



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, April 10, 2018

7:00 PM

Council Chambers

I. Roll Call of Members.

Councilor Nangle arrived at 7:53 p.m.

Present: 5 - Dennis Welch, Tim Nangle, Donna Chapman, Clayton Haskell and Rebecca Cummings

Absent: 2 - Bob Muir and Jarrod Maxfield

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

[CD 18-114](#) To approve the minutes of the March 20, 2018 Council meeting.

Attachments: [Minutes-Town Council-3-20-2018](#)

[CD 18-122](#) To approve the minutes of the March 27, 2018 Council meeting.

Attachments: [Minutes-Town Council-3-27-2018](#)

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

In Favor: 4 - Councilor Welch, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 3 - Councilor Nangle, Vice Chair Muir and Councilor Maxfield

IV. Public Participation.

No public participation.

V. Councilors' Comments.

Councilor Cummings said on Saturday, April 14 at 5:30 there is a bean supper at the Veteran's Center. She hopes people go and support our Vets.

Councilor Chapman said they were awarded a grant and they will be working on the skate park. She said if anyone is in touch with Mackenzie MacVane's family, please have them get in touch with Linda Brooks. They would like to put something up in his memory at the Skate Park to replace the ramp they took out that was in his memory and that his family helped raise the funds to build.

VI. Council Correspondence.

No Council Correspondence.

VII. Town Manager's Report.

[CD 18-123](#) Town Manager's Report.

Attachments: [Town Manager's Report 20180406](#)
[Windham Public Library Open House 2018](#)
[Projects & Issues List 20180406](#)
[Projects & Issues Sheets 20180406](#)

Tony Plante reported that he submitted his budget to the Council electronically on March 30. Meetings will begin this Thursday, April 12, continue on April 19 and May 3 from 6:00 to 9:00 p.m. This Thursday and next Thursday will be in the Council Chambers, but May 3's meeting will be held in Conference Room 1 and will not be able to be televised. May 10 is 7:00 to 9:00 p.m. in the Council Chambers and if need, Thursday, May 17 from 7:00 to 9:00 p.m. in the Chambers. The Council is currently scheduled to vote on the proposed budget on May 22 at 7:00 p.m. and Budgetary Town Meeting is Saturday, June 16 at 10:00 a.m.

Tony said the budget represents an overall increase of about \$879,000, which is about 4.9% more than the current year. It reflects elements from the draft strategic plan. He reminded them that the Manager's proposed budget is the start of the formal process, it is not the end.

They are in the process of conducting interviews for the Finance Director's position. They have also posted the Planning Director's position, and he expects to begin interviews sometime in early to mid-May.

The Library renovations are complete, and the Library has reopened. He said there are some phone issues and they are working with the contractor and architect to get that resolved.

There is an Open House at the Library this Thursday, April 12 from 4:00 to 7:00 p.m. Please come and check it out, he thinks people will be very pleased with the results. The Library staff has done a tremendous job keeping things organized and doing as much as they could during the renovation, and the level of effort they put in to bring the collection and everything back in out of the storage trailers is nothing short of amazing. He recognized the Contractor, DiMatteo Construction Management and our architect Bill Van Benthuyzen with Oak Point Associates for their assistance in the project.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report but there are a couple of appointments on tonight's agenda.

2. Finance Committee.

Budget meetings begin this week.

B. Other Committees.

1. Land Range Planning Committee.

Councilor Haskell said they are working on the open space part of the plan and they are still working on the zoning, everything is moving along.

2. Parks & Recreation Advisory Committee.

Councilor Cummings said they met with the designers for the skate park and they went over a potential site plan. There were representatives from the Community Garden in attendance. They wanted feedback on what they are looking to do at the site and what they currently use the site for so to incorporate it, and it was very exciting what people had planned out.

3. Public Easement Advisory Committee/Roads Policy Task Force.

No report.

4. Highland Lake Leadership Team.

Tony Plante said there is a meeting here on Thursday, April 12 at 10:00 and there are copies of minutes from the Education Outreach Committee meeting of March 22 and notes from the Highland Lake Public Forum that was held at the High School on March 21.

[CD 18-111](#) Highland Lake Education and Outreach Committee - Meeting Minutes

Attachments: [Highland Lake Education and Outreach Committee DRAFT Minutes 3-22-2018](#)

[CD 18-112](#) Highland Lake Public Forum - March 21, 2018

Attachments: [Highland Lake Public Forum - Discussion Comments and Clarifications - 2018-03-21](#)

5. Shared Maintenance Facility Joint Project Team.

Tony Plante said the Council had a recommendation from the Joint Project Team in the materials and a Council action item later in the agenda.

6. Windham Economic Development Corporation

Tony Plante said they had a board meeting last Wednesday, April 4 at which the Board approved a budget request to the Council and project updates.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

[18-066](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by 302 Club LLC, d/b/a Dena's Lobster House & Tavern for a renewal liquor license.

Attachments: [Cover Sheet 18-066](#)
[Dena's Lobster House-Renewal Liquor](#)

[18-067](#) To approve an application submitted by Ken Ray & Dena Withey d/b/a Dena's Lobster House & Tavern located at 765 Roosevelt Trail for a renewal special amusement permit.

Attachments: [Cover Sheet 18-067](#)
[Dena's Lobster House-Special Amusement](#)

[18-069](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Hana Asian Cuisine, Inc. for a renewal liquor license.

Attachments: [Cover Sheet 18-069](#)
[Hana Asian Cuisine - Liq Lic renewal](#)

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: 4 - Councilor Welch, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 3 - Councilor Nangle, Vice Chair Muir and Councilor Maxfield

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

Councilor Chapman moved to take Discussion Item CD 18-118 on Mineral Extraction and move it up before Unfinished Business & General Orders, Seconded by Councilor Welch.

All in favor.

[18-052](#) To adopt a resolution honoring the members of the Library Board of Trustees with the 2018 Windham Spirit of America Foundation Tribute.

Attachments: [Cover Sheet 18-052](#)
[Resolution 18-052 Spirit of America Award for Library Board of Trustees](#)

Councilor Chapman said she was so glad they decided to honor them this year, they are a very busy group. They hope they see them at the Volunteer Appreciation night on April 20.

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

In Favor: 5 - Councilor Welch, Councilor Nangle, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Vice Chair Muir and Councilor Maxfield

[18-064](#) To appoint Beth Schidzig to a two-year term on the WEDC, to expire February 15, 2020.

Attachments: [Cover Sheet 18-064](#)

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: 5 - Councilor Welch, Councilor Nangle, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Vice Chair Muir and Councilor Maxfield

[18-065](#) To appoint Dustin Roma to a two-year term on the WEDC, to expire February 15, 2020.

Attachments: [Cover Sheet 18-065](#)

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

In Favor: 5 - Councilor Welch, Councilor Nangle, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Vice Chair Muir and Councilor Maxfield

[18-068](#) To award a contract for construction of the shared maintenance facility to Great Falls Construction of Gorham, Maine in the amount of \$8,032,327.00, said amount to be paid from the proceeds of general obligation bonds to be issued, and to authorize the town manager to execute a contract with Great Falls Construction and to take any other necessary action related thereto.

Attachments: [Cover Sheet 18-068](#)

[180408R WSVMF Recommendation letter Final](#)

[RFP Submission Requirements](#)

[Benchmark Bid Form](#)

[Project Budget 20170907 UPDATE 20180406](#)

Councilor Chapman moved to postpone Order 18-068, tentatively, to April 24 so they can wait until the town's attorney is back to have some questions clarified, seconded by Councilor Cummings.

Tony Plante said they have sixty days from March 22.

Tony explained the bid process they went through. He said toward the end of last year they issued a request for qualifications for design build teams to compete for this project. They had five teams submit statements of qualification, and they had to answer a 13

page questionnaire about their qualifications and experience with projects of this nature. Of the five, the Joint Project Teams pre-qualified four of those teams, and they would be invited to submit proposals. They issued a technical request for proposals, asking these design build teams to submit proposals as to how they would deliver the kind of project they specified in the RFP. They had to appear at a mandatory pre-bid walk-through on March 1, and bids were due March 22. Of the four they had two withdraw citing scheduling concerns, not being able to meet the aggressive schedule the town set out. They had two attend the pre-bid walk-through on March 1; both Great Falls and Benchmark companies were there. They received two responses to the RFP. One from Great Falls was a complete package and what they received from Benchmark was a bid form with no narrative or plans. He said he did speak with Stephen Langsdorf and he would be very happy to have him come to a meeting so he can explain all of that.

Councilor Chapman said she was contacted and told that there was supposed to be an interview process and that did not happen, and she was asked about the designs being stamped and she did not know about those things. She just wants transparency.

A motion was made by Councilor Chapman, seconded by Councilor Cummings to postpone Order 18-068 to tentatively April 24, 2018. The motion carried by the following vote.

In Favor: 5 - Councilor Welch, Councilor Nangle, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Vice Chair Muir and Councilor Maxfield

XII. Discussion Items.

[CD 18-118](#) Moratorium on New Mineral Extraction Operations.

Attachments: [Cover Sheet CD 18-118](#)

[2015ZoneAmendments1-16](#)

[Significant sand and gravel aquifers in the Cumberland Center qua](#)

[Significant sand and gravel aquifers in the North Windham quadran](#)

[North Windham Quadrangle - Significant Sand and Gravel Aquifer](#)

[Cumberland County Quadrangle - Significant Sand and Gravel Aquifer](#)

Tony Plante said they had extensive public comment at the meeting last week. Initially, a discussion around the Highland Lake proposed extension of the moratorium, and there was also some concern that a corner of a proposed site of a quarry also was in the Highland Lake Watershed, which brought the Forest Lake community into the discussion. He said they heard from a lot of people last week expressing concern about the proposal that went before the Planning Board for a sketch plan. There was some concern about the nature of the project and its impact on the neighborhood, ground water, surface water, Forest Lake, which is one of the lakes identified by the State as being most at risk from development. They heard a presentation from the Forest Lake Association a few weeks ago about this. The possibility of enacting a moratorium in the area was brought up at the Council meeting. He said Council Leadership and he discussed this at their regular meeting last Wednesday afternoon and Leadership decided that it was appropriate to put a discussion item on the agenda for tonight.

Tony provided to the Council a copy of our current zoning map, and said currently Mineral Extraction Operations are allowed as a permitted or conditional use in every zone except

C2, C3 and Village Commercial, which means in Shoreland Zoning there are some restrictions, but generally speaking, Mineral Extraction (quarrying, sand and gravel) are allowed throughout the community with not very many exceptions. He also included some background information on sand & gravel aquifer maps that surround the Forest Lake area and the Chaffin Pond area in North Windham, mainly as background information as part of the discussion.

Councilor Chapman noted that she received a letter from Legal-eze asking for Councilor Cummings, Councilor Chapman and Councilor Nangle to recuse themselves from tonight's discussions or any votes. She did check with legal counsel and they have a response to the letter, which stated the Councilors cited are not required to recuse themselves from discussions regarding a potential new moratorium that would affect the Copp's proposed quarry. Both Councilor Cummings and Chapman said they will not recuse themselves. Councilor Nangle was not at the meeting at this point.

Tonight's speakers:

Mark Killinger- Lakeside Dr.
Christopher Baldwin - Professional Engineer brought exhibits
Randy Copp - Owner of proposed quarry
Regan Thibodeau - Lakeside Drive
Christopher Baldwin Professional Engineer
Janine Gorham - Forest Lane, Cumberland
Keith Taylor from St. Germain Collins
Michael Manning - Brushchi Road
Jennifer Culpovich - Lakeside Drive
Kevin Clark - James Way
Dennis Brown - Falmouth Maine
Tina Leblanc - Lakeside Drive
Jacob Roberson - Cypress Hill Drive

All Councilors present spoke and Councilor Nangle arrived at 7:53 p.m. and he also stated that he would not recuse himself.

Randy Copp spoke one more time

XIII. Agendas & Scheduling.

[CD 18-126](#) Agenda Items Reports.

Attachments: [Agenda Items Scheduled 20180406](#)
[Agenda Items to be Scheduled 20180406](#)
[Projects & Issues List 20180406](#)
[Projects & Issues Sheets 20180406](#)

There was discussion of agendas and scheduling, and Councilor Chapman would like to have a joint meeting with the Planning Board and Council to talk about watershed issues and to piggyback on Section 600 on the ordinances.

The Private Road adhoc committee needs to be moved forward.

Councilor Welch wants discussion about the policy on town employees not being able to contact Council members. Also, they need to talk about the sprinklers in homes.

XIV. ADJOURN.

A motion was made by Councilor Nangle, seconded by Councilor Welch, that they be adjourned. The motion carried by the following vote at 9:18 p.m.

In Favor: 5 - Councilor Welch, Councilor Nangle, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Absent: 2 - Vice Chair Muir and Councilor Maxfield

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM