[CD 16-318](#) MMA Announces Windham's Receipt of Dividend Check

Attachments: [MMA Announcement of Dividend Check](#)

[CD 16-319](#) Susan Earls Email Regarding Fireworks

Attachments: [Email From Susan Earls Re Fireworks Concerns](#)

[CD 16-323](#) Request for Consideration of Winter Maintenance

Attachments: [Letter from Anthoine Road Statutory Road Association](#)

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

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

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

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

[CD 16-308](#) Financial Reports

Attachments: [Revenue Control Report as of 082216](#)
[Appropriation Control Report as of 082216](#)

[CD 16-322](#) Junkyard Inspection Memo-2016

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

VII. Town Manager's Report.

[CD 16-325](#) Town Manager's Report.

Attachments: [Town Manager's Report 20160909](#)
[Projects & Issues List 20160909](#)
[Projects & Issues Sheets 20160909](#)

Tony Plante: He said MDOT sent us notice that Babb's Bridge on the Covered Bridge Road will be closed beginning September 19 for up to 30 days for repairs. They met with Representatives from MDOT a year ago for their plans to repair the bridge. This bridge is a recreation of the historic covered bridge, and it is a well known landmark between Windham and Gorham, and it is a crime to have people to vandalize the bridge. Hopefully when the repairs are done they will have some ideas on how to deal with vandalism.

Next week there will be some work done on the signals for the White's Bridge/Anglers Road 302 intersection. It will not be the master arms themselves but the foundations will go in beginning next Monday. They are still looking for the completion of the project around mid-October.

He passed around a memo from Fire Chief Brent Libby, which was meant to be included as part of the Manager's report. Under the Fire Prevention and Life Safety Code the Council adopted this year, is an annual review of no burn zones in town. For a number of years the town has had an extensive list of areas where burning was completely prohibited. Chief Libby has undertaken a process reaching out to people in the no burn zones seeking their input and getting some feedback. On the basis of the feedback the Chief has made a determination that there will be some burning allowed in these former no burn zones. He will make an announcement with more specific details.

Last week he sent out an e-mail regarding an announcement on grants for substance abuse assistance. There was a story in the paper and a number of area departments applied for and received grants. He said what did not come out of that article was that some of those applications represented collaborative efforts. Westbrook was the lead applicant and was part of an effort that also involved Gorham, Buxton and Windham. They are working together to do our part in the face of the opiate crisis, in trying to

connect people who have opiate addiction to substance abuse, counseling recover and support.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: He would like to nominate Donna Chapman as the Council representative to the Windham Economic Development Board for the remainder of the Council term.

Nominate Nicholas Kelogerakis as an alternate to the Planning Board for a term to expire 2/15/2019.

Nominate the reappointment of Fred Panico to the Zoning Board of Appeals for a term to expire 2/15/2019 and Marge Govoni to the Zoning Board of Appeals for a term to expire 2/15/2019.

He thanked everyone for their service to the town.

2. Finance Committee.

Councilor Nadeau: They have a meeting on September 15 to go over the financial software. After that they will be bringing it to the Council.

B. Other Committees.

1. Land Use Ordinance Committee.

No report.

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

Councilor Nadeau: He said the letters went out to roads that were inspected regarding cutting brush, etc. and everything else was in decent shape.

3. Windham Economic Development Corporation

Tony Plante: He said there is a board meeting next Wednesday.

Councilor Chapman: She went to the MEREDA Breakfast Conference and she said it was educational. They came up with ideas for when you need major systems in doing public/private joint efforts, and they came away with a contact who can maybe offer something different for the Public Works Facility.

4. Wastewater Management Planning Advisory Committee.

Tony Plante: They had a project status meeting with Wright-Pierce a couple of weeks ago. They have corresponded with Ransom Environmental and have taken care of some of the contract issues that Ransom identified. He said they have provided us with Task 4. Task 4 is related to Task 2 and will do all of

the work that was in Task 2 to get to the output from Task 4. They have what they need, but what they won't end up with the data set, as the result of the additional work; however, they don't believe they need it in order to do the planning level work that they are doing to come back to the Council with some options for wastewater for North Windham.

They are doing well with the project but are running a bit behind. They are trying to bring together work on wastewater and a couple different elements of the 21st Century Downtown for a discussion with the Council in November after the election, and with the new seated Council.

5. Parks & Recreation Advisory Committee.

Councilor Chapman: They had a meeting last night, and Ben Smith did another presentation on the Comprehensive Plan.

They went through upcoming community events to plan for. They will have a Halloween party on October 29, and there will be a partnership with the PTA, which is planning events for that day at the Primary School. The Halloween Adventure will be at the Windham Middle School Gym and Cafeteria from 6:00 to 9:00. The PTA is planning their event to be outdoors.

They discussed the 2nd annual Community Tree Lighting on November 29th from 5:00 to 7:00 p.m. at the Windham Public Safety Building.

The Chamber Tree Lighting will be on Friday, December 2 from 6:00 to 8:00 p.m. in the Windham Shopping Plaza.

There was an update on the skate park. The committee is coming back with a request in regard to the rest of the skate park, and some planning and some changes from the original BMX bike park.

She made a connection at the William Sonoma store at the Mall to do an American Doll event in the community for the kids.

IX. PUBLIC HEARINGS.

[CD 16-309](#) To receive public comment on proposed amendments to the town's General Assistance Ordinance, Chapter 111 of the Code of the Town of Windham, which update appendices establishing certain benefit maximums as required by statute.

Attachments: [General Assistance Maximum Changes](#)

Tony Plante: Every year the town is required to update the town's General Assistance Ordinance for benefit maximums based on prices. These are figures that they are given by MMA through DHHS and HUD. This is one of those instances where we have to follow these numbers or we risk our state reimbursement.

X. CONSENT AGENDA.

[16-146](#) To approve a Victualer's permit application submitted by Catherine M. Ford d/b/a Hot Diggitty Dawg, located at 20 Franklin Drive.

Attachments: [16-146 Cover Sheet](#)
[Victualer's-Hot Diggitty Dawg](#)

[16-147](#) To approve one (1) application submitted by Catherine M. Ford d/b/a Hot Diggitty Dawg for a Mobile Food Service Unit license.

Attachments: [16-147 Cover Sheet](#)
[Mobile Food-Hot Diggitty Dawg](#)

[16-142](#) To approve an application submitted by Central Maine Power Company and Northern New England Telephone Operations LLC to construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, with starting point at the corner of Barnes Road and Twoey Drive, road being Barnes Road aka Horace Wood Road, distance of 25', approximately +/- 850' in a northeasterly direction.

Attachments: [16-142 Cover Sheet](#)
[CMP Pole Location - Barnes Rd..pdf](#)

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

In Favor: 6- Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Nangle and Vice Chair Welch.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[16-139](#) To adopt proposed amendments to the town's General Assistance Ordinance, Chapter 111 of the Code of the Town of Windham, which update appendices establishing certain benefit maximums as required by statute.

Attachments: [16-139 Cover Sheet](#)
[Council Memo re GA Ordinance Changes](#)
[DHHS Memo - GA Ordinance Maximums](#)
[GA Maximum Changes Appendix A](#)
[GA Maximum Changes Appendix C](#)

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

In Favor: 6 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

[16-140](#) To award a bid for the purchase of one (1) 2017 cab and chassis from Portland North Truck Center for \$82,610.00 and related plow and sanding gear from Viking Cives for \$70,544.00, for the total price of \$152,154.00, such purchase to be reimbursed by the proceeds of a tax-exempt

municipal lease-purchase agreement with annual payments to be made from capital equipment replacement funds, account 100-9110-44190.

Attachments: [16-140 Cover Sheet](#)
[Dump Truck & Plow and Sanding Purchase Request](#)
[Bid Process Summary](#)

Doug Fortier: This new truck will replace the light duty truck that they use mostly in developments. He said they have replaced three rear ends in it over the last ten years due to pushing snow. It is still in decent shape, and they will use it for their sign, water and patch truck but will not be plowing heavy snow.

Councilor Nadeau: He said he is all in favor of it, but at the same time he is hesitant. Currently with the DEP's hold on us, we can't wash a vehicle at public works including the school buses, and they are just shortening the life of the trucks and school busses. He said this needs to be made known.

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

In Favor: 6 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

[16-141](#) To extend winter maintenance to Carmichael Lane.

Attachments: [16-141 Cover Sheet](#)
[Winter Maintenance for Carmichael Lane](#)

Doug Fortier: This road went through Planning Board subdivision, and it is built to town standards, but it is off a private road and will have to stay a private road. It is paved, it has sidewalks, curbing and is built to the minor road standard. It meets all the Council criteria.

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

In Favor: 6 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

[16-144](#) To appoint a voting delegate and an alternate voting delegate to the Main Municipal Association annual business meeting.

Attachments: [16-144 Cover Sheet](#)
[Voting Credentials for MMA Annual Business Meeting](#)

Councilor Chapman nominated Dave Nadeau as the voting delegate and Tim Nangle as the alternate, seconded by Councilor Nangle.

16-144 To appoint a voting delegate and an alternate voting delegate to the Maine Municipal Association annual business meeting.

In Favor: 6 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

[16-145](#) To enter into executive session under 1 M.R.S.A. §405(6)(A), which provides for the "Discussion or consideration of the employment,

appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency,” for the purpose of discussing a personnel matter.

Attachments: [16-145 Cover Sheet](#)

A motion was made by Councilor Muir, seconded by Councilor Welch to go into executive session. The motion carried by the following vote.

In Favor: 6- Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Nangle and Vice Chair Welch.

A motion was made by Councilor Muir, seconded by Councilor Chapman to return to public session from executive session. The Council returned to public session at 8:28 p.m. No votes were taken in executive session. The motion carried by the following vote:

In Favor: 6- Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Councilor Nangle and Vice Chair Welch.

XII. Discussion Items.

XIII. Agendas & Scheduling.

[CD 16-326](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20160909](#)

[Projects & Issues List 20160909](#)

[Projects & Issues Sheets 20160909](#)

There was discussion of agendas and scheduling.

XIV. ADJOURN.

A motion was made by Councilor Welch, seconded by Councilor Nangle that they adjourn at 8:29 p.m. The motion carried by the following vote.

In Favor: 6 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau, Vice Chair Welch and Councilor Nangle

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM