



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Agenda

Town Council

Tuesday, November 14, 2023

6:00 PM

Council Chambers

To join the meeting remotely use this link: <https://us02web.zoom.us/j/82276399709> or you may call 1-646-558-8656 and enter meeting ID: 822 7639 9709

Pursuant to the Town of Windham Council Remote Meeting Participation Policy adopted October 12, 2021, Zoom is only available to the public if one or more of the Board members cannot attend in person but will be participating remotely.

The policy can be found online at:

<https://www.windhammaine.us/DocumentCenter/View/7831/Council-Board-or-Committee-Remote-Meetings-Policy->

Zoom will be the meeting platform used by both the Council and the public. Information about using Zoom is available at

<https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->

Please note that members of the public will need to use the raise your hand feature in Zoom or type *9 on the phone to be called on and heard during the public testimony portion of the agenda.

If you prefer, you may also email the Council at TownCouncil@windhammaine.us prior to the meeting with your thoughts on an issue and if you would like, please note that if you would like the email read into the record during public participation or during that agenda item. Please keep in mind we request stated comments to be three minutes or less.

The meeting will be recorded and broadcast live on WindhamTV (Channel 7) and the Town's Facebook page.

Swearing In of Councilors-Elect.

Prior to the start of the meeting the Town Clerk will administer the oath of office to those elected to seats on the Council on November 7, 2023.

I. Roll Call of Members.

II. Pledge of Allegiance.

III. Minutes to be Approved:

[CD 23-145](#) To approve the Minutes of the October 24, 2023, Council meeting.

Attachments: [Minutes-Council-10-24-2023.pdf](#)

IV. Adjustments to the Agenda.

It is recommended Order 23-215 be removed and an appointment to the Natural Resources Advisory Committee be added.

V. 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.

VI. Councilors' Comments.

VII. PUBLIC HEARINGS.

[23-213](#) To receive comment and act on proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham, Article 4 Zoning Districts, related to two-family dwellings, and Article 5 Performance Standards, related to accessory apartments.

Attachments: [23-213 Cover Sheet.pdf](#)
[LD 2003 LUO AMENDMENTS 092023.pdf](#)
[Windham ordinance review LD2003 Sept23.pdf](#)
[TC MEMO_PB recommend Duplex ADU 110723.pdf](#)

23-214

To receive comment and act on proposed amendments to the Land Use Ordinance, Chapter 120 of the Code of the Town of Windham related to Article 4 Zoning Districts, Industrial District (I), including the addition of permitted uses, a reduction of front setbacks, the addition of buffer yards along the street, the removal of open space with new maximum building and impervious area standards, and the screening of outdoor storage from view from public ways.

Attachments:

[23-214 Cover Sheet.pdf](#)

[TC MEMO PB recommend I District 110923.pdf](#)

[Industrial District \(I\) draft 09-2023.pdf](#)

23-215

(It is recommended that this item be postponed to November 28, 2023.)

To receive public comment and act on a proposed zone change request from The Roman Catholic Church to amend the official Town of Windham land use map the rear portion of the property, fronting Anglers Road, currently zoned in the Farm District (F) to the Commercial 4 District (C-4). The request includes amending the Land Use Ordinance Article 4 Zoning District §120-411.1B Permitted Use by adding "Place of worship" as a principal use in the Commercial 4 District (C-4). The subject property is identified as Tax Map 80 Lot 58 in the Commercial 1 North District (C-1N) and Farm District (F) and in the direct watershed of Pettingill Pond.

Attachments:

[23-215 Cover Sheet.pdf](#)

[TC MEMO PB RECOMMENDATION Zone Change-F to C4.pdf](#)

[7 ZONE CHANGE APPLICATION F to C-4 919RooseveltTrl 100223 DC E](#)

[8 ZONE CHANGE SURVEY F to C-4 919RooseveltTrail 100223.pdf](#)

[9 DC Planning Board Slides 10-23-23_FINAL.pdf](#)

[Zone Change Public Comments Received by Planning Through 10-23-2023.pdf](#)

[ZoneChange Public Comments Recieced by the Planning Board after 10-23-23.](#)

[Petition Opposing Zone Change Request 10232023.pdf](#)

[Email A Lessard RE 919 Roosevelt Trail Property.pdf](#)

[Oldefendt_11052023.pdf](#)

[Memo Councilor Morrison 919 Rezone Request Feedback.pdf](#)

[Email B Reiner Re Rezoning Catholic Church.pdf](#)

[Email E Hanson Rezoning Opposition.pdf](#)

[Email L Hanson Rezoning Opposition 919 Roosevelt Trl and Anglers Rd.pdf](#)

[Email N Davis No on Church Rezone.pdf](#)

[Email R Cummings Oppose 23-193.pdf](#)

[Email Rezoning Opposition 919 Roosevelt Trl and Anglers Rd.pdf](#)

[Email S Adams Rezoning Opposition 919 Roosevelt Trl.pdf](#)

[Email T Donaldson Rezoning of 919 Roosevelt Trail and Anglers Rd.pdf](#)

23-223

To receive public comment and act on an application submitted by Fraternal Order of Eagles #4352 at 456 Roosevelt Trail for a renewal Special Amusement Permit.

Attachments:

[23-223 Cover Sheet.pdf](#)

[Fraternal Order of Eagles - Renewal Sp. Amuse.pdf](#)

[23-229](#) To receive public comment and act on an application submitted by The Hashery located at 16 White's Bridge Road, for a new Marijuana Manufacturing Facility. Application received in the Clerk's Office on 11/7/2023.

Attachments: [23-229 Cover Sheet.pdf](#)
[Marijuana Ordinance.pdf](#)
[The Hachery #1309 Addendum.pdf](#)

VIII. CONSENT AGENDA.

No items.

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[23-200](#) To accept nominations for and elect a Chairman of the Town Council.

Attachments: [23-200 Cover Sheet.pdf](#)

[23-201](#) To accept nominations for and elect a Vice-Chairman of the Town Council.

Attachments: [23-201 Cover Sheet.pdf](#)

[23-202](#) To accept nominations for and elect a Parliamentarian of the Town Council.

Attachments: [23-202 Cover Sheet.pdf](#)

[23-203](#) To accept nominations for and appoint a Finance Committee.

Attachments: [23-203 Cover Sheet.pdf](#)

[23-204](#) To accept nominations for and appoint an Appointments Committee.

Attachments: [23-204 Cover Sheet.pdf](#)

[23-205](#) To accept nominations for and appoint an Ordinance Committee.

Attachments: [23-205 Cover Sheet.pdf](#)

[23-206](#) To accept nominations for and appoint two representatives to the Windham Economic Development Corporation board of directors.

Attachments: [23-206 Cover Sheet.pdf](#)
[Windham Economic Development Corporation](#)

[23-207](#) To appoint a Council representative to the Parks and Recreation Advisory Committee.

Attachments: [23-207 Cover Sheet.pdf](#)
[Parks and Recreation Advisory Committee Charge](#)

[23-208](#) To appoint a Council representative to the Energy Advisory Committee.

Attachments: [23-208 Cover Sheet.pdf](#)
[Energy Advisory Committee.pdf](#)

[23-224](#) To appoint two Councilors to the Substance Prevention Grant Committee.

Attachments: [23-224 Cover Sheet.pdf](#)
[Substance Prevention Grant Committee Charge](#)

[23-225](#) To appoint a Council representative to the Long Range Planning Committee.

Attachments: [23-225 Cover Sheet.pdf](#)
[Long Range Planning Committee Charge](#)

23-231 To appoint a Council representative to the Natural Resources Advisory Committee.

[23-228](#) To appoint both a delegate and alternate delegate to the Greater Portland Council of Governments General Assembly.

Attachments: [23-228 Cover Sheet.pdf](#)

[23-230](#) To appoint a representative and alternate representative to the ecomaine board of directors.

[23-210](#) To approve minor amendments to and adopt the Council's Rules of Procedure.

Attachments: [23-210 Cover Sheet.pdf](#)
[Council Rules Amended.pdf](#)

[23-211](#) To decommission the Public Easement Advisory Committee, and to express the Council's profound gratitude and appreciation on behalf of the town and its residents for the work of the committee and all of its members.

Attachments: [23-211 Cover Sheet.pdf](#)

[23-216](#) To appoint Raeann Haggard to the Human Services Advisory Committee for a three-year term to expire May 15, 2026.

Attachments: [23-216 Cover Sheet.pdf](#)

[23-217](#) To appoint Raeann Haggard to both the Natural Resource Advisory Committee and Parks & Recreation Advisory Committee for three-year terms to expire August 15, 2026.

Attachments: [23-217 Cover Sheet.pdf](#)

[23-218](#)

To appoint Raeann Haggard to the Library Board of Trustees for a three-year term to expire February 15, 2027.

Attachments: [23-218 Cover Sheet.pdf](#)

[23-219](#)

To appoint Gale Savard to the Planning Board as an alternate for a three-year term to expire February 15, 2027.

Attachments: [23-219 Cover Sheet.pdf](#)

[23-220](#)

To appoint Mike Duffy to the Substance Prevention Grant Committee for a three-year term to expire August 15, 2026.

Attachments: [23-220 Cover Sheet.pdf](#)

[23-221](#)

To appoint Elizabeth Schidzig to the Windham Economic Development Corporation for a two-year term to expire February 15, 2025.

Attachments: [23-221 Cover Sheet.pdf](#)

[23-222](#)

To approve amendments to the Personnel Policy, Article VI, Section 2, Holidays to clarify that employees are eligible for paid holidays that occur within their normal working schedule and other minor corrections to the holiday list.

Attachments: [23-222 Cover Sheet.pdf](#)
[Personnel Policies REV 11.01.2023 MARKUP.pdf](#)
[Memo 4day Work Week.pdf](#)

[23-226](#)

WHEREAS, on October 24, 2023, the Town Council adopted Order 23-198, authorizing the Town Treasurer to negotiate the terms of the purchase of the following equipment: 1) Fire Dept. Car 4 - 2023 Ford Interceptor and related equipment; 2) Fire Dept. Ambulance #2 - 2023 Ford E450 Braun Chief XL Chassis; 3) Fire Dept. Ambulance #2 - 2023 Ford E-450 Chief XL Remount; 4) Fire Dept. Unit 9 - Utility Pickup Truck and related equipment; and 5) Public Works International Single Axle Dump Truck with cab, chassis, and related plowing and sanding gear (collectively the "Equipment"); and

WHEREAS, the Town expects to enter into one or more lease purchase agreements in an aggregate principal amount of \$580,685 for the purpose of financing the Equipment authorized to be purchased by Order 23-198; and

WHEREAS, the Town Treasurer made an original expenditure in the amount of \$43,376.80 on November 2, 2023 for the purpose of acquiring the Fire Department Car 4 - 2023 Ford Interceptor and related equipment authorized by Order 23-198; and

WHEREAS, the Town expects to make additional original expenditures to acquire said Equipment prior to closing on the lease purchase financing;

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

That the Town Council hereby declares its official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, up to \$580,685 of costs of the Equipment, which costs the Town reasonably expects to reimburse with proceeds of the lease purchase financing to be issued in the maximum principal amount of \$580,685, or as otherwise increased by the Town Council.

Attachments: [23-226 Cover Sheet.pdf](#)
[Reimbursement Resolution.pdf](#)

X. Council Correspondence.

[CD 23-143](#) General Correspondence.**Attachments:**

[Email S Napolitano Re VOTE NO ON 1 Complaint J Maxfield.pdf](#)
[Email J Maxfield to Email S Napolitano Re VOTE NO ON 1 Complaint J Maxfiel](#)
[Email S Napolitano and J Maxfield Continued Conversation.pdf](#)
[Email S Napolitano and J Maxfield Continued Conversation2.pdf](#)
[Email S Napolitano and J Maxfield VOTE NO ON 1 Dialogue.pdf](#)
[Email J Maxfield Re VOTE NO ON 1 Reply.pdf](#)
[Email Attorney Brandwein Re Ethics Complaint D Nadeau.pdf](#)
[Email C Grant RE Human Services Advisory Committee K Turpen Appt.pdf](#)
[Email D Davis Re Human services advisory committee K Turpen Appt FollowU](#)
[Email D Davis Re Human Services Advisory Committee K Turpen Appt.pdf](#)
[Email F Emery Failure Notice.pdf](#)
[Email J Marquis Inquiry on Location of Ethics Policy.pdf](#)
[Email M Morrison Email to Chief Schofield Re Active Shooter Matter.pdf](#)

[CD 23-144](#) FOAA Status Report.**Attachments:**

[FOAA Response Afsar 10.26.23.pdf](#)

[CD 23-146](#) Department Quarterly Reports.**Attachments:**

[Police Dept july-sept 23 quarterly report.pdf](#)
[Human Resources Quarterly Report July - Sept. 2023 .pdf](#)
[Public Works July-Sept 2023 Quarterly Report.pdf](#)
[Fire-Rescue 2023 Third Quarter Report.pdf](#)
[Library Quarterly update 11012023.pdf](#)
[Parks and Recreation Quarterly Report July - September 2022.pdf](#)
[Assessing Quarterly Report-2023-Q3.pdf](#)
[Windham Communications Quarterly Report.pdf](#)
[Quarterly Report from the Town Clerk.pdf](#)
[Code Enforcement Department Quartely Report 07-01-23 to 09-30-23.pdf](#)
[WEDC Quarterly Town Council Report - 10 31 23_\(002\).pdf](#)

[CD 23-148](#) Portland Water District Annual Wastewater Assessment Meeting of 10/31/2023.**Attachments:**

[PWD Annual Wastewater Assessment Meeting 10.30.2023.pdf](#)

[CD 23-149](#) Employee Newsletter.**Attachments:**

[November 2023 Employee Connection.pdf](#)

[CD 23-150](#) Town of Windham is Maine Town & City Magazine Cover Story.

Attachments: [Maine Town and City Cover_Windham Sewer Project.pdf](#)

[CD 23-151](#) Town-Funded Social Service Agency Correspondence.

Attachments: [Maine Behavioral Healthcare - Thank you To Council.pdf](#)
[LifeFlight Foundation Publication - Dispatches October 2023_opt.pdf](#)

XI. Town Manager's Report.

XII. 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. Public Easement Advisory Committee.

XIII. Discussion Items.

[CD 23-127](#) Ethics Discussion.

Attachments:

[Community Research.pdf](#)
[Barry's Additional Items for Code of Ethics.pdf](#)
[Code of Ethics.pdf](#)
[Ethics Committee Charge.pdf](#)
[Oath of Office.pdf](#)
[Auburn, ME CH2 Code of Ordinances.pdf](#)
[Bangor Code of Ethics \(2\).pdf](#)
[Biddeford Code of Ethics.pdf](#)
[Bridgton Code-of-Ethics.pdf](#)
[Brunswick Conflict of Interest Policy_\(Approved 030722\).pdf](#)
[Brunswick Council Rules of Order and Procedure.pdf](#)
[Cape Elizabeth Town Council Code of Ethics.pdf](#)
[Falmouth council rules see Policy 7.pdf](#)
[Kennebunk Code of Ethics for Select Board.pdf](#)
[Old Orchard Beach code of ethics 2022 signed.pdf](#)
[Raymond Code of Ethics Appointed and Elected.pdf](#)
[Saco Code of Ethics and Conduct FINAL.pdf](#)
[Sandford Rules_of_Procedure_2021_-_Amended_8-3-21.pdf](#)
[Sanford Council Code of Conduct.pdf](#)
[Sebago Maine Code of Conduct.pdf](#)
[Standish Code of Ethics.pdf](#)
[Waterville Code of Ethics.pdf](#)
[Westbrook ME Ethics Ordinance CH28.pdf](#)
[Yarmouth ME Council Rules with Conduct Section.pdf](#)
[York Code of Ethics 2021-06-14.pdf](#)

XIV. Agendas & Scheduling.

XV. ADJOURN.