



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

---

Tuesday, August 9, 2016

7:00 PM

Council Chambers

---

#### I. Roll Call.

**Present:** 5 - Donna Chapman, Roy Moore, Bob Muir, David Nadeau and Dennis Welch

**Absent:** 1 - Timothy Nangle

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

CD 16-285 To approve the Town Council Minutes of July 26, 2016.

**Attachments:** Mintues - Town Council - 7-26-2016.pdf

A motion was made by Councilor Welch, seconded by Councilor Muir that the minutes be approved. The motion carried by the following vote.

**In Favor:** 5 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Nangle

#### IV. Public Participation.

*Elaine Pollock - Gentle Breeze: She started off by saying she forgot that they were not supposed to address individual Council members and she apologized.*

*She said in reading through the Planning department memo it appears to have an error on Page 2, under Private Road Ordinance where it says "the road serves 5 or more lots, as opposed to existing standard of 10 or more lots." She thought she had heard in a discussion with the Planning Board that it should read - Road serves 6 or more or uses the less than or equal to 5 or more lots.*

*Also, she said this memo indicates it was written on the 17th, which was a Sunday, and she hoped Ben was not writing the memo on a Sunday, so maybe the date may needs to be changed?*

*Ben Smith: He said this memo was an update to the Council. The ordinance, he believes, that was presented to the Planning Board last night was for the 6th lot so 5 or fewer or more than five. He said this does not reflect the ordinance language, but it was an update to the Council based on the work they have been doing.*

*Elaine Pollock: So we are talking about less than or equal to 5 or this would be reading 6 or more lots. Ben replied that was correct.*

*Larry Eliason: (See attached)*

**Present:** 5 - Donna Chapman, Roy Moore, Bob Muir, David Nadeau and Dennis Welch

**Absent:** 1 - Tim Nangle

## V. Councilors' Comments.

*Councilor Nadeau: He said the last two Parks & Rec concerts have had over 300 people in attendance. The whole series was a great success and he applauds the effort they made.*

*Councilor Chapman: She would like to have a report in regard to Code Enforcement on all the legal matters that have been sent to the lawyers to see what we have going and how much we are spending. Phyllis said she would get that to them, but she was away the next few days.*

## VI. Council Correspondence.

*None.*

CD 16-289 Windham Public Library Newsletter - August 2016

**Attachments:** Windham Public Library Newsletter Aug 2016

CD 16-275 Planning Department Monthly Report - June 2016

**Attachments:** 06-2016 Monthly Report

CD 16-286 Investments - June 30, 2016

**Attachments:** Investments - June 30 2016

CD 16-292 Carryover Balances - FY 16

**Attachments:** Carryover Balances - FY 16

## VII. Town Manager's Report.

CD 16-293 Report from the Assistant Town Manager

**Attachments:** Report 2016 0805

*Phyllis Moss: She said in the on-going effort to improve Windham cemeteries, the Building and Grounds Crew just completed the installation of cedar "post and rail" fencing at the Mayberry and Windham Hill Cemeteries. It really looks nice and is worth taking a look at.*

*The Parks & Rec summer concert series was a huge success. The best piece of that was how many people were introduced to Dundee Park. Kudos to Linda and P&R*

Good Evening. I am Larry Eliason of 19 Colby Drive. I am a long-time WEDC Board Volunteer. I want to make this perfectly clear; I am not running for Town Council. I like Economic Development, Sales and Customer Service!

I am here this evening as a Tax Payer and Stakeholder of Windham to address the Council, Town Manager, Town Staff and Tax Payers about concerns I have regarding the "Culture of Windham" as it relates to Business Owners, Property Owners, Builders and Developers. As an advocate for business and development, I had hopes that we were all on the same team when it came to Economic Development of our town, adding good paying jobs and increasing our commercial tax base, however, I feel there is a "them and us" mentality, which at times I feel it is extremely adversarial.

In my opinion, the "Culture of Windham" is not a Business Friendly Community or Customer Service Oriented. Every week I hear complaints about how cumbersome, expensive and painful it is to do business in Windham. There seems to be a culture of protect and enforce rather than a culture of how can we help you make this a win-win? This Culture is having a negative impact on my business as a self-employed commercial real estate broker at Butts Commercial Brokers. Reggie Butts is moving the firm to Raymond later this month after being based in Windham 35 years!

Today, Business Owners and prospective Buyers and Tenants are apprehensive about buying, investing and even leasing space in Windham. I often hear how business friendly Westbrook, Gorham and Raymond are compared to doing business in Windham.

Perception is reality when you hear these comments on a weekly and sometimes daily basis.

The "Culture" starts right at the top with the Town Council. The Council sets the tone for the Town's Manager and Town Staff. Just like kids following their parent's cues, town staff and other volunteer boards follow the town council's tone with no, no you can't and oh, did I already say no? My Bad! You lead by example!

While other communities like Gorham, Westbrook and Raymond are welcoming, embracing, adapting and working with business people, and helping builders and developers to be agile with zoning changes and contract zones to help fit different business needs, it appears Windham continues to find ways to drive away new business, existing businesses and the very stakeholders that could really help our community the most.

A few years back, the Town Council voted to fix the Windham Skate Park when it was not broken by pulling away \$ 14,000 in funding for supervision. The park deteriorated without the supervision with bikers riding the ramps. The Park was designed to get Skateboard kids off the North Windham Sidewalks and Parking lots and provide a safe place for kids and their families. The Council has talked about a BMX Bike Park for years and it never went anywhere. The Council has made choices that have alienated the business community that had provided their own time and private funds to develop the Skate Park in the first place. Why would they come back to donate their time and money to invest in a BMX Park or help bring back the Skate Park? Would you even have the gumption to ask them for their help and money now? I really doubt it!

A recent request by WEDC for new permitted uses for the C3 Zone via zoning changes that was submitted months in advance as a team approach with Town Staff input was met with strong opposition by the Town Council when it came time to vote. Even after the Planning Board had recommended a compromise of Conditional Use rather than Permitted Use, the Town Council voted down the request. Did Town Councilors take the time to talk with Tom in Economic Development, Ben in the Planning Office or Heather in Code Enforcement? Or, just decide as a Town Councilor that they did not like it so it was dead in their mind.

The WEDC Board and Town Council went to great efforts and re-structured WEDC 3-years ago with members such as the Planning Director, Town Manager, Economic Development Director and Town Council in addition to Community Volunteers to improve communication and effectiveness. We are all on the same team! Or, at least I thought we were?

A local motel owner recently asked for guidance and permission to go before the planning board for additional guidance for a contract zone to convert his small motel to apartments. This was voted down hastily, which I feel lacked consideration as he now competes with a Microtel in North Windham. There is a huge demand for residential housing in Windham today. A contract zone request for this property was reasonable and practical. The owner was going to have to meet the building code standards for a residential apartment housing conversion. A very loud "we will not work with you" message was sent that night to anyone looking to take a risk to buy and invest in Windham.

The Town Council has a Mission, Vision and Values adopted October 14, 2014, which I don't think are followed. Does the Town Council follow a progressive and flexible approach in its response to the changing needs of a growing community? Not in my opinion. The Council's Mission, Vision and Values are right on the Town of Windham web site.

WEDC has an Economic Development Strategic Plan adopted by the Town Council, we have a 21<sup>st</sup> Century Downtown Plan and we have a Comprehensive Plan Update in the works. Windham has more plans and studies than I care to mention. What good are all of these plans if we cannot implement them with a "No Change" Culture and zoning ordinances like the C1 Commercial Zone that does not allow for single family or multi-family housing on the ground level in our Downtown? How do you implement the 21<sup>st</sup> Century Downtown Plan without addressing the C1 Zone?

You know that saying, "careful what you wish for"? If you want to continue with this adversarial approach to the business and development community, expect a hearty participation from tax payers and stake holders of Windham. There are business people in our community that are steaming mad! They are really pissed off at you, the Leaders of our community.

I hereby invite every steaming mad, pissed off business person, builder, developer, taxpayer and stakeholder of Windham to fill these chambers in the coming weeks and tell the Town Councilors, Town Manager and Community how dismayed you are with the Culture and the direction Windham is heading. I am sure there will be dozens and dozens of specific examples that you are going to hear in the coming weeks.

If you really want to be adversarial, I assure you there are taxpayers and stakeholders that will volunteer to sit out in front of the Post Office and collect signatures for a petition to fire everyone! Yes, fire everyone! If I was in charge, everyone gets fired and can re-apply for your job only with the "Right Attitude" and the "Customer/Taxpayer Comes First"!

I think the "Culture of Windham" is heading in the wrong direction and we need a correction before we sink!

Complacency by the Town Council and Town Manager is death to a community. Many of us have expressed our concerns and our dismay to the Town Manager and Town Council about doing business in Windham but it appears to fall on deaf ears in many cases.

A note to all town staff, you work for us! Our taxes dollars pay your salaries. We don't work for you!

See you all at the next Council meeting!

There is certainly more to come so stay tuned!

*Advisory Committee.*

*She mentioned the wonderful job the Public Works crew did with the storm on July 22nd. There was a huge amount of trees and limbs to be removed. They did a great job with the cleaning up after the storm.*

*She has enjoyed the opportunity for filling in for Tony, and she said he will be back on Monday.*

## **VIII. Committee Reports.**

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

#### **1. Appointments Committee.**

*Councilor Welch: They have had no interviews.*

#### **2. Finance Committee.**

*Councilor Nadeau: They are still reviewing finance software.*

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

#### **1. Land Use Ordinance Committee.**

*No report.*

#### **2. Public Easement Advisory Committee/Roads Policy Task Force.**

*Councilor Nadeau - Doug Fortier has inspected the third of the roads and letters have gone out. Some roads need to have some work done.*

#### **3. Windham Economic Development Corporation**

*Councilor Chapman: There is no August meeting. Councilor Gleason's seat is vacant and she said she may be interested in filling it up until the election.*

#### **4. Parks and Recreation Advisory Committee.**

*Councilor Chapman: Reported that they met last night, and it was a great concert series. The last two had about 450 people attend. They all agreed that Wednesday nights and earlier in the summer rather than later is the best time to have them, and they plan to repeat it for next year. They hope to get some sponsors for some of the concerts.*

*They also brought up the skate park and they are moving it forward. In September they are going to request a plan for that whole area at the meeting on the 20th. This weekend the carpenter is going over to work on rebuilding a section of the park.*

*The community center survey was discussed a little bit. She suggested they do the survey during the election to reach more people.*

*They are going to do a Halloween event, more info to follow.*



*Councilor Nadeau: He wanted to point out that the property down by the garden is full of ledge. She said right now they are discussing disc golf, basketball courts, a little play ground, a splash pad and a walking path.*

## **IX. PUBLIC HEARINGS.**

## **X. CONSENT AGENDA.**

- 16-131 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:** 16-131 Cover Sheet  
Applebee's Liquor License Renewal.pdf

- 16-133 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Matt Kait, Inc. d/b/a Danielles Sebago Diner for a renewal liquor license.

**Attachments:** 16-133 Cover Sheet  
Danielles Sebago Diner-renewal Liquor.pdf

**A motion was made by Councilor Welch, seconded by Councilor Nadeau that the Consent Agenda be approved. The motion carried by the following vote.**

**In Favor:** 5 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Nangle

## **XI. UNFINISHED BUSINESS & GENERAL ORDERS.**

- 16-132 To approve one (1) application submitted by Kelly's Ice Cream Truck for a Mobile Food Service Unit License.

**Attachments:** 16-132 Cover Sheet  
Mobile Food - Kelly's Ice Cream Truck.pdf

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

**In Favor:** 5 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Nangle

## **XII. Discussion Items.**

- CD 16-168 The Council will discuss its process for handling appointments, re-appointments, expired terms, etc. on Council-appointed committees.

*This discussion was postponed due to Councilor Nangle being absent.*

- CD 16-290 To hear information gathered by the council appointed private roads policy task force and continue the discussion of private road ordinance amendment language regarding when private road and private way improvements would be required by new development.

*Councilor Nadeau gave a presentation.*

### **XIII. Agendas & Scheduling.**

- CD 16-291 Agenda Items Reports.

**Attachments:** Agenda Items Report 20160805

*Discussion of agendas & scheduling.*

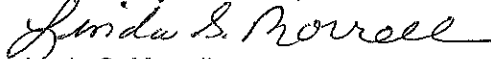
### **XIV. ADJOURN.**

**A motion was made by Councilor Chapman, seconded by Councilor Welch that they adjourn. The motion carried by the following vote at 8:40 p.m.**

**In Favor:** 5 - Council Chair Chapman, Councilor Moore, Councilor Muir, Councilor Nadeau and Vice Chair Welch

**Absent:** 1 - Councilor Nangle

Respectfully submitted,



Linda S. Morrell  
Town Clerk, CCM