



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

---

Tuesday, December 13, 2016

7:00 PM

Council Chambers

---

#### I. Roll Call of Members.

**Present:** 6 - David Nadeau, Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield and Donna Chapman

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

[CD 16-428](#) To approve the minutes of the November 22, 2016 Council meeting.

**Attachments:** [Minutes-Town Council-11-22-2016](#)

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

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

#### IV. Public Participation.

*No public participation.*

#### V. Councilors' Comments.

*Councilor Chapman: She received a thank you note from the University of St. Louis in regard to helping Councilor Chapman with the survey they sent out to get some information and feedback for the town. She said she sent a thank you back to them for doing the survey, and she felt their results were pretty accurate.*

*Councilor Nadeau: He thanked Linda and her staff for running an excellent election.*

#### VI. Council Correspondence.

*Councilor Nangle: In the MMA Worker's Compensation Fund Report that the Council received - he thought it was impressive that they got back \$13,904 in dividends.*

*Also, in regard to the grants, he thought they discussed this when they originally got the check for the initial notification; he asked what is the town's cost per year on workers compensation fund? Tony said he would check but thought it was in the ballpark of \$80,000 to \$100,000. He said it most likely reflects work that Phyllis Moss and others in various departments have done in safety improvements, and equipment training in particular.*

[CD 16-422](#) ecomaine Annual Report 2016

**Attachments:** [ecomaine Annual Report 2016](#)

[CD 16-423](#) MMA Workers Compensation Fund Annual Membership Report

**Attachments:** [MMA Workers Compensation Fund Membership Report](#)

[CD 16-424](#) Presumpscot Regional Land Trust Newsletter - Fall/Winter 2016

**Attachments:** [Presumpscot Regional Land Trust Newsletter Fall-Winter 2016](#)

[CD 16-425](#) Windham Public Library Newsletter - December 2016

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

[CD 16-431](#) Town Clerk's Monthly Report - October 2016

**Attachments:** [Monthly Town Clerk's Report for October 2016](#)

[CD 16-432](#) Town Clerk's Monthly Report - November 2016

**Attachments:** [Monthly Town Clerk's Report for November 2016](#)

[CD 16-433](#) Planning Department Monthly Report - November 2016

**Attachments:** [11-2016 Monthly Report](#)

## VII. Town Manager's Report.

[CD 16-434](#) Town Manager's Report.

**Attachments:** [Town Manager's Report 20161208](#)

[Projects & Issues List 20161208](#)

[Projects & Issues Sheets 20161208](#)

*Tony Plante: Tony said since their meeting last week they have placed ads in both the Windham Eagle and The Lakes Region Weekly for the Council vacancy, and they ran last week. By Wednesday morning they had posted the vacancy on the town's Facebook page, the town's website, sent alerts out, and so far they have received one on-line application. The deadline is Friday, December 23.*

*The new signals at the Angler's Road, Route 302 and White's Bridge Road are up and functioning. There is an inspection scheduled with town staff and the project engineer tomorrow to review the operation, timing and programming. He noted that the area looks much better with the improvements that have been done.*

*Tomorrow is the final construction meeting for the South Windham Fire Station Project; they expect there to be some minor issues to be finished up. Once they get through that they will work on scheduling a move-in date, and they will plan for an open house for the*

*public in the spring.*

*Tomorrow the project team will be working in a planning meeting for the Munis project, which is the new financial application platform. To get the new system completely in place will take many months.*

*Councilors are invited to attend the annual Employee Appreciation Holiday Luncheon next Wednesday December 21st from 11:30 to 1:30 in the gym at the Town Office.*

*January 7th there will be Council Orientation and goal setting for 2017.*

## **VIII. Committee Reports.**

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

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

*Councilor Nangle: The Committee met tonight but the applicant did not show up or call, so there are no appointments to recommend.*

#### **2. Finance Committee.**

*Councilor Nadeau: They have not met.*

### **B. Other Committees.**

#### **1. Windham Economic Development Corporation**

*Tony Plante: There is a board meeting next Wednesday the 21st at 7:30 in the conference room at the Public Library.*

#### **2. Wastewater Management Planning Advisory Committee.**

*Tony Plante: The Council will hear a presentation from Wright-Pierce next Tuesday. The committee has been working on the first task of the two, which is to look at wastewater management in North Windham. They are coming at this in a slightly different way; building on the work that has been done in the last twenty or so years. They are asking questions about nitrogen in the ground water in a way different than we have done before, and hopefully leading us to some other conclusions about how we can both control or eliminate the amount of wastewater being reintroduce in the groundwater either through a combination of systems or regulation and still meet the town's long-term development goals.*

#### **3. Parks & Recreation Advisory Committee.**

*Councilor Chapman: They met last night and discussed the upcoming events. They discussed that the Skate Park is completed and the gates opened for a bit before the snow. The Holiday Tree Light event had a huge turnout, and they will keep ironing out some kinks as they go along.*

*She would like a consensus from the Council on the Community Center process. They have only had around 493 people return their surveys, and she asked how many results would the Council like to have before they come to the Council?*

*She was disappointed that they only had around 500 participate on the day of election. She noted that they have put it up on Facebook as well.*

*Councilor Nangle: He said he feels they should set a date rather than use a number.*

*Councilor Chapman: They will be having the Kick Up Your Heels for a Cause in the gym this Sunday, the 18th from 1:00 to 3:30. There will be some smores and skating parties in January and February, the Father Daughter Dance on February 10, and Winterfest is being planned for Saturday, February 27.*

## IX. PUBLIC HEARINGS.

[CD 16-400](#) To receive public comment on a proposed Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

**Attachments:** [Retail Marijuana Establishment DRAFT Moratorium Ordinance Atty Rev 111516 without emergency clause](#)

*Shawn Dewhite: He and his wife are care givers here in the Town of Windham and have been for two years now. They knew as they approached the discussion of adult use and recreational cannabis there would be many concerns and questions. He said they are happy to discuss and answer any questions there may be.*

## X. CONSENT AGENDA.

[16-212](#) To grant a blanket letter of approval to the Windham Veteran's Association for its application for licenses to conduct games of chance (Texas Hold-Em) at Club 302 for the period of January 1, 2017 through December 31, 2017.

**Attachments:** [16-212 Cover Sheet](#)  
[Windham Veteran's - Game of Chance](#)

**A motion was made by Councilor Maxfield, seconded by Councilor Muir that the Consent Agenda Order 16-212 be approved. The motion carried by the following vote.**

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

[16-220](#) To cancel the Council meeting of December 27, 2016.

**Attachments:** [16-220 Cover Sheet](#)  
[Council Rules](#)

*Council Chair Welch: He said when they first discussed cancelling this meeting everyone thought it was a good idea, but now that they are talking about filling the vacant Council seat and he wondered if they needed that meeting? He said he was okay with canceling and the other Councilors agreed to cancel the meeting.*

**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: 6- Councilor Chapman, Councilor Maxfield, Councilor Muir, Councilor Nadeau, Councilor Nangle and Council Chair Welch.**

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

[16-192](#) To accept nominations for and elect a Vice Chairman of the Town Council.

**Attachments:** [16-192 Cover Sheet](#)  
[Council Rules](#)

*Councilor Muir nominated Councilor Chapman.*

*Councilor Nangle nominated Councilor Nadeau.*

**Vote for Councilor Chapman**

**In Favor: 3- Councilor Muir, Councilor Chapman, Councilor Welch**  
**Opposed: 3- Councilor Nadeau, Councilor Nangle, Councilor Maxfield**

**Vote for Councilor Nadeau**

**In Favor: 4- Councilor Maxfield, Councilor Nadeau, Councilor Nangle, Councilor Welch**  
**Opposed: 2- Councilor Chapman, Councilor Muir**

[16-210](#) To adopt an ordinance establishing a moratorium on all proceedings, applications, and petitions for the development, including all relevant permits, of Retail Marijuana Establishments and Retail Marijuana Social Clubs.

**Attachments:** [16-210 Cover Sheet](#)  
[Retail Marijuana Establishment DRAFT Moratorium Ordinance Atty Rev 111516 without emergency clause](#)

*Tony Plante: Tony said this is the second vote on this in 60 days. The Council enacted a moratorium at the end of November as an emergency. Under the town's Charter emergency ordinances can be adopted without doing a public hearing, typically, adoption of an ordinance or an ordinance amendment requires a public hearing first after notice has been posted, as we did tonight. So, in order for an ordinance adopted as an emergency to remain in effect, it has to be adopted again within 60 days, and that is what the Council is doing tonight.*

*This will extend the moratorium to its full life of 180 days. It can be renewed for additional periods of up to 180 days if the conditions still exist. The purpose of the moratorium is for the town to work on regulations after understanding what the issues are that would be created by the establishment of retail marijuana establishments in Windham, as other communities are faced with following the adoption of the Retail Marijuana Legalization act in November.*

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

[16-211](#)

To refer amendments to the Land Use Ordinance, Chapter 140, relating to accessory apartments as discussed at the Council meeting of December 6, 2016.

**Attachments:** [16-211 Cover Sheet](#)

[Accessory Apartment Amendments 20161206](#)

*Councilor Muir: Noted that the Order read incorrectly. Instead of saying "to refer amendments to the Land Use Ordinance, Chapter 140, it should read "to refer amendments to the Planning Board for review and recommendation."*

*Council Maxfield: He said he didn't have a problem with this, but he would like to maybe see 800 sq. ft, which would be slightly larger and manageable. You are talking about building a secondary unit without getting into single family housing. If you have two parents who are retired and are moving in, you would probably want to have a slightly larger home.*

*Council Chair Welch: He said they would have to wait until it comes back from the Planning Board. Tony said the amendments that are being sent to the Planning Board do not relate in any way to the size, so in order for it to be changed, that would be something else that would have to go back to the Planning Board and start the process over again.*

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

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

[16-216](#)

To accept Susans Way and Georges Lane as public ways as described in a release deed from Chute Road South Homeowners Association.

**Attachments:** [16-216 Cover Sheet](#)

[TC memo\\_ChuteRoadSouth\\_PubAccept\\_12-2-16](#)

[Chute Road South Field Report 11-18-2016](#)

[Final As-Built Chute Road South Subdiv 11-29-2016](#)

[Chute Road South roads acceptance 11-1-16](#)

[Chute Road South Homeowners Release Deed](#)

*Councilor Muir: He asked if all of the issues have been satisfied? Tony replied "yes".*

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

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

[16-217](#)

To adopt a resolution to authorize the Town Treasurer to negotiate the terms of an Equipment Lease Purchase Agreement and related documents providing financing of up to \$366,997.58 including the interest rate, maturity, and other terms and conditions with whatever financial institution the Treasurer deems appropriate and to award the Equipment Lease Purchase Agreement to such financial institution as he deems to be

in the best interests of the Town in order to provide the Town with one (1) 2017 plow truck with sanding gear, data center, and back-up servers and software and upfront and first year costs for the MUNIS financial software system at an aggregate cost of up to \$366,997.58 plus interest at a rate to be determined by the Town Treasurer.

**Attachments:** [16-217 Cover Sheet](#)  
[Lease Resolution](#)

*Tony Plante: He said these are all items that were approved by the Council at previous meetings. The truck and plow gear represents \$152,154, and the servers, data center and software are \$106,925.58, and Munis, this is the new financial account software, these are up front and first year costs totaling \$107,918. Our Finance Director Brian Wolcott has already sought proposals from financial institutions for the leases. By this Order, you would be authorizing the Manager to make the award.*

*Councilor Chapman: She said where there is so much going out of one account; how will you show that coming back in?*

*Brian Wolcott: Brian said if the lease is approved, the total of \$366,000 will be coming in to offset the purchases. They are in the process of making the purchases and the lease proceeds will offset those costs, so that the costs on this lease will not show up until next year because the first payment is always a year out. There is no expense, if you will, to the town in the current year, it will be out into the future.*

*Councilor Nadeau. Explained that the servers, software and the plow truck have always been in the capital equipment account. This is the last year the software will be in there. Next year's software will be an operating expense.*

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

#### 16-219

To approve an amendment to the promissory note from the Windham Economic Development Corporation as approved by Council order 09-186 on December 22, 2009 for property located at the intersection of Anglers Road and Route 302, and to authorize the town manager to sign the amendment on behalf of the town and to take any other necessary action related thereto.

**Attachments:** [16-219 Cover Sheet](#)  
[Amendment to Promissory Note \(WEDC Town\) 12\\_5](#)

*Tony Plante: The Council did discussed this at their meeting of November 22, 2016 and the effect of this amendment is to extend the maturity on the note by one year.*

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

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

[16-215](#)

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 performance evaluations and compensation, and under 1 M.R.S.A. §405(6)(D) for "discussion of labor contracts and proposals and meetings between a public agency and its negotiators" on the collective bargaining agreements with the Windham Police Association and the Gorham-Windham Professional Firefighters Association.

**Attachments:** [16-215 Cover Sheet](#)

A motion was made by Councilor Muir, seconded by Councilor Nadeau that they go into executive session. The motion carried by the following vote at 7:50 p.m.

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

A motion was made by Councilor Chapman, seconded by Councilor Muir that they come out of executive session, no votes were taken. The motion carried by the following vote at 9:23 p.m.

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

## **XII. Discussion Items.**

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

*There was discussion of agendas and scheduling.*

[CD 16-435](#)

Agenda Items Reports.

**Attachments:** [Agenda Items Report 20161208](#)

[Projects & Issues List 20161208](#)

[Projects & Issues Sheets 20161208](#)

## **XIV. ADJOURN.**

A motion was made by Council Chair Welch, seconded by Councilor Chapman, that the be adjourned. The motion carried by the following vote at 9:27 p.m.

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

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM