



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, July 25, 2017

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Brett Jones

Absent: 1 - Dennis Welch

II. Pledge of Allegiance.

Vice Chair Nadeau led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 17-222](#) To approve the minutes of the July 11, 2017 Council meeting.

Attachments: [Minutes-Town Council 7-11-2017](#)

A motion was made by Councilor Nangle, seconded by Councilor Jones, that the Minutes be approved. The motion carried by the following vote:

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

Absent: 1 - Council Chair Welch

IV. Public Participation.

Roger Wheeler: Roger said he is with the Friends of Sebago Lake and he was there to talk about the Saccarappa Agreement and what it means to the towns bordering the lake. Mr. Wheeler had hand outs for the Council. (see attached)

He said he was not asking the Council to do anything, but he wanted to bring it to everyone's attention.

V. Councilors' Comments.

No Councilor comment.

VI. Council Correspondence.

No Council correspondence.

[CD 17-212](#) American Legion Field-Allen Post 148 Fundraiser

Attachments: [Everlasting Gratitude Wreath Program](#)

[CD 17-213](#) RSU14 Warrant for Assessment of Regional School Unit Tax

Attachments: [RSU 14 Warrant for Assessment of RSU Tax](#)

[CD 17-209](#) Town Clerk's monthly report - June 2017.

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

[CD 17-211](#) Fire-Rescue Department Monthly Report - June 2017

Attachments: [Fire-Rescud Monthly Report - June 2017](#)

[CD 17-214](#) Windham Public Library Monthly Report - June 2017

Attachments: [June 2017](#)

[CD 17-215](#) Parks and Recreation Monthly Report - June, 2017

Attachments: [Parks & Recreation Monthly Report - June 2017](#)

[CD 17-216](#) Windham Police Department Monthly Report - June 2017

Attachments: [Police Dept Monthly Report - June 2017](#)

[CD 17-217](#) Social Services Monthly Report - June 2017

Attachments: [Social Services Monthly Report - June 2017](#)

[CD 17-218](#) Code Enforcement Monthly Report - May 2017

Attachments: [Code Enforcement Monthly Report - 2017 May](#)
[Permits To Date Fiscal Year Summary May 2017](#)
[Activity Report by Project Type May 2017](#)
[Activity Report - By Violation Type May 2017](#)
[Impact Fees All Collected May 2017](#)
[Fiscal Year Activity Comparison May 2017](#)

[CD 17-219](#) Public Works Department Monthly Report - June 2017

Attachments: [Public Works Monthly Report - June 2017](#)

[CD 17-220](#) Code Enforcement Monthly Report - June 2017

Attachments: [Code Enforcement Monthly Report - 2017 June](#)
[Permits To Date Fiscal Year Summary 2016 to June 2017](#)
[Activity Report by Project Type June 2017](#)
[Activity Report - By Violation Type June 2017](#)
[Impact Fees Collected all June 2017](#)
[Fiscal Year Activity Comparison June 2017](#)

[CD 17-221](#) Assessing & GIS Monthly Report - June 2017

Attachments: [Assessing & GIS Departments June 2017](#)

VII. Town Manager's Report.

[CD 17-223](#) Town Manager's Report.

Attachments: [Town Manager's Report 20170721](#)
[RT Stats 20170721](#)
[Strategic Plan 2015-2018 ADOPTED 20151013](#)
[Projects & Issues List 20170721](#)
[Projects & Issues Sheets 20170721](#)

Tony Plante: Copies were handed out of a mock-up of the graphic design for the mobile app that the town will be deploying later this summer. Earlier in the summer they launched the Request Tracker on the town's website. The mobile app will provide a hand held version of the Town of Windham, and as long as you have an Apple or Android device you will be able to download and install an app that will enable you to access resources on the town's website to report problems, make requests, provide feed back, get alerts and notifications about town events, meetings, etc. It will be more convenient than the town's website. The website will continue in operations, and Tony said they will be working on a refresh of that as well, to make it more user friendly.

They are continuing their search for the Code Enforcement Director. Tony conducted two interviews two weeks ago, two interviews last week and follow-up interviews with the same candidates. Earlier this evening the Council held a Special Meeting and also met with two candidates. He will be getting feedback from the Councilors due to them receiving a link for a survey on the two candidates. As soon as he receives the feedback he will take the next steps in the process. He said the goal being to bring a candidate to the Council for confirmation at the meeting of August 8, if all goes as planned.

They are working on an update to the Strategic Plan. They have one in place now that runs from October 2015 through June 30, 2018, they are in the last year and was the first Strategic Plan the town ever formerly adopted. He said with the next iteration they will be looking more broadly, not just what the organization should be doing to respond to the needs of the community, but what are the largest policy issues, the larger strategic issues they are dealing with as a community, as reflected in the newly adopted Comprehensive Master Plan. Tony said the next steps in the process, for the Council, would most likely be a discussion item on August 22.

Tony turned the meeting over to Linda Brooks our Parks & Recreation Director. Linda had a number of things she wanted to share about Summerfest.

Linda Brooks: On behalf of the town she wanted to take the opportunity to thank the members of the Summerfest Committee who have shown dedication to this annual summer event. She thanked Kathy & Kevin Smith, who were not in attendance, but they hosted the old fashioned games this year, which was great fun. Deb & Tommy Matthews; they have been involved in Summerfest for many, many years, and Deb chairs the Vendors, Craft and Community Booth Committee, which involves soliciting from so many people throughout the town, and Deb makes sure they have every thing they need once they get there. Tom is also the Entertainment Chairperson who creates the lineup of great performers and bands during the day, and he does a lot of behind the scenes for all of the entertainers. Robin Mullen who Chaired the fund raising & Business Expo Committee, which is no small undertaking, hits the pavement with a smile on her face.

This year Councilor Chapman joined the Committee to organize and coordinate one of the biggest events of the day, the parade. She wanted to show the committee that the town is invested in this event. Donna used a lot of her connections to keep the parade going, and it was great to see the people who turned out for that.

We want to thank Kelly Mank and her husband Neils Mank and their two children. Kelly really turned this into a family affair. Niels has also been the Chair of the logistics Committee. Kelly stepped up to be Chair of Summerfest 5 years ago, and has decided to step down as Chairperson, she is hoping to get her Junes back. They are very grateful to Kelly's leadership that she has shown over the years. There are so many more helpers out there who helped to make the event a success and she thanked them as well.

Linda asked them all to come forward so she could hand them a plaque for each family household. They will be planning the first meeting of next year's Summerfest in September.

VIII. Committee Reports.

A. Council Subcommittees.

B. Other Committees.

Parks & Recreation Advisory Committee

Councilor Chapman: They will be working on a charge for the Summerfest Committee later on. Also, there will be another Concert in the Park at Dundee Park tomorrow night. She said she finally saw the commercial for the concert series and it is very nice. The dates are posted on the town's web page.

Joint Maintenance Facility Project Team

Tony Plante: They will likely be meeting early to mid-August. They will be looking at the communications material for public education and awareness leading up to November.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

[17-135](#) To approve an application submitted by Northern New England Telephone Operations LLC and Central Maine Power Company to locate one (1) pole and cables and wires there on Falmouth Road, approximately 3900 feet Southeasterly of the center line of Varney Mill Road.

Attachments: [17-135 Cover Sheet](#)
[Pole Location-Falmouth Road](#)

[17-136](#) To approve an application submitted by Northern New England Telephone Operations LLC and Central Maine Power Company to locate one (1) utility pole and cables and wires there on Swett Road, approximately 425 feet Northerly of the center line of Chute Road.

Attachments: [17-136 Cover Sheet](#)
[Pole Location - Swett Rd.](#)

[17-141](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Lake Region Eagles #4352 for a renewal liquor license.

Attachments: [17-141 Cover Sheet](#)
[Lake Region Eagles-Liq. License renewal](#)

[17-142](#) To approve an application submitted by the Lake Region Eagles Aerie #4352 located at 456 Roosevelt Trail for a renewal special amusement permit.

Attachments: [17-142 Cover Sheet](#)
[Lake Region Eagles-Special Amusement renew](#)

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

In Favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau, and Councilor Nangle

Absent: 1- Councilor Welch

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[17-127](#) To enter into executive session under 1 M.R.S.A. §405(6)(A) for the purpose of working on the town attorney's evaluation.

Attachments: [17-127 Cover Sheet](#)

A motion was made by Councilor Chapman, seconded by Councilor Nangle to enter into executive session at 7:32 p.m.

In Favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau, and Councilor Nangle.

Absent: 1- Council Chair Welch

A motion was made by Councilor Chapman to come out of executive session, seconded by Councilor Nangle to come out of executive session at 8:02 p.m. No votes were taken in executive session.

In Favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau, and Councilor Nangle.

Absent: 1- Council Chair Welch

[17-129](#)

To refer proposed amendments to the Land Use Ordinance regarding private roads and private ways to the Planning Board for review and recommendation.

Attachments: [17-129 Cover Sheet](#)

[TC packet private road options packet 07-14-17](#)

Tom Peterson - Johnson Rd: He just found out that there were some changes being considered for private roads. He has a few things he would like to address in Section 500 under the Street Category. He read "No new Private Roads or extensions of existing Private Ways or Roads will be permitted unless all portions of the Private Roads or Private Ways that connect the new or extended Private Road with the nearest Public Street are upgraded to the Applicable Private Road standards", and what he thinks it means is if a person has a lot down there and someone wants to give a lot to their son, they will have to improve a mile of Johnson Road to build that house. He said he feels that is a little bit excessive, to put it mildly.

Tony Plate: He said what Mr. Peterson referred to was the second page of the July 6, 2017 memo from Planning Director Ben Smith, and these were descriptions of proposed ordinance changes that are outlined, in further detail in actual markup language, in the ordinance. Tony said what this is describing is not the construction of a house, it is the extension of an existing private road with a creation of a new private road off an existing private way. If there are existing lots or if there is existing frontage, in this case, Johnson Road, on which lots can be split, it is not a lot, and it is not a construction of a house that would trigger the need to improve Johnson Road all the way back to the nearest public way. The only thing that would trigger it is creating a new private road off Johnson Road or extending an existing private road that gains its access from Johnson Road back to Route 302.

Councilor Jones: He explained that if you don't have the road frontage to do it you can't create it. If you have the road frontage already existing and you have acreage that you want to split, this does not affect that. It is when you don't have the road frontage and you want to extend off of that, you won't be able to do it without going back to the main road.

Tom Peterson: He agreed that somebody really abused things on Johnson Road in the past. He had 51 acres of land on Johnson Road for over 38 years and has sold some of that land over the years for a total of ten houses being built and he didn't feel it was a burden to the community. He said we pledged allegiance and talked about justice as one of the things we pledge to, and to him justice means fairness for all. He said if he had to improve the road, it would benefit everyone else on the road, and they are not giving a nickle towards the road, and it would be improving other people's property at someone else expense. He said his land is for his retirement and his kids college education; he has only been building houses as he needed to be able to live his life

comfortably. He asked if the wording could be modified so it would not affect people selling single lots? He agrees with the ordinance not to have roads overburdened, but does not think that everybody on the road should benefit from something one person wants to do.

Councilor Nadeau: He said they have worked on this for two years, and tonight they are referring it to the Planning Board. The Planning Board will hold a public process, and after the public process with the Planning Board it will come back to the Council. The Council will, again, hold a public process.

Councilor Maxfield: He said he agreed with some of the things Mr. Peterson said, but the abuse that has happened over the years and the loop holes that allowed people to take one lot and sell a lot from it, or transfer it and before you know it they become a subdivision over time. It is really sad for the legacy residents whom have counted on this and there are a few bad apples that spoil it for everybody, but they can always come back and look at how this is affecting people and how it is working and make modifications. He encouraged them to go to the Planning Board meetings and become part of that public process. They need to hear from both sides.

Paul Caron - Vista Drive: He said what they really want to know is if someone wants to build a house on their property, what about the people who are developing full scale developments of 15-20 houses on a private road connecting to another private road to get to it. So now these two roads have access from one development into the other development and who will take care of the costs? The developers will just take care of what is written in the ordinance. Is there anything in the ordinance for that kind of protection for those things being done?

Councilor Nadeau: He said you cannot go off three private roads and only fix the road you are putting in; you have to go out to the public way. The history of this has been, in the past, when they were told it was a private road they were told those roads were grandfathered. Other towns did the same thing but as soon as someone wanted to build on them it was no longer grandfathered and they had to follow the standards. Windham did not do that.

Councilor Chapman: She said she would watch the changes; they have had this for two years because they can't all agree, they all agree to disagree. They know that the town has a problem but they are not sure how they can fix it without hurting somebody along the way.

Tom Peterson: Twenty-five or thirty years ago Johnson Road was thinking about bringing it up to town standards for a private road, and they were given a paper to sign that property owners would give up three feet of their property on either side of the road to support that happening. He signed the paper and then found out two months later that he was the only one who signed it so he pulled it.

Councilor Nadeau: Councilor Nadeau said they are first trying to stop the bleeding, and then they will try to fix it.

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

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

Absent: 1 - Council Chair Welch

17-139

To approve an agreement with the Little Sebago Lake Association for the use of town-owned property.

Attachments: [17-139 Cover Sheet](#)

[LSLA Land Use Agreement](#)

[LSLA Certificate of Insurance](#)

Councilor Nadeau: He explained this is a small little corner in very shallow water down at the end of Sandbar Road.

Tim Greer - Grand View Point Road: They are looking to find a permanent home for the dredges they use for the milfoil. He has been hauling boats to Westbrook and the people who let him put them there are only going to live for so long. That land is the perfect spot to park the boats for the winter, as it is not much good for anything else.

Councilor Chapman: Would like to see them enter into the agreement with a review in one year to see how it went, and then possibly donating this lot to the Little Sebago Lake Association.

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, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

17-137

To approve a contract between Cumberland County and the Town of Windham for Community Development Block Grant (CDBG) funds for a feasibility study for the reuse of the former Andrews School and former South Windham fire station.

Attachments: [17-137 Cover Sheet](#)

[CC & Windham Contract](#)

[Windham - Building Reuse Study](#)

Tony Plante: The total project is estimated at \$15,000; this is to conduct a feasibility study for the reuse of the Andrew's School and the former South Windham Fire Station, matching funds total \$3,000.

Councilor Chapman: Asked why we are not getting half from the RSU, don't they still own the school? Tony said they do, but at some point in the future it is likely they won't, and they are looking at community uses, not just for the town to reuse the property but what potential future use there might be for that property, both for the school and the fire station. Did the school sign off saying we can look at that legally? Tony said they were in contact with the school district and we have their approval to do this.

Tony further explained that these school properties belonged to the Town of Windham when it was the Windham School Department. As one of the terms of consolidation, if the school district subsequently divests itself of property that was the town's before consolidation, it has to offer it back to the town first, and the only thing the town should have to pay for is the value of any improvements, and since there is only half of the building there..... One way or another it is likely this property would come back to the town at some point in the future.

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

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

Absent: 1 - Council Chair Welch

17-128

To authorize pre-approval design work for the joint maintenance facility project as outlined in a proposal from Allied Engineering dated July 10, 2017 in the amount of \$153,215 to be funded through a combination of capital building improvements funds carried over from prior fiscal years and general contingency.

Attachments: [17-128 Cover Sheet](#)
[170710 WPW Design Proposal](#)

Tony Plante: This facility would combine functions for both the school district and the town. As part of the effort that the Joint Project Team has been working on for the last several months and as part of the follow-up discussion they had with the Council on June 20 and the School Board on June 21, they said they would come back to the Council with a proposal to jump start the project for a spring 2018 start, because if they wait until after a vote in November the project won't go out to bid until sometime in 2018, which means incurring most, if not all of a years worth of additional construction inflation.

This represents \$153,000, up front, to begin the design process to get into permitting with DEP, to prepare for site plan review with the Planning Board so to be ready for a spring 2018 start. If the project were approved, these are funds that could be included in the bonds and be reimbursed. The risk is, if the project is not approved then this is money that will have been spent, you will have a project that is even more well defined than it is now but you won't have authorization to build it.

Councilor Nangle: Regardless of the approval or denial of the vote in November, the town will have to do something at that site in some way, shape or form.

Councilor Muir asked if the money was already in the budget? Councilor Nadeau said the money was not in the budget. They have had money in capital that was rolled over, and that is one of the reasons they need to use part of contingency. Councilor Muir would like to take as little out of contingency as possible if they can get it from other sources.

Tony Plante: He said that they likely will have to reschedule some work on other buildings to move forward with this project and use some combination of capital and contingency.

Councilor Chapman: She asked if the RSU would contribute to the engineering costs? Tony said if the project is built and this becomes part of the costs that they pay back, yes. So up front "no".

She will support the engineering but she is disappointed and there is less than 90 days to November, and she has not seen anything about the educational piece. This is the same thing that happened the last time, nothing got out and it failed with the voters. Councilor Nadeau said they will get it out there.

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

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

Absent: 1 - Council Chair Welch

XII. Discussion Items.

[CD 17-034](#) Tax Increment Financing Policy & Credit Enhancement Agreement Criteria.

Attachments: [CD 17-035 Cover Sheet](#)

[Augusta TIF Policy](#)

[Belfast TIF Policy](#)

[Caribou TIF Policy](#)

[Dover-Foxcroft TIF Policy](#)

[Farmington TIF Policy](#)

[Fort Fairfield TIF Policy](#)

[Gray TIF Policy](#)

[Kennebunk TIF Policy](#)

[Lincoln TIF Policy](#)

[Old Town TIF Policy](#)

[Skowhegan TIF Policy](#)

The Manager gave an explanation of how TIF's work and what can be done with TIFs and why they need to have a policy on TIFs.

XIII. Agendas & Scheduling.

[CD 17-224](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20170721](#)

[Projects & Issues List 20170721](#)

[Projects & Issues Sheets 20170721](#)

There was discussion of agendas and scheduling.

XIV. ADJOURN.

A motion was made by Councilor Nangle, seconded by Councilor Muir, that they be adjourned. The motion carried by the following vote.

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

Absent: 1 - Council Chair Welch

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM