



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

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Tuesday, January 9, 2018

7:00 PM

Council Chambers

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#### I. Roll Call of Members.

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

#### II. Pledge of Allegiance.

Chairwoman Chapman led the assembly in the Pledge of Allegiance.

#### III. Minutes to be Approved:

CD 18-004 To approve the minutes of the December 19, 2017 Council meeting (postponed from December 12, 2017).

Attachments: Minutes-Town Council-12-19-2017

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

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

CD 18-007 To approve the minutes of the January 2, 2018 Council meeting.

Attachments: Minutes-Town Council-1-2-2018

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

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

#### IV. Public Participation.

Patrick Corey - River Road: Mr. Corey read a prepared letter to the Council. (See attached)

#### V. Councilors' Comments.

No Councilor Comment.

V. Councilors' Comments.

#### VI. Council Correspondence.

Good evening Madam Chair and members of the Windham Town Council.

I noticed that there were two zoning issues in a newspaper article this past week and while I do not wish to weigh in on either of those projects tonight, as a member of the committee that put together the last Comprehensive Plan, I would like to discuss growth, taxes, and sustainability here in Windham. I likely have more questions than answers, but really feel that this is Windham's number one issue today and likely into the future.

Currently Windham is the second fastest growing town in Maine by population growth. Is it necessary that we make changes regarding rezoning parcels of property or allowing variances to accommodate even faster growth?

Should any consideration be given to a type of housing unit's ability to pay for infrastructure and services based on assessed value? In an ideal world housing should pay its own way in a community, thus providing a sustainable tax burden for current residents.

When looking at a growth zones in Windham's Comprehensive Plan, does that designation trump matching the current housing stock in an area or granting variances for density?

When we increase density in some areas should we be taking actions to preserve rural land or relieve growth pressures in other areas? Some communities have transfer of development rights programs where a fee is paid for increases in density in a particular zone. Those fees are then used to preserve land in other parts of town thus promoting smart growth.

I send out a yearly legislative newsletter with a survey in it. Very few people take advantage of that opportunity, but I'd like to share some of the feedback I have received from the 12 surveys I've received back. Of those with regard to property taxes two respondents believed they were "just right," six said "kind of high," and four respondents said "too high."

Of these people, 11 respondents chose to submit their concerns about what they believed were the most important issues facing Windham. The responses that concerned growth, property taxes, and educated costs are as follows. Only one person left this section blank.

- Cost of schools and educators too high.
- Property taxes. Overspending on school.
- Over spending taxpayer dollars.
- High cost of education. Local taxes on property.
- High property taxes.
- Sustainability- Keep up with what we have. Control growth.
- Cost of town government. Adjusting to increased housing - it's needs for resources.
- Yearly property tax increases.
- Population growth. Out of control RSU 14 budgets.
- Too much development. Too much traffic.

Finally, there was one that talked about having more density in some areas to preserve Windham's rural areas and to increase revenue to more efficiently finance public services.

I would question though, without levers in place, how denser development preserves rural areas as I don't believe that a consumer for an apartment rental and a house are the same buyers. Also, much of this comes down to the assessed value and property taxes of a particular housing unit and whether or not those taxes can efficiently fund public services required by those new residents.

If anything, I believe this response and those of the ten other respondents should have us devoting considerable thought to how growth has affected resident viewpoints with regard to impacts on their community and whether or not the consequences have been increased town and school costs.

I would encourage members of this council to take a look at the December 2014 Critical Insights survey that was done prior to writing the comprehensive plan. A lot can be gleaned from the information with regard to resident attitudes about growth, open space, taxation, etc.

Thank you all for your service.

*No Council Correspondence.*

CD 17-373      Maine Public Correspondence

Attachments:   Maine Public Support Request

CD 17-374      The American Legion Field-Alien Post 148 Correspondence

Attachments:   Vietnam War 50th Anniversary Program

CD 17-375      Maine Municipal Association Correspondence

Attachments:   Workers Compensation Fund Membership Report

CD 17-376      VNA Home Health Hospice Correspondence

Attachments:   VNA Home Health Hospice Thank You

CD 17-377      ecomaine Annual Report FY17

Attachments:   ecoMaine Annual Report 2017

CD 17-378      Presumpscot River Settlement Agreement

Attachments:   Saccarappa Hydropower Project

CD 17-379      MaineHealth Care at Home Report

Attachments:   Report to the Community 2017

CD 18-003      Windham Public Library Newsletter -January 2018

Attachments:   Check It Out - January 2018

CD 17-385      Parks and Recreation Department Monthly Report - November, 2017

Attachments:   Monthlyreportsnovember2017

Jan Feb 18

2018 Winterfest Flyer

CD 17-387      Public Works Department Monthly Report - November 2017

Attachments:   Windham Public Works - November 2017 Monthly Report

CD 17-388      Social Services Monthly Report - November 2017

Attachments:   Social Services Monthly Report - November 2017

CD 18-008      Financial Reports - November 2017

Attachments: YTD Budget Report  
Revenue Report

## VII. Town Manager's Report.

CD 18-009 Town Manager's Report.

Attachments: Town Manager's Report 20180105  
Projects & Issues List 20180105  
Projects & Issues Sheets 20180105

*Tony Plante: Tony reported on the following items:*

*The Library renovation is on-going. There is a large trailer in the parking lot, which is housing some of the materials from the library while they under go renovation. They began in the children's room and on the 22nd they will be moving upstairs so the project is moving through the building fairly quickly. They did have one minor change as a result of a structural issue that they identified once some demolition was done in the children's room; that added about \$1,400 to the overall project cost. The overall project budget is \$405,000 and the construction contract was \$240,500 so they are still in good shape.*

*He said in order to make way for the next phase of the renovation the library will be closed from January 17 to January 20 and will reopen on January 22.*

*In regard to the Maintenance facility they have statements of qualifications from design build teams due tomorrow, one has been received. They have had interest from a number of other large contractors, and he thinks the response will be good. Once the design team has had an opportunity to look at those they will schedule a meeting of the Joint Project Team to hear those recommendations and make a final decision about the prequalification list. Those who are prequalified will be asked to submit technical proposals, and that RFP will probably issued around February 1. They are still on track for a March or April award and construction beginning in May or June.*

*Along with the town attorney he has worked out an outline of an interlocal agreement with the RSU 14 based on the partnership model that they talked about back in June. A copy of the outline will be provided to the Council, and they will be getting into more discussion about the specifics of the agreement before they actually get into writing the full language of the agreement.*

## VIII. Committee Reports.

### A. Council Subcommittees.

#### 1. Appointments Committee.

*Councilor Maxfield: Reported that they met with a few applicants and would like to put forward the following names:*

*David Nadeau for a 3-year term for the Planning Board, term expiring 2/15/2021*  
*David Nadeau for a 3-year term for the Public Easement Advisory Committee, term expiring 2/15/2021*

*David Nadeau for the Long Range Planning Committee - no expiration date  
Zach Connelly for the Summerfest Committee  
Cassidy Mullens for the Summerfest Committee*

2. Finance Committee.

*No report.*

**B. Other Committees.**

1. Long Range Planning Committee.

*Tony Plante: Tony reported that they had an initial meeting, and Councilor Haskell said there is a meeting tomorrow.*

2. Parks & Recreation Advisory Committee.

*Rebecca Cummings: She report that they had Winterfest on Saturday and had about 40 people show up. Flamin Raymin was there and the people had a blast.*

*There will be outside skating at Lippman park on the January 19.*

3. Public Easement Advisory Committee.

*No report.*

4. Highland Lake Leadership Team.

*Tony: He reported that the Leadership Team will be meeting, as a whole, on January 17. The Ordinance subcommittee is meeting this Thursday, January 11 and the Education and Outreach subcommittee had its initial meeting last week. All of the subcommittees are coming together and figuring what their individual charges and reporting back to the Leadership Team as a whole.*

5. Shared Maintenance Facility Joint Project Team.

*Tony said he included that in his Manager's report.*

6. Windham Economic Development Corporation.

*Tony said the WEDC meets tomorrow night.*

7. Wastewater Management Planning Advisory Committee.

*Tony Plante: He reported that staff has a meeting with Wright-Pierce this coming Thursday to review where they are with the project and clarify expectations about the focus of the effort.*

**IX. PUBLIC HEARINGS.**

CD 17-389 To receive public comment on a new liquor license application submitted

by Jordan Bay Enterprises d/b/a Kelley's Sebago Diner.

**Attachments:** Kelley's Sebago Diner-new Liquor

*No public comment.*

CD 18-006 To receive public comment on a proposed zone change request from Bryan Mills to amend the official Town of Windham zoning map, to rezone a portion of a property on River Road identified on Tax Map 5, Lot 1-1, from Farm Residential (FR) to Medium-Density Residential (RM).

**Attachments:** PB recommendation to TC River Road FR-RM 11-17-17

Zone Change Application - TM 5 L1-1 - 2017\_10\_10

*No public comment.*

## **X. CONSENT AGENDA.**

18-001 To appoint Barb Maurais to the Summerfest Organizing Committee.

**Attachments:** Cover Sheet 18-001

18-002 To appoint Griffin Bourassa to a three-year term on the Planning Board, to expire February 15, 2021.

**Attachments:** Cover Sheet 18-002

18-004 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Smoke This Two, LLC d/b/a Buck's Naked BBQ for a renewal liquor license.

**Attachments:** Cover Sheet 18-004

Buck's Naked BBQ Renewal Liquor Lic.

18-006 To approve an application submitted by Smoke This Two, LLC d/b/a Buck's Naked BBQ located at 4 Turning Leaf Drive for a renewal special amusement permit.

**Attachments:** Cover Sheet 18-006

Buck's Naked BBQ Renewal Special Amuse.

18-007 To approve applications for coin-operated device licenses submitted by JMA Enterprises Inc. d/b/a Pat's Pizza for 8 devices.

**Attachments:** Cover Sheet 18-007

Pat's Pizza - 8 Coin-ops

18-008 To approve applications for coin-operated device licenses submitted by Dena's Lobster House and Tavern for 7 devices.

**Attachments:** Cover Sheet 18-008  
Dena's Lobsterhouse & Tavern-7 Coin-ops

18-009 To approve applications for coin-operated device licenses submitted by Roy Moore d/b/a Seacoast Park for 3 devices.

**Attachments:** Seacoast Park - 3 Coin-ops  
Cover Sheet 18-009

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

In Favor: 7- Councilor Chapman, Councilor Cummings, Councilor Haskell, Councilor Maxfield, Councilor Muir, Councilor Nangle and Councilor Welch.

## XI. UNFINISHED BUSINESS & GENERAL ORDERS.

17-243 To accept Twoey Drive as a public way as described in a warranty deed from Design Dwellings, Inc. and Susan Duchaine, LLC.

**Attachments:** Cover Sheet 17-243  
TC memo TwoeyDrive PubAccept 12-15-17  
Twoey Drive acceptance request packet  
Valley View - Status FR 12-11-2017  
Valley View FR 2017-07-12

*Tony Plante: In the Council materials there is a staff memo and other materials regarding the acceptance of Twoey Drive and a future right-of-way that are part of a subdivision located off Barnes Road. All of the improvements have been completed and there were some issues that needed to be addressed back in July and they have been.*

*He said what is before the Council is the acceptance of Twoey Drive as a public way. The future right-of-way is part of property that would be turned over to the town but is not a public way and would not be a public way at this time. There are stormwater facilities that are outside of the right-of-way that would remain the responsibility of either the applicant, developer or a home successor/home owner association if one were to be formed. Those are not part of what the Council will be accepting tonight. It is just what is within the right-of-way of Twoey Drive, as well as the piece of property that is depicted on the plan as a future right-of-way.*

*Councilor Haskell: He asked if they could put the language from the Code Enforcement Officer in this proposal for a tie-in? He wants to make sure it is attached to this order for future boards to view.*

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

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

17-245 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Jordan Bay enterprises d/b/a Kelley's

Sebago Diner for a new liquor license.

**Attachments:** Cover Sheet 17-245

Kelley's Sebago Diner-new Liquor

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

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

18-005 To approve a proposed zone change request from Bryan Mills to amend the official Town of Windham zoning map, to rezone a portion of a property on River Road identified on Tax Map 5, Lot 1-1, from Farm Residential (FR) to Medium-Density Residential (RM).

**Attachments:** Cover Sheet 18-005

PB recommendation to TC River Road FR-RM 11-17-17

Zone Change Application - TM 5 L1-1 - 2017 10 10

*Council Chair Chapman said she received a request from Dustin Roma asking that if anybody had any questions; he would ask that the Council postpone the Order. Dustin could not make the meeting tonight.*

A motion was made by Councilor Welch to postpone Order 18-005 to the January 23, 2018 Town Council meeting, seconded by Councilor Muir.

**In Favor:** 6 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

**Opposed:** 1 - Councilor Haskell

17-225 To enter into executive session under 1 M.R.S.A. §405(6)(E) for the purpose of receiving a legal update from the town attorney, and under 1 M.R.S.A. §405(6)(A) for the purpose of discussing performance evaluations.

**Attachments:** Cover Sheet 17-225

*Council Chair Chapman noted that they would not be back for any further voting this evening.*

*A motion was made by Councilor Welch, seconded by Councilor Muir that they go into executive session. The motion carried by the following vote at 7:28 p.m.*

*In Favor: 7- Councilor Chapman, Councilor Cummings, Councilor Haskell, Councilor Maxfield, Councilor Muir, Councilor Nangle and Councilor Welch.*

*A motion was made by Councilor Chapman, seconded by Councilor Nangle that they come out of executive session at 9:33 p.m. No votes were taken in executive session.*

*In Favor: 7- Councilor Chapman, Councilor Cummings, Councilor Haskell, Councilor Maxfield, Councilor Muir, Councilor Nangle and Councilor Welch.*

*Council Chair Chapman was reminded by Councilor Cummings that it is Law Enforcement*



*Appreciation Day.*

*Councilor Cummings wanted to say that they appreciate what they do for herself and for the Town of Windham.*

*Councilor Welch said he wanted to thank all the men and women in law enforcement for what they do.*

## **XII. Discussion Items.**

## **XIII. Agendas & Scheduling.**

CD 18-010      Agenda Items Reports.

Attachments:   Agenda Items Report 20180105

Projects & Issues List 20180105

Projects & Issues Sheets 20180105

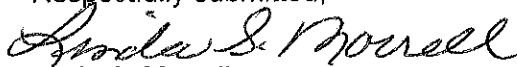
*The Council discussed agendas and scheduling.*

## **XIV. ADJOURN.**

**A motion was made by Council Chair Chapman, seconded by Councilor Nangle, that they be adjourned. The motion carried by the following vote at 9:35 p.m.**

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

Respectfully submitted,



Linda S. Morrell  
Town Clerk, CCM