



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, July 12, 2022

6:30 PM

Council Chambers

I. Roll Call of Members.

Council Chair Maxfield departed at 7:45 p.m. and arrived at 9:05 p.m.

Present: 7 - David Nadeau, Nicholas Kalogerakis, Jarrod Maxfield, Mark Morrison, Brett Jones, Ed Ohmott and William Reiner

II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance

III. Minutes to be Approved:

[CD 22-86](#) To approve the Minutes of the June 16, 2022 Council meeting.

Attachments: [Minutes-Council-6-16-2022.pdf](#)

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

In Favor: 7 - Councilor Nadeau, Councilor Kalogerakis, Council Chair Maxfield, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

IV. Adjustments to the Agenda.

A motion was made by Councilor David Nadeau, seconded by Councilor Brett Jones, to move up CD-22-90 to after councilors' comments. The motion passed by the following vote: All in Favor

V. Public Participation.

David Whitten, owner of Sticky Bud Farms, stated that only having two adult use licenses for marijuana retail in Windham is inadequate, and would like to convert one of his facilities to an adult use retail store. He noted that he could have joined a lawsuit filed by another business seeking to operate an adult use retail store but declined as he would like to do it with the help of the Town. He closed with a request that existing businesses be allowed to convert to adult use retail in the future and that ordinances be changed for that purpose.

[CD 22-97](#) Gift of Old South Windham Fire Station Memorabilia to Windham Historical Society.

Attachments: [SWFS Sign.pdf](#)
[SWFS Horn.pdf](#)

Tom Bartell, executive director for the Windham Economic Development Corporation, introduced the presentation by Windham Historical Society. He told the Council that Great Falls Construction has been converting the defunct South Windham Fire Station into a restaurant/pub, and have gathered some memorabilia from the building to donate to the historical society.

Brendon Wormell of Great Falls Construction and a resident of Windham talked about the conversion of the building, and described it as an honor to donate these historic items. Devin Burke, also of Great Falls construction, helped to bring in the sign which reads "So. Windham Fire Co." and a photo of the signal horns which formerly were mounted to a pole on top of the station. Both items will now be in the care of the historical society.

Walter Lund of the Windham Historical Society talked about the historical value of the donations. He stated that the building that was formerly the hose house of the station, and later a library, has been moved and preserved by the Society. It will be a small museum focusing on the history of South Windham. He encouraged anyone who may want to donate historical items related to Windham like these to do so. He closed by thanking Tom Bartell, Fire Chief Brent Libby, Great Falls Construction, and the Town Council.

Ernie Nichols, a former deputy fire chief of Windham, described how the whistles worked. They were in service from 1966 to the 1980s. The compressor for the whistles was located at the station, but the mechanism was located at Betty Burke's house on the Huston road. Different combinations of numbers in the mechanism triggered different blasts on the whistles, and told the firefighters where they would be headed.

Tom Bartell concluded with a thank you to the Council.

VI. Councilors' Comments.

Councilor Maxfield thanked everyone involved in the presentation by the historical society.

VII. PUBLIC HEARINGS.

22-126

To receive public comment and act on proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham and the Official Land Use Map related to the creation of a new Commercial I North District (C-1N), adding a 300-ft minimum front setback for a two-family dwelling from Routes 35, 115, and 302 in C-1, and allowing the Planning Board to require the construction of a public sidewalk in lieu of payment of the North Windham Sidewalk Impact Fee in C-1; to amend Section 500 by adding Curb Cut standards for C-1N and VC Districts; and to amend Section 800 to add the C-1N District to each section where design standards are applicable within the C-1 District.

Attachments: [22-126 Cover Sheet.pdf](#)
[Commercial I North Public Hearing materials.pdf](#)
[TC memo PB recommend C1 Amendments 07-07-22.pdf](#)

Manager Tibbetts described this as reverting back to the original zoning language for

this area. It would give us better definitions and better controls going forward for that area.

Amanda Lessard, Windham's Planning Director, reiterated that the change would make more sense for this area compared to the language applied to other areas. She is not aware of any negative impacts to this change.

Roy Moore, who owns multiple properties in the district, said he would like to look at the C-2 zoning, as well, going forward.

Councilor Nadeau recommended that sidewalks be made mandatory in the language. He made a motion to amend CD-22-126 to state that sidewalks are mandatory in lieu of the impact fee. Councilor Kalogerakis seconded the motion.

Director Lessard asked for clarification on the proposed change of language. She expressed concern that it would take away flexibility from the Planning Board.

Manager Tibbetts felt that a change in sidewalk fees might be the best solution.

Tom Bartell concurred with Director Lessard and Manager Tibbetts in that retaining the flexibility of the original amendment would be best.

Councilor Nadeau replied that the amount of sidewalks being built was inadequate. He felt that if Windham neighborhoods are to be walking friendly more sidewalks must be built.

Councilor Kalogerakis also stated he would like more sidewalks, but felt that a mandate would not work for all situations that arise.

A vote was held on Councilor Nadeau's proposed amendment.

In Favor: Councilor Nadeau.

Opposed: Councilor Kalogerakis, VCh Morrison, Councilor Jones, Councilor Ohmott.

Absent: Council Chair Maxfield.

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-127

To receive public comment and act on proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, Sections 120-555 and 120-911 with regard to standards for dead-end street hammerheads.

Attachments: [22-127 Cover Sheet.pdf](#)

[DeadEnd Street Hammerhead Standards public hearing materials.pdf](#)

[TC memo PB recommend Hammerheads 07-07-22.pdf](#)

Director Lessard: This amendment was brought into being because of the Council's past comments. She described the Planning Board's process in developing the amendment.

Alan Pollock from Gentle Breeze encouraged the Council to accept the striking on the

555 section having to do with the turn around being on the right side.

Elaine Pollock from Gentle Breeze, in referring to private roads, concurred with Alan Pollock's opinion. She feels that a different solution may be found in reflector posts on the corners of the road end.

Councilor Jones asked if a secondary hammerhead would be required after 75 feet. Director Lessard said that the fire code may require one but the planning ordinance does not state so.

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

In Favor: 4 - Councilor Nadeau, Vice Chair Morrison, Councilor Jones and Councilor Ohmott

Opposed: 2 - Councilor Kalogerakis and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-134

To receive public comment and act on a majority transfer of ownership application submitted by Joseph Coppolino, JJC Holdings d/b/a Kind Guy to be located at 4 Crimson Drive, for a Tier 2 Medical Marijuana Cultivation Facility.

Attachments: [22-134 Cover Sheet.pdf](#)
[Cultivation - Transfer of Ownership.pdf](#)

Manager Tibbetts stated that staff has reviewed the application and recommends that the transfer be allowed.

Councilor Kalogerakis asked if this was the cultivation facility or the retail facility. Manager Tibbetts replied that it was the cultivation facility.

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

VIII. CONSENT AGENDA.

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

22-105

To approve the write off of twenty-one (21) uncollected personal property tax accounts in the amount of \$3,186.49.

Attachments: [22-105 Cover Sheet.pdf](#)
[Outstanding Personal Property Taxes.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-114 To appoint Richard Yost to the Planning Board for a three-year term to end February 15, 2025.

Attachments: [22-114 Cover Sheet.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-115 To appoint Nikki Becker to the Energy Advisory Committee and Natural Resources Advisory Committee, for three-year terms to expire August 15, 2025.

Attachments: [22-115 Cover Sheet.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-116 To declare the official intent of the Town of Windham (the "Town") to reimburse expenditures for the following projects (collectively, the "Projects"): (a) for the design, renovation, upgrade, construction, reconstruction, improvement, paving, landscaping, rehabilitation, equipping and acquisition of real estate rights for roads, side-walks and functionally related and subordinate facilities through the Town for purposes of providing safe public passage including the (i) River Road/Route 302 intersection/sidewalk, (ii) South Windham sidewalk from Blue Seal to Depot Street, and (iii) Route 302 sidewalk from Boody's Corner to the Shaws supermarket and (iv) North Windham Rear Access Road land acquisition; and (b) for the acquisition of real property interests and the design, construction, improvement, landscaping, creating trails and equipping of such properties for providing public access for recreational purposes for the (i) East Windham conservation project land and (ii) Phinney Lumber - Open Space (land abutting the conservation project property); and (c) for the acquisition of trash and recycling carts for use in the solid waste management program of the Town in the Town and related redevelopment of the site (the "Project") with proceeds of a general obligation bond (and notes in anticipation thereof) of the Town in a sum not to exceed \$6,700,000.

Attachments: [22-116 Cover Sheet.pdf](#)

[Warrant for June 2022 FY 2022-2023 signed.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-118 To appoint members of the Voter Registration Appeals Board.

Attachments: [22-118 Cover Sheet.pdf](#)

[Dems & Repub Board Nominees.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-125 To approve amendments to the Master Fee Schedule.

Attachments: [22-125 Cover Sheet.pdf](#)

[Fee Schedule 2022 Correction 07122022.pdf](#)

A motion was made that the Order be approved. The motion carried by the following vote:

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-128 To approve a purchase and sale agreement for approximately 85 acres of what is referred to as the Phinney parcel, which abuts the Town's East Windham Conservation Project, and to authorize the Town Manager to take any other action related thereto to finalize the sale.

Attachments: [22-128 Cover Sheet.pdf](#)

[Phinney Parcel M17 L3.pdf](#)

[PSA - John Phinney to Town of Windham](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-129 To approve a ballot for the election of candidates to the Legislative Policy

Committee of the Maine Municipal Association.

Attachments: [22-129 Cover Sheet.pdf](#)
[MMA LPC Election Memo.pdf](#)
[MMA LPC Official Ballot.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-130

To accept the public easements for Rousseau Road, Sokokis Point Road and Sandbar Road, identified by the Town as Designated Private Ways and that have met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services on the defined public easement area.

Attachments: [22-130 Cover Sheet.pdf](#)
[Rousseau Road Easement.pdf](#)
[Sandbar Road Easement.pdf](#)
[Sokokis Point Road Easement.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-131

To approve one (1) application submitted by Katie Dargie & Leanne Boody d/b/a Mow's Munchies, LLC for a Mobile Food Service Unit License.

Attachments: [22-131 Cover Sheet.pdf](#)
[Mow's Munchies - new Mobile Food.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-132

To approve an application submitted by Ken Cianchette d/b/a Erik's Church located at 824 Roosevelt Trail for a renewal Special Amusement permit.

Attachments: [22-132 Cover Sheet.pdf](#)

[Erik's Church Sp. Amusement.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-133

To approve a new Victualer's permit application submitted by Katie Dargie & Leanne Boody d/b/a Mow's Munchies, LLC.

Attachments: [22-133 Cover Sheet.pdf](#)

[Mow's Munchies - new Victualer's.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-135

To approve a Memorandum of Understanding with R.S.U. 14 and the Portland Water District authorizing the Town to engineer and install a wastewater collection, treatment, and disposal system that would serve properties in the North Windham Area to mitigate groundwater pollution at the Manchester School property, and to authorize the Town Manager to sign the Memorandum of Understanding and to take any other necessary action related thereto.

Attachments: [22-135 Cover Sheet.pdf](#)

[executed windham MOA.pdf](#)

[RSU14 Manchester Field Area Agreement Executed.PDF](#)

[site layout plan pwd esmt fig 2.PDF](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

22-136

To authorize the Town Manager to negotiate and approve the extension of the Supplies and Services Agreement provided by WasteZero.

Attachments: [22-136 Cover Sheet.pdf](#)

[WasteZero Contract Memo.pdf](#)

[WasteZero Contract Extension.pdf](#)

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

In Favor: 6 - Councilor Nadeau, Councilor Kalogerakis, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Absent: 1 - Council Chair Maxfield

X. Council Correspondence.

CD 22-89 Town Scholarship - Thank you.

Attachments: [K Drotter Thank You.pdf](#)

Councilor Morrison stated that the council appreciated the recipient's thoughtful thank you note.

CD 22-91 Department Quarterly Reports.

Attachments: [Quarterly Report from the Town Clerk.pdf](#)

[Parks and Recreation Quarterly Report April - June 2022.pdf](#)

[Code Enforcement Department Quarterly Report 04-01-22 to 06-30-22.pdf](#)

[HR Quarterly Report April - June 2022 \(002\).pdf](#)

[Assessing Report April - June 2022.pdf](#)

[PD quarterly report 2nd quarter.pdf](#)

[Fire-Rescue Second Quarter 2022 Report.pdf](#)

[Library quarterly update 072022.pdf](#)

[Finance Quarterly Report April-June 2022.pdf](#)

[Public Works April-June 2022 Quarterly Report .pdf](#)

CD 22-92 Cumberland County Finance Committee Notice of Caucus.

Attachments: [Notice of Caucus.pdf](#)

CD 22-93 MDOT Notice of Formal On-Demand Virtual Public Meeting.

Attachments: [Public Meeting RE Intersection of Route 302 and Albion Rd.pdf](#)

CD 22-98 Watershed Protection Grant Letter of Thanks.

Attachments: [LSLA Thank You.pdf](#)

XI. Town Manager's Report.

Manager Tibbetts noted that the ribbon cutting for the new emergency services facility would be held the next day and encouraged staff and residents to attend.

The application for additional funding for improvements to the East Windham Conservation project was submitted to the LWCF. The Town looks forward to additional

improvements that can be made.

The summer concert series is happening and residents are encouraged to attend.

There is a new feature on the website called E-Code. All the ordinances are now interlinked by hypertext through that program.

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Kalogerakis stated that Erica Bell-Watkins is interested in joining the Natural Resource Advisory Committee and the Branding & Way Finding Committee. She is being put forth and her appointment will be on the next agenda.

2. Finance Committee.

Councilor Nadeau says the Finance Committee has not met since the last Council Meeting.

3. Ordinance Committee.

Councilor Nadeau said the committee has been studying the zoning map.

B. Other Committees.

1. Long Range Planning Committee.

2. Parks & Recreation Advisory Committee

No Report.

3. Windham Economic Development Corporation.

No Report.

4. Highland Lake Leadership Team.

No Report.

5. Natural Resources Advisory Committee.

Councilor Jones was unable to attend the last meeting.

6. Public Easement Advisory Committee.

The Public Works Director and the Town Engineer have gone through all the roads, completing the task for the year.

XIII. Discussion Items.

Note: Minutes are not taken for discussion items.

CD 22-90 South Windham Sidewalk Project.

Attachments: [Route 202 Sidewalk Plans - Depot St to River Rd.pdf](#)
[Resident Concerns June 23 2022.pdf](#)
[Emails R DeVinney and Councilor Reiner.pdf](#)

CD 22-88 Marijuana Business License Fees.

Attachments: [Memo Marijuana License Fees.pdf](#)
[Marijuana Proposed Revised Rees 7.12.22.pdf](#)
[Census of Municipalities to Determine Caps on Marijuana Stores and Facilities.pdf](#)
[Copy of Marijuana Fee Comparison](#)
[Data from BTI on MLF Funds.pdf](#)
[Marijuana Education Funds.pdf](#)
[Marijuana Licenses by Establishment.pdf](#)
[Marijuana reimbursement by State Maine 130 - HP 873 item 7.pdf](#)
[Memo Questions RE Marijuana Fees 6 6 22 kmc.pdf](#)

CD 22-94 Rio Drive Update.

Attachments: [Rio Drive - Fall 2021.pdf](#)
[Rio Drive - Summer 2022.pdf](#)

CD 22-95 Budget Summary.

Attachments: [Windham 2022 23 FINAL Shortened Approved Budget 2.pdf](#)

CD 22-99 Workshop Date in September.**CD 22-100** MDOT Cooperative Agreement Route 302 Corridor Safety and Connector Road Improvements.**XIV. Agendas & Scheduling.**

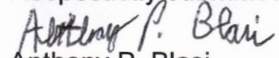
September 20: Budget workshop date on Trash.

XV. ADJOURN.

A motion was made by Councilor Kalogerakis, seconded by Councilor Jones, that the be adjourned. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Councilor Kalogerakis, Council Chair Maxfield, Vice Chair Morrison, Councilor Jones, Councilor Ohmott and Councilor Reiner

Respectfully submitted,



Anthony P. Blasi

Deputy Clerk