



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, May 9, 2017

7:00 PM

Council Chambers

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 17-157](#) To approve the minutes of the April 25, 2017 Council meeting.

Attachments: [Minutes-Town Council-4-25-2017](#)

CD 17-157 To approve the minutes of the April 25, 2017 Council meeting.

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

[CD 17-158](#) To approve the minutes of the May 2, 2017 Council meeting.

Attachments: [Minutes-Town Council-5-2-2017](#)

CD 17-158 To approve the minutes of the May 2, 2017 Council meeting.

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

IV. Public Participation.

Wayne Jackson - Woldbrook Drive: He thanked the Windham Rescue for their action a couple of months ago. He was out of town when a family member needed them, and they did a marvelous job. He said they were very professional and well trained and did a superb job getting his family member to the hospital.

He did have a concern since that happened and it was regarding the bill he received for the rescue call. He noted that most of it was paid for by his insurance company. He said he was bothered because he learned that the Windham Rescue works on a budget, and he is happy they try to collect where they can from the people using the service, but was bothered by the billing agency that said that people who don't make an honest attempt to pay the bill, it will be turned over to collections. He spoke to the Chief and asked what happened to people who do not have good insurance like he does, especially those who are dependent upon Maine Care, Medicare, etc. as far as paying that bill? He said the Chief told him there was a fund that helped pay up some of that.

Two issued bothered him. 1) on the side of the rescue unit it says Town of Windham, and he does not see that happening with other agencies such as the Police Department, Fire Department. It is a public service attempt to help the people of Windham because it is a profit center. 2) Communication is always going to be an issue, and he wonders if a lot of people know that there is the fund that can help people whose insurance does not meet that. He asked if it was really worth while to turn those people over to collections?

Chief Libby and Officer Andrew: Chief Libby said the Police Department and he wanted to acknowledge a tragedy that happened to a family here in Windham a year ago tomorrow. It was a fire that they responded to at 347 Windham Center Road. One of the reasons the family was able to get out of their house safely was because of their dog Caribou. This was a dog they adopted into the family, it was a great addition and they all melded together very well.

That evening Matthew, his son Kyle and daughter Grace were home and had gone to bed; the fire broke out in the home, and the reason they did get out is because the dog had made a couple of passes through the house and had alerted them there was an issue and woke them up. The more unfortunate thing about this was that Caribou perished in that fire, so while he was there for the family and did everything we would hope our animals would do for us, he unfortunately, was not able to make it out. The family was given a Recognition for Caribou and it was read by Chief Libby.

Matthew Estes spoke on behalf of his family.

V. Councilors' Comments.

Councilor Jones: He said on April 27 there was a meeting in town on bringing back the farmers market in Windham. He was not able to attend but his wife did. It was well attended and a lot of ideas came out of it. He is looking to the town and Council to support this in the future. They will be coming to the Council in June.

Councilor Chapman: It is hard to lose a dog.
In regard to the farmer's market there are a couple of people in the community who can help, but couldn't think of their names at the moment.

Tony Plante: Tony said the two contacts right now are Tom Bartell, Executive Director of the WEDC and Charlotte Mace who is a WEDC board member. The meeting was pretty well attended, and plans right now are to have a discussion around the 20th of June.

Councilor Chapman: She said the Volunteer Appreciation night was a great success. They hope those who did not make it this year will make it next year.

She said they really need people's entries for the Summerfest parade, food booths, and craft booths. She said so far they only have 5 craft booths, 5 food booths and two parade entries.

Councilor Maxfield: He said he was sorry to hear about the dog, and it sounds like he was a hero.

In terms of Mr. Jackson's comments, he is Councilor Maxfield's neighbor and they have talked. He would be interested in doing a little research. What are we actually collecting and is the negativity associated with it actually worth it? There are some big numbers that do not get collected, so he would like to see when that change was made and see if there is anything else they can do to help the people. Councilor Chapman said she would

like to see the second notice sent have that message on it, not the first notice.

Councilor Nadeau: He said so far this year the Rescue Services has collected approximately \$61,400, it is significant. If people take the time, they can fill out an application to be relieved of that debt if they can't pay for it.

He said several years ago the response times were seven minutes for day and seventeen at night. They put peridium medics on and it went from seven in the day to seven minutes at night. They are in the process now of trying to bring them up to full-time because of shifts not filled.

Councilor Nangle: He said in a past job he dealt with a lot of ambulance billing, and it is prohibited by law to send any Medicare of Maine Care patients to collections, you can't do it. It is not a profit center, Municipal ambulance services are loses, and under health care finance rules you have to treat everybody the same. You can't not send residents to collections and non-residents to collections, things like that. You can handle them differently once they get there. There are very strict rules of who you can send to collections and who you can't. He agreed the first bill would not be the time, three bills at least, and having a hardship application available, which we do have, it just needs to be completed.

VI. Council Correspondence.

No Council correspondence.

[CD 17-152](#) Windham Public Library Monthly Newsletter

Attachments: [Check It Out May 2017](#)

[CD 17-154](#) Electronic Recycling Fundraiser - May 13, 2017

Attachments: [Fundraiser Flier](#)

VII. Town Manager's Report.

[CD 17-159](#) Town Manager's Report.

Attachments: [Town Manager's Report 20170505](#)
[Projects & Issues List 20170505](#)
[Projects & Issues Sheets 20170505](#)

Tony Plante: He followed up on Mr. Jackson's comments and members of the Council. He said he has spoken with Chief Libby about making sure the hardship relief waiver program is more prominently featured on the Fire/Resuce page. He tried to find it and could not. He said when they were talking about the rescue collections a few years ago, they did revisit the sequences of bills and the types of notices that would go out. He will go back and check with our Medical Billing Service and make sure everyone is clear.

Last week he and Chief Libby had a meeting with Chief Lefebvre and Town Manager David Cole from Gorham to discuss what they should do with Tower 3, and did they want to spend the estimated \$20,000 to fix it? They are trying to figure out their alternatives, and have been getting quotes. The collective sense, in their conversations, was the best option is to repair the truck and put it back in service, as it has been certified, it plays a

roll and they feel it continues to play a roll as frustrating as it is. They are still several years away from replacement and without it they could risk in the town's ISO Ratings, which would result in higher insurance premiums for everybody in the area affected by the loss of that piece of equipment.

Two weeks ago Tony met with the Energy Advisory Committee on the LED Streetlight Project. He has reached out to neighboring communities - Raymond, Standish and Gorham, and he has heard from Raymond and Standish. They are interested in going in with us on a request for qualifications for a turn-key streetlight conversion project. They would work with the same vendor and it will give us a little bit bigger footprint in the market place. It does not commit any or all of the communities to move forward with it depending on the results of the analysis. Tony said he would find it hard to believe that the savings, resulting from a conversion, would not pay for themselves; the question is how long is that pay back period? They have seen pay back periods of five, six, seven years depending on the number of lights, style, etc.

In regard to the Library project they have re-engaged Oak Point Associates as the architect on the project. They will be working with the town to complete bid documents and get that project out to bid. Once they have a contractor, they will do the construction administration.

The Assessing Office recently advertised for a GIS Intern. They will have an Intern in the office up stairs for awhile doing some GIS work. It is critical to keep that system up to date; they will be working with Elisa Trepanier. They also will be having an Intern from the University of Maine in the Manager's Office. She will probably occupy space in the Parks and Rec Office while she is working here. One of the projects will be capital planning for Parks and Rec.

Tony recently went to Norway and Sweden as part of a team from ecomaine. About 5 years ago the Board of Directors at ecomaine, with the General Manager decided to look into organic recycling and food wastes recycling because this is the next big frontier in waste management; it represents 40% of the waste stream.

The purpose of their trip was to evaluate waste processing programs, and to see what the effectiveness was of this particular technology. Tony then gave a presentation of his trip.

VIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Nangle: They have had no applications, no meetings and no appointments.

2. Finance Committee.

Councilor Nadeau: They presented the budget to the Council, and tonight they are discussing it.

B. Other Committees.

1. Parks & Recreation Advisory Committee.

Councilor Chapman: They have a meeting next week.

2. Maintenance Facility Joint Project Team.

Tony Plante: The next meeting is this Thursday at 6:30 p.m. at the Westbrook Public Services Facility at 371 Saco Street.

3. Windham Economic Development Corporation

Tony Plante: They have a special board meeting tomorrow afternoon at 5:30 to act on the budget.

4. Wastewater Management Planning Advisory Committee.

Tony Plante: They are still working on getting a revised scope of work from Wright Pierce.

IX. PUBLIC HEARINGS.

Councilor Nadeau moved to suspend Council Rules to add Order 17-099, seconded by Councilor Maxfield.

All in Favor -7-0

[CD 17-161](#)

To receive public comment on a new special amusement permit application submitted by Hayley Moon and Mark Moon d/b/a Rustler's Steakhouse.

Attachments: [Rustler's Steakhouse-new Special Amusement](#)

No Public Comment.

Councilor Nadeau moved to suspend Council Rules to add Order 17-099, seconded by Councilor Maxfield.

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

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](#)

Tony explained that this item was previously before the Council; it had been moved and seconded. At the time Mr. Thistle made the Council aware that he was working with the state to acquire his license. Yesterday they had contact with him that his inspection was scheduled for yesterday. They were told it went well, and he should have his license by the end of the day, and they received a copy of his license in the afternoon. At this point Mr. Thistle has satisfied the requirements of both state law and the Council's approval on his license last fall. It would be in order to reject Order 17-061 of the revocation of his license.

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).

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

[17-094](#)

To appoint two delegates to the Greater Portland Council of Governments General Assembly.

Attachments: [CoverSheet 17-094](#)

Council Chair Welch nominated Tony Plante.

Councilor Chapman nominated David Nadeau.

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

[17-097](#)

To approve the transfer of defendant Mychal Rudolph's \$1,128.00, or any portion thereof, 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.

Attachments: [CoverSheet 17-097](#)

[District Attorney Asset Forfeiture Letter 20170321](#)

A motion was made by Councilor Muir, 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

[17-098](#)

To approve a new victualer's permit application submitted by GC Pizza Hut, LLC d/b/a Pizza Hut, located at 799 Roosevelt Trail.

Attachments: [CoverSheet 17-098](#)
[Pizza's Hut-New Owner Virtualer's](#)

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

[17-099](#) To approve an application submitted by Hayley Moon and Mark Moon d/b/a Rustler's Steakhouse located at 754 Roosevelt Trail for a new special amusement permit.

Attachments: [Rustler's Steakhouse-new Special Amusement](#)

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

XII. Discussion Items.

[CD 17-151](#) FY 2017-2018 Budget Deliberations.

Attachments: [CoverSheet CD 17-151](#)
[Budget 2018 Amendment Digest 20170502](#)
[0000 Mission, Budget Message, and Summaries](#)
[1000 Administrative Services](#)
[2000 Public Works Services](#)
[3000 Police Services](#)
[4000 Fire-Rescue Services](#)
[5000 Recreation & Cultural Services](#)
[6000 Property & Inspection Services](#)
[7000 Town Clerk](#)
[8000 Social Services](#)
[9000 Capital Outlay & Fixed Charges](#)
[9900 Contingency](#)
[10000 Object Summaries & Projections](#)
[11000 Appendix A - Strategic Plan 2015](#)
[12000 Appendix B - Strategic Plan 2015 Table Update](#)
[13000 Appendix C - FY 2016 Audited Financials](#)
[14000 Appendix D - Property Tax Levy Limit](#)
[14999 Which way from here](#)

Council Chair Welch turned the meeting over to Councilor Nadeau the Chair of the Finance Committee and from there Councilors asked various questions and they were

answered or explained by the Manager or the Finance Committee.

There will be an advertised public hearing and vote on the budget at the next regularly scheduled Town Council meeting on May 23, 2017.

XIII. Agendas & Scheduling.

[CD 17-160](#) Agenda Items Reports.

Attachments: [Agenda Items Report 20170505](#)
 [Projects & Issues List 20170505](#)
 [Projects & Issues Sheets 20170505](#)

There was discussion of agendas and scheduling.

XIV. ADJOURN.

A motion was made by Councilor Nangle, seconded by Vice Chair Nadeau, that they be adjourned. 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

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM