



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, October 2, 2018

6:30 PM

Council Chambers

The State Fire Marshal will conduct a presentation at 6:30 PM in the parking lot prior to televised meeting commencement at 7:00 PM.

I. Roll Call of Members.

Present: 5 - Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Rebecca Cummings

Absent: 2 - Dennis Welch and Clayton Haskell

II. Pledge of Allegiance.

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

III. PUBLIC HEARINGS.

[CD 18-265](#)

To receive public comment on proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 500 and regarding the proposed removal of residential sprinkler requirements from the Dead End Street Standards and clarifying when additional water storage capacity for firefighting purposes is required in subdivisions.

Attachments: [CH 140 Sections 500 and 900 Residential Sprinkler Systems](#)

Brent Libby Fire Chief and Rich McCarthy Assistant State Fire Marshall came up to speak.

Brent said they were all just outside for the demonstration for the sprinkler/non sprinkle for residential homes.

Rich McCarthy has a brief presentation on Community Risk Reduction. We went before the Planning Board, you have the memo from Amanda Lessard dated September 6, 2018, and we went before them back at the end of August with the Land Use adjustments. We had a very good discussion, and their recommendation was to keep the existing residential sprinkler requirements, in both sections 500 & 900, and then also to consider the potential of expanding those residential sprinklers. I will turn it over to Mr. McCarthy.

Rich McCarthy - I am the Assistant State Fire Marshall, I head the Prevention & Inspection Division for the Officer State Fire Marshalls and have been there about eighteen years. I want to run through a Community Risk Reduction for Fire and Life Safety. Thank you for allowing us to have our sprinkler side-by-side on this lovely, rainy evening and indulging us with the speed of it. Normally it is a little longer process but it is what it is and you did see how effective the sprinkler is. At this point Rich started the

slide show.

I have Gerry Leach who also came down, and he handles all of our sprinkler permitting within the office, and Jerry has been in the business for 30+ years, if there is questions on the technical side of sprinklers and how they get put in, he is here to answer those questions. I thank you for your time, and thank you Chief for inviting us down and give the demonstration.

Public hearing closed at 7:20.

IV. UNFINISHED BUSINESS & GENERAL ORDERS.

[18-172](#) To appoint a voting delegate and an alternate voting delegate to the Maine Municipal Association annual business meeting.

Attachments: [18-172 Cover Sheet](#)
[MMA Annual Business Meeting Voting Credentials](#)

Failed for lack of a motion.

[18-164](#) To approve amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 500 and 900 regarding the proposed removal of residential sprinkler requirements from the Dead End Street Standards and clarifying when additional water storage capacity for firefighting purposes is required in subdivisions.

Attachments: [18-164 Cover Sheet](#)
[CH 140 Sections 500 and 900 Residential Sprinkler Systems](#)

Councilor Cummings said you showed us that on one of the slides and that it was cheaper for the developer to put in the sprinkler system verses using a retention pond, but who is responsible financially for maintaining the pond and who is financially responsible for maintaining the sprinkler system and the inspections?

Chief Brent Libby said the pond or cistern, by our ordinance, falls back to the town. We are required to maintain them, which involves any repairs, any dredging and annual testing to make sure it is still functioning. Then add that on top of the wear and tear of the truck and anything we may suck up from what is in the pond that can cause problems. When it comes to the sprinkler, that is on the home owner, if they choose to maintain it as it should be maintained, that financial responsibility is to the home owner.

Councilor Cummings asked if they inspect the sprinklers as well? The Chief said they inspect them when they are installed and then there is a requirement that they are inspected annually. Gorham provided the home owners with information so the home owner can inspect it themselves, but they can reach out if they find a problem.

Councilor Cummings asked on the enforcement side, who would be the person to ensure those annual inspections are enforced and what the penalty would be? Chief said we would need to set the enforcement of Chapter 95, that falls to him as far as having jurisdiction.

Councilor Nangle said in regard to the town maintaining, aren't we looking at a number of dry hydrants or cisterns that need repair, and do we have a total value of that? Chief said

we don't have a total value, we have replaced two on Highland Cliff Road. That involves DEP permitting and a contractor to come out, dredge the ponds and reinstall the piping. The bids ranged from \$7,500, the lower bid, and the higher bid was almost in the \$30,000 range per hydrant, so we were able to get them both done at \$7,500 a piece and they are currently functioning. The others we are still working on, one on Belanger Road, which is off of Brand Road and is attached to the bridge and a bit more complicated. There are some areas they should be looking at to add some because there is no water in some particular areas of town.

Councilor Maxfield said they received the Planning Board recommendations, and he would not vote for it tonight, but would vote to postpone. Chief said it takes place in two places, one is subdivision as an option around either a cistern, dry hydrant or sprinkler. The other place is on a dead end road more than a 1,000 feet. If the road is beyond that 1,000 feet it has to be sprinkled, that is the way the current Land Use is written.

Councilor Maxfield said it has been a good process for them and timely to look at, but the resident who brought it up, he personally said he would research it, and between what he has learned, he would not vote to change this, whether they vote tonight or postpone it because the trade-off and what it costs for investment in your home, compared to putting someone's life in risk, he would feel comfortable voting for.

Councilor Chapman said she would accept a motion to postpone; she does not think they have even looked at new development where existing water mains are and requiring them to be sprinkled, not just the ones that are down the dead end roads. Thinks it warrants further discussion.

Councilor Nangle said just the amount of money the town is spending in maintaining the cisterns throughout town is significant, and then there are areas where we would have to look at creating some kind of dry hydrant or hydrant systems, which may require acquisition of property. He is not in favor of changing anything based on this order, but would discuss expanding it.

Councilor Muir asked if the prices that were quoted included installation and everything, correct? Rich said every house is different, and you need a licensed contractor to install a sprinkler system. Councilor Muir said as far as subdivisions are concerned, if someone is building a number of houses, they probably have the money to put in systems. People have come in and want to build one house, that money they put into the sprinkler system could mean the difference between they can afford to build it or they can't afford to build. Brent said the only time that would kick in under our current ordinances is if they are out in the middle of nowhere.

Councilor Muir moves to postpone, second by Councilor Cummings.

Vote to Postpone Order 18-164: 3-2 (Nangle, Maxfield) - Failed

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

In Favor: 1 - Councilor Cummings

Opposed: 4 - Councilor Nangle, Vice Chair Muir, Councilor Maxfield and Council Chair Chapman

Absent: 2 - Councilor Welch and Councilor Haskell

[18-165](#)

To approve the Interlocal Agreement and Lease with RSU 14 for the

Shared Maintenance Facility and to authorize the town manager to take any other necessary action related thereto to finalize the agreement.

Attachments: [Interlocal Agreement - FOR TOWN CONSIDERATION](#)

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: 5 - Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Haskell

18-189

To authorize the repair of the Public Works salt sand structure.

Attachments: [18-189 Cover Sheet](#)
[180918 Windham sand salt fnd wall condition](#)
[Salt Shed Estimated Repair email estimate](#)

Councilor Maxfield asked Doug Fortier to explain what is broken and what we are going to do about it?

Doug Fortier said the salt shed is about 20 years old and over the course of the 20 years, and being in a salt environment, concrete and salt do not get along. Salt has gotten into cracks and the porous parts of the walls and down in to the rebar and the rebar has corroded and swollen and popped the concrete, in places, off the wall. Bill Faucher from Allied Engineering is saying that rebar, itself, in the walls and the structural integrity, is being lost, so the strength of holding not only the roof up but the pressure against the material in wall could push out and collapse.

Councilor Cummings asked if they got an estimate back from the insurance company and Doug said they got nothing official but he got an email today that said "At this time it does not appear that we would have coverage for the sand salt shed based on information from the engineer, the damage appears to be from wear and tear, which is not covered. I have drafted a letter and forwarded it to my supervisor, and once he reviews it and if he agrees with my findings I will mail the letter to you."

Councilor Muir moved to amend by substitution Order 18-189 to authorize the temporary repair, using contingency, for the Public Works Salt Shed, at a cost of \$25,562 to Great Falls, second by Councilor Maxfield.

Councilor Maxfield moved to amend the amendment by substitution to change the payment amount from \$25,562 to \$25,000, second by Councilor Muir.

Vote on 2nd amendment: 4-1 (Cummings)

Vote on Order as amended: 4-1 (Cummings)

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

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

Opposed: 1 - Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Haskell

V. Discussion Items.

[CD 18-274](#) Suggested on amendments to Chapter 95, Fire Prevention & Life Safety Code re. exemptions for agricultural buildings/occupancies.

Attachments: [Memo Chapter 95 Exception of Group U 9-24-18 \(2\)](#)

Chief Brent Libby was there to speak and answer questions.

[CD 18-326](#) Highland Lake Association request for funding assistance to remediate the Swan Road right-of-way and a portion of Highland Shore Road in their efforts to improve the water quality of the lake.

Attachments: [HLA request for funds to supplement WPG 9 20 18](#)
[Highland Shore Road quote](#)
[17110 Planning Services Detail 20180830](#)

Rosie Hartzler, Ray White and Dennis Brown came to speak about the discussion item.

CD 18-326 Highland Lake Association request for funding assistance to remediate the Swan Road right-of-way and a portion of Highland Shore Road in their efforts to improve the water quality of the lake.

VI. ADJOURN

A motion was made by Councilor Nangle, second by Councilor Maxfield, that they be adjourned. The motion carried by the following vote at 8:32 p.m.

In Favor: 5 - Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Haskell

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM