



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, September 25, 2018

7:00 PM

Council Chambers

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#### 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 18-312](#) To approve the minutes of the September 11, 2018 Council meeting.

**Attachments:** [Minutes-Town Council-9-11-2018](#)

**A motion was made by Councilor Maxfield, seconded by Councilor Cummings, 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

[CD 18-323](#) To approve the minutes of the September 18, 2018 Council special meeting.

**Attachments:** [Minutes-Special Town Council-9-18-2018](#)

**A motion was made by Councilor Maxfield, seconded by Councilor Cummings, 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.

*The following people got up to speak. If I received their written statements, I will put (See attached) beside their name.*

*Nick Kalogerakis of Aroostook Drive, is a business owner in town, and a three-year Planning Board member, three-year Windham Economic Development Community member and is on the Long Range Planning Committee, he cares about his town. He said he was appalled, this last week, at this point he was stopped by the Chair and she said they were not going to have any public comment in regard to an employee matter in the town at this time. There was a lot of spirited dialog back and forth and Stephen Langsdorf, town attorney, said that the Council all would have to decide that they didn't want to hear public comment, it cannot be a unilateral decision by the Chair, he thinks it*

is a decision of the Council. The Council agreed to let the public speak and Mr. Kalogerakis continued.

Nick Kalogerakis said he looked through the article trying to read and find out why we'd be terminating at 22 year town manager? He saw three issues that were stated, 1) Public Works issue, 2) an issue at the High School where a Police Officer made an error, 3) something with Code Enforcement, although he has heard nothing but accolades since Mr. Hanson has taken over the department.

He said these are not terminable offenses; these are issue in the town; that is why we have the Town Manager, he is here to put those in place. It is the Town Council's responsibility to work with the Town Manager to get them resolved. If Tony is not doing his job, he is sure we have a trail of annual reports that say he is unsatisfactory, quarterly reports or 30 day action plans, or action plans telling him he needs to be doing his job and he is not. I know these are personal, I hope Tony will provide those, because he is sure, that after 21 years of not hearing of him needing to be replaced, all of a sudden he needs to go. Where did the wheels fall off? The town is going to have issues, he has a large staff and it will never run perfectly, and Tony is not perfect but he certainly deserves the chance to rectify his behavior or his actions if something is out of line, yet, he has not heard of anything except for these three issues.

Public Works had the O'Brien report come out and he listed three issues in Public Works, trust, accountability and communication. That was not good enough because we wanted more, so we spent maybe \$20,000 on the second report. He said as a consultant, and typically consultant reports do not change, they are asking the team members what is wrong, and the team members are never going to tell you anything different. Most of the results were the same. Did the O'Brien report ever come to fruition, did it go the 120 days of the action plan, that Mr. O'Brien asked? Did he come back in for a second assessment, he does not know. All he knows is we had another consultant come in and we paid money for.

He hopes Tony releases his reviews, if he is able to do so. He would like to see how the Town Council has responded to him and told him he is not doing his job, because he has never heard of anything. To him, this is a deflection from the Council, as they all know, the Council has had issues; the leadership from the Council has had issues this past year, and it is easier to brush it aside to someone else instead of taking responsibility for what we are dealing with. The dysfunction of this team is embarrassing and everybody in town knows it. He would like the Town of Windham to please pay close attention to your vote. If you are going to put forth a vote to remove our Town Manager of 22 years; he wants the citizens to ask your specific Councilors why you vote yea or nea, with 100% transparency he would expect an answer from them if they are asked why. He hopes it is more than a problem in Public Works.

If the vote is five and we remove Tony, I want to let you know that the two top requirements in finding a new town manager will be knowledge and years in position; we need an experienced person. We already have that with Tony, we have the tool in the shed, my suggestion is you take the tool, and if he is not doing what he supposed to, work with him and we get him some consulting if he needs it; we don't just throw him away. I don't think you realize what is going to happen; the grass isn't always greener, the turn-around time to get a manager up to this speed with the knowledge and experience that Tony has will be a very long time. We might be setting ourselves up for even more failure. This town is thriving, and a lot of town managers would love to have the problem that we have, and Tony has played a big role in that. So please, I'll ask you to think about your vote, I ask the town to hold you accountable to your vote. In closing,

*as I know my time is running out, as you know I am a volunteer on three boards. I do know, in the past, we have voted vindictively to keep volunteers out of certain positions. I want it public that when I come up for the Planning Board again, Economic Development Committee, Long Range Planning Committee I want to stay involved with my town. Please don't vote me negative because you are upset with my opinions this evening. Thank you.*

*Rita Bernier (See attached)*

*Dan Pillsbury - "I am Dan Pillsbury and I've stayed out of trouble until now in this town. I live on White's Bridge Road and have for almost 20 years and owned multiple properties in Windham, and even though I didn't grow up in Maine, I have owned and run my own business for 31 years and know Tony personally, his daughter and my daughter are best friends, and I am here for a vote for Tony because he is one of the best guys I have ever known. Even though when I talk to him I feel like I am talking to his belly button, I think he gets the message. Thank you."*

*David Nadeau - "I am David Nadeau, I support Tony 100% and that is as far as I will go with my statement." I received this letter from a former employee who is now presently a Town Manager in another town. (See attachment).*

*Tammy Hodgman (See attachment)*

*Alan Phinney - "My name is Alan Phinney, and throughout Tony's entire 22 year career here I have known him, I've known him to serve this town with integrity, professionalism and skill. I wish I could say the same of our Council Chair because the conduct in the past week has been very unprofessional, and I will give my full support to Tony, and I hope the voters reflect this next year.*

*Jen Alvino - (See attachment)*

*Phyllis Moss - (See attachment)*

*Chris Hanson and Director of Code Enforcement & Zoning Administration - I would like to get some clarification on the article that was in the Lake Region Weekly, Madam Chair. It was quoted that "serious problems emerged in the Code Enforcement Office last year with numerous complaints, and issues have since been brought forth in the Public Works Department." It makes my department look like we have serious problems. Councilor Chapman said that was not a correct quote. Chris said "I have had nothing but accolades from you and Council and I want that, for the record, to be clarified."*

*Councilor Chapman said "I will back you up 110%."*

*The second item I would like to bring up is the Opus report. We got a letter from Opus asking for interviews that would be kept private and 100% voluntary. Comments made to the Opus team, and this is from Andrew Wood, the Director of Opus Consulting Group, in his letter to us said "comments made to the Opus team will have a personal identifying information removed from any reports or written statements." But in the paper you quoted, and I would like this clarified, that additional information included specific interviews Opus conducted with employees, which contain personal information and will not be released outside of executive session. We were told that it wouldn't be in any report to anyone, the Council or the public. I would like you to please clarify.*

*Councilor Chapman - "You are absolutely correct, I said that you can't have that, it is an*

employee matter, from those interviews done and you cannot have that information because it was an employee matter." Chris Hanson - "So was there personal information in the report that the Council received?" Councilor Chapman - "Which one, the one from Opus?" Chris - "the one you read in executive session, was there personal information?" Councilor Chapman - "not in the one that was released." Chris - "I'm not asking about the one that was released." Councilor Chapman - "no, I don't recall seeing interviews in that Chris." Chris - "then why did you quote that in the paper, it is very misleading." Councilor Chapman - "well they interviewed me, so...", Chris - "they interviewed me and I thought it was going to be personal, I hope my personal information wasn't in a report."

Chris Hanson - Now I will voice my support for Tony Plante. The past year I have had the pleasure of working directly with Tony on many issues requiring a lot of hard work on things like private roads, Highland Lake, mineral extraction, Medical Marijuana and robust local economy to name just a few. He is always professional, supportive, creative, respectful and patient. I can't believe he knows what's going on in all the departments in such great detail. He is extremely organized, and has staff meetings twice a month with all the department heads. He has a one on one with staff every month, a one on one for about an hour. I firmly believe Tony is an asset to the town and the region. I can't believe he is being treated so poorly and unfairly.

I also would like to read a letter from our former Town Planner, Ben Smith. He would have been here tonight but he is at another engagement out of town. (See attached)

Chief Schofield Chief of Police: Madam Chair and members of the Council, I wish to take a moment to express my support for Tony Plante. During my tenureship here, about 3 1/2 years now, I find Tony to be an effective manager, supportive Boss, a critical thinker, strategic planner, and someone who cares deeply about his staff and this community. This is evidenced by not only his tenureship here, his involvement with civic organizations, in fact, he is the President of our local Rotary Club this year. He also attends and participates in many community events, such as many members of this Council, and I would like to thank you for that.

I really think it is important to maybe take a step back and take a breath, and I would like to reflect on my brief tenureship here and the success stories that I have seen. With Tony and this Council you have gotten a new South Windham Fire Station, we've completely renovated and updated our Library, and it is exciting to see the progress being made on our new Public Works Facility. Council, thank you for your support on that but this can't happen without an effective Town Manager and having the ability to work with an effective Council; we've seen a lot of recent success.

For the Police Department, Tony and this Council has supported me, you've supported this department, you've authorized two positions for us in the three and a half years, that is significant, thank you, we appreciate that. Our capital equipment needs are being met, and about a year and a half ago we went through a restructuring of this organization; Tony and the Council has supported this, thank you for that. This takes an effective Town Manager to work and navigate through this. This Council knows, probably, better than I do the complexity and the difficulty to get these big projects done, but we've proven with recent success that we can do it.

I just want to conclude, there is mentor of mine that I try to take a lead from who is very good at bringing people together. He concludes each email with the following statement, and that statement is "when we all work together, we all win together." We have recent success to prove we can do this, I hope for the citizens of Windham we can get back on track with these successes because we've proven we can do it for our people. Thank

*you very much, I appreciate your time.*

*David Douglass I live on White's Bridge Road, I am an architect, and I am the Chairman of the Planning Board. Madam Chair and Council, thank you for letting us speak tonight. I wrote this little blurb that I was going to read but I have to be honest with you guys, I'm not as polished as all you guys, I've given lectures to people in building science, I've done all sorts of stuff, and I'm really upset and my lip is probably shaking, so don't mind me, but I am really upset, and I'm upset with that woman right there, because you are destroying this town single handedly. Your actions tonight, trying to silence these people who care about this town are so petty and disgusting, I barely have words for it.*

*I wrote this and I thought it was pretty good, but I don't think it is any good. The fact of the matter is that you are a detriment to this town, and that is my opinion, and I mean you no malice in saying that but it is true. You are a detriment, you need to resign, you need to walk a way so that some actual progress can be made in this town. Your petty attacks, your bullying of staff, your bullying of me, at times, is sad and pathetic. We've been in executive session over it. I just have words for how sad all of this is, and I am disgusted by it. I encourage the citizen's of Windham to do something about it. I encourage members on the Council to do something, start leading. We have so many big issues in this town, start leading, stop all the petty stuff and start leading.*

*I support Tony. He's been a huge advocate for this town. He has been a friend, he has been encouragement, he has been a kind ear, he has been thoughtful; I consider him a friend and this is just terrible what is trying to be done to him. I support this town and I love this town and I love all these people for coming out tonight, but I can't stand by any longer and watch people trying to dismantle this town on their own agenda, it's terrible. Thank you.*

*Brian Wolcott (See attachment)*

## **V. Councilors' Comments.**

*Councilor Nangle (See attachment)*

*Councilor Maxfield (See attachment)*

*Councilor Cummings thanked the members of the public and the town staff that came to speak; she said she knows it is a passionate subject and she appreciates what they have to say. She does appreciate what her other Councilors have to say as well.*

*Councilor Muir thanked everyone for coming out and there is a lot of town staff that he has known for a number of years, and he hopes they will listen, and he knows they have very strong feelings about this but there are still things you don't know, you'll never know.*

*He said the Council Chair has been accused of a lot of things, if you watch these meetings and if you know these people, you know they are not influenced by other people. He said everyone up there has their own mind. One person cannot do this.*

*Councilor Welch thanked the public and the staff for coming out and supporting Tony, he said he is sure he will appreciate it and he knows he does.*

*Councilor Chapman thanked everyone for coming, she has heard what they have to say; they will take some of it into consideration and some of it she will leave there.*

*Stephen Langsdorf Town Attorney - He said he has been a municipal attorney for over 30*

years, and this is a very difficult and challenging situation, and he is there to try and help them deal with it the best he can. He wanted to clarify that he does not work for the Chair or any individual Councilor at all; she is the Chair and by virtue of her position, in a leadership position, she does communicate with him directly, more than some of the other Councilor's do. He said anything and everything he does involving this town is either at the direction of the town manager, who he has worked with for the last 2 1/2 years or at the direction of the majority of this Council. He said he was doing anybody's personal bidding, and he is doing his best to follow what the majority of this Council asks.

He does not appreciate and does not feel it was warranted for a Councilor to personally disparaging him and calling him a bully, and he told Councilor Nangle he would like to know what that allegation is about, because he feels he has treated everyone on this Council with respect in every way.

He has enjoyed working with the town in all the challenging issues, and this is a difficult situation for all of us, and he is hoping they can work it through in a way that will be for the best interest in the town.

Councilor Nangle corrected his statement - he did say, but he was referring to the chair as attempting to bully and intimidate people; he was unclear and he apologized.

## VI. Council Correspondence.

[CD 18-304](#) Maine Correctional Center Letter of Appreciation

Attachments: [Maine Correctional Center Thank You](#)

[CD 18-307](#) Town Clerk's Monthly Report - August 2018

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

[CD 18-295](#) Fire-Rescue Department Monthly Report - August 2018

Attachments: [August 2018 Monthly Report](#)

[CD 18-306](#) Department of Public Works Monthly Report - August 2018

Attachments: [Monthly Report - August 2018](#)

[August 2018 Mission.Success.Measurment Table](#)

[CD 18-308](#) Parks and Recreation Department Monthly Report - August 2018

Attachments: [Parks & Recreation Monthly Report August 2018](#)

[Advisory Committee MinutesSeptember102018](#)

[Windham Community Park Concept Plan](#)

[Summary of 2018 Dundee Season](#)

[CD 18-310](#) Windham Police Department Monthly Report - August 2018

**Attachments:** [Police Monthly Report August 2018](#)

[CD 18-315](#) Windham Public Library Monthly Report - August 2018

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

[CD 18-316](#) Social Services Monthly Report - July 2018

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

## **VII. Town Manager's Report.**

[CD 18-320](#) Town Manager's Report.

**Attachments:** [Town Manager's Report 20180921](#)

[Retail Adult-Use and Medical Marijuana Establishments Task Force](#)

[APPROVED 20180918](#)

[Projects & Issues List 20180921](#)

[Projects & Issues Sheets 20180921](#)

*No report.*

## **VIII. Committee Reports.**

### **A. Council Subcommittees.**

1. Appointments Committee.

*No report.*

2. Finance Committee.

*No report.*

### **B. Other Committees.**

1. Long Range Planning Committee.

*There is a meeting next Wednesday.*

2. Parks & Recreation Advisory Committee.

*Councilor Cummings wanted to let the public know about a spooktacular event happening on October 27; it is the Trunk or Treat at the Windham Middle School from 6:00 to 8:00 p.m. You can apply to host a Trunk or Treat event on line or a paper application. It is a lot of fun and they could use your support. There are no pets allowed at this event.*

*The Parks & Rec did have a public forum for the community center last night.*

*She was not able to attend, and said that there will be more of those forums coming up.*

3. Highland Lake Leadership Team

*No report.*

4. Shared Maintenance Facility Joint Project Team.

*No report.*

5. Windham Economic Development Corporation.

*Councilor Maxfield said they had a meeting at Pat's Pizza last week. Tom Bartell gave a report, and did some house keeping. There are projects in town that need to move Windham forward, and the WEDC is right in the middle of a lot of them. One of the goals is for the group to work together, the WEDC is a special group of people.*

*Tom Bartell said the annual meeting will be on October 17th in the evening, and they receive word on the meeting beforehand. He said this will be more of a working annual meeting and focused on the down town.*

6. Mineral Extraction Committee.

*Councilor Chapman said there was a forum the other night on this.*

*Amanda Lessard said there will be a regular meeting this Thursday to review the comments received last week at the public forum.*

*Councilor Nangle thanked Ben Smith for volunteering to type all of the comments on the screens.*

7. Private Roads ad hoc Committee.

*Councilor Nangle said they met and they are continuing to work through the process and have reviewed most of the private roads, section 500 statute, and Wednesday night is the next meeting.*

## IX. PUBLIC HEARINGS.

[CD 18-297](#)

To receive public comment relative to the issuance of licenses for junkyard/automobile graveyards in the Town of Windham.



**Attachments:** [Junkyard Inspection memo-2018](#)  
[Junkyard-locations](#)  
[Junkyard-Thistle's](#)  
[Junkyard-Bob's Salvage](#)  
[Junkyard-Whitney's](#)  
[Junkyard-Atlas Auto Parts](#)  
[Junkyard-Route 302 Auto Recycler's](#)  
[Junkyard-Serve-U-Garage](#)  
[Junkyard-Pete's Auto](#)

*No one spoke for the Public Hearing.*

*Councilor Nangle moved to suspend Council Rules to take 18-184 out of order, second by Councilor Welch.*

*Vote 7-0 in favor.*

## **X. CONSENT AGENDA.**

[18-180](#) 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:** [18-180 Cover Sheet](#)  
[Pat's Pizza Renewal Liq. Lic](#)

[18-181](#) To approve an application submitted by JMA Enterprises Inc. d/b/a Pat's Pizza-Windham located at 844 Roosevelt Trail for a renewal special amusement permit.

**Attachments:** [18-181 Cover Sheet](#)  
[Pat's Pizza Renewal Sp. Amuse](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

## **XI. UNFINISHED BUSINESS & GENERAL ORDERS.**

[18-168](#) To approve the application of David Bailey d/b/a Pete's Auto Body for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-168 Cover Sheet](#)  
[Junkyard-Pete's Auto](#)

**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

[18-170](#) To approve the application of Stephen Rogers d/b/a Serve-U-Garage for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-170 Cover Sheet](#)  
[Junkyard-Serve-U-Garage](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

[18-171](#) To approve the application of Joseph Galletta d/b/a Route 302 Auto Recyclers for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-171 Cover Sheet](#)  
[Junkyard-Route 302 Auto Recycler's](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

[18-174](#) To approve the application of Lewis Weatherby d/b/a Atlas Auto Parts for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-174 Cover Sheet](#)  
[Junkyard-Atlas Auto Parts](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

[18-175](#) To approve the application of Jeffrey Whitney d/b/a Whitney's for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-175 Cover Sheet](#)  
[Junkyard-Whitney's](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

[18-176](#) To approve the application of Robert Wolstenhulme d/b/a Bob's Salvage for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-176 Cover Sheet](#)  
[Junkyard-Bob's Salvage](#)

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

[18-177](#) To approve the application of Roy E. Thistle d/b/a Thistle's for a permit to operate a junkyard/automobile graveyard.

**Attachments:** [18-177 Cover Sheet](#)  
[Junkyard-Thistle's](#)

*Councilor Maxfield stated that Tony usually explained for the public that junkyards are not allowed by Land Use Ordinance in Windham but these are grandfathered and are dealt with once a year.*

**A motion was made by Vice Chair Muir, seconded by Councilor Cummings, 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

[18-178](#) To approve an application submitted by Northern New England Telephone Operations LLC and Central Maine Power Company to locate one (1) utility pole, cables and wires there on Swett Road, approximately 2,820 feet Southerly of the intersection with center line of Town Farm Road.

**Attachments:** [18-178 Cover Sheet](#)  
[Pole Location-Swett Road](#)

*The land owner got up and said she hopes they approve this because they have been without power, and they need it for their farm and the freezers for their meat. She is going to have a baby in December and they would be without power.*

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

[18-172](#) To appoint a voting delegate and an alternate voting delegate to the Maine Municipal Association annual business meeting.

**Attachments:** [18-172 Cover Sheet](#)  
[MMA Annual Business Meeting Voting Credentials](#)

*Councilor Chapman moved to postpone to next Tuesday, October 2, 2018, second by Councilor Nangle.*

**A motion was made by Councilor Welch, seconded by Councilor Maxfield, that the Order be postponed. 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

18-182

To authorize the purchase of snow pusher boxes from Milton Cat in the amount of \$7,723.00 as described in a memorandum from public works director Doug Fortier dated September 17, 2018.

**Attachments:** [18-182 Cover Sheet](#)

[Fortier Memo re. Snow Pusher Boxes 20180917](#)

*Doug Fortier explained it was authorized in the equipment account and it came in at \$1,223.00 higher, and as stated in his memo, they can make that up out of the fleet parts account, or the Council could authorize it to come out of the annual account.*

*Councilor Welch asked what he would use the snow pusher box for?*

*Doug said they are big boxes that will be used down at the new Public Works Facility. There is so much more pavement that will need to be plowed to get ready for school the next day.*

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

18-183

To approve Amendment No. 2 to the professional services agreement with Wright-Pierce for wastewater planning and engineering services as approved by order 16-032 on February 23, 2016 for hydrogeological feasibility evaluation of the "Lippman site" in the amount of \$116,400 as discussed at the Council meeting of September 18, 2018.

**Attachments:** [18-183 Cover Sheet](#)

[WindhamHydroGeo\\_GWDPAmendment\(PFB-20180920\)](#)

*Councilor Chapman said in last week's information they saw that the environmental study was removed, and they also noticed that there was no mention of Colley Wright Brook. Some residents came in and brought that concern up. She would support the Order if they put that environmental study from the DEP or the permit process in ahead of time, as well as mentioning the Colley Wright Brook.*

*Jon Earle asked if she was referring to the Lippman site? He said yes, they will determine where the nitrates and treated waste water goes once it leaves the treatment plant. Councilor Chapman said she'd like to see this under phase 1. He said PWD is supporting them on this and they are still working out the details.*

*Councilor Maxfield said he does not disagree with trying to protect the brook but what he heard last week, they want to, essentially, get the small fish done first for the least amount of money to make sure it is a feasible project before going ahead and paying a larger fee for the next portion.*

*There was more back and forth conversation about this.*

**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, Councilor Nangle, Vice Chair Muir, Councilor Maxfield and Councilor Cummings

**Opposed:** 2 - Council Chair Chapman and Councilor Haskell

18-184

To refer proposed amendments to the Land Use Ordinance, Chapter 140 of the Code of the Town of Windham with regard to cluster subdivisions as described in the memorandum dated July 31, 2018 from planner Amanda Lessard to the planning board for review and recommendation.

Attachments: [18-184 Cover Sheet](#)

[TC\\_packet\\_LRPC\\_cluster\\_subdiv\\_07-31-2018](#)

*This Order was taken out of order.*

*Amanda Lessard - Planner said this was a very targeted revision to the cluster subdivision standards that the Long Range Planning Committee has been working on. It is intended to advance the big idea from the Comprehensive Plan to keep rural Windham rural by requiring subdivisions in the Farm and Farm/Residential zones to be designed under the cluster subdivision standards. It would allow the open space to be retained by the subdivider for agricultural or forestry uses. It would establish some clear factors for the Planning Board to review the arrangement for the lots on the land to create a relationship between a proposed development and the land.*

*There are some changes detailed in the memo, so we are just asking you to forward the draft to the Planning Board for their review and recommendation.*

*Councilor Nangle confirmed that this allows a developer to put the same number of houses in but in a much smaller area? Councilor Nangle asked is the type of open space determined by the developer or is it something that the town can say they want it to be open to the public, etc. Amanda said that is determined by the developer as far as public access or not. The type of land that is in the open space right now, has just a provision in the ordinance that is not proposed to be changed under this revision, that 50% of it needs to be useable land, not wet land, steep slopes or resource protection. She said part of these revisions do ask, during the review process, that the developer kind of outline all of the critical areas so that the Planning Board has a little bit more say on how the lots are layed out and what is preserved for open space. It is in the ordinance today but it is not very clear, so that it is brought to the forefront of the Planning Board's review at the initial stages of a subdivision application.*

*Councilor Chapman said when they move this forward and Ben looks at this, there is probably going to be a cost, as Ben is a consultant, and one of the things she would like is to have an "action plan" attached to it after, so it doesn't sit there and nothing is done. Could the Planning Board come up with that as well? Amanda said not under these revisions. The next agenda item that has to do with a work plan for the Long Range Planning Committee may address some of those issues.*

*Councilor Maxfield questioned that in the Farm and Farm Residential, they would only be able to do a cluster subdivision? Amanda said that was correct and further explained.*

*Councilor Muir stated the lots had to be a certain size, but does that mean the developer can put more houses in than he would have been able to put under the original zone? Amanda, not as a given, there is a density bonus that's in here and is not proposed to be*

*changed; that got adopted three or four years ago and allows for some increased percentage of lots if the developer makes the open space accessible to the public.*

*Alan Phinney member of the LRPC gave some history of how this came about. During the Comp Plan process they had multiple public forums and the common theme through all was to preserve open space and the rural character. When the LRPC started working on this they saw it as a priority to preserve open space, and this seemed a good way to do it. He gave an example.*

*Councilor Muir referenced Lincoln Circle, which has some open space up in back that is a ball field, and you have to go into the development to get to it, and park in the development; will this change that? Amanda said one of the proposed amendments is that it would give the Planning Board greater flexibility in working with the developer in the sketch plan review phase to have some greater say where exactly that open space will be.*

*Councilor Cummings - When you talk about density bonuses, if the land is open for public use, do you take into consideration whether the project is in a growth area? Will you allow more houses in an area that is not specified growth? Amanda said right now there is no differentiation between where it is located.*

*Councilor Nangle wondered if they should revise that language tonight and make the density bonus available to the growth areas verses the non-growth? Another concern is you use the 20 acre lot and say 5 acre are an ecological ecosystem, do they still get to take the density bonus of 20 acres? Amanda said no, you subtract out all of that.*

*Councilor Maxfield asked if you create public access land you get a density bonus, correct? An issue he has with open space, is it's not necessarily useable. Is the density bonus, unlike the open space, is it actually required to be useable space or is it just for the density? Amanda said now there is an amount of land that needs to be useable that is within the open space.*

*Councilor Cummings wants to make sure that they target the density bonuses are targeted for the growth areas.*

*Councilor Nangle makes a motion to modify the applicable standards that focuses cluster subdivisions in the growth areas referenced in zoning districts, 2nd by Councilor Welch.*

*Vote 7-0 on Amendment.*

*Councilor Maxfield makes a motion to take 18-185 out of order, 2nd by Councilor Nangle.*

*Vote 7-0*

**A motion was made by Council Chair Chapman, seconded by Councilor Welch, that the Order be approved as amended. 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

### [18-185](#)

To approve a work plan for the Long Range Planning Committee as outlined in the memorandum dated September 19, 2018 from Ben Smith of NorthStar Planning.

**Attachments:** [18-185 Cover Sheet](#)

[LRPC work plan authorization memo\\_09-19-18](#)

*Amanda Lessard said at the workshop last week they had a discussion on growth issues and what the LRPC has been working on since the Comp Plan was adopted, and based on the discussion with the Council and concerns from the public, this memo from Ben outlines the preprioritized recommendations from the Planning Committee on some items to work on in the near future, along with a time table.*

*The first one recommended is working on zoning ordinances and zoning map amendments for the farm and farm residential zoning districts.*

*Second, they would recommend drafting an open space plan for the Town of Windham. This effort would help identify properties in areas in Windham that would be targeted for protection; this might not be focused solely on the farm and farm residential areas, there may be areas of open space and growth areas that are worth preserving for historic environmental or recreational values, and would also require some public outreach. There seems to be some interest on working on some recommendations for impact fees for open space and schools for new development to pay into a fund that would off-set those impacts in preserving open space or off setting costs of school systems.*

*Third, developing a district plan for focusing on land use transportation and economic development for South Windham, it would be similar in character to the 21st Century Downtown Plan for North Windham as an update to the South Windham and Little Falls Plan 1998.*

*Councilor Nangle said he'd like them to look at impact fees first and collecting them sooner rather than later.*

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

## **XII. Discussion Items.**

[CD 18-319](#) Sand-Salt Shed Repairs.

**Attachments:** [Cover Sheet CD 18-319](#)

[180918 Windham sand salt fnd wall condition](#)

*Doug Fortier and Bill Faucher were there to explain and answer questions on the sand-salt shed repairs.*

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

*Topics to be discussed:*  
*Air B&B;s*  
*Polical signs*  
*Light in North Windham*  
*Erik's Church entrance*  
*River Road signage*  
*Barking dog ordinance*

[CD 18-321](#)      Agenda Items Reports.

**Attachments:**   [Agenda Items Scheduled 20180921](#)  
                          [Agenda Items to be Scheduled 20180921](#)  
                          [Projects & Issues List 20180921](#)  
                          [Projects & Issues Sheets 20180921](#)

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

**A motion was made by Councilor Welch, seconded by Councilor Maxfield, that they be adjourned. The motion carried by the following vote at approximately 9:24 p.m.**

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

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM