



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, January 28, 2020

6:30 PM

Council Chambers

Council Meeting

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 Pledge of Allegiance.

III. Minutes to be Approved:

[CD 20-039](#) To approve the Minutes of the January 14, 2020 Council meeting.

Attachments: [Minutes-Town Council-01-14-2020](#)

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

IV. Public Participation.

None.

V. Councilors' Comments.

Councilor Cummings followed up on the email that she and Barry Tibbetts received that had to do about a potential guardrail to be put in on Varney Mill Rd.

She also received another email with concerns about low tree limbs on Falmouth Road, and they hoped something could be done to take care of that.

In August she received a certificate for attending a Recreational Marijuana Conference Workshop. She was really impressed with it, and was really impressed with Kristin Collins. When Kristin came in and helped the Council with each point, she pretty much covered a MMA conference. The one new thing she learned was a warning. It is still illegal, at the Federal level right now, and is a Schedule 1 drug according to the DEA.

Councilor Douglass thanked Councilor Cummings for sticking to her guns on this and continuing to voice her opinion, even though he does not agree with her.

Councilor Nangle said they were notified in the MMA bulletin that there are more attempts

to water down the recreation Marijuana law. One is to change the distance from a school, and he has asked the Manager to contact the town attorney. He is in favor of the town having their very own set of strict standards, and wants to take every precaution there is to protect our kids.

VI. PUBLIC HEARINGS.

[20-028](#)

To receive public comment and act on proposed amendments to Town of Windham Land Use Ordinance, Chapter 140, Sections 1200 and Appendix A, related to Open Space Impact Fees.

Attachments: [20-028 Cover Sheet](#)

[TC packet PB recommend Open Space Impact Fee 11-27-19](#)

Public Hearing Participants:

Priscilla Payne on Quartz Circle serves on the board of the Presumpscot Regional Land Trust, which serves six communities in the area. She strongly supports the open space impact fees, and noted she was only speaking for herself. This could have a real impact on our community in the area of conservation for wildlife habitat, recreation and supporting educational opportunities in our schools.

Closed Public Hearing.

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 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

VII. CONSENT AGENDA.

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

[20-009](#)

To make an appointment to the RSU#14 School Board.

Attachments: [20-009 Cover Sheet](#)

[RSU 14 Board Application 1](#)

[RSU 14 Board Application 2](#)

[School Board - State Legislature Requirements](#)

[School Board Resignation Notification](#)

[Title 20-A Section 1474 Vacancies](#)

Council Chair Maxfield opened the Order for Councilor's comments on the two applicants. Councilor Nangle, Nadeau, Maxfield, and Douglass spoke before the vote. They thanked the applicants for stepping up, and they felt that they were both qualified for the position and unfortunately there was only one vacancy and they had to make a choice. They talked about the many other committees in town that they could join and Councilor Nadeau said he hoped they both run in November.

Votes for Brandi Caceres:

In Favor 2-5

Votes for Christina Small
5-2

Town Clerk Linda Morrell swore Christina into the position.

[20-014](#)

To endorse an application for Community Development Block Grant (CDBG) funds for the Group Home project as proposed by Port Resources.

Attachments: [20-014 Cover Sheet](#)
[Port Resources CDBG 2019 pre-applicaition](#)
[Port Resources Windham Presentation](#)

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 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

[20-015](#)

To endorse an application for Community Development Block Grant (CDBG) funds for a proposed Anglers Road Streetscape project.

Attachments: [20-015 Cover Sheet](#)
[2020 Anglers Road CDBG Application](#)

Councilor Nadeau said he hopes we get the grant.

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: 6 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

Opposed: 1 - Councilor Cummings

[20-020](#)

To approve a mutual aid agreement for police resources and services to aid with public safety emergencies, pursuant to 30-A M.R.S.A. §2674, with municipalities in Cumberland County, and to authorize the town manager to sign the agreement on behalf of the town.

Attachments: [20-020 Cover Sheet](#)
[Agreement Between Municipalities JBGH Comments 12-12-19 RL](#)
[Agreement Between Municipalities JBGH Comments 12-12-19 CLEAN](#)

Interim Manager Barry Tibbetts said there are thirteen communities who are all involved in this agreement and all have looked at it, and this allows them to share resources and everyone is treated the same. The Manager said it is a good document and it is good for us.

Councilor Nangle asked if one of our Officers was called to another community and got hurt, does it go on our Workman's Comp or on the other community?

Chief Kevin Schofield said Section 6 covers this, and the Town of Windham has the responsibility to cover the Workman's Comp.

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: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

[20-021](#)

To adopt an amendment to the town's fund balance policy.

Attachments: [20-021 Cover Sheet](#)

[Fund Balance Policy AMENDMENT 01282020](#)

Barry Tibbetts said this is really a house keeping correction. He explained by using the term unrestricted fund balance makes more sense because it covers assigned and unassigned balances, and it gives the Council better management of the funds and how they are allocated. You can always change your mind moving one thing back and forth, but in the long term if you go over that 16.67%, it is going to make it look more restrictive for us.

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 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

[20-023](#)

To appoint Michele van Summern to the Natural Resources Advisory Committee, for a three-year term to end August 15, 2023.

Attachments: [20-023 Cover Sheet](#)

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 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

[20-024](#)

To approve the write off of 2016 uncollected personal property taxes for account N1245P.

Attachments: [20-024 Cover Sheet](#)

[Property Tax Forgiveness Request](#)

Barry Tibbetts explained that the 2016 taxes should have come back to the Council to be taken off the books because it was not correct. The value is \$31.40.

Councilor Cummings recused herself from the vote as they have same lawyer

Council vote on the abstention:

All in Favor.

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: 6 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

Abstain: 1 - Councilor Cummings

[20-025](#) To appoint a delegate to the Greater Portland Council of Governments General Assembly.

Attachments: [20-025 Cover Sheet](#)

A motion was made by Councilor Douglass, second by Councilor Kalogerakis, that they appoint Councilor Nadeau, Councilor Kalogerakis as delegates and Barry Tibbets as the alternate. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

[20-026](#) To appoint Maggie Terry to a two-year term on the Windham Economic Development Corporation, to expire February 15, 2022.

Attachments: [20-026 Cover Sheet](#)

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: 6 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

Opposed: 1 - Councilor Cummings

[20-029](#) To appoint a Council representative to the Parks and Recreation Advisory Committee.

Attachments: [20-029 Cover Sheet](#)

[Parks and Recreation Advisory Committee](#)

A nomination was made by Councilor Maxfield to appoint Councilor Nangle. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

[20-030](#) To appoint a Council representative to the Highland Lake Leadership Team.

Attachments: [20-030 Cover Sheet](#)

[Highland Lake Leadership Team](#)

Councilor Nadeau nominated Jarrod Maxfield for the appointment to the Highland Lake Leadership Team. the motion passed by the following vote.

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

IX. Council Correspondence.

Councilor Nadeau asked the Manager to get him some information having to do with the Social Services's report. He asked why Windham has twice as many applicants as Gorham, and Gorham always has twice the eligibility than we do. What is the disparity?

[CD 20-032](#) Windham Public Library Monthly Report - December 2019

Attachments: [December 2019](#)

[CD 20-033](#) Social Services Monthly Report - November 2019

Attachments: [Social Services Monthly Report - November 2019](#)

[CD 20-035](#) Social Services Monthly Report - December 2019

Attachments: [Social Services Monthly Report - December 2019](#)

[CD 20-034](#) Fire-Rescue Monthly Report - December 2019

Attachments: [December 2019 Monthly Report](#)

[CD 20-036](#) Parks and Recreation Monthly Report - December 2019

Attachments: [Monthlyreportsdecember2019](#)

[CD 20-037](#) Police Department Monthly Report.

Attachments: [Police Monthly Report - December 2019](#)

[CD 20-040](#) Census 2020 Informational Flyers.

Attachments: [Census 101 - What You Need to Know](#)
[D_447 Apply Online Today Generic](#)
[Design for 2020 Census](#)
[Fact Sheet for Group Housing](#)
[Fact Sheet for Homeless Audiences](#)
[Fact Sheet for Multigenerational Households](#)
[Fact Sheet for Older Audiences](#)
[Fact Sheet for Property Managers](#)
[Fact Sheet for Renters Option1](#)
[2020-confidentiality-factsheet](#)
[2020-hiring-background-checks](#)
[2020-informational-questionnaire](#)
[Census 101 - What You Need to Know](#)
[D_447 Apply Online Today Generic](#)
[Design for 2020 Census](#)

X. Town Manager's Report.

Interim Manager Barry Tibbetts said they will have an update on all the fees for municipal services by the workshop on February 4th.

In regard to space utilization for staff in the different buildings; he has been working on some different solutions. He asked the Council if they wanted to take a walk through the buildings to they can have a look. They will then do up some different alternatives for them to look at and review. He thinks they can come up with some creative solutions.

He said that the County is going from a calendar year budget to a fiscal year budget, and this will show up in our budget. It means there is a six month charge for the town to absorb. It can be spread out over five years, and he has presented that to the Finance Committee.

The Council mentioned that they wanted to see different numbers for solutions for wastewater. They do have some different solutions and Tom Bartell is working on that and will hopefully have it back to the Council in four to five weeks.

The marijuana changes will be all mapped out and discussed next Tuesday.

XI. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Kalogerakis said they met and will nominate Michael Hall to the Health and Human Services Committee and Carolyn Allen for the Summerfest Committee.

2. Finance Committee.

Councilor Nadeau said they met recently, and the staff is putting their budgets together.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said he missed the meeting but Amanda took all the notes and is making some changes.

2. Parks & Recreation Advisory Committee.

Councilor Cummings said she will forward the latest email.

3. Windham Economic Development Corporation

Tom Bartell gave a report on their meeting last week. They are filling their vacancies and may have another transition on the Board side.

They discussed the marketing that WEDC does on behalf of the town. Looking at getting more involved in the North Windham's Commercial District with business &

property owners. Also to have a presence up in No. Windham where people can meet with them as projects move forward.

4. Highland Lake Leadership Team.

Councilor Cummings said the next meeting is Wednesday, February 26th from 3:00 to 5:00 p.m.

Councilor Nadeau noted that Rosie Hartzler stepped down as President and Dennis Brown took over.

5. Private Roads ad hoc Committee.

Councilor Nangle said they have not met since October.

6. Natural Resources Advisory Committee.

Amanda Lessard said there were staff members from the Cumberland County Soil & Water Conservation District and DEP to talk about potential projects that are identified as high priority areas and Pleasant River Watershed Measurement Plan. They identified three or four good projects and the district will be working on those grant projects. The next committee meeting will be to evaluate the Watershed Protection Application Grants to make a recommendation to the Council

7. Public Easement Advisory Committee.

Councilor Nadeau said they will meet in the spring.

XII. Discussion Items.

[CD 20-042](#) Review and/or Modifications to Council Rules.

Attachments: [Council Rules Amended 2019 0625](#)
[Council Rules Suggested Amendments](#)

The Council and the Manager went through the rules page by page. The Council had the chance to review the document beforehand and suggest changes and suggestions to be reviewed at this workshop. There were some things that the Manager said would need to be run by the attorney.

XIII. Agendas & Scheduling.

XIII. Agendas & Scheduling.

XIV. Executive Session.

[20-036](#) 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: [20-036 Cover Sheet](#)

A motion was made by Councilor Douglass, second by Councilor Kalogerakis to enter into executive session. The motion carried by the following vote at 8:50 p.m.

In Favor: 7

A motion was made by Councilor Douglass, second by Councilor Nangle to return from executive session. The motion carried by the following vote:

In Favor: 7

XV. ADJOURN.

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

In Favor: 7 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Cummings, Councilor Douglass, Councilor Kalogerakis and Council Chair Maxfield

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM