



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, March 27, 2018

7:00 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 6 - Dennis Welch, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

**Absent:** 1 - Tim Nangle

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

[CD 18-059](#) To approve the minutes of the February 13, 2018 Council meeting.

**Attachments:** [Minutes-Town Council 2-13-2018](#)

[CD 18-103](#) To approve the minutes of the February 27, 2018 Council meeting.

**Attachments:** [Minutes-Town Council-2-27-2018](#)

**CD 18-103 To approve the minutes of the February 27, 2018 Council meeting.**

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

**Absent:** 1 - Councilor Nangle

#### IV. Public Participation.

*No public participation.*

#### V. Councilors' Comments.

*Councilor Cummings received some comments from some students here in Windham that would like an opportunity to share their values. They felt they were not heard during the walkout. She said they can have "your say and your day," but it won't be during instructional time and it will be on Saturday, April 14th in Augusta. She said to look up Americans for America.*

*Councilor Chapman wished everyone a Happy Easter.*

#### VI. Council Correspondence.

*Councilor Maxfield thanked the Police Department for the stepped-up coverage on River*

Road. He said the Police beat was a little bit longer in the local newspaper lately, and they are not writing tickets just for the sake of it, the money doesn't even go to us, but hopefully the message does. He said it looked like they took the message from the Council and community seriously.

Councilor Chapman said in leadership they have talked about substance use and abuse and what our numbers are. She told Tony that she would not mind setting up a ride-a-long some night.

[CD 18-077](#) Windham Public Library Monthly Report - January 2018

**Attachments:** [Library Monthly Rpt January 2018](#)

[CD 18-090](#)

Assessing & GIS Department Report for February 2018

**Attachments:** [Assessing & GIS Department February 2018](#)

[CD 18-091](#) Code Enforcement Monthly Report-February 2018

**Attachments:** [Code Enforcement Monthly Report - February 2018](#)

[CD 18-092](#) Social Services Monthly Report - February 2018

**Attachments:** [Social Services Monthly Report - February 2018](#)

[CD 18-094](#)

Windham Police Department Monthly Report- February 2018

**Attachments:** [Police Department Monthly Report - February 2018](#)

[CD 18-095](#) Windham Public Library Monthly Report - February 2018

**Attachments:** [Library Monthly Report - February 2018](#)

[CD 18-097](#) Parks and Recreation Department Monthly Report - February 2018

**Attachments:** [Parks & Recreation Monthly Report - February 2018](#)

[CD 18-099](#) Fire-Rescue Department Monthly Report - February 2018

**Attachments:** [Fire-Rescue Monthly Report - February 2018](#)

[CD 18-105](#) Town Clerk's Monthly Report - February 2018.

**Attachments:** [Town Clerk's Report-February 2018](#)

[CD 18-106](#) Public Works Department Monthly Report - February 2018

**Attachments:** [Public Works Monthly Report - February 2018](#)  
[February 2018 Storm Reports](#)  
[PW Winter Budget Report 20180321](#)

## VII. Town Manager's Report.

### [CD 18-108](#) Town Manager's Report.

**Attachments:** [Town Manager's Report 20180323](#)  
[Projects & Issues List 20180322](#)  
[Projects & Issues Sheets 20180322](#)

*Tony Plante reported that the Library renovation project is almost complete and will reopen on April 9; there will be an Open House on April 12.*

*They received two proposals by the deadline last Tuesday for the Shared Maintenance Facility. They were the technical proposals, and both of the bids were under budget. He said our design teams are evaluating the buildings and expects to have a Joint Project Team meeting next week in anticipation of making a recommendation to the Council for action on April 10.*

*The evaluation of the Public Works Department is complete, and he expects to have the report in a day or two. Once he has it he will get it to the Council, and they are also working on putting together a corrective action plan to accompany that.*

*The High School incident that happened March 15 is being investigated. They have two detective supervisors from the Lewiston Police Department who are conducting that for the town. They have received all of the evidence, video, audio and they will be starting interviews tomorrow and expect to have their work done in about two weeks, and a report to the community by the middle of April.*

*They are about to begin interviews for our Finance Director position. Brian Wolcott will be retiring June 1 after several years. They also will be starting the search for a new Planning Director. Ben Smith will be leaving his position on April 6.*

*They are about to begin the River Road Gate-Way South project. Essentially this is the reconstruction of River Road from Page Road to Route 302 and part of the River Road/302 intersection, that will begin next Tuesday. Water will be expected to begin on April 17, and the entire project is expected to be done around the end of May.*

*The end of March relates to when the Manager gives the budget to Town Council, and he said they will have to put together a schedule of budget meetings.*

## VIII. Committee Reports.

### A. Council Subcommittees.

#### 1. Appointments Committee.

*Councilor Maxfield said they met with two applicants, both for the WEDC. They met with Beth Schidzig for a reappointment to the WEDC for a two-year term ending February 15, 2020 and Dustin Roma also for reappointment to the WEDC*

*for a two-year term ending February 15, 2020. He thanked them for volunteering.*

2. Finance Committee.

*No report.*

**B. Other Committees.**

1. Long Range Planning Committee.

*Councilor Haskell said they had a meeting last meeting but he was unable to attend.*

2. Parks & Recreation Advisory Committee.

[CD 18-110](#) Parks & Recreation Advisory Committee Minutes.

Attachments: [PRACminutesmarch122018](#)

*Councilor Cummings said they will be meeting with the Community Park design firm to go over some information the week following Easter.*

*She said that Dundee park will be opening up Memorial Day weekend.*

3. Public Easement Advisory Committee.

*No report.*

4. Highland Lake Leadership Team.

*Tony Plante said they are meeting on the 12th .*

5. Shared Maintenance Facility Joint Project Team.

*Tony gave an update in his Manager's report.*

6. Windham Economic Development Corporation.

*Tony Plante said they have a board meeting on April 4.*

**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 Order had been the subject of a Council public hearing and vote back on January 9th. It was considered at the meeting of February 13 and postponed to March 13 and then we had weather issues and was postponed to March 20. He said he corresponded with Mr. Roma and it was added to tonight's agenda.*

*This is to rezone a portion of a property that Mr. Mills owns on River Road, not far from the intersection of River Road and Route 202.*

*Mr. Mills and Dustin Roma came to the table and Dustin Roma said he appreciated having them back; they know how busy they are this time of year. He said they did have a meeting after the decision with staff to try and come up with a way to develop this property effectively using the current underlying zoning, and it was very confusing. They were not able to get any specific direction as to how they would develop the property under two zoning districts. He wanted to make it clear that they have a portion of this property in the zone that they are requesting to change it to. They just want to be able to move something forward.*

*Councilor Chapman asked Dustin if he had any idea what they are considering out on the property? Dustin said the ordinance allows them to move the zone line 50 feet, they could go to the ZBA and request it to be moved even further, but their thought was to just come to the Council and get the whole property rezoned.*

*He said what they can do today by moving the line 50 feet over is build multifamily out front, and under the current zoning they are looking at about 7 dwellings and another 4 single family homes out back.*

*If the whole thing is zoned to RM they are only talking about 15 or 16 as a total number, it is not a drastic change, and it allows them to take the units off River Road and put them further back in the field area. Multifamily units generally do not have a lot of children in the them, verses single family homes.*

*Councilor Chapman asked how many acres in that zone do you need to change out of the entire acreage? Dustin said the whole parcel is 6 acres, and now they have about 2 acres out front that is RM and the 4 acres out back is FR. If they move the line 50 feet, it makes it 3 acres a piece, and rather than having it split, they would like all 6 acres in the RM.*

*Councilor Chapman asked if they had ever considered age 55 and up housing? Maine State Housing has grants to help with those costs, and we do not have a lot of those in Windham. Dustin said they have to get to multifamily use to even do that.*

*Councilor Maxfield said he was the one who asked for this to come back to the Council because he didn't realize his property is dissected by the two zones. He said he would rather change his vote and give him more mobility to do a bit more, if that will put the buildings back off the road.*

*Councilor Chapman asked if the snowmobile trail would be allowed to stay there? Dustin said he did not see it being impacted by what they are proposing.*

*Councilor Welch said at the workshop there was two things he was concerned about, 1) was it spot zoning and Ben said it was not and 2) does it follow the Comp Plan and it does.*

*Councilor Haskell said he would still be voting against it.*

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

**In Favor:** 3 - Councilor Welch, Councilor Maxfield and Council Chair Chapman

**Opposed:** 3 - Vice Chair Muir, Councilor Haskell and Councilor Cummings

**Absent:** 1 - Councilor Nangle

[18-010](#)

To approve applications for watershed protection grants, such funding to be paid from fiscal year 2017-2018 watershed protection funds in account 11500-46930.

**Attachments:** [Cover Sheet 18-010](#)

*Tony Plante read the list of watershed grant awards: Collins Pond Improvement Association for \$1,000, Forest Lake Association for \$6,000, Highland Lake Association for \$10,000, Little Sebago Lake Association for \$6,000 and Presumptscot Regional Land Trust for \$2,000.*

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

**Absent:** 1 - Councilor Nangle

[18-045](#)

To approve lists of election clerks submitted by the Democratic and Republican Town Committees who will serve a term of two years.

**Attachments:** [Cover Sheet 18-045](#)

[Approved Democrats & Republican Elec Workers](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-050](#)

To approve two (2) applications of the Standish Memorial Post 128, American Legion, for licenses to conduct Bingo and Games of Chance (Pull Tabs) at the Windham Veteran's Center from May 1, 2018 through October 31, 2018.

**Attachments:** [Cover Sheet 18-050](#)

[Standish Memorial Post-Games of Chance](#)

**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, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

**Absent:** 1 - Councilor Nangle

[18-053](#)

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

**Attachments:** [Cover Sheet 18-053](#)

*Councilor Maxfield had an email from the Manager and the Chair and the email asked if they would consider doing two of them on a two-year term so they would be staggered out?*

*Councilor Chapman said usually the people on the Planning Board stay there and she wasn't worried.*

*Councilor Haskell asked when did it change because it always had alternating terms? Councilor Chapman said when they lose people and they have members term out at the same time, that is when you tend to have multiple vacancies at once. Councilor Haskell said they should have had someone fill the remaining term for those who left their position.*

*Tony said nothing was changed, a couple of people's terms were up anyway and the other people left the board. He said they made sure in 2011 they re-established staggered terms, and that is the reason why Amanda Lessard sent an email suggesting two of them be done for two years instead of three years.*

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

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

**Absent:** 1 - Councilor Nangle

[18-054](#)

To appoint Nick Kalogerakis to a two-year term on the Windham Economic Development Corporation, to expire February 15, 2020.

**Attachments:** [Cover Sheet 18-054](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-055](#)

To appoint Larry Eliason to a two-year term on the Windham Economic Development Corporation, to expire February 15, 2020.

**Attachments:** [Cover Sheet 18-055](#)

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

**Absent:** 1 - Councilor Nangle

[18-056](#)

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

**Attachments:** [Cover Sheet 18-056](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-057](#)

To appoint Marianne Sensale-Guerin to a three-year term on the Human Services Advisory Committee, to expire May 15, 2021.

**Attachments:** [Cover Sheet 18-057](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-058](#)

To appoint Katie Varney to the Summerfest Organizing Committee.

**Attachments:** [Cover Sheet 18-058](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-059](#)

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

**Attachments:** [Cover Sheet 18-059](#)

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

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

**Absent:** 1 - Councilor Nangle



[18-060](#) To appoint Kaitlyn Tuttle to a three-year term on the Planning Board, to expire February 15, 2021.

**Attachments:** [Cover Sheet 18-060](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-061](#) To appoint Kaitlyn Tuttle to a three-year term on the Natural Resources Advisory Committee, to expire August 15, 2021.

**Attachments:** [Cover Sheet 18-061](#)

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

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

**Absent:** 1 - Councilor Nangle

[18-062](#) To nominate a member of the Council to the Greater Portland Council of Governments "Regional Voice Committee."

**Attachments:** [Cover Sheet 18-062](#)  
[RegionalVoiceNominee](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Welch, that they nominate Councilor Jarrod Maxfield. The motion carried by the following vote:**

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

**Absent:** 1 - Councilor Nangle

[18-051](#) To proclaim April as "Windham Volunteer Month."

**Attachments:** [Cover Sheet 18-051](#)  
[Proclamation 18-051 for Windham Volunteer Month April 2018](#)

*Councilor Chapman said that the Volunteer Appreciation Night will be on April 20, 2018 at the Veteran's Center.*

*Councilor Chapman read the proclamation.*

*They are looking for nominations for the Spirit of America award, please get in touch with the Chair or the Manager if you have a nomination.*

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

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

**Absent:** 1 - Councilor Nangle

18-063

To declare the official intent of the Town of Windham (the "Town") to reimburse expenditures for 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") with proceeds of a general obligation bond (and notes in anticipation thereof) of the Town in a sum not to exceed \$9,300,000.

**Attachments:** [Cover Sheet 18-063](#)

[Order on Windham SMF General Obligation Bonds 2018](#)

*Councilor Haskell asked if employees of the Public Works Department were asked for input on this building and what they would like to see in it?*

*Tony said during the course of concept design and into schematic design other people in the Public Works Department were involved as well as the school district.*

*Councilor Haskell asked if the old garage was ever condemned by an engineer saying the building was unfit?*

*Tony said it does not meet current standards but it is occupiable as it is right now. Councilor Haskell asked why would we tear it down if we are going to need some space? Tony replied that it is in the wrong place on the site. They did look to see if they could renovate and expand the existing building but the way the site works and given the different uses on the site; there was no way to make the site work to provide the space that they needed in a way that was efficient.*

*Councilor Haskell said we are still waiting for DEP approval and have not had the approval from the School Department. He also asked how much had already been spent on design and engineering?*

*Tony said the Council authorized preapproval design work last July for about \$150,000, and that was to come out of building improvements capital funds and or contingency. This resolution allows us under federal tax law to use proceeds of the bond sale. It does not authorize the sale of the bonds, this is a resolution that would allow us to, for a period of looking back up to sixty days, to reimburse the town's expenses from the bond proceeds that are project related only.*

*Councilor Chapman asked what would happen if DEP did not approve the site? Tony said the project reduced the amount of impervious surface near the river, it improves the situation from what it is today, and they have had no indication from DEP that they would outright reject the application.*

*She asked if the school lease agreement had been finalized? Tony said no, it will be brought to the Council as well as go to the RSU Board of Directors. He and the town attorney met with the Assistant Superintendent and the School Districts attorney a couple weeks ago and they are expecting a draft back and will have it ready for Council consideration and action in April.*

*It was noted that there was an error on cover sheet with the July date - it should be 2017 not 2018.*

**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:** 5 - Councilor Welch, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Cummings

**Opposed:** 1 - Councilor Haskell

**Absent:** 1 - Councilor Nangle

#### [17-230](#)

To enter into executive session under 1 M.R.S.A. §405(6)(A) for a quarterly performance update for the town manager's evaluation and 1 M.R.S.A. §405(6)(D) to discuss labor negotiations.

**Attachments:** [Cover Sheet 17-230](#)

*A motion was made by Councilor Maxfield, seconded by Councilor Welch that they go into executive session. The motion carried by the following vote at 8:00 p.m.*

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

*Absent: 1- Councilor Nangle*

*A motion was made by Councilor Muir, seconded by Councilor Maxfield to come out of executive session. No votes were taken in executive session. The motion carried by the following vote at 9:40 p.m.*

*In Favor: 4- Councilor Chapman, Councilor Cummings, Councilor Maxfield and Councilor Muir*

*Absent: 3- Councilor Nangle, Councilor Muir, Councilor*

## **XII. Discussion Items.**

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

#### [CD 18-109](#)

Agenda Items Reports.

**Attachments:** [Agenda Items Scheduled 20180322](#)

[Agenda Items to be Scheduled 20180322](#)

[Projects & Issues List 20180322](#)

[Projects & Issues Sheets 20180322](#)

*Councilor Maxfield said they got an email from the Town Manager on March 23 regarding the AARP Livable Communities. He said they also received some additional information that he will share. He wants to ask for some money for the community center. Councilor Chapman remembered that back when AARP came to them there was a cost to it and they did not want to spend the money. She will put it on for a discussion item.*

*Councilor Welch wants to look at the policy of Council members talking to town employees and also having sprinklers in homes. He wants to hear both sides of the professionals and the citizens. Tony said the policy for employees talking with the Council will be next Tuesday and the sprinkler conversation will be on April 17.*

*Councilor Cummings wants to see if a donation was made for a specially designated parking space for the Town Office.*

*Councilor Chapman wants to know when the wastewater management planning is coming up? Tony said that committee will meet next Tuesday, and one of the things they will talk about is bringing that report back to the Council for next steps.*

*She also asked what about the communications piece on how things get disseminated out through the community or from committee to committee? He said it was a meeting that he had with Councilor Maxfield. Dianna Fletcher is working on a scope of work and cost estimate, which they should have by the end of the week.*

*Councilor Chapman asked what nights will be convenient for everyone for budget meetings? Councilor Maxfield said he will be away for the next two meetings, but will be free after April 11.*

*Councilor Welch mentioned the possibility of having it on a Saturday again, also Wednesday or Thursday nights.*

#### **XIV. ADJOURN.**

**A motion was made by Council Chair Chapman, seconded by Councilor Maxfield, that they be adjourned. The motion carried by the following vote at 9:40 p.m.**

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

**Absent:** 3 - Councilor Welch, Councilor Nangle and Councilor Haskell

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM