



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, September 27, 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 16-346](#) To approve the minutes of the September 13, 2016 Council meeting.

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

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.

Elaine Pollock - Gentle Breeze: She distributed a handout regarding a classification system for private roads that was based on the age and condition of the road. Ms. Pollock explained she hoped that a fair and achievable plan could be created, which would move things forward without overly burdening property owners.

Council Chair Chapman said that Council was still working on it. She proposed to save Ms. Pollack's suggestions until the next time they had a workshop on private roads.

End of public comment.

V. Councilors' Comments.

Councilor Chair Chapman:

Asked which Councilors would attend the upcoming Neighbors Helping Neighbors Gala?

Announced that Town Council had received the 2016 Spirit of America Award for Volunteerism. It would be awarded on October 17.

Explained there would be a Trick or Treat Trunk event. This was Windham's all new Halloween Adventure. It was combined with events at Windham Middle School through the PTA and Windham's Parks and Rec Committee.

VI. Council Correspondence.

There was no comment.

[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](#)

Phyllis Moss had submitted the Town Manager's Report to the Council. There was no Council comment regarding the report.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: There were three appointments scheduled. Councilor Nangle thanked appointees for their willingness to serve.

There was a potential applicant for the Windham Economic Development Corporation.

2. Finance Committee.

Councilor Nadeau: He said the final review of the Finance Software was scheduled. After that they would make a presentation to the Council.

Council Chair Chapman had received a call regarding culverts and ditching along Brand Road. Councilor Nadeau would check into that.

B. Other Committees.

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

Nothing to report.

2. Windham Economic Development Corporation

Tom Bartell - executive Director of WEDC: He explained that WEDC was considering areas of town for future projects.

The WEDC Annual Meeting would be held on October 26, 2016. The Town Council was invited to attend.

3. Parks & Recreation Advisory Committee.

Councilor Chapman: She announced that the Trick or Treat Trunk event was coming.

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](#)

*There was no public comment.
The hearing was closed.*

[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](#)

*There was no public comment.
The hearing was closed.*

[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](#)

*There was no public comment.
The hearing was closed.*

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](#)

A motion was made by Councilor Muir, seconded by Vice Chair 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

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](#)

The Councilors commented:

The definition did not explain the limit of the use; it was too vague.

What size and type of equipment/trucks could be used?

Would differentiating landscaping business from a construction business be a problem?

Would materials be stockpiled?

C-3 was a commercial district but scope creep was a concern.

Over regulation was hurting businesses.

The Planning Board had recommended approval. If any changes were made it would have to go back to the Planning Board?

Some definitions would change with the Comp Plan.

How would postponing it until the definition was revised affect enforcement?

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

In Favor: 4 - Council Chair Chapman, Councilor Moore, Councilor Muir and Councilor Nangle

Opposed: 2 - Councilor Nadeau and Vice Chair Welch

[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](#)

Police Chief Schofield explained the case in question had been the arrest and conviction of a Schedule W drug.

A motion was made by Councilor Muir, seconded by Vice Chair 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

[16-163](#)

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](#)

A motion was made by Vice Chair Welch, seconded by Councilor Muir, 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

[16-164](#)

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](#)

A motion was made by Councilor Nadeau, seconded by Vice Chair 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

[16-167](#)

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](#)

Charlie St.Cyr said they were asking for a refund of taxes, paid by Ronnie Glantz, from 1982 to 2009. The paperwork showed he had not owned the property. The paperwork proved that. They had tried to prove he didn't own the property quite some time ago. Was there anything to be said for the approximately \$5,000 in property tax that he paid from 1982 to 2009?

Council Chair Chapman stated the deadline to file an abatement of property taxes had been February 12, 2016. The applicant had not been in touch until September 14, 2016. Because of that no refund would be issued. Another letter, dated January 8, 2013, had been sent. It had not been taken care of then.

Councilor Nadeau said it appeared that in 1982 the property was transferred to an abutter. The town was never notified and tax bills had been sent.

A motion was made by Vice Chair Welch, seconded by Councilor Muir, 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

16-170

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](#)

Fire Chief Brent Libby explained they had taken delivery of a new fire engine and no longer needed the older truck. The City of Portland needed some apparatus. They were able to provide 900 feet of large diameter hose in exchange for the truck.

A motion was made by Councilor Muir, 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

XII. Discussion Items.

No discussion items.

XIII. Agendas & Scheduling.

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

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

The Town manager's Review had tentatively been scheduled.

XIV. ADJOURN.

A motion was made by Councilor Nadeau, seconded by Councilor Muir, that the be adjourned. The motion carried by the following vote at 8:15 p.m.

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

Respectfully submitted,

Lisa Fisher
Administrative Assistant