



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, March 26, 2019

7:00 PM

Council Chambers

WCCG TV-7 Now on Channel 1303

I. Roll Call of Members.

Councilor Chapman arrived at 7:02 p.m.

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

Absent: 1 - David Nadeau

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

[CD 19-061](#) To approve the Minutes of the February 26, 2019 Council meeting.

Attachments: [Minutes-Town Council-2-26-2019](#)

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

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

Absent: 2 - Councilor Nadeau and Councilor Chapman

[CD 19-080](#) To approve the Minutes of the March 12, 2019 Council meeting.

Attachments: [Minutes-Town Council-3-12-2019](#)

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

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

Absent: 1 - Councilor Nadeau

Abstain: 1 - Councilor Chapman

[CD 19-079](#) To approve the Minutes of the March 19, 2019 Council Workshop meeting.

Attachments: [Minutes-Town Council-3-19-2019](#)

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

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

Absent: 1 - Councilor Nadeau

Abstain: 1 - Councilor Chapman

IV. Public Participation.

David Tanguay of the American Legion of the Field Allen Post 148 Windham. David came and gave an update on the Memorial Day preparations. The keynote speaker will be Mike Wisecup who recently retired from the United States Navy. The Master of Ceremony will be Brenda Penells. Invitations were given to the Council in their packets and he asked that, preferably, the Chair do a Salutation at the ceremony.

David said this year is the 100th Anniversary of the American Legion nationally, and he is hoping to have some businesses make small floats to represent some of the elements the legion represents. They will also be looking for transportation for those Veterans who can't walk in the parade.

They will be putting up the flags around town and on the graves the week before Memorial Day. On Memorial Day there will be a ceremony in the Memorial Garden for Norm Spear, a special Post member who passed away last December. The Saturday of Memorial Day weekend the Post will conduct its 10+ years holding an annual Town of Windham Food Pantry Food Drive in front of Wal-Mart.

V. PUBLIC HEARINGS.

VI. CONSENT AGENDA.

[19-051](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Erik's Church, LLC for a renewal Liquor License.

Attachments: [19-051 Cover Sheet](#)
[Erik's Church renewal Liquor Licence](#)

[19-052](#) To approve an application submitted by Ken Cianchette d/b/a Erik's Church located at 824 Roosevelt Trail for a renewal Special Amusement permit.

Attachments: [19-052 Cover Sheet](#)
[Erik's Church renewal Spec. Amusement](#)

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

Absent: 1 - Councilor Nadeau

VII. UNFINISHED BUSINESS & GENERAL ORDERS.[19-020](#)

To receive public comment and act on proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, Section 800 Site Plan Review Committee and Section 900 Subdivision Review, related to Independent Review of development in watersheds of a lake most at risk from new development.

Attachments: [19-020 Cover Sheet](#)

[TC memo Independent Review 02-26-19](#)

[Independent Review Amendments 2019-02-26](#)

[Dennis Brown Independent Review Comments 2019-02-27](#)

[TC packet PB recommend Independent Review 02-05-19](#)

John MacKinnon of Haven Road and member of the Highland Lake Leadership Team spoke of the last few years and how it all started with the bloom in Highland Lake ringing the alarm bell, which led them to install an independent review on subdivision plans in the watersheds.

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

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

Absent: 1 - Councilor Nadeau

[19-025](#)

To refer proposed amendments to the Land Use Ordinance, Chapter 140 of the Code of the Town of Windham, with regard to construction services in the Commercial-3 (C-3) zone, to the planning board for review and recommendation.

Attachments: [19-025 Cover Sheet](#)

[TC packet Construction Services Amendment 3-22-19.pdf](#)

[Construction Contractor Services in C-3 03-14-19.pdf](#)

[TC memo Construction Services in C3 January 2019](#)

[Contractor services yards in C-3 02-21-19](#)

Those who were against the change:

Kim White

Rosie hartzler

Those who were for the change:

Holly Tubbs - she also read and handed out a two page letter.

Council response:

Councilor Chapman, Councilor Nangle, Councilor Maxfield

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: 4 - Councilor Muir, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Opposed: 2 - Councilor Nangle and Councilor Maxfield

Absent: 1 - Councilor Nadeau

[19-047](#) To approve an agreement between the Town of Windham and the Maine Department of Transportation (MDOT) to issue a construction overlimit permit to the contractor providing construction services for proposed projects located on Route 302.

Attachments: [19-047 Cover Sheet](#)
[MDOT Construction](#)

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

Absent: 1 - Councilor Nadeau

[19-048](#) To approve an application of the Kenison-Hooper, Post 128, American Legion, for licenses to conduct beano and games of chance at the Windham Veteran's Center from May 1, 2019 through October 31, 2019.

Attachments: [19-048 Cover Sheet](#)
[Bingo-Beano-Kenison-Hooper Post 128](#)

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

Absent: 1 - Councilor Nadeau

[19-049](#) 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 River Road, approximately 400 feet Northerly of the intersection with center line of Pamela Drive.

Attachments: [19-049 Cover Sheet](#)
[Pole Perm-River Rd](#)

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

Absent: 1 - Councilor Nadeau

[19-050](#) To proclaim April as "Windham Volunteer Month."

Attachments: [19-050 Cover Sheet](#)

[Proclamation 19-050 for Windham Volunteer Month](#)

Read by Councilor Muir. Councilor Chapman said the annual celebration will be held in May.

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

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

Absent: 1 - Councilor Nadeau

[19-037](#) To refer the Town Manager's proposed budget for fiscal year 2019-2020 to the town Council's Finance Committee for review and recommendation(s).

Attachments: [19-037 Cover Sheet](#)

[Budget Schedule 4.4 and 4.6](#)

[Manager's Proposed Budget Summary](#)

Interim Manager Don Gerrish explained the three manuals that were handed out to each of the Councilors tonight. There is a Budget Summary that has all revenues and expenditures, a Budget Detail of all of the summaries, and the Capital Improvement Plan. He said the person who really takes all the credit in putting this together is our Interim Finance Director Susan Rosignol, she did a great job.

Don went over the upcoming budget schedule.

He suggested the Council read his Manager's letter inside the Budget Summary because the budget presentation it is different from what you have seen in the past.

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

Absent: 1 - Councilor Nadeau

VIII. Discussion Items.

IX. Council Correspondence.

Councilor Nangle mentioned the letter from Gorrill Palmer. He said he has had some emails from the residents of Hall Road. Gorrill Palmer said the road needs to be rebuilt from top to bottom. He said they need to start thinking about and planning for these legacy roads and rebuilding them.

[CD 19-077](#) Hall Road - Letter from Gorrill Palmer

Attachments: [Hall Road Conditions](#)

[CD 19-072](#) Fire-Rescue Department Monthly Report - February 2019

Attachments: [February 2019 Monthly Report](#)

[CD 19-073](#) Parks and Recreation Monthly Report - February, 2019

Attachments: [Parks & Recreation Monthly Report Feb 2019](#)

[CD 19-074](#) Windham Public Library Monthly Report - February 2019

Attachments: [February 2019](#)

[CD 19-075](#) Assessing & GIS Department Report for February 2019

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

[CD 19-076](#) Windham Police Department Monthly Report

Attachments: [February](#)

[CD 19-081](#) Financial Reports as of 02/28/19

Attachments: [Expenses thru 02-28-19](#)

[Revenues thru 02-28-19](#)

X. Town Manager's Report.

Dog Gerrish said they would be advertising for the Town Manager's position again. Don is committed to stay through June.

North Windham Waste Water Project - they are waiting for some numbers from the engineers to do the further work to see if they can meet the requirements that DEP wants them to have.

He said our revenues are in excellent shape but on the expenditures side there are a few accounts he has some concerns about. One is the legal account, another is the health insurance account, but he thinks they will be fine.

XI. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

Manager just went over this.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Haskell said they are still working on things in the farm zone, etc.

2. Parks & Recreation Advisory Committee.

Councilor Cummings said the community park project is out to bid and the deadline for bids is March 28th.

The Dundee Park passes are on sale at Parks & Rec.

The Community Center Adhoc Committee had a forum last night, she was not able to attend.

3. Windham Economic Development Corporation.

Tom Bartell said he and Lisa Fisher have been working hard on the Farmer's Market. Opening day is May 25th and they have a dozen vendors so far. The new hours for this year will be 8:30 to 12:30.

They have applied to take SNAP payments at the Farmer's Market.

They are working with Parks & Rec to expand their Senior Shopper to Saturday mornings, particularly at the senior housing units, and to bring them to the Farmer's Market.

There will be a WEDC board meeting on Wednesday, April 17 starting at 5:30 p.m. at Pat's Pizza, and they will be starting work on the downtown area. Other meetings are scheduled for May 15 and June 19.

He thinks he is going to recommend the Board develop a small team to look at the 3C zone in the comp plan.

Tom gave an update on the Keddy Mill site in South Windham and said the EPA is continuing to do analysis. They are still dealing with the potential responsible party that they found in a long chain of business ownership to move forward with a non-time critical removal. That would be the removal of most of the building so they can continue further work.

4. Highland Lake Leadership Team.

Councilor Chapman said the meeting was postponed and there will be another in April. They attended the ecoMaine Environmental Excellence Award Ceremony today. Councilor Chapman had nominated Dennis Brown from the Highland Lake Leadership Team. Kim White, on behalf of Dennis, accepted that award.

5. Shared Maintenance Facility Joint Project Team.

Don Gerrish said the tiles finally came arrived. Things are looking good for them to move in around the middle of April. They will start to plan the open house.

6. Private Roads ad hoc Committee.

No report.

7. Natural Resources Advisory Committee.

Councilor Chapman said they will be meeting next month, they are waiting on some data.

8. Retail Adult Use & Medical Marijuana Task Force.

No report.

[CD 19-078](#) Committee Activity

Attachments: [RAUMMTF draft minutes 2-25-2019](#)

[RAUMMTF minutes 3-11-2019](#)

[RAUMMTF agenda 3-25-2019](#)

XII. Councilors' Comments.

None.

XIII. Agendas & Scheduling.

[CD 19-082](#) Agenda Items.

Attachments: [Future Items](#)

Ordinance language will be coming back on dogs, and they hope to have a draft by next week, and it should be coming to the Council in a couple of weeks.

XIV. ADJOURN.

A motion was made by Councilor Chapman, seconded by Councilor Maxfield, that they be approved. The motion carried by the following vote at 8:20 p.m.

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

Absent: 1 - Councilor Nadeau

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM