



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, May 23, 2023

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 6 - David Nadeau, Mark Morrison, Brett Jones, William Reiner, John Henry and Jarrod Maxfield

**Absent:** 1 - Nicholas Kalogerakis

#### II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 23-074](#) To approve the Minutes of the May 9, 2023, Council meeting.

**Attachments:** [Minutes-Council-5-9-2023.pdf](#)  
[Addendum to 5-9-23 Council Minutes\(1\).pdf](#)

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

**In Favor:** 6 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Reiner, Councilor Henry and Councilor Maxfield

**Absent:** 1 - Councilor Kalogerakis

[CD 23-077](#) To approve the Minutes of the May 16, 2023, Special Meeting - Executive Session.

**Attachments:** [Minutes-Council-Sp. Ex. Session-5-16-2023.pdf](#)

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

**In Favor:** 6 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Reiner, Councilor Henry and Councilor Maxfield

**Absent:** 1 - Councilor Kalogerakis

#### IV. Adjustments to the Agenda.

*None.*

#### V. Public Participation.

*None.*

[CD 23-069](#)

## Announcement of Summerfest Grand Marshall &amp; Hometown Hero.

*Linda Brooks Parks & Rec Director said Summerfest will be celebrated on the grounds of Windham High School on Saturday, June 24. The theme for this year is "A Little Bit of Everything" because that is what they have. The parade will start at 12:00 noon, and it will kick off a very full day of activities, more than ever before. There will be the inflatable playground, a 3 on 3 basketball tournament, and 2 escape rooms. Sebago Lake Region Chamber of Commerce will have their golf ball drop, a full schedule of entertainment on two different stages and ending with fireworks at 9:30.*

*None of this could be possible without the support that is received from the many organizations that are there with various food booths, business expo, community organizations, crafter vendor booths and the many business sponsorships they receive.*

*She thanked the dedicated group of the Summerfest Committee Members who pour their hearts into running this event. She thanked Committee Chair Deb Matthews and her husband Tom Matthews, along with Barb Maurais, Aaron Piper and Karen Rumo, Jacob Chanard (student) and Camille Swander and Tiffany St.Claire who have all joined the committee.*

*Deb Matthews Chair of Summerfest announced the Hometown Hero: Bill Andrew (see attached)*

*Deb Matthews announced the Grand Marshall: Sandy Donnelly (see attached)*

[CD 23-071](#)

## Introduction of Community Project Coordinator for the Age-Friendly Committee.

*Linda Brooks said this committee has been in place since 2019, and they have been working hard with this committee. They knew they really needed to expand the committee to find someone to bring on board to be able to help them with that initiative. In April of this year Age Friendly Windham was awarded a one-time grant from the Southern Maine Agency on Aging to fund this Community Project Coordinator. The grant will be funded through September 30 of this year, she has her work cut out for her.*

*The position will work in collaboration with Linda Brooks, the Age Friendly Committee and local residents to increase the capacity and extend that initiative. Linda introduced Erica Bell-Watkins who has taken the position as Project Coordinator, and she is jumping right into things. She will work with local leaders to recruit volunteers, develop more community partnerships, expand the services, programs and the activities. Linda said they are just about ready to launch the action plan that the committee has been working on for many months.*

[CD 23-072](#)

## Presentation of a Red Cross Life Saving Award.

*Fire Chief Brent Libby said on May 6 they held their annual awards night where they present various awards to 25 or so of their members for outstanding work they have done over the last year, and this award is a continuation of that.*

*On January 24, 2023 one of their members, Dustin Andrews, while off duty an incident occurred just about at the town line between Windham and Gorham. Dustin was in the right place at the right time and he responded to a medical emergency and a cardiac event. Brent introduced Steve Thomas Ex. Director of the Southern Maine Chapter to present the award.*

Steve Thomas Executive Director of the American Red Cross Southern Maine Chapter said he was really happy to be here to honor some courageous actions of a true local hero, Dustin Andrews an EMT with Windham Fire/Rescue to present this prestigious life saving award.

On January 24, 2023 Dustin was off duty when he noticed a vehicle ahead of him driving erratically. The driver accelerated, left the road and crashed into a snow bank. Dustin rushed to the driver's aid and realized he was not breathing. Rob Parritt had suffered cardiac arrest. With the help of another bystander, Dustin pulled Rob from his vehicle, initiated CPR and continued for several minutes until paramedics arrived. Dustin's quick thinking, his bravery and his CPR skills are the reasons Rob is with us at the ceremony tonight.

Dustin succeeded in fulfilling the mission of the American Red Cross to prevent and alleviate human suffering in the face of emergencies. He saved a life, a husband, a father, a grandfather and his neighbor. May we all possess Dustin's strength, courage and life saving skills if ever they are need. Steve Thomas then presented the award to Dustin Andrews.

## VI. Councilors' Comments.

None.

## VII. PUBLIC HEARINGS.

### [23-089](#)

To receive public comment and act on an application submitted by Mike Harris d/b/a Binga's Windham LLC located at 106 Main Street for a renewal Special Amusement Permit.

**Attachments:** [23-089 Cover Sheet.pdf](#)  
[Binga's renewal Special Amusement.pdf](#)

Chief Schofield said he only wanted to make the Council aware of an incident that happened at Binga's in the middle of April. After hours a fight took place outside and some gun shots were fired. The owner of the business has been cooperating with the investigation in resolving the matter. The folks that were involved with that have been identified and there is currently an ongoing court process. They have been asked not to come back to that property.

What raised his concern, a little bit, was when he saw this item on the agenda and that Chief Libby's staff, two weekends ago, responded to an assault in the parking lot down there, and he thought there was a second issue. That particular incident had nothing to do with the business. It was a road rage incident where people decided to pull into a parking lot and engage in a fight, and one of them received some injuries.

Chief Schofield said he was not there advocating not to approve the Special Amusement Permit, he wanted to make the Council aware of the things that they were dealing with. He did go back through the calls for service for the past 12 months to look for any other incidents that may have involved any type of disturbance or violence and there were none.

**A motion was made by Councilor Maxfield, seconded by Councilor Nadeau, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

23-091

To receive public comment and act on proposed amendments to the Code of the Town of Windham, Chapter 120 Land Use Ordinance, Article 4 Zoning Districts, Article 5 Performance Standards, and Article 8 Site Plan Review, and the Official Land Use Map to create two new zoning districts, Windham Center (WC) and Village Residential (VR) and act to repeal §120-421 Child-Care Overlay District (CCO).

**Attachments:** [23-091 Cover Sheet.pdf](#)

[TC MEMO\\_PB recommend\\_WindhamCenter\\_05112023.pdf](#)

[WC\\_VR\\_LUOamendment\\_REVISED\\_May2023.pdf](#)

[WC Presentation\\_PB\\_March\\_2023.pdf](#)

[WindhamCenter\\_ProposedMap\\_04-2021\(1\).pdf](#)

[WindhamCenter\\_ProposedZoningChangesMap\\_04-2021\(1\).pdf](#)

[FR\\_F compare WC\\_VR\\_revised\\_Feb2023.pdf](#)

[Zoning Standards WC\\_VR\\_Feb2023.pdf](#)

*Amanda Lessard Planning Director spoke about the process they went through for the Windham Center Growth Area. She pointed out, more recently, they had a workshop with the Planning Board and the Long Range Planning Committee in January, and there were subsequent changes made that went to the Planning Board for a public hearing at their meeting on April 10. These changes to that growth area do create two new zoning districts, the Windham Center (WC) and the Village Residential (VR) districts. There are some related amendments to performance standards in the town related to these two new districts for curb cut standards, drive-through facilities, medical offices, and commercial district design standards.*

*At the Planning Board's public hearing two members of the public submitted written comment and five members spoke to the Planning Board with concerns that the size of the district was too large; that drive-through's should not be permitted, sidewalks should be mandatory, and that the rezoning would create pressure to develop, and that growth would spoil the rural and historic character of the area and increase traffic, lighting, and noise.*

*During the Planning Board's discussion they identified that the size of the district and the amount of commercial development was limited and the economic pressures would not necessarily encourage that commercial development throughout the district; that they still continue to have concerns about the sidewalks not being mandatory.*

*They recommended that they remove the architectural design standards that were proposed for these two districts as we've recently amended our ordinance to address that kind of residential building architecture in our multi-development standards. They had additional comments being that the Council, in the future, should consider reviewing the lighting and sign ordinance standards.*

*The Board, during their discussion, noted that there seemed to be a missing reference to sign standards for these two districts. Amanda said since the Council last reviewed this*

*ordinance at their meeting in January the ordinance in their packet for the hearing tonight has been modified to add text that the sign standards that apply, both in these districts, would be the residential zoning district standards in our LUO. They have also struck out building architecture standards from consideration.*

*The Planning Board's recommendation with comments was a vote to approve with recommendations and the vote was 4 - 2.*

*She noted that they had recently adopted that Child Care Facility Overlay that was meant to kind of be an interim step until they could consider the Windham Center district, where that use is proposed to be permitted, and the overlay would no longer be necessary. She said they are asking the Council to repeal it.*

*Councilor Maxfield said it looks like we have proposed the maximum height of 45 ft. in these zones, and later there is a discussion item on the Commercial C4 zone in North Windham, which is also a growth zone. It seems like a much denser place and we have a maximum height of 40 ft.*

*Amanda said their recommendation is 45 ft. for this area, and she would have recommended 45 ft. for the area in North Windham as well as South Windham's Village Commercial district will also need some adjustments to the dimensional standards. That is a decision for the Council. They had provided pictures of buildings that would be pitched roofs in the presentations, and you would get a four story building at 45 ft. and that would be appropriate in other growth districts.*

*Councilor Henry asked if we were eliminating the pitched roof requirement, is that the proposal and what do we mean we are eliminating architectural standards?*

*Amanda said yes. The building architecture in these two districts will require a pitched roof of 4/12. The reason for that is when a commercial building for that is proposed, the commercial district standards address the building architecture standards with either a requirement for a pitched roof or other architectural detail elements on the roof line. The Multifamily Development Standards also propose some requirements for the Building Architecture that would give a little more flexibility than being this rigid 4/12 pitch, but it is something that would be subject to review that wasn't considered when these were originally drafted a couple of years ago. Councilor Henry said the short answer is they are covered already under Multifamily and Commercial, and this takes it out from any private residential home.*

*Councilor Nadeau said his point was going to be sidewalks. Not long ago they were given a study that was done by one of the students at the High School, and it was asking a lot of questions. That study came back in favor of walkability, which we don't have in this area. He is not in favor of eliminating the sidewalks, just the fund, because that fund could be used someplace else and not in this zone. People yelled that it is a sidewalk to nowhere, but eventually they all get connected. He would be against sidewalks not being mandatory and being allowed to pay the sidewalk fee. In the past that fee has been no where near the cost of a sidewalk.*

*Amanda said this proposal does not include a sidewalk impact fee. It was a recommendation from the Long Range Planning Committee that one be developed specifically for this district, if the zoning is going forward.*

*She said staff had a meeting today to identify the locations they want to prioritize sidewalks to be constructed to develop the impact fee. They want to develop the methodology to apply to all development in these districts, and it would go towards*

*constructing the sidewalks in the locations which they have identified, or they would come back to amend this section. So, if a property is being developed and the sidewalk is shown across the frontage of that lot, they would need to construct it.*

*She thinks they have been prioritizing that you can be walkable in this area without necessarily needing sidewalks on both sides of everything street, so they wanted to be clear on where they prioritized it. They know the area is not walkable, the town needs more to do that, and she doesn't think, at this time, requiring a development to build a sidewalk every where may not be the best use of their money or what meets the towns need.*

*She said they have been approved for some funding two fiscal years from now from PACTS to develop a bicycle and pedestrian plan. They will have an opportunity to look at and reinform where they have identified the sidewalks to be. The proposal does not address a sidewalk impact fee, but they expect the Council could see that by the end of summer. Identifying if you can connect to a sidewalk that exists today, one should be built to connect to it. There are additional sidewalk standards that the Planning Board needs to consider in a subdivision application or on a site plan application for pedestrian activity.*

*Councilor Nadeau said he would really like to see a plan put in place where the sidewalks should be, from the schools to the park down the street to make this area walkable.*

*Councilor Henry said the ordinance reads now, if it doesn't about a sidewalk they don't do anything, correct? Amanda said unless they are going through subdivision or site plan review, the Planning Board can require connections or they would need to look at pedestrian safety and access. They are hoping that the gap between when this is adopted and when they have something in place for it to be more prescriptive about when a sidewalk is required will not be a long period of time.*

*Councilor Henry said if we had a plan for Windham Center Road, etc. then maybe the in lieu fee would specify that it goes towards that specific land. Amanda said yes, an impact fee ordinance needs to be precise on how the money is spent, a timeline for when it is spent or else it is returned to the person that paid the fees. It cannot be used anywhere else, it is prescribed by State Law on how a municipality accesses an impact fee.*

*Councilor Jones said he thinks it is a good idea to do a separate ordinance to address sidewalks.*

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

[23-092](#)

To receive public comment and act on proposed amendments to the Code of the Town of Windham, Chapter 201 Stormwater Management, Article I Surface Water Protection, and Article II Post-Construction Stormwater Management, and Chapter 120 Land Use Ordinance, Article 8 Site Plan Review, and Article 9 Subdivision Review related to MS4 Stormwater Permit requirements.

**Attachments:** [23-092 Cover Sheet.pdf](#)  
[TC MEMO\\_PB recommend\\_MS4\\_SiteSub\\_05-23-23.pdf](#)  
[Memo MS4 Permit Ordinance Amendments \(1\).pdf](#)  
[PB MEMO\\_MS4\\_SiteSub\\_050423 \(1\).pdf](#)  
[Site Plan Review Official Draft 4.7.23.pdf](#)  
[Subdivision Review Official Draft 04.7.23.pdf](#)  
[Stormwater Management Official Draft 4.7.23.pdf](#)

*Amanda Lessard gave an update since these amendments were presented to the Council in April. The Land Use Ordinance amendments, related to site plan review and subdivision review, went to the Planning Board for their review and recommendation. They had a public hearing last night, and there were no public comments neither for or against the amendment, and the Planning Board generally discussed that they see the benefit to reviewing deed restrictions to help the board confirm that the lot owners would be on notice for required maintenance, and they questioned if this new section for maintenance of common elements really included all the common elements that should be the responsibility of the homeowners association. We think that it does, they think they were commenting on other unrelated, semi-related ordinance changes that, Amanda thinks they need to work on, but they unanimously supported these amendments.*

*Also in the packets there is a change to the Stormwater Ordinance, which does not require the Planning Board review, so in your packet is all three ordinances, which Gretchen is here to answer any questions. These changes are mandated to be mandated by municipalities on July 1. If they are adopted tonight, they will be effective prior to July 1 and we would in compliance with our permit.*

**A motion was made by Councilor Maxfield, seconded by Councilor Nadeau, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

- In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield
- Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

[23-093](#) To receive public comment and act on proposed amendments to the Code of the Town of Windham, Chapter 120 Land Use Ordinance, Article 12 Impact Fees and Master Fee Schedule, to revise the open space impact fee.

**Attachments:** [23-093 Cover Sheet.pdf](#)  
[TC MEMO\\_PB recommend\\_OpenSpaceFee\\_05-23-23.pdf](#)  
[PB Memo Open Space 04-20-23.pdf](#)  
[Open space impact fee revised\\_03-17-2023.pdf](#)  
[Open Space Fee Methodology 03-17-2023\\_redline.pdf](#)  
[Open Space Fee Methodology 03-17-2023\\_clean.pdf](#)

*Amanda Lessard said staff had presented these proposed revisions to the methodology on how they establish the open space impact fee at a meeting in March. It needs to go to the Planning Board for review and recommendation as impact fees, in addition to just*



*being on a fee schedule, are part of Article 12 of the Land Use Ordinance.*

*The Planning Board had a public hearing at their meeting last night, no members of the public provided any comment on the proposal. The Board offered comments that the fee is proposed to, essentially, double because of the change in the assumption of the costs per acre that it costs to acquire land to conserve in open space. They were concerned that would increase the cost of development, we may see less development, and then they had a question about how the funding is prioritized. They unanimously supported recommending the adoption of the proposed amendment.*

*She said she noted in the memo she provided that after the Open Space Impact Fee was adopted by the Town in 2019, but following on that, the impact fee was a recommendation in our Comprehensive Plan, but also a recommendation was to develop an open space plan which was adopted in 2021. That plan does have recommendations on where they have identified to prioritize conserving land, which has led them to the East Windham Conservation Project; which the town will acquire soon and certainly will nearly double the amount of publicly accessible open space the town has, but in that process they understood that the cost to buy land has sky rocketed in the last few years. The Council has charged the Natural Resource Advisory Committee with implementing the open space plan, and they work in consultation with Parks & Rec Advisory Committee to make recommendations to the Council on how to allocate those fees.*

*Councilor Henry said, theoretically, at some point, there will be no more open space, does this sunset at some point? Amanda said the ordinance, itself, does say the fee remains in effect until July 1, 2035 unless it is extended by the Town Council. Each of the impact fees also direct the Council to revisit the fee every three years.*

*Councilor Maxfield said we were kind of low on the fees before the increase where do we stand now? Amanda said she had not done a comparison, but we are somewhere in the middle of the pack.*

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

## VIII. CONSENT AGENDA.

## IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[23-088](#)

To set the Council's meeting schedule for the summer months as Tuesday, June 6, Thursday, June 15, Tuesday, July 11, and Tuesday, August 15, 2023.

**Attachments:** [23-088 Cover Sheet.pdf](#)  
[Council Rules of Procedure Windham.pdf](#)

*Manager Tibbetts said June 6 was going to be an executive session to discuss some pending issues regarding legal matters. He said he did have another item that would need to be discussed on June 15 and to have an executive session. He suggested pushing back the June 6 item to June 15 and they could eliminate one meeting.*



*Councilor Nadeau amended 23-088 to remove Tuesday, June 6 from the schedule.*

*Councilor Maxfield moved the amendment, seconded by Councilor Henry*

*Vote on amendment:*

*In Favor: 5*

*Absent: 2 (Reiner, Kalogerakis)*

*Councilor Jones said he would not be able to make the 15th, and neither would Councilor Henry. Manager Tibbetts said they would normally meet on the 13th but because it is an Election Day, per the Council Rules, the meeting is moved to the following Thursday, which is the 15th.*

*Councilor Maxfield makes a motion to amend Order 23-088 to change Thursday, June 15 to Wednesday, June 14 at 5 p.m. for an executive session, followed by the regular meeting at 6 p.m., seconded by Councilor Nadeau.*

*Vote on amendment:*

*Vote in Favor: 5*

*Absent: 2 (Reiner, Kalogerakis)*

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved with both amendments. Councilor Reiner temporarily had left the room and was present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

### [23-090](#)

To countersign the Regional School Unit No.14 warrant calling a Regional School Unit Budget Referendum to be held on June 13, 2023.

**Attachments:** [23-090 Cover Sheet.pdf](#)

[Countersign School Warrant & Notice of Election.pdf](#)

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

### [23-095](#)

To grant an excused absence to Councilor Brett Jones for the Council meetings of April 25, 2023 and May 9, 2023.

**Attachments:** [23-095 Cover Sheet.pdf](#)

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

- In Favor:** 4 - Councilor Nadeau, Council Chair Morrison, Councilor Henry and Councilor Maxfield
- Absent:** 2 - Councilor Reiner and Councilor Kalogerakis
- Abstain:** 1 - Councilor Jones

23-097

To authorize the Town Manager to enter into an agreement with the Portland Water District for the portion of the North Windham Sewer Project referenced as Phase GMP 1 for \$8,648,708, encompassing the disposal fields, Sposedo Road improvements, utilities, MBR equipment, Oakson equipment and collection infrastructure, and take necessary action to finalize the agreement.

**Attachments:** [23-097 Cover Sheet.pdf](#)

*Manager Tibbetts said this was presented at the last regular meeting. It is the first phase of implementing the sewer into North Windham. The second phase of this, which is called GMP 2 (Guaranteed Maximum Priced 2), said those numbers will be to the Council in the first part of September. The total project cost for this is right around \$40 million. This is the first phase of the \$8.6 million. The numbers for the second Phase will be finalized over the next couple of months. They anticipate GMP 2 to be close to that \$30 million mark. On the map, this will basically put sewer into Area 1, which is Manchester School including where the wastewater facility will go. It will go all the way over to Route 115, GMP 2 will include from Rt. 115 on the backside of Bangor Savings all the way over to the other side of Franklin Drive and out behind. Part of that area is considered Area 3. Area 4 is the opposite side of Bangor Savings and the Mall area. Area 5 is Shaw's property, and Area 6 is over by the Dunkin Donuts area.*

*They anticipate being able to hit all of those areas, some with low pressure, some with gravity, and some with high pressure, and there will be some pumping stations. Based on the numbers that they have received from the engineers and from our consultants they have a guaranteed maximum price not to exceed that number.*

*Councilor Maxfield asked if we were looking at kids playing on the ball fields next year? Barry said probably in the fall, it won't be the spring or summer. Councilor Maxfield asked if the Little League folks know that they are going to be down some fields for next spring? Barry said he didn't know the answer but they will find a way to make it work.*

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporary had left the room and was not present for this vote. The motion carried by the following vote:**

- In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield
- Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

23-098

To approve a new Victualer's License application submitted by Lionel Morin d/b/a Festivals of Maine/Smokey's Greatest Shows.

**Attachments:** [23-098 Cover Sheet.pdf](#)  
[Smokey's Greatest Shows.pdf](#)

*Lionel Morin said they would be behind the Windham Mall. They will be doing fund raising*

and trying to get more non-profit groups to join. It will open at 5pm Wednesday night. This year it will be a smaller size, but if things go well he will have a year to start promoting it for next year.

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

### 23-099

To award a \$1,000 scholarship as established by the Town Council and recommended by the scholarship review committee to this year's recipient identified as Applicant C.

**Attachments:** [23-099 Cover Sheet.pdf](#)

*Manager Tibbetts said they had six applicants and they were all great applicants. They want to thank all the students who participated. He said Dave Nadeau will represent them at the awards banquet.*

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

### 23-100

To approve one (1) application submitted by Diane Gaines d/b/a Wicked Good Dogs for a new Mobile Food Service Unit License.

**Attachments:** [23-100 Cover Sheet.pdf](#)

[Wicked Good Dogs - Mobile Food.pdf](#)

**A motion was made by Councilor Maxfield, seconded by Councilor Henry, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

### 23-101

To approve a new Victualer's License application submitted by Dianne Gaines d/b/a Wicked Good Dogs.

**Attachments:** [23-101 Cover Sheet.pdf](#)

[Wicked Good Dogs - new Victualer's.pdf](#)

**A motion was made by Councilor Nadeau, seconded by Councilor Maxfield, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

### 23-102

To allocate up to \$100,000 from the Council Contingency Fund for remedial actions related to the East Windham Conservation Project parcel purchase and authorize the Town Manager to take the necessary actions related thereto.

**Attachments:** [23-102 Cover Sheet.pdf](#)

*Manager Tibbetts explained that on this parcel purchase, which is coming up really quickly, part of the requirements that the town had to do was an ES 1, which is an Environmental Survey 1. They had an environmental engineer who reviewed the 655 acres. As they reviewed the acreage they found there was some lead there from prior shooting, and that had to be identified. Soil samples were taken, and they have been in conversations with MDOT, and they have come up with a plan to remove the lead from the guns that were used at the firing range. Hopefully, this will be done in the next 3-4 weeks.*

*There were a couple different options as to how the removal would be done, and they have selected the middle option. The soil will be treated with a magnetite, which is a chemical to neutralize the lead and remove that soil up to Juniper Ridge, and then other soil that is already onsite to fill over that so it will be decontaminated completely. They feel that is the best solution in this case. This money will let us do that in conjunction with the property owner. He encourages the Council to support this. The money that would come out of your Contingency Fund, which allows you to do this, is in the budget, and we can solve this problem to keep us going.*

*The DEP will sign off on it, they heard today. They are going to do a V wrap application, the process we will use to get us there, and they have already been in contact with LMF, and they are working through this. It is just the question of whether we can get the plan done and in place fast enough to meet the closing date. Worse case is we may have to push the closing date back a little bit but we are pushing to try and get all done at once.*

**A motion was made by Councilor Nadeau, seconded by Councilor Henry, that the Order be approved. Councilor Reiner temporarily had left the room and was not present for this vote. The motion carried by the following vote:**

**In Favor:** 5 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Henry and Councilor Maxfield

**Absent:** 2 - Councilor Reiner and Councilor Kalogerakis

## **X. Council Correspondence.**

**Councilor Reiner returned.**

[CD 23-075](#) Maine DOT Centerline Rumble Strip Project.

**Attachments:** [MDOT Project 024987.00 Rumble Strip Installation.pdf](#)

[CD 23-076](#) Southern Maine Agency on Aging Correspondence.

**Attachments:** [Southern Maine Agency on Aging Fiscal Year Report.pdf](#)

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

*Manager Tibbetts noted that there will be a public meeting on the Mountain Trail Division Wed May 31 at 7pm. at the South Windham Fire Station. This runs from Westbrook to South Windham.*

*Dundee Park is opening up this weekend, and the weather looks great. Last week they put monies into the budget to pave the entrance road from where the gate is all the way into the parking area.*

*In regard to the new trash conversion and using carts, the vendor has delays on the truck that has been ordered and it could be up to four months. They are looking at that conversion to probably be April of next year. Other communities are delayed as well; it is beyond our control.*

*He wanted to let the public know that if they knew of someone who is looking for a job or a career change, the town has openings in Police, Fire and Public Works. Windham is a great place to work and we would love to have them. Information can be found on our website.*

*On Wednesday June 7th we are having an employee luncheon at noon and the Council is invited. If you are free, please stop by and say hi to our employees.*

*There was a lawsuit filed against us, by Andrew Keeley of CC Lakeside, LLC. This is the marijuana group that is suing us for the licensing issue concerning Adult Use Marijuana Stores. They have also sued JAR and Paul's Boutique establishments. We have an attorney, and JAR and Paul's also have an attorney. Through the discussion of the attorneys they would like to enter into a joint defense agreement.*

*What that means is that we are still completely independent, but by having a joint defense agreement when our attorneys talk between themselves, that information is confidential. Right now we can talk to our attorney, that information is confidential, and if we do not have this agreement and our attorney talks to their attorney, that doesn't necessarily mean that it is confidential. From a legal perspective, this would be a good move for us, and he recommended the Council do this.*

## **XII. Committee Reports.**

### **A. Council Subcommittees.**

#### **1. Appointments Committee.**

*Councilor Nadeau said they had an interview tonight with Elizabeth Cambell for the Human Services Advisory Committee, and they will bring her forth at the next meeting.*

#### **2. Finance Committee.**

*No report.*

#### **3. Ordinance Committee.**

*No report.*

## **B. Other Committees.**

### 1. Long Range Planning Committee.

*Councilor Nadeau said they met two weeks ago. They talked about the Master Plan Zoning recommendations.*

### 2. Parks & Recreation Advisory Committee

*No report.*

### 3. Windham Economic Development Corporation.

*No report.*

### 4. Highland Lake Leadership Team.

*Councilor Maxfield said they will be meeting on May 31st.*

### 5. Natural Resources Advisory Committee.

*No report.*

### 6. Public Easement Advisory Committee.

*No report.*

## **XIII. Discussion Items.**

*Note: Minutes are not taken for Discussion Items.*

[CD 23-073](#) Proposed Commercial-2 (C-2) Zone Changes and Commercial-4 (C-4) Zone.

**Attachments:** [C2 Amendments TC memo 05-17-2023.pdf](#)  
[C4 AmendedMap\\_05-17-2023.pdf](#)  
[Commercial District IV \(C-4\).pdf](#)

**CD 23-073 Proposed Commercial-2 (C-2) Zone Changes and Commercial-4 (C-4) Zone.**

**In Favor:** 6 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Reiner, Councilor Henry and Councilor Maxfield

**Absent:** 1 - Councilor Kalogerakis

## **XIV. Agendas & Scheduling.**

## **XV. ADJOURN.**

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

**In Favor:** 6 - Councilor Nadeau, Council Chair Morrison, Councilor Jones, Councilor Reiner, Councilor Henry and Councilor Maxfield

**Absent:** 1 - Councilor Kalogerakis

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM