



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

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, Vice Chair Muir, Councilor Maxfield, Council Chair Chapman and Councilor Jones

Absent: 1 - Councilor 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 rides. 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 do 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 out 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair Chapman

[17-074](#)

To adopt a resolution honoring the members of the Comprehensive Plan

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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair 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, Vice Chair Muir, Councilor Maxfield and Councilor Jones

Absent: 2 - Councilor Welch and Council Chair Chapman

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM