



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, July 9, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

Present: 6 - David Nadeau, Brett Jones, Nicholas Kalogerakis, Mark Morrison, William Reiner and Jarrod Maxfield

Absent: 1 - John Henry

II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 24-133](#) To approve the Minutes of the May 28, 2024, Council meeting.

Attachments: [Minutes-Council-5-28-2024.pdf](#)

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

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

Absent: 1 - Councilor Henry

[CD 24-135](#) To approve the Minutes of the June 15, 2024, Council Meeting.

Attachments: [Minutes-Council-6-15-2024.pdf](#)

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

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

Absent: 1 - Councilor Henry

IV. Adjustments to the Agenda.

V. Public Participation.

Marge Govoni has been volunteering on various committees in town for over 20 years, and she wanted to encourage the public to become involved on town committees, as there are a lot of vacancies.

She also spoke about the Windham Food Pantry and Clothes Closet. Both are run by

Rene Daniels and Colette Gagnon. She said we are all aware of the benefits that these two services provide to the community, and they are very appreciative from all the donations and contributions they receive from businesses, organizations, churches and residents that help them meet the needs of the community.

What most people are not aware of is how they have partnered with the RSU District and staff to assist with food and clothing needs that face some students in our schools. They have never refused to assist when asked for assistance, which brings her to her program, The Weekend Backpack Program. This program sends food home with students on weekends during the school year. The issue they have had is trying to figure out what do for school year and summer vacations because they are not able to supply it then.

She and Rene came up with a plan that allows these recipients of the backpack bags access to the Food Pantry if they felt they needed to during these times. They have sent home a letter to all the parents of these students to let them know this was available.

Marge asked Rene and Colette to come up so they could show their appreciation and recognize them for all they do. Marge presented them a plaque.

VI. Councilors' Comments.

Councilor Maxfield thanked the Summerfest Committee and the Town of Windham, Fire Department, Police Department, and volunteers; it was another great year, and great event. There was a little bit of rain, but there were lots and lots of people. He is looking forward to next year.

Councilor Morrison seconded what Councilor Maxfield said and noted that the amount of people it takes to put this on is tremendous. Thank you, it was a success.

Councilor Kalogerakis asked the Manager if he knew when Dundee Park would open, and Manager Tibbetts replied that we have no confirmed date from the damn operator. They indicated they would let us know and would try to get it done as quickly as possible. Councilor Nadeau reminded people that the Concert in the Park series will still be on at the park on Wednesday nights.

VII. PUBLIC HEARINGS.

[24-122](#)

To receive public comment and act on a renewal application submitted by Heathwood Company, LLC d/b/a Kind & Co. as a licensed Marijuana Registered Dispensary with two locations, 8 Heathwood Drive (cultivation location), and 15 Heathwood Drive (dispensary Location) for a term of one-year.

Attachments: [24-122 Cover Sheet.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: 6 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield

Absent: 1 - Councilor Henry

[24-123](#)

To receive public comment and act on an application submitted by Kenneth Cianchette d/b/a Erik's Church located at 824 Roosevelt Trail for a renewal Special Amusement Permit.

Attachments: [24-123 Cover Sheet.pdf](#)
[Erik's Church Specail Amusement.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: 6 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield

Absent: 1 - Councilor Henry

VIII. CONSENT AGENDA.

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[24-074](#) To approve a charge for a Windham Middle School Repurpose Advisory Committee.

Attachments: [24-074 Cover Sheet.pdf](#)
[REVISED Windham Middle School Repurpose Advisory Committee Charge2.pdf](#)

Councilor Nadeau moved to amend Order 24-074 to read "the Chair be appointed with the Town Manager or Assistant Town Manger, seconded by Councilor Reiner.

His explanation for the amendment is because it is going to be a committee and he would like to make sure this committee has some structure and stays on task. The prior committee, not in this instance, wandered a little bit, he wants to make sure they get a lot done.

Councilor Reiner supported Dave with the interviews they did over the past three weeks, and some of the firms have a very specific time line that is laid out. To get it done by a certain date, as there are definitely certain tasks that have to be done and they are timely.

Councilor Maxfield suggested it be either the manager or town manager, not a Councilor, because they are not voting members and they are there to just run the meeting. He doesn't want people to say the Council is hijacking it.

Councilor Nadeau asked to remove the word "Councilor" from his motion.

Vote on Amendment:

In Favor: 5

Opposed: 1 (Kalogerakis)

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

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

Opposed: 1 - Councilor Kalogerakis

Absent: 1 - Councilor Henry

[24-075](#) To appoint three Councilors to the Windham Middle School Repurpose Advisory Committee.

Attachments: [24-075 Cover Sheet.pdf](#)

Manager Tibbetts said at their last meeting they discussed this and there were three Councilors who expressed interest and they are Councilors Maxfield, Reiner and Kalogerakis.

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

Absent: 1 - Councilor Henry

[24-125](#) To approve a charge for a North Windham Fire Station Repurpose Advisory Committee.

Attachments: [24-125 Cover Sheet.pdf](#)

[REVISED North Windham Fire Station Repurpose Advisory Committee Charge2.pdf](#)

Councilor Nadeau moved to amend Order 24-125 that it be Chaired by the Town Manager or Assistant Town Manager, as they are not voting members, and will run the meeting to keep it on task, seconded by Councilor Maxfield.

Vote on amendment:

In Favor: 5

Opposed: 1 (Kalogerakis)

Councilor Maxfield moved to amend Membership #8 be St. Joseph's College or a local college representative, a non-voting member, seconded by Councilor Nadeau.

Vote on amendment:

In Favor: 6-0

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

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

Opposed: 1 - Councilor Kalogerakis

Absent: 1 - Councilor Henry

[24-114](#) To appoint two Councilors to the North Windham Fire Station Repurpose Advisory Committee.

Attachments: [24-114 Cover Sheet.pdf](#)

Manager Tibbetts said this was discussed at the last meeting and it was Councilor Morrison and Councilor Nadeau who expressed an interest to serve on the committee.

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

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

Absent: 1 - Councilor Henry

[24-079](#)

ORDER AUTHORIZING THE ISSUANCE OF \$10,617,395 OF GENERAL OBLIGATION BONDS AND APPROPRIATING THE PROCEEDS THEREOF

WHEREAS, at the annual town meeting of the Town of Windham, Maine (the "Town") duly called and held on June 18, 2022, the voters of the Town approved the issuance of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed \$6,700,000, and the Town Council subsequently authorized the issuance of \$2,950,000 of the Town's general obligations bonds and notes pursuant to Council Order #22-236 adopted December 13, 2022; and the Town issued \$2,950,000 of the Town's general obligation bonds to finance: 1.) \$50,000 for the design, renovation, upgrade, construction, reconstruction, improvement, paving, landscaping, rehabilitation, equipping and acquisition of real estate rights for roads, sidewalks and functionally related and subordinate facilities through the Town for the purpose of providing safe passage to (a) River Road/Route 302 intersection sidewalk, (b) South Windham sidewalk from Blue Seal to Depot Street, (c) Route 302 sidewalk from Boody's Corner to the Shaw's supermarket, and (d) North Windham Rear Access Road land acquisition; 2.) \$2,300,000 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 (a) East Windham conservation project land and (b) Phinney Lumber - Open Space (land abutting the conservation project property); and 3.) \$600,000 for the acquisition of trash and recycling carts for solid waste management program for the Town; and

WHEREAS, pursuant to the June 18, 2022 Town Meeting vote, the Town Council authorized the issuance of an additional \$1,050,000 of general obligation bonds and notes of the Town in anticipation thereof by Council Order #23-155 to finance: 1.) \$775,000 for the design and construction of improvements to the intersection and sidewalk at River Road and Route 202; and 2.) \$275,000 for the design and construction of improvements to the southwest sidewalk from Blue Seal to Depot Street, but the Town has not yet issued any such bonds or notes pursuant to this authority; and

WHEREAS, the annual town meeting of the Town duly called and held on June 17, 2023, the voters of the Town approved the issuance of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed \$2,282,395, and the Town Council subsequently authorized the issuance of \$2,282,395 of the Town's general

obligation bonds and notes pursuant to Council Order #23-155 adopted August 15, 2023 to finance: 1.) \$602,480 for the design and construction of improvements to the intersection and sidewalk at River Road and Route 202; 2.) \$414,682 for the design and construction of improvements to the southwest sidewalk from Blue Seal to Depot Street; 3.) \$168,995 for the paving of Collinwood Circle and Running Brook Road; 3.) \$700,000 for the repair of the William Knight Bridge; 4.) \$250,000 for the purchase of additional waste carts for solid waste collection; and 5.) \$146,238 design and construction of the improvements to Montgomery Road, but the Town has not yet issued any such bonds or notes pursuant to this authority; and

WHEREAS, at the annual town meeting of the Town duly called and held on June 15, 2024, the voters of the Town approved the issuance of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed \$7,285,000 to finance: 1.) up to \$3,785,000 to for (a) self-contained breathing apparatus and equipment, (b) acquisition and improvement of land located at Cherry Lane adjacent to Gambo fields; (c) paving and repair of local roads within the Town; (d) a new fire truck Engine 5; (e) construction and improvements to Smith Cemetery; and (f) the purchase of Tower 3 Ladder 21; and 2.) up to \$3,500,000 for the design, engineering, planning and construction of a sidewalk and other road improvements along Windham Center Road from Windham High School to Windham Middle School, all as more particularly described in the Warrant for the June 15, 2024 Annual Town Meeting; and

WHEREAS, the Town Council now desires to issue the aggregate principal amount of the general obligation bonds of the Town not to exceed \$10,617,395 for the purpose of financing the costs and expenditures of the following projects, all as more particularly described in the Town Meeting and Town Council authorizations referenced herein and to be collectively referred to hereinafter as the "Projects":

1. \$775,000 for the design and construction of improvements to the intersection and sidewalk at River Road and Route 202;
2. \$275,000 for the design and construction of improvements to the southwest sidewalk from Blue Seal to Depot Street;
3. \$602,480 for the design and construction of improvements to the intersection and sidewalk at River Road and Route 202;
4. \$414,682 for the design and construction of improvements to the southwest sidewalk from Blue Seal to Depot Street;
5. \$168,995 for the paving of Collinwood Circle and Running Brook Road;
6. \$700,000 for the repair of the William Knight Bridge;
7. \$250,000 for the purchase of additional waste carts for solid waste collection;
8. \$146,238 design and construction of the improvements to

- Montgomery Road;
9. \$3,785,000 to for (a) self-contained breathing apparatus and equipment, (b) acquisition and improvement of land located at Cherry Lane adjacent to Gambo fields; (c) paving and repair of local roads within the Town; (d) a new fire truck Engine 5; (e) construction and improvements to Smith Cemetery; and (f) the purchase of Tower 3 Ladder 21; and
 10. \$3,500,000 for the design, engineering, planning and construction of a sidewalk and other road improvements along Windham Center Road from Windham High School to Windham Middle School.

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of Windham, Maine:

Section 1: Appropriation. The sum of \$10,617,395 is hereby appropriated, from the proceeds of the Bonds and Notes herein authorized, to finance the costs of the Projects as herein defined, and which Bonds and Notes may also finance costs of issuance of the Bonds and Notes and capitalized interest of up to three years on the Bonds and Notes.

Section 2: Authorization of Bonds. For the purposes of financing the aforesaid appropriation and to refund any temporary notes issued pursuant thereto, pursuant to the Town Charter and all amendments thereof and acts additional thereto, the votes duly adopted by the inhabitants of the Town at Town Meetings duly called and held on June 18, 2022, June 17, 2023 and June 15, 2024, Title 30-A of the Maine Revised Statutes and all other authority thereto enabling, the Treasurer is hereby authorized and empowered in the name and on behalf of the Town to issue and sell the Town's general obligation bonds in the aggregate principal amount not to exceed \$10,617,395 (the "Bonds") for the purpose of paying the costs of the Projects. The Treasurer of the Town and the Chair of the Town Council be and are hereby authorized and empowered, subject to and in accordance with the other provisions of this Order, to prepare, issue and sell the Bonds at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law), and all other details, terms and provisions not inconsistent with this Order, including the form and manner of their sale and award as the Treasurer of the Town and the Chair of the Town Council may approve, such approval to be conclusively evidenced by their execution thereof. The Bonds shall be designated "Town of Windham, Maine 2024 General Obligation Bonds." During the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Treasurer of the Town and the

Chair of the Town Council be and are hereby authorized to issue and deliver refunding bonds to refund on either a current or advance refunding basis some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Treasurer of the Town and the Chair of the Town Council be and are hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bonds issued hereunder shall be signed by the Treasurer of the Town and the Chair of the Town Council, whose signatures may be by facsimile to the extent permitted by law, attested to by the Town Clerk, under the seal of the Town and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

Section 3: Authorization of Notes. The Treasurer is authorized to borrow money in anticipation of the Bonds by the issuance and sale of notes or renewal notes in anticipation thereof (the "Notes") and to determine the date, form, interest rate, maturities (not later than 3 years from date of issuance in the case of any Notes) and all other details of each issue of Notes, including the form and manner of their sale and award, subject to the provisions of the law, the Town Charter and this Order.

Section 4: Rates and Other Provisions; Execution. The Bonds and any Notes shall mature at the times and in the amounts, to be dated as of such date, to bear interest at the rate or rates and to be in such form and to contain such terms and provisions (including but not limited to early redemption provisions, if any) as the Treasurer of the Town and the Town Council Chair may hereafter determine or authorize. Each Bond or Note issued hereunder shall be signed by the Treasurer, shall be countersigned by the Chair of the Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

Section 5: Redemption. The Treasurer is hereby authorized to provide that any of the Bonds and Notes hereinbefore authorized be made callable, with or without premium, prior to their maturity.

Section 6: Tax-Exempt Covenants. The Treasurer is hereby authorized to covenant and certify on behalf of the Town, to the extent applicable, that no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and that no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal

thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The Treasurer is hereby authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds and Notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds and Notes will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation.

Section 7: Qualified Tax-Exempt Obligations. To the extent permitted under the Code, the Treasurer is hereby authorized to designate any of the Bonds or Notes authorized to be issued hereunder as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 8: Disclosure. The Treasurer is hereby authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Notes or Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

Section 9: Town Officials. If any of the officers or officials of the Town who have signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

Section 10: Deputy Officers. If the Treasurer, Chair of the Council, or Clerk are for any reason unavailable to approve and execute the Bonds or Notes or any of the related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

Section 11: Municipal Advisor; Underwriter. The Treasurer of the Town be and is hereby authorized to select a financial or municipal advisor, an underwriter, registrar, paying agent and transfer agent for the Bonds and the Treasurer of the Town be and is hereby authorized and empowered to execute and deliver such contracts or agreements as may be necessary or

appropriate in connection therewith, including, but not limited to, financial or municipal advisor agreements.

Section 12: Sale of the Bonds. The Bonds may be sold at a public or private sale, with or without public bidding, and issue, at one time or from time to time, as one or more separate issues, and the Treasurer of the Town be and is hereby authorized and empowered to arrange for the sale of the Bonds pursuant to a competitive sale process and/or the underwriting of the Bonds at a private sale through a negotiated agreement, with compensation to be provided by negotiated fee payable out of a premium on the sale of the Bonds, by sale of such Bonds to an underwriter at a price less than the sum of the par value of, and the accrued interest on, such obligations or in such other manner as approved by the Treasurer of the Town.

Section 13: Notice of Sale; Official Statement. The Treasurer of the Town be and is hereby authorized to prepare, or cause to be prepared, a Notice of Sale, Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer of the Town, with the advice of bond counsel for the Town, and that the distribution of the Notice of Sale, Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the Bonds be and is hereby approved.

Section 14: Contracts and Certificates. The Treasurer of the Town be and is hereby authorized to negotiate, execute and deliver, in the name of and on behalf of the Town, such contracts, agreements, and other documents, including, but not limited to, bond purchase agreements, refunding escrow agreements, tax certificates and non-arbitrage agreements, instruments and other certificates as may be necessary or appropriate as determined and approved by the Treasurer of the Town in connection with the negotiation, execution, sale and delivery of the Bonds.

Section 15: Other Actions. The Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things as may be deemed necessary or desirable and to execute, deliver, file, approve, and record all such financing documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates, bond insurance agreements, notices of sale and other documents as may be necessary or appropriate in connection with the sale of the Bonds and Notes and any letter of credit agreement or liquidity facility agreement necessary to the issuance of any Bonds or Notes, to carry out the provisions of this Bond Order and the provisions set forth

above in connection with the Projects, the execution, sale, and delivery by the Town of the Bonds and Notes and the execution and delivery of any related financing documents.

Section 16: Registration. The Bonds shall be transferable only on registration of the books of the Town kept by the Town or the Transfer Agent, as applicable, and said principal amount of the Bonds of the same maturity (but not of any other maturity) in the denomination of \$5,000 or any multiple thereof (or such other minimum denomination as the Treasurer of the Town shall establish from time to time) upon surrender thereof at the principal office of the Town or the Transfer Agent, as applicable, with a written instrument of transfer satisfactory to the Treasurer of the Town or the Transfer Agent, as applicable, duly executed by the registered owner or the registered owner's attorney duly authorized in writing. Upon each exchange or transfer of a Bond, the Town and the Transfer Agent, as applicable, shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new Bonds upon exchanges or transfers thereof to be paid by the person requesting the same.

Section 17: Book Entry. The Treasurer of the Town be and is hereby authorized to undertake all acts necessary to provide, if deemed necessary or appropriate by the Treasurer of the Town in the Treasurer's discretion, for the issuance and transfer of the Bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System as an alternative to the provisions of the foregoing Section 8 regarding physical transfer of Bonds, and the Treasurer of the Town be and is hereby authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System.

Section 18: Exchange and Transfers. The Treasurer of the Town and Chair of the Town Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of Bonds as heretofore authorized, all such Bonds to bear the original signature of the Treasurer of the Town and the Chair of the Town Council, and in case any officer of the Town whose signature appears on any Bond shall cease to be such officer before the delivery of said Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 19: Costs; Reallocation. The term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Projects; (2) the cost of planning, developing, preparation of

specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Projects; (3) the cost of environmental studies and assessments; (4) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three (3) years from the issue date of the Bonds or Notes, administrative fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (5) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing. In the event that any proceeds of the Bonds or Notes remain unspent upon completion of a Projects, or if the Town abandons a Project, the Town reserves the right to reallocate unspent proceeds to the costs of other qualified projects approved, or to be approved, by the Town Council, or to apply unspent proceeds to the payment of debt service on the Bonds or the Notes.

Section 20: Tax Levy. In each of the years during which any of the Bonds or Notes issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said Bonds or Notes, payable in such year, and the principal of such Bonds or Notes maturing in such year (except in the case of Notes to be refunded in that year by the issuance of Bonds).

Section 21: Investment Earnings; Premium. The investment earnings on the proceeds of the Bonds, if any, and the excess proceeds and premium of the sale of the Bonds, if any, be and are hereby appropriated to be used (a) to pay issuance costs for the Bonds, including, without limitation, underwriters' and financial or municipal advisory fees, legal and accounting fees and costs, application fees and other fees and expenses relating to the issuance of the Bonds, (b) to pay a reasonable amount of interest on the Bonds and (c) in a reasonable amount for any use of Bond proceeds allowable under the Town Charter and U.S. Treasury Regulation Section 1.148-1 and following.

Section 22: Reimbursement. The Town Council hereby declares its official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, preliminary costs of the Projects, which costs the Town reasonably expects to reimburse with proceeds of the Bonds or Notes to be issued in the maximum principal amount of \$10,617,395.

This order shall take effect immediately. ADOPTED this 9th day of July 2024 by the Windham Town Council.

Attachments: [24-079 Bond Order CoverSheet.pdf](#)

Councilor Nadeau made a motion to waive the reading because this has been presented to all at the Annual Town Meeting, it is in on-line to view and has been well documented, seconded by Councilor Maxfield.

Vote on waiving the reading:

In Favor: 6-0

Manager Tibbetts presented a summary for clarification:

The community decided to do a number of different projects over the last couple of years. Some projects were delayed due to looking for additional grant funding's. He shared the bonding that was shared at Town Meeting in June of 2022, 2023 & 2024 and broke them out by years and a description of what the items were. He said the reason this document is so long is because it is over \$10 million dollars, which has a different set of requirements when it goes as a public offering.

In 2022 there were two approvals for the River Road and Route 202 intersection and sidewalk. One of those was for \$775,000 for the design, construction of improvements to the intersection and sidewalk at River Road and Route 202. The second authorization was \$275,000 for the design and construction of improvements to the south side sidewalk from Blue Seal to Depot Street.

In 2023 the work did not occur in 2022, they went after additional grants, which helped offset us on our costs, but that was what was approved 2022. On 2023 we looked at doing a couple more changes to some of the road improvements and different items in the community. We set aside \$602,480 for additional work on River Road to Route 302, \$414,682 for the construction and completion of the southwest side of that side walk through Depot Street, \$168,000 for paving of Collinwood Circle and Running Brook Road, \$700,000 for the repair of the William Knight Bridge, and that is matched by DOT at \$700,000, \$250,000 for the purchase of additional waste carts for our Solid Waste Collection Program, and the target date to start that program is the first week in September. Last in 2023 was \$146,238 for improvements to Montgomery Road. Some of these have already been completed and we would just be bonding them to reimburse our General Fund account.

In June of 2024 we authorized to spend \$785,000, the break down being \$535,000 for self contained breathing apparatuses and equipment. This is for our firefighters and EMS and they would have those packs on their backs to go into those hazardous areas to perform life safety measures. He said the importance of this is to have all our breath apparatuses of the same make and model, which is greater safety for our staff. Also approved at the Annual Town Meeting was the acquisition improvement of land located on Cherry Lane adjacent to the Gambo Fields, which was \$750,000, paving and road repairs roughly of \$750,000, a new fire truck, which replaces Engine #5 for \$850,000, construction and improvements to the Smith Cemetery of \$400,000 and the purchase of a tower ladder 3 truck 21 allocating \$500,000 with \$500,000 coming from the Town of Gorham, and would look to see the matching amount of that money coming from a grant. The final amount that was approved was \$3.5 million for design, engineering, planning, construction and sidewalks and other improvements along Windham Center Road from Windham High School to Windham Middle School.

The total of all of those items listed in 2022, 2023 and 2024, which went through the regular budget process are funded within our budgets and have been approved at Town Meeting, the total is \$10,617,395. With this authorization this will go to market within four to five weeks.

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

Absent: 1 - Councilor Henry

[24-090](#) To approve the write-off of forty (40) uncollected personal property tax accounts in the amount of \$6,683.47.

Attachments: [24-090 Cover Sheet.pdf](#)
[UNPAIDPERSONALPROPERTY2023.pdf](#)

Assistant Manager Burns said this is to assign these to a debt collector, we are not giving up and intend to collect the full amount.

Several of these are marijuana license holders and we currently have no way of restricting the issuance of a license based on outstanding debt currently in the marijuana ordinance. We spoke with the attorney and he drafted a minor revision to allow us to have that entered in that ordinance.

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

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

Absent: 1 - Councilor Henry

[24-106](#) To award a contract to Khiel Excavation in the amount of \$747,260, said amount to be paid from account 22250-49126 for the construction of a multi-use trail at the East Windham Conservation Area, and to authorize the town manager to execute a contract and to take any other necessary action related thereto.

Attachments: [24-106 Cover Sheet.pdf](#)
[Universal Access Trail RFP_05-23-24.pdf](#)
[Bid summary.pdf](#)
[RFP Concept Plan.pdf](#)

Assistant Town Manager Burns said this is a competitive bid for the construction of this new multi-use trail at the East Windham Conservation area. They had two competing bidders, and Khiel Excavation is the low bid at \$747,260, and the next bid was at \$798,000 and change. This will construct close to 9,000 feet of trail, both in the woods and along side the existing roadway. That is the amount of the bid, but \$500,000 of that is a grant with a local commitment of the offsetting amount.

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

Absent: 1 - Councilor Henry

[24-124](#) To approve a ballot for the election of candidates to the Legislative Policy

Committee of the Maine Municipal Association.

Attachments: [24-124 Cover Sheet.pdf](#)
[Election to MMA Legislative Policy Committee.pdf](#)
[Official Ballot to MMA LPC.pdf](#)

Councilor Nadeau said he would like to remain on this committee as he has been on it for quite some time. Assistant Manager Burns agreed to be the alternate.

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 Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield
Absent: 1 - Councilor Henry

24-126

To endorse an application to the Portland Area Comprehensive Transportation System's (PACTS) requesting an allocation of \$400,000 state funds programmed from the Municipal Partnership Initiative (MPI)'s capital allocation for a proposed new sidewalk with a closed drainage system to be constructed along Gray Road (Rte. 202) from Swett Road to the main entrance to R.S.U. #14 for a total distance of 4,300-ft. at an estimated project cost of \$2,400,000.

Attachments: [24-126 Cover Sheet.pdf](#)
[2026 PACTS MPI Fund Application Memo.pdf](#)
[2026 PACTS MPI map no parcels.pdf](#)

Assistant Town Manager Bob Burns said this is seeking to have Council endorsement for the application. It gives Windham the chance to compete with PACTS amongst our neighboring communities for this \$400,000.

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 Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield
Absent: 1 - Councilor Henry

24-127

To endorse an application to the Maine Department of Transportation System (MaineDOT) requesting an allocation of \$200,000 state Municipal Stream Crossing Program to provide funding for the culvert replacement at the Falmouth Road crossing of McIntosh Brook with the understanding that the Town would require to match approximately \$600,000 for the project.

Attachments: [24-127 Cover Sheet.pdf](#)
[McIntosh Brook Stream Crossing Grant Memo 07-01-24.pdf](#)
[Location map.pdf](#)

Assistant Manager Bob Burns said with Council endorsement this allows us to compete for State funds towards this crossing. It is quite expensive. The current existing structure

is a culvert, and we are looking at replacing it with a box culvert, which complies with the current environmental standards.

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

Absent: 1 - Councilor Henry

[24-128](#)

To name the proposed east connector road from Route 115/Tandberg Trail to Franklin Drive "Veteran's Memorial Drive".

Attachments: [24-128 Cover Sheet.pdf](#)
[Memo Windham Veterans Association.pdf](#)

Councilor Nadeau said Barry and he went up and gave a presentation, and they were very receptive to this and the connector road.

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

Absent: 1 - Councilor Henry

X. Council Correspondence.

[CD 24-130](#)

Substance Prevention Grant Recipient Reports.

Attachments: [Taking Back Maine's Future Grant Program Final Report.pdf](#)
[Portland Brick Walk Final Report.pdf](#)
[Odyssey of the Mind Progress Report.pdf](#)
[End-of-year Grant Update - Altitude Rippleeffect.pdf](#)
[Thrills and Trills Activity Report.pdf](#)

[CD 24-132](#)

Maine Natural Gas Community Update.

Attachments: [Maine Natural Gas _Public Awareness Message.pdf](#)

[CD 24-134](#)

FOAA Status Report.

Attachments: [FOAA Request Pride Event_ TheMaineWire_ 6.3.2024.pdf](#)
[FOAA Request RFP Bidders Windham New Municipal Buildings and Renovations Design-Build Services.pdf](#)
[FOAA Solar Permits Q1-24_ Ohmanalytics.pdf](#)

[CD 24-136](#)

Scholarship Appreciation.

Attachments: [J Kimball Thank You.pdf](#)
[E Bowen Thank You.pdf](#)

[CD 24-137](#) MDOT Project Notification.

Attachments: [MDOT Rte 115 and Rte 202 Project Notification.pdf](#)

[CD 24-140](#) Solar Farm Project Comment.

Attachments: [Resident Comments 6.19.2024.pdf](#)

[CD 24-145](#) FEMA FIRM Letter.

Attachments: [FEMArevised Flood Insurance Rate Map Letter 6-20-24.pdf](#)

XI. Town Manager's Report.

Manager Tibbetts reported on the following topics.

He said they are starting construction on the sewer plant in about 3-4 weeks. They are finishing up the base paving right now around Manchester School.

They should be wrapping up street sweeping within the next couple weeks and because of the different storms they were delayed.

They were able to interview six different design builders, architectural and engineering firms. They went through a process over the last three weeks talking about it, and have come to a final candidate, which will be brought to the Council in August.

The National Night Out is coming up. Information is on our website, it is a great opportunity to take a break.

The final agreement with the lay down yard with Portland Water District is complete. We now have access to the shared pit with them, and access to gravel on a limited basis. It will be a great asset for our Public Works Dept.

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Council Chair Morrison said there are several openings on these various committees, and they hope people will take a look and inquire about the openings.

[CD 24-139](#) Committee Vacancies.

Attachments: [6-21-24 new committees vacancy Ad.pdf](#)
[6-21-24 all committee vacances Ad.pdf](#)
[LRPC Resignation Notice.pdf](#)

2. Finance Committee.

No report.

3. Ordinance Committee.

No report.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said there is a meeting scheduled on July 17.

2. Parks & Recreation Advisory Committee

No report.

3. Windham Economic Development Corporation.

No report.

4. Highland Lake Leadership Team.

Councilor Nadeau said they had a meeting, but he has not been able to get the minutes.

5. Natural Resources Advisory Committee.

No report.

6. Greater Portland Council of Governments (GPCOG).

No report.

7. ecomaine.

Assistant Manager Bob Burns said ecomaine did host its annual luncheon, but he was not able to attend.

XIII. Discussion Items.

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

[CD 24-131](#)

Straw Poll Discussion - Acceptance of Chamberlain Estates Roads - Continued.

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 24-103](#) Town Clerk - Council-Appointed Position.

Attachments: [Town Clerk Elected vs Appointed.pdf](#)
[Charter Question-Town Clerk amendment \(complete text\).pdf](#)
[Charter Question-Town Clerk amendment \(summary of text\).pdf](#)

[CD 24-116](#) Economic Strategy Plan.

Attachments: [ED Strategic Plan.pdf](#)

[CD 24-119](#) Trash and Recyclable Collection at Multi-Family Dwellings.

Attachments: [Memo Burns Trash Collection Update.pdf](#)

[CD 24-104](#) Sewer Ordinance.

Attachments: [Ch 181 Sewers proposed amendments BAT 7 7 24 \(002\).pdf](#)

[CD 24-141](#) Community Survey Progress.

Attachments: [Town of Windham Survey 2.pdf](#)

[CD 24-142](#) Disbursement Warrant Ordinance.

Attachments: [Disbursement Warrant Ordinance DRAFT.pdf](#)

XIV. Agendas & Scheduling.

XV. ADJOURN.

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

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

Absent: 1 - Councilor Henry

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM