

# Town of Windham

## Meeting Minutes - Draft

### Town Council

Town Offices  
8 School Road  
Windham, Maine

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Tuesday, May 8, 2018

7:00 PM

Council Chambers

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#### I. Roll Call of Members.

Present: 7 - Dennis Welch, Tim Nangle, Bob Muir, Jarrod Maxfield, Donna Chapman, Clayton Haskell and Rebecca Cummings

#### II. Pledge of Allegiance.

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

#### III. Minutes to be Approved:

CD 18-146 To approve the minutes of the April 3, 2018 Council meeting.

Attachments: Minutes-Town Council - 4-3-2018

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

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

CD 18-160 To approve the minutes of the April 24, 2018 Council meeting.

Attachments: Minutes-Town Council-4-24-18

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

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

#### IV. Public Participation.

No public participation.

#### V. Councilors' Comments.

Councilor Cummings said she had heard citizen concern regarding the way new committees were set up with the Council members on those committees.

It would be good if younger people in town would volunteer to help the Veteran's hang flags on the town's flag poles.

#### VI. Council Correspondence.

Councilor Chapman had received citizen comment regarding concerns with the Majestic

*Woods subdivision and the watershed.*

CD 18-148      Majestic Woods Subdivision - Resident Concerns

Attachments:   Correspondence from Ms. Jeanne Rhein

CD 18-149      Maine Development Foundation Membership Correspondence

Attachments:   Maine Development Foundation Membership

CD 18-150      Sebago Lake Watershed News - Spring 2018

Attachments:   Sebago Lake Watershed News Spring 2018

CD 18-155      Windham Public Library Newsletter - May 2018

Attachments:   Check It Out Newsletter - May 2018

CD 18-151      Windham Public Library Monthly Report - March 2018

Attachments:   Windham Public Library Monthly Report - March 2018

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

CD 18-164      Town Manager's Report.

Attachments:   Town Manager's Report 20180504  
                      Projects & Issues List 20180504  
                      Projects & Issues Sheets 20180504

*Anthony Plante reported on:*

*The new Windham Farmer's Market would be located on Turning Leaf Drive. Opening day is May 26.*

*There would be a Budget meeting on May 10th.*

*A new Finance Director would be named soon.*

*Applications for the Planning Director's position were being reviewed.*

*The Shared Maintenance Facility was waiting for DEP and Planning Board approval.*

*At the May 15 Council meeting the president of St. Joseph's College, Jim Dlugos, would be present as part of his community outreach.*

*There would be discussion regarding the 21st Century Downtown Plan in North Windham; Wright-Pierce would be present regarding wastewater; and phasing improvements for the North Windham corridor from TYLin. Those three pieces were all important to the future of North Windham.*

*It would be good to have feedback from Councilors on the Projects and Issues list.*

*Councilor Maxfield said he attended the GPCOG Regional Voice. They were putting together a group to collaborate on regionalization of services; sharing information and goals.*

## VIII. Committee Reports.

### A. Council Subcommittees.

#### 1. Appointments Committee.

*Councilor Maxfield explained that there were no appointments at the moment. He suggested having a uniform set of questions that the Committee would ask applicants for the Mineral Extraction Committee and Private Road Committee so everyone was treated equally. Then they would interview, document the responses, and nominate everyone on the same night and share the information with the Council, and then vote on everyone the same night so everyone was working with the same set of information.*

*Councilor Cummings said she had heard concern from the community about members of the Appointments Committee applying for those committees. How would they interview themselves?*

#### 2. Finance Committee.

*The Committee was working on the budget.*

### B. Other Committees.

#### 1. Long Range Planning Committee.

*Councilor Haskell said the Committee worked on open space, and mineral extraction in different zones. They also had a list of things to look at to adjust how a zone was broken up. Mineral extraction was part of the Comprehensive Plan.*

*Councilor Nangle stated a lot of people may not get selected for the committees they wanted to be on. The Committees should operate in a public meeting and could take input from other people. It might be good to have some members of the Long Range Planning Committee (LRPC) come in and participate in the public forum portion.*

*Tony Plante explained the LRPC background, in part, was review of the 4 Big Things in the Comprehensive Plan. Rural land uses and mineral extraction was one. The Mineral Extraction Committee was focused on short-term to deal with the moratorium. Committee meetings had to be public anyway; anybody could attend.*

#### 2. Parks & Recreation Advisory Committee.

*There was nothing to report.*

#### 3. Public Easement Advisory Committee.

*There was nothing to report.*

#### 4. Highland Lake Leadership Team.

*There would be a meeting this week.*

#### 5. Shared Maintenance Facility Joint Project Team.

*This had already been discussed during the Town Manager's Report.*

#### 6. Windham Economic Development Corporation

*There was nothing to report.*

### IX. PUBLIC HEARINGS.

*There were no public hearings.*

### X. CONSENT AGENDA.

18-080 To countersign the Regional School Unit No.14 warrant calling a Regional School Unit Budget Referendum to be held on June 12, 2018.

**Attachments:** Cover Sheet 18-080  
Dual RSU No. 14 Warrant

18-087 To approve the Town Clerk's roster of Warden and Deputy Warden for the June 12, 2018 election for districts 24 & 25, warden Marcia Blanchard, and deputy warden Paulette Shepard.

**Attachments:** Cover Sheet 18-087

18-088 To set poll hours and polling location for the June 12, 2018 State Primary & RSU No. 14 Budget Validation Election as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym.

**Attachments:** Cover Sheet 18-088

18-089 To set the date and time for extended hours of the Registrar of Voters as 4:00 to 7:00 p.m. on June 6, 2018.

**Attachments:** Cover Sheet 18-089

18-092 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Windham House of Pizza INC d/b/a Rose's Italian Restaurant for a renewal liquor license.

**Attachments:** Cover Sheet 18-092  
Rose's Italian Rest Lq Lic Renewal

18-094 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to

approve an application submitted by the Rotary Club of Sebago Lake for a liquor license for an Incorporated Civic Organization.

**Attachments:** Cover Sheet 18-094  
Rotary Club of Sebago Lake-Liquor Permit

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

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

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

18-031 To find that the requirements of 28-A M.R.S.A. §605 have been met to approve an application submitted by Windham Billiards located at 824 Roosevelt Trail Suite 9/10, moving to 770 Roosevelt Trail for an on premise transfer of a liquor license by a current licensee.

**Attachments:** Cover Sheet 18-031  
Windham Billiards On Premise Transfer

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

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

18-070 To appoint a representative to the ecomaine board of directors.

**Attachments:** Cover Sheet 18-070

*Councilor Chapman requested to postpone pending clarification of whether there should be one or two representatives from Windham.*

A motion was made by Councilor Welch, seconded by Councilor Muir, that the Order be postponed until May 22. The motion carried by the following vote:

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

18-078 To appoint Michael Devold to a three-year term on the Planning Board as an alternate, to expire February 15, 2021.

**Attachments:** Cover Sheet 18-078

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

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

18-079 To make an appointment for a District 26 representative to the Maine Municipal Association's Legislative Policy Committee.

..Body

## II. Basis for Council Action.

Council approval of this item is required because:

- a. Pursuant to Article II, Section 3(I) of the Charter, the Town Council shall "[e]xercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns.

## III. Issue Summary.

There are two seats for each Maine state senate district on MMA's Legislative Policy Committee. Appointment to the seat will be through June 30, 2020.

**Attachments:** Cover Sheet 18-079

MMA Legislative Policy Committee - Nomination Letter and Ballot

*Councilor Maxfield nominated Councilor Welch, seconded by Councilor Muir.*

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

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

18-076 To proclaim May 19, 2018 as "Kids to Parks Day."

**Attachments:** Cover Sheet 18-076

Proclamation 18-076 Kids to Parks Day

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

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

18-081 To adopt a resolution to promote the health and safety of Town of Windham residents by establishing all Windham recreational area properties as a tobacco-free areas.

**Attachments:** Cover Sheet 18-081

Tabacco Free Resolution

*Councilor Cummings spoke in support of changing the resolution to include smoke and drug free of all kinds because Windham was a Be the Influence town.*

*Councilor Cummings made a motion to amend the resolution to include tobacco free, drug free, and vaping of all kinds, seconded by Councilor Muir.*

*Vote: All in favor of amendment.*

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

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

18-083

To approve an agreement between the Town and the owners of 26 Highland Cliff Road, to allow the installation, use and maintenance of a dry hydrant on the property.

**Attachments:** Cover Sheet 18-083

26 Highland Cliff Dry Hydrant Agreement

*Fire Chief Brent Libby stated the hydrants that were located in the ponds at 26 Highland Cliff Road, and for the next agenda item, 166 Highland Cliff Road were inoperable. Funds had been budgeted for dredging of the ponds and replacement of the hydrants. The property owners had agreed to allow the work on their properties.*

*The current ordinance set responsibility for maintenance on dry hydrants to the town. The cost of repair between the two hydrants would be just shy of \$30,000. There were currently 11 hydrants and each of them had some issue. The intent was to spread the repair project out over a couple of years.*

*Councilor Nangle commented that he would like to see the repair of the hydrants be a priority.*

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

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

18-084

To approve an agreement between the Town and the owners of 166 Highland Cliff Road, to allow the installation, use and maintenance of a dry hydrant on the property.

**Attachments:** Cover Sheet 18-084

166 Highland Cliff Dry Hydrant Agreement

*Councilor Haskell explained how town responsibility for the hydrants had come about. Years ago townspeople, where the hydrants were, had given the town the land to put the hydrant in because there was no public water.*

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

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

18-096

To approve the transfer of defendant Philip Macri's Smith & Wesson M&P firearm to the Town of Windham pursuant to 15 M.R.S.A. Section 5824(3) and Section 5826(6) on the grounds that the Town of Windham Police

Department did make a substantial contribution to the investigation of this or a related criminal case.

**..Body**

**II. Basis for Council Action.**

Council approval of this item is required because;

- a. 15 M.R.S.A., section 5824 (3) requires that any asset decreed to be forfeited to any entity other than the State's general fund, must be approved by (in this case) the municipal officers.
- b. Pursuant to Article II, Section 1 of the Charter "[t]he Town Council, hereinafter called the 'Council', shall be and constitute the municipal officers of the Town.

**Issue Summary.**

Property seized under drug asset forfeiture laws is not released until after the defendant has either pleaded or been found guilty, as the defendant in this case has. State law requires a public vote from the Town Council in order that the Town can accept the property, if it is forfeited by the court.

Please refer to the attached memorandum from Chief Kevin Schofield.

**Attachments:** Cover Sheet 18-096

Schofield Asset Forfeiture Memo 20180402

*Police Chief Kevin Schofield explained the firearm would be traded in for a model that was the same as those currently used by the department and put into service.*

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

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

**XII. Discussion Items.**

*No discussion items.*

**XIII. Agendas & Scheduling.**

CD 18-165      **Agenda Items Reports.**

**Attachments:** Agenda Items Scheduled 20180504

Agenda Items to be Scheduled 20180504

Projects & Issues List 20180504

Projects & Issues Sheets 20180504

*Councilor Nangle asked about the LED contract negotiations. The kickoff meeting for*



*beginning the inventory and audit would be May 15.*

*He wanted a discussion about public easements and expenses relative to maintaining them. He would like the road associations to be required to put some portion of the town's expense into maintaining or improving their roads.*

*He wanted to be educated as to the process to dissolve the RSU.*

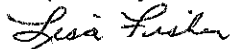
*Councilor Chapman said the public easement discussion should be done sooner, rather than later because of the budget discussions. the watershed were having management plans done; those included requests for funding.*

#### **XIV. ADJOURN.**

**A motion was made by Councilor Welch, seconded by Councilor Muir, that they be adjourned. The motion carried by the following vote:**

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

Respectfully submitted,



Lisa Fisher

Administrative Assistant