



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, March 24, 2020

6:30 PM

Council Chambers

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**This evening's meeting will be conducted by tele-conference but will still be broadcast on Cable TV-7 (Channel 1303) and Facebook. There will be no public comment, however, the public may email the Council at [TownCouncil@windhammaine.us](mailto:TownCouncil@windhammaine.us).**

#### I. Roll Call of Members.

**Present:** 5 - David Nadeau, Tim Nangle, Clayton Haskell, David Douglass and Jarrod Maxfield

**Absent:** 1 - Nicholas Kalogerakis

#### II. Pledge of Allegiance.

**Council Chair Maxfield led the Pledge of Allegiance.**

#### III. Council Appointments.

[20-081](#) To appoint James Cobb to the Zoning Board of Appeals for a three-year term to end February 15, 2023.

**Attachments:** [20-081 Cover Sheet](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

[20-082](#) To appoint Robert Rosborough to a three-year term on the Library Board of Trustees, to expire February 15, 2023.

**Attachments:** [20-082 Cover Sheet](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

#### IV. Minutes to be Approved:

[CD 20-079](#) To approve the Minutes of the February 25, 2020 Council meeting.

**Attachments:** [Minutes-Town Council-2-25-2020](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

[CD 20-081](#) To approve the Minutes of the March 3, 2020 Council meeting.

**Attachments:** [Minutes-Town Council-spec.3-3-2020](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

[CD 20-088](#) To approve the Minutes of the March 10, 2020 Council meeting.

**Attachments:** [Minutes-Town Council-3-10-2020](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

## **V. Public Participation.**

*None.*

## **VI. Councilors' Comments.**

*None.*

## **VII. PUBLIC HEARINGS.**

[20-047](#) To receive public comment and act on a proposed Marijuana Business Licensing Ordinance, Chapter 160 of the Code of the Town of Windham.

**Attachments:** [20-047 Cover Sheet](#)[Marijuana Licensing Ordinance 021220](#)[Draft -Marijuana-Licensing-Ordinance revised 030620](#)[Marijuana Business License Application rev 030620](#)[Windham marijuana licensing ordinance 031020](#)[Marijuana Licensing Ordinance 031820](#)[Marijuana Licensing Ordinance 031820 \(clean\)](#)

*Councilor Nangle asked if the April 14th date was far enough out? After discussion it was agreed to push it farther back.*

*Councilor Nangle moved to postpone this until May 12, 2020, second by Councilor Douglass.*

*Vote on amendment:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

*Vote on Order as amended:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

**20-048**

To receive public comment and act on proposed amendments 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.

**Attachments:** [20-048 Cover Sheet](#)[TC packet PB recommend Marijuana 02-13-20 A](#)[Marijuana Section 500 Performance Standards KMC edit 030620](#)[School ChildCare Corr Buffer3](#)[Current Medical Marijuana Facilities and Setbacks](#)[Marijuana Section 500 Performance Standards KMC edit 031820](#)

*Councilor Nangle moved to postpone Order 20-048 to May 12, 2020, second by Councilor Douglass.*

*Vote on amendment:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

*Vote on Order as amended:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

## VIII. CONSENT AGENDA.

## IX. UNFINISHED BUSINESS & GENERAL ORDERS.

### [20-087](#)

To adopt an ordinance extending the existing moratorium on marijuana cultivation facilities ending on April 3, 2020 to May 12, 2020.

**Attachments:** [20-087 Cover Sheet](#)

[Moratorium Ordinance Regarding Marijuana Cultivation Facilities](#)

*Councilor Nangle made a motion to amend Order 20-087 to adopt an Ordinance extending the existing moratorium on Marijuana Cultivation Facilities ending May 12, 2020 to June 23, 2020, second by Councilor Douglass.*

*Vote on amendment:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

*Vote on Order as amended:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

**A motion was made by Vice Chair Nangle, seconded by Councilor Douglass, that the Order be approved as amended. The motion failed by the following vote:**

**Absent:** 1 - Councilor Kalogerakis

### [20-084](#)

To approve a new Victualer's permit application submitted by Patrick Mulligan, Windham Pie LLC, d/b/a Portland Pie Co., at 791 Roosevelt Trail.

**Attachments:** [20-084 Cover Sheet](#)

[Windham Pie](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

### [20-086](#)

To approve an application submitted by Erik's Church located at 824 Roosevelt Trail for a renewal Special Amusement permit.

**Attachments:** [20-086 Cover Sheet](#)

[Erik's Church-Special Amusement](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

### 20-083

To appoint Council representatives to the Building Committee.

**Attachments:** [20-083 Cover Sheet](#)

[Building Committee - Town Hall and Public Safety Renovation and Construction Selection Committee](#)

*Manager Barry Tibbetts said a couple weeks ago they presented the potential for doing some renovations here at Town Hall and the Police & Fire Stations. Since that time they have had seven different construction companies interested in doing the project. He anticipates that they will get two or three bids by the end of this week for review, and they will decide how they want to proceed forward.*

*He said this will enable us to review these different companies and what they are proposing for a time-line for completions, and to see if the costs numbers coming in are within what we projected for the renovations for these two different buildings.*

*Appointed to the Building Committee are Councilor Douglass, Councilor Nadeau and Councilor Haskell.*

*Vote:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

### 20-088

To approve an agreement between the Town of Windham and the Maine Department of Transportation (MDOT) to issue a construction overlimit permit to the contractor providing crack sealing services on Route 115.

**Attachments:** [20-088 Cover Sheet](#)

[MDOT Overlimit Permit Request](#)

**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:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

[20-089](#) To allow taxes due April 1, 2020 for tax year 2019-2020 to be received up to June 1, 2020 with no interest payments.

**Attachments:** [20-089 Cover Sheet](#)

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

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

## **X. Council Correspondence.**

[CD 20-080](#) Social Services Monthly Report - February 2020

**Attachments:** [Social Services Monthly Report - February 2020.docx](#)

[CD 20-082](#) Fire-Rescue Department Monthly Report - February 2020

**Attachments:** [February 2020 Monthly Report](#)

[CD 20-083](#) Town Clerk's Report for February 2020.

**Attachments:** [Town Clerk's February 2020 report](#)

[CD 20-087](#) Parks and Recreation Department Monthly Report - February 2020

**Attachments:** [Monthlyreportsfebruary2020](#)

[CD 20-089](#)

Report of Assessing & GIS Department February 2020

**Attachments:** [Assessing & GIS Department February 2020](#)

[CD 20-091](#) Windham Public Library Monthly Report - February 2020

**Attachments:** [February 2020](#)

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

*Barry Tibbetts said he would like to thank the people for their patience due to the Town limiting the hours. Town Hall will be closed to the public until April 26th. Barry said that we have a new drop box that will be installed this week for people to drop off their tax payments.*

*Councilor Nangle made a motion to suspend Council Rules to add an item, second by Councilor Douglass.*

*Vote:*

*In Favor: 5*

*Absent: 1- Councilor Kalogerakis*

*The Manager read what the added agenda item would be: To allow taxes due on April 1, 2020 for tax year 2019-2020 to be received up to June 1, 2020 with no interest payments.*

## **XII. Committee Reports.**

1. Finance Committee.

## **XIII. Discussion Items.**

### [CD 20-090](#)

To discuss committing TIF funds of \$100,000 for a revolving loan program, to be utilized with matching funds for our businesses in light of COVID-19.

The full details of the program would be presented tentatively at the meeting of April 14, 2020.

*Barry Tibbetts gave a brief update on this.*

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

## **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 7:10 p.m.**

**In Favor:** 5 - Councilor Nadeau, Vice Chair Nangle, Councilor Haskell, Councilor Douglass and Council Chair Maxfield

**Absent:** 1 - Councilor Kalogerakis

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM