



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, April 11, 2017

7:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - David Nadeau, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman and Brett Jones

Absent: 1 - Dennis Welch

II. Pledge of Allegiance.

Vice Chair Nadeau led the assembly in the Pledge of Allegiance.

III. Minutes to be Approved:

CD 17-095 To approve the Minutes from the February 21, 2017 Town Council Meeting.

Attachments: [Minutes-Town Council-2-21-2017](#)

CD 17-096 To approve the Minutes from the March 7, 2017 Town Council Meeting.

Attachments: [Minutes-Town Council-3-7-2017](#)

CD 17-116 To approve the Minutes from the Town Council Meeting of March 28, 2017.

Attachments: [Minutes-Town Council-3-28-2017](#)

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

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

Absent: 1 - Council Chair Welch

IV. Public Participation.

No public participation.

V. Councilors' Comments.

Councilor Nangle: He has received another complaint from a constituent in regard to a situation on their private road. A contractor is building three houses, and he is trucking in and out, extensive amounts of fill and the road is disintegrating in front of his eyes. He said they need to get on this and solve these problems and make it a priority.

Councilor Chapman: She said that invitations for the Volunteer Appreciation Night went out to the people who volunteer their time in Windham. The day on the invitation said Wednesday, as it is usually on a Wednesday, but this year it is on a Friday. The actual date, April 28th was right but the day of the week was wrong and she wants to make sure people know that. A new invitation will be coming in the mail.

She stated that she had to leave early, and she wanted to mention that under agendas and scheduling she would like to have the Historical Society in for a workshop meeting in May.

Councilor Chapman also mentioned that where she needs to leave early tonight and another Councilor was not feeling well, that maybe they could take the executive session out of order and move it to the beginning of the orders.

Councilor Maxfield: Echoed what Councilor Nangle said about the private roads, and he has been contacted by someone who is on a public road who has road issues as well.

He also received an email from someone who had a neighbor who took an ambulance ride, and he couldn't pay the bill and it went to collections. He mentioned to the person that he thought there was a way people can receive help who can't pay for an ambulance ride. He wants to make sure the town is proactively helping people who can't afford to pay.

He said he met a group called "Window Dressers" and these people do volunteer builds in different communities, i.e., Portland, Buxton, etc. and he wanted to let people know and share it with Neighbors Helping Neighbors to maybe have them help out for next winter. They build plastic and wood framed inserts for windows that are drafty and losing heat. The volunteers do the measuring of the windows and build them and they donate a certain percentage.

VI. Council Correspondence.

CD 17-117 MDOT - Highway Reconstruction and Bridge Replacement Public Hearing Minutes

Attachments: [MDOT Minutes - Highway Reconstruction and Bridge Replacements](#)

VII. Town Manager's Report.

CD 17-121 Town Manager's Report

Attachments: [Town Manager's Report 20170407](#)

[Project & Issues List 20170407](#)

[Projects & Issues Sheets 20170407](#)

Tony Plante: In regard to the rescue bills, when they send out the second or third bill there is an information stuffer that is supposed to go in with the bill that lets people know about the hardship relief program and how to apply for it.

Tony thanked Phyllis Moss who filled in for him last week while he was away.

Our new rescue units are in Maine and will be equipped and set up next month. The three rescue units should be ready to roll soon.

The current Marijuana Moratorium expires toward the end of May, and there will be a public hearing and vote on extending the current Moratorium at the meeting on April 25th.

He wanted to let people know that the Library Board of Trustees were informed that the Library will be the recipient of a \$30,000 grant from the Stephen and Tabitha King Foundation to help pay for the Library renovation. He gave all the credit to Jennifer Alvino our Library Director who has done a wonderful job filling out grants to help pay for this project.

Councilor Nangle: He said he had asked for a crash report for River Road, Laskey Road and Majestic Heights, no less than three times.... Tony said they will check with MDOT to see where they are.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: They have appointed everybody who has appeared before them, and have had no meetings or applicants in the last couple of weeks.

2. Finance Committee.

Councilor Nadeau: They will be receiving the budget from the Council tonight. Tomorrow night at 6:00 p.m. is the start of their meetings, followed by Saturday, April 15 from 9:00 to 2:00, then April 18 at 6:00 p.m., April 24 at 6:00 p.m. and April 27 at 6:00 if need be.

B. Other Committees.

1. Parks & Recreation Advisory Committee.

Councilor Chapman: They met last night and everyone is pretty excited about the ad hoc committee for the community center, and they discussed the charge for them. They also discussed the skate park area. If she said if there is anyone out there who is a landscape architect who could help them with the design to help keep costs down, that would be great.

They also talked about upcoming events; they have a lot going on.

2. Maintenance Facility Joint Project Team.

Councilor Nadeau: He said they will meet this Thursday at 6:00 at the bus garage's meeting room. The three citizen applicants all said they would be there.

3. Windham Economic Development Corporation

Tony Plante: The last meeting they held did not have a quorum so they couldn't act on the budget, but the last he knew the Executive Director was working on setting up a special board meeting so they could take care of that item of business.

They talked about a number of projects that WEDC is working on, and there may be some progress towards the sale of property at Angler's Road.

4. Wastewater Management Planning Advisory Committee.

Tony Plante. He had a memo from Town Engineer Jonathan Earle about the meeting from last Friday, and they will be working on bringing some information back to the Council and then to the public about where they stand with that. He is meeting with Jon Earle and Ben Smith later this week.

IX. PUBLIC HEARINGS.

X. CONSENT AGENDA.

XI. UNFINISHED BUSINESS & GENERAL ORDERS.

17-061 To revoke or suspend the recycler permit issued to Roy Thistle at 971 River Road for failure to obtain a State of Maine recycler license pursuant to 29-A M.R.S.A. § 1101, which is required by 30-A M.R.S.A. § 3754-A(6).

Attachments: [Cover Sheet 17-061](#)

[Roy Thistle Application](#)

[BMV Notification](#)

[Owner Notification of March 28, 2017 Public Hearing](#)

Roy Thistle: Mr. Thistle said that after the last meeting two weeks ago he went to Augusta on Wednesday. He said it is a pretty involved license as far as the documents needed. He needed to have Steve from Code go and inspect yard and it was fine. He had to supply Augusta with a notarized copy of that. Augusta also has to do a special investigation report on him; which took a few days to get the results back. It has been entered into their system, he went back up on Monday to bring the notarized documents. Things are moving forward, and he has paid the filing fee and license fee. It now goes from her desk to investigations and they will notify Mr. Thistle within 7 to 10 days. Someone from Augusta will come up and do an inspection of the yard. Councilor Nadeau asked if the final outcome is the state issuing a permit, and Mr. Thistle said he believed so.

Councilor Chapman: Moved to postpone Order 17-061 until May 9, 2017, seconded by Councilor Nangle.

In Favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau and Councilor Nangle.

Absent: 1- Council Chair Welch

Councilor Nangle: Makes a motion to take 17-069 our of order, seconded by Councilor Chapman.

In Favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau and Councilor Nangle.

Absent: 1- Council Chair Welch

The Council goes into Executive Session.

17-070 To refer the Town Manager's proposed budget for fiscal year 2017-2018 to the town Council's Finance Committee for review and recommendation(s).

Attachments: [17-070 Cover Sheet](#)

[Managers Proposed 2017-2018 Municipal Budget \(14MB\)](#)

See attached report.

Councilor Nadeau thanked Tony and Staff.

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: 5 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-072 To approve two (2) applications from American Legion Post 128, for licenses to conduct Beano and Sealed Ticket (Pull Tab) Games of Chance at the Windham Veteran's Center from May 1, 2017 through October 31, 2017.

Attachments: [17-072 Cover Sheet](#)

[American Legion-games of chance](#)

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

In Favor: 5 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-073 To proclaim April as "Windham Volunteer Month."

Attachments: [17-073 Cover Sheet](#)

[Proclamation 17-073 for Windham Volunteer Month 20170401](#)

Councilor Nangle read the proclamation.

Councilor Nadeau: He wanted to thank all the volunteers we have; they all do a wonderful job, and the Council as a whole agreed.

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

In Favor: 5 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-074 To adopt a resolution honoring the members of the Comprehensive Plan

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Mr. Chairman, thank you. I want to take just a few minutes to share with the Council and the public where we are at the start of the formal budget process. Though department heads, senior staff members, their staffs (those that have them), and I have been working on their 2018 budgets for weeks, or even months, now, this is the start of the formal process, the submission of the manager's proposed budget. I would like to thank all of them for their work so far.

On behalf of the department heads, senior staff, and employees, as well as for myself, I also would like to express appreciation for the Council's continued commitment to long-range and strategic planning to meet the needs of a community that has been, and continues to be, one of southern Maine's fastest growing. With the adoption of a new comprehensive plan later this spring and an updated strategic plan this coming fall, we will continue to focus on the community's goals and how to meet them, to work harder at and find new ways to engage the public we serve to ensure that our focus is where it needs to be.

The manager's proposed budget was transmitted to the Council and posted online March 31st; tonight the Council will vote to refer that budget to its finance

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committee for review and recommendation. The finance committee already has a schedule of meetings, a copy of which you have been provided, beginning tomorrow evening. That review will wrap up with deliberations and the committee's recommendations by the end of the month, after which the Council will take up the budget in May.

Once the Council has adopted a budget by the end of May, voters will meet to act on the budget at the budgetary town meeting in mid-June. And the cycle begins all over again.

Before we get there, though, I would like to highlight a few points about the budget process for 2017-2018 and specifically the budget I have submitted to the Council:

- Consistent with Council policy, the proposed budget continues to be based on the strategic plan first adopted in 2015, as well as other Council-approved plans where there are specific issues, projects, and timetables involved.

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- Department heads and I also have included discussions and proposals responding to new or changed circumstances that have arisen since the strategic plan was adopted.
- The preliminary budget incorporates proposals responsive to both the strategic plan and new or changed circumstances ("mission gaps").
- The manager's budget often adjusts, and sometimes eliminates, some of these proposals to make them more manageable in terms of tax levy impact and cost trends.
- The budget continues to include projections based on the strategic plan, and other plans, providing a forecast for what the budget might look like in two, three, or five years based on the strategic plan and other choices reflected in the manager's proposed budget.

While progress continues to be made in responding to service needs, an even greater challenge is the town's capital facilities and infrastructure needs.

Windham is and has been one of southern Maine's (consequently one of Maine's) consistently growing communities. Over the last three federal censuses,

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Windham has been the 12th or 13th largest by population, growing from roughly 14,000 to 18,000. As the community has grown, and times have changed, its needs have grown and changed as well, though much of its infrastructure and most of its facilities have not.

Overall road conditions have improved since the town did its first pavement condition rating survey more than fifteen years ago. The town, with the support and leadership of the Council, has worked to put more into its roads, with measurable and demonstrable results. Yet there are still “backlog” roads that represent more than can be shoehorned into the annual road budget (think Brand Road, Hall Road, Nash and Smith Roads, to name a few). And we are challenged by road projects that go beyond just preserving what's there, and making safety and amenity improvements, such as the recently (or nearly) completed Anglers Road project, planned improvements to Route 302 north of Whites Bridge Road, and the whole 21st Century Downtown area.

The town has done a lot to leverage other funds, from Maine DOT and Maine DEP, through the PACTS process, and utilizing TIF funds, but even with

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gradual increases to annual road funding, it will take roughly \$14 million over the next ten years to complete the projects we have identified. Speaking of PACTS, the application for the 21st Century Downtown project was not successful this time around, but I urge the Council to keep that ball rolling. While word came too late to incorporate funding in the manager's proposed budget, I recommend including \$250,000 in FY 2018 and FY 2019 to continue the engineering work in anticipation of future PACTS funding and possible infrastructure investment from the federal government.

Capital facilities likewise are a challenge. Over the last five years we have worked on assessing the condition of our facilities, making some improvements, and, most notably, acquiring and renovating a former manufacturing facility as the new South Windham fire station. These steps all mark progress, as will renovations to the public library planned for later this year, but with the capital facilities plan outlined in the proposed budget, roughly another \$9 million will be required over the next ten years to make projected debt payments on expanded,

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replacement, and new facilities, not including a possible community center or other facilities have yet to be identified.

These capital investment figures are daunting, no question about it. We're still working on the wastewater plan as part of the 21st Century Downtown – one of the four pillars of the upcoming comprehensive master plan – and are a few months away from having any kind of cost information to include in the town's capital plans.

The need for these capital investments didn't happen all at once, and we won't meet them all at once, either. In order to meet them, though, along with whatever other funding can be identified, the town will have to make use of its borrowing power.

Windham historically has had a very low level of debt. That's good to the extent it means there is borrowing capacity available, but not so good in that it means we have not been keeping up with the investments we need to make, and there's no "built in" capacity to absorb new debt payments with little additional impact. Regardless, with the Council's and the community's support, we can begin

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to make progress on meeting the town's capital and operational needs, realizing its comprehensive master plan goals, and strengthening Windham as one of Maine's most desirable and attractive places to live, work, visit, play, have a business, or raise a family.

Review Team with the 2017 Windham Spirit of America Foundation Tribute.

Attachments: [17-074 Cover Sheet](#)

[Resolution 17-074 Spirit of America Award for Comp Plan Review Team](#)

Councilor Maxfield read the resolution.

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 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-077 To decommission the Dundee Park Advisory Committee, and to express the Council's profound gratitude and appreciation on behalf of the town and its residents for the work of the committee and all of its members over the years to help turn Dundee Park into the community asset it is today.

Attachments: [17-077 Cover Sheet](#)

Councilor Nangle thanked the members of the committee. He said that the committee was instrumental on getting Dundee Park where it is today. They did such a good job he thinks they put themselves out of business.

Councilor Muir: They have done a tremendous job down there. They need to be commended.

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 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-078 To approve an agreement between the Town of Windham and the Maine Department of Transportation (MDOT) to issue a construction overlimit permit to the contractor providing construction services for Project Nos.: STP-2089(200), STP-2197(200) & NHPP-2197 (800), on Route 35, beginning at the Standish/Windham town line and extending northeasterly 0.61 of a mile and on Route 115, beginning 0.08 of a mile northeast of Route 35 and extending northeasterly 2.82 miles to Route 202, and on Route 302, beginning in Westbrook 0.22 of a mile northwest of Duck Pond Road and extending northwesterly 4.58 miles, ending before the junction of Route 202 in Windham.

Attachments: [17-078 Cover Sheet](#)
[17-078 Cover Sheet REVISED](#)
[MDOT Overlimit Permit Request](#)
[MDOT Overlimit Permit Request REVISED](#)

Tony Plante: These are paving projects on Routes 302, 202, 115 & 35.

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

In Favor: 5 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-079 To approve the Town's participation in and appoint both a voting delegate and an alternate voting delegate to the Maine Service Centers Coalition.

Attachments: [17-079 Cover Sheet](#)
[Maine Service Centers Coalition](#)

Councilor Maxfield nominated Councilor Nadeau as the delegate.

Councilor Nadeau nominated Tony Plante as the alternate.

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

In Favor: 5 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

17-069 To enter into executive session pursuant to Title 1 M.R.S.A. §405(6)(E), for "consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, [or] pending or contemplated litigation."

Attachments: [17-069 Cover Sheet](#)

This agenda item was taken out of order and put after Order 17-061.

A motion was made by Councilor Muir, seconded by Councilor Nangle to go into executive session. The motion carried by the following vote at 7:27 p.m.

In Favor: 6- Councilor Chapman, Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor Nadeau and Councilor Nangle.

Absent: 1- Council Chair Welch

A motion was made by Councilor Muir, seconded by Councilor Nangle to come out of executive session. No votes were taken. The motion carried by the following vote at approximately 8:45 p.m.

In Favor: 5- Councilor Jones, Councilor Maxfield, Councilor Muir, Councilor

Nadeau and Councilor Nangle.

Absent: 2- Council Chair Welch & Councilor Chapman (left at 8:35)

XII. Discussion Items.

It was decided that CD-17-119 would be rescheduled to another night where three Councilors were not present.

CD 17-119 Mobile Application Tool for Receiving and Tracking Comments from the Public

XIII. Agendas & Scheduling.

CD 17-122 Agenda Items Reports.

Attachments: [Agenda Items Report 2017 0407](#)

[Project & Issues List 20170407](#)

[Projects & Issues Sheets 20170407](#)

There was discussion of agendas and scheduling.

XIV. ADJOURN.

A motion was made by Vice Chair Nadeau, seconded by Councilor Nangle, that they be adjourned. The motion carried by the following vote approximately at 9:25.

In Favor: 5 - Vice Chair Nadeau, Councilor Nangle, Councilor Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Council Chair Welch and Councilor Chapman

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM