



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, January 24, 2023

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

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

#### II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 23-013](#) To approve the Minutes of the January 10, 2023 Special Council Meeting.

**Attachments:** [Minutes-Town Council Special-1-10-2023.pdf](#)

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

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

[CD 23-014](#) To approve the Minutes of the January 10, 2023 Council Meeting.

**Attachments:** [Minutes-Town Council-1-10-2023.pdf](#)

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

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

[CD 23-018](#) To approve the Minutes of the January 17, 2023 Special Council Meeting.

**Attachments:** [Minutes-Town Council Special-1-17-2023.pdf](#)

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

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

[CD 23-017](#) To approve the Minutes of the January 17, 2023 Council Meeting.

**Attachments:** [Minutes-Town Council-1-17-2023.pdf](#)

**A motion was made by Councilor Nadeau, seconded by Councilor Kalogerakis,**

that the Minutes be approved. The motion carried by the following vote:

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

#### IV. Adjustments to the Agenda.

#### V. Public Participation.

*Jim Moran brought a petition signed by the residents on Heritage Lane. They would like the Town to install a street light on the corner of Heritage Lane. (See attached)*

#### VI. Councilors' Comments.

*Councilor Maxfield gave a shout out to the kids in his neighborhood. He said about an hour and a half ago 7 & 8 year olds took a polar dip into the basin. One of their neighbors, Eva Doughty, had an idea after the Food Bank visited her classroom to organize a Polar Dip. In private donations, alone, they have raised about \$2,000, and over the next couple of weeks, they hope to add some more to that amount.*

*Councilor Morrison wanted to acknowledge the receipt of a letter from Preti Flaherty on January 23, 2023. Councilor Morrison said an RFP was put out for legal services. There were three finalist interviewed on January 11. The Committee was comprised of staff and Town Councilors, each firm was interviewed, the Committee discussed the candidates thoroughly and came to an unanimous decision for their recommendation to the Town Council tonight.*

#### VII. PUBLIC HEARINGS.

##### 23-007

To receive public comment and act on the proposed **Boody's Corner B Omnibus TIF District** (the "District") and the adoption of the Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and authorize the Town Manager to make technical revisions to the District application and Development Program, at the Town Manager's discretion and without further approval by the Council, in order to facilitate the process for review and approval by the DECD, so long as such revisions are not inconsistent with the basic structure and intent of the Development Program.

Attachments: [23-007 Cover Sheet.pdf](#)  
[Boodys Corner B DECD MTIF Application w Exhibits.pdf](#)  
[Windham TIFs Public Notices.pdf](#)

*There was no public comment.*

*Tom Bartell said that Boody's Corner B is the first of two TIF's tonight. He said we already have a TIF in the Boody's Corner area, and this TIF encompasses three properties, a current apartment building complex being built, a second apartment building that was completed and the third is some land that is probably underutilized at this point, but will hopefully be developed in the near future.*

*This is an ongoing TIF Program to bring funds available for the sewer project, road*

*projects, other infrastructure projects in North Windham and other things that are part of the program that is in the TIF.*

*With Council approval tonight the Town Clerk will provide certification of the vote, and we will work with the Town Manager and get the final document to DECD through the WEDC attorney.*

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

### 23-019

To receive public comment and act on the proposed **South Windham Industrial Zone Omnibus TIF District** (the "District") and the adoption of the Development Program for the said District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and authorize the Town Manager to make technical revisions to the District application and Development Program, at the Town Manager's discretion and without further approval by the Council, in order to facilitate the process for review and approval by the DECD, so long as such revisions are not inconsistent with the basic structure and intent of the Development Program.

**Attachments:** [23-019 Cover Sheet.pdf](#)

[So. Windham Industrial DECD MTIF Application w Exhibits.pdf](#)

[Windham TIFs Public Notices.pdf](#)

*Tom Bartell said this is a new opportunity for us in South Windham. South Windham holds the only industrial zone in Windham. Industrial is kind of an outdated term, and they are not looking for any smokestack industry to go in there, but they have had inquiries and actually Lampert's is towards some greener, more modern industrial processes and plant to go in, among others. This is about 63 acres among a number of parcels in South Windham, all within the industrial zone.*

*The purposes here are a little different because they are in South Windham, so, if there are some infrastructure improvements that we need that is one thing, but it is also a start on us being able to help manufacturers, small scale production companies, through WEDC or through the town. There are some opportunities not only in South Windham but throughout the community.*

*Councilor Henry asked if somewhere in the application there was a graphic area? Tom said there is, and it should be in the materials provided; it is Section D, boundaries, and there is also a map.*

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

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

## **VIII. CONSENT AGENDA.**

## **IX. UNFINISHED BUSINESS & GENERAL ORDERS.**

23-017

To appoint a Town Attorney and authorize the Town Manager to take necessary action to execute that contract.

**Attachments:** [23-017 Cover Sheet.pdf](#)

[Legal team endorsement for legal services 1.pdf](#)

*Town Manager Tibbetts said there are three different services that the Town uses pretty consistently, auditing, engineering services and legal services. They went out to bid for each one of those. It is fairly typical for a town to go out to bid on those every 5-7 years. They had already gone through auditing and made some adjustments and changes with our auditor, and they also did the engineering. This was the last of the three. Notices were sent out and advertised in the paper, and they received four responses. A committee was put together comprised of three Councilors, Chair Mark Morrison, Vice Chair David Nadeau, and Councilor Kalogerakis. There was also Bob Burns, Assistant Town Manager, Amanda Lessard, Planning Director, Jon Rioux, Code Director, Susan Rossignol, Finance Director, Kevin Schofield, Chief of Police and the Manager.*

*They had a series of questions that were comprised by them and other staff members. They sent all of those questions in advanced to the three firms they were going to interview. They sent them what their short term and long term goals were and what our challenges were. They wanted to come up with a firm that was going to offer the town the absolute best package, going forward, for the needs of Windham.*

*The interviews were conducted, and the topics they covered ranged from matters of legislation, code enforcement, zoning, planning, land use, real estate, labor, employment, finance, bonding, taxation, economic development, law enforcement, civil rights, other state and federal regulatory issues, and how they relate in relation to the Council, the Town Manager, Administrative Offices, Officer and appointed Boards & Committees.*

*During the process each of the members kept track of the interviews as they went through them and at the end of that they had a round discussion, and it was by an unanimous decision that the nine members felt that Windham would be best served by moving in the direction with the new legal firm of Jensen Baird.*

*They felt that PrefiFlaherty who they have been with has done a nice job but for all the things we are doing felt that this new firm would help us to take that next higher level step.*

*Councilor Nadeau said the Council hires the attorney but they do very little with them, so he thanked staff for all of their input and thought going forward.*

*Councilor Maxfield thanked the staff and the Councilors who were on the committee, and making a change is never easy. He said the time he has been here they have been working with Preti, and he thanked them for their service and what they do.*

*Council Chair Morrison participated on the committee and review and said it was very thorough. There was a consensus, and they came to their conclusion pretty quickly.*

*Manager Tibbetts said if they had read the credentials of the different lawyer's from all the firms, there are some lawyers with similar last names with some of our staff, but there is no relation there at all.*

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

**23-018**

To refer the proposed amendment to the Land Use Ordinance and Map with regard to child-care facilities on the Route 202 Corridor to the Planning Board for review and recommendation.

**Attachments:** [23-018 Cover Sheet.pdf](#)

[Child-care Overlay Zone.pdf](#)

[ChildcareOverlayMap.pdf](#)

[SACC Letter to council and planning board.pdf](#)

*Amanda Lessard, Planning Director said the Council received a request from the Windham Raymond School Age Child Care Program, and they were supporting the Windham Center proposed amendment if it would permit child care in the Windham Center growth area of town, but where the Council has been taking some additional time to consider that zone change they proposed, that due to some grant applications that are due in a shorter time frame than the Windham Center zoning could move through the process, they asked the Council to permit child care facilities within an area of the 202 corridor. Amanda said in their packet staff drafted that using the Roosevelt Trail Business and Professional Office Overlay as a model in North Windham on the 302 corridor, this is an overlay that allows business and professional offices in residential zones.*

*Similarly, here this is an overlay zone on the 202 corridor from the Rotary south to Swett Road. It was an area of approximately 800 feet on either side of the corridor but they used the full parcel area so the parcel was not bisected and would be more clear as to exactly where a child care facility could locate on the proposed parcel. They excluded some because they do not have the opportunity to be developed for that use, i.e. Black Brook Preserve.*

*It is approximately 133 parcels. The text of the overlay simply permits child care facilities as defined in our ordinance as a permitted use, and what is the underlying zoning areas of the Farm and Farm Residential Districts. There are some more restrictive requirements proposed in the ordinance text, which are very similar to those in that business professional overlay on Roosevelt Trail that prescribes that the child care facility would be a conditional use but it would be reviewed by the Planning Board. It would set a maximum building size of 7,000 sq. ft. for this child care facility and require design standards be applicable to the building and require a pitched roof and some requirements for screening buildings and parking areas from adjoining residential properties.*

*She said she did discuss with the Town Manager a potential, and consulting with the town's attorney, to add a sunset clause to this language for when it comes back to you, should the town adopt the Windham Center Zoning that this overlay district would be repealed. It would be replaced by the Windham Center Zoning, which doesn't have as restrictive requirements, it is a bit more permissive for child care facilities.*

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

23-020

To approve a contract agreement amendment between the Town and Barry Tibbetts who serves as Town Manager.

**Attachments:** [23-020 Cover Sheet.pdf](#)[Memo P Moss HR Director.pdf](#)[Employment Agreement BAT 2023 0124.pdf](#)[2021-22 Accomplishments.pdf](#)

*Councilor Nadeau thanked Barry for his efforts, and said he has done a phenomenal job moving us forward.*

*Councilor Kalogerakis said he seconded that, and this is much needed to get Barry where he belongs.*

*Councilor Morrison said it was a pretty thorough process. The recommendation has been made, and securing Barry for another three years would be perfect. We have a lot going on, and he has done a fantastic job.*

*Councilor Maxfield agreed with everything that had been said, and he thanked him for what he is doing. The staff and Council in the last three years have gotten a lot done, but he truly believed if Barry had not come to Windham when he did, we would not be in the position we are in with so many things. Councilor Maxfield said if you click on the agenda there is a list of accomplishments that is 5 pages long; it is a testament to your work and your work ethic, and we appreciate having you here, you certainly deserve some more dollars in the bank to help compensate for that and you well deserve it.*

*Councilor Kalogerakis said the timing was perfect. When we were looking for a Manager, one was even coming from overseas, that is how difficult it was, the town was in a difficult position so thank you for not running away from us like many did. We all appreciate it.*

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

23-022

To refer the proposed Land Use Ordinance amendments with regard to Affordable Housing Standards to the Planning Board for review and recommendation.

**Attachments:** [23-022 Cover Sheet.pdf](#)[LRPC TC Presentation\\_08-16-2022.pdf](#)[TC memo LRPC Amendments 08-11-2022 \(2\).pdf](#)[Affordable Housing\\_REVISED.pdf](#)[TC packet PB recommend AffordableHousing\\_09-22-21.pdf](#)[Maine 130 - HP 1489 item 9.pdf](#)

*Manager Tibbetts said this has been discussed at a couple of meetings about the need for having some standards for affordable housing, and this will open and set the framework for us. If we need to make any adjustments to this because of LD2003 we will back to see you.*

*Councilor Reiner said this says parts of the packet that Included Windham Center and Village Residential are not included in this presentation to the Planning Board. Amanda said that is correct, it has not been revised that is in this packet under this order, but they will remove those references when it goes to the planning Board.*

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

### [23-023](#)

To refer the proposed Land Use Ordinance amendments with regard to Multifamily Development Standards to the Planning Board for review and recommendation.

**Attachments:** [23-023 Cover Sheet.pdf](#)  
[LRPC TC Presentation 08-16-2022.pdf](#)  
[TC memo\\_LRPC Amendments 08-11-2022 \(2\).pdf](#)  
[Multifamily Development standards Aug 2022.pdf](#)

*Amanda Lessard Planning Director said these are standards for development that will apply to a multifamily development, which is defined as a development proposing one or more lots, which individually will contain three or more dwelling units.*

*This was drafted at the Councils request to address how we have had a number of duplex developments on a single lot that go through subdivision review, but do not have any site plan review requirements. This proposal would bring in specific standards for development for other multiple duplexes or a mix of single family on one lot or duplexes or even one multifamily building on one lot, will be subject to these standards.*

*It proposes building architectural standards related to the facade orientation of the building, and some site design elements, which are similar to those that are required for our commercial district design standards related to parking lot layouts, screening, landscaping. A new specific recommendation in these standards are related to providing onsite recreation and open space for those residential developments. This would be in addition to our already required recreation and open space impact fees.*

*We also specifically address the access drive standards and remove those standards from subdivision development. This specific element was meant how we have different road standards in North Windham, so we wanted to make clear that in a private, residential development in North Windham, this would be an access driveway that could remain private and could still retain that character of the roadway but would not need to be a road for setback purposes.*

*Also, it modifies the subdivision standards, again, to remove the access drive standards that are currently only in our subdivision ordinance. She said there may be some more existing standards that need to be revised, as part of this package, to get the kind of development as specifically in North Windham that we want.*

*She also spoke about landscaping and the orientation of parking layouts.*

*Councilor Nadeau asked Amanda if she could put the packet together and send it to the Planning Board along with this so when it comes back to the Council, they will have both packets to vote on? She said yes. He also asked if there were anymore changes, could*



*they be in a different color than red so they new they were additional changes, she said she could do that.*

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

## **X. Council Correspondence.**

[CD 23-015](#) Taking Back Maine's Future - Project Progress Report.

**Attachments:** [Outline Taking Back Our Future - Opioid Epidemic.pdf](#)

[CD 23-016](#) Welcome to New Faces!

**Attachments:** [Welcome to New Hires at the Library.pdf](#)

*The Library welcomes some new employees, and they are Jennifer Curtis as part-time Library Assistant, Alexis Handleman full-time Children's Room Coordinator as well as recognizing two new team members going back towards the end of last year are Courtney Kleftis and Elizabeth Donahue who are both Circulation Assistants.  
Welcome!*

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

*Manager Tibbetts thanked the Windham Public Works Department, they did a great job and rose to the occasion.*

*The Sewer Project is on track and the grant has been submitted for the County funding but we will not hear for several more weeks.*

*The rear access RAISE Application Grant is moving forward and will really help us to get those connector roads in.*

*The bonding is nearly complete. The day they spoke with the selling agent they told us that the refinancing that we did on the last couple of payments actually yielded us an additional \$7,000 in savings. Instead of \$42,000 it was actually \$49,000. All the bonds have sold and the yield is about 2.5%.*

*At next meeting we will have an update on our solar savings. We are saving over \$50,000 a year for our electrical expenses.*

## **XII. Committee Reports.**

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

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

*Councilor Reiner said they met with two applicants tonight and they will recommend them at the next meeting.*

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



*No report.*

3. Ordinance Committee.

*No report.*

**B. Other Committees.**

1. Long Range Planning Committee.

*No report.*

2. Parks & Recreation Advisory Committee

*No report.*

3. Windham Economic Development Corporation.

*Councilor Maxfield said they had a Zoom meeting, and they reviewed and unanimously voted to move forward on a project with Crane Associates to do an economic study for them, and to look at our growth areas, things we have, and things we don't have. One of the concerns with people on the committee is we are not just doing another report that Windham is not going to use, but I think we agree with the investment and everything going on all over Windham is that we have to do this.*

4. Highland Lake Leadership Team.

*No report.*

5. Natural Resources Advisory Committee.

*Councilor Jones said the January meeting was cancelled.*

6. Public Easement Advisory Committee.

*Councilor Jones said they will meet in the summer.*

**XIII. Discussion Items.**

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

[CD 23-019](#)

Land Use Ordinance amendments with regard to the Windham Center Growth Area.

**Attachments:** [LRPC TC Presentation\\_08-16-2022.pdf](#)  
[TC memo\\_LRPC Amendments\\_08-11-2022 \(2\).pdf](#)  
[WC\\_VR\\_draft\\_REVISED \(3\).pdf](#)  
[WindhamCenter\\_ProposedMap\\_04-2021.pdf](#)  
[WindhamCenter\\_ProposedZoningChangesMap\\_04-2021.pdf](#)  
[TC packet\\_PB recommend\\_Windham Center\\_09-10-21.pdf](#)  
[Zoning Standards\\_WC\\_VR\\_2022.pdf](#)  
[Zoning District Uses Table\\_WC\\_1-5-21.pdf](#)  
[FR\\_F compare WC\\_VR\\_revised.pdf](#)

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

*Councilor Nadeau said the state is looking at Air B&B's. People are up in arms, it is ruining neighborhoods. He suggests they get ahead of the game and take a look at it.*

*Amanda Lessard said she heard there might be a statewide registry, and if they do the registration, we could think about how to take that data and have standards.*

#### **XV. 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, Council Chair Morrison, Councilor Jones, Councilor Reiner, Councilor Henry, Councilor Maxfield and Councilor Kalogerakis

Respectfully submitted,

Linda S. Morrell  
Town Clerk/CCM