



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, May 28, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

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

II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 24-123](#) To approve the Minutes of the May 14, 2024, Special Meeting Executive Session.

Attachments: [Minutes-Council Special Ex. Sess-5-14-24.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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[CD 24-124](#) To approve the Minutes of the May 14, 2024, Council meeting.

Attachments: [Minutes-Council-5-14-2024.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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

IV. Staff Announcements.

Councilor Morrison thanked and congratulated David Veinott who is retiring, and he congratulated Nicholas Sanborn, a new Police Officer who just graduated from the Police Academy.

He then read the names of all the newly hired town employees and welcomed them aboard.

V. Adjustments to the Agenda.

VI. Public Participation.

No public participation.

[CD 24-105](#) Announcement of Summerfest Grand Marshall.

Linda Brooks P&R Director said Summerfest will be on Saturday, June 22 on the grounds at the Windham High School. The theme for this year is Summerfest Turns Back Time. The parade will start at 12:00 noon. This year they are introducing a new parade route, and she thinks it will help with the line up. It will start at Public Works and the parking lot at Stadium Drive. They will head up Windham Center Road, down School Road, turn right onto Route 202 and along the regular route. They will also be having the Armature Radio Relay Leagues Field Day as part of the event. It is an international event that will take place on the school grounds. She thanked the businesses who helped raise the temperature on the thermometer down by the town hall park. She thanked the diligent Summerfest Committee for all of their hard work.

Deb McAfee Spoke about Summerfest and then announced the Grand Marshal. (See attachment)

VII. Councilor Comments.

VIII. PUBLIC HEARINGS.

[24-100](#) To receive public comment and act on a renewal application submitted by JNP Services LLC d/b/a JAR Cannabis Co. as a licensed Marijuana Registered Dispensary with two locations, 9 Storm Drive (retail location), and 608 Roosevelt Trail (cultivation location).

Attachments: [24-100 Cover Sheet.pdf](#)

There was no public comment.

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-101](#) To receive public comment and act on an application submitted by Travis Mathieu d/b/a Bob's Seafood located at 901 Roosevelt Trail for a renewal Special Amusement Permit.

Attachments: [24-101 Cover Sheet.pdf](#)
 [Bob's Seafood-Sp. Amuse-Renewal.pdf](#)

There was no public comment.

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

IX. CONSENT AGENDA.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

[24-102](#)

To approve the Town Clerk's roster of Warden and Deputy Warden for the June 11, 2024, State Primary and RSU #14 Budget Validation Referendum for districts 106 & 107.

Warden: Yvonne Myer

Deputy Warden: Sally Babb

Attachments: [24-102 Cover Sheet.pdf](#)

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-103](#)

To set poll hours and polling location for the June 11, 2024, State Primary and RSU #14 Budget Validation Referendum as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym located at 406 Gray Rd.

Attachments: [24-103 Cover Sheet.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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-104](#)

To set the date and time for extended hours of the Registrar of Voters as 4:00 p.m. to 7:00 p.m. on Thursday, June 6, 2024.

Attachments: [24-104 Cover Sheet.pdf](#)

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-105](#)

To authorize the scholarship program funded by marijuana licensing funds to increase from three award recipients of a \$1,500 scholarship to four award recipients of \$1,500 scholarships; with no specific course of study requirement.

Attachments: [24-105 Cover Sheet.pdf](#)

Town Manager Tibbetts said that in the past Council has awarded three scholarships, and this year it was felt they could go up to four scholarships. He said the fund currently has \$8,222 and there would still be a balance in that fund.

Councilor Nadeau said he disagreed with this. Last year they had one and they went to three, and this year we went to four. The only reason the fund is up a little bit is because of the two marijuana licenses that were just approved. This fund was designed in the beginning to fund programs to stop usage of bad habits. By adding a fourth and reducing another \$1,500, this fund is now taking \$3,000 out of what will only be a \$20,000 fund because we lowered the price of marijuana licenses, and there is \$6,000 less in the fund

now.

Councilor Kalogerakis asked if they had ever had to turn down any group requesting educational funding for this. Manager Tibbetts thought there may have been one group that had come in and was asking for \$13,000 to do some kind of trip that didn't fit into the parameters of what the monies were set aside for. He thinks every other application received has been awarded monies.

Councilor Morrison said he sits on this committee and he feels very good about doing this. He does not see it as a depletion or diverting funds away from other programs. Every program that has been presented and reviewed, they were funded, and he feels it is appropriate for this year. They had some outstanding applicants, and they have four \$1,500 scholarships.

Councilor Reiner said an interesting discussion came up during the Appointments Committee meeting this evening, and he heard from the Marijuana Community feels slighted that we are using these monies for education and nothing is being guided for a scholarship to go into a field that is in line with drug use such as social services, drug counseling and not promoting the appropriate use. We are going for medical, professional and open. He said maybe a compromise for what Councilor Nadeau is saying is if we did increase to a fourth scholarship, we could bring it more in line with a field not totally anti drug but a field that was supporting addiction services.

Councilor Maxfield said he would support it but one of the ways he rationalized this is he would like to believe when you go off to college that is a good way to stay away from bad habits, and you can definitely go to college and pick up some bad habits. That is not the case with these recipients, they seem like great kids. Also, we are charging one industry a fee that is a legal industry and we really do not charge any other industry. He would like to think that, in perpetuity, these funds will not always exist in the amount they do, because they are not only being charged licensing fees but they are also paying an education fee, and we do not charge that to liquor stores or tobacco stores because we have been told we can't. Next year in the Council goals he'd like to review where that fund is at and make the determination ahead of time and give the Charge to the committee that is doing this.

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

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

Opposed: 1 - Councilor Nadeau

[24-069](#)

To award four \$1,500 scholarships as established and recommended by the Town Council to this year's four recipients, identified only by applicant number, to Applicants #3, #5, #7 and #12.

Attachments: [24-069 CoverSheet.pdf](#)

Councilor Morrison said they had twelve applicants, all deserving and it was a very difficult decision to select these four. Those who were not awarded, some of their stories were quite impressive. He said they all represent the town well.

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 Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Opposed: 1 - Councilor Nadeau

[24-108](#)

To approve the use of three (3) growth permits from the reserve pool for dwelling units in an approved multi-family subdivision plan located in a growth area as designated by the Comprehensive Master Plan.

Attachments: [24-108 Cover Sheet.pdf](#)

[Growth Permit Reserve Pool Application_Vintage Subdivision.pdf](#)

[MAJOR SUB SP FINAL PLAN_VinatageSubdivision_052324.pdf](#)

[Reserve Pool of Growth Permits 5.23.2024.pdf](#)

Assistant Town Manager Bob Burns said this application is from PTG Properties, Inc. It was an approved subdivision that came from the Planning Board. He said it is a six building, 30-unit subdivision. They are requesting a total of six growth permits. They have met with the Code Officer, and he can only grant three of those growth permits in one year. They are approaching the Council for the remaining three. He said in the Council's paperwork they currently have 310 growth permits in the balance. This development is in a growth area so they are looking for Council to approve the three growth permits.

Councilor Nadeau said he has a hard time making heads or tails of the handout they were given. He said when you try to do the math, it doesn't add up. Bob Burns said the growth ordinance language is somewhat complicated and there is a difference between multi-family units versus single family units, there's a break down there. He said he believes that this is meant to be there were 37 issued at that time and 63 were put into the reserve pool. He referenced the footnote at the bottom.

Councilor Reiner asked where they were at for permits for 2024? Bob said Jon would be allocating the three that he can in this year for multi-family. Councilor Reiner said he believed, initially, this was presented to be a public road and then was pulled back. He couldn't find any confirmation in the last documentation that this will remain a private road, it is iron clad and there is no way this is coming to the town at any time for us to take over.

Steve Puleo Planning Director said it does remain private and there is a note to that effect in the general notes from the signed recording plan that says this road will remain private until such time as Windham changes or amends the ordinance to allow this to be a public road. The reason why this is private is the storm water system is a unique storm water system for this development and it is using concrete pavers, which are porous, which was permitted by DEP. Unfortunately, our road standards does not allow for the concrete pavers and only asphalt can be used. He went on to explain some ordinance changes in the last few years.

Councilor Maxfield said he is all for growing in the town's growth zone in North Windham, and he is for these projects. His question is what's it going to look like? He asked if they get mockups for drawings of what it is going to look like? We are putting so much money into North Windham to build a village and some projects look great and some don't look as great.

Dustin Roma said these will be town house style units. They will not be a big multi-unit building with interior hallways. You enter each unit from the outside.

Councilor Kalogerakis said Fielding's is south of this, and we are putting two commercial businesses up front on Route 302. The traffic studies came back taking a left turn to go north won't be a problem? Steve said they do not know what those commercial uses are, and they have a condition of approval that requires that lots 1 & 2, when they go through the review, have to provide the town with an analysis of the impact of those uses. If it does require a left lane turn, then that will be applied at that particular time.

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-109](#)

To authorize the Town Manager to enter into an agreement with the Windham Little League, for the use of Ciccarone Field, and take necessary action to finalize the agreement.

Attachments: [24-109 Cover Sheet.pdf](#)
[Agreement Windham Little League FINAL.pdf](#)

Manager Tibbetts said the Ciccarone Field has been used for many years, and originally the work was donated by local businesses to create a little league field for the kids. Bill Ciccarone has worked on this field for about 30 years. He recently retired, and the Little League is the primary user and active in the maintaining and caring of that field. Since it is our public park, this field was created to meet the National Little League Standards to hold tournaments for all age levels in little league. It made sense to have the group continue to maintain this field to replace the dugouts, fix the mound, and they will provide the insurance and the people to do it. We are authorizing them to be allowed to do that. They will have exclusive use of the field when they have tournaments and practices but the public can use it when it is not being used by them.

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-110](#)

To approve one (1) application submitted by April Murray d/b/a Sylvia's Mobile Bar & Catering, LLC for a Mobile Food Service Unit License.

Attachments: [24-110 Cover Sheet.pdf](#)
[Sylvia's Mobile Food-.pdf](#)

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-111](#)

To approve a new Victualer's License application submitted by April Murray d/b/a Sylvia's Mobile Bar & Catering, LLC.

Attachments: [24-111 Cover Sheet.pdf](#)
[Sylvia's Mobile Food-New Victualer's.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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-113](#)

To find that the requirements of Section 653 of Title 28-A have been met and to approve an application submitted by 207 Bounce LLC Chris Finley d/b/a Fire & Ice Maine for an Extension of License on Premise.

Attachments: [24-113 Cover Sheet.pdf](#)
[Fire & Ice Ext. of License.pdf](#)

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

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

[24-072](#)

To approve a three-year collective bargaining agreement for the period July 1, 2024 through June 30, 2027 between the Town of Windham and the Teamsters Local 340, and to authorize the Town Manager to sign the agreement on behalf of the Town.

Attachments: [24-072 Cover Sheet.pdf](#)

Assistant Manager Bob Burns said Phyllis Moss Human Resource Director and Jon Earle Public Works Director entered into the negotiations with Teamsters Local 340. At the end they came out with an agreement with the following highlights. Year one was a 4% COLA, years two and three were at 3% COLAs. There was an allowance for time and a half for anytime Town Hall closes and is the same as the Police and Fire Department. There was a \$750 allowance for clothing and 1 personal day to be used outside of winter operations.

Councilor Nadeau said the next time they have an agreement, could they have some idea of what they are negotiating for in their packets please.

Councilor Henry asked the question the Teamsters Union provides drivers for what in town? Bob said there are specifically for the drivers or the road crew.

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-115](#)

To set the time for a Council meeting at 9:30 AM on June 15, 2024.

Attachments: [24-115 Cover Sheet.pdf](#)
[Council Rules Amended 2023 1114.pdf](#)

Manager Tibbetts said there is no regularly scheduled meeting on the Tuesday nights in June. Under the Charter you are required to meet once a month. He said the alternative was to have a meeting, before the annual Town Meeting, which you can do. He said there are a couple of minor items that need to be addressed and we will go right into the annual

Town Meeting. Councilor Jones said he will not be around that weekend.

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

24-116

To approve a liquor license application submitted by the Riding to the Top Therapeutic Riding Center for a fund-raising event to be held on October 19, 2024.

Attachments: [24-116 Cover Sheet.pdf](#)
[Riding To The Top-Fundraiser.pdf](#)

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: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

XI. Council Correspondence.

Councilor Reiner said the Maine Historic Preservation Commission sent them a letter about the East Conservation Project. It is interesting to see that two archeological sites were found there. One, not so old, was a farmstead that was there about 150 years ago. Also, what was described as a Native American site that probably dated back 8,000 years and found along the pond. He asked how we can protect that with the paths that will be going in there?

Councilor Nadeau said he was wondering if they could put a plaque up to signify what it was at one time.

Councilor Kalogerakis said from what he understands from the Historical Society there is a lot of places in town that they do not want us to know where they are at, specifically, because people go and start messing around with them.

CD 24-121

Cumberland County Communities - Population Comparison.

Attachments: [2023 Town Population Estimates.pdf](#)

CD 24-122

Maine Historic Preservation Commission Correspondence.

Attachments: [EWindhamConservationAresa ArcAssessment LMF April2024.pdf](#)

CD 24-127

Trek Across Maine 2024.

Attachments: [Trek Across Maine Event June 14-16.pdf](#)

CD 24-128

FOAA Status Report.

Attachments: [Response Baxter Woods Condos Inquiry 5.6.2024.pdf](#)
[Response and Request for Prepayment for Additional Scans 5.13.2024.pdf](#)
[Response Douglass Great Falls Bid Public Safety 5.13.24.pdf](#)
[Construction Summary May 18 Pre-bid Meeting Attendees 5.20.24.pdf](#)

[CD 24-129](#) Maine DOT Open House - Tuesday, June 4 at Town Hall.

Attachments: [NORTH WINDHAM MOVES Connector Roads Project.pdf](#)

XII. Town Manager's Report.

XII. Town Manager's Report.

Manager Tibbetts reported that on June 15 will be our annual Town Meeting. All residents are invited and this will be our last meeting before that session.

They recently put out an RFP to look at the Middle School, the old Fire Station, the new Fire Station and potentially to do some work at Town Hall. They had six interested firms show up to do a walk-thru on those. They will be putting together a review team of the applications that will be submitted to help them through discernment on these projects. He said they would like to have two Councilors on the review team.

The School's Scholarship Committee will be calling to see if there is a Councilor interested in representing the Council at the Awards Night to hand out our scholarships. Councilor John Henry said do it.

XIII. Committee Reports.

Councilor Morrison reminded people that the Maine D.O.T. open house is on June 4 with regards to traffic flow.

Barry said from 4:00 to 5:30 there will be an informal meeting in the gym at Town Hall. From 6:00 to 8:00 p.m. there will be a public presentation that will be televised on our TV channel and Facebook.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Reiner said they interviewed two candidates. Mike McGuigan for the ZBA, three-year term, and Maggie Terry for the WEDC, two-year term. They recommend they both be forwarded acceptance.

2. Finance Committee.

No report.

3. Ordinance Committee.

B. Other Committees.

1. Long Range Planning Committee.

No report.

2. Parks & Recreation Advisory Committee

Councilor Jones said the Grand Marshall was announced earlier this evening.

3. Windham Economic Development Corporation.

No report.

4. Highland Lake Leadership Team.

Councilor Nadeau said they will be meeting on Thursday. He won't be there but he will bring back the minutes.

5. Natural Resources Advisory Committee.

No report.

6. Greater Portland Council of Governments (GPCOG).

Councilor Maxfield said on Thursday at St. Joe's is their annual meeting, then there will not be another meeting until September.

7. ecomaine.

Assistant Manger Bob Burns said they met at a finance committee meeting as well as a board meeting. The most notable topic was a presentation by H M Payson the financial management firm which is tasked with managing the investments for ecomaine. The report was good.

XIV. Discussion Items.

[CD 24-118](#) Straw Poll Discussion - Acceptance of Chamberlain Estates Roads.

Attachments: [20-27 TC MEMO ST ACCPT ChamberlainEstates 052224.pdf](#)
[EmailFromApplicant Chamberlain&Dovak092623.pdf](#)
[Chamberlain Estates 05-10-2021signed.pdf](#)
[Manchester Deed to RobieHoldings,LLC.pdf](#)
[Engineer Inspection - Chamberlain Estates.pdf](#)
[Chamberlain Estates LOC Reduction Spreadsheet.pdf](#)
[Deed Correction Plot.pdf](#)
[Legal Opinion of Lowes Access Drive.pdf](#)
[As-Built-Chamberlain Drive \(1 of 3\).pdf](#)
[As-Built-Chamberlain Drive \(1 of 3\) Mark-up.pdf](#)

[CD 24-099](#) Community Survey/Poll RFP.

Attachments: [Draft RFP Windham Community Satisfaction Survey_Bat_5_16_24.pdf](#)
[Survey Report Sample_Saco, Maine.pdf](#)
[Survey Report Sample_Cumberland, Maine.pdf](#)
[Survey Questions_Scarborough, Maine.pdf](#)

[CD 24-100](#) Branding & Wayfinding Committee Results & Recommendations - Next Steps to RFP.

Attachments: [Town of Windham Signage Survey Results.pdf](#)
[Town Signage Drawing parameters-changes rlc2.pdf](#)

[CD 24-102](#) Windham Middle School Repurpose Advisory Committee - Parameters & Guidelines.

Attachments: [DRAFT Windham Middle School Repurpose Advisory Committee Charge \(002\).pdf](#)

[CD 24-120](#) North Windham Fire Station Repurpose Advisory Committee - Parameters & Guidelines.

Attachments: [DRAFT North Windham Fire Station Repurpose Advisory Committee Charge.pdf](#)

[CD 24-125](#) Petition Notification.

Attachments: [24-5-9 Windham Petition\(23801823_1\).pdf](#)
[24-5-9 Windham Petition\(23801823_1\) \(JB rev'd\) \(002\).pdf](#)

XV. Agendas & Scheduling.

Councilor Nadeau would like to have a discussion on Barry giving the task to the Assessor for a re-evaluation. He said that we've done them year after year and well fell below 88%. Assessing has been given the task to bring us up over 90%. He wants to have a discussion to stay where they are for this year. Everybody over 65 that filed to have their taxes frozen last year had that taken away this year by the legislature. They will get hit with a two year increase this year. He would like us to stay flat and keep us where we are. The Assessor has been put under Barry, but the Council still hires the Manager, Lawyer and Assessor. He thinks when something is going to the Assessor it should be going through the Council too.

XVI. ADJOURN.

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

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

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM