



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, February 19, 2019

7:00 PM

Council Chambers

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**Postponed from 2/12/2019 due to inclement weather.**

#### I. Roll Call of Members.

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

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

[CD 19-028](#) To approve the Minutes of the January 22, 2019 Council meeting.

**Attachments:** [Minutes-Town Council-1-22-19](#)

**A motion was made by Councilor Nadeau, seconded by Councilor Chapman, that the Minutes 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

[CD 19-042](#) To approve the Minutes of the January 29, 2019 Council meeting.

**Attachments:** [Minutes-Town Council-January 29, 2019](#)

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

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

**Abstain:** 1 - Council Chair Haskell

[CD 19-043](#) To approve the Minutes of the February 5, 2019 Council meeting.

**Attachments:** [Minutes-Town Council-February 5, 2019](#)

**A motion was made by Councilor Nadeau, seconded by Vice Chair Cummings, that the Minutes 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

#### IV. Public Participation.

*Larry Eliason on Colby Drive expressed his deep concern with the Culture of the Council. (See attachments)*

*Carol Waig of Casco & former Windham Councilor brought up a conversation she saw on Facebook about one month ago about 3 dogs at a residence here in Windham and the living conditions involving these three dogs and communications between the ACO and Windham Police.*

*Holly Tubbs wanted to address a few of the Councilors concerns expressed the last time they spoke about allowing Construction Services in C-3. (See attached)*

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

*Councilor Nadeau said their hearts go out to the walker who was killed on White's Bridge Road recently. He has received several telephone calls of concerned citizens who say speed is a factor.*

*Councilor Chapman touched on what Larry Eliason spoke to in public participation. She told Holly Tubbs that her concerns are coming up on an agenda soon. She acknowledged to Carol that she is aware of this dog situation. She said Windham's Legislative Delegation have all been made aware, and the Manager was going to get an update as to whether an agent from the State of Maine has been there to check on things. She is thankful that they have the Police support and also support from surrounding communities when Duck Pond Variety was robbed yesterday. The criminal was caught quickly.*

*Councilor Maxfield also heard from a couple of folks in regard to the accident on White's Bridge Road. He touched on the dog situation that has been happening. He reminded people that anything that goes up on the Town's Facebook page is preserved and nothing should be deleted. He spoke in regard to Larry Eliason. He is a resident who comes in and volunteers his time and energy and be part of the process. The question that should be asked is "what have we done as a body to push a guy like that, that he is so ticked off?"*

*Councilor Muir asked the Manager for a full report on the dog situation. He also spoke a little to what Larry Eliason said.*

## **VI. PUBLIC HEARINGS.**

## **VII. CONSENT AGENDA.**

### 19-016

To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application by Smoke This Two, LLC d/b/a Buck's Naked BBQ for a renewal Liquor License.

**Attachments:** [19-016 Cover Sheet](#)

[Buck's Naked BBQ renewal Liquor Lic](#)

### 19-017

To approve an application submitted by Smoke This Two LLC d/b/a Buck's Naked BBQ located at 4 Turning Leaf Drive for a renewal Special Amusement permit.

**Attachments:** [19-017 Cover Sheet](#)

[Buck's Naked BBQ renewal Special Amusement](#)

**19-013**

To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Smitty's Cinema-Windham, LLC for a renewal Liquor License.

**Attachments:** [19-013 Cover Sheet](#)

[Smitty's Cinema renewal Liquor License](#)

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

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

**19-023**

To reconsider the Council vote, at its January 29, 2019 meeting, that did not approve an ordinance establishing a "Moratorium Ordinance on Subdivisions in the Farm Zone," which would prohibit the location of new subdivisions and addition of more than two lots to pending and existing subdivisions in the Farm Zone. (Sponsored by Councilor Cummings.)

**Attachments:** [19-023 Cover Sheet](#)

[Attorney Langsdorf - Opinion on Motion for Reconsideration](#)

[Moratorium on Subdivisions in Rural Zone 2019-01-29 revised](#)

[Moratorium on Subdivisions in Rural Zone](#)

[TC memo\\_LRPC work plan\\_01-04-19](#)

[Jim Cummings - Email Correspondence to Council](#)

[K Grondin Correspondence to Council](#)

[Interim Planning Dir. - Applications impacted by moratorium](#)

[S Daigle Correspondence to Council](#)

*There was discussion about whether it was right or wrong having Order 19-023 to reconsider the vote on this agenda. There was much debate over this between the Council and the Parliamentarian.*

*Councilor Maxfield appealed the Parliamentarians ruling for the Order to be on the agenda, seconded.*

*Vote: 0-7*

*Councilor Cummings made a motion to reconsider the Moratorium Ordinance on Subdivisions in the Farm Zone, Second Councilor Muir.*

*There was a lot of discussion on whether things had been done wrong for quite sometime.*

*Councilor Maxfield made an appeal to the Parliamentarian on whether they can vote on the reconsideration.*

*Councilor Nadeau move the motion.*

*Vote was on do you agree or disagree with the Parliamentarian on whether the vote can be taken tonight: 2-5 - (DC, DN, CH, TN, JM)*

**19-011** To appoint members of the Voter Registration Appeals Board.

**Attachments:** [19-011 Cover Sheet](#)  
[Voter Registration Appeals Board Nominees](#)

*The following members were appointed from the Democratic Party:  
Krystal Ash-Cuthbert and Alternate Jennie M. Butler*

*The following members were appointed from the Republican Party:  
Phyllis A. Hall and Alternate Colette Coulthard*

**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

**19-014** To approve an application submitted by Central Maine Power Company and Northern New England Telephone Operations LLC to locate (1) utility pole and cables and wires there on Cedar Lane, approximately +/-200 feet in a generally east direction from Dirigo Lane.

**Attachments:** [19-014 Cover Sheet](#)  
[CMP Pole Loc. Cedar Ln](#)

**A motion was made by Vice Chair Cummings, 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

**19-015** To authorize the addition of various assigned fund balance amounts to the fiscal 2018-2019 budget accounts.

**Attachments:** [19-015 Cover Sheet](#)  
[Assigned Fund Balance](#)

**A motion was made by Councilor Chapman, 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

**19-018** To approve the write off of uncollected personal property taxes prior to 2011.

**Attachments:** [19-018 Cover Sheet](#)  
[Personal Property Taxes](#)

*Don Gerrish explained that a number of years have gone by where there has been uncollected Personal Property, and it has been on the books since 1992. By statute we cannot go back more than 7 years to collect so it needs to be written off as uncollectible, and it needs to get off the books. This will be done from 1992 through 2010.*

**A motion was made by Councilor Chapman, seconded by Councilor Nadeau, 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

[19-019](#) To schedule a public hearing on proposed ordinance changes to Section 800 Site Plan Review Committee and Section 900 Subdivision Review, related to Independent Review of development in watersheds of a lake most at risk from new development for the Council's regular meeting of February 26, 2019.

**Attachments:** [19-019 Cover Sheet](#)  
[TC packet\\_PB recommend\\_Independent Review\\_02-05-19](#)

*Date of hearing was incorrect on the agenda, it should read March 12th for the date of the hearing.*

*Councilor Chapman would like more discussion on this because there were some things the Highland Lake Leadership Team had for recommendations and some might have gotten changed.*

*Amanda Lessard clarified some things that Councilor Chapman asked.*

*Councilor Nadeau moved to amend the motion to have, on behalf of the Planning Board's recommendation, the third party review engineer go on the site walks with the Planning Board, and to add this language to the section where the Planning Board's site walk is written, second by Councilor Cummings.*

*Vote on amendment 6-1 (CH)*

*Vote on Order as amended 7-0 passed*

## **IX. Discussion Items.**

*None.*

## **X. Council Correspondence.**

[CD 19-027](#) Sebago Lake Watershed News - Winter 2019

**Attachments:** [Newsletter - Winter 2019](#)

[CD 19-031](#) MDOT Notice of Natural Resources Protection Act Permit - River Road

## Rehabilitation

**Attachments:** [River Road Notice](#)

[CD 19-035](#) Windham Public Library Newsletter

**Attachments:** [Check It Out February 2019](#)

[CD 19-038](#) Department of Public Works Monthly Report - December 2018

**Attachments:** [Monthly Report - December 2018](#)

[Storm Reports - December 2018](#)

[CD 19-040](#) Windham Historical Society Newsletter.

**Attachments:** [Windham Historical Society Quarterly Review - Winter 2019](#)

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

*Interim Town Manager Don Gerrish:*

*There are three openings on the Assessment Review Board; this is a five member committee and there are not enough members or enough people applying. There is an appeal coming in March, and they need more members.*

*They received information from public works today that they are bringing in more sand and salt. There is still money left in the overtime account to pay for it, but the salt and sand accounts will go over in those accounts.*

*The town sent out fifty certified letters for all the tax acquired property. They have been meeting with people, people are responding, and some payments have come in. There will be report next month of where they are. He will be bringing property to be sold to the Council.*

## **XII. Committee Reports.**

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

#### **1. Appointments Committee.**

*Councilor Maxfield said the Appointment's Committee has met and have the following names to put forth:*

*Colin Swan to the Planning Board - alternate seat for a 3 year-term to expire August 15, 2021, which is the remainder of the alternate's seat current term.*

*Michael Devold, who is currently the alternate on the Planning Board will be taking a vacated seat for a three-year term to expire on February 15, 2022.*

*Gary Lytle is a reappointment to Assessment Review Board, three-year term to expire February 15, 2022.*

*Paul Caron to the Public Easement Advisory Committee for a three-year term to expire February 15, 2022.*

*Marge Govoni to Zoning Board of Appeals for a three-year term to expire February 15, 2022.*

*Nick Kalogerakis to the Planning Board is a reappointment for a three-year term to expire February 15, 2022.*

*Mr. Kalogerakis and town staff requested to waive his interview because he has some family issues going on, and they all know him and he has been on the board.*

2. Finance Committee.

*Councilor Nangle said they have not met recently but will schedule a meeting soon.*

**B. Other Committees.**

1. Long Range Planning Committee.

*Amanda Lessard said there is a meeting Wednesday at 7:30 for the first draft on Conservation Subdivisions.*

2. Parks & Recreation Advisory Committee.

*No report.*

3. Windham Economic Development Corporation

*No report.*

4. Highland Lake Leadership Team.

*Don Gerrish said he facilitated the meeting today and it went well. In the next month or so a report laying out where things are headed for the next two years will be ready, and also what the town may be requesting for funding for both communities.*

5. Shared Maintenance Facility Joint Project Team.

*Don Gerrish said the garage itself can be used, and the meetings room should be done at the end of the month and a ribbon cutting will be planned as well as an open house for the public.*

*Don wanted to also note that all department budgets were all in last Friday, as well as the CIPs. The budget will be done before he leaves on vacation and will be presented to Council by the end of March. He said they will see some changes in the budget and presentations. He noted that he may be working a few more days to get everything done before he goes on vacation.*

6. Private Roads ad hoc Committee.

*Councilor Nangle said they had the public forum last week and what came up was that the town is not real good about communication. A resident asked why can't they be sent*

*an email when things come up? Councilor Nangle said maybe Brett could look at maybe having a listserv.*

7. Natural Resources Advisory Committee.

*Councilor Chapman said they have their third meeting tomorrow. At their last meeting they went over their charge, set some goals, suggested to transition the committee to a conservation commission, etc.*

**XIII. Agendas & Scheduling.**

[CD 19-041](#) Future Agenda Items.

**Attachments:** [Future Agenda Items 2.15.19](#)

*At next weeks meeting they will have something on the 3C zoning and the TIF.  
The March 5th meeting will have a discussion about the Animal Control Ordinance.  
The Chair of the Marijuana task force has asked for a meeting with the Council.  
Don is working on a change of the Council Rules.*

**XIV. ADJOURN.**

**A motion was made by Councilor Nangle, seconded by Councilor Chapman, that they be adjourned. The motion carried by the following vote at 8:59 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