



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, September 26, 2017

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Brett Jones

Absent: 1 - Dennis Welch

II. Pledge of Allegiance.

Vice Chair Nadeau led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 17-296](#) To approve the minutes of the September 12, 2017 Council meeting.

Attachments: [Minutes-Town Council-9-12-2017](#)

[CD 17-298](#) To approve the minutes of the September 19, 2017 Council meeting.

Attachments: [Minutes-Town Council-9-19-2017](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

IV. Public Participation.

Elaine Pollock - Gentle Breeze Road: Elaine said she continues to have concerns as she has seen the Council, as well as others before them, not listen to the potential solutions someone brings up, because they either want to refute that idea or they just also want to put their idea out there too. The discussion is often a fairly rapid succession of discordant voices, and little time is given to actually consider the suggestion and focus the discussion around the idea.

She feels they need to have a Facilitator at the joint meeting who is impartial, a nonparticipant and not associated with Windham in any way. This person would act as a referee and guide the discussion so all ideas and potential solutions will be considered in their own right.

She suggested using the Flip Chart strategy builds in down-time to think and consider the idea someone expressed. It allows all concerned to go back to previously stated

ideas. It helps to provide a framework to bring ideas and people together. She strongly encouraged the Council to use a Facilitator and a flip chart.

Mrs. Pollock stated that the proposed ordinance changes try to address too many issues at once. She said they were trying to address the elephant in the room; the elephant being an euphemism for the otherwise called "bad apples". The people who's purpose is to skirt the Homestead Provision provided by the State, by going through all sorts of acrobatics to then blatantly lie to a town employee about their abuse of these state provisions. She said there are a few in Windham who will oppose you doing due diligence with these "bad apples". Their actions are having a direct result on the rest of Windham's citizens, particularly those on Private Roads who have to play by the rules. These neighbors have played fair, they have paid their taxes, many for 30, 40 plus years. Now you are essentially proposing to take property rights away from them by putting excessive and expensive road upgrade requirements in front of them, should they choose to give a lot to a family member or sell off a lot during their retirement.

She stated that Windham has some "inadequate" private roads. She is not talking about all private roads in Windham but about some outlyers. That, too, is an elephant in the room because some on this Council seem to want to lead community members to think it is all private roads. As an example she said "let's say 20% are indeed awful, nearly impossible for Public Safety equipment to get down there; then for illustration purposes let's say there are another 20% that are questionable. These have issues with ruts, width, grade, trees, boulders in the traveled way or they collect water and have run off or washout issues. That leaves about 60% of private roads that are at various stages of adequate. Here is the problem: Ordinance changes, as proposed, use the concept of "Ring Fencing" in cattle management. To catch, let's say, five to eight wild stallions, you're casting a wide net. How many law abiding, ordinance respecting community members are you catching in that unnecessarily wide net?"

The Council is unjustly taking in respectful taxpayers who just want to exercise their State given property right. These are not the "bad apples", yet they have been lumped with them by this proposed ordinance. This ordinance overreaches to attempt to correct a relatively small but complex issue.

Mrs Pollock said she will be working on potential ways to address these issues that take a precise, incremental approach but gets the job done, and she will email the Council as soon as she has put a potential solution together.

V. Councilors' Comments.

Councilor Jones: He said that several citizens have reached out to him about a safety issue in reference to Dutton Hill Road, and the fact that after it was paved last year there was no centerline painted on the road. Councilor Jones has had a couple of instances where he was almost driven off of the road. He would like to see the yellow stripe painted in the near future.

Councilor Chapman: She asked when will they start mowing the sides of the roads?
Councilor Nadeau said their mower has been down for about three weeks, it is a wiring issue but they are working on getting it back in working condition.

VI. Council Correspondence.

[CD 17-282](#)

Town Clerk's Monthly Report - August 2017

Attachments: [Town Clerk's report for August 2017](#)

[CD 17-283](#) Windham Public Library Monthly Report - August 2017

Attachments: [Library Monthly Report - August 2017](#)

[CD 17-285](#) Parks and Recreation Department Monthly Report - August 2017

Attachments: [Parks & Recreation Monthly Report - August 2017](#)
[Summary of 2017 Season](#)

[CD 17-286](#) Public Works Monthly Report - August 2017

Attachments: [Public Works Monthly Report - August 2017](#)
[August 2017 Mission.Success.Measurment Table](#)

[CD 17-287](#) Fire-Rescue Department Monthly Report - August 2017

Attachments: [Fire-Rescue Monthly Report - August 2017](#)

[CD 17-288](#) Assessing & GIS Department Report - August 2017

Attachments: [Assessing & GIS Department Monthly Report - August 2017](#)

[CD 17-289](#) Police Department Monthly Report - August 2017

Attachments: [Police Department Monthly Report - August 2017](#)

[CD 17-294](#) Social Services Monthly Report - August 2017

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

VII. Town Manager's Report.

[CD 17-260](#) Town Manager's Report.

Attachments: [Town Manager's Report 20170921](#)
[Projects & Issues List 20170921](#)
[Projects & Issues Sheets 20170921](#)

Tony Plante: The Town Council is having a Special Meeting tomorrow night at 7:00 p.m. in the Council Chambers with the Planning Board. The purpose is to have a discussion between the Council and the Planning Board about proposed amendments dealing with private roads and private ways. The Planning Board received the proposed amendments from the Council earlier this year, and the Council voted on it the end of July, the Planning Board reviewed them, held a public hearing, had discussion, and their recommendation was included in the materials to the Council, before the public hearing on September 12 but were also included in the materials for that meeting. At that meeting the Council felt that it was appropriate to postpone action until they had a

discussion with the Planning Board about their concerns, any questions and any potential alternatives for dealing with the private road issue.

Last Saturday was the first of several events down to Public Works. For the last 35 years the School District has maintained their busses and housed their transportation function at that shared facility. To give people an opportunity to get familiar with it, there was an open house this past Saturday, and there is another event on October 7 from 10 to noon. Fire-Rescue will be there, as well, for a "Touch a Truck" event. We share a fire apparatus mechanic with the Town of Gorham, and right now have our equipment, primarily serviced, at the Gorham Public Works Facility on Houston Road in Gorham. With the new facility we would be able to service our apparatus here and not have to drive everything over to Houston Road. The mechanic has a mobile maintenance truck.

On October 12 from 6:30 to 9:00 p.m. the Joint Project Team will hold a public information forum at the Windham High School in the enclosed Caf.

October 14 they will have a display and information available at Public Safety Day down at the Public Safety Building, 375 Gray Road from 10 to 1:00, and that will be followed by an Art in the Park event here in the Town Hall Playground area from 1:00 to 4:00.

The final open house event is scheduled for Saturday, October 28 from 9 to noon.

Tony said messages went out by the school district listserv last week. They have postcards that are in production and will be printed and mailed, flyers and ads will be going into the two two local papers to give people an opportunity to know when those events are and how to access information about the project in anticipation of voting on November 7.

Tony passed around a map showing the Highland Lake Watershed in Windham and the parcels shaded in yellow are the parcels that fall entirely within or partially within or abut the Highland Lake Watershed. That represents 1,001 individual parcels. Since the Moratorium was enacted by the Council on September 12 they have looked at the permits that have been issued from January 1 through September 12 and there were 111 permits. A number of them were electrical, plumbing, etc. There is only one they know of for sure that already had some degree of work in progress, and that was the woman who spoke at the podium that would have had other permits they would apply for. They have had nine other that have come in since and had expressed interest in applying for permits that would have triggered the moratorium, that would have had more than 500 sq. ft. of soil disturbance. Tony said, at this point, there is no way for them to know how many people out there may have had plans that the town didn't know about, or there were no active permits for, so coming up with an exact estimate of the impact is difficult.

Tony will meet with representatives from the Town of Windham, Town of Falmouth, Highland Lake Association, Cumberland County Soil & Water Conservation District and DEP to talk about the current status of the lake and where they need to go. They are going to do this with a two track approach - track one is to go back to the 2003 phosphorus control plan and to activate or take action on the recommendations that are in that plan, and figure out what they, collectively, let drop when the work was finished. The second track is to better understand the science together, more data to engage experts, primarily in academia, to understand what is going on with the lake and what they might be able to do to halt or reverse the effect of what they are seeing.

He met last Thursday with Ben Smith our Planning Director and Chris Hanson our new Code Director to talk about what they might be able to do to apply some kind of patch or

temporary fixes to either the surface water protection ordinance, the land use ordinance, etc. that could address the immediate concern of erosion and sediment runoff into the Highland Lake Watershed, which would better protect the lake while they take the longer period of time to figure out what is going on. He is expecting some recommendations later in the week. There is a public hearing and a vote scheduled to continue the moratorium on October 10, and the reason for this is because the moratorium was adopted as an emergency with no public hearing but did have a vote and public comment, however, the Charter requires any emergency ordinance to remain in effect has to be voted on again within 61 days.

Councilor Nangle: He asked if development was permitted on a lot that is, for example, 10 acres with only 2 acres of it within the Watershed, can they develop within that 8 acres? Tony said presumably, because the moratorium refers only to within the Highland Lake Watershed. He didn't think it was a situation they have confronted yet but he will talk with Chris Hanson about that.

Next Tuesday, October 3, the only item on the agenda is the Strategic Plan. This will be an opportunity for the Council to spend some time looking at the town's mission, vision and value statements and organization-wide strategic issues, the big picture things, that the town needs to respond to.

Councilor Maxfield asked Tony and staff to give the Council frequent counts of permit requests and what the permits are for, due to the Moratorium.

VIII. Committee Reports.

A. Council Subcommittees.

B. Other Committees.

Parks & Recreation Advisory Committee:

Councilor Chapman: They had a meeting about the Dundee Ducks, and she said they did an amazing job. She thought maybe they should have them bring the sign in a the meeting they are presenting at.

she had a committee member send her some information about a property that is off from Roosevelt Trail and abuts the Morrell property that was purchased by the town. She said that Roosevelt Trail property is on the market and she didn't know if it would give the town another access?

She asked if there was any plans to expand the Smith Cemetery? Tony said that cemetery has a plan to be expanded and he has been meeting with the Building & Grounds Supervisor to put a more formal plan in place so they can work on expansion.

IX. PUBLIC HEARINGS.

[CD 17-284](#)

To receive public comment on proposed amendments to the town's General Assistance Ordinance, Chapter 111 of the Code of the Town of Windham, which update appendices establishing certain benefit maximums as required by statute.

Attachments: [General Assistance Ordinance Amendments effective Oct. 1, 2017](#)

No public comment.

[CD 17-295](#) To receive public comment relative to the issuance of licenses for junkyard/automobile graveyards in the Town of Windham.

Attachments: [Junkyard Packet - Public Hearing](#)

Doug Reynolds - Crab Apple Road: One of the properties, the Weatherby property, is on this list may be partially within the Highland Lake Watershed. He couldn't figure it out at home. Is that property partially overlapping the Watershed, and if so, does that affect the considerations in any way?

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[17-174](#) To adopt proposed amendments to the town's General Assistance Ordinance, Chapter 111 of the Code of the Town of Windham, which update appendices establishing certain benefit maximums as required by statute.

Attachments: [17-174 Cover Sheet](#)

[Memo General Assistance Ordinance Changes](#)

[GA Maximums Summary 2016-2017](#)

[GA Maximums Summary 2017-2018](#)

[Appendices A - D](#)

[Ordinance Adoption Sheet](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

[17-175](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by JMA Enterprises Inc. d/b/a Pat's Pizza-Windham for a renewal liquor license.

Attachments: [Pat's Pizza Liquor Renewal](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

17-176

To approve the application of Lewis Weatherby d/b/a Atlas Auto Parts for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-176 Cover Sheet](#)

[Lewis Weatherby-Junkyard](#)

Tony Plante: In response to Mr. Reynolds question earlier; he thinks it is entirely possible that Mr. Weatherby's Junkyard/Automobile Graveyard is within the Highland Lake Watershed. It is an existing junkyard, and it has been there for many years. The junkyard shows compliance with applicable state laws. As a point of interest, Tony said junkyards are not permitted as a use any where in the Town of Windham under our zoning ordinance. All of the junkyards we have predate Windham zoning, so they have been grandfathered and are only licensed under state law. In the last 20 years the number of junkyards has decreased from 12 to the current 7.

A motion was made by Councilor Chapman, seconded by Councilor Jones, that the Order be approved as amended. The motion carried by the following vote:

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

17-177

To approve the application of Jessica Glantz d/b/a Dynamic Duo for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-177 Cover Sheet](#)

[Jessica Glantz-Dynamic Duo](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

17-178

To approve the application of Robert Wolstenhulme d/b/a Bob's Salvage for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-178 Cover Sheet](#)

[Robert Wolstenhulme-Junkyard](#)

Councilor Muir: Noted that on page 3 of the application Mr. Wolstenhulme only printed his name, he neglected to sign.

Councilor Nangle: Moved to amend Order 17-178 to approve the application of Robert Wolstenhulme d/b/a Bob's Salvage for a permit to operate a junkyard/automobile graveyard pending Mr. Wolstenhulme coming in to sign the application, seconded by Councilor Muir.

Vote on amendment:

In favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau, and Councilor Nangle.

Absent: 1- Councilor Welch.

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

[17-179](#)

To approve the application of David Baily, d/b/a Pete's Auto for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-179 Cover Sheet](#)

[David Bailey-Pete's Auto](#)

Councilor Nangle: Moved to amend Order 17-179 to approve the application of David Bailey d/b/a Pete's Auto for a permit to operate a junkyard/automobile graveyard pending Mr. Bailey completing the address portion of his Affidavit, seconded by Councilor Muir.

Vote on amendment:

In Favor: 6- Councilor Chapman, Councilor Jones, councilor Maxfield, Councilor Muir, Councilor Nadeau, and Councilor Nangle.

Absent: 1- Councilor Welch.

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

[17-180](#)

To approve the application of Stephen Rogers d/b/a Serv-U-Garage for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-180 Cover Sheet](#)

[Stephen Rogers-Junkyard](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

[17-181](#)

To approve the application of Roy E. Thistle d/b/a A & R Properties for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-181 Cover Sheet](#)

[Roy E. Thistle-Junkyard](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

[17-182](#) To approve the application of Jeffrey Whitney for a permit to operate a junkyard/automobile graveyard.

Attachments: [17-182 Cover Sheet](#)
[Jeffrey Whitney-Junkyard](#)

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

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

XII. Discussion Items.

XIII. Agendas & Scheduling.

[CD 17-297](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20170921](#)
[Projects & Issues List 20170921](#)
[Projects & Issues Sheets 20170921](#)

There was discussion of agendas & scheduling.

XIV. ADJOURN.

A motion was made by Councilor Nangle, seconded by Councilor Muir, that they be adjourned. The motion carried by the following vote at approximately 8:12 p.m.

In Favor: 6 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

Absent: 1 - Council Chair Welch

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM