



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Agenda

### Town Council

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Tuesday, August 20, 2024

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

#### II. Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 24-151](#) To approve the Minutes of the July 9, 2024, Executive Session Council Meeting.

Attachments: [Minutes-Council Ex.Session-6-9-2024.pdf](#)

[CD 24-153](#) To approve the Minutes of the July 9, 2024, Council Meeting.

Attachments: [Minutes-Council--7-9-2024.pdf](#)

#### IV. Adjustments to the Agenda.

#### V. Staff Announcements.

*Welcome to*

*\*Greg McClellan, Truck Driver*

*\*Hannah Gower, newly sworn Police Officer*

*\*Evan O'Connor, Town Planner*

*Well wishes to*

*\*Jon Earle, who resigned as Public Works Director to pursue a Civil Engineer position.*

*\*Brian Morin, who was named Interim Public Works Director.*

#### VI. Public Participation.

*The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.*

*NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.*

*All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.*

*Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.*

**VII. Councilors' Comments.****VIII. PUBLIC HEARINGS.**24-084

To receive comment on proposed amendments to the town's charter pursuant to 30-A M.R.S.A. §2104(1) and summarized below pursuant to 30-A M.R.S.A. §2104(6) and order that language specific to the amendments be placed on the municipal ballot coincident with the State and Federal elections on Tuesday, November 5, 2024 for the purpose of voting on the charter amendments as summarized below:

To amend Article II, Section 3.B to give the Town Council the authority to appoint and remove the Town Clerk on a vote of five members; Article II, Section 12 to remove the requirement that the Town Clerk be a resident of Windham; and Article VII, Sections 1 and 2 to remove the Town Clerk from provisions related to elected officials. These amendments will result in the Town Clerk being an appointed rather than an elected official.

Attachments:[24-084 Cover Sheet.pdf](#)[Charter Question-Town Clerk amendment \(complete text\).pdf](#)[Charter Question-Town Clerk amendment \(summary of text\).pdf](#)[Memo Town Clerk Position.pdf](#)[Legal Differences Chart re Windham Town Clerk.pdf](#)[Town Clerk Elected vs Appointed Area Communities Survey.pdf](#)[Town Clerk's Comments Appt-Elec 2024.pdf](#)[Town Clerk DRAFT Job Description.pdf](#)[Organizational Chart 2024 amendment for TC appointed.pdf](#)[Email\\_Woodbury.pdf](#)[Email\\_Cummings.pdf](#)[Email\\_Meehan.pdf](#)24-132

To receive public comment and act on a proposed amendment to the Solid Waste Ordinance, Chapter 192, of the Code of the Town of Windham regarding trash and recyclable collection at multi-family dwellings.

Attachments:[24-132 Cover Sheet.pdf](#)[Memo Burns Trash Collection Update.pdf](#)[Proposed Solid Waste Ordinance Amendment.pdf](#)

[24-135](#) To receive public comment and act on proposed amendments to the Town of Windham Marijuana Business Ordinance, Chapter 128 of the Code of the Town of Windham, to require that an applicant has paid all tax obligations to the Town in order to obtain or maintain a license.

**Attachments:** [24-135 Cover Sheet.pdf](#)  
[Proposed Marijuana Ordinance Amendment.pdf](#)

[24-136](#) To receive public comment and act on proposed amendments to the Sewers Ordinance, Chapter 181 of the Code of the Town of Windham.

**Attachments:** [24-136 Cover Sheet.pdf](#)  
[Ch 181 Sewers proposed amendments\\_PWD\\_Draft Bat\\_2 \(002\).pdf](#)

[24-137](#) To receive public comment and act on a proposed Disbursement Warrant Ordinance, Chapter 46 of the Code of the Town of Windham.

**Attachments:** [24-137 Cover Sheet.pdf](#)  
[Disbursement Warrant Ordinance DRAFT.pdf](#)

## IX. CONSENT AGENDA.

None.

## X. UNFINISHED BUSINESS & GENERAL ORDERS.

[24-083](#) To award a contract to Great Falls Builders in the amount of \$650,000, said amount to be paid from account 19100-47430 for design-build services for the construction of a new North Windham Fire Station, the renovation of the existing North Windham Fire Station for its re-use as an economic incubator, the renovation of the current Windham Middle School for its re-use as a community center, and renovations at the Town Hall, subject to budgetary allocations, and to authorize the town manager to execute a contract and to take any other necessary action related thereto.

**Attachments:** [24-083 Cover Sheet.pdf](#)  
[Town Manager's Memo Design Build Services.pdf](#)  
[Windham Opportunities\\_4 FINAL\\_Request for Qualifications and Proposals.pdf](#)

[24-091](#) To set the tax rate for 2024-2025 at \$11.47 per thousand dollars of assessed value.

**Attachments:** [24-091 Cover Sheet.pdf](#)  
[Manager's Memo\\_mil rate.pdf](#)  
[Comparative Mil Rates.pdf](#)  
[24\\_25 Budget Items.pdf](#)

[24-092](#) To set the dates on which 2024-2025 taxes will be due as October 1, 2024 and April 1, 2025.

Attachments: [24-092 Cover Sheet.pdf](#)

[24-093](#) To set the rate of interest that will be charged on overdue taxes for 2024-2025 at eight and a half percent (8.50%).

Attachments: [24-093 Cover Sheet.pdf](#)  
[Delinquent Tax Rates - Office of the Maine State Treasurer.pdf](#)

[24-094](#) To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §906, to apply any tax payment received as payment against outstanding or delinquent taxes due in chronological order, beginning with the oldest unpaid obligation, including personal property, provided, however, that no such payment may be applied to any tax obligation for which an abatement application or appeal is pending, unless approved in writing by the taxpayer.

Attachments: [24-094 Cover Sheet.pdf](#)

[24-095](#) To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §506, to accept prepaid property taxes at any time and to establish an interest rate of 0% on such payments.

Attachments: [24-095 Cover Sheet.pdf](#)

[24-152](#) To authorize the transfer of \$6,076 from general contingency account 19910-43100 to the property tax assistance program account 18300-46930.

Attachments: [24-152 Cover Sheet.pdf](#)  
[BT memo SR tax assistance program Results 23\\_24.pdf](#)

[24-096](#) To approve qualifying applications for property tax assistance pursuant to Chapter 209, Article I of the Code of the Town of Windham, "Property Tax Assistance," to be processed from account 18300-46930.

Attachments: [24-096 Cover Sheet.pdf](#)  
[BT memo SR tax assistance program Results 23\\_24.pdf](#)

[24-129](#) To adopt a 90-day extension to the ordinance establishing a moratorium for non-residential uses in shoreland zoning districts, extending the existing ordinance expiration from September 22, 2024 to December 21, 2024.

Attachments: [24-129 Cover Sheet.pdf](#)  
[Moratorium Ordinance Effective 03.26.2024.pdf](#)

[24-134](#) To authorize the Town Manager to sign the necessary documents to convey a parcel of land for the wastewater treatment facility on the southwesterly side of Sposedo Road and any other associated easements associated with the wastewater treatment system to the Portland Water District and take any other action related thereto.

**Attachments:**

[24-134 Cover Sheet.pdf](#)

[Municipal Quitclaim Deed - Town of Windham to PWD 4.9.24 \(002\).pdf](#)

[24-138](#) To adopt the updated Economic Development Strategic Plan as a policy with the intent of incorporating the revised objectives and strategies as a future amendment to the Comprehensive Plan.

**Attachments:**

[24-138 Cover Sheet.pdf](#)

[ED Strategic Plan.pdf](#)

[24-139](#) To refer proposed miscellaneous amendments to the Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review to the Planning Board for its review and recommendation.

**Attachments:**

[24-139 Cover Sheet.pdf](#)

[24-24\\_TC\\_MEMO\\_MiscLUO\\_0813624.pdf](#)

[24-24 LUO\\_Miscellaneous\\_Amendments\\_ARTICLE\\_3\\_DEFINITIONS\\_081324.](#)

[24-24 LUO\\_Misc\\_Amendments\\_ARTICLE\\_4\\_ZONING\\_DISTICTS\\_081324.pdf](#)

[24-24 LUO\\_Misc\\_Amend\\_Article\\_8\\_SiteWork\\_082024](#)

[24-24\\_Misc\\_Amendements\\_Article\\_9\\_Violations\\_&\\_Penalties\\_082024](#)

[24-140](#)

To authorize the disbursement of \$4,149 from the Federal Opioid Distribution Fund (1000-4008) for the purchase of LockMed Guardian, designed to safeguard prescription medication.

**Attachments:**

[24-140 Cover Sheet.pdf](#)

[Opioid Monies Distribution Meeting Notes.pdf](#)

[Opioid Monies Distribution LockMed 61024-Wind.pdf](#)

[24-144](#)

To approve the ballot for the election of vice president and executive committee of the Maine Municipal Association, and to further authorize the Town Manager to take any other necessary action related thereto to finalize the action.

**Attachments:**

[24-144 Cover Sheet.pdf](#)

[MMA Annual Executive Committee Election Memo.pdf](#)

[Candidate Bios.pdf](#)

[MMA Ballot.pdf](#)

[24-145](#) To accept the public turnaround easements for Hemlock Drive, a street identified by the Town as a Designated Private Way that has met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services.

**Attachments:**

[24-145 Cover Sheet.pdf](#)  
[Hemlock Drive Keeley Turnaround Easement.pdf](#)  
[Hemlock Drive Pike Turnaround Easement.pdf](#)

[24-146](#) To approve a new Victualer's License application submitted by Andrew Hager & Hannah Buoye d/b/a Waxwing Bakery.

**Attachments:**

[24-146 Cover Sheet.pdf](#)  
[Waxwing Bakery new Victuler's.pdf](#)

[24-150](#) To adopt proposed amendments to the Town's Purchasing Policy.

**Attachments:**

[24-150 Cover Sheet.pdf](#)  
[Purchasing Policy DRAFT Amendments 2024 0806.pdf](#)

[24-151](#) To award a bid for the purchase of a budgeted 2024 14-passenger bus with wheelchair lift at cost of \$107,100 to be applied to account 19100-47430.

**Attachments:**

[24-151 Cover Sheet.pdf](#)  
[O'Connor Transit Van Bid.pdf](#)  
[Transit Van Quote Summary Sheet.pdf](#)

## XI. Council Correspondence.

[CD 24-148](#) Substance Prevention Grant Recipient Reports.

**Attachments:**

[WMS Boys to Men Substance Prevention Grant.pdf](#)  
[End-of-year Grant Update - Altitude\\_Rippleffect.pdf](#)

[CD 24-149](#) FOAA Status Report.

**Attachments:**

[NAPC Bid Results Response\\_ Universal Trail 7.15.24.pdf](#)  
[SmartProcure Requested Records 7.16.2024.pdf](#)  
[R Cummings Election Integrity\\_GA Fraud 7.16.2024.pdf](#)

[CD 24-150](#) Watershed Protection Grant Program - Thank you.

**Attachments:**

[Little Sebago Lake Association Letter.pdf](#)

[CD 24-154](#) Growth Permit Status.

**Attachments:**

[Growth Permit Stats through 7.25.2024.pdf](#)

[CD 24-156](#) Sebago Lakes Region Fuller Center For Housing Event and Update.

**Attachments:** [5th Anniversary Gala Celebration Auction.pdf](#)  
[Fuller Center Work Review.pdf](#)

[CD 24-157](#) Emailed Council Correspondence.

**Attachments:** [Emailed Comments to Town Council D Meehan Charter Amendment.pdf](#)  
[Emailed Comments to Town Council J Whynot Charter Amendment.pdf](#)  
[Emailed Message to TownCouncil\\_Hola.pdf](#)  
[Emailed Comments to Town Council W Andrew Crossridge Roads.pdf](#)  
[Emailed Letter to Town Council Crossridge CR Letter.pdf](#)

[CD 24-158](#) Public Outreach - New Trash Collection Service.

**Attachments:** [North Windham Initial Mailer.pdf](#)  
[Trash Removal Commercial Property Letter.pdf](#)

[CD 24-159](#) Cumberland County - District #2 Notice of Caucus - Finance Committee Appointments.

**Attachments:** [September 9, 2024 Meeting Notice.pdf](#)

[CD 24-160](#) Quarterly Department Report.

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

[CD 24-162](#) Southern Maine Agency on Aging Correspondence.

**Attachments:** [SMAA Newsletter and Luncheon Invitation.pdf](#)

[CD 24-165](#) Dundee Hydroelectric Project on Presumpscot River - Dundee Park.

**Attachments:** [Dundee Pond PR Statement 20240731vFinal.pdf](#)

[CD 24-169](#) Credit Opinions - August 2024.

**Attachments:** [Moody's Credit\\_Opinion-Town-of-Windham-ME-Update-to-08Aug2024-PBM\\_14](#)  
[S&P Global Ratings Letter\(STDLONG1812375\) Doc.pdf](#)  
[S&P Global Ratings Letter\(STDLONG40357865\) Doc.pdf](#)  
[S&P Report for Windham, Maine \(Aug-7-2024\).pdf](#)  
[Moors & Cabot Bid Results.pdf](#)

[CD 24-171](#) Preliminary 2025 State Valuation.

**Attachments:** [Preliminary 2025 State Valuation.pdf](#)

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

**XIII. Committee Reports.****A. Council Subcommittees.**

1. Appointments Committee.
2. Finance Committee.
3. Ordinance Committee.

**B. Other Committees.**

1. Long Range Planning Committee.
2. Parks & Recreation Advisory Committee
3. Windham Economic Development Corporation.
4. Highland Lake Leadership Team.
5. Natural Resources Advisory Committee.
6. Greater Portland Council of Governments (GPCOG).
7. ecomaine.

**XIV. Discussion Items.**

[CD 24-026](#) New Cell Tower - Public Safety Building Tower Replacement.

Attachments: [Windham W ME LE Rev0 090723.pdf](#)  
[Windham W ME - Tower Lease DRAFT \(002\).pdf](#)

[CD 24-106](#) Branding & Wayfinding Signage Advisory Committee Update.

Attachments: [WindhamWelcome2024-GJP1 copy.pdf](#)

[CD 24-126](#) Trash Program Update.

CD 24-155 Little Falls Master Plan Update.

Attachments: [TC memo\\_SWLF\\_Mater\\_Plan\\_Implem\\_Update\\_081324.pdf](#)  
[SWLF\\_MasterPlan\\_Zoning\\_Recommendations.pdf](#)  
[NSP\\_VillageProgressMemo\\_May2024.pdf](#)  
[Village Zoning Language Draft 07-03-2024.pdf](#)  
[2023-04-24-VILLAGES MASTER PLAN.pdf](#)

CD 24-161 Growth Permit Ordinance - Growth Permit Ratios.

Attachments: [24.08.08 OUTLINE Proposed Amendments to GMO.pdf](#)  
[Memo Growth Ordinance.pdf](#)  
[Housing Permit History.pdf](#)  
[Windham Growth 1\\_3\\_2024 bat.pdf](#)

## XV. Agendas & Scheduling.

## XVI. ADJOURN.