



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, May 28, 2019

6:00 PM

Council Chambers

WCCG TV-7 Now on Cannel 1303

I. Roll Call of Members.

Councilor Maxfield arrived at 6:03.

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 Pledge of Allegiance.

III. Minutes to be Approved:

Councilor Haskell made a motion to suspend Council Rules to add agenda item to Unfinished Business & General Orders, second by Councilor Cummings.

In Favor: 7-0

[CD 19-136](#) To approve the Minutes of the April 23, 2019 Council meeting.

Attachments: [Minutes-Town Council-April 23, 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: 6 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Maxfield

[CD 19-138](#) To approve the Minutes of the May 14, 2019 Council meeting.

Attachments: [Minutes-Town Council-5-14-2019](#)

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: 6 - Councilor Nadeau, Councilor Nangle, Councilor Muir, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Maxfield

[CD 19-142](#) To approve the Minutes of the May 21, 2019 Council meeting.

Attachments: [Minutes-Town Council-5-21-2019](#)

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: 5 - Councilor Nadeau, Councilor Muir, Councilor Chapman, Council Chair Haskell and Vice Chair Cummings

Absent: 1 - Councilor Maxfield

Abstain: 1 - Councilor Nangle

IV. Public Participation.

Brent Libby Fire Chief acknowledged and thanked the first grade class at the Primary School. They held their Community Day two weeks ago, and each grade selected a community resource to sponsor and they selected the Fire Department. They did a Run-a-Thon and raised \$1,600 for the Fire Department. The money will go towards upgrading their CPR manikins.

V. PUBLIC HEARINGS.

19-038

To receive comment and approve a municipal services budget for fiscal year 2019-2020.

Attachments: [19-038 Cover Sheet](#)

[Proposed Budget Impacts 5.21.2019](#)

[Council Proposed Budget FY20](#)

No Public Comment.

Councilor Nadeau moved Order 19-038 to approve the municipal services budget for fiscal year 2019-2020, second by Councilor Chapman.

Councilor Haskell moved to cut \$300,000 out of Fund Balance. Died for lack of a second.

19-038 To receive comment and approve a municipal services budget for fiscal year 2019-2020.

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

Opposed: 1 - Council Chair Haskell

19-057

To receive public comment and act on proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 300 Definitions; 400 Zoning Districts; and 500 Performance Standards for the replacement of the definition of Construction Services and Service Business, Landscaping and the addition of Contractor Services, Contractor Storage Yard, and Heavy Construction Services, Minor as uses in the Commercial 3 (C-3) zoning district.

Attachments: [19-057 Cover Sheet](#)
[Construction Services Amendment 05-28-2019](#)
[TC packet PB recommend C3 Amendment 05-02-19](#)

No Public Comment.

Council Comment:

Amanda Lessard Director of Planning was asked to speak. She explained this was the same draft that the Council sent to the Planning Board that they sent back with a recommendation, with a split recommendation, but a recommendation to change it, and there have been no changes since the workshop where she presented the Planning Board's recommendations.

Questions were raised by Councilor Nadeau, and were answered by Amanda.

Councilor Nadeau made a motion to amend to strike Construction Services Minor out of C3 and allow Contractor Services only, second by Councilor Muir.

Councilor Muir said according to this only Class 1-5 Vehicles can be there and cannot have anything in the other column under heavy construction. Amanda answered there would only be equipment, to the extent, that are necessary for the types of businesses that are listed in that definition of Contractor Services, so there may be a well driller that has a piece of equipment that is not a vehicle but is on a trailer or a roofer might have a lift. Councilor Muir said "for the record" he just wanted to make sure that there was no heavy construction allowed there. Amanda also said these definitions require them to keep equipment indoors or screen it, per the contractor storage yard definitions.

Vote on Councilor's Nadeau's amendment:

In Favor: 5

Opposed: 2 (Haskell, Cummings)

Councilor Maxfield asked Amanda to clarify some questions.

Councilor Nangle moved to amend 519 A Contractor Storage Yard to require an 10 foot fence, second by Councilor Muir.

Vote on Councilor Nangle's amendment:

In Favor: 2

Opposed: 5 (Chapman, Nadeau, Haskell, Cummings, Maxfield)

Failed

Councilor Nangle moved to amend section 519 -A Contractor Storage Yard to require an 8 foot fence, second Councilor Muir.

Vote on Councilor Nangle's second amendment:

In Favor: 2

Opposed: 5 (Chapman, Nadeau, Haskell, Cummings, Maxfield)

Failed

Amanda Lessard stated that there is no heavy equipment, as it is used by heavy construction services, such as paving companies or excavation companies.

Vote on main motion as amended. The motion carried by the following vote:

In Favor: 3 - Councilor Nadeau, Councilor Muir and Councilor Chapman

Opposed: 4 - Councilor Nangle, Councilor Maxfield, Council Chair Haskell and Vice Chair Cummings

[19-074](#) To receive public comment and act on proposed amendments to Town of Windham Animal Control Ordinance, Chapter 81.

Attachments: [19-074 Cover Sheet](#)
[Animal Control Ordinance REVISED KMC 051719](#)

Public Comment:

Charles Hawkins of Anthoine Road - He only knows one side of the personal story, and it is not Councilor Cummings; however he tends to support her and her community because the side he has heard he cannot support. He wants to make sure they are not going to over burden other dog owners in town just to go after somebody. There are other pets that could be burdensome and the next step might be a chicken collar because a neighbors chickens might bother somebody.

Public Comment closed.

Councilor Commit:

Councilor Nangle noted under section 81-10 Nuisance Animals - he felt ten minutes is a little too short based on the Police Department's current activity level.

Chief Schofield said the time limit now is subjective, there is no actual time limit in our current ordinance for dogs. He said ten minutes is the least amount of time, and the most he has seen in other ordinances is twenty minutes.

Councilor Chapman said ten minutes of consistent barking from a dog is pretty bad if you are living next door to it.

Don Gerrish - Interim Manager noted that they added section 81-12 Animal Waste and owners are now required to pick-up and dispose of their dog's waste.

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

VI. CONSENT AGENDA.

[19-092](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Trebig Enterprises, Inc. d/b/a Gilberts Chowder House II for a renewal Liquor License.

Attachments: [19-092 Cover Sheet](#)
[Gilberts Chowder House-renewal Liq. Lic.](#)

[19-093](#) To approve an application submitted by Gilberts Chowder House II located

at 61 Tandberg Trail for a renewal Special Amusement permit.

Attachments: [19-093 Cover Sheet](#)

[Gilberts Chowder House-renewal Special Amusement](#)

A motion was made by Councilor Chapman, 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

VII. UNFINISHED BUSINESS & GENERAL ORDERS.

[19-102](#)

To approve the consent agreement between the Town and Gerard and Sally Wilson, current owners of the property located at 10 Winchester Drive, and to authorize the town manager to take any other necessary action related thereto to finalize the agreement.

Attachments: [19-102 Cover Sheet](#)

[Consent Agreement 10 Winchester](#)

Chris Hanson Director of Code Enforcement explained that last year he denied two building permits out in the area of Cross Ridge and Smith Road to Peter Gilman. The denial was because the lots were created by a scheme of gifting with the intent to avoid subdivision. The decision went to the Appeals Board, the Appeals Board upheld his decision. There was a time period it could have gone to Superior Court but it did not.

In the past year no permits have been granted in that whole vicinity, also including the roads of Winchester, Flintlock, Century, Idlewood, Alpine and Keystone. Last week it came to his attention that there were several parcels for sale in that area. One is a vacant parcel at 12 Winchester and one is 10 Winchester, which is the Wilson's home and they had received building, plumbing, electrical permits and the home was built inspected and they got a CofO. They have marketed their house, it sold, they quit their jobs and are planning on moving south. They heard from the bank stating they had a problem. It happened to be the same mortgage company he denied the permits to a year ago. They feel there is enough concern that this may be an illegal subdivision and they would not finance their home. The title company asked the town to look into doing a letter of non-action, in the beginning, and that would not satisfy the title company so the town has drafted a consent agreement through the town's attorney in negotiating with the buyers attorney for the title company.

Gerard Wilson he and his wife have been on pins and needles, so they humbly request the Council consider this agreement and allow them to move on.

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

[19-039](#)

To approve the warrant for the 2020 annual town meeting.

Attachments: [19-039 Cover Sheet](#)

[Warrant for June 2019 Town Meeting](#)

A motion was made by Councilor Muir, 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

[19-090](#) To approve amendments to the Windham Public Library By-Laws.

Attachments: [19-090 Cover Sheet](#)
[WPL ByLaws - Board of Trustees-DRAFT](#)
[Windham Public Library By-Laws - clean](#)

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

[19-091](#) To appoint Carole Kelley to the Board of Assessment Review for a three-year term to end February 15, 2022. (Sponsored by Appointments Committee)

Attachments: [19-091 Cover Sheet](#)

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

[19-094](#) To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Riding to the Top Therapeutic Riding Center for a Liquor License for an Incorporated Civic Organization.

Attachments: [19-094 Cover Sheet](#)
[Riding to the Top Liquor License application](#)

A motion was made by Councilor Muir, 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

[19-096](#) To approve a Victualer's permit application submitted by RuiYuan Yang d/b/a Eagle Sushi & Steakhouse LLC, located at 818 Roosevelt Trail.

Attachments: [19-096 Cover Sheet](#)
[Eagle Sushi & Steakhouse new Victualer's permit](#)

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

[19-095](#) To approve one (1) application submitted by Kelly's Ice Cream Truck for a Mobile Food Service Unit license.

Attachments: [19-095 Cover Sheet](#)
[Kelly's Ice Cream Truck-renew Mobile Food Permit](#)

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

[19-098](#) To approve one (1) application submitted by Robert Finley d/b/a Poppies Kettle Corn for a Mobile Food Service Unit license.

Attachments: [19-098 Cover Sheet](#)
[Poppie's Kettle Corn-Mobile Food-2019-2020](#)

A motion was made by Councilor Muir, 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

[19-099](#) To approve the list of 2019 Summerfest Victualer's applications for the Annual Summerfest Event on June 22, 2019 located at Windham High School, 406 Gray Road.

Attachments: [19-099 Cover Sheet](#)
[SUMMERFEST VICTUALER'S 2019](#)

A motion was made by Councilor Muir, 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

[19-100](#) To approve one (1) application submitted by Jason Klein d/b/a North East Ice Cream for a Mobile Food Service Unit license.

Attachments: [19-100 Cover Sheet](#)
[North East Ice Cream-Mobile Food](#)

A motion was made by Councilor Chapman, 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

[19-101](#) To approve sixty (60) applications for renewal Victualer's permits.

Attachments: [19-101 Cover Sheet](#)
[Victualer's Permit List-2019-2020](#)

It was noted that Friendly's has closed since the list was created and will be removed

from the list.

Also, the Fortune Cookie came in late but will be added to the list.

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

VIII. Discussion Items.

IX. Council Correspondence.

[CD 19-135](#) US Census 2020 Employment Opportunity.

Attachments: [2020 Census Job Announcement](#)

[CD 19-132](#) Parks and Recreation Department Monthly Report - April 2019

Attachments: [Monthly Report- April, 2019](#)

[CD 19-134](#) Fire-Rescue Department Monthly Report - April 2019

Attachments: [April 2019 Fire-Rescue Monthly Report.pdf](#)

[CD 19-137](#) Police Department Monthly Report - April

Attachments: [April Report](#)

[CD 19-139](#) Windham Public Library Monthly Report - April 2019

Attachments: [April 2019](#)

[CD 19-140](#) Save the Date! Highland Lake Association sponsored Buffer 'Blitz' Workshop.

Attachments: [Save the Date! Buffer Blitz Workshop](#)

[CD 19-141](#) Little Sebago Lake Association - Summer Newsletter

Attachments: [LSLA 2019 SummerNewsletter Web](#)

[CD 19-143](#) Accessory Building Front Setback Ordinance Amendment.

Attachments: [TC memo accessory building setback 05-23-19](#)

X. Town Manager's Report.

Don Gerrish - Reminded people that there is an open house this Saturday June 1 at the new Public Works Facility from 9 to noon.

Councilor authorized a committee to make an AARP proposal to form and do some work for seniors in Windham. They have got the grant to do that; they are formatting a survey to go out to Windham residents. They will be here at the meeting on June 11. They are also planning to hold a meeting for those interested to talk about what the questions will be in the survey. The meeting will after the Town Meeting on June 15.

In talking with Linda there are many communities that have given the Clerk the authority to sign off on certain yearly renewal licenses, i.e. liquor, victualer's, etc. We will bring a proposal to the Council in the near future to allow the Clerk to do this with some stipulations such as with liquor licenses. If there have been no complaints, the Clerk will send a notice to the Council 30 days in advance of any businesses coming due, and if you have a concern, that one will be pulled and go before the Council.

They went out to bid for EMS billings to eleven different companies. It was sent out two ways, 1) what would you charge us to do the billings the same as they are done today, 2) what would you charge us if we had a bundle billing. They received one bid back, and it was from our current company, and the price went down from 7% to 4% percent. That is a savings of about \$21,000 to \$22,000 per year.

The Council interviewed three candidates, and they will be bringing back one candidate, tentatively June 20 & 21. The public will get to meet the candidate, the department heads will get to meet the candidate and the Council will have a second interview.

XI. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Maxfield said they have not met since the last meeting.

2. Finance Committee.

Councilor Nangle said they have not met since their last meeting. They all approved the warrant for the Town Meeting and we have a budget.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Haskell said they met and they will be coming before the Council.

2. Parks & Recreation Advisory Committee.

Councilor Cummings said they will have a meeting in the next month. The Dundee Park 2019 season passes are on sale. The Summerfest theme for this year is "We're a Little Bit Rock N' Roll".

3. Windham Economic Development Corporation.

Have not met.

4. Highland Lake Leadership Team.

Councilor Cummings said they have not met since their last meeting.

5. Private Roads ad hoc Committee.

Councilor Nangle said they have not met but next Tuesday they will workshop it, and then send it to the Planning Board if there are no substantive changes.

6. Natural Resources Advisory Committee.

Councilor Chapman said they are working on some schedules for water testing.

7. Retail Adult Use & Medical Marijuana Task Force.

Councilor Nadeau said they met Monday evening but he was not able to attend.

XII. Councilors' Comments.

Councilor Nangle asked what time was the AARP group planning to show up after the Town Meeting?

He would like to have the Councilors' Comment section moved back under Public Participation so they have the opportunity to respond back to the public's comments.

Councilor Chapman said the Memorial Day Parade was a great celebration and thanked everyone who came out for that. She said The Volunteer Appreciation Night was a wonderful time. She thanked Tammy Hodgman and Linda Morrell for their help. She is looking forward to them in the future and hopes they always continue to host this event.

XIII. Agendas & Scheduling.

The next workshop will be limited to the Long Range Planning Committee, the Private Roads issue and the Audit.

The workshop after that Don will talk about tax acquired property and where they are with that. He will have a recommendation for the Council.

He also has a recommendation for the Council Rules.

Summer schedule will be brought up as well.

[CD 19-144](#) Future Agenda Items.

Attachments: [Future Agenda Items 5.24.2019](#)

XIV. ADJOURN.

A motion was made by Vice Chair Cummings, second by Councilor Muir, that they be approved. The motion carried by the following vote at 7:35 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