



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, June 12, 2018

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 7 - Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

II. Pledge of Allegiance.

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

III. Minutes to be Approved:

[CD 18-190](#) To approve the minutes of the May 22, 2018 Council meeting.

Attachments: [Minutes-Town Council-5-22-2018](#)

Randy Copp requested that the minutes of May 22 be amended so they were as accurate as possible. Beginning on Page 14, the 11th line down, Councilor Maxfield was speaking on behalf of the Council and he stated, "you literally pushed us more entrenched, they have no choice, they have to now entrench." Mr. Copp said he thought the "they" should be "we" because Councilor Maxfield was speaking on behalf of the Council. After the word, "entrench" and a period Councilor Maxfield also stated that it was a ridiculous move. Mr. Copp thought that should be reflected in the minutes of the meeting so it was as accurate as possible. If you went down to the last sentence in the paragraph, "but now they have to do what they have to do, and they have to listen to the majority of the people", Mr. Copp thought the "they" should be "we". And then in the second paragraph the last sentence the two "theys" should be "we". Those were the only corrections he saw to make it more accurate.

All in favor, pending the amendments.

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

IV. Public Participation.

Lorne Smith, Windham Center Road: He reviewed ongoing personnel/management issues in the Public Works Department.

Councilor Chapman requested Mr. Smith to submit a copy of his transcript for the record. She said they took it seriously and would try to get it worked out within the next week or so.

Fred Genthner clarified their vote was all current members; it was not 7.

Mike Braley said several of them had made statements and nothing was done.

V. Councilors' Comments.

Councilor Cummings thanked the North Windham Veterinary Hospital for helping her family recently.

Councilor Chapman stated that Town Meeting would be held on Saturday. A Moderator would be chosen at 9:45 a.m. She also noted that Political signs were not allowed in the flower gardens at the rotary.

Councilor Welch requested copies of two policies.

Councilor Cummings had been approached by two people about issues with speed on Gambo Road and Albion Road. She also wanted to revisit sprinkler systems in houses.

VI. Council Correspondence.

There was no comment.

[CD 18-189](#) Windham Public Library Newsletter

Attachments: [Check It Out June 2018](#)

[CD 18-185](#) Department of Public Works Monthly Report - April 2018

Attachments: [Public Works Monthly Report - April 2018](#)
[April 2018 Mission.Success.Measurment Table](#)

[CD 18-186](#) Social Services Monthly Report - April 2018

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

[CD 18-192](#)

Assessing & GIS Department Report for May 2018

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

VII. Town Manager's Report.

[CD 18-194](#) Town Manager's Report.

Attachments: [Town Manager's Report 20180608](#)
[Projects & Issues List 20180608](#)
[Projects & Issues Sheets 20180608](#)

Tony Plante: Tony announced that at Town Meeting, action on the budget would begin at 10:00.

Summerfest would be held on Saturday, June 23rd.

A construction meeting had been held on the Shared Maintenance Facility.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

[CD 18-187](#) Report of the Appointments Committee and Nominations to the Mineral Extraction Committee and Private Roads ad hoc Committee.

Attachments: [Cover Sheet CD 18-187](#)
[Mineral Extraction Committee DRAFT 20180502](#)
[Private Roads ad hoc Committee DRAFT 20180502](#)

Councilor Maxfield reported they had met with applicants for the Mineral Extraction and Private Road Ad Hoc Committees. He felt the nominees were a fair mix of both points of view that would represent the community.

2. Finance Committee.

The budget would be discussed at Town Meeting.

B. Other Committees.

1. Long Range Planning Committee.

[CD 18-184](#) Long Range Planning Committee Meetings, April 2018

Attachments: [LRPC Notes 2018-04-04](#)
[LRPC Notes 2018-04-18](#)

No report.

2. Parks & Recreation Advisory Committee.

Councilor Cummings said they were very excited about the sketch plans for the community park. The Ad Hoc Committee for the Community Center would meet soon.

3. Highland Lake Leadership Team.

Tony Plante reported that the Ordinance Committee would make a recommendation to the Leadership Team and then to Town Council that in reviewing areas for suggested ordinance amendments there was nothing critical to keeping the Highland Lake moratorium in place.

4. Shared Maintenance Facility Joint Project Team.

Tony Plante said the project was underway.

5. Windham Economic Development Corporation.

Tom Bartell, Economic Development Director said the Farmer's Market was doing tremendously well; it was open Saturdays from 9 to 1.

The former South Windham Fire Barn - The report on preliminary ideas and cost was late.

IX. PUBLIC HEARINGS.

[CD 18-158](#) To receive public comment on amendments to Code Chapter 176, "Peddling and Soliciting."

Attachments: [Chapter 176 - Peddling and Soliciting AMENDMENTS 20180502 Markup](#)
[Chapter 176 - Peddling and Soliciting AMENDMENTS 20180502 Clean](#)

There was no public comment.

The public hearing closed.

[CD 18-181](#) To receive public comment on proposed amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Sections 300, 400, and 800 to implement the 21st Century Downtown Plan for North Windham. Proposed changes include changes to the threshold for site plan review and the permitted uses, minimum lot sizes, net residential density, setbacks, and street and parking standards of the Commercial 1 and Commercial 2 Zoning Districts.

Attachments: [PB packet_NW zoning_12-07-17_opt](#)
[PB recommend to TC_05-11-18_packet](#)

Ben Smith of Northstar Planning was present. He explained the ordinance amendments were part of implementing the 21st Century Downtown Plan. Much work had been done on the ordinances and they were meant to shape how private development happened in North Windham. There were other critical pieces, but without the ordinance changes the vision established in the Comprehensive Plan wouldn't come to fruition.

There was no public comment.

The public hearing was closed.

X. CONSENT AGENDA.

[18-112](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Treblig Enterprises Inc. d/b/a Gilbert's Chowder House II for a renewal liquor license.

Attachments: [Cover Sheet 18-112](#)
[Gilbert's Chowder Liquor License Renewal](#)

[18-113](#) To approve an application submitted by James Gilbert d/b/a Gilbert's Chowder House II located at 61 Tandberg Trail for a renewal special amusement permit.

Attachments: [Cover Sheet 18-113](#)
[Gilbert's Chowder Special Amuse Renewal](#)

[18-114](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Kennebec Hospitality, LLC d/b/a Microtel Inn & Suites for a renewal liquor license.

Attachments: [Cover Sheet 18-114](#)
[Microtel Inn & Suites Liquor Renewal](#)

[18-115](#) To approve an application submitted by Kennebec Hospitality LLC d/b/a Microtel Inn & Suites located at 965 Roosevelt Trail.

Attachments: [Cover Sheet 18-115](#)
[Microtel Inn & Suites Sp. Amuse Renewal](#)

[18-116](#) To approve applications for Summerfest victualers' permits.

Attachments: [Cover Sheet 18-116](#)
[Summerfest Victualers 2018](#)

There was no comment.

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

[18-091](#) To adopt amendments to Code Chapter 176, "Peddling and Soliciting."

Attachments: [Cover Sheet 18-091](#)
[Chapter 176 - Peddling and Soliciting AMENDMENTS 20180502 Markup](#)
[Chapter 176 - Peddling and Soliciting AMENDMENTS 20180502 Clean](#)

Tony Plante explained there were two major areas of change. One applied to criminal background checks for home solicitors as well as Mobile Food Service operators.

The other was to increase the length of time a Mobile Food Unit could stay in one place from four hours to 24 hours before they had to be moved off site to a different location

under different ownership. They would be allowed on Town property, as authorized by the Town.

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: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

[18-099](#)

To approve amendment to Town of Windham Land Use Ordinance, Chapter 140. Proposed Amendments to Sections 300, 400, and 800 to implement the 21st Century Downtown Plan for North Windham. Proposed changes include changes to the threshold for site plan review and the permitted uses, minimum lot sizes, net residential density, setbacks, and street and parking standards of the Commercial 1 and Commercial 2 Zoning Districts.

Attachments: [PB packet NW zoning 12-07-17_opt](#)
[PB recommend to TC 05-11-18_packet](#)

Tom Bartell said the WEDC supported the ordinance changes. They would allow more opportunity for development, especially multi-family housing, and would add vitality and create walkability for people, who could work close to where they lived.

Larry Eliason, Colby Drive - He stated that adding uses and changing conditional uses to permitted uses would expedite the process for people making decisions. Mini-storage could be an allowed use with multifamily housing to provide storage options.

The vision was to have buildings closer to the road with parking behind the buildings. However, Windham was a four season recreation area. Car, camper, ATV, tractor and lawnmower, boat, and motorcycle dealerships wanted to use that front area as retail. There would be cases where it didn't fit and new businesses could only go where it was grandfathered.

Amanda Lessard explained that mini-storage, as an accessory use to multifamily, may still be permitted, the same as a garage. The front setback had been reduced to encourage pedestrian activity. Any new auto retail sales would still need to be back 2 feet. Display could be on the side of the building and it wouldn't buffer a street.

Councilor Haskell disagreed with having buildings closer to the road, especially routes 35, 115, and 302. He expressed concern that when those roads were widened the buildings would have to go.

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: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

[18-117](#)

To make appointments to the Mineral Extraction Committee.

Attachments: [Cover Sheet 18-117](#)
[Mineral Extraction Committee DRAFT 20180502](#)

Resident Nominees for the Mineral Extraction Committee were:

Daniel Shaw, Tim Tandberg, Regan Thibodeau, and Catherine Whorf.

There was no public or Councilor comment.

Councilor Welch nominated Councilor Chapman to be the Council representative on the Committee, seconded by Councilor Maxfield.

There was no public or Councilor comment.

In Favor: 7- Councilor Chapman, Councilor Cummings, Councilor Haskell, Councilor Maxfield, Councilor Muir, Councilor Nangle and Councilor Welch.

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

18-118

To make appointments to the Private Roads ad hoc Committee.

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

[Private Roads ad hoc Committee DRAFT 20180502](#)

Resident Nominees for the Private Roads Committee were: Brett Jones, Mike Manning, Julie Lunt-Farley, and Cory McDonald.

There was no public or Councilor comment.

Vote: All in Favor

Councilor Maxfield nominated Councilor Nangle to be on the Committee, seconded by Councilor Welch.

There was no public comment.

Councilor Chapman expressed concern about bias.

Councilor Maxfield spoke in favor of Councilor Nangle serving on the committee. He thought Councilor Nangle was prepared to provide history and background and they wouldn't find anyone who wasn't biased. He believed the membership of the committee would even out bias.

Councilor Muir nominated Councilor Nangle to be on the committee, seconded by Councilor Welch.

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

Opposed: 1- Councilor Chapman

XII. Discussion Items.

No discussion items.

XIII. Agendas & Scheduling.

CD 18-195 Agenda Items Reports.

Attachments: [Agenda Items Scheduled 20180608](#)
[Agenda Items to be Scheduled 20180608](#)
[Projects & Issues List 20180608](#)
[Projects & Issues Sheets 20180608](#)

The EPA would hold a public hearing regarding the Keddy Mill on June 21 at the South Windham Fire Station.

Sewer Presentation - A staff meeting had been held. It may be necessary to work on a change to the Portland Water District charter so aquifer rights could be released back to the town. It was scheduled to be before Council on July 10.

Councilor Maxfield wanted to vote to suspend every other meeting in July and August, as had been the past policy.

He also requested more information to review the RSU formation, goals, and were the goals being realized.

Councilor Cummings requested agreement, at least, to suspend July 3.

XIV. ADJOURN.

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

In Favor: 7 - Councilor Welch, Councilor Nangle, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman, Councilor Haskell and Councilor Cummings

Respectfully submitted,

Lisa Fisher
Administrative Assistant