



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, February 11, 2020

6:30 PM

Council Chambers

Council Meeting

I. Roll Call of Members.

Present: 7 - David Nadeau, Tim Nangle, Clayton Haskell, Rebecca Cummings, David Douglass, Nicholas Kalogerakis and Jarrod Maxfield

II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance.

III. Minutes to be Approved:

CD 20-055 To approve the Minutes of the January 28, 2020 Council meeting.

Attachments: Minutes-Town Council-1-28-2020

A motion was made by Councilor Nadeau, seconded by Councilor Douglass, that the Minutes be approved. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

CD 20-058 To approve the Minutes of the February 4, 2020 Council meeting.

Attachments: Minutes-Town Council-2-4-2020

A motion was made by Councilor Douglass, seconded by Councilor Kalogerakis, that the Minutes be approved. The motion carried by the following vote:

In Favor: 6 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass and Councilor Kalogerakis

Abstain: 1 - Council Chair Maxfield

IV. Public Participation.

Larry Eliason of Mineral Spring Road talked about Windham's addiction to moratoriums. He said we were in the newspaper again, and he was not impressed by it, he is dismayed. He does not think the moratorium that was passed last week at a workshop was proper, and two of our Councilors were not present, and he said he would have hoped they would have some input on that.

He does not like moratoriums, it does not matter whether it is canibus, sub-divisions, Highland Lake, etc. For this one he feels that the Council represents their constituents,

and a lot of times they are representing personal interests when it comes to canibus or development. In this case, where are all the anti canibus folks that come to the Council meetings, where are the signed petitions that come to the Council?

Larry said he was really there on behalf of private property owners who own commercial property in Windham who are paying their taxes on the properties that the town has assessed. He asked, is it really best not have grows in C-3, C-1, C-2, and should be in the enterprise development district and the industrial district? He said if you look at a zoning map on the wall, industrial is clustered down by Gambo Road and Gambo Fields. You will have canibus buildings down there, and all the parents are going to be driving their kids to the soccer fields, right by that.

Larry asked if they have researched who owns the industrial zoned property down there, how many individual owners are down there, has it been mapped it out, or talked to the land owners about canibus being zoned for their properties, and the same goes for the enterprise development district, there is a lot of land up there.

Another thing he was concerned about was the town posted a list of all the canibus operations in Windham as an agenda item that you can click on, and now you have given every criminal a shopping list of what places to hit. He felt that was a disservice.

V. Councilors' Comments.

Councilor Cummings wanted to caution, again, about hot topics discussed on social media. She just wants to ask people to keep it civil. They can disagree with policy, disagree with ideals, and they can agree to disagree, but let's not call each other names.

Addressing moratoriums she said, although they are not ideal, sometimes they have to put them in place to figure out where we are at, where we want to go and go from there.

Councilor Douglass said he hates moratoriums too, he sees them as a failure, but this came to them as a "pause", if this had been longer than 60 days he would not have voted for it, but it will be resolved soon and it is just a pause.

Councilor Maxfield said they are going to get to it, and he agrees with 85% of what Mr. Eliason said, and had he been at the meeting last week, he would not have voted to suspend the rules to put that out. There will be a public hearing on the 25th and the Council will vote again.

Councilor Kalogerakis also said he would not have voted to suspend the rules. If you look at the amount of applications, since 2016, that have been approved in the town the emergency was years ago compared to now. He understood that staff has received some phone calls and they were concerned that more grows were going to open, but he still thinks it is an attack on the canibus community, our number one economic driver in town for the last few years is this industry. We would have empty buildings if not for this industry, especially without any sewer in North Windham. He said he still has not gotten one email for a constituent or spoken to him against this in the Town of Windham. He asked the other Councilors to please forward the email so he can be even keeled.

Councilor Cummings said, for the record, she just forwarded an email she received to the two newest Councilors. She said for some reason that email went to the two previous Councilors.

Council Chair Maxfield asked for a motion to move CD 20-060 out of order. Councilor Douglass made the motion, a second by Councilor Kalogerakis.

Councilor Nadeau suggested they deal with the public hearing first.

Vote in Favor: 0-7

Vote Against: 7-0 - Failed

VI. PUBLIC HEARINGS.

20-031

To receive public comment and act on a proposed zone change request from RMills, LLC 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: 20-031 Cover Sheet

PB to TC TM 5 1-1 FR-RM 12-23-19 R Mills Rezone Request

Public Hearing:

Dustin Roma with D.M. Roma Consulting Engineers came with property owner Brian Mills. Dustin said the proposal is to rezone a portion of a six acre property that is currently in the Farm Residential and Medium Density Residential Zone. The property was originally brought to the Council for a rezone back before any development had been done on the property. That project had a 50/50 support, and it was supported at the Planning Board but not the support of the Council and did not pass.

The applicant decided to move forward with development of the property, and in doing so, they had looked at a couple of development alternatives. One was how the property they felt could be developed in its best capacity if it were to be rezoned. Dustin presented a plan and explained what they wanted to do if it was approved for the full development under the RM zone with the additional density that would be allowed under that scenario.

He said in the event that plan does not get passed, and they have to develop the land under the current zoning, they only have two options. The back can only be single family homes and merging single family homes in with the duplex condos is really tough and does not make sense to them. He showed another plan of what they would be allowed to do currently under the ordinance. He pointed out that there was a lot of ledge in one area, and they really do not want to put in homes in that area. He thinks he would get a lot of questions as to why they crammed 8 buildings right next to the road when you had six acres of land? He really does not want to go in that direction, and they are trying to work within the rules that the town is giving them. He said the rezone is really consistent with the area; it's not something that would look all that different on a zoning map, and it would really look like where the zoning was all along. They are hoping with some Council cooperation they can move forward with this type of a design. All of it will go through the Planning Board and will take into account landscaping, stormwater management, etc.

Closed Public Hearing at 6:57

Councilor Haskell says he is still opposed to it and will vote against it. He said we have a lot of other land in town that has lots that are divided by boundaries. He has a 100 acre lot divided in half between farm and farm residential. It will not benefit the town any by putting more units out there, and it will cost the town more in the long run.

20-031 To receive public comment and act on a proposed zone change request from RMills, LLC 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).

In Favor: 4 - Councilor Nadeau, Vice Chair Nangle, Councilor Kalogerakis and Council Chair Maxfield

Opposed: 3 - Councilor Haskell, Councilor Cummings and Councilor Douglass

VII. CONSENT AGENDA.

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

Councilor Douglass moves to take CD 20-060 - Marijuana Licensing Ordinance Proposal out of order, second by Councilor Nadeau.

In Favor: 5

Opposed: 1

Abstain: 1

20-032 To approve the Town Clerk's roster of Warden and Deputy Warden for the March 3, 2020 Presidential Primary/Special Referendum Election; for districts 24 & 25.

Warden: Yvonne Myer
Deputy Warden: Sally Babb

Attachments: 20-032 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-033 To set poll hours and polling location for the March 3, 2020 Presidential Primary/Special Referendum Election as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym.

Attachments: 20-033 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-034 To set the date and time for extended hours of the Registrar of Voters as 4:00 to 7:00 p.m. on Wednesday, February 26, 2020.

Attachments: 20-034 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-035 To approve the July 1, 2020 to June 30, 2021 contract for services provided by the Animal Refuge League.

Attachments: 20-035 Cover Sheet
ARL Contract 2020-2021
ARL Outcomes 2019

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-037 To appoint Jean Grant to a three-year term on the Human Services Advisory Committee, to expire May 15, 2022.

Attachments: 20-037 Cover Sheet

Councilor Cummings mentioned that in the past they had asked about whether people on boards and committees would be residents but was not sure that the Council passed this, and she asked if we knew if these applicants are residents of Windham? Councilor Nangle said they are all residents.

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-038 To appoint Carolyn Allen to the Summerfest Organizing Committee.

Attachments: 20-038 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-039 To appoint Michael Hall to a three-year term on the Human Services Advisory Committee, to expire May 15, 2023.

Attachments: 20-039 Cover Sheet

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-040 To approve an application submitted by Bob's Seafood located at 901 Roosevelt Trail for a renewal Special Amusement permit.

Attachments: 20-040 Cover SheetBob's Seafood-Renewal Special Amusement

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-041 To approve the Town's participation in and appoint both a voting delegate and an alternate voting delegate to the Maine Service Centers Coalition.

Attachments: 20-041 Cover SheetMaine Service Centers Coalition MembershipMaine Service Centers Coalition Invoice

Interim Manager Barry Tibbetts explained that this group started about 12-15 years ago and is, basically, the larger communities in the state that look at issues that come before the legislature and try to find a solution that doesn't impair the larger municipalities, but is still balanced towards helping the smaller municipalities. It is a good coalition to be a part of.

A motion was made by Councilor Nadeau, second by Councilor Douglass, that they appoint Jarrod Maxfield as the regular member and Tim Nangle as the alternate member. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-042 To approve an application submitted by Binga's Windham, LLC located at 106 Main Street for a renewal Special Amusement permit.

Attachments: 20-042 Cover SheetBingas Renewal Spec. Amusement

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

20-043 To approve an application submitted by Central Maine Power Company and Northern New England Telephone Operations, LLC to locate one (1) utility pole and cables and wires there on the Land of Nod Road, starting at the Corner of Morgan Lane and Land of Nod, approximately +/- 50 feet, Westerly from Morgan Lane.

Attachments: 20-043 Cover SheetPole Location-Land of Nod

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

IX. Council Correspondence.

None.

CD 20-053 Natural Resources Advisory Committee Meeting Minutes.

Attachments: 1.22.20 Minutes

CD 20-056 Windham Public Library Newsletter.

Attachments: Check It Out - February 2020

CD 20-057 Assessing & GIS Department Report January 2020

Attachments: Assessing & GIS Department January 2020

CD 20-061 Social Services Monthly Report - January 2020

Attachments: Social Services Monthly Report - January 2020.docx

X. Town Manager's Report.

Barry Tibbetts said he sent the Council an email asking if they would be interested in doing a site walk prior to the workshop meeting on February 18. They would start at 5:00 p.m. down to the Police and Fire building. He would plan on spending about 45 minutes down there, and then come back to town hall and spend another 30-40 going through this facility. He said he will have some refreshments before the workshop meeting starts, and he thought they may have to push the start of the workshop to 6:45 p.m.

He said he received a text from his staff and the email issue that Nick was having has been corrected.

Barry said he will be away for the next three days, and staff knows what they need to do. If something comes up, they will get in touch with him by phone, and Phyllis has filled in for Don in the past, and will do so again.

XI. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Kalogerakis said they had three candidates this evening and they will move forward from their meeting tonight. They are Brandi Caceres to the Human Services Advisory Committee, Catherine Miller is a reappointment for the Summerfest Organizing Committee, and Chris McDonald is a reappointment to the ZBA.

2. Finance Committee.

No report.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said they met last Wednesday.

2. Parks & Recreation Advisory Committee.

Councilor Nangle said he has received a lot of welcoming emails, and said they will have a meeting on March 9, 2020.

3. Windham Economic Development Corporation

No report.

4. Highland Lake Leadership Team.

No report.

5. Private Roads ad hoc Committee.

No report.

6. Natural Resources Advisory Committee.

No report.

7. Public Easement Advisory Committee.

Councilor Nadeau said they will not be meeting until the spring.

XII. Discussion Items.

CD 20-060 Marijuana Licensing Ordinance Proposal with Town Attorney.
(Follow-up to the Council's discussion of February 4, 2020.)

Attachments: Draft -Marijuana-Licensing-Ordinance revised 020620
 Marijuana Business License Application

Kristin Collins from Preti Flaherty was there to speak to the Ordinance Proposal and answer any questions.

Councilor Cummings handed the Clerk the comments she read.

CD 19-179 Private Road Easements for Winter Maintenance - Proposed work
 requirements to maintain easements.

Attachments: Public Easement Roads - Councilor Nadeau suggestion
Policy Winter Maintenance on Public Easements

CD 20-054 Council Rules Follow-Up Discussion.

Attachments: Council Rules recommendations from 1 28 meeting KMC edit
Council Rules CLEAN with KMC questions
Council-Staff Communications excerpt KMC 020620

XIII. Agendas & Scheduling.

Councilor Cummings said she would like some clarification on certain months out of the year that we have weight limited roads in Windham, which are posted by Public Works. Who is in charge of those roads if the weights are violated, and are there penalties being given to those who violate?

Barry said he and Doug Foriter had a conversation, and they talked about the posting of roads. Doug is watching the weather very closely where it has been some what of a warmer winter. Some other communities have started to post their roads, and this will be coming up soon.

Councilor Cummings asked if there is anything the Council needs to look at amending, as far as giving someone authority for issuing citations for violations.

XIV. ADJOURN.

A motion was made by Vice Chair Nangle, seconded by Councilor Douglass, that they be adjourned. The motion carried by the following vote at 8:57 p.m.

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

Respectfully submitted,


Linda S. Morrell
Town Clerk, CCM