



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, September 11, 2018

7:00 PM

Council Chambers

I. Roll Call of Members.

Council Chair Chapman asked for a moment of silence in remembrance of September 2011.

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

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

CD 18-283 To approve the minutes of May 1, 2018 Council meeting.

Attachments: Minutes-Town Council-5-1-2018

CD 18-284 To approve the minutes of May 15, 2018 Council meeting.

Attachments: Minutes-Town Council-5-15-2018

CD 18-285 To approve the minutes of the May 29, 2018 Council meeting.

Attachments: Minutes-Town Council-5-29-2018

CD 18-286 To approve the minutes of the May 30, 2018 Council special meeting.

Attachments: Minutes-Special Town Council-5-30-2018

CD 18-287 To approve the minutes of the June 5, 2018 Council meeting.

Attachments: Minutes-Town Council-6-5-2018

CD 18-279 To approve the minutes of the August 28, 2018 Council meeting.

Attachments: Minutes-Town Council-8-28-2018

CD 18-279 To approve the minutes of the August 28, 2018 Council meeting.

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

IV. Public Participation.

Gary Plummer thanked the Councilors for their service to the Town Council. He said although he does not agree with any of them all the time, and have disagreed with some more often, he truly appreciates that they are willing to come and do the business of the town.

In regard to the signs at the Rotary, he didn't know if anything had moved forward on those? He said he had been very successful at convincing candidates, either, to not put signs in there or to remove them from the island areas. He said there are two business signs that are clearly illegal under the state law, and also under the town sign ordinance. He approached MDOT and was told that the town controls the islands and MDOT controls the middle.

Gary approached the bench and handed out a flyer on the Make Shift Coffee House, and he told them they now have their official announcement and invitation. It will be held on Thursday, September 27th from 6:00 to 8:00 p.m. at the Windham Veteran's Center. Gary said the idea behind the Make Shift Coffee House is to talk about difficult issues but to do it in a civil manner.

He said it is quite appropriate that he is here on September 11 the anniversary of what was, in his opinion, the worst tragedy in our history; but the way we came together after that tragedy he always found phenomenal, and he hopes we can find a way to come together without a tragedy. He said that the event is open to the public, and they encourage those watching to come on September 27.

V. Councilors' Comments.

Councilor Haskell said he had a woman call who was concerned about the pan handlers up in North Windham at the entrance to Wal-Mart, and she wanted to know if there was something the town could do about that? He would like to have someone look into her concern. Councilor Chapman said she had the same call, and she had a conversation with Chris Hanson. Chris was going to talk with the Chief to see if there was something that could be done.

Councilor Maxfield read a statement. (see attached)

Councilor Nangle said he does categorically deny the allegations that the Chair has made in that article, and he will be responding in due time.

Councilor Welch said in regard to the sign ordinance, the Council did talk about putting it on the agenda to have a further discussion and see where they wanted to go with it. He asked to have it on an upcoming agenda.

VI. Council Correspondence.

No Council Correspondence.

CD 18-268 The LifeFlight Foundation - Letter of Appreciation

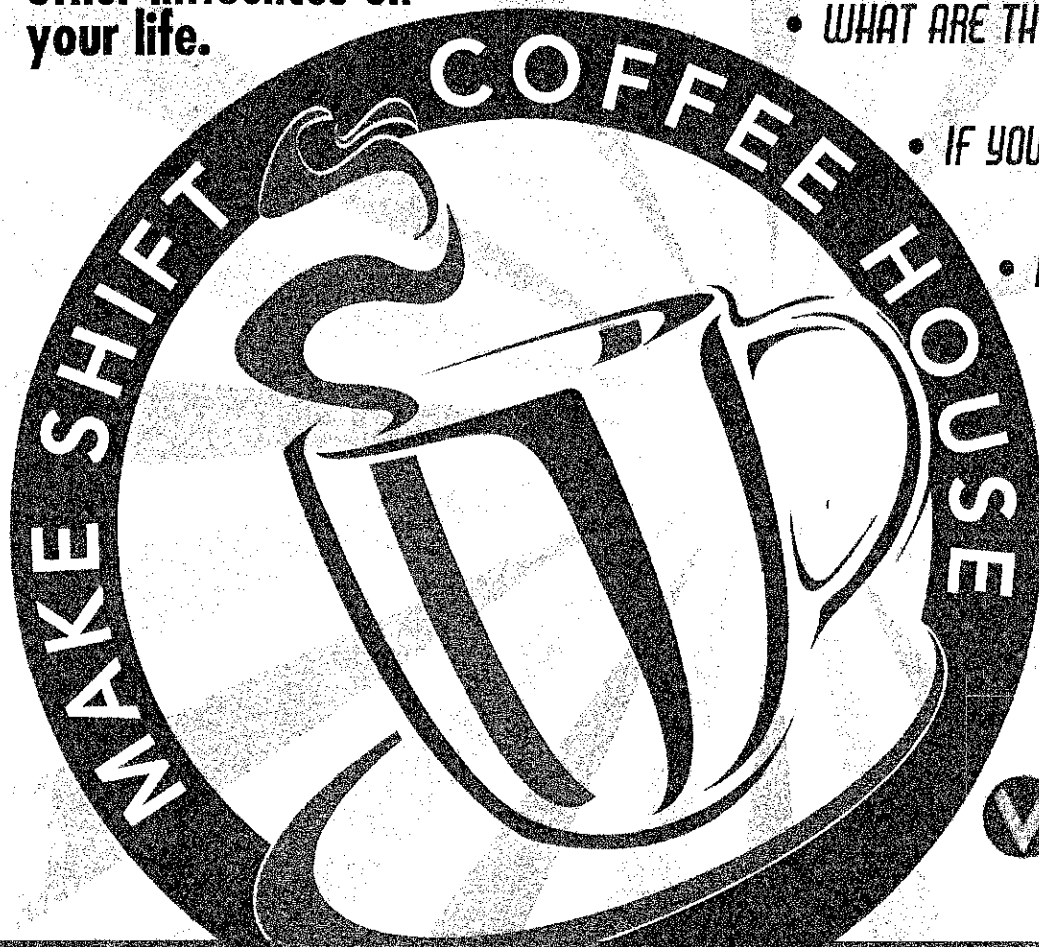
Attachments: The LifeFlight Foundation Correspondence

CD 18-270 Windham Public Library Newsletter

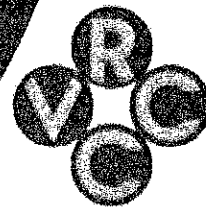
Exploring the Political Divide

We want to hear your views AND how your views were shaped by your childhood, your education, and other influences on your life.

- WHY ARE POLITICAL DIFFERENCES SO HARD?
- HOW DOES THE POLITICAL DIVIDE AFFECT YOUR EVERYDAY LIFE?
- WHAT ARE THE POLITICAL DIFFERENCES THAT DIVIDE US?
- IF YOU AFFILIATE WITH A PARTICULAR POLITICAL PARTY, WHY?
- IF YOU FEEL STRONGLY ABOUT A POLITICAL ISSUE, WHY?



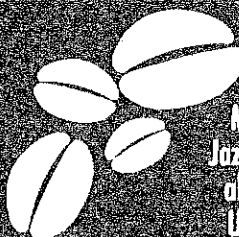
*This is not a debate.
Our purpose is simply to
understand where each
person is coming from.*



Raymond Village Library

An Open Door - Discover the Possibilities

THURSDAY
6:00PM-8:00PM, SEPTEMBER 27
WINDHAM VETERAN'S CENTER
35 VETERANS MEMORIAL DRIVE
WINDHAM, MAINE
(BEHIND THE HANNAFORD'S)



GOOD FOOD. LIVE MUSIC.
REAL CONVERSATION.

Music provided by Guitarist Gary Wittner. Gary performs Jazz, Latin music, and Middle Eastern music locally, regionally and internationally and has officially represented the US overseas 4 times. He is a faculty member of the Univ. of Southern Maine School of Music and also teaches guitar at Bowdoin College. GaryWittner.com

For more information visit: MakeShiftCoffeeHouse.com or call 207-729-5607

This should be a day where we are reminded that we have much more that unites us than divides us and I truly work hard in this Council to keep that spirit alive, but it is not always easy.

2 weeks ago I made some comments and my feelings known about how some members of this Council operate. I did not mention names and I tried to keep my comments professional. In the last 2 weeks I have received more positive feedback from members of the community than ever before. People in Windham are not dumb, they see how we operate and they are sick of it. The reaction from people on this Council, namely the Chair, was not to process and think about these comments like a leader would do, but instead was used as an opportunity to launch an attack on myself and Councilor Nagle in the press.

The Chair has stated that we have potentially committed a crime if not at a minimum been unethical. The Chair has told the press that we have recorded Executive Session meetings. Executive Sessions are to be used to specific purposes to keep things confidential such as personal matters or negotiating contracts on behalf of the town. It is my opinion that current leadership uses this meetings inappropriately, perhaps illegally, to keep things behind closed doors that should be accessible to the public. But at no time, ever, have I ever recorded a meeting or divulged the contents of a meeting. This is another lie told by the Chair with no facts or basis. It is another attempt to divert attention from her own actions by making up stories about others. This is not the first time. I, and other members of this Council, have had to listen to fabricated stories in the past accusing a Town Employee of crimes that would be punishable by termination and prison, just so she can divert attention from her own issues. If not for embarrassment of this employee at these fake accusations I would share them and if I had my way, they would share them and follow up with every measure to clear their good name and hold the Chair accountable. If these actions happened in a private company, the Chair would be fired. This is a pattern of lying and diverting attention done by a bully. I will not stand by and be attacked falsely.

The truth is these claims are projection. Projection of the poor traits held by the Chair and projected onto others. This is standard bully behavior. It is my opinion in fact that the Chair is the one who routinely violates Executive privilege. And since I cannot prove this 100% I can only share with the public some of the facts that bring me to this conclusion and let them make their own decisions and let the press ask their own questions.

Last year the press reported a shouting match between Councilors in the Lakes Region Weekly. When asked by a reporter after the meeting what happened, I declined comment, as we all should, because we cannot discuss it. The reporter had no additional information to go on. Yet 2 weeks later an opinion article in that same paper, written by someone who the Chair has described as like a father,, seemed to have some details that could only have been known by people in the meeting such as how many Councilors were involved in the argument and noting he felt bad the 2 newest Councilors had to be exposed to that. How would this writer have known who was involved, let alone that neither of the 2 new Councilors were? The local reporter did not have those details, how would an opinion piece writer?

Well, perhaps this was a coincidence? Perhaps this opinion writer made up the facts? Perhaps.

But people who follow the town and this writer often know the views of the Chair will be backed up and her opponents will be attacked in this article routinely. People who read know that facts, or lack of, from this Council are often in that article, sometimes before they even happen.

At the beginning of current leaderships term they started out with what I feel is an illegal meeting. Our deliberations and decisions are supposed to be public so the public knows what we are talking about,

doing and how we come to decisions, that is why 3 Councilors or more are not allowed to conspire behind closed doors and show up with a forgone conclusion. At the first meeting of this term as I sat down to hear Councilors here changing the agenda items before the meeting, namely when to elect Leadership positions. This had been scheduled for the end of the meeting. But it was decided before the meeting amongst themselves to make this change. And while this is not a life or death decision, that change took the rights away of other Councilors and members of the public who relied on a published schedule. If they had feedback to share, they could not as this was moved to the beginning of the meeting. And what is so peculiar, is that this same opinion writer wrote in that week's article that the Leadership vote should be done at the beginning of the meeting. The only problem is, that writer states his articles are due to the paper on Sunday, we had our meeting on Tuesday and the article was published Friday. How did that writer know ahead of time about a change to happen in the future? Who would have had that discussion with him? Why is this writer entitled to their own facts and privileged to be briefed on things the general public is not? It is because a small group who have been running things for years think they are above the rest of us. Better. More entitled. They are not. They are wrong.

And lastly, as usual, I will be called a bully from the Chair's online trolls and perhaps be attacked in this same article I reference. I will be told I am getting personal. I am not. This is business. Business of the Town of Windham. Our town has been overrun by the Busy Body Politics of Bullies while ignoring the real issues facing us.

Again, projection, these are not personal attacks. The Chair week 1 I was a Councilor emailed me a link to a comment Counselor Nangle's wife had made on Facebook regarding Private RDs and advised me not to vote for him for a leadership position. This is the definition of getting personal and not sticking to the facts of our Town business, attacking a fellow Councilor through a spouse. This attack was offbase, unwarranted and just one of many examples of the things I have seen as a Councilor.

I do not want to keep doing this but I will not back down to lies. We all know how bullies operate. They push and push and when they are finally hit back they tend to run and cry and call foul. It's standard bully behavior. We have all seen the Christmas story and when the bully finally gets punched back the audience cheers. Because the audience is made of good, honest people who don't like bullies. Just like our residents. So as long as I sit here, on behalf of the people of Windham, I will speak up until we have an effective Town Council working for the town and not here to spread lies, be ineffective and punish the Town taxpayers with poor leadership and decisions since the taxpayers will be on the ones who ultimately pay for time and resources being used for vindictive vendettas. We need to focus on our long term plans to deal with growth, taxes, services and more.

It is time to wake up Windham. Make some noise. Say enough is enough. Ask your leaders what they did for you this week. Change is coming for the better if we all work together.

Attachments: Check It Out - September 2018

CD 18-275 Planning Board recommendation on amendments regarding residential sprinklers.

Attachments: TC packet PB recommend residential sprinklers 09-06-18

CD 18-278 Making Maine Work Collaborative Report

Attachments: 2018 Making Maine Work Report (43MB)

VII. Town Manager's Report.

CD 18-289 Town Manager's Report.

Attachments: Town Manager's Report 20180907

Projects & Issues List 20180907

Projects & Issues Sheets 20180907

Tony Planted reported that the Council have before them an Order authorizing the financing of the Maintenance Facility. There is a meeting tomorrow and the pre-engineered metal building was supposed to be delivered last Friday. They are also making progress on the cold form steel framing on the lower level. He an email from the project manager from Great Falls Construction inquiring as to whether the Council might be interested in a tour as they do the work.

Tony acknowledge the upcoming retirement of Judith Heggeman who has served the town for more than 20 years. She has run the Tax Collection/Motor Vehicle Registration Office with a dedication to service and an attention to detail that would be hard to match. Judith is always the first one to bring to his attention when something small goes wrong. He thinks we are in a good place with her successor, and noted he got her first name wrong in his written report. Her name is Veronica Meserve, and he thinks, in many ways, Veronica is very much like Judith, and he thinks we will have that office in good hands. Judith will be retiring later this month. He invited the Council and others to stop by to say thank you. He is sure it would be appreciated.

The Stormwater Compliance Coordinator has completed her work with the Town of Gorham. They decided to establish their own position, where we have had a shared position for the last year or two. That means that Gretchen is now focused 100% of the time on the Town of Windham. In addition to Stormwater Compliance, her portfolio includes all the watershed work we are doing, Highland Lake, Forest Lake and other waterbodies, and the LED streetlight conversion, which is still be worked on. They had a survey done by Real Term Energy earlier this year, and she is working on verifying that before they move into the next phase getting a price from Central Maine Power to buy our existing fixtures, and then working on a design and coming up with an entire financial package that the Council can review and approve.

He held interviews with candidates for Planning Director yesterday, and he will be doing some follow up. He will plan to speak to the Council in regard to that soon. They need to have that additional capacity in the Planning Department, somebody to work more directly with the Long Range Planning Committee. There is a lot of development activity in town, and development review is taking up a lot of time and taking time away from

some of the other things that we can and should be doing. Next Tuesday they have a plan to have an update from the Long Range Planning Committee and some recommendations and next steps about implementing the Comprehensive Plan that the Council adopted in 2017.

There is an opening for a full-time paramedic fire fighter that they will be filling. Interviews are going to be held for the second Code Enforcement Office Administrative Assistant that was authorized in the budget. They also have a search processes going on for positions in the Public Works Department that were added in hopes of getting people in those positions in time for winter.

Following up on last week's Council meeting with agendas and scheduling - that they might want to have RSU Board members in to talk about the implications for Windham of the Town of Raymond's effort to withdraw from the RSU. He met with the Superintendent and Assistant Superintendent yesterday to talk about the timing of that.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Maxfield said there was nothing to report, but they will be interviewing people starting next week about the new committee being formed tonight.

2. Finance Committee.

Councilor Chapman said they have not met, but thinks they should to go over some budgetary concerns with Public Works, and the Compliance Officer position. She would like a workshop scheduled.

B. Other Committees.

1. Land Range Planning Committee.

Councilor Haskell said Tony had already spoke about this.

2. Parks & Recreation Advisory Committee.

Councilor Cummings stated she was not able to attend the meeting the day before but from an email the visits to Dundee to Park are up by around 2,000. Councilor Chapman said that the Community Design Concept is supposed to be having their hearing for the Community Center coming up. There was a concern with the skate park that maybe they were not going to continue with the follow through on that, and they thought maybe they should appoint an ad hoc committee but she recommend they wait a little bit because of staff shortages. They talked about the Trick Or Treat Trunk event on October 27. She said it was a fun time last year.

3. Highland Lake Leadership Team.

Tony Plante said the Highland Lake Leadership Team had a meeting yesterday, and they had a good update from Karen Wilson professor at USM with some

early results from data collected in Highland Lake over the last season. There are still a lot of samples to be tested but she did share some preliminary results that seem to point to some interesting interactions between the picocyanobacteria bloom that we have been seeing. They will see a lot more of that and expect to have more samples tested and a more complete report later this year. There will be another public forum similar to what they did last year in the spring, and an update on the watershed management plan; the survey was performed in May; they are still working on the report and expect to have by the end of the year. He said he would like to see the results of the survey so they know what areas they should be targeting.

There is some interest on the part of both the people on Highland Lake Association and the Forest Lake Association in potentially tapping into the additional \$30,000 that the Council included in this years budget in support of watershed efforts. That \$30,000 was put in the budget in recognition that there is a need to do more in watershed areas but without a specific program for doing that. They will be meeting again in October.

CD 18-294 HLLT Ordinance Committee DRAFT Minutes - August 21, 2018

Attachments: Highland Lake Ordinance Committee Minutes August 21 - Rev 2

4. Shared Maintenance Facility Joint Project Team.

Tony already spoke about this in his Manager's report.

5. Windham Economic Development Corporation

Tony Plante said the meeting is tomorrow at 6:00 p.m. at Pat's Pizza.

CD 18-291 WEDC Board Meeting Materials - September 12, 2018

Attachments: WEDC Board Meeting Agenda- 9 12 18

2014 01 23 WEDC By-Laws

Board Members 2018

Minutes 4-4-18

WEDC Active Projects FY2019

WEDC Financials FY18 unaudited

WEDC Financials Sep 5 2018

6. Mineral Extraction Committee.

Councilor Chapman said they are getting ready for the public hearing. They are still waiting on the overlay language to see if no mineral extraction is allowed over in that area. The language they had for the last meeting was old language.

CD 18-292 MEC Agenda - September 6, 2018

Attachments: MEC Agenda 2018-09-06

7. Private Roads ad hoc Committee.

Councilor Nangle said he got to the meeting late that night. He said they were working on some standards and there is discussion about holding the private roads public forum in early November, but they will see how things progress.

CD 18-293 Private Roads ad hoc Committee Meeting Agenda - September 5, 2018

Attachments: PRC Ad Hoc 9-5-2018_1

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

18-167 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Sonje Swensen d/b/a Windham Billiards for a renewal liquor license.

Attachments: Cover Sheet 18-167

Windham Billiards-Renewal Liquor Lic.

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

18-169 To authorize the borrowing of a sum not to exceed \$9,300,000 by the Town of Windham (the "Town") to pay all or a portion of the costs of the design, construction, and equipping of a new public works and school transportation and maintenance facility located at property on Windham Center Road in the Town and related redevelopment of the site (the "Project") by issuing a \$9,300,000 General Obligation Bond to the Maine Municipal Bond Bank (the "Bank") and to authorize entering into a Loan Agreement with the Bank in connection with the foregoing.

Attachments: Cover Sheet 18-169

Town Council Order Package Windham GOB18

Councilor Haskell asked how have we been paying, so far, for what is being done down there without this bond in place? Tony said we have been paying out of the town's cash reserves. The bond issue will replenish those.

Councilor Haskell asked how much is that? Tony replied that at this point they have paid somewhere around \$3,000,000. Councilor Chapman said this will replenish, and Tony said that was the plan from the beginning. They would build the building, finance the building and the voters were told we would finance that over the next 20 years. Instead of going out for a bond anticipation note, which would incur interest, we borrowed the money

from ourselves, and you will see when they get to the audit, what the town's year-end fund balance is. In effect, the town has the reserves to be able to lend itself money in the short-term, but they can't do it indefinitely.

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

In Favor: 6 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Opposed: 1 - Councilor Haskell

XII. Discussion Items.

CD 18-280 Junkyard inspection reports.

Attachments: Cover Sheet CD 18-280

Junkyard Inspection memo-2018

Chris Hanson was there to speak on junkyards.

Tony Plante explained the history of junkyards in the Town of Windham.

CD 18-282 Retail Adult-Use and Medical Marijuana Establishments Task Force Draft Charge.

Attachments: Cover Sheet CD 18-282

Retail Adult-Use and Medical Marijuana Establishments Task Force
DRAFT 20180905

Tony Plante said he put together a draft charge for a Marijuana Committee, as asked by the Council, and gave a brief explanation of where some things stand.

Chris Hanson Director of Code Enforcement gave statistics on how many medical marijuana caregivers there are in Windham, and how many medical marijuana grow facilities that have been permitted so far. There were many questions from the Council made to Chris Hanson.

The Council Chair offered the public to come up and ask any questions they might have about the new task force committee. Several people from the audience got up to speak.

XIII. Agendas & Scheduling.

There was discussion of agendas and scheduling.

CD 18-290 Agenda Items Reports.

Attachments: Agenda Items Scheduled 20180907

Agenda Items to be Scheduled 20180907

Projects & Issues List 20180907


Projects & Issues Sheets 20180907

XIV. ADJOURN.

A motion was made by Councilor Welch, seconded by Vice Chair Muir, that they be adjourned. The motion carried by the following vote at 1:42 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