



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Agenda

### Town Council

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Tuesday, August 11, 2020

6:30 PM

Online Meeting Via Zoom

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*In accordance with Public Law Chapter 617 adopted as emergency legislation by the Maine State Legislature on March 17, 2020 and signed into effect by Governor Mills, 1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19.*

*Zoom will be the meeting platform used by both the Council and the public. Information about using Zoom is available at <https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->.*

*To join the meeting remotely, use this link: <https://zoom.us/j/87073662063>. You may also call 1-646-558-8656 and enter meeting ID: 870 7366 2063.*

*Please note that members of the public will need to use the raise your hand feature in Zoom or type \*9 on the phone to be called on and heard during the public testimony portion of the agenda.*

*If you prefer, you may also email the Council at [TownCouncil@windhammaine.us](mailto:TownCouncil@windhammaine.us) prior to the meeting with your thoughts on an issue and if you would like, please note that you would like the email read into the record during public participation or during that agenda item. Please keep in mind we request stated comments to be three minutes or less.*

*The meeting will be recorded and broadcast live on TV-7 (Channel 1303 or Channel 5) and the Town's Facebook page.*

#### **I. Roll Call of Members.**

#### **II. Pledge of Allegiance.**

#### **III. Minutes to be Approved:**

[CD 20-156](#)

To approve the Minutes from the July 28, 2020 Council meeting.

**Attachments:**

[Minutes-Town Council-7-28-2020](#)

#### IV. Public Participation.

*The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.*

*NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.*

*All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.*

*Persons present at Council meetings are requested not to applaud or otherwise express, other than verbally, their approval or disapproval of any statements made or actions taken at such meeting.*

*Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.*

#### V. Councilors' Comments.

#### VI. PUBLIC HEARINGS.

[20-151](#)

To receive public comment and act on proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, related to backlots.

Attachments:

[20-151 Cover Sheet](#)

[Backlots draft 08-06-20 KMC](#)

[TC packet PB recommend Backlot 07-22-20](#)

[Backlot Standards pre 10-2017](#)

Legislative History

7/28/20

Town Council

postponed

#### VII. CONSENT AGENDA.

*None.*

#### VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

[20-143](#)

To approve applications for property tax assistance pursuant to Chapter 112 of the Code of the Town of Windham, "Property Tax Assistance."

Attachments:

[20-143 Cover Sheet](#)

[Manager's Memo tax assistance program](#)

[Chapter 112 - Property Tax Assistance ADOPTED 20171010](#)

[20-173](#) To confirm the municipal net budget at \$23,854,048. (Excludes Overlay & TIF)

**Attachments:** [20-173 Cover Sheet](#)  
[Budget Approval Legal Opinion](#)  
[Warrant Approved 6.13.2020](#)  
[Appropriation Discrepancy](#)

[20-144](#) To set the tax rate for 2020-2021 at \$15.00 per thousand dollars of assessed value.

**Attachments:** [20-144 Cover Sheet](#)  
[Assessor's Memo](#)

[20-145](#) To set the dates on which 2020-2021 taxes will be due as October 1, 2020 and April 1, 2021.

**Attachments:** [20-145 Cover Sheet](#)

[20-146](#) To set the rate of interest that will be charged on overdue taxes for 2020-2021 at eight percent (8.00%).

**Attachments:** [20-146 Cover Sheet](#)  
[Delinquent Tax Rates](#)

[20-147](#) To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §906, to apply any tax payment received as payment against outstanding or delinquent taxes due in chronological order, beginning with the oldest unpaid obligation, including personal property, provided, however, that no such payment may be applied to any tax obligation for which an abatement application or appeal is pending, unless approved in writing by the taxpayer.

**Attachments:** [20-147 Cover Sheet](#)

[20-148](#) To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §506, to accept prepaid property taxes at any time and to establish an interest rate of 0% on such payments.

**Attachments:** [20-148 Cover Sheet](#)

[20-164](#) To refer proposed ordinance changes to Chapter 140, Land Use Ordinance, related to Farm and Farm Residential Zoning District Standards to the Planning Board for its review and recommendation.

**Attachments:** [20-164 Cover Sheet](#)  
[TC packet LRPC rural zoning 07-23-20](#)  
[GrowSmart Maine\\_Maximum-Lot-Size-and-Densities-Rural-Zones](#)

[20-165](#) To approve a ballot for the election of vice president and executive committee of the Maine Municipal Association.

**Attachments:** [20-165 Cover Sheet](#)  
[MMA Annual Election - Executive Committee](#)

[20-166](#) To decommission the Mineral Extraction Committee, and to express the Council's profound gratitude and appreciation on behalf of the town and its residents for the work of the committee and all of its members.

**Attachments:** [20-166 Cover Sheet](#)  
[Mineral Extraction Committee Charge](#)

[20-171](#) To approve the write-off of uncollected 2011 and 2012 personal property taxes in the amount of \$31,722.17.

**Attachments:** [20-171 Cover Sheet](#)  
[Manager's Memo](#)  
[Unpaid Personal Property Tax Years 2011 and 2012](#)

[20-172](#) To approve a \$50 fee for the Growth Permit Application process.

**Attachments:** [20-172 Cover Sheet](#)  
[Growth Permit Application](#)

## **IX. Council Correspondence.**

[CD 20-150](#) The LifeFlight Foundation Correspondence.

**Attachments:** [The LifeFlight Foundation Correspondence](#)

[CD 20-154](#) The Opportunity Alliance Correspondence

**Attachments:** [The Opportunity Alliance Letter of Thanks](#)

## **X. Town Manager's Report.**

## **XI. Committee Reports.**

### **A. Council Subcommittees.**

1. Appointments Committee.
2. Finance Committee.

### **B. Other Committees.**

1. Long Range Planning Committee.
2. Parks & Recreation Advisory Committee.
3. Windham Economic Development Corporation
4. Highland Lake Leadership Team.
5. Natural Resources Advisory Committee.
6. Public Easement Advisory Committee.
7. Public Dirt Road Sub-Committee.

## **XII. Discussion Items.**

*(Please note the time allotted for each item; if additional time is needed, it may have to be scheduled for another meeting.)*

### [CD 20-152](#)

Chapter 227 - Vehicles & Traffic Ordinance Amendment.

#### **Attachments:**

[Fox Run Road Petition](#)

[Chapter 227 - Vehicles and Traffic Section 227-23 DRAFT AMENDMENT 2020](#)

[Chapter 227 - Vehicles and Traffic](#)

### [CD 20-005](#)

Veteran's Memorial at Smith Cemetery - Next Steps.

Discussion and consideration of options for Smith Cemetery expansion.

#### **Attachments:**

[Manager's Memo re Smith Cemetery](#)

[Walsh Engineering Master Plan](#)

[Smith Cemetery Parcel A&B areas](#)

[Smith Cemetery Parcel A&B areas and wetlands](#)

[Walsh Engineering Concept A](#)

[Walsh Engineering Concept B](#)

[Walsh Engineering Concept B additional images](#)

[CD 20-151](#)

Schedule Special Meetings to Review Marijuana Business License Applications.

The Town has received many applications for the new Marijuana Business Licensing Ordinance. Due to the enormity of reviewing the applications the task has been broken into components. The first two areas to be reviewed for compliance will be

- a. Adult-Use (7 Applications - 2 Licenses available)
- b. Medical Retail Store (9 Applications - 9 Licenses grandfathered)

These will be reviewed for submission compliance, with notices to applicants for any requested data or clarifications. The anticipated review date is September 15th, at a Special Council Meeting. All submissions (applications) would be available to the Council by August 28th for your review. Councilors would return scoring by September 11th, and the summary by applicants and tallies would be discussed by the Council at the meeting of September 15th.

The remainder of the applications could be addressed at a regular council meeting, potentially later in September or early October.

[CD 20-153](#)

Proposed Marijuana Business License Fee Committee Charge.

**Attachments:**

[Marijuana Business License Committee Charge DRAFT](#)

[CD 20-157](#)

Modifying the Elected Officials Compensation Ordinance.

Currently the Town budgets \$1,400/Councilor for meeting. After reviewing this ordinance, I am recommending that §2-4 Compensation be amended. "Elected officials shall be compensated from the approved budgetary allocation on a quarterly basis (every three months)." From the Manager's perspective, Councilors work basically 24/7 with calls, meetings, events regional commitments, etc., so budgeted compensation should be paid out quarterly, not just on meetings attended. Currently staff tracks meeting and attendance for a quarterly payment. This is an inefficient use of staff time.

**Attachments:**

[Chapter 2 - Elected Officials Compensation DRAFT AMENDMENT](#)

[CD 20-158](#)

Fall Meeting Schedule.

Upon review of the fall schedule, I am recommending that workshops be on an as-needed basis, reserving the first Tuesday of the month for these potential workshops. We have caught up on many items and we can continue to utilize our discussion area on our regular meeting agenda.

**XIII. Agendas & Scheduling.****XIV. Executive Session.**[20-170](#)

To enter into executive session in accordance with Title 1 MRSA §405 (6) (C) for the discussion or consideration of the condition, acquisition or the use or real or personal property permanently attached to real property or interests therein since premature disclosures of the information would prejudice the competitive or bargaining position of the Town.

**Attachments:**

[20-170 Cover Sheet](#)

**XV. ADJOURN.**