



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, March 23, 2021

6:30 PM

Remote Via Zoom

To Join the meeting remotely use this link: <https://us02web.zoom.us/j/86202613142> or you may call 1-646-558-8656 and enter meeting ID: 862 0261 3142.

In accordance with Public Law Chapter 617 adopted as emergency legislation by the Maine State Legislature on March 17, 2020 and signed into effect by Governor Mills, 1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19.

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 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.

I. Roll Call of Members.

Councilor Kalogerakis joined the meeting at 6:45.

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

Absent: 1 - David Douglass

II. Pledge of Allegiance.

Council Chair Nadeau led the Pledge of Allegiance.

III. Announcement of Maine Recreation & Park Association's 2021 Outstanding Parks Professional Award Winner!

CD 21-063 Award and Nomination Submission.

Attachments: Excerpt from MRPA Website

Manager Tibbetts said the Maine State Parks & Recreation Association each year recognizes an outstanding parks professional, and this year Kevin Bailey, who is one of our Windham Employees, a lifelong Windham resident and works in the Parks & Rec Department was the award winner. (See attachment)

IV. Minutes to be Approved:

CD 21-050 To approve the Minutes of the Special Council meeting of March 8, 2021.

Attachments: Minutes-Special Council-3-8-2021.pdf

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

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

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

CD 21-056 To approve the Minutes of the March 9, 2021 Council meeting.

Attachments: Minutes-Council-3-9-2021.pdf

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

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

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

V. Public Participation.

No public participation.

VI. Councilors' Comments.

No Councilor Comment.

VII. PUBLIC HEARINGS.

21-066 To receive public comment and act on an application submitted by Maine's Alternative Caring LLC located at 771 Roosevelt Trail moving from Suite 1 to Suite 5 for a Change of Premise request. Application was received in the Clerk's Office on 2/10/2021.

Attachments: 21-066 Cover Sheet.pdf

Maine's Alternative Caring(1).pdf

No public comment.

A motion was made by Vice Chair Maxfield, seconded by Councilor Jones, that

the Order be approved. The motion carried by the following vote:

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

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

21-067 To receive public comment and act on an application submitted by Cannabis Brand Services LLC to be located at 771 Roosevelt Trail, Suite 5 for a new Marijuana Manufacturing Facility. Application received in the Clerk's Office on 1/19/2021.

Attachments: [21-067 Cover Sheet.pdf](#)
[Cannabis Brand Services LLC.pdf](#)

No public comment.

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

In Favor: 4 - Council Chair Nadeau, Vice Chair Maxfield, Councilor Morrison and Councilor Jones

Opposed: 1 - Councilor Nangle

Absent: 1 - Councilor Douglass

Abstain: 1 - Councilor Kalogerakis

VIII. CONSENT AGENDA.

Councilor Nangle asked to take each Order on the Consent Agenda to be done separately. There was no opposition his request.

21-032 To appoint Colin Swan to the Planning Board for a three-year term to end February 15, 2024.

Attachments: [21-032 Cover Sheet.pdf](#)

Councilor Nangle said he has had a number of residents approach him about Mr. Swan's familial and financial ties to a major developer here in Windham. He said he echo's their concerns about his appointment to the Planning Board. It was his understanding that he has had some questionable votes that he did not understand what the implications were.

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

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

Opposed: 1 - Councilor Nangle

Absent: 1 - Councilor Douglass

21-033 To appoint Kaitlyn Tuttle to the Planning Board for a three-year term to end February 15, 2024.

Attachments: [21-033 Cover Sheet.pdf](#)

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

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

Absent: 1 - Councilor Douglass

21-062 To appoint Kayla Hartt to the Library Board of Trustees for a three-year term to end February 15, 2024.

Attachments: 21-062 Cover Sheet.pdf

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

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

Absent: 1 - Councilor Douglass

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

21-053 To approve applications for watershed protection grants, such funding to be paid from fiscal year 2020-2021 watershed protection funds in account 11500-46930.

Attachments: 21-053 Cover Sheet.pdf
WPG Funding Recommendations Memo.pdf

Manager Tibbetts introduced Gretchen Anderson as our Environmental Sustainability Coordinator, and he said she works on this project every year. He explained that this is concerning how we allocate our water craft excise taxes that come into the Town.

Gretchen Anderson gave a power point presentation, and answered questions the Councilors had. Barry noted that there was approximately \$5,000 leftover that will carry forward which can be used next year or sooner if something should come up for that fund.

Councilor Nangle said he wants to make sure that this money does not get used some place else; he wants it to stay with the Water Protection Grant money.

Manager Tibbetts said in speaking with Gretchen today there is a Community Resiliency Pilot Project that is a grant program through the State, and we would qualify for this \$28,000 grant to be able to do some analysis on advanced climate resiliency, finding some best practices and looking for areas within our community or identifying those we need to focus on. In order to apply for the grant, he needs two Councilors who would be willing to sit through and participate in a stake holder's meeting.

Councilor Mark Morrison and Councilor Nadeau volunteered to participate.

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

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

Absent: 1 - Councilor Douglass

21-060 To approve a new Victualer's permit application submitted by William C. Brown d/b/a Jersey Mike's Subs, located at 795 Roosevelt Trail, Ste 4.

Attachments: 21-060 Cover Sheet.pdf
Jersey Mikes- New Victualer's.pdf

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

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

Absent: 1 - Councilor Douglass

21-064 To approve an application submitted by Kenneth Cianchette d/b/a Erik's Church located at 824 Roosevelt Trail #7 for a renewal Special Amusement permit.

Attachments: 21-064 Cover Sheet.pdf
Erik's Church-Sp.Amusement.pdf

Ken Cianchette of Erik's Church spoke and said this is a little preemptive since there is still prohibition on entertainment with the Governor's Orders, but he is hoping it is allowed back. He appreciated the Council looking at this.

Councilor Nangle asked the Manager if the business was up to date with it's development issue, as there were some concerns the last time? Manager Tibbetts said The Police Department and Code Office are all set with him, and there have been no complaints. He believes the parking lot area has begun the work that needed to be done, and they are within the time-frame to get that work completed.

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

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

Absent: 1 - Councilor Douglass

21-065 To find that the requirements of 28-A M.R.S.A. § 653 have been met and to approve an application submitted by Erik's Church LLC for a renewal Liquor License.

Attachments: 21-065 Cover Sheet.pdf
Liquor License renewal-Erik's Church.pdf

Ken Cianchette said they started the parking lot project and should be done in about 3 weeks.

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

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

Absent: 1 - Councilor Douglass

21-069 To authorize the Town Manager and PretiFlaherty to work with our legislators on a private and special law to clarify winter maintenance plowing on certain public/private ways.

Attachments: [21-069 Cover Sheet.pdf](#)
[Draft Private and Special Act re roads v3.pdf](#)

No comment.

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

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

Absent: 1 - Councilor Douglass

X. Council Correspondence.

CD 21-061 Animal Rabies Notification and Information.

Attachments: [Local Rabies Notification.pdf](#)
[Rabies in Maine flyer.pdf](#)
[Rabies Stinks Poster.pdf](#)

XI. Town Manager's Report.

Manager Tibbetts congratulated Jacob Piechowski who is an Eagle Scout candidate. He was able to work with our facilities crew and was able to transfer 3,500 pounds of food from the Food Pantry's first floor down to the basement because they need to address some flooring issues in that building. This project was part of his Eagle Scout application. Jacob put a lot of work into organizing and inventorying it, and really helping our food pantry folks.

Public Works has begun to sweep the sides of the roads; they are hoping there is no more snow, but if there is, they will just be using salt. The crew is also out in the cemeteries trying to get everything cleaned up.

Work should be starting in April down at the Community Park where they will be putting in the basketball courts.

Parks & Rec Camp opens up on Monday, to find out more, please go to our website.

The Age Friendly website is up and running off from our site. It has a tremendous amount of resources for our elderly folks here in Windham.

On April 3 there will be an Easter Bunny Parade that will begin at 10:00 a.m. For more information, please go to our website if you would like to participate.

It is the time of year to do yard clean up but if you are planning to do any burning, please get a permit to do so.

The town applied for three CDBG grants, one was a Planning Grant with Gorham, one was a Parking Lot and Sidewalk Grant and the third was a Job Creation Grant for South Windham at the Tavern. They have gone through the two major reviews, and he thinks all three should be awarded for the town to move forward.

All the TIF applications have been submitted and reviewed. A couple of questions came back to be answered and they are working on those.

A grant was put in through the Greater Portland Council of Government PACT's Program, this would be for fiscal year 2023. They are looking to do sidewalks from Blue Seal in So. Windham to the bridge on both sides. That is a \$250,000 grant, and they are also putting in for another grant to MDOT for the MPI Program that would go from the River Road & Route 202 intersection; they would be putting crosswalks in there so you can get across safely. There would be sidewalks on one side from that intersection all the way down to Blue Seal.

There were a couple of Planning Board approvals that occurred last evening. One was for a new Internet Car Sales Group in enterprise Drive, also a new Self-Storage business on Route 302, and the first Conservation Subdivision was approved, which is on Albion road near Falmouth Road for 21 lots. Those are the most recent changes they have made to all the subdivision that went through the process.

He spoke with Dan Stevens in Westbrook, he is the Economic Development Officer and he is working on a project to extend the trail from Westbrook to Windham. He asked if Windham would be willing to contribute some money towards that and get it ready for a grant application to the State and Feds. He spoke with Dan about the Town of Windham contributing \$25,000 from our TIF, and Dan will put in about \$50,000. He thinks it is really worth it to do this, and he will bring it back to the Finance Committee and Council.

CD 21-064 Growth Permit Status.

Attachments: Growth Permit Tracking 2021
Growth Permit Tracking 2020

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

Councilor Nadeau said they have met twice and there is another meeting coming up in a week.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said they had a Public Hearing, and Amanda is putting the notes together on the hearing and working on make a few changes.

2. Parks & Recreation Advisory Committee.

No report.

3. Windham Economic Development Corporation

Councilor Kalogerakis said they met last Thursday, and President Larry Eliason spoke to them about Enterprise Drive. He thinks they have three new sales down on Enterprise Drive. One is putting up a 12,000 sq. ft. building. There has been some communication with Mr. Grondin on doing some road improvements, and since the sale of those three lots, Larry has heard a lot more buzz where people are looking into that property. They also spoke about a traffic light there.

They spoke about the Small Biz 360 Program and they are offering this to businesses in the community through the WEDC. It is a free program to work with retail and restaurants in the area so to give them a much better online presence with website development and some assistance in helping to get an online ordering system more main stream.

They spoke about the Loan Program and the four businesses in the community who have taken advantage of this program, and there is one who is currently repaying their loan.

Lastly they spoke a bit about sewer and then they ran out of time.

4. Highland Lake Leadership Team.

No report.

5. Natural Resources Advisory Committee.

No report.

6. Public Easement Advisory Committee.

No report.

7. Public Dirt Road Sub-Committee.

No report.

XIII. Discussion Items.

Minutes are not taken for Discussion Items.

CD 21-051 Introduction of the Fuller Center to Council.

CD 21-027 Be The Influence Program Update.

CD 21-060 Proposed Ordinance Restricting Vehicle Weight on Posted Ways.

Attachments: Ordinance Restricting Vehicle Weight on Posted Ways.pdf
Statues Supporting Ordinance.pdf

CD 21-066 Sewer Ordinance Amendment.

To reflect overlay maps on the districts, distance to proposed & existing sewer cones, fee schedule review and other items.

CD 21-062 Succession Planning Discussion.

Attachments: Windham Succession Planning-1.pdf

XIV. Agendas & Scheduling.

XV. Executive Session.

21-061 To enter into executive session under 1 M.R.S.A. §405(6)(A), which provides for the "Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency," for the purpose of discussing a personnel matter.

Attachments: 21-061 Cover Sheet.pdf

A motion was made by Councilor Maxfield, second by Councilor Kalogerakis to enter into executive session. The motion carried by the following vote:

In Favor: 6

Absent: 1 (Douglass)

A motion was made by Councilor Kalogerakis, second by Councilor Jones to return from executive session. The motion carried by the following vote. There was nothing to report.

In Favor: 6

Absent: 1 (Douglass)

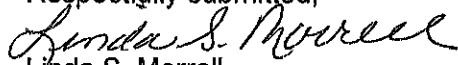
XVI. ADJOURN.

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

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

Absent: 1 - Councilor Douglass

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda S. Morrell".

Linda S. Morrell

Town Clerk, CCM