



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, December 10, 2019

6:30 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 7 - David Nadeau, Tim Nangle, Clayton Haskell, Rebecca Cummings, David Douglass, Nicholas Kalogerakis and Jarrod Maxfield

#### II. Pledge of Allegiance.

Council Chair Maxfield led the assembly in the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 19-290](#) To approve the Minutes of the November 26, 2019 Council meeting.

**Attachments:** [Minutes-Town Council-11-26-2019](#)

A motion was made by Councilor Douglass, second by Councilor Nadeau that the minutes be approved. The motion carried by the following vote.

In Favor: 7-0

#### IV. Public Participation.

*Gary McDonnell of Simeon Drive spoke about his tax acquired property bid. He owns land abutting to the 33 acres on Albion Road. He said he sent a letter to all the Councilors, and his concern is he put a bid in above the minimum bid and it was still denied. His offer was the highest offer. Mr. McDonnell said he planned to put a single family home on it, and he had heard the concern was a 20 lot subdivision. He hopes they reconsider his bid.*

#### V. Councilors' Comments.

*Councilor Nadeau said he was in contact with Senator King's Office regarding the Keddy Mill to see if they could shake the tree of the EPA. He received a response back saying they have been in contact with them, and they should be back to the town with a timeline of what is expected with that project.*

*Councilor Maxfield thanked Mr. McDonnell for coming in and said there might be some things they might be able to talk to the Manager about.*

#### VI. PUBLIC HEARINGS.

#### VII. CONSENT AGENDA.

**VIII. UNFINISHED BUSINESS & GENERAL ORDERS.**[19-221](#)

To authorize the over-expenditure of the Public Works total department appropriation amount in the fiscal 2019-2020 budget accounts for the Council-approved street light conversion project.

**Attachments:** [19-221 Cover Sheet](#)

[DHG memo to council Street Light Conversion](#)

[Street Light Project Expenditure Detail](#)

*Don Gerrish said the Council authorized them to go through with the process of buying these street lights from Central Maine Power, and converting them to LED lights. During the budget they did not include money in for the process; there was a thought that they would borrow the money. It is roughly a \$285,000 project, about \$60,000 of that is to purchase the street lights from CMP, the rest is to put LED lights up.*

*He said when the project is complete they anticipate to save about \$48,000 to \$50,000 per year in our costs for the street lights.*

*There are three ways they can fund this: 1) borrow the money, 2) take the money from our fund balance, 3) let us overspend our street light account (Don suggested this option) and the Finance Committee approved that recommendation. The project is going forward; it will take a couple of months to convert them.*

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

**In Favor: 7-0**

[19-225](#)

To refer proposed ordinance changes to Chapter 140, Land Use Ordinance, Sections 300, 400, 500 and to Chapter 199, Sections 199-14, related to the regulation of medical and adult-use marijuana, to the Planning Board for its review and recommendation.

**Attachments:** [19-225 Cover Sheet](#)

[Marijuana Section 500 Performance Standards KMC edit 120219](#)

[TC packet marijuana 11-15-2019](#)

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

**In Favor: 5**

**Opposed: 2 (Cummings & Haskell)**

[19-228](#)

To approve a contract agreement between the Town and Barry Tibbetts who will serve as Interim Town Manager.

**Attachments:** [19-228 Cover Sheet](#)

[Tibbetts Contract Agreement](#)

*Don Gerrish stated his last day will be December 18th. He said the Council is fortunate to have Barry Tibbetts former Manager of Kennebunk to fill in as Interim for the next*

*three months, maybe longer, and this agreement will allow this to happen.*

**A motion was made by Councilor Nangle, second by Councilor Douglass that the Order be approved. The motion carried by the following vote:**

**In Favor 7-0**

[19-227](#)

To appoint Barry Tibbetts as interim Town Manager and Treasurer and serve in such capacity on various boards and committees as required effective December 19, 2019.

**Attachments:** [19-227 Cover Sheet](#)

*Barry Tibbetts thank them for allowing him to serve the Council and the community. He is looking forward to getting right to it and seeing what he can help us with.*

**A motion was made by Councilor Nadeau, seconded by Councilor Douglass, that the Order be approved. The motion failed by the following vote:**

**In Favor: 7-0**

[19-229](#)

To approve an application submitted by Central Maine Power Company and Northern New England Telephone Operations LLC to locate one (1) utility pole and cables and wires there on Anderson Road, approximately 5800 feet +/- northeast from River Road at the corner of River road and Anderson Road.

**Attachments:** [19-229 Cover Sheet](#)  
[Pole Location-Anderson Rd](#)

**A motion was made by Councilor Douglass, seconded by Councilor Nadeau, that the Order be approved. The motion failed by the following vote:**

**In Favor: 7-0**

## **IX. Discussion Items.**

[CD 19-284](#)

Portland Water District to Provide an Update on Sewer and Water Improvements - Depot Street and South Windham Areas.

## **X. Council Correspondence.**

*No Council Correspondence.*

[CD 19-289](#)

Windham Public Library Newsletter.

**Attachments:** [Check It Out - December 2019](#)

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

*Don Gerrish let the Council know, by email, that he received the resignation of Dawn Dillon from the RSU #14 School Board. The Council needs to appoint a replacement to fill in until the November 2020 election. He proposes that the Council advertise for the opening and have people fill out an application for the position. This will be done*

*between now and the end of December. On January 7 they will plan to bring the applications forward, and then on January 14 appoint somebody.*

*Today Don met with representatives from the School, Town, the Human Services Committee to talk about the issue of homelessness in Windham and how we, as a community, can deal with that issue. He spoke about an issue they had this past fall when there were some homeless families living in trailers with kids in the school system, and this raised the issue that between the School and the Town we need to have sufficient plans to deal with these issues in the future.*

*This was Don's last official meeting as Interim Manager, and he wanted to make some recommendations to the Council with some things they might want to look at in the future.*

*1. Town Meeting - The number of how many people voted on the budget in the last eleven years, and the average was 43 people approving the budget in a community of 18,000 to 19,000. He does not think it is representative of what the community needs. In the Charter there is a provision that says if someone goes and gets a petition and collects 10% of the registered voters in the last Gubernatorial election, which about 1,200 to 1,300 signatures, it can be put out for a referendum. If it is voted to remove the Town Meeting, the authority that rest with the Town Meeting now comes to the Town Council.*

*2. He also thinks they need to take a look at the Charter; 2012 was officially the last time it was updated. At that time it was due mainly to the consolidation of the schools, with a few other changes. That could mean a Charter Review Commission, but there are some things you can do without needing a Charter Commission, but this does need to be looked at. He suggested two areas that need to be looked at; the first is the Town Clerk is elected every two years and the Assessor is appointed by the Council. He said he was not here to criticize these people for the work they do, but an organization this big, he thinks the process should be the Council, the Manager and the employees under should be appointed by the Manger, he thinks it works better. He said he did let the Clerk and Assessor know he was going to make this recommendation.*

*Charter - if you don't vote to do away with the town meeting, a couple of changes need to be made. Currently you can't borrow over \$25,000, without a vote of the town, and the amount of money is too low. If you want to have a limit that is fine, but it ought to be a higher number to give the flexibility to do things on a basis that works. If you leave town meeting as it is, you need to raise the thresh hold. The Charter needs to be revised and brought up to the 21st century.*

*3. The next full time manager needs to have an assistant*

*4. Look at the number of direct reports to the Manager, today there are 14 departments or people that report directly to the Manager. It is doable, but many communities have split up, combined some departments, or have fewer direct reports. This is suggested because of the span of control and the time you have to do the work, it takes a lot of time.*

*5. The agenda process and documentation needs to be looked at. There are better systems out there, it takes a lot of time to do.*

*6. Need to continue to look at your Council rules.*

*Don thanked the Council for the opportunity to be here for the last year, and he thanked the citizens of Windham, they have allowed him to be part of the community.*

*Councilor Nangle said it has been a challenging year, and we could not have gotten things done without him. He said he appreciates the guidance and leadership he gave.*

## **XII. Committee Reports.**

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

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

*Councilor Kalogerakis said they met last week and interviewed three people. They will nominate Charles Hawkins for the Planning Board and the WEDC. Tyler Dunley was also nominated for the Planning Board and Aaron Pipper was nominated for the Summerfest Committee. There is no term with this committee and Councilor Nangle recommends they take a look at that.*

*Councilor Nangle said they met tonight, and they will nominate Liza Libby and Shawn Plante, both for a 3-year term ending August 15, 2022 to the Parks & Rec Advisory Committee.*

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

*Councilor Maxfield said they will meet on Tuesday.*

### **B. Other Committees.**

#### **1. Long Range Planning Committee.**

*Councilor Nangle said they met last Wednesday, and they are looking at Growth Management.*

#### **2. Parks & Recreation Advisory Committee.**

*No report.*

#### **3. Windham Economic Development Corporation**

*No report.*

#### **4. Highland Lake Leadership Team.**

*Councilor Cummings said the next meeting is in January.*

#### **5. Private Roads ad hoc Committee.**

*No report.*

#### **6. Natural Resources Advisory Committee.**

*Councilor Douglass said they had a presentation at the last meeting and have not met since.*

7. Public Easement Advisory Committee.

*Councilor Nadeau said they will not meet again until next spring.*

**XIII. Executive Session.**

[19-214](#)

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," to discuss personnel matters.

**Attachments:** [19-214 Cover Sheet](#)

**A motion was made by Councilor Nangle, second by Councilor Douglass to move into executive session. The motion carried by the following vote at 7:23 p.m.**

**In favor: 7-0**

**A motion was made by Councilor Nangle, second by Councilor Douglass to return from executive session. The motion carried by the following vote at 7:51 p.m.**

**In favor: 7-0**

**XIV. Agendas & Scheduling.**

*Councilor Haskell would like to see the Veteran's Memorial on the agenda so they can start putting things together.*

*Councilor Cummings would like to have the protection of all the water bodies in all of Windham.*

**XV. ADJOURN.**

**A motion was made by Vice Chair Nangle, seconded by Councilor Douglass, that they be adjourned. The motion carried by the following vote at 7:52 p.m.**

**In Favor: 7-0**

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM