

Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, February 13, 2018

7:00 PM

Council Chambers

Time Approximate Following Special Meeting at 6:00 p.m.

I. Roll Call of Members.

The Regular Councilor meeting got started at approximately 8:11 p.m.

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 18-020 To approve the minutes of the January 9, 2018 Council meeting.

Attachments: Minutes-Town Council-1-9-2018

A motion was made by Councilor Welch, seconded by Councilor Maxfield, 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 18-046 To approve the minutes of the January 30, 2018 Council meeting.

Attachments: Minutes-Town Council-1-30-18

A motion was made by Vice Chair Muir, seconded by Councilor Maxfield, 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.

Julie Lunt Farley - She was at the Planning Board meeting last night in regard to the private road issue and the private road exemption. She said she felt it was necessary to come tonight to state what she stated last night.

She has been a Windham resident all her life and grew up in a house on the Land of Nod Road. Julie gave a history of the house and land there. Julie and her husband purchased the land from her grandmother, approximately 40 acres and their intent for that purchase was to protect them from big development. To recoup some of that expense they built a private road and there are four houses down there, but there is still a large

parcel of land that is undeveloped and the road is only extended for a little ways beyond the fourth house.

Julie said with the ordinance that passed about a year ago pretty much makes it impossible for them to access the rest of their land. They came in recently to pay their tax bill, and it was determined that they have been over taxed for that land to the tune of about a 45% reduction in their taxes for some of the plots of land. The land was for their retirement and college for their three children. Now she has land that is worthless, paying top dollar for taxes on that property, and even with the exemption access to that land is cost prohibitive and will probably cost about a half million dollars.

She has talked to other individuals in the town, and there were three others who were planning to speak but with the prior meeting running late they had to leave. It has created a hardship, not only to her, but many other citizens. The ordinance that was passed, in her opinion, was a knee jerk reaction to some safety issues, and said there was no research, no thought, and as far as she can tell there was no facts, figures and logic to back up what was passed; no attempt to how you are impacting some of these owners who have back lots.

George Varney - He has a Windham business and has lived here all of his life. Julie summed up what he was going to say. He has a lot of land that is similar to what she has off a private road and it is not worth much now. He thinks they need to take a good look at that ordinance. Julie said that George attempted to sell his property and George said he was told by the realtor that it is not worth much now because you can't really use it.

Tom Peterson said "ditto" to what they just said.

V. Councilors' Comments.

Councilor Nangle said they discussed this for over a year, and they looked at every option that was available to them in order to stem the tide of private roads that were substandard to what they were expected to handle. They met on the subject about every two months. They cannot make a developer do anything on a private road, their hands are tied. When they voted on this in November, they all agreed it was a very severe action they had taken and they have talked about walking it back.

Councilor Nangle said it was not related to a couple of safety issues, it was related to a lot of safety issues. This is not an easy thing to do, and previous Councils have struggled with this since the first road standard went in back in 1999. Fifty percent of Windham's roads are private roads, and for every citizen who has an issue with being able to develop their property, there is going to be ten or fifteen more citizens eventually on that road that are now going to live with the consequences, he was not saying they would build a bad road, but there are now and who will have to live with the consequences of a poorly constructed road, and not designed to handle the burdens that will be put on it.

He has heard from many other people who live on these poorly constructed roads and are living with nightmarish conditions.

Councilor Cummings wanted to apologize to the folks who were here and wanted to speak tonight but had to leave due to the first meeting running over. She asked that they come back or send them an email so their voice is heard.

Councilor Maxfield thanked the Chair for her comments at the beginning of the meeting and he stated he accepted them. To address the last meeting of January 30, he said some folks called it ugly politics and others called it a welcome change, but no matter what side people are on he apologized for his tone and demeanor. He was agitated by what wasn't a regular vote and regardless of that, whatever his personal feelings are he needs to work better on being more polite, concise and professional. His intention was not to come off as obnoxious or inappropriate and he apologized if anyone was offended. He will work harder, and he said he was very impressed by the Planning Board, who's meeting he watched last night, they all speak so softly and quietly and disagree quite well.

In regard to Ms. Lunt-Farley's concerns, he would recommend that she come to the Council meeting when there is a public hearing on the private roads. There is some issues with that ordinance, and in his mind, stopping the bleeding is what they are trying to do; stop the subdivisions that pop up over time

Councilor Maxfield said in the Council meeting of January 30 they had Order 18-005, which was a request for a zoning change off the River Road. He said he voted against that, and he would like to reconsider Order 18-005. He said he did not fully understand what he was voting on. The owner's property is actually in two zones, and had he realized that, he would have voted to allow the change.

Councilor Maxfield moved to reconsider Order 18-005 from the meeting of January 30, seconded by Councilor Welch.

Vote to reconsider

In Favor: 5- Councilor Cummings, Councilor Chapman, Councilor Maxfield, Councilor Nangle and Councilor Welch.

Opposed: 2- Councilor Haskell and Councilor Muir

Councilor Maxfield moved to postpone Order 18-005 to the March 13th meeting, seconded by Councilor Welch.

In Favor: 6- Councilor Chapman, Councilor Cummings, Councilor Maxfield, Councilor Muir, Councilor Nangle and Councilor Welch.

Opposed: 1- Councilor Haskell

Councilor Muir mentioned that he watched the Planning Board meeting that dealt with the private roads and he thought he heard the term "unintended consequences" from some on the board. As was stated before, they knew they would have to look at it, and there are a lot of people out there who can't do anything because of the changes.

Councilor Welch said they need to look at it and scale it back some if they can.

Councilor Chapman said as a full Council, they have not looked at the assessed values on all of these properties. She said she is looking forward as to what is coming back from the Planning Board and maybe they will have some better ideas.

VI. Council Correspondence.

No Council Correspondence.

CD 18-012 Watershed Protection Grant 2017 Final Reports

Attachments: Collins Pond Improvement Association Final Report 2017
Highland Lake Association Final Report 2017
Little Sebago Lake Association Final Report 2017
Presumpscot Regional Land Trust Final Report for 2017
Forest Lake Watershed Final Report 2017

CD 18-043 Windham Public Library Newsletter

Attachments: Check It Out - February 2018

CD 18-044 Public Works Budget Status Report

Attachments: Public Works Winter Budget

CD 18-033 Code Enforcement Monthly Report - December 2017

Attachments: December 2017 Code Enforcement monthly report

CD 18-041 Planning Department 2018 Work Plan

Attachments: 2018 Work Plan

CD 18-045 Windham Public Library Monthly Report

Attachments: Windham Public Library Monthly Report - December 2017

VII. Town Manager's Report.CD 18-050 Town Manager's Report.

Attachments: Town Manager's Report 20180209
Projects & Issues List 20180209
Projects & Issues Sheets 20180209

Tony Plante: Tony reminded the Council and staff that on February 20 the meeting is set to start at 6:00 p.m. and the only item on the agenda is Goal Setting for 2018. He handed out a recap of the Council's Goals for 2017 and some draft Goals for 2018. He hopes to have some draft Goals at the end of Tuesday's meeting.

Library renovations continue and are going pretty well. They recently discovered the glue holding the carpet to the floor in the original part of the building is stronger than the glue holding the plywood together. The architect and contractor do not believe that it will be a major change. They already had one change for about \$1,400. Tony said Jen Alvino and her staff have been doing a great job leading the renovations through the building and continuing to keep the Library operating.

They are continuing to work on LED street lights. Windham, Gorham, Standish and

Raymond met last week, and they expect to have Real Term Energy under contract to do the investment grade audit and design so they will be prepared to go to CMP to negotiate for purchase of the existing features and ultimately replace those with LED fixtures.

In developing a Comprehensive Communication's Strategy he has reached out to the Communications Manager at GPCOG, and they are working on setting up a meeting to talk about what a Comprehensive Communication's Strategy would look like and how to come up with that.

He has contacted the Project Engineer on the River Road Project and the State Traffic Engineer about setting up a date with the Town Council to review concerns about safety and design issues on River Road. The portion from Page Road to Route 202 was reconstructed three or four years ago, and the lower section due for reconstruction is beginning late this year and early 2019.

Our Legislation delegation will be at the meeting on February 27.

The Highland Lake Watershed Moratorium will be back before the Council, and if it is the Council's intent to consider extending the moratorium, it has to be back on the Council agenda before March 11. He said he is checking with the Town Attorney about procedural steps.

In evaluating the Lippman site for a possible private/public partnership for wastewater, the hydrogeological work starts next week. They have done some test pits that look promising, which is what they expected, but they will begin the more intense work next week and expect to have a report for the Council this spring.

They have been working with Wright-Pierce on Task 3 & 4 alternatives, evaluation, and implementation strategies.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

No report.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Haskell said they are moving forward, and they will get a small van from the Parks & Recreation Department and go around to see what land can be saved.

2. Parks & Recreation Advisory Committee.

CD 18-053 Parks & Recreation Advisory Committee and Summerfest Organizing Committee Minutes.

Attachments: PRAC Minutes December 11 2017
Summerfest Minutes January 9th 2018

Councilor Cummings said the Father/Daughter dance was amazing and they had a great turnout. She said she is putting moms on notice that when it comes to the Mother/Son night on March 9 from 7:00 to 8:30, she hopes to see just as many participants. They are looking for volunteers to help out with concessions.

She announced that the Easter Bunny will be here on March 24 for breakfast from 8:00 to 10:00 a.m.

3. Public Easement Advisory Committee.

No report.

4. Highland Lake Leadership Team.

Tony Plante said there are copies of the draft minutes for a couple of the subcommittees. The next meeting of the Leadership Team is the 28th of February. Councilor Chapman said the Education Committee is meeting tomorrow.

CD 18-052 Highland Lake Leadership Team and committee DRAFT meeting minutes.

Attachments: Highland Lake Leadership Team Meeting Jan 17 Minutes DRAFT
Highland Lake Education and Outreach Subcommittee DRAFT
Minutes 1-24-2018
Highland Lake Ordinance Subcommittee DRAFT Meeting Minutes Jan
11

5. Shared Maintenance Facility Joint Project Team.

Tony Plante said the only thing to report is that the Joint Project Team will get a copy of the technical RFP's due to be issued later this week.

6. Windham Economic Development Committee.

No report.

7. Wastewater Management Planning Advisory Committee.

Tony gave the update during his Manager's Report.

IX. PUBLIC HEARINGS.

CD 18-034 To receive public comment on a new special amusement permit application submitted by Kenneth Cianchette d/b/a Erik's Church, LLC.

Attachments: Erik's Church-New Liquor Lic.

Ken Cianchette: He is the applicant for this restaurant, and they are setting up a country music restaurant over in the strip mall where the UPS store is. It will be a 6,000 sq. ft. restaurant, with a 500 sq. ft. dance floor, a 200 sq. ft. stage, and 104 seats in the restaurant. He has worked out a deal with the guys who own Nosh and Slab from Portland and they will operate the food part. He has worked out a deal with NEON Music Management out of Boston, and they will be providing entertainment for Friday and Saturday nights, DJ's on Thursday nights, and they are also planning to have standup comedy, movie nights, and Superbowl games. He thinks this is the right town for this; they are trying to capture people who believe in families and veterans. They hope to be opening in March.

CD 18-035 To receive public comment on a new liquor license application submitted by Kenneth Cianchette d/b/a Erik's Church located at 824 Roosevelt Trail.

Attachments: Erik's Church-New Liquor Lic.

No public comment.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

18-022 To approve a new Victualer's permit application submitted by Ken Cianchette d/b/a Erik's Church, LLC, located at 824 Roosevelt Trail.

Attachments: Cover Sheet 18-022

Erik's Church - New Victualer's

A motion was made by Vice Chair Muir, seconded by Councilor Welch, 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

18-023 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Kenneth Cianchette d/b/a Erik's Church, LLC for a new liquor license.

Attachments: Cover Sheet 18-023

Erik's Church-New Liquor Lic.

A motion was made by Councilor Welch, seconded by Vice Chair Muir, 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

18-024 To approve an application submitted by Erik Cianchette d/b/a Erik's Church located at 824 Roosevelt Trail for a new special amusement permit.

Attachments: Cover Sheet 18-024

Erik's Church-New Special Amusement

A motion was made by Councilor Welch, seconded by Vice Chair Muir, 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

18-025

To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Binga's Windham, LLC for a renewal liquor license.

Attachments: Cover Sheet 18-025

Binga's Liquor renewal

A motion was made by Councilor Cummings, seconded by Councilor Welch, 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

XII. Discussion Items.

XIII. Agendas & Scheduling.

CD 18-051 Agenda Items Reports.

Attachments: Agenda Items Scheduled 20180209

Agenda Items To Be Scheduled 20180209

Projects & Issues List 20180209

Projects & Issues Sheets 20180209

Councilor Chapman said that she and Tony received an email from the Maine Municipal Association about the Chair going to Washington DC to meet with the Washington Delegate to discuss issues for the community. It is the week of March 14th, and Tony is hoping to go down as well.

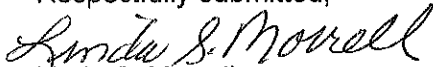
XIV. ADJOURN.

9:06 pm

A motion was made by Councilor Welch, seconded by Councilor Nangle, that they be adjourned. The motion carried by the following vote at 9:06 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