



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, November 22, 2016

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 4 - Dennis Welch, Tim Nangle, Bob Muir and Jarrod Maxfield

Absent: 2 - David Nadeau and Donna Chapman

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

[CD 16-411](#) To approve the minutes of the October 25, 2016 Council meeting.

Attachments: [Minutes-Town Council-10-25-2016](#)

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

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

Absent: 2 - Vice Chair Nadeau and Councilor Chapman

IV. Public Participation.

Ben Whalen - Green House Bumble Root Organic Farm: He said they are currently having an issue getting their green house put up. They started building it last week and their first mistake was they didn't go to the town first and get a building permit. They have been in Buxton and Ben said in their experience in putting them up they are considered temporary structures. They have stopped building. Code Enforcement told them they need a frost wall for the structure and then was also told they needed engineer designs. He said they spent a whole week talking to other Code Officers, people at the state, other farmers in Windham and around the state and no one had ever heard of anything like this.

Yesterday they were in touch with the Assistant Fire Marshall in Augusta and he walked them through the code, which showed the structures were exempt from needing engineer plans. They have since been told they need to meet certain wind and snow requirements. Again they spoke with the Assistant Fire Marshall and he highlighted the language. They also spoke to the manufacturer of the green houses and was told they cannot build the structure to meet the requirements; because they are not designed that way. Basically, they can't build this green house that is essential to their business in the Town of Windham. Ben said they have a very tight window where they need to get it resolved, because you can't put the plastic on these structures when it is too cold outside.

They plan to build this community farm and plan for it to be here for the next 50-100 years, but they keep hitting road blocks in the town.

Gary Plummer - Representing the Windham Historical Society: Gary complimented the Town Clerk on the recently run election. He said he was in and out a couple of times. There were long lines early on but that is to be expected. He said he thought the Clerk and her staff handled the election extremely well, and he was very pleased.

Gary spoke about Babb's Bridge a few years back when someone cut holes in the roof so they could climb out through and jump off the roof of the bridge. Members of the Historical Society were very upset over that. Gary has been acting as a volunteer coordinator for things involved with Babb's Bridge.

Gary had many conversations with the Department of Transportation. He said Tony and Doug Fortier have been wonderful. They met at the bridge and pointed out that the covered bridge was the responsibility of the state. The gentleman from the state said the state did not have any money.

Yesterday Gary, DOT, Town Managers from both towns, Police Chiefs from both towns, Doug Fortier and the Historical Societies from both towns, along with the Legislative Delegations met in Gorham. He said the message he got was that the state spent \$160,000 renovating the bridge and they are done. The state did an excellent job. He felt the meeting was productive and what came out of it is they need to make sure that the bridge remains unvandalized. Security cameras were discussed and Gary stepped up on taking control of graffiti. They are hoping to put a covering on the inside with, hopefully, donated material and the Correctional Center providing the labor.

He thinks it would be nice to do a rededication of the bridge. It was done on July 4, 1976, and he envisions something being done on July 4, 2017. The Windham and Gorham Historical Societies are going to undertake that project.

They are thinking about having signs with a brief history of the bridge and asking people to "please not damage the bridge." He hopes it can be an Eagle Scout Project with maybe building kiosks on both sides of the bridge. They are also working on a "Friends of Babb's Bridge" Facebook page as well.

There was talk of an on-going committee for the bridge that Gary said he would work on so in the future if there are issues, you will know where to go to.

As for funding, he is hoping they do not have to go to either town for money. They are hoping to maybe have "a go fund me page" or maybe have some donors from either town. Gary noted that the Police Chief in Windham has been absolutely wonderful to work with.

Gary said the reason he is so passionate about the bridge is that, at one time, there were 120 covered in the State of Maine and now there are only 9; it is important we support and protect the bridge.

Tom Bartell: He received a call from Ben Whalen in regard to the green house and looking for some help. They welcomed them to Windham a few months ago, and their forever farm, but when they go to start working their farm in a different way they are hit with this road block. He said he has spent the last couple of days trying to find information. Tom said they need to look at the implications of the decisions that were

made.

Tom said these types of green houses are all over the place. There is one down to the community garden. He did not believe they were ever intended to meet a residential or a commercial standard for snow load or wind resistance. If they have to, from now on, it will be next to impossible to get these on the farms, which are currently all over the town, state and country. He said this needs to be figured out quickly, as Mr. Whalen is running out of time.

V. Councilors' Comments.

Councilor Muir: He said he was at the polls for quite a bit of time and the election was run very well. Linda, her crew and the Wardens do a fantastic job.

Jarrold Maxfield: He praised Gary Plummer on his efforts with the bridge. He wants to help the people who come to town and who want to start up businesses, and he hopes to make it as easy as possible.

Councilor Maxfield said there was a small incident where a hunter out behind Planet Fitness, which is very close to schools and other businesses fired off shots. He implores hunters who feel they need to hunt in the North Windham district to be as careful as possible. This person fired shots scaring the teachers and the children but the hunter also left the deer behind. He thanked the Town Manager, Chief Skofield and the Maine Warden Service for coming out and taking this seriously.

Dennis Welch: Thanked Gary Plummer for the big responsibility of taking on the bridge. In regard to the green house, Councilor Welch said he would be looking into it and hopefully get it resolved and have some answers quickly.

VI. Council Correspondence.

No Council Correspondence.

[CD 16-392](#) Code Enforcement Monthly Report - October 2016

Attachments: [Code Enforcement Department Report October 2016](#)

[Fiscal Year Activity Comparison](#)

[Activity Report by Project Type Oct 2016](#)

[Activity Report by Project Type Oct 2015](#)

[Inspections Summary - By Project Type](#)

[Activity Report - By Violation Type](#)

[Impact Fees Collected](#)

[Door Count Through October 2016](#)

[CD 16-394](#) Windham Public Library Monthly Report - October 2016

Attachments: [Windham Public Library Report - October 2016](#)

[CD 16-397](#) Tax Collection Monthly Report - October 2016

Attachments: [Tax Collection Monthly Report - October 2016](#)

[CD 16-401](#) Assessing Monthly Report - October 2016

Attachments: [Assessing GIS Monthly Report October 2016](#)

[CD 16-402](#) Financial Reports

Attachments: [Revenue Control Report](#)
[Appropriation Control Report](#)

[CD 16-403](#) Fire-Rescue Department Monthly Report - October 2016

Attachments: [Fire-Rescue Monthly Report October 2016](#)

[CD 16-404](#) Parks and Recreation Department Monthly Report - October 2016

Attachments: [Parks and Recreation Monthly Report - October 2016](#)

[CD 16-405](#) Windham Police Department Monthly Report - October 2016

Attachments: [Windham Police Department Monthly Report - October 2016](#)

[CD 16-406](#) Social Services Monthly Report - October 2016

Attachments: [Social Services Monthly Report - October 2016](#)

[CD 16-408](#) Planning Department Monthly Report - October 2016

Attachments: [10-2016 Monthly Report](#)

[CD 16-410](#) Public Works Department Monthly Report - October 2016

Attachments: [Public Works Monthly Report - October 2016](#)

VII. Town Manager's Report.

[CD 16-417](#) Town Manager's Report.

Attachments: [Town Manager's Report 20161117](#)
[Projects & Issues List 20161117](#)
[Projects & Issues Sheets 20161117](#)

Tony Plante: He apologized to Ben and Jeff. He said he was made aware of the issue by Councilor Chapman last Thursday. He said he has been going back and forth with Code on this with the latest information, which the town got from the State Fire Marshall's Office. Obviously, it was information they could have and should have gotten so they would not have made these men go round and round and jumping through hoops. He said he is presuming if it came from Rich McCarthy, and clearly identifies green houses and farm buildings as not having certain loads attached to them, then that would resolve the problem. Tony said he already forwarded the information to Code, and he will be

following up on this.

They are continuing to work on the South Windham Fire Station, and continuing to work towards completion in early to mid December with occupancy. There are some things that will not be able to be finished until spring, and they will most likely plan on an open house so people can get to see the new fire station in the spring.

The Town Hall Offices and Library will be closed this Thursday and Friday for the Thanksgiving Holiday. For the people who are on the Thursday trash and recyclable pick up route, your trash day moves to Friday.

Tony extended his wishes to everyone to have a safe and happy holiday weekend.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: There are no meetings scheduled.

2. Finance Committee.

Councilor Welch: They have not met.

B. Other Committees.

1. Land Use Ordinance Committee.

No report.

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

No report.

3. Windham Economic Development Corporation.

Tony Plante: They met last week, and he invited Tom Bartell up to speak.

Tom Bartell: They talked about what their next issues are and work areas that need to be concentrated on. They talked about broad band, in particular, for the commercial areas and throughout the community. Secondly, they want to continue to pursue the wastewater issues in North Windham. They talked about South Windham and redevelopment of some parcels in South Windham, as well as the Enterprise Development District and the intersection of Enterprise Drive and Route 302.

4. Wastewater Management Planning Advisory Committee.

Tony Plante: They met last week to review the the draft needs assessment under Task 1 under their current scope of work with Wright-Pierce that included work that was done by Ransom Environmental incorporating our many years of

ground water quality monitoring data. They are working toward a Council discussion item on the assessment needs and the steps after that.

5. Parks & Recreation Advisory Committee.

No report.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[16-206](#)

To accept Harvest Hill Road as a public way as described in a warranty deed from Sebago Heights, LLC.

Attachments: [TC memo SebagoHeights Phase3-4 PubAccept 11-7-16](#)
[Request for Road Acceptance Phase 3 & 4 SH](#)
[SEBAGO HEIGHTS PHASE 4 AS-BUILT 2016 10 17](#)
[Sebago Heights Phase 3&4 Acceptance FR 2016-10-24](#)
[Sebago Heights Phase 3&4 Acceptance FR 2016-11-04](#)

Tony Plante: Tony explained that last December 22, 2015 the Council acted on Order 15-202, which was to accept Harvest Hill Road and Thrush Terrace as public ways, as described in a warranty deed from Sebago Heights, LLC. These represented the roads in Phase 3. The Council, at that time, chose to postpone that Order until the remaining few items were done. Once those were taken care of, the applicant would come back. He has come back and is before you tonight.

The portions of roads that were included in 15-202 last December are meant to be included in Order 16-206. In order to make that clear we will need to have an amendment, not only to accept the portion of Harvest Hill Road that is before you tonight, which represents a portion of Phase 4, but also the portion of Harvest Hill Road and Thrust Terrace from Order 15-202 that represents Phase 3.

Councilor Nangle: Moved to amend Order 16-206 to incorporate the phases from 15-202 into 16-206, seconded by Councilor Muir.

In Favor: 4- Council Chair Welch, Councilor Muir, Councilor Maxfield and Councilor Nangle.

Absent: 2- Councilor Chapman and Councilor Nadeau

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

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

Absent: 2 - Vice Chair Nadeau and Councilor Chapman

[16-207](#)

To extend winter maintenance to Harvest Hill Road from 71 Harvest Hill Road to 95 Harvest Hill Road (Phase 5 of the Sebago Heights

Subdivision) pursuant to the Council's "Policy Regarding the Extension of Windham Maintenance on Public Easements."

Attachments: [Request for Winter Easement Phase 5 SH](#)
[Sebago Heights Amendment 2 217 7 18 2012](#)

Doug Fortier: Doug said he spoke with Dustin Roma and everything is good up there except for some construction cans. They are on the roadway and need to be moved. Dustin said that will not be a problem, they will be moved. Once that is done the road will meet the criteria.

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

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

Absent: 2 - Vice Chair Nadeau and Councilor Chapman

16-209

To adopt an emergency ordinance establishing a moratorium on all proceedings, applications, and petitions for the development, including all relevant permits, of Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Attachments: [Retail Marijuana Establishment DRAFT Moratorium Ordinance Atty Rev 1115](#)

Councilor Maxfield: He said he does not have a problem with the moratorium, but he wants people to understand that they are not saying "no" to the town. There are no rules right now, and the town doesn't know how they will handle it at this time, so they need the six months to figure it out.

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

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

Absent: 2 - Vice Chair Nadeau and Councilor Chapman

XII. Discussion Items.

CD 16-390 WEDC Property and Mortgage Update.

Attachments: [WEDC Town Council Anglers Road Update - 11 17 16](#)
[Promissory Note](#)
[Mortgage WEDC 2009 1231](#)
[Warranty Deed R T Enterprises 2009 1230](#)
[WEDC Lot Development 2016 6 14](#)

XIII. Agendas & Scheduling.

CD 16-418 Agenda Items Reports.

Attachments: [Agenda Items Report 20161117](#)
[Projects & Issues List 20161117](#)
[Projects & Issues Sheets 20161117](#)

There was discussion of agendas and scheduling.

XIV. ADJOURN.

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

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

Absent: 2 - Vice Chair Nadeau and Councilor Chapman

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM