



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Agenda

Town Council

Tuesday, August 7, 2018

7:00 PM

Council Chambers

I. Roll Call of Members.

II. Pledge of Allegiance.

"We, the Windham Town Council recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to 'Be the Influence' and to recognize that decisions matter." (Resolution 14-285, in support of the "Be the Influence" community collaborative in addressing the pervasive adverse effects of substance use and abuse in the community.)

III. Minutes to be Approved:

[CD 18-239](#)

To approve the minutes of the July 24, 2018 Council meeting.

Attachments:

[Minutes-Town Council-07-24-2018](#)

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. Council Correspondence.

[CD 18-240](#) Windham Public Library Newsletter

Attachments: [Check It Out Newsletter August 2018](#)

VII. Town Manager's Report.

[CD 18-234](#) Town Manager's Report.

Attachments: [Town Manager's Report 20180803](#)
[Projects & Issues List 20180803](#)
[Projects & Issues Sheets 20180803](#)

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.
2. Finance Committee.

B. Other Committees.

1. Long Range Planning Committee.
2. Parks & Recreation Advisory Committee.

[CD 18-236](#) Parks and Recreation Committee July 2018 Minutes

Attachments: [Parks and Recreation Committee Meeting Minutes - July 23 2018](#)

3. Highland Lake Leadership Team.

[CD 18-241](#) Highland Lake Leadership Team - June 19, 2018 Draft Minutes.

Attachments: [Draft Highland Lake Leadership Team 6-19 Minutes-rev1](#)

4. Shared Maintenance Facility Joint Project Team.
5. Windham Economic Development Corporation
6. Mineral Extraction Committee.

[CD 18-243](#) Mineral Extraction Committee Materials.

Attachments: [MEC Agenda 2018-06-28_packet](#)
[MEC Agenda 2018-07-05_1](#)
[MEC Agenda 2018-07-12_packet](#)
[MEC Agenda 2018-07-19_1](#)
[MEC Agenda 2018-07-26](#)

7. Private Roads ad hoc Committee.

[CD 18-238](#) Private Roads ad hoc Committee Meeting Minutes

Attachments: [PRC Ad Hoc 7-12-2018 Agenda](#)
[PRC Ad Hoc 7-25-2018 Agenda_packet](#)

IX. PUBLIC HEARINGS.

X. 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 18-237](#) Marijuana Update: Adult-Use, Retail Establishments, Medical Marijuana Storefronts, Enforcement Challenges, etc.

Attachments: [Cover Sheet CD 18-237](#)
[MMA - New Laws on Medical Marijuana Retail Stores](#)
[MMA - Sample Medical Marijuana Retail Store Moratorium Ordinance](#)
[PL 2017, Chapter 447](#)
[PL 2017, Chapter 452](#)
[22 MRSA Chapter 558-C](#)
[2018 DHHS Medical Marijuana Program Rules](#)
[Maine Dispensaries 20180801](#)
[Caregiver Retail Store Proposed Amendment](#)

7:30 p.m.

Public Comment.

XI. CONSENT AGENDA.

[18-149](#) To approve an application submitted by Northern New England Telephone Operations, LLC and Central Maine Power Company to locate (13) utility poles and cables and wires beginning at Pole 508 [75] there on Windham Center Road, approximately 900 feet northwesterly of the intersection of center line US Route 202/4; thence extending approximately 1670 feet northwesterly to Pole 522 [88].

Attachments: [Cover Sheet 18-149](#)
[Pole Location-Windham Ctr Rd.](#)

[18-145](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Apple New England LLC d/b/a Applebee's Neighborhood Grill & Bar for a renewal liquor license.

Attachments: [Cover Sheet 18-145](#)
[Appelbees Liq Lic Renewal](#)

[18-146](#) To approve a Victualer's permit application submitted by Robert Finley d/b/a Poppie's Kettle Corn, located at 4 White's Bridge Road.

Attachments: [Cover Sheet 18-146](#)
[Poppie's Kettle Corn - Victualer's](#)

[18-147](#) To approve one (1) application submitted by Robert James Finley Sr., d/b/a Poppie's Kettle Corn for a mobile food service unit license.

Attachments: [Cover Sheet 18-147](#)
[Poppies Kettle Corn Mobile Food](#)

XII. UNFINISHED BUSINESS & GENERAL ORDERS.

[18-140](#) To set the tax rate for 2018-2019 at \$15.18 per thousand dollars of assessed value.

Attachments: [Cover Sheet 18-140](#)
[2018-19 Mil Rate Recommendation](#)
[Tax Rate History 2004-2018](#)

[18-141](#) To set the dates on which 2018-2019 taxes will be due as October 1, 2018 and April 1, 2019.

Attachments: [Cover Sheet 18-141](#)

[18-142](#) To set the rate of interest that will be charged on overdue taxes for 2018-2019 at eight percent (8.00%).

Attachments: [Cover Sheet 18-142](#)

[18-143](#)

To appoint Christopher McDonald to a three-year term on the Natural Resources Advisory Committee, to expire August 15, 2021.

Attachments:

[Cover Sheet 18-143](#)

[18-144](#)

To appoint Christopher McDonald to a three-year term as an alternate member on the Zoning Board of Appeals, to expire February 15, 2020.

Attachments:

[Cover Sheet 18-144](#)

[18-150](#)

To refer proposed amendments to the Land Use Ordinance, Chapter 140 of the Code of the Town of Windham, retroactive to August 7, 2018 with regard to medical marijuana caregiver retail stores to the planning board for review and recommendation.

Attachments:

[Cover Sheet 18-150](#)

[Caregiver Retail Store Proposed Amendment](#)

18-152

To adopt amendments to the Fire Prevention and Life Safety Code, Chapter 95 of the Town of Windham:

Whereas, certain provisions of the Fire Prevention and Life Safety Code ("Fire Code") are inconsistent with State law, and

Whereas, the Town Council wishes to eliminate a particular inconsistency which is impacting the ongoing development of property

NOW THEREFORE it is hereby ordained as follows:

§95.4.1 of the Fire Code is amended as follows:

All new buildings, structures, or dwellings containing at least 7,500 10,000 gross square feet of enclosed area serviced by public water or within 1,000 linear feet of a hydrant serviced by the Portland Water District, or 4,000 gross square feet of enclosed area not serviced by public water or greater than 1,000 linear feet from a hydrant serviced by the Portland Water District, with the exception of single- and two-family dwellings, shall be required to have an approved automatic fire sprinkler system in all areas of the buildings and must comply with this article.

Emergency Declaration

The Town Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent public harm to property caused by inconsistent legal requirements.

In accordance with Article II, Section 11(D) of the Town Charter, this ordinance shall be enacted as an emergency ordinance. It shall stand repealed as of the sixty-first (61st) day following enactment, unless the Town Council shall have acted to reenact it.

Attachments:

[Cover Sheet 18-152](#)

[ORDINANCE AMENDING THE FIRE PREVENTION AND LIFE SAFETY CODE](#)

XIII. Agendas & Scheduling.

CD 18-235

Agenda Items Reports.

Attachments:

[Agenda Items to be Scheduled 20180803](#)

[Projects & Issues List 20180803](#)

[Projects & Issues Sheets 20180803](#)

XIV. ADJOURN.

