



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, December 11, 2018

7:00 PM

Council Chambers

WCCG TV-7 Now on Channel 1303

I. Roll Call of Members.

Councilor Nangle arrived at 7:12 p.m.

Present: 7 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

II. Pledge of Allegiance.

Council Chair led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

CD 18-395 To approve the Minutes of the December 4, 2018 Special Council meeting.

Attachments: Minutes-Spec. Town Council-12-4-2018

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

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

Absent: 1 - Councilor Nangle

CD 18-396 To approve the Minutes of the December 4, 2018 Council Meeting.

Attachments: Minutes-Town Council-12-4-2018

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: 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Nangle

IV. Public Participation.

Dennis Marrotte and Dan Glover gave a brief presentation on the Bridges of Friendship and presented to the Chair a Patron's Certificate and a commemorative plate. (See attached)

Linda Morrell reminded residents about the Annual Rabies Clinic this Saturday,

BRIDGES of FRIENDSHIP ~
Windham
Remarks: 11 December 2018

Good Evening, my name is Dan Glover. I live in Westbrook, and a member of the Archangel Committee of Greater Portland.

The Archangel Committee, on behalf of the Bridges of Friendship Exhibit/Exchange, presents the Town of Windham with this Patron's Certificate and Plate to commemorate the Thirty Years of Sisterhood with the City of Archangel Russia.

The Certificate reads:

"This Bridges of Friendship Photographic Exhibition, launched at the Stonewall Gallery, Yarmouth, Maine, shows images from both sides of this Sister City Relationship between Archangel, Russia and Greater Portland, Maine.

This Patron's Plate Edition is presented to each Patron who made possible this effort to show how much we have in common, encourages our stronger relations, and works to bring Peace to our world."

Each Certificate and Plate have the American and the Russian flag; the logos of each Club; and a copy of the photos "Royal River - Winter Light" by Dennis Marrotte and "Between Bridges" by Vera Redosteva.

The Patron's Plates are numbered 1 of 30 thru 30 of 30. The number thirty (30) represents the thirty years of relationship, the thirty photos from each side in the Bridges of Friendship Exhibition and the thirty Patrons who made it possible.

Each Patron Certificate has an American print and a Russian print that the Patron is linked with. The Windham Patron Plate is # 8 of 30, and includes the photos "Washington County" by Jack Sharkey and "Everyday Quiet of the Village" by Mariya Olyukova.

All fifteen Communities that are in the Sister City Relationship trim the border of the plate.

- 1.) Ship's Wheel Clock to Start in Gorham for one month stays at each of the Fourteen Communities representing the Greater Portland Region in the Archangel/Maine Relationship.
- 2.) Sell Patron's Plate, ready to hang for \$75?
- 3.) Plans for "Bridges of Friendship Exhibit" as follows: Brunswick Jan/Feb & March?; Windham APR/MAY
- 4.) Westbrook School Committee – April 2020 Exchange

Updates on the Exhibit can be found on the Portland Camera Club website:

<http://www.portlandcameraclub.org/portland-archangel-exhibit.html>

December 15.

Holly Tubbs gave a handout and spoke about allowing construction services in the C3 Zone. (See attached)

Karen Lougee from Cobb Farm Road came to encourage the Council to enact a temporary moratorium on new building permits, and to initiate a growth ordinance for the town, which was the basis of a petition that was presented on November 13, 2018.

Dennis Brown from Pond Villa spoke about development going into a farm zone and rural areas, and he asked for a 180 day moratorium.

Michelle Elaine Newton from Cobb Farm Road spoke on the growth issues in Windham and wants to know who is working on the growth ordinance?

V. Councilors' Comments.

Councilor Nangle responded to Holly Tubbs and Michelle Elaine Newton concerns.

Councilor Chapman spoke about cluster subdivisions, and she attended the meeting about the development on Cook Road.

Councilor Cummings said they have had this discussion on growth issues in their Leadership meeting.

Councilor Nadeau announced that Gene Fecteau has retired from the Public Works Department after 15 years of service, and he thanked him for his service and humor. He also spoke about growth and permits. He said the problem is we have failed to plan, and failing to plan is planning to fail.

Councilor Maxfield thanked Chief Libby, the first responders, the paramedics and the Fire Department for responding to a fire in his neighborhood. He responded to Michelle Elaine Newton's comments. He stated he does not support a moratorium nor does he support a committee.

Councilor Muir asked Karen Lougee to write down the names of the people who did clear cutting and who did not have permits, and to please get them to him before the end of the meeting; he will talk to Chris about this.

VI. CONSENT AGENDA.

VII. PUBLIC HEARINGS.

Motion to suspend council rules.

18-252 To enter into executive session under 1 M.R.S.A. §405(6)(D) for "discussion of labor contracts and proposals and meetings between a public agency and its negotiators" on the collective bargaining agreement with Teamsters Local 340 for the Windham Public Works Department.

A motion was made by Councilor Nadeau to suspend Council Rules to enter into executive session, second by Councilor Muir. The motion carried by the following vote at 7:49 p.m.

Good evening my name is Holly Tubbs I am back tonight to talk a little more about Construction Services being allowed in the C3 Zone. The C-3 problem has prompted me to acquaint myself with my neighbor's both old and new, also to examine the C3 Zone itself, what's actually on the land.

I want to take you on a short trip down Route 302 starting at The Rotary on the Hancock Lumber side C3 extends back from Route 302 1000 ft.

Heading towards Portland the next section that I want to talk about is before the Albion Road intersection it includes both sides of Route 302. The section I would like to address is the right hand side of the road C3 extends from Route 302 all the way over to Windham Center Road the houses on the 302 side of Windham Center Road are in the C-3 Zone.

Let's continue towards Portland my parcel of land and business Water Systems Incorporated are in the C3 Zone as is the lot behind me, that lot with mine extends back from Route 302 at its deepest - somewhere between 1500 and 1700 ft.

The next stop is the parcel for sale at the corner of Pope Road and Route 302, that lot is 500 ft deep along Pope Road I don't know the 302 frontage but it's 9 Acres total so it's substantial.

Crossing Pope Road C3 extends back 500 ft at first then pushes back even deeper to I'm estimating about 1,000 feet across from Haven Road the houses that are in behind there, that you can see from Rte 302, are all in the C3 Zone.

These are just a few of the areas, not all, that certainly have the distance from Route 302 still being in the C3 District that could easily meet setback requirements from Farm/ Residential zones already in place.

There is a lot of property in the C3 Zone. Many properties are for sale that can easily meet setback requirements from Farm/Residential areas but not necessarily from houses that have been built in the commercial zone.

Who do you think people would rather have next door to them - an adult business establishment a porn shop or a strip club which is allowed in C-3 or a Construction Services business with commercial vehicles.

Thank you for your time

A motion was made by Councilor Chapman to return from executive session, second by Councilor Nadeau. The motion carried by the following vote at 7:58 p.m.

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-253 To approve a three year collective bargaining agreement for the period July 1, 2018 through June 30, 2021 between the Town of Windham and the Teamsters Local 340, and to authorize the Town Manager to sign the agreement on behalf of the Town.

Attachments: 18-253 Cover Sheet

2018-2021 DPW CONTRACT AGREEMENT

Appendix A - Wage Scales

A motion was made by Councilor Nadeau, second by Councilor Maxfield, that the Order be approved. The motion carried by the following vote at 8:03 p.m.

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

18-221 To appoint David Whitten to the Retail Adult-Use and Medical Marijuana Task Force.

Attachments: 18-221 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-223 To appoint Shaw Dwight to the Retail Adult-Use and Medical Marijuana Task Force.

Attachments: 18-223 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-242 To grant a blanket letter of approval to the Windham Veteran's Association for its application for licenses to conduct Games of Chance Tournaments at Dena's Lobster House & Tavern for the period of January 1, 2019 through December 31, 2019.

Attachments: 18-242 Cover Sheet

Games of Chance-Windham Veteran's Assoc.

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-243 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Jordan Bay enterprises d/b/a Kelley's Sebago Diner for a renewal liquor license.

Attachments: 18-243 Cover Sheet

Kelley's Sebago Diner-Renewal Liquor

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-244 To amend the Council's rules of procedure by adding the definition of citizen to Section 29, "Council Appointments." (Sponsored by Councilors Chapman and Haskell)

Attachments: 18-244 Cover Sheet

Council Rules AMENDED 12112018

Councilor Chapman moved to amend that the current existing members of the committee be grandfathered so when they are up for reappointment, and would consider staying on, they will allow that. Any new member who comes on later on, this rule would not apply, second by Councilor Muir.

Comments by: Councilors Nangle, Maxfield, Nadeau, Chapman, Muir,

Town Attorney Stephen Langsdorf spoke.

Tom Bartell WEDC Director spoke.

Councilor Chapman withdrew her motion.

Councilor Cummings moved to table Order 18-244 to a future date, second by Councilor Maxfield.

A motion was made by Councilor Maxfield, second by Councilor Muir, that the Order be tabled to a future date. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-227 To set the salary of the assessor, and to take any other necessary action related thereto.

Attachments: 18-227 Cover Sheet

Councilor Muir moved 18-227 to set the salary of the Assessor at Step M3D with a stipend for the GPS, second by Councilor Chapman.

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-250 To approve application efforts to join the AARP Network of Age-Friendly Communities.

Attachments: [18-250 Cover Sheet](#)

[AGE Friendly Community](#)

Deb McAfee, Marge Govoni and Sheila Burke who heads the efforts in Raymond spoke. They handed out a community survey that was done in Raymond.

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-235 To authorize a partial release of the mortgage encumbering certain real property located on the southerly side of Angler's Corner Road, said mortgage having been granted by the Windham Economic Development Corporation to the Town of Windham and recorded in the Cumberland County Registry of Deeds in Book 27503, Page 228; and to further authorize the Town Manager to execute the Partial Release of Mortgage in substantially the same form attached hereto as Exhibit A.

Attachments: [18-235 Cover Sheet](#)

[Partial Release of Mortgage from Town to WEDC 11.26 & Exhibit A](#)

Tom Bartell gave a brief explanation of the order.

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-236 To authorize amendments of the promissory note and mortgage encumbering certain real property located on the southerly side of Angler's Corner Road, said mortgage having been granted by the Windham Economic Development Corporation to the Town of Windham and recorded in the Cumberland County Registry of Deeds in Book 27503, Page 228, which amendments shall extend the maturity date for each document from December 31, 2018 to December 31, 2019; and to further authorize the Town Manager to accept the amended promissory note and to execute the Amendment to Mortgage in substantially the same form attached hereto as Exhibit A.

Attachments: [18-236 Cover Sheet](#)

[Memo re Conveyances 11.29.18](#)

[Amendment to Mortgage \(WEDC & Town\) 11.26](#)

[Amendment to Promissory Note \(WEDC & Town\) 11.26](#)

Tom Bartell WEDC Director spoke on the Order.

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

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

18-245 To appoint a Council representative to the Retail Adult-Use and Medical Marijuana Task Force.

Attachments: [18-245 Cover Sheet](#)

[Retail Adult-Use and Medical Marijuana Establishments Task Force](#)

[APPROVED 20180918](#)

Councilor Nangle nominated Councilor Nadeau, second by Councilor Chapman.

Public Comment:

Maggie Terry

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: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

IX. Discussion Items.

CD 18-365 The Council will receive training on Maine's "Freedom of Access Act" as required by state law.

Town Attorney Stephen Langsdorf gave a power point presentation to the Council, and he will give this presentation to them in an email as well.

CD 18-394 Planning Board Recommendations for Amendments to Cluster Subdivisions.

Attachments: [PB packet_Cluster Subdivision_10-17-18](#)

[TC packet_PB recommend_cluster subdiv_12-06-18](#)

Amanda Lessard Planner and Allan Phinney came to speak on Cluster Subdivisions.

CD 18-389 Cluster Subdivisions in the Farm Zone. (Sponsored by Councilors Chapman and Cummings)

Attachments: [Cluster subdivision overview_12-06-18](#)

Amanda Lessard Planner and Allan Phinney spoke briefly on the discussion item.

X. Council Correspondence.

None.

XI. Town Manager's Report.

None.

XII. Committee Reports.**A. Council Subcommittees.****1. Appointments Committee.**

Councilor Maxfield said they met tonight and interviewed four candidates, Casey Dubay for reappointment to the Parks & Recreation Committee, three-year term ending in 8-15-2021, Jean Rain for the Natural Resources Advisory Committee, three-year term ending in 8-15-2021, Joel Peppin for the Retail Adult Use & Medical Marijuana Task Force with no ending date, and Charles Hopkins for the Retail Adult Use & Medical Marijuana Task Force with no ending date; these names are to be put forward and considered at the next meeting.

2. Finance Committee.

None.

B. Other Committees.**1. Long Range Planning Committee.**

None.

2. Parks & Recreation Advisory Committee

Councilor Cummings - They met last night but did not have enough members to have an official meeting but they did have discussion, and she noted that no actions were taken.

3. Private Roads ad hoc Committee.

Councilor Nangle - They are meeting Wednesday evening. They will look at reviews of the Code Enforcement Officer, Planning and town attorney, and they will decide their next steps.

3. Windham Economic Development Corporation

None.

XIII. Agendas & Scheduling.

No discussion.

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 11:07 p.m.

In Favor: 7 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM