



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, February 26, 2019

7:00 PM

Council Chambers

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WCCG TV-7 Now on Channel 1303

#### 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 19-056](#) To approve the Minutes of the February 19, 2019 Council meeting.

**Attachments:** [Minutes-Town Council-2-19-2019](#)

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

#### IV. Public Participation.

*No public participation.*

#### V. Councilors' Comments.

*Councilor Muir apologized for saying some words and raising his voice when talking to Councilor Maxfield, those things should not happen. He told Jarrod he was sorry, and said they are all there to do town business and anything else detracts from that.*

*Councilor Maxfield said he appreciated the words but didn't know if he believed them. He said there is so much opportunity in the town and so many great people, how do we move this town forward and how do we get things done? The last 2 1/2 years have been kind of grind.*

*He also noted that there were a lot of comments on the Facebook page about the TV and sound. He reminded everyone to use their microphones.*

#### VI. PUBLIC HEARINGS.

[19-021](#) To receive public comment and act on the designation of the Gateway

North B Infrastructure Omnibus Municipal Tax Increment Financing District (the "District") and the adoption of a Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

**Attachments:** [19-021 Cover Sheet](#)

[Gateway North B Infrastructure Omnibus Municipal TIF District Development Program](#)  
[TIF ExhibitA-1](#)

[TIF ProposedGatewayNorthB](#)

[Copy of CertifiedValues for Gateway North TIF B - working copy 1 31 19](#)  
[Windham TIF Program Update January 24 2019](#)

*Interim Manager Don Gerrish explained that this is an additional TIF to the Town of Windham, and it is going to be the Gateway North B Infrastructure TIF. He introduced Michael Sheehan from our attorney's office Preti Flaherty and said Mr. Sheehan worked with them in putting the plan together. It will add this TIF and the lots that are laid out that were not ready when the original TIF project began up there.*

*The Council needs to approve it, and then the application goes to the State for approval. The total acreage is about 41 to 44 acres. It will generate, in the first year, about \$62,000 in TIF revenue, and in the second year about \$128,000 and will continue to grow over time. The TIF will have a thirty-year life.*

*Public Hearing closed at 7:12 p.m.*

*Councilor Nangle moved 19-021, second by Councilor Nadeau.*

*Attorney Michael Sheehan got up and gave some explanation to the Order.*

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

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

**Opposed:** 1 - Vice Chair Cummings

## **VII. CONSENT AGENDA.**

[19-029](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Binga's Windham LLC d/b/a Binga's Windham for a renewal Liquor License.

**Attachments:** [19-021 Cover Sheet](#)

[Bingas Windham LLC - renewal Liquor License](#)

[19-030](#) To approve an application submitted by Binga's Windham LLC located at 106 Main Street for a renewal Special Amusement permit.

**Attachments:** [19-030 CoverSheet](#)  
[Bingas Windham LLC- renewal Special Amusement](#)

[19-024](#) To grant a Blanket Letter of Approval to the Lake Region Eagles #4352 for its application for licenses to conduct games of chance (Tournaments & Cards) at the Lakes Region Eagles #4352 for the period of February 1, 2019 through January 31, 2020.

**Attachments:** [19-024 Cover Sheet](#)  
[Lake Region Eagles-Blanket Letter Approval](#)

**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

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

[19-012](#) To approve the July 1, 2019 to June 30, 2020 contract for services provided by the Animal Refuge League.

**Attachments:** [19-012 Cover Sheet](#)  
[ARL Outcomes](#)  
[ARL Contract Renewal Request](#)

*Patsy Murphy Executive Director from the Animal Refuge League was at the meeting to answer some questions that Councilor Cummings and Chapman had. Police Chief Kevin Schofield was also on hand to answer any questions.*

**19-012 To approve the July 1, 2018 to June 30, 2019 contract for services provided by the Animal Refuge League.**

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

[19-028](#) To set seasonal weight limits on roads.

**Attachments:** [19-028 Cover Sheet](#)  
[Seasonal Road Postings 2019](#)

*Doug Fortier Public Works Director came to answer questions. Council Chair Haskell asked when would the roads be posted, and Doug said they would hold off as long as they could or until the roads start to thaw out. Councilor Haskell asked why they need to post all the little roads? You have Route 302 and Falmouth Road posted and in between you have the other roads, so why do you post them? Doug said the law says if you do not post those smaller roads and a truck goes in there, you cannot do anything about it if the road is not posted. Councilor Cummings ask about weight limits and Doug said anything over 23,000 pounds is restricted. Doug listed what vehicles were exempt.*

**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

19-025

To refer proposed amendments to the Land Use Ordinance, Chapter 140 of the Code of the Town of Windham, with regard to construction services in the Commercial-3 (C-3) zone, to the planning board for review and recommendation.

**Attachments:** [19-025 Cover Sheet](#)

[TC packet Construction Services Amendment 3-22-19.pdf](#)

[Construction Contractor Services in C-3 03-14-19.pdf](#)

[TC memo Construction Services in C3 January 2019](#)

[Contractor services yards in C-3 02-21-19](#)

*Tom Bartell Windham Economic Development explained the two proposals in front of them and the proposed amendments. He said the first one is familiar to the Council as it was brought up by the WEDC a few years ago. It came back from the Planning Board and the Council didn't approve moving Construction Services as defined and allowing that in C3. That is what Miss Tubbs has been working on with other members of the community, and that is what is proposed here.*

*The second is a much more detailed discussion of what makes up Construction Services in the definition we currently have, and what those could be redefined as and where those could be located with the standards associated with them in the different zones.*

*They feel it fair that the opportunity to move Constructions Services as defined currently, and allow that into C3, have a proper discussion and vote with the Town Council. If that does not happen, then another option is the second option and to take a look at the class of Construction Services and all the business types that makes that up and find out where they would best fit in the community and our work. You can see where that may be, in what was given to you as an explanation.*

*Holly Tubbs said she had some problems with what had been proposed and explained why.*

*There was a lot of Council discussion on the subject and they could not come to settle on any option. They asked if they could discuss it further at another meeting before any decision would be made.*

*Don Gerrish said they will come back with one proposal to the C3, only without heavy construction.*

*Councilor Chapman moved to postpone Order 19-025, second by Councilor Nadeau and for this to be taken up as soon as they can.*

*Vote to postpone. 7-0*

**A motion was made by Councilor Chapman, seconded by Vice Chair Cummings, that the Order be postponed. 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

[19-027](#) To appoint Paul Caron to the Public Easement Advisory Committee for a three-year term to end February 15, 2022. (Sponsored by Appointments Committee)

**Attachments:** [19-027 Cover Sheet](#)

**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

[19-032](#) To appoint Marge Govoni to the Zoning Board of Appeals for a three-year term to end February 15, 2022. (Sponsored by Appointments Committee)

**Attachments:** [19-032 CoverSheet](#)

**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:** 6 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Council Chair Haskell

**Opposed:** 1 - Vice Chair Cummings

[19-033](#) To appoint Michael Devoid to the Planning Board for a three-year term to end February 15, 2022. (Sponsored by Appointments Committee)

**Attachments:** [19-033 Cover Sheet](#)

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

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

**Opposed:** 1 - Vice Chair Cummings

[19-034](#) To appoint Nick Kalogerakis to the Planning Board for a three-year term to end February 15, 2022. (Sponsored by Appointments Committee)

**Attachments:** [19-034 Cover Sheet](#)

**A motion was made by Councilor Nangle, 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

[19-035](#) To appoint Colin Swan to the Planning Board as an alternate for the remainder of a three-year term to end February 15, 2021. (Sponsored by Appointments Committee)

**Attachments:** [19-035 Cover Sheet](#)

*Councilor Chapman said she was saddened to lose Bill Walker, and she wished Bill the best of luck. She spoke to Don about possibly having some quarterly trainings and have*

*Gretchen do catch basin and run off trainings, etc. so they have more tools in the toolbox for them to work with.*

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

**In Favor:** 5 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Council Chair Haskell

**Opposed:** 1 - Vice Chair Cummings

**Abstain:** 1 - Councilor Chapman

#### [19-036](#)

To appoint Gary Lytle to the Board of Assessment Review for a three-year term to end February 15, 2022. (Sponsored by Appointments Committee)

**Attachments:** [19-036 Cover Sheet](#)

*Councilor Nadeau noticed a mistake in the term ending date.*

*Councilor Nangle moved to amend the Order 19-036 to have Gary Lytle's three-year term end on February 15, 2022, second Councilor Maxfield.*

*Vote 7-0 amendment*

**A motion was made by Councilor Nangle, second by Councilor Chapman that the Order be approved as amended. 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.**

*None.*

### **X. Council Correspondence.**

*Councilor Chapman asked why they are now listing the restaurants that way in the Police monthly reports? Don will relay the message.*

#### [CD 19-006](#)

Watershed Protection Grant 2018 Final Reports

**Attachments:** [2018 Highland Lake Grant Final Report presented 12.18.18](#)

[2018 Forest Lake Assoc Report presented 2.5.19](#)

[2018 Collins Pond Improvement Assoc Final Report](#)

[2018 Presumpscot Regional Land Trust Final Report](#)

#### [CD 19-037](#)

Parks and Recreation Department Monthly Report - January 2019

**Attachments:** [Parks & Recreation Monthly Report - Jan 2019](#)

[Upcoming Events Jan Feb 19](#)

#### [CD 19-039](#)

Town Clerk's report for the month of January 2019.

**Attachments:** [Monthly Clerk's Report-Jan 2019](#)

[CD 19-044](#) Assessing & GIS Department Report for January 2019

**Attachments:** [Assessing & GIS Department January 2019](#)

[CD 19-045](#) Fire-Rescue Department Monthly Report - January 2019

**Attachments:** [January 2019 Monthly Report](#)

[CD 19-046](#) Social Services Monthly Report - January 2019

**Attachments:** [Social Services Monthly Report - January 2019.docx](#)

[CD 19-047](#) Windham Public Library Monthly Report - January 2019

**Attachments:** [January 2019](#)

[CD 19-050](#) Windham Police Department Monthly Report - January 2019

**Attachments:** [januauy](#)

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

*Don Gerrish said he passed out a tentative schedule for the budget review. He met with the Finance Committee this evening and they agreed to the proposed schedule. He read through the schedule.*

*In regard to our website redesign they have confirmation that Civic Plus is now available to help us. They will form a committee to do this. There will be Councilor Maxfield, IT Manager, Library Director, Taylor Burns from Assessing, Phyllis Moss and five other members. They will come back with a plan.*

*Councilor Nadeau asked that it get Beta tested before it is complete. Don said they will do it.*

## **XII. Committee Reports.**

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

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

*Councilor Maxfield said they interviewed one candidate that night and wanted to nominate Mark Morrison to the WEDC for a two-year term ending February 15, 2021.*

#### **2. Finance Committee.**

*They had a meeting and came up with the schedule that Don went over in his Manager's report.*

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

1. Long Range Planning Committee.

*Councilor Haskell said they are still moving forward on the farm zones, along with the other items they have.*

2. Parks & Recreation Advisory Committee.

*Councilor Cummings said they have not met but reminded people that the Mother-Son Night will be on Friday, March 8th from 7:00 to 8:30 at the Windham Middle School. You can go through Parks & Rec or go on line. The cost is \$25.00.*

*Councilor Nadeau reminded people that the photo contest ends this Friday.*

3. Windham Economic Development Corporation

*Tom Bartell said they are planning on a monthly board meeting on the third Wednesday of each month from March to June and will concentrate on the Downtown. They will be inviting business owners and others in the Downtown to join them for discussions.*

4. Highland Lake Leadership Team.

*Councilor Chapman said they met on January 17 and talked about the public forum, the education outreach, ordinance review and the watershed survey.*

*Don Gerrish said he saw a draft today of what came out of their meeting last week, and he thinks they will see a presentation down the road saying where this group wants to be.*

[CD 19-049](#)

HLLT Update

**Attachments:** [Highland Lake Leadership Team Agenda 1-17-18](#)

5. Shared Maintenance Facility Joint Project Team.

*Don Gerrish said they are planning the open house and looking for a date, and the budget is right on and things are moving. They are still waiting for tile and it is just the office space that is not open.*

6. Private Roads ad hoc Committee.

*Councilor Nangle said they had their public forum two weeks ago, and they got some good feedback. They have a committee meeting scheduled tomorrow night and hope to have some language very soon. He said once this language comes to the Council the committee is kind of disbanded, and he wonders if they shouldn't roll it into the Public Easement Committee and combine the two?*

7. Natural Resources Advisory Committee.

*Councilor Chapman said they reviewed and approved the minutes from the last meeting. They worked with Gretchen and Heather True from Cumberland County Soil & Water District regarding water research terminology and certain classification impairment, etc. Discussed some of the watershed inventory and maps to facilitate discussions for the future and coming back to the Council. They also discussed improvements to our water*



*resources.*

#### 8. Retail Adult Use & Medical Marijuana Task Force

*Councilor Nadeau said they met Monday night and came up with a definition and a structure to move forward. They are making progress.*

[CD 19-054](#) Approved Meeting Minutes January 28, 2019

**Attachments:** [Minutes Jan 28th Meeting](#)

### XIII. Agendas & Scheduling.

[CD 19-055](#) Agenda Items Report.

**Attachments:** [Future Agenda Items 2019.2.22](#)

*To look at a study done in 2007 about a by-pass on the Route 115 side. Councilor Cummings said the WVA discussed that by-pass and she suggested that Don talk to Willie Goodman who is charge up there and Mel Grenier.*

*Bus tour for the Council in the future.*

### XIV. ADJOURN.

**A motion was made by Councilor Chapman, seconded by Vice Chair Cummings, that they be adjourned. The motion carried by the following vote at 9:03 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