



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, October 24, 2017

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - David Nadeau, Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield and Donna Chapman

Absent: 1 - Brett Jones

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

IV. Public Participation.

Linda Morrell: Noted that absentee balloting is going on in the Clerk's Office until Thursday, November 2 at 4:00 p.m. You can come in and vote, or come in and take ballots home to a family member.

V. Councilors' Comments.

Councilor Chapman: She wanted to stress to everyone driving on the roads to please slow down and pay attention. There have been a lot of accidents and she heard River Road is closed tonight near Thayer's due to an accident. Please put your phones down, pay attention and be considerate of others on the road.

She had a question for them, as a Council, there is a Highland Lake Leadership Committee that is going to need a Council appointee. She wondered why they wouldn't want to roll this into the Natural Resource Committee, that way they could look at all the water bodies on the watch list. Why have a Natural Resource Committee if we are not going to do some work.

Councilor Nangle: The speeds on River Road are increasing drastically. There was a crash and he heard it at his house, and the end result was a truck parked on top of a car. He said the speeding is getting ridiculous, especially in the area of Laskey Road.

In Regard to the Natural Resources Committee, he thinks it is a great idea, but he thinks they also have a time of the essence issue, because this needs to progress quickly, and it might not be the best opportunity for that committee to get their feet wet.

Councilor Nadeau: The hope was to be able to use what ever comes out of Highland Lake be a templet that could be used on all the other water bodies.

VI. Council Correspondence.

Councilor Chapman: She noted that in the Social Services Report she thought there was a mistake under Providing Food Assistance for 489 people but in the parenthesis it says (89). Phyllis confirmed that the number 4 was left out and they will fix it.

Councilor Nadeau: He said after reading Code Enforcement's report we have 114 single family starts and 16 multi-unit starts for a total of 130 housing starts. We are growing like crazy.

[CD 17-315](#) Maine Behavioral Health Care (TIP) Program

Attachments: [TIP Program Allocation - Thank You](#)

[CD 17-317](#) Maine Revenue Services Property Tax Division Notice

Attachments: [Proposed 2018 State Valuation](#)

[CD 17-327](#) Forest Lake Watershed Survey Summary of Findings

Attachments: [2017-Forest-Lake-Watershed-Survey-Report](#)

[CD 17-328](#) Zoning Map Amendment Request

Attachments: [TC Memo Zone Change TM 5 L1-1 10-18-17 combined](#)

[CD 17-313](#) Fire-Rescue Department Monthly Report - September 2017

Attachments: [September 2017 Monthly Report](#)

[CD 17-314](#) Windham Public Library Monthly Report - September 2017

Attachments: [Library Monthly Report - September 2017](#)

[CD 17-316](#) Parks and Recreation Department Monthly Report - September 2017

Attachments: [Parks & Recreation Monthly Report - September 2017](#)

[CD 17-318](#) Public Works Monthly Report - September 2017

Attachments: [Public Works Monthly Report - September 2017](#)
[September 2017 Mission.Success.Measurment Table](#)

[CD 17-321](#) Windham Police Department Monthly Report - September 2017

Attachments: [Windham Police Department Monthly Report - September 2017](#)

[CD 17-324](#) Social Services Monthly Report - September 2017

Attachments: [Social Services Monthly Report - September 2017](#)

[CD 17-325](#) Code Enforcement Department Monthly Report - August 2017

Attachments: [Code Enforcement Monthly Report - 2017 August](#)
[Activity Report - By Violation Type August 2017](#)
[Activity Report by Project Type August 2017](#)
[Activity Report by Project Type August 2016](#)
[Fiscal Year Activity Comparison August 2017](#)
[Impact Fee - Recreation August 2016](#)
[Impact Fee - Recreation August 2017](#)
[Impact Fees Collected August 2016](#)
[Impact Fees Collected August 2017](#)

[CD 17-326](#) Code Enforcement Department Monthly Report - September 2017

Attachments: [Code Enforcement Monthly Report - 2017 September](#)
[Activity Report - By Violation Type](#)
[Activity Report by Project Type \(1\) Sept. 2016](#)
[Activity Report by Project Type Sept 2017](#)
[Fiscal Year Activity Comparison Sept 2017](#)
[Impact Fee - Recreation \(1\) Sept. 2016](#)
[Impact Fee - Recreation Sept. 2017](#)
[Impact Fees Collected \(1\) Sept. 2016](#)
[Impact Fees Collected Sept 2017](#)

[CD 17-331](#) Town Clerk's Monthly Report - September 2017

Attachments: [Town Clerk's Report-September 2017](#)

[CD 17-333](#) Financial Reports through 09/30/17

Attachments: [YTD Budget Report](#)
[YTD Revenue Report](#)

VII. Town Manager's Report.

[CD 17-329](#) Town Manager's Report.

Attachments: [Town Manager's Report 20171020](#)
[Projects & Issues List 20171020](#)
[Projects & Issues Sheets 20171020](#)

Assistant Manager Phyllis Moss: She said we started a little late tonight because we are now working with TV 7 Wire Cast System and it has been updated to include the ability to provide video and audio feed directly to Facebook Live. Our plan is to put meetings out on Facebook live on a day to day basis, as well as TV 7.

The Shared Maintenance Facility is a big deal. We are running up to the last couple of weeks, and ads will continue to appear in both local papers until the election on November 7.

On October 28 there will be the last scheduled open house at the Maintenance Facility, including a pumpkin paint and drop in time for Halloween.

November 3 is the final event with a Pop-In at the Library. The Town Manager would like to encourage all Council members to be there, if possible.

Tonight the Council will discuss a number of suggestions for amending several town ordinances to strengthen water quality protection in the Highland Lake Watershed.

VIII. Committee Reports.

A. Council Subcommittees.

Councilor Nangle: The Nominating Committee would like to nominate the following individuals: Sparky Hurgin and Allan Phinney to the Long Range Planning Committee, there is no expiration date on that term, and there is none listed in the charge. This committee would be functioning for a long term.

The Nominating Committee would also like to nominate to the Summerfest Planning Committee: Thomas Matthews, Debra Matthews, Liza Libby, Tim Grant and Robin Mullins. Again, there is no expiration date.

B. Other Committees.

Parks & Recreation Advisory Committee:

Councilor Chapman: They are finalizing the planning for the Trick or Trunking and the Halloween Party on Saturday, October 28 from 6:00 to 8:30 p.m. at the Windham Middle School.

They finally received the grant from Inland Fisheries & Wildlife for the Skate Park, they have been waiting for it to move it forward and make some changes over there.

They have a very active committee with a lot going on.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[17-184](#)

To adopt a policy on tax increment financing districts and credit enhancement agreements establishing criteria and procedures.

Attachments: [17-184 Cover Sheet](#)
[TIF Policy PROPOSED 20171020 Clean](#)
[DECD TIF Cover Sheet](#)
[DECD TIF Requirements Sheet](#)
[DECD TIF Employment Goals](#)
[TIF Policy PROPOSED 20171020 Mark-up](#)

Councilor Nangle: He thinks it is great that we have a set of guidelines that we can show people, and would like to see it move forward.

Councilor Muir: He had a question on page 4 of 6 in the clean copy, number 2 on the bottom where it reads - which should be structured as much as possible He asked if that meant if there is a credit enhancement agreement that gets taken care of every 5 years and paid off?

Tom Bartell: He said what he thinks what the Town Manager was speaking of was almost specific to exactly what is written here. There are things that will be constructed as part of any kind of development, and it would be turned over to the public for public green space. It is supposed to be constructed as closely to the time that it is actually completed; we are not waiting for them for years and years, and the return of the cost of that to the developer would be limited to no more than over five years, supposedly decreasing overtime, is what this policy says. The policy allows for individual negotiation with the Town Council on those kinds of things. We don't want the public amenity to be dragged out forever, either, on the construction side or on the payment side.

Councilor Muir: He asked where does the money come from at that point and the answer was the TIF. So if one business comes into a newly established TIF district, you have not had the chance to build that TIF up. Tom said that is why you need to be careful on how you arrange it, and that is where the negotiation comes in.

Councilor's Nadeau, Maxfield, Muir, Chapman, Nangle, Welch and Mr. Bartell had discussion on Councilor's Muir questions.

Councilor Nangle: He said as far as agricultural growing of plants, "plant growers" is there a way we can limit and make it clear that we are not going to issue a TIF for a "plant growing operation". Tom said they will look at many policies when it comes to "plant growing" but plant growing is on the list of eligible things, such as tomato plant growing. There are a number of policies around the whole marijuana issue, that we will have to deal with.

Councilor Muir: On page 3 of 6 says "the Council will only consider proposals that further community and economic development goals expressed in adopted plans, policies, budgets, or other official acts, such as: The Comprehensive Master Plan, Capital Improvement plans and the 21st Century Downtown plan. He said the Capital improvements is a longer term than five years.

Councilor Nadeau: He said the five year is only for little things, but Councilor Muir said not according to that. Tom Bartell said if you go down to section 6 when you are talking about the credit enhancement agreement, section 4 is just saying why we would do a TIF anyway. Councilor Maxfield said that section 5 is about the districts and all TIF's are not credit enhancement agreements. Giving money back is a credit enhancement but it is only a potential element of a TIF district and the five years is even a subset of that, so if someone is going to build a project and they say "I'll spend a little bit more to meet your

goals of your 21st Century Plan", those would be eligible funds that they are basically extra on and meet our goals, at which point, he thinks the incentive of five years, on those elements only, we will pay you back that section. Tom Bartell said they will see how well the five year thing works and if it is practical or not as they go forward.

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

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

Absent: 1 - Councilor Jones

17-193

To approve a new Victualer's permit application submitted by Josh Gelston d/b/a Duck Pond Variety, located at 463 River Road.

Attachments: [17-193 Cover Sheet](#)

[Duck Pond Variety-new Victualer's](#)

Councilor Chapman: She thinks it is wonderful that he is going into the old Thayer's Store. There are those who miss that store already and that landmark and historical place will be kept. He plans on being open by December 1.

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

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

Absent: 1 - Councilor Jones

17-196

To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by GC Pizza Hut, LLC d/b/a Pizza Hut for a renewal Liquor License.

Attachments: [17-196 Cover Sheet](#)

[Pizza Hut Liquor Renewal](#)

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 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Chapman

Absent: 1 - Councilor Jones

XII. Discussion Items.

CD 17-291

Report of the ad hoc Community Center study committee.

Attachments: [CD 17-291 Cover Sheet](#)

CD 17-323

Highland Lake Watershed Moratorium, Water Quality Amendments.

Attachments: [CD 17-323 Cover Sheet](#)

[TC packet HL ordinance changes 10-19-2017](#)

There was discussion by Staff, Residents and the Council.

[CD 17-322](#) Private Road Standards and Waivers.

Attachments: [CD 17-322 Cover Sheet](#)

[Construction Standards for Town Streets or Private Ways](#)

XIII. Agendas & Scheduling.

[CD 17-330](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20171020](#)

[Projects & Issues List 20171020](#)

[Projects & Issues Sheets 20171020](#)

There was discussion of agendas & scheduling.

XIV. ADJOURN.

A motion was made by Councilor Maxfield, seconded by Councilor Nangle, that they be adjourned. The motion carried by the following vote at approximately 10:20 p.m.

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

Absent: 1 - Councilor Jones

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM