



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, February 14, 2017

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 17-042](#) To approve the minutes of the January 26, 2017 Council meeting.

Attachments: [Minutes-Town Council-1-26-2017](#)

[CD 17-047](#) To approve the minutes of the January 31, 2017 Council special meeting.

Attachments: [Minutes-Special Town Council-1-31-17](#)

[CD 17-054](#) To approve the minutes of the February 2, 2017 Council special meeting.

Attachments: [Minutes-Special Town Council-2-2-2017](#)

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: 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 Nangle: He wanted to extend his gratitude to all of the Public Works employees who gave up the last four days of their lives to make sure Windham had safe streets, to the extent it was possible, considering the snow was coming down at three inches an hour. All the Councilor concurred.

VI. Council Correspondence.

Councilor Chapman: She said she noticed a couple of errors on the Time 4 Printing calendar, and perhaps they can look at it and have them corrected if they decide to do it

again in 2018.

[CD 17-040](#) Cumberland County Soil & Water Conservation District - 2016 Summary of Projects

Attachments: [CCSWCD 2016 Windham summary report \(final\)](#)

[CD 17-041](#) Windham Public Library Newsletter - February 2017

Attachments: [Check It Out - Feb 2017](#)

[CD 17-043](#) Town Clerk's monthly report - January 2017

Attachments: [Town Clerk's Report for January 2017](#)

[CD 17-048](#) Watershed Protection Grant 2016 Final Reports

Attachments: [Collins Pond Improvement Association Watershed Protection Final Report 2016](#)
[Presumpscot Regional Land Trust Final Report for 2016](#)
[Little Sebago Lake Association Final Report](#)

[CD 17-049](#) GPCOG Membership Dues Notification

Attachments: [GPCOG Membership Dues FY18](#)

[CD 17-050](#) Time 4 Printing Correspondence

Attachments: [Windham-Raymond Community Calendar](#)

[CD 17-051](#) Sexual Assault Response Services of Southern Maine - Letter of Thanks

Attachments: [SARSSM Letter of Thanks and Continued Support](#)

[CD 17-052](#) Windham Historical Society Correspondence

Attachments: [Windham Historical Society - Digging Up Maine Presentation](#)
[Windham Historical Society - Quarterly Review Winter 2017](#)

VII. Town Manager's Report.

[CD 17-057](#) Town Manager's Report.

Attachments: [Town Manager's Report 20170210](#)
[Projects & Issues List 20170202](#)
[Projects & Issues Sheets 20170202](#)

Tony Plante: He said the last couple of weeks has been a challenge scheduling wise. There are some items on the agenda tonight, which were postponed first from last Tuesday to last Thursday, and when last Thursdays meeting was canceled, and some of

those were put on tonight. They also moved some items to the February 28 meeting.

Also on the agenda is an Order to fill the vacant Council seat, and an Order to make interim appointments to Boards and Committees. There are seats on quasi judicial boards; the Assessment Review Board, Planning Board and Zoning Board of Appeals, in particular, which because they expire tomorrow the best idea would be to make some kind of interim appointment, whether that would run through next Tuesday or Wednesday, because the Council can make appointments next Tuesday once they have the report of the Appointments Committee. This is to make sure that in the event that any action had to be taken between now and when they are reappointed it couldn't be questioned. He said the Council did have a note from the Town Attorney that says "it is generally understood to be a continuation in office for those things but all of the things being equal, if you can make an interim appointment, it makes that question go away entirely."

In regard to the work our crews have done, Tony echoed the sentiments of the Council. He said they have received some very positive remarks. He understands that high snowbanks make it hard to see at some intersections and sidewalks have not been cleared yet, but the crew is doing the best they can. Their primary focus has to be on the roads first and preparing for the next storm; they have not had a break.

In regard to the winter storm budget; the salt budget has been exhausted, the sand is running low, but there is still some money left for winter sand, and liquid calcium chloride is almost out, but parts and overtime are still in good shape.

Councilor Nadeau asked how the equipment is holding up? Doug said they have had minor break downs but the truck that is coming up to be replaced in fiscal 2018 had to have a little over \$10,000 put into it because it blew a head gasket, which then caused other issues, and even though it is being replaced, it is a truck they rely on now. Over all he feels they are in good shape.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: The Appointment's Committee would like to make re-appointments with an interim appointment to the following:

John McGinnis to WEDC for a 2-year term to expire 2/28/19

Jim Cobb to the ZBA for a 3-year term to expire 2/28/2020

Chuck Fleck to the ZBA for a 3-year term to expire 2/28/2020

Steve Clauson to the Board of Assessment Review for a 3-year term to expire 2/28/2020

New appointments to the following boards:

Michael Libby to the Energy Advisory Committee for a 3-year term to expire 2/28/2020

Michael Libby to the Natural Resource Advisory Committee for a 3-year term to expire 2/28/2020

Melissa Oldakowski to the Parks & Recreation Committee for a 3-year term to expire 2/28/2020

Krystal Ash Cuthbert to the Library Board of Trustees for a 3-year term to expire

2/28/2020

Councilor Chapman: Had a question in regard to the Natural Resource Advisory Committee - last term they tried to get that up off the ground, and it really didn't go anywhere with it? Councilor Nangle said the only two members on it were him and Councilor Chapman and they didn't meet because it was just the two of them. Now with three members they hope to get something going.

2. Finance Committee.

Councilor Nadeau: They met last week and went over the 2016 budget and everything looks good moving forward. They have started to lay out plans for the 2017 budget.

B. Other Committees.

1. Parks & Recreation Advisory Committee.

Councilor Chapman: Their meeting was postponed due to the weather but they will meet next week. She heard the Father/Daughter dance was a huge success and she will have more information after they meet.

2. Public Works/School Transportation Maintenance Facility Joint Project Team.

Tony Plante: He said after the School Board chose its representatives and staff members to participate, Tony sent out a poll to everybody in the group, and so far the eight of the ten members have responded. The first meeting will be at 6:00 p.m. February 23 in the Public Works lunchroom. Councilor Nangle suggested having at least one meeting during the day. He thought he would leave it up to the group to figure out when.

One item of business will be to identify the two community members with experience with similar building projects. He thinks they have one application that may be coming in.

Councilor Chapman said if they are going to be reporting on this, and Councilor Nangle is all set with the meetings; she would withdraw as an alternate for that committee.

3. Wastewater Management Planning Advisory Committee.

Tony Plante: He said our Town Engineer John Earle will be meeting, along with the team from Wright-Pierce, with DEP to go over some of the work so far, and some potential areas and some technologies identified since DEP is going to have to license whatever technology we end up deciding to use in putting together some kind of collection treatment system for the North Windham area.

4. Windham Economic Development Corporation

Tony Plante: There is a Board meeting tomorrow morning at 7:30 a.m.

IX. PUBLIC HEARINGS.

[CD 17-039](#) To receive public comment on a new Liquor License application submitted by Hana Asian Cuisine, Inc. d/b/a Hana Asian Cuisine.

Attachments: [Hana Asian Cuisine-New Liquor License](#)

No public comment.

X. CONSENT AGENDA.

[17-027](#) To find that the requirements of 28-A M.R.S.A. §653 have been met and to approve an application submitted by Smitty's Cinema-Windham LLC for a renewal liquor license.

Attachments: [17-027 Cover Sheet](#)
[Smitty's Cinema-Liquor renewal](#)

[17-034](#) To approve an application submitted by Central Maine Power Company and Northern New England Telephone Operations LLC to locate (1) utility pole, cables and wires on Alweber Road, starting at corner of River Road and Alweber Road, approximately +/-500' northeast from River Road.

Attachments: [17-034 Cover Sheet](#)
[CMP Pole Permit-Alweber Rd.](#)

[17-035](#) To set seasonal weight limits on roads.

Attachments: [17-035 Cover Sheet](#)
[Memo Public Works Director - Road Postings for 2017](#)
[2017 Road Posting List](#)

[17-036](#) To find that the requirements of 28-A M.R.S.A. §653 have been met and to approve an application submitted by Dana Mains Sr. d/b/a Rustler's Steakhouse for a renewal liquor license.

Attachments: [17-036 Cover Sheet](#)
[Rustler's Steakhouse-Liquor renewal](#)

[17-037](#) To approve an application submitted by Dana Mains d/b/a Rustler's Steakhouse located at 754 Roosevelt Trail for a renewal special amusement permit.

Attachments: [17-037 Cover Sheet](#)
[Rustler's Steakhouse-Special Amusement renewal](#)

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

In Favor 6- Councilor Chapman, Councilor Maxfield, Councilor Muir,

Councilor Nadeau, Councilor Nadeau, Councilor Nangle and Councilor Welch.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[17-028](#) To find that the requirements of 28-A M.R.S.A. §653 have been met and to approve an application submitted by Hana Asian Cuisine d/b/a Hana Asian Cuisine for a new liquor license.

Attachments: [17-028 Cover Sheet](#)
[Hana Asian Cuisine-New Liquor License](#)

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

[17-029](#) To approve a victualer's permit application submitted by Ximin Jiang d/b/a Hana Asian Cuisine, located at 795 Roosevelt Trail.

Attachments: [17-029 Cover Sheet](#)
[Hana Asian Cuisine-New Victualer's](#)

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

[17-031](#) To refer proposed amendments to the Land Use Ordinance, Chapter 140 of the Code of the Town of Windham, regarding the requirements for roads providing access to proposed subdivisions.

Attachments: [17-031 Cover Sheet](#)
[TC packet private road options packet 01-27-17](#)

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

[17-033](#) To adopt Council goals for 2017.

Attachments: [17-033 Cover Sheet](#)
[Council Goals 2017](#)

Councilor Chapman: She saw a couple things on there that they have not discussed yet and wondered where they came from? One being the the ad hoc Community Center Committee February 2017; she thought that was out of the Parks & Rec Advisory Committee and wondered why it had been bumped to the Council Committee? Tony said this was discussed at the Council Goal Setting meeting of January 7. The fact that the Council would consider creating an ad hoc Community Center Committee was brought up at that meeting. He said it does not mean that a recommendation cannot

come from the Parks & Rec Advisory Committee. She said that she just didn't want it to be redundant.

She said they have a lot of high dollar items on the list; can they afford all of them all at once? How come they aren't breaking some of them out to key elements and moving some off? She mentioned that she is hearing push back from people wanting sewer up in North Windham.

Tony said a week ago, at the Little Meeting House, they had a 21st Century Downtown meeting with about 30 people attending. They did a visual design survey to get a sense of what the distinct areas of North Windham should look like based on the 21st Century Down town plan, identification of character areas and a visual preference survey to figure out what those areas should look and feel like; along with what were some of the things people valued about North Windham, etc. He said the intent is to have a discussion about how do we plan for these needs, how do we sequence these, because we recognize that it is not practical or feasible to do everything all at once, and things never happen that way. They need to talk about the issues, understand what they are, figure out what our priorities are and how to sequence these things out over time so that they become a little less intimidating.

Councilor Chapman: Under the B Priority Goals, Code Enforcement Process and Culture, she feels that one needs a higher priority.

Councilor Nangle: He said even though they are labeled B Priorities they can still be moved up without altering the whole plan. Councilors agreed that they can discuss anything they want and things can be moved from A to B or B to A as they move along.

Councilor Chapman: She asked when was the search committee going to start looking for a Code Enforcement Director? Tony said the search for the new Director should start this month. He needs to gather some information from the Council and a few others to help put together the candidate profile.

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

[17-038](#)

To make interim appointments to boards and committees.

Attachments: [17-038 Cover Sheet](#)

Council Chair Welch read the following list of interim appointments:

Steve Clauson, Assessment Review Board

Margaret Pinchbeck, Planning Board

James Hanscom, Planning Board

James Cobb, Zoning Board of Appeals

Chuck Fleck, Zoning Board of Appeals

The Council thanked all of the people for their service.

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

[17-041](#) To make an appointment to the Town Council.

Attachments: [17-041 Cover Sheet](#)

Council Chair Welch: Brett Jones is to be appointed to fill the vacant At Large Council seat with the term to expire in November 2017.

Councilor Chapman: She said this was not in regard to the appointment of Brett Jones, but she was hoping they could come up with a policy, so they would have a better process when they have a vacancy to fill. People have asked her why they hold interviews and she could not answer them.

Councilor Welch asked if they have to hold the interviews in executive session or could it be done in public? Tony said, unlike an election, these are appointments, and they have applications that could have information of a personal nature. He said anytime the Council has conducted a process to make an appointment the discussions or interviews have always been held in executive session. After, the person being appointed is a matter of public record and this has always been handled this way.

A motion was made by Councilor Chapman, 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

XII. Discussion Items.

[CD 17-011](#) Town attorney review/evaluation process.

Attachments: [CD 17-011 Cover Sheet](#)

The Council discussed item CD 17-011.

XIII. Agendas & Scheduling.

[CD 17-044](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20170210](#)
[Projects & Issues List 20170202](#)
[Projects & Issues Sheets 20170202](#)

There was discussion of agendas and scheduling.

XIV. ADJOURN.

A motion was made by Council Chair Welch, seconded by Councilor Chapman, that they be adjourned. The motion carried by the following vote at 8:05 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