



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, January 22, 2019

7:00 PM

Council Chambers

WCCG TV-7 Now on Channel 1303

I. Roll Call of Members.

Councilor Chapman arrived at 7:09 p.m.

Present: 7 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

CD 19-016 To approve the Minutes of the January 12, 2019 Council Meeting.

Attachments: Minutes-Town Council-1-12-2019

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

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

Absent: 1 - Councilor Chapman

CD 19-022 To approve the Minutes of the January 15, 2019 Council meeting.

Attachments: Minutes-Town Council-1-15-2019

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

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

Absent: 1 - Councilor Chapman

IV. Public Participation.

Marge Govoni would like to see better telecasting of the meetings held in the Chambers. Sometimes people at home cannot hear the meetings, either at all or there is other noise in the background.

Also, noted that the town's website is not user friendly, it is difficult to find your way

around.

She asked if there is any possibility to create one email address for all the Councilors? She said they have one address just for the School Board.

Gary Plummer thanked the members of the Council for the work that they do. He Congratulated the Chair and congratulated David Nadeau and Tim Nangle for their reelection to the Council.

Mr. Plummer commented on what a great job the Town Clerk and her staff did in the November election.

Babb's Bridge is looking fine, there has been no new graffiti; there has been a couple of instances in the past couple of months, but he took a paint brush and took care of it.

He addressed the signs in the Rotary; he received a call from the Town Manager's Office letting him know that it had not been forgotten and is being worked on. He said he is only talking about the small islands, but after the big island was cleaned up of signs last fall, it does look a lot better. If and when you pass an ordinance in regard to signs at the Rotary, if there is a concern about staff time, he will volunteer to become temporary staff to help remove signs.

He said in regard to the sidewalks in North Windham; he has a handicapped stepson who lives at New Marblehead Manor and works at Hannaford's. He is legally blind and he cannot drive so he walks to work. The only place that is a big concern is in front of Bomb Digity he has to walk in the road if the walkways are not cleared off and for someone who is legally blind, it is not a good thing. He asked the Public Works Department if it could be a sub-priority after the school areas are taken care of?

Gary also told a little story of back in the 1970's when he was elected to the Windham Town Council and a man named Gerrish who was looking for a Town Manager's job had applied, and Gary was eager to hire Mr. Gerrish, but unfortunately, Mr. Gerrish took the job as Town Manager in Gorham, and even though it is four decades later, he said "Welcome Don".

Holly Tubbs passed out a handout in regard to the marijuana issues Windham is having. (See attached) and she also agreed with Marge Govoni that the audio has a lot of issues.

Ron Giroux who lives on Maverick Lane came to speak again about the marijuana store that has opened up at the beginning of his street. (See attachment)

Steve Norton 17 Fox Run came to speak about 19 Fox Run and their issues with three barking dogs at that address. These dogs are left outside and are howling and barking throughout the day and into the evening. It has been going on since before this past summer. Despite many calls to the Animal Control Officer and the Police Department and visits from both of them, there has been no resolution. On behalf of the residents of the neighborhood and himself he asks the Council to take this matter into consideration and help resolve this problem.

V. Councilors' Comments.

Councilor Maxfield - Replied to Marge Govoni, and said the website issue is being worked on. To Mr. Plummer, they will work on the sidewalks. To Ms. Tubbs and Mr. Giroux there are some things that need to be worked out but the Council is working on it; it is frustrating and a lot of points made have a lot of validity. He is the Council representative

Good evening again. My name is Holly Tubbs

I'm up here tonight in response to the taxpayer that spoke at public participation last week and to inform the Windham taxpayers again. The gentleman lives on Maverick way and has a problem with a retail marijuana operation at the end of the street right on Route 302 just above my shop.

While that marijuana establishment may have just opened January 1st of this year and the signs have gone up and come down, I believe that it has been there for a number of years because one of the neighbors came down and said to me do you know what they're putting in there and I said no I don't and he said it's a "drug house". I said I couldn't believe that, but I'd go up and talk to them at the town. I did, I was informed that it had something to do with marijuana and they are all over Windham. It's been there for awhile, just no sign out on 302, which is why the town is amending the commercial sign ordinance.

In 2016, Maine voters approved by a 50.26% to 49.74% margin to legalize recreational marijuana for adults over the age of 21. Obviously the whole state was not for it.

I'm going to try and get through this because it's very confusing my understanding from talking with code enforcement is that retail marijuana stores **are** allowed in C3 but I believe the town currently has a moratorium on them town wide as we already have 12.

I have no idea how they are classified legally, but I'm going to refer to them as Marijuana "Growers". There are many legal "Growers" in the town of Windham. They are allowed in any zone in the town of Windham that allows agriculture that includes the farm zone, farm residential, C1 & C3 and many more. The town of Windham does not know where the "growers" are or how many there are, **the state is in charge of that** - the state may have a list but I doubt anyone could get it. The business on 302 & Maverick Way is in C-3, where that gentleman's house is, is in the farm residential zone, so he could end up with a growing operation on an adjacent lot. As long as the building can meet setback requirements and I believe it's less than 2000 square feet in size, code enforcement would have to allow it in. I think a 2000 sq.ft. building triggers planning board approval for any building.

Growers do not have signs out. I believe they would prefer that no one knows where they are in town. I believe there is a reason for that, which Windham should recall from 2010, security. A man was killed for trying to steal another man's pot. At the trial Justice Roland Cole said "it would be naive not to recognize that violence accompanies some

aspects of growing and possessing marijuana". Justice Cole also said "I hear people who grow marijuana are peaceful, marijuana is a harmless drug that we should have a lot more in our community. I would note, here's one case — a prime example — that there's a lot of money at stake in the marijuana trade — and violence,"

That was six years ago maybe we should have listened. That is what it's all about MONEY !

Big money - deep pockets. The town stands to gain from taxing Marijuana establishments, the state stands to gain from taxing Marijuana, **some** people are going to become VERY wealthy.

I would recommend the Town Council **not** hold its breath waiting to fill those anti - marijuana seats on their committee for aforesaid reasons in addition to not being politically correct.

So Marijuana is now legal in Maine. But - "Under federal law, marijuana is a Schedule I controlled substance,". The federal government has deemed that marijuana has a high potential for abuse and has no currently accepted medical use in treatment in the United States. In Maine, doctors cannot legally prescribe marijuana to patients; they only 'certify' its use. Possession of any amount of marijuana under federal law is a misdemeanor crime. That was Lepage's "excuse" for vetoing the legislation until I guess last May when the Maine Legislature overrode his veto and passed the law. Don't ask me to explain this, it is so convoluted and I'm sure loaded with loopholes that the lawyers etc. are going to have to figure it out and that will take years I'm sure.

So to wrap this up

1. I hope this "State Control" applies to all Towns in Maine. As far as subdivisions, cluster subdivisions, residential home sales, commercial property etc. goes as it may not be a big selling point if a Marijuana sales/grow operation is allowed next door. Some people might object if they know ahead of time or they may prefer marijuana to stinky cows and dump trucks.
2. This is why Comprehensive plans, no matter how well intentioned, sometimes have to be changed.
3. This is what I have been referring to when I am asking people to sign my petition. Marijuana Sales and growing are allowed in C-3. Adult Business Establishments are allowed in C-3 and many other things, but **not CONSTRUCTION SERVICES** a legal federal and state occupation.

Again Thank you for your time

Copy of E-mail I sent to Tom Bartell 1/22/2019

Dear Tom

I am watching the Town Council Meeting from the other night and am very sorry I didn't catch the earlier conversations, as I didn't realize it started at 6:00 rather than 7:00. That being said, I am in a quandary. If a medical marijuana - buyer comes to me and offers me what I want for my property that's been for sale for 10 years and it's an allowed use in C-3, but not a construction services business am I going to stand on principle or sell.

I doubt any other vacant property owner in C-3 will have any such thought and with the way the town has treated some of us I wouldn't blame them.

As a "hometown girl" I'd prefer that from Albion Rd. to the Westbrook Line (Rte 302 Transition Area) not be lined with medical marijuana establishments/"growers". Oh yeah mixed in with residences.

Right now as things stand - it is a choice of the property owners - do you want to see a "Construction Service" business with the opportunity to expand or a Medical Retail / Grower or apparently recreational Marijuana Co. Allowed by Maine law, but not federal Law.

What a mess.

My first thoughts on the plan we're supposed to come up with is that we and the Town Council need to be having a talk with the Tax Assessor, Code Enforcement, some one from the School Board ? whoever is responsible for our children's safety/school buses. More later on that.

Thanks

Holly

1/22/19

I am a Windham resident. I am urging councilors to please add buffers for residential areas as it pertains to Marijuana business in our town. Specifically to address concerns about public safety, traffic, parking and very specifically ----- property values.

In Fresno, California – 14 Marijuana retail stores serve 512,000 people

In Modesto, California – 8 Marijuana retail stores serve 212,175 people

In Springfield, Massachusetts – 15 Marijuana retail stores serve 154,758 people

In Windham, ME ^{6-13 retail} stores serve 18,000 people

The aforementioned numbers are not consistent with our population.

I realize that Code Enforcement and not the council is behind this push of providing licenses for the town.

I have only heard from one of the 4 people on the Enforcement team as they are not returning my correspondence. The one person that I did hear from is no longer communicating with me.

I feel the council needs to get involved here and run the town instead of code enforcement as they appear to be doing whatever it is that they want. Perhaps they have something to gain here. I understand the town's hands are tied by the state's and the state is making things up

1/22/19

houses are located. I recommend that the council make this obvious recommendation and implement it quickly.

It's safety, it's quality of life and it's the determination of the kind of traffic we would all want in our neighborhoods.

The council majority needs to add provisions requiring owners of marijuana shops to meet with neighborhood associations, and must get applicants to apply for a special permit.

In Massachusetts there is a state requirement for a "community meeting" and applicants would also face the council public hearing and neighborhood input, prior to implementing a store. Maine, I think we are missing something here. So Massachusetts is asking for neighborhood feedback prior to implementing a store but Maine is not.

Seems wise to get the neighborhoods feedback prior to opening a Marijuana store. We have a 27 square foot sign that is going to be lighting up our neighborhood with Marijuana! I wonder how many families are going to want to buy my house when they see a Giant Trashbag of a store at the beginning of our street?

I wonder how you would feel if this happened to your house. Imagine a Liquor store, a vape shop, a marijuana store, a strip club, a casino or the like opened at the beginning of your residential street. Why is this OK? While I did feel empathy from many, the question remains unanswered!

to GPCOG Regional Voice Committee, and they had a meeting the other day, and the goal of the committee is to see what things the committee could push using GPCOG resources and what the group could accomplish. What kept coming up was transportation from Portland to Bridgton. They will be pushing this forward.

Councilor Cummings thanked everyone for coming out and to voice their opinions, she knows it can be difficult to do that. She gave a shout out to her neighborhood for coming tonight.

Councilor Chapman asked the Manager what the story was about the sidewalks? He said the priority is to get around the school's cleaned up first. The question is, do we spend overtime to do that, bring people in? It is a timing issue with getting the roads cleared first, second, the school sidewalks (Route 202 and Windham Center Road) and then North Windham. North Windham sidewalks have been a third priority.

Doug Fortier spoke about what the policy has always been, and getting to North Windham after all the other work is done. Councilor Chapman said they could talk about it during budget time.

Councilor Chapman said to Mr. Giroux - these shops are retail medical marijuana shops, and we didn't have a lot of say, but she thinks the key is licensing from the town. With regard to the Fox Run issue, she is a little appalled and some resolution has to come of this. She saw a video of those dogs out in the cold, and freezing rain.

Manager Don Gerrish said there is a hearing in the court system on Thursday in regard to this issue; the town has done what they can do.

Councilor Nadeau said in regard to the sidewalks in North Windham; they were worked on today, but the ice was so bad they couldn't do much.

VI. PUBLIC HEARINGS.

CD 19-011 To receive public comment on a new Special Amusement permit application submitted by Tarah Mathieu d/b/a Bob's Seafood.

Attachments: Bob's Seafood New Special Amuse.

No public comment.

CD 19-012 To receive public comment on a new Liquor License application submitted by Math-Copper LLC d/b/a Bob's Seafood.

Attachments: Bob's Seafood new Liquor License application

No public comment.

VII. CONSENT AGENDA.

19-001 To approve applications for coin-operated device licenses submitted by Dena Withey d/b/a Dena's Lobsterhouse and Tavern, (7 devices).

Attachments: 19-001 Cover Sheet
Dena's Renewal for 7 Coin-ops

- 19-002 To approve applications for coin-operated device licenses submitted by JMA Enterprises LLC d/b/a Pat's Pizza-Windham, (8 devices).

Attachments: 19-002 Cover Sheet
Pat's Pizza Renewal for 8 Coin-ops

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

- 19-004 To approve an application submitted by Tarah Mathieu d/b/a Bob's Seafood located at 901 Roosevelt Trail for a new Special Amusement permit.

Attachments: 19-004 Cover Sheet
Bob's Seafood New Special Amuse.

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

- 19-005 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Math-Copper LLC d/b/a Bob's Seafood for a new Liquor License.

Attachments: 19-005 Cover Sheet
Bob's Seafood new Liquor License application

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

- 19-006 To approve the annual salary adjustments of the BTI Program Director and Program Coordinator as outlined by the federally funded "Be the Influence" community collaborative grant.

Attachments: 19-006 Cover Sheet
BTI Grant Salary Adjustments

Don Gerrish said the Council approved a 5 year grant in 2012

Marge Govoni said it is mainly directed at students at the high school and middle schools. It educates the kids on the mental and physical that comes along with doing drugs and she asked the Council to keep the program going.

Councilors who spoke on this were Councilor's Chapman, Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Nangle,

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 Nangle, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Opposed: 1 - Councilor Muir

19-007 To make an appointment to the RSU#14 School Board.

Attachments: 19-007 Cover Sheet

School Board Member Resignation

Title 20-A Section 1474 Vacancies

School Board - State Legislature Requirements

Nepotism_givewithNominationForm

Councilor Cummings said they received an email from someone who spoke very highly of Marge.

A motion was made by Councilor Nangle to appoint Marge Govoni to the RSU#14 School Board, second by Councilor Maxfield, that the Order be approved. The motion carried by the following vote:

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

Opposed: 1 - Council Chair Haskell

Abstain: 1 - Councilor Nadeau

IX. Discussion Items.

CD 18-400 Town-owned Morrell Property Possible Uses. (Initiated by Town Manager)

Attachments: Morrell Property report jan 2019

Cemetery Acreage

Cemetery Lots Available 2019

3324.04-Smith Cemetery Base Plan

2018-03-22 Smith Cemetery Conceptual OPCC

Don Gerrish said it was brought to their attention that the town bought this Morrell property a few years ago and one of the uses for it was to look at the expansion of the Smith Cemetery. The site has also had discussion of possibly being a Community Center. He told the Council that they are looking for some direction from them on the use of this property, i.e. is it a multi-use property or all of it used for cemetery expansion?

Brian Morin Building and Grounds Supervisor gave some history on the Smith Cemetery, and what would be needed to expand the cemetery.

Councilors asked lots of questions and Don asked them how big of an addition do they want and do they want to use the remaining land for something else?

CD 19-002 Recycling Program Concerns. (Initiated by Town Manager)**Attachments:** TC Recycling Discussion Packet

Don Gerrish gave a brief history of our recycling program with ecomaine and talked about the monthly reports the town receives and the issues we are facing as a town.

Katrina Bussiere-Venhuizen from ecomaine gave a power point presentation, brought along "good recycling examples, and bad recycling examples", and explained why it is so important that residents get educated about what can and cannot be recycled.

CD 19-021 LED Streetlight Conversion Project. (Initiated by Town Manager)**Attachments:** LED Streetlight Acquisition & Conversion update

Manager Don Gerrish said we are working with four other communities and Revision is working with CMP to make sure the list of what we have is a correct list. They are putting together a program to bring back to the communities on what can be done.

Gretchen Anderson from Public Works spoke about the LED Streetlight Project. She said up until this point, it has been like pulling teeth trying to get all the municipalities together and rowing in the same direction, along with waiting on CMP for the market value and getting their inventory to match with our inventory.

X. Council Correspondence.**CD 19-005** CMP's Tree Care Program Notice**Attachments:** CMP Notice**CD 19-008** Town Clerk's Report for December 2018.**Attachments:** Town Clerk's December 2018 Monthly Report**CD 19-009** Fire-Rescue Department Monthly Report - December 2018**Attachments:** December 2018 Monthly Report**CD 19-010** Windham Public Library Monthly Report - December 2018**Attachments:** December 2018**CD 19-013** Assessing & GIS Department Report for December 2018**Attachments:** Assessing & GIS Department December 2018**CD 19-014** Parks and Recreation Department Monthly Report - December 2018**Attachments:** Parks and Rec Monthly Report - December 2018**CD 19-018** Financial Reports as of 12/31/18

Attachments: YTD Expense Report as of 123118

YTD Revenue Report as of 123118

CD 19-019 Police Department Monthly Report - December 2018

Attachments: Police Dept Monthly Report - Dec 2018

CD 19-023 AARP Network of Age-Friendly Communities - Congratulatory Letter

Attachments: AARP Network of Age-Friendly Communities - Letter of
Congratulations

XI. Town Manager's Report.

Nothing new to add from what was already mentioned earlier in the meeting.

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

They have not met.

2. Finance Committee.

Councilor Nangle - They met tonight and should be coming back to the Council with some information in regard to carryovers, also notices went out for personal property tax. Don Gerrish said they sent them out to people who have not paid them since 2011. There are still people on the books since 1992 but they will be coming to the Council to write them off, and they will try to collect what they can. Don said that a letter will be going out to anyone whose property that has been tax acquired and giving them 30 days to come in to talk to us. There are at least 55 properties that have been tax acquired, and we need to take action on them.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Haskell - They are meeting tomorrow and they are moving ahead.

2. Parks & Recreation Advisory Committee.

Nothing to report.

3. Windham Economic Development Corporation.

No report.

4. Highland Lake Leadership Team.

Councilor Chapman said the Education Committee met today and may be doing some Facebook social media, getting their minutes uploaded, a video clip to put on Channel 7, and doing a winter, spring, summer, and fall theme on what you can do around your house and yard to help and how it impacts the lake. They are going to do a winter sample of the lake.

Don is going to facilitate a meeting of the full committee to talk about a two or three year strategic plan next Thursday.

5. Shared Maintenance Facility Joint Project Team.

Manager Gerrish said it is coming along very well, and the garage may be ready by the end of January, first of February to move into the garage area.

6. Mineral Extraction Committee.

Manager Gerrish said the Planning Board is holding a public hearing next Monday night on the proposed ordinance, and will report back to the Council.

7. Private Roads ad hoc Committee.

Councilor Nangle, said they met last week and they all wished Jon Earle well. Amanda Lessard will be scheduling a public forum in February.

8. Natural Resources Advisory Committee.

Councilor Chapman said they met once in November, and they are waiting to make some changes to the committee.

Manager Gerrish said they are advertising for the Planning Director and Engineer's positions.

XIII. Agendas & Scheduling.

CD 19-025 Future Agenda Items.

Attachments: Scheduled Items

Look into more information on residential sprinkler systems

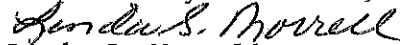
XIV. ADJOURN.

A motion was made by Councilor Nangle, seconded by Vice Chair Cummings, that they be adjourned. The motion carried by the following vote at 9:58 p.m.

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

Absent: 1 - Councilor Chapman

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM