



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, January 30, 2018

7:00 PM

Council Chambers

Postponed from January 23, 2018

I. Roll Call of Members.

Present: 6 - Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

Absent: 1 - Dennis Welch

II. Pledge of Allegiance.

Chairwoman Chapman led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 18-032](#) To approve the minutes of the January 16, 2018 Council meeting.

Attachments: [Minutes-Town Council-1-16-18](#)

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

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

Absent: 1 - Councilor Welch

IV. Public Participation.

Tom Peterson: He has been working with the science involved and doing science research with Google. He said what he finding out is that when the alewives come in they eat the zooplanktin and it gets wiped out and the picobacteria flourish because there is no competition anymore. This relates to everything they see happening in Highland Lake.

Tom and Rosie will be meeting with Dr. Karen Wilson from USM on Thursday. They are hoping to work out some of the scientific stuff.

V. Councilors' Comments.

Councilor Nangle said he wanted to address some calls he has received in the last couple of weeks about some comments that the Chair has made about anger over the public works garage passing. The issue that they see is that they went out and supported this referendum, they voted yes and they would like to stop hearing about how the real intent of the voter was to not pass, even though it did. Councilor Chapman asked if she could see it writing.

He also said he was really disappointed that they have no focus, no plan, no agenda, and they were supposed to have a Council Orientation Planning Meeting on January 20 and it had to be cancelled without a reschedule date. He would like to know what the Council's plan is for this term? Councilor Nangle said he would like to have the Councilor Orientation rescheduled, as he has always found them very helpful to hear from the department heads on what they had planned; it was a very valuable day spent.

Councilor Chapman said they haven't had Leadership yet to talk about rescheduling, she had been planning to attend the orientation but perhaps Tony will address this.

Councilor Maxfield said he would like to know who all the angry folks are who are constantly telling the Chair these things? He said this Council voted to authorize studies, funding and to put it on to the ballot.

VI. Council Correspondence.

Councilor Cummings said that there will be a S'mores and Skate Night at Manchester School on Friday, February 2 from 6:00 to 8:00 p.m.

[CD 18-011](#) Fire-Rescue Department Monthly Report - December 2017

Attachments: [December 2017 Monthly Report](#)

[CD 18-015](#) Social Services Monthly Report - December 2017

Attachments: [Social Services Monthly Report - December 2017](#)

[CD 18-016](#) Town Clerk's Monthly Report - December 2017

Attachments: [Town Clerk's Report- December 2017](#)

[CD 18-018](#) Parks and Recreation Department Monthly Report - December 2017

Attachments: [Parks & Recreation Monthly Report - Dec 2017](#)
[Jan/Feb 2018 Events Flyer](#)

[CD 18-021](#) Windham Police Department Monthly Report - December 2017

Attachments: [Windham PD Monthly Report - Dec 17](#)

[CD 18-022](#) Financial Reports - December 2017.

Attachments: [YTD Budget Report December 31 2017](#)
[Revenue Report December 31 2017](#)

[CD 18-031](#) Public Works Monthly Report - December 2017

Attachments: [Monthly Report - December 2017](#)
[December 2017 Storm Reports](#)

VII. Town Manager's Report.

[CD 18-029](#) Town Manager's Report.

Attachments: [Town Manager's Report 20180119](#)

[Projects & Issues List 20180119](#)

[Projects & Issues Sheets 20180119](#)

Tony Plante said, as he recalls in regard to the Council Orientation & Goal Planning session on January 20, he had met with the Chair and Vice Chair and shared a draft agenda, and they talked about the meeting and he understood that due to a work commitment Councilor Muir was not able to attend. They agreed, at that time, he would send out an email to see if anybody else was not going to be able to attend, and it was put on the schedule with the packet that was published on December 8th. He received an email from Councilor Cummings saying she had a prior commitment, and there was the possibility there might be two other Councilors who might not be there. He heard, in the affirmative, from Councilors Maxfield and Nangle. He understood, at that time, they would call off the 20th's meeting and they would figure out how to get that work in, which they have not done yet.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Maxfield said they met tonight to meet with an applicant they had already interviewed but it turns out the regular seats for the Long Range Planning Committee were full. There are three ad-hoc seats and so they postponed that until their next discussion because they need some clarification on those adhoc seats from town staff.

2. Finance Committee.

No report.

B. Other Committees.

1. Long Range Planning Committee.

Tony Plante: They have been meeting, and he will check with Ben Smith as he staffs that committee.

2. Parks & Recreation Advisory Committee.

Councilor Cummings: They had to cancel their last meeting, and she reminded people again about the S'mores and Skate at the Manchester School on February 2 from 6:00 to 8:00 p.m.

3. Public Easement Advisory Committee.

No report.

4. Highland Lake Leadership Team.

Tony Plante: He reported that subcommittees have been meeting, and there was a team meeting last week, and the committees are doing their work. They are going to have a link on the town's website, the Highland Lake Association has put together a page with resources regarding the activity of the team for the benefit of the whole team and the community.

5. Shared Maintenance Facility Joint Project Team.

Tony Plante said they had a meeting last Thursday. Previously they had issued an invitation to submit statements of qualifications for Design Build Teams back in December. Those statements of qualifications were due back January 10. Their Design Team evaluated those and forwarded their recommendations. Those were sent out to the team a couple weeks ago, and he let everybody know there was going to be a meeting last Thursday. They had five submissions, and of those five the Project Team agreed, with the recommendation of the Design Team, to invite four of the five to submit proposals. They are still working on the technical RFP that will be issued the middle of next month for those Design Build Teams to submit technical proposals with their prices. They will be conducting interviews on what they get back.

6. Windham Economic Development Corporation

Tony Plante said there was no further report other than there was a Board meeting a few weeks ago.

7. Wastewater Management Planning Advisory Committee.

Tony Plante said they are beginning the hydrogeological work on the Lippman site as well as continuing work on tasks 3 & 4. They did get a report from Wright-Pierce on work they have done so far on Task 3. Task 4, once they get beyond alternative's evaluation, it actually gets into implementation strategies.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[18-005](#)

To approve a proposed zone change request from Bryan Mills to amend the official Town of Windham zoning map, to rezone a portion of a property on River Road identified on Tax Map 5, Lot 1-1, from Farm Residential (FR) to Medium-Density Residential (RM).

Attachments: [Cover Sheet 18-005](#)

[PB recommendation to TC River Road FR-RM 11-17-17](#)

[Zone Change Application - TM 5 L1-1 - 2017_10_10](#)

Tony Plante said this was postponed a couple meetings ago, it was rescheduled and the

public hearing was already held at the previous meeting. This is to rezone a portion of a property on River Road just north of the intersection of Route 202.

Jason Haskell & Bryan Mills were there to answer questions.

Councilor Haskell asked what was the benefit to the developer and the benefit to the town for rezoning? Jason Haskell said the benefit of Mr. Mills is he will potentially be looking at either condos or multi-family developments and the Farm Residential zone does not allow for those but the Medium Residential out front does. He said if anything was to happen out there the multi-family would be closer to the River Road. That is the only location they can go in, and it would be closer to the water main. You really want to set back away from the busier River Road.

Councilor Haskell asked if this meant he could put more units on that parcel of land with changing that to Medium-Residential? Jason Haskell said that was correct. Councilor Haskell asked just how many units they were planning to build because he is looking at what it costs to educate our kids, and right now it is between \$8,000 to \$11,000 per student.

Jason said anything they put through would go through the Planning Board and they would look at the traffic impact to the community, etc.

A motion was made by Councilor Nangle, seconded by Councilor Cummings, that the Order be failed. The motion failed by the following vote:

In Favor: 2 - Councilor Nangle and Council Chair Chapman

Opposed: 4 - Vice Chair Muir, Councilor Maxfield, Councilor Haskell and Councilor Cummings

Absent: 1 - Councilor Welch

[17-195](#)

To vacate a portion of a proposed, unaccepted way between parcels identified as Map 31, Lot 50 and Map 31, Lot 69, as shown on the plan of Highland Lake Beaches, recorded in 1929 at the Cumberland County Registry of Deeds at Book 19, Page 23.

Attachments: [Cover Sheet 17-195](#)

[Waterbury Paper Street Plan](#)

[Waterbury Paper Street Deed Description](#)

[Tax Map 31](#)

[Unaccepted Ways - Paper Streets 1997](#)

Tony Plante said they had a request a few months ago from Nate Waterbury who owns a lot on Cottage Road and he and his wife own an adjacent lot what is, in effect, a paper street. This is at the end of what was listed as Brook Road. It was preventing him from putting a deck on the back of his house. He came to the town with a request to consider vacating that portion of the paper street.

The town has done similar things before, and last September staff came to the Council with an Order to extend the "Town to vacate paper streets" by another 20 years where the town has not undertaken a systematic review of all of the paper streets.

Rather than hold up Mr. Waterbury, he's done the work with the survey and with the legal description, and Tony told him his request would be brought to the Council. They verified

with Code Enforcement that this would have the effect of moving the lot line such, that he would be able to do what he is looking for. It does not do anything to vacate any rights that property owners along this paper street may have.

Rosie Hartzler: She asked that when they add the deck, how far are they from the lake when they build that deck, and do they follow the new guidelines?

Tony said any development that now occurs in the Highland Lake Watershed will be subject to the new Surface Water Protection Ordinance. He said if this required more than 500 sq. ft. of soil disturbance, he could not do it anyway because there is still a moratorium in place.

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

In Favor: 5 - Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Councilor Haskell and Councilor Cummings

Opposed: 1 - Council Chair Chapman

Absent: 1 - Councilor Welch

[18-021](#)

To endorse an application for Community Development Block Grant (CDBG) funds for the "Depot Street Sewer Improvement Project."

Attachments: [Cover Sheet 18-021](#)

[Depot Street Sewer Improvement - General Application 2018_01-19-18](#)

Councilor Maxfield: He asked if this was independent of the potential project, the potential requested TIF, and if the project were to not move forward are they still going to be pursuing this project?

Tony replied that at some point the Depot siphon will have to be replaced and whether they move forward with it will ultimately be a Council decision. Particularly the costs, and there would be other pieces. He said as far as the application for the CDGB Funds is concerned, this is a stand alone project, and there is some discussion of private investment but the application does not rely on that. They heard loud and clear from the Council the desire not to pass along any costs to existing rate payers.

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

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

Absent: 1 - Councilor Welch

[18-011](#)

To appoint David Nadeau to a three-year term on the Planning Board to expire February 15, 2021.

Attachments: [Cover Sheet 18-011](#)

Councilor Nangle said that David Nadeau has been on the Planning Board in the past for a total of 9 years. He is highly experienced, he understands everything regarding lots, planning, etc. He will be a great addition to the Planning Board.

Councilor Haskell said once you have been on the Council you have gone as far as you

can go and it is time to have somebody else step in and do some of this work.

A motion was made by Councilor Nangle, seconded by Councilor Maxfield, that they appoint David Nadeau. The motion failed by the following vote:

In Favor: 2 - Councilor Nangle and Councilor Maxfield

Opposed: 4 - Vice Chair Muir, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 1 - Councilor Welch

[18-012](#) To appoint Zack Conley to the Summerfest Organizing Committee.

Attachments: [Cover Sheet 18-012](#)

Councilor Nangle said on the agenda of January 9, 2018 they had a number of appointments and it was all handled in the consent agenda, and he was wondering why these were not?

Councilor Muir said they should not be in the consent agenda, they are Orders. The way a consent agenda works is any Councilor can ask to have something be pulled from the consent agenda and acted on separately, and it does not require a vote.

A motion was made by Vice Chair Muir, seconded by Councilor Cummings, that they appoint Zack Conley. The motion carried by the following vote:

In Favor: 5 - Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Opposed: 1 - Councilor Haskell

Absent: 1 - Councilor Welch

[18-013](#) To appoint Cassidy Mullins to the Summerfest Organizing Committee.

Attachments: [Cover Sheet 18-013](#)

A motion was made by Councilor Cummings, seconded by Vice Chair Muir, that they appoint Cassidy Mullins. The motion carried by the following vote:

In Favor: 5 - Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Opposed: 1 - Councilor Haskell

Absent: 1 - Councilor Welch

[18-014](#) To appoint David Nadeau to a three-year term on the Public Easement Advisory Committee to expire February 15, 2021.

Attachments: [Cover Sheet 18-014](#)

Councilor Maxfield commented that Councilors are sitting there and not asking questions, not getting involved but always seem to have an answer. He asked where are the decisions being made?

Councilor Haskell said they are discussing it now, he said he does not talk to these

people or anybody else.

Councilor Maxfield said these people are volunteers for our town, and Dave Nadeau is an asset to this town. He has great knowledge, he cares about the town.

A motion was made by Councilor Nangle, seconded by Councilor Maxfield that they appoint David Nadeau. The motion failed by the following vote:

In Favor: 2 - Councilor Nangle and Councilor Maxfield

Opposed: 4 - Vice Chair Muir, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 1 - Councilor Welch

[18-015](#) To appoint David Nadeau to the Long Range Planning Committee as an ad-hoc member.

Attachments: [Cover Sheet 18-015](#)

Councilor Nangle moved to postpone the Order 18-015 as requested by the Appointments Committee, so they can get clarification from town staff on the ad-hoc situation and how it should be appointed, seconded by Councilor Maxfield.

In Favor: 5- Councilor Cummings, Councilor Haskell, Councilor Maxfield, Councilor Muir and Councilor Nangle.

Opposed: 1- Councilor Chapman.

[18-016](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Smitty's Cinema-Windham for a renewal liquor license.

Attachments: [Cover Sheet 18-016](#)

[Smitty's Liquor License Renewal](#)

Chairwoman Chapman said they would take item CD 18-023 out of Order and put it in the place of Order 18-017 going into executive session so they could continue on with the Highland Lake Association folks right after this Order.

*Vote 4-2 (Nangle & Maxfield)
Passed*

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

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

Absent: 1 - Councilor Welch

[18-017](#) To enter into executive session under 1 M.R.S.A. §405(6)(A) for the purpose of discussing compensation for the town manager, assessor, and town clerk.

Attachments: [Cover Sheet 18-017](#)

A motion was made by Councilor Muir, seconded by Councilor Cummings to go into executive session at 8:59 p.m.

In Favor: 6- Councilor Chapman, Councilor Cummings, Councilor Haskell, Councilor Maxfield, Councilor Muir, and Councilor Nangle.

Absent: 1- Councilor Welch

Councilor Nangle left the meeting right after the vote.

A motion was made by Councilor Muir, seconded by Councilor Haskell to come out of executive session at 9:50 p.m. No votes were taken in executive session.

In Favor: 6- Councilor Chapman, Councilor Cummings, Councilor Haskell, Councilor Maxfield and Councilor Muir.

Absent: 1- Councilor Welch and Councilor Nangle

[18-018](#)

To set the salary of the town clerk and to take any other necessary action related thereto.

Attachments: [Cover Sheet 18-018](#)

Councilor Muir moved to set the Town Clerk's salary at M1-I level, and to be retroactive back to November 8, 2017, seconded by Councilor Maxfield.

In Favor: 5 - Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Nangle

[18-019](#)

To set the salary of the Assessor and to take any other action with regard to the Assessor's compensation.

Attachments: [Cover Sheet 18-019](#)

Councilor Haskell asked to be recused as he does business with her.

Vote on the recusal:

In Favor: 4

Councilor Muir moved to set the Assessor's salary at level M3-C, and to give a GIS stipend of \$17,500 to be retroactive back to her anniversary date of appointment.

In Favor: 4 - Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Nangle

Abstain: 1 - Councilor Haskell

[18-020](#)

To set the salary of the Town Manager and to take any other action with regard to the Town Manager's employment agreement.

Attachments: [Cover Sheet 18-020](#)

A motion was made by Councilor Cummings, seconded by Councilor Maxfield, that the Order be postponed until the February 13, 2018 meeting. The motion carried by the following vote:

In Favor: 4 - Vice Chair Muir, Councilor Maxfield, Councilor Haskell and Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Nangle

Abstain: 1 - Council Chair Chapman

XII. Discussion Items.

[CD 18-023](#) Highland Lake Association proposal for amendments to the Land Use Ordinance.

Attachments: [Draft Windham Ordinance Changes](#)

**Note: This item was actually discussed before Council went into executive session.*

Rosie Hartzler, Chantal Scott and by conference call Dennis Brown spoke on the subject. Bill Walker, Tom Peterson and Greg Scott also spoke.

XIII. Agendas & Scheduling.

[CD 18-030](#) Agenda Items Reports.

Attachments: [Agenda Items Scheduled 20180119](#)

[Agenda Items to be Scheduled 20180119](#)

[Projects & Issues List 20180119](#)

[Projects & Issues Sheets 20180119](#)

There was discussion of agendas and scheduling and Councilor Maxfield asked that they have a discussion on Council Rules.

XIV. ADJOURN.

A motion was made by Vice Chair Muir, seconded by Council Chair Chapman, that the be adjourned at 10:05 p.m. The motion carried by the following vote:

In Favor: 5 - Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Councilor Welch and Councilor Nangle

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM