



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 17-038

Agenda Date: 2/14/2017

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

Agenda Number:

I. Council Action Requested.

To make interim appointments to boards and committees.

II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town Council, pursuant to Article II, Section 3C, is charged with appointing “[t]he members of the Board of Assessment Review, the Planning Board, the Board of Zoning Appeals, and the membership of such advisory committees as the Council may create.”

III. Issue Summary.

Due to the weather and other scheduling challenges, the Appointments Committee has not been able to complete its review of applications for the town’s quasi-judicial boards, the Assessment Review Board, Planning Board, and Zoning Board of Appeals, along with other committees with members whose terms expire on February 15, 2017. At a meeting planned for February 14 the Appointments Committee will interview several board members who fall into this category. However, Section 29 of the Council’s rules require at least four (4) days’ notice prior to any consideration of a recommended appointment.

According to the town attorney:

There is a concept in municipal law known as “holdover of office” that allows an official to maintain his/her authority after expiration of the regular term and until a successor is appointed. That rule would probably apply in both situations you describe, but that’s not to say that someone who doesn’t like a decision made by the Planning Board wouldn’t use this issue to try and invalidate the action. If it might be a while until the formal appointments are made, it would make sense for the Council to appoint these people as interim members.

This order would allow for those members whose terms are expiring, but who have not yet been recommended for reappointment, or their replacements have not yet been recommended, to continue to serve on an interim basis until those recommendations and appointments are made. Those members include:

- Steve Clauson, Assessment Review Board
- Margaret Pinchbeck, Planning Board
- James Hanscom, Planning Board
- James Cobb, Zoning Board of Appeals
- Chuck Fleck, Zoning Board of Appeals

The interim appointments could be made until the Appointments Committee makes its recommendations and the Council acts on those. Given that we do not have a date when that work might be done, this may be the best option.