



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, December 11, 2018

7:00 PM

Council Chambers

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WCCG TV-7 Now on Channel 1303

#### I. Roll Call of Members.

Councilor Nangle arrived at 7:12 p.m.

**Present:** 7 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

#### II. Pledge of Allegiance.

Council Chair led the assembly in the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 18-395](#) To approve the Minutes of the December 4, 2018 Special Council meeting.

**Attachments:** [Minutes-Spec. Town Council-12-4-2018](#)

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

**In Favor:** 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

**Absent:** 1 - Councilor Nangle

[CD 18-396](#) To approve the Minutes of the December 4, 2018 Council Meeting.

**Attachments:** [Minutes-Town Council-12-4-2018](#)

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

**In Favor:** 6 - Councilor Nadeau, Councilor Muir, Councilor Maxfield, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

**Absent:** 1 - Councilor Nangle

#### IV. Public Participation.

*Dennis Marrotte and Dan Glover gave a brief presentation on the Bridges of Friendship and presented to the Chair a Patron's Certificate and a commemorative plate. (See attached)*

*Linda Morrell reminded residents about the Annual Rabies Clinic this Saturday,*

*December 15.*

*Holly Tubbs gave a handout and spoke about allowing construction services in the C3 Zone. (See attached)*

*Karen Lougee from Cobb Farm Road came to encourage the Council to enact a temporary moratorium on new building permits, and to initiate a growth ordinance for the town, which was the basis of a petition that was presented on November 13, 2018.*

*Dennis Brown from Pond Villa spoke about development going into a farm zone and rural areas, and he asked for a 180 day moratorium.*

*Michelle Elaine Newton from Cobb Farm Road spoke on the growth issues in Windham and wants to know who is working on the growth ordinance?*

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

*Councilor Nangle responded to Holly Tubbs and Michelle Elaine Newton concerns.*

*Councilor Chapman spoke about cluster subdivisions, and she attended the meeting about the development on Cook Road.*

*Councilor Cummings said they have had this discussion on growth issues in their Leadership meeting.*

*Councilor Nadeau announced that Gene Fecteau has retired from the Public Works Department after 15 years of service, and he thanked him for his service and humor. He also spoke about growth and permits. He said the problem is we have failed to plan, and failing to plan is planning to fail.*

*Councilor Maxfield thanked Chief Libby, the first responders, the paramedics and the Fire Department for responding to a fire in his neighborhood. He responded to Michelle Elaine Newton's comments. He stated he does not support a moratorium nor does he support a committee.*

*Councilor Muir asked Karen Lougee to write down the names of the people who did clear cutting and who did not have permits, and to please get them to him before the end of the meeting; he will talk to Chris about this.*

## **VI. CONSENT AGENDA.**

## **VII. PUBLIC HEARINGS.**

Motion to suspend council rules.

[18-252](#)

To enter into executive session under 1 M.R.S.A. §405(6)(D) for "discussion of labor contracts and proposals and meetings between a public agency and its negotiators" on the collective bargaining agreement with Teamsters Local 340 for the Windham Public Works Department.

**A motion was made by Councilor Nadeau to suspend Council Rules to enter into executive session, second by Councilor Muir. The motion carried by the following vote at 7:49 p.m.**

**A motion was made by Councilor Chapman to return from executive session, second by Councilor Nadeau. The motion carried by the following vote at 7:58 p.m.**

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

[18-253](#) To approve a three year collective bargaining agreement for the period July 1, 2018 through June 30, 2021 between the Town of Windham and the Teamsters Local 340, and to authorize the Town Manager to sign the agreement on behalf of the Town.

**Attachments:** [18-253 Cover Sheet](#)  
[2018-2021 DPW CONTRACT AGREEMENT](#)  
[Appendix A - Wage Scales](#)

**A motion was made by Councilor Nadeau, second by Councilor Maxfield, that the Order be approved. The motion carried by the following vote at 8:03 p.m.**

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

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

[18-221](#) To appoint David Whitten to the Retail Adult-Use and Medical Marijuana Task Force.

**Attachments:** [18-221 Cover Sheet](#)

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

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

[18-223](#) To appoint Shaw Dwight to the Retail Adult-Use and Medical Marijuana Task Force.

**Attachments:** [18-223 Cover Sheet](#)

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

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

[18-242](#) To grant a blanket letter of approval to the Windham Veteran's Association for its application for licenses to conduct Games of Chance Tournaments at Dena's Lobster House & Tavern for the period of January 1, 2019 through December 31, 2019.

**Attachments:** [18-242 Cover Sheet](#)  
[Games of Chance-Windham Veteran's Assoc.](#)

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

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

[18-243](#)

To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Jordan Bay enterprises d/b/a Kelley's Sebago Diner for a renewal liquor license.

**Attachments:** [18-243 Cover Sheet](#)  
[Kelley's Sebago Diner-Renewal Liquor](#)

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

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

[18-244](#)

To amend the Council's rules of procedure by adding the definition of citizen to Section 29, "Council Appointments." (Sponsored by Councilors Chapman and Haskell)

**Attachments:** [18-244 Cover Sheet](#)  
[Council Rules AMENDED 12182018 Attny edit](#)

*Councilor Chapman moved to amend that the current existing members of the committee be grandfathered so when they are up for reappointment, and would consider staying on, they will allow that. Any new member who comes on later on, this rule would not apply, second by Councilor Muir.*

*Comments by: Councilors Nangle, Maxfield, Nadeau, Chapman, Muir,*

*Town Attorney Stephen Langsdorf spoke.*

*Tom Bartell WEDC Director spoke.*

*Councilor Chapman withdrew her motion.*

*Councilor Cummings moved to table Order 18-244 to a future date, second by Councilor Maxfield.*

**A motion was made by Councilor Maxfield, second by Councilor Muir, that the Order be tabled to a future date. The motion carried by the following vote:**

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

[18-227](#)

To set the salary of the assessor, and to take any other necessary action related thereto.

**Attachments:** [18-227 Cover Sheet](#)

*Councilor Muir moved 18-227 to set the salary of the Assessor at Step M3D with a stipend for the GPS, second by Councilor Chapman.*

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

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

[18-250](#) To approve application efforts to join the AARP Network of Age-Friendly Communities.

**Attachments:** [18-250 Cover Sheet](#)  
[AGE Friendly Community](#)

*Deb McAfee, Marge Govoni and Sheila Burke who heads the efforts in Raymond spoke. They handed out a community survey that was done in Raymond.*

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

[18-235](#) To authorize a partial release of the mortgage encumbering certain real property located on the southerly side of Angler's Corner Road, said mortgage having been granted by the Windham Economic Development Corporation to the Town of Windham and recorded in the Cumberland County Registry of Deeds in Book 27503, Page 228; and to further authorize the Town Manager to execute the Partial Release of Mortgage in substantially the same form attached hereto as Exhibit A.

**Attachments:** [18-235 Cover Sheet](#)  
[Partial Release of Mortgage from Town to WEDC 11.26 & Exhibit A](#)

*Tom Bartell gave a brief explanation of the order.*

**A motion was made by Councilor Nangle, second by Councilor Maxfield, that the Order be approved. The motion carried by the following vote:**

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

[18-236](#) To authorize amendments of the promissory note and mortgage encumbering certain real property located on the southerly side of Angler's Corner Road, said mortgage having been granted by the Windham Economic Development Corporation to the Town of Windham and recorded in the Cumberland County Registry of Deeds in Book 27503, Page 228, which amendments shall extend the maturity date for each document from December 31, 2018 to December 31, 2019; and to further authorize the Town Manager to accept the amended promissory note and to execute the Amendment to Mortgage in substantially the same form attached hereto as Exhibit A.

**Attachments:** [18-236 Cover Sheet](#)  
[Memo re Conveyances 11.29.18](#)  
[Amendment to Mortgage \(WEDC & Town\) 11.26](#)  
[Amendment to Promissory Note \(WEDC & Town\) 11.26](#)

*Tom Bartell WEDC Director spoke on the Order.*

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

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

[18-245](#) To appoint a Council representative to the Retail Adult-Use and Medical Marijuana Task Force.

**Attachments:** [18-245 Cover Sheet](#)  
[Retail Adult-Use and Medical Marijuana Establishments Task Force](#)  
[APPROVED 20180918](#)

*Councilor Nangle nominated Councilor Nadeau, second by Councilor Chapman.*

*Public Comment:*

*Maggie Terry*

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

## **IX. Discussion Items.**

[CD 18-365](#) The Council will receive training on Maine's "Freedom of Access Act" as required by state law.

*Town Attorney Stephen Langsdorf gave a power point presentation to the Council, and he will give this presentation to them in an email as well.*

[CD 18-394](#) Planning Board Recommendations for Amendments to Cluster Subdivisions.

**Attachments:** [PB packet Cluster Subdivision 10-17-18](#)  
[TC packet PB recommend cluster subdiv 12-06-18](#)

*Amanda Lessard Planner and Allan Phinney came to speak on Cluster Subdivisions.*

[CD 18-389](#) Cluster Subdivisions in the Farm Zone. (Sponsored by Councilors Chapman and Cummings)

**Attachments:** [Cluster subdivision overview 12-06-18](#)

*Amanda Lessard Planner and Allan Phinney spoke briefly on the discussion item.*

**X. Council Correspondence.**

*None.*

**XI. Town Manager's Report.**

*None.*

**XII. Committee Reports.****A. Council Subcommittees.****1. Appointments Committee.**

*Councilor Maxfield said they met tonight and interviewed four candidates, Casey Dubay for reappointment to the Parks & Recreation Committee, three-year term ending in 8-15-2021, Jean Rain for the Natural Resources Advisory Committee, three-year term ending in 8-15-2021, Joel Peppin for the Retail Adult Use & Medical Marijuana Task Force with no ending date, and Charles Hopkins for the Retail Adult Use & Medical Marijuana Task Force with no ending date; these names are to be put forward and considered at the next meeting.*

**2. Finance Committee.**

*None.*

**B. Other Committees.****1. Long Range Planning Committee.**

*None.*

**2. Parks & Recreation Advisory Committee**

*Councilor Cummings - They met last night but did not have enough members to have an official meeting but they did have discussion, and she noted that no actions were taken.*

**3. Private Roads ad hoc Committee.**

*Councilor Nangle - They are meeting Wednesday evening. They will look at reviews of the Code Enforcement Officer, Planning and town attorney, and they will decide their next steps.*

**3. Windham Economic Development Corporation**

*None.*

**XIII. Agendas & Scheduling.**

*No discussion.*

**XIV. ADJOURN.**

**A motion was made by Councilor Maxfield, seconded by Councilor Nangle, that they be adjourned. The motion carried by the following vote at 11:07 p.m.**

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

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM