



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, August 13, 2019

6:00 PM

Council Chambers

Please note the earlier start time

I. Roll Call of Members.

Councilor Maxfield was absent for roll call and the Pledge of Allegiance.

Present: 6 - David Nadeau, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

Absent: 1 - Tim Nangle

II. Pledge of Allegiance.

Council Chair Haskell led the Pledge of Allegiance.

III. Executive Session.

[19-142](#)

To enter into executive session in accordance with Title 1 M.R.S.A. §405 (6) (F) to discuss application 2019-0809A for abatement of property taxes pursuant to Title 36 M.R.S.A. §841.

Attachments: [19-142 Cover Sheet](#)

[Poverty Abatements MMA Legal Services Information](#)

A motion was made by Councilor Chapman, second by Councilor Cummings to enter into executive session. The motion carried by the following vote.

In Favor: 5- Chapman, Cummings, Haskell, Muir, & Nadeau

Absent: 1- Maxfield, Nangle

A motion was made by Councilor Chapman, second by Councilor Cummings that they return from executive session. The motion carried by the following vote.

In Favor: 6- Chapman, Cummings, Haskell, Maxfield, Muir & Nadeau

Absent: 1- Nangle

IV. Minutes to be Approved:

[CD 19-184](#)

To approve the minutes of the July 9, 2019 Council meeting.

Attachments: [Minutes-Town Council-7-9-2019](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[CD 19-185](#) To approve the Minutes of the July 16, 2019 Special Council meeting.

Attachments: [Minutes-Special Town Council-7-16-2019](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

V. Public Participation.

Elaine Pollock - Gentle Breeze: She thanked the Council for voting the reserve bid for the tax acquired properties. This action demonstrates fiscal responsibility for Windham's tax payers, otherwise the policy would have benefited very few who would have gotten a sweetheart deal at tax payer expense. To emphasize, none of these properties are people's homes, most are vacant land, and in some cases, no heir can be located. Windham has a very fair policy and works diligently with people who have fallen behind on their taxes.

She thanked Interim Town Manager Don Gerrish for bringing these properties forward and dedicating town personnel to this project. Elaine also thanked the Windham Councilors who advocated for more than 50%. She said in the weeks to come she will bring them updates to this policy, hopefully giving future Councilors more options to work with when this type of an issue arises.

VI. PUBLIC HEARINGS.

[19-139](#) To receive comment and act on proposed amendments to the Town's Licenses and Business Regulations, Chapter 101, Article II Victualer's License, Article III Liquor License, Chapter 56, Article II Coin-Operated Devices, Chapter 153, Motion Picture Theaters, and Chapter 176, Article II Mobile Food Services of the Code of the Town of Windham.

Attachments: [19-139 Cover Sheet](#)
[Victualer's Ordinance amendment](#)
[Liquor License Ordinance-amendment](#)
[Coin-Operated Devices-Ordinances-aendment](#)
[Motion Picture Ordinance amended](#)
[Mobile Food Ordinance-amendment](#)
[Memo to Council-Business Lic Amendments](#)

No public comment.

A motion was made by Councilor Nadeau, seconded by Councilor Chapman, that

the Order be approved. The motion carried by the following vote:

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-148](#) To receive comment and act on a proposed Special Amusement Ordinance amendment, Chapter 56.5, C-4, page 8 related to the cost of advertising.

Attachments: [19-148 Cover Sheet](#)
[Memo-Special Amusement-fee adjustment](#)
[Special Amusement Ordinance](#)

No public comment.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-149](#) To receive comment and act on a proposed amendment to the Liquor License Ordinance, Chapter 101, Article III of the Code of the Town of Windham.

Attachments: [19-149 Cover Sheet](#)
[Addendum Liquor License amendment](#)

No public comment.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

VII. CONSENT AGENDA.

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

Councilor Nadeau moved to take 19-147 out of Order, second by Councilor Maxfield.

In Favor: 6

Absent: 1 Nangle

[19-128](#) To approve a three year collective bargaining agreement for the period July 1, 2019 through June 30, 2021 between the Town of Windham and the Windham Police Association, and to authorize the Town Manager to sign

the agreement on behalf of the Town.

Attachments: [19-128 Cover Sheet](#)
[DRAFT Police Contract 2019-2022](#)

Don Gerrish Interim Manager said the big issue they negotiated with the union was to reduce the number of sick hours that they have, and in return they've done an analysis, and they are going to get a pay increase. This is a win win for the town and the union, and brings our salaries up so we are competitive in the market today.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-143](#) To find that the applicant met/did not meet the requirements for abatement of taxes pursuant to Title 36 M.R.S.A. §841 and to approve/deny application 2019-0809A.

Attachments: [19-143 Cover Sheet](#)
[Poverty Abatements MMA Legal Services Information](#)

Don Gerrish said it did meet the requirements.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-106](#) To set the tax rate for 2019-2020 at \$____ per thousand dollars of assessed value.

Attachments: [19-106 Cover Sheet](#)
[Council-TaxRateCalculations](#)

Elisa Trepanier Tax Assessor said the recommend rate is \$14.64 per thousand based on the new assessments. This allows for an overlay of \$71,848, and where the town did a reval it is good to leave a little room for error.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-107](#) To set the dates on which 2019-2020 taxes will be due as October 1, 2019 and April 1, 2020.

Attachments: [19-107 Cover Sheet](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

19-108

To set the rate of interest that will be charged on overdue taxes for 2019-2020 at nine percent (9.00%).

Attachments: [19-108 Cover Sheet](#)

Elaine Pollock of Gentle Breeze said 9% in this environment, of much lower interest, just seemed a little high.

Don Gerrish said the State recommends a number, and this is recommended by the State.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

19-124

To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §906, to apply any tax payment received as payment against outstanding or delinquent taxes due in chronological order, beginning with the oldest unpaid obligation, including personal property, provided, however, that no such payment may be applied to any tax obligation for which an abatement application or appeal is pending, unless approved in writing by the taxpayer.

Attachments: [19-124 Cover Sheet](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

19-125

To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §506, to accept prepaid property taxes at any time and to establish an interest rate of 0% on such payments.

Attachments: [19-125 Cover Sheet](#)

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 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-144](#) To approve a ballot for the election of vice president and executive committee of the Maine Municipal Association.

Attachments: [19-144 Cover Sheet](#)
[MMA Annual Election](#)

A motion was made by Councilor Nadeau, seconded by Councilor Chapman, that the Council go with the recommendation as presented. The motion carried by the following vote:

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-145](#) To approve an application submitted by Consolidated Communications of Northern New England Company, LLC and Central Maine Power Company to locate one (1) utility pole and cables and wires there on Covered Bridge Road, approximately 1320 feet Westerly of the intersection with center line of River Road.

Attachments: [19-145 Cover Sheet](#)
[Consolidated Communications-Pole-Covered Brdg](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-152](#) To approve an application submitted by Consolidated Communications of Northern New England Company, LLC and Central Maine Power Company to locate one (1) utility pole and cables and wires there on Roosevelt Trail, approximately 375 feet Northwesterly of the intersection with the center line of Varney Mill Road.

Attachments: [19-152 Cover Sheet](#)
[Pole Location Roosevelt Tr.](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-153](#)

To approve an application submitted by Consolidated Communications of Northern New England Company LLC and Central Maine Power Company to locate one (1) utility pole and cables and wires there on Chute Road approximately 725 feet Southeasterly of the intersection with center line of Falcon Road.

Attachments: [19-153 Cover Sheet](#)

[Pole Location Chute Road](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-146](#)

To approve the agreement with Portland Water District concerning the Depot Street water main and pump station projects, and to authorize the Town Manager to sign the agreement on behalf of the Town.

Attachments: [19-146 Cover Sheet](#)

[Portland Water District Agreement](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-147](#)

To approve the LED street light purchase and sale agreement as described by Realterm Energy and authorize the town manager to take any other necessary action related thereto to finalize the agreement.

Attachments: [19-147 Cover Sheet](#)

[O-1108 P-0855_1-Pager IGA Summary Windham ME 2019-07-19](#)

[O-1108-P0855 IGA Windham ME 2019-06-13](#)

Don Gerrish spoke about this, he said it is the way to go, a way to the future, and we are going to save money. It will be paid for in five years, and we will start saving \$50,000 a year.

Mark Carter of Realterm Energy said it is straight forward from a conversion stand point. You would acquire the lights from CMP, and at that point it would stop the rental and maintenance fees from CMP. Once you actually upgrade the lights, you will cut your energy consumption by about 70%, so the total reduction in total costs is expected to go down 77%, roughly \$50,000 per year. Over the 20 year expected lifespan of the LED fixture is about one million dollars to the town. He said we should see a lot less glow with these compared to the ones we currently have. With the authorization from tonight's meeting it will allow Realterm Energy to go to procurement, and then it is about 6 to 8 weeks for delivery of materials, which will bring us to the end of October. With 350 lights it will take about a week to a week and a half for installation.

Don said this only takes care of the existing lights we have. They are recommending the Council add the smart controls; it is an extra amount of money but gives a lot more flexibility in dealing with the lights.

Councilor Maxfield said he is excited about this; it is going to be a great project for Windham. He fully supports the smart controls, it is short money for a big gain.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-151](#) To authorize the adjustment of the Town Clerk's salary to the M2 classification on the management pay scale.

Attachments: [19-151 Cover Sheet](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

[19-154](#) To approve the proposed revisions to the non-exempt and exempt pay scales.

Attachments: [19-154 Cover Sheet](#)

[Memo Compensation Study](#)

[Non-Union Pay Scales FY20 REVISED](#)

[Management Pay Scales FY20 REVISED](#)

Don Gerrish explained that they were doing salary surveys for the Police, Fire, and Public Works unions; we then did it for all the rest of the department heads and regular employees. Phyllis did a lot of work on that, and she gave the Council a memo explaining everything. He would encourage the Council to adopt these pay plans.

Councilor Chapman thanked Don and Phyllis for bringing everyone into it, and not just the unions.

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

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

IX. Discussion Items.

[CD 19-201](#) Property Tax Assistance Program - Results 2018-2019 Tax Year.

Attachments: [Chapter 112 - Property Tax Assistance ADOPTED 20171010](#)
[DHG memo to council SR tax assistance program](#)

Don Gerrish gave a brief explanation about the program and the outcome, and he noted that Tammy Hodgman did all the work on this.

X. Council Correspondence.

Councilor Chapman said if people are looking on the agenda they can read the town attorney's response to the concern of a conflict of interest, and she would recommend they look this up to see there in none, in regard to any question whether they are representing us or another conglomerate in regard to the marijuana interest within the community.

She wanted to let people know the thank you letters from Northern Light Health, The Opportunity Alliance, MaineHealth Care at Home and Through These Doors are all on line if people would like to read them.

[CD 19-188](#) PretiFlaherty Response to Conflict of Interest Assertions

Attachments: [Attorney Response 7.15.2019](#)

[CD 19-181](#) Fire-Rescue Department Monthly Report - June 2019

Attachments: [June 2019 Monthly Fire-Rescue Report.pdf](#)

[CD 19-180](#) Parks and Recreation Department Monthly Report - June 2019

Attachments: [Monthlyreportsjune2019](#)

[CD 19-183](#) Social Services Monthly Report - May 2019

Attachments: [Social Services Monthly Report - May 2019.docx](#)

[CD 19-187](#) Social Services Monthly Report - June 2019

Attachments: [Social Services Monthly Report - June 2019.docx](#)

[CD 19-186](#) Windham Public Library Monthly Report - June 2019

Attachments: [June2019](#)

[CD 19-191](#) Windham Public Library Newsletter.

Attachments: [Check It Out - August 2019](#)

[CD 19-192](#) Town Clerk's Report for July 2019.

Attachments: [Town Clerk's July report](#)

[CD 19-193](#)

Assessing & GIS Department Report for June & July 2019

Attachments: [Assessing & GIS Department June & July 2019](#)

[CD 19-194](#) Cumberland County Notice of Caucus.

Attachments: [District 2 Caucus, Finance Committee 9.4.2019](#)

[CD 19-195](#) Northern Light Health, Letter of Thanks.

Attachments: [Thank you for Agency Funding - Northern Light Health](#)

[CD 19-196](#) PWD Sebago Lake Watershed News.

Attachments: [Sebago Lake Watershed News - Summer 2019](#)

[CD 19-197](#) MMA Risk Management Dividend Payment.

Attachments: [MMA Risk Managment Announcement](#)

[CD 19-198](#) The Opportunity Alliance - Letter of Thanks.

Attachments: [Thank you for Agency Funding - The Opportunity Alliance](#)

[CD 19-199](#) MaineHealth Care at Home - Letter of Thanks.

Attachments: [Thank you for Agency Funding - MaineHealth Care at Home](#)

[CD 19-200](#) Through These Doors - Letter of Thanks.

Attachments: [Thank you for Agency Funding - Through These Doors](#)

XI. Town Manager's Report.

Don Gerrish reported on the following:

Windham has been working with 12 other communities on the contract agreement for cable TV because it is long overdue to be renewed. GPCOG is heading up a program so communities can work together, and they have hired a company with good credentials. It is going to cost us somewhere from \$2,000 to \$3,000 up to \$5,000 to all work together on getting a new franchise agreement. The money is budgeted under our Consultant's account.

They got a notice from Cumberland County that there is a caucus on September 4 for District 2. They are looking for Councilors to go to the caucus. You will vote for representatives from the district to be part of the County budget process. He will send out the information.

There is a meeting at 6:30 next Tuesday night on private roads, and Amanda is working on it getting things ready.

We are glad to have Susan back to work full-time. The audit starts Labor Day weekend,

and he said we ended the year in great fiscal shape. Everyone did a great job and everything went very well.

Tomorrow is the deadline for the Town Manager applications for the second round, and we have ten applications as of this afternoon. We probably will have an executive session next Tuesday to see where we are going from here.

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

No report.

B. Other Committees.

Parks & Recreation Committee:

Councilor Cummings reminded people that they still have two more concerts at Dundee Park. One is August 14, and the other is August 21. The Summer Photo Contest needs all the photos in by August 30.

Natural Resources Advisory Committee:

Councilor Chapman said they met, and they have a bigger meeting coming up. They are trying to coordinate a meeting down on Brand Road by the bridge, to take some pictures and hopefully get some grant money to help with that area. Don said that area would be the third phase. Councilor Chapman said then maybe the town can do some bank work to stabilize that section.

She reached out to livestock owners along the Pleasant River to take a look at how close you are coming to the river and maybe set back a bit more. She asked that they don't cut the hay right down to the river and don't let your animals into the brooks and streams that run into the river. E.coli is high, especially in the Gray area and they are going to try and find out where all this is coming from.

1. Land Use Ordinance Committee.

Councilor Haskell said they met last Wednesday, but he was not able to attend. There was quite a turnout for their open house, and quite a few questions were raised.

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

Councilor Nadeau said they toured the third part of the private easement roads, and one letter went out to a road that was in horrible shape. The letter told them that if they can't get it up to shape by October 1, they will be coming to the Council to discontinue plowing.

3. Windham Economic Development Corporation

No report.

V. Councilors' Comments.

Councilor Nadeau said any product with BTM in it and sold in the State of Maine has a law, and the hemp that it has needs to be manufactured in Maine.

Councilor Chapman said the event that Public Safety put on was awesome, and she picked up on some things on driving impaired, and Marijuana was one of them, and it does affect your driving.

Councilor Maxfield said last Tuesday he met with residents of Anglers Road and Mt. Hunger Shore Road. There is access to a public boat ramp down there that is owned by the State and for that neighborhood it can cause a bit of headache, because there are only 13 spots in the parking lot, and they can have 50-60 boat drops a day. When they run out of space folks will often park on their private roads; which is becoming an inconvenience, but also a safety hazard for the neighborhood. If you bring your boat down there and the lot is full, there are representatives from the Warden Service, the Department of Inland Fisheries, Police Department, people from the neighborhood watching out for people parking on the road. The state is going to help out with better signage and unfortunately, cars will start to be towed. He also said the WEDC sold the land at the end of Angler's Road, and people had been parking their trailers there for the day, and now that will not be an option.

Councilor Chapman wanted to let people know that the Forest Lake Association has two issues going on. One is people think there is activity going on in the proposed/future quarry, and her understanding is that Chris Hanson from Code has been out there and said what they are doing is perfectly acceptable. The other issue that people are upset about is Clayton Copp telling the Forest Lake Association and members of the Road Association to stop work; they could not do anything on the road, and they are trying to repair it to get ready for fall.

Don said one issue is that it's a private road. If they want to try and build a new road, they can't until they come to the town for permission to do it. One question is if they can move the road, and also the settlement of who has the right to say X or Y has not been resolved yet.

Councilor Chapman said the road, in its current condition, is impeding the lake according to the study. Do we request that the state come in with the DEP, and help them work through this to get that work done?

Don said they can help them to get someone from the DEP to come down. Councilor Chapman said she has never wanted this to happen nor has she ever recommended this before, and would hope the Council would support this, but take the road by immanent domain for public safety and public benefit.

Councilor Chapman wanted to know why we still report on the WEDC because they really are a separate entity from us? She asked how do we get them to break away from being under us all the time?

Don Gerrish said he doesn't think it is bad to get reports from an economic development

group about what is going on in the community. He said the final Lot the town let the WEDC purchase and do work was sold yesterday. The town will be paid back with interest, and it will be over 400,000 coming back to the town. It was TIF funding that was used, and the money will go back into the TIF.

XIII. Agendas & Scheduling.

XIV. ADJOURN.

A motion was made by Councilor Maxfield, seconded by Councilor Nadeau, that they be adjourned. The motion carried by the following vote:

In Favor: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM