



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

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Tuesday, June 13, 2017

7:00 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 7 - David Nadeau, Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Brett Jones

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

CD 17-177 To approve the minutes of the May 23, 2017 Council meeting.

Attachments: Minutes-Town Council-5-23-2017

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

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

#### IV. Public Participation.

*Jeanne Rhein, Chute Road - She said she owned land on chute Road, which backed up to wetlands. A twenty-two (22) lot subdivision was proposed behind the wetlands. She expressed concern about the phosphorous from septic systems of the proposed houses getting in to the unnamed brook that ran into Colley Wright Brook, which was on the endangered list from DEP. She hoped the Town Council had some kind of provision where they made considerations about environmental factors. She was also concerned about Highland Lake.*

*Councilor Response:*

*Development couldn't be prevented, but they were mindful that some natural resources were at risk. They were trying to get the Natural Resources Committee up and running to address some of that.*

*DEP was pretty strict where water was concerned.*

#### V. Councilors' Comments.

*Councilor Maxfield spoke regarding an email about him that was received by Councilor Chapman after a Council discussion of private roads. The email was part of the public record and he wanted to address it. The email contained details about a past administrative action from a state agency against Councilor Maxfield. He explained the*

*action was not criminal or civil; there was no record of consumer harm.*

*Councilor Maxfield accepted responsibility. He wanted to set the record straight and, more importantly, make it known that he would not be intimidated into changing his opinions or comments. Everyone needed to make a marked change. It had to happen now. They needed to work together.*

*Councilor Nangle supported Councilor Maxfield's comments. Shortly after Council discussion regarding private roads he and his wife had also been the subject of an email to Councilor Chapman from the same person who had sent the one regarding Councilor Maxfield.*

## VI. Council Correspondence.

*There was no comment.*

### CD 17-175 Code Enforcement Monthly Report - April 2017

Attachments: Code Enforcement Monthly Report - April 2017  
Permits to Date Fiscal Year Summary  
Activity Report by Project Type April 2016  
Activity Report - By Violation Type April 2017  
Impact Fees Collected April 2017  
Fiscal Year Activity Comparison to April 2017

### CD 17-178 Windham Public Library Newsletter

Attachments: Check It Out June 2017

### CD 17-185 RSU14 LINK Newsletter

Attachments: RSU 14 Link Newsletter - June 2017

### CD 17-186 Parks & Recreation Summer in the Park Event Flyer

Attachments: Summer Concert Series

## VII. Town Manager's Report.

### CD 17-182 Town Manager's Report.

Attachments: Town Manager's Report 20170608  
Projects & Issues List 20170608  
Projects & Issues Sheets 20170608

*Tony Plante: An update on Tower 3 - The lowest quote for repairs for \$17,883.63 had been from East Coast Service Center. They would move forward with the repair, with the concurrence of Gorham, with East Coast.*

*June 17 would be the Annual Budgetary Town Meeting.*

*The Maine Forest Service had shut down the on-line services that people used to get burn permits.*

*The Town's Fireworks Ordinance regulated the use of consumer fireworks, and the burning permit on-line platform had also been used to issue permits for fireworks.*

*Implementation of the Request Tracker module was moving ahead on the Town's website.*

## **VIII. Committee Reports.**

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

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

*Councilor Nangle: There had been no applications and so there were no meetings.*

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

*Councilor Nadeau: The budget will be in front of the town members on Saturday.*

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

#### **1. Parks & Recreation Advisory Committee.**

*Councilor Chapman: They had a meeting at Dundee Park regarding the needs there.*

*Summerfest will be on June 24th.*

*There would be a Concert in the Park series at Dundee Park this summer.*

#### **2. Maintenance Facility Joint Project Team.**

*Tony Plante: The team was meeting to discuss its presentation on June 20 to Town Council and on June 21 to the RSU Board of Directors.*

#### **3. Windham Economic Development Corporation**

*Tony Plante: Meetings would now be scheduled quarterly, rather than monthly. The next meeting would be on June 28.*

#### **4. Wastewater Management Planning Advisory Committee.**

*Tony Plante: They were working with Wright-Pierce to finalize the scope of work for tests three and four.*

#### **5. Energy Advisory Committee:**

*Councilor Maxfield: They were working on a full LED conversion for the town. It would save money and help with safety and the environment.*

**IX. PUBLIC HEARINGS.****IX. PUBLIC HEARINGS.**

CD 17-125 To receive public comment on a proposed update to Windham's Comprehensive Master Plan.

Attachments: Plan Windham 2016 Summary, Introduction and Implementation,  
Goals and Policies  
Manie DACF Letter 20170505

*Planning Director, Ben Smith explained the implementation of the new Comprehensive Plan, which basically came down to the Four Big Things: Create a North Windham to be Proud of; Invest in Rural Windham to Keep it Rural; Change the Game for Growth Areas; and Focus on Community Facilities and Programs.*

*One strong point was the establishment of a group to focus on long-range planning to coordinate the effort and measure progress.*

*There was no public comment.*

*Members of the Town Council expressed their appreciation to Ben and the Review Team for their hard work over the last 2.5 years.*

**X. CONSENT AGENDA.**

17-115 To appoint Marge Govoni to a three-year term on the Human Services Advisory Committee, to expire May 15, 2020.

Attachments: 17-115 Cover Sheet

17-116 To find that the requirements of 28-A M.R.S.A. 653 have been met and to approve an application submitted by Matt Kart Inc. d/b/a Danielle's Sebago Diner for a renewal liquor license.

Attachments: 17-116 Cover Sheet  
Danielle's Sebago Diner-Renewal Liquor

*The Council thanked Marge.*

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

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

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

17-118 To adopt a comprehensive master plan.

**Attachments:** 17-118 Cover Sheet

Plan Windham 2016 Summary, Introduction and Implementation,  
Goals and Policies  
Marie DACE Letter 20170505

*Sparky Hurgin: He is a member of the Comp Plan Review Team, and stated there was a lot of good stuff in the plan and a great step toward moving forward.*

*There was no other public comment.*

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

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

**17-119** To approve applications for victualers' permits for Summerfest.

**Attachments:** 17-119 Cover Sheet

2017 Summerfest Victualer's Permit Requests

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

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

**17-120** To approve an amendment to the operating hours for a mobile food service unit license previously granted to Phyllis Warchol.

**Attachments:** 17-120 Cover Sheet

Phyllis Warchol-Amendment to Mobile Food

*Councilor Comment was that in the future they would be working on the Mobile Food Vendor Ordinance to allow longer hours and staying in one location.*

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

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

**17-121** To approve an application submitted by El Rodeo Go for a mobile food service unit license.

**Attachments:** 17-121 Cover Sheet

El Rodeo Go Mobile Food License

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

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

**17-076** To adopt a resolution designating "Historic South Windham" as an important local historical resource, expressing support for and directing

consideration of its status in planning and carrying out public projects in the area.

**Attachments:** 17-076 Cover Sheet

Resolution 17-076 Historic South Windham

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

In Favor: 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-114 To adopt an order regarding committed fund balance.

**Attachments:** 17-114 Cover Sheet

Committed Fund Balance resolution - FY '18

*Finance Director, Brian Wolcott explained this was an annual requirement by a government account stands board. funds would stay with the fund unless they were moved for another purpose.*

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

In Favor: 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-113 To award a bid for the purchase of one (1) 2018 cab and chassis from Daigle and Houghton in the amount of \$91,500.00 plus \$1,200 for on board diagnostic equipment and software for a total of \$92,700.00 and related plow and sanding gear from HP Fairfield in the amount of \$74,999, for a total price of \$167,699.00 less trade of \$32,500 for a final cost of \$135,199. This purchase would come from account 100-9110-44190 from the fiscal 2018 budget, financed through a municipal lease-purchase agreement, and replace a 2008 International truck.

**Attachments:** 17-113 Cover Sheet

Memo for Bid

Memo - Truck #5 Condition Assessment

Bid Tab

*Public Works Director, Doug Fortier explained the repairs needed to the existing truck could amount to \$20,000 to \$30,000. He requested permission to trade it in and replace it.*

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

In Favor: 7 - Vice Chair Nadeau, Council Chair Welch, Councilor Nangle, Councilor Muir, Councilor Maxfield, Councilor Chapman and Councilor Jones

17-117 To enter into executive session under 1 M.R.S.A. §405(6)(A) for the purpose of working on the town attorney's evaluation.

**Attachments:** 17-117 Cover Sheet

*A motion was made by Councilor Nadeau, seconded by Councilor Chapman that they go into executive session. The motion carried by the following vote at 8:10 p.m.*

*In Favor: 7- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau, Councilor Nangle and Council Chair Welch.*

*A motion was made by Councilor Muir, seconded by Councilor Nangle to return to public session at 8:32 p.m. No votes were taken in executive session.*

*In Favor: 7- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau, Councilor Nangle and Council Chair Welch.*

**XII. Discussion Items.****XIII. Agendas & Scheduling.****CD 17-183** Agenda Items Reports.**Attachments:** Agenda Items Report 20170608

Projects & Issues List 20170608

Projects & Issues Sheets 20170608

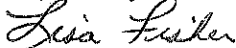
*There was discussion of agendas and scheduling.*

**XIV. ADJOURN.**

**A motion was made by Councilor Maxfield, seconded by Councilor Chapman, that they be adjourned. The motion carried by the following vote at 8:36 p.m.**

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

Respectfully submitted,



Lisa Fisher

Administrative Assistant