



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, May 12, 2020

6:30 PM

Council Chambers

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To join the meeting remotely, use this link: <https://zoom.us/j/82946916012>. You may also call 1-646-558-8656 and enter meeting ID: 829 4691 6012. Participant ID 497912

#### I. Roll Call of Members.

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

#### II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 20-119](#) To approve the Minutes from the April 28, 2020 Council meeting.

**Attachments:** [Minutes-Town Council-4-282020](#)

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

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

#### IV. Public Participation.

*No Public Participation*

#### V. Discussion with State Officials - COVID-19 Impacts to Municipality, State Revenue Funding & Business Impacts.

[CD 20-122](#) Discussion Points.

**Attachments:** [Discussion points for State Reps 5.12.20](#)

*Manager Barry Tibbetts thanked Senator Bill Diamond and Representatives Mark Bryant and Patrick Corey for coming in to speak to tonight. He expressed the concerns he and the Council had due to COVID-19. He explained how they have made changes within the budget and have been able to keep the budget flat, and he asked if there was any news of revenue sharing?*

*Bill, Mark and Patrick took turns answering questions and passed along information that*

*they had at this point in time. Some things they spoke about were revenue sharing, federal money, DOT budget shortfalls due to the gas tax drop. Senator Diamond said the three of them wanted to know what the message was that the town wanted them to carry back to Augusta?*

*All the Councilors expressed their concerns.*

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

*Councilor Douglass said don't be afraid to reach out, don't be afraid to speak your voice and he would encourage all residents, and people who work for the town to reach out to their Councilors or Representatives to ask questions and take part.*

## **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.  
**(10-15 minutes)**

**Attachments:** [20-047 Cover Sheet](#)

[Marijuana Business License Application rev 051820](#)

[Marijuana Licensing Ordinance 051820](#)

[BTI Proposed Ideas on Retail Vendors and Potential Prevention Funding](#)

[Marijuana Licensing Ordinance 031820](#)

[Marijuana Licensing Ordinance 031820 \(clean\)](#)

[Windham marijuana licensing ordinance 031020](#)

[Draft -Marijuana-Licensing-Ordinance revised 030620](#)

[Marijuana Business License Application rev 030620](#)

[Marijuana Licensing Ordinance 021220](#)

*Maggie Terry of Freeman Court asked the Council to look at not postponing the vote. She reminded them that the law came on in 2016, it has been dragged on and, and they will have to keep rehashing some of the old issues.*

*Council discussed their options. Barry said they could do it using Zoom and hold a public hearing. If you want the people to come to a room and see them face to face, you would have to wait until June (because of the Governor's decree) and hold it on the 9th or the 23rd. It would have to be held in the gym the high school to accommodate social distancing.*

*Council Maxfield said, in terms of yesterdays decision by the State of Maine regarding a lawsuit to remove the residency restrictions, it opens up the State of Maine, including Windham, to out of state companies coming in and applying for these licenses. He would like to see a public hearing via Zoom in two weeks or a live hearing in the Auditorium in June, but not wait 60 days. The Council has worked through all the hard details and the longer we wait the more opportunities there would be for out of state entities to come in.*

*Manager Tibbetts said he has already been in contact with Attorney Kristin Collins for the one change in the ordinance because the residency requirements has changed, and she*

*will update that. This can be dealt with in the public hearing and the Planning Board has already approved 20-048. He said they will also need to extend the Moratorium to May 26 so you can deal with all of that at once. Councilor Maxfield took a straw poll and 6 Councilors were in favor of taking this up in two weeks.*

**Councilor Maxfield offered an amendment to Order 20-047 to postpone the receipt of public comment and action on a proposed Marijuana Business Licensing Ordinance, Chapter 160 of the Code of the Town of Windham to May 26, 2020.**

**Moved by Councilor Nangle, second by Councilor Douglass.**

**Maggie Terry thanked them for the consideration to move this along.**

**Vote on amendment:**

**In Favor: 6**

**Opposed: 1 (Haskell)**

**Councilor Jones moved Order 20-047, second by Councilor Douglass to put back on the table.**

**Vote on Order 20-047 as amended:**

**In Favor: 6**

**Opposed: 1 (Haskell)**

#### [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. **(10-15 minutes)**

**Attachments:** [20-048 Cover Sheet](#)

[TC packet PB recommend Marijuana 05-19-20](#)

[Marijuana Section 500 Performance Standards KMC edit 031820](#)

[Marijuana Section 500 Performance Standards KMC edit 030620](#)

[TC packet PB recommend Marijuana 02-13-20 A](#)

[School ChildCare Corr Buffer3](#)

[Current Medical Marijuana Facilities and Setbacks](#)

**Councilor Nangle offered an amendment to Order 20-048 to postpone receipt of public comment and action 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 to May 26, 2020.**

**Moved by Councilor Kalogerakis, second by Councilor Douglass.**

**Vote on amendment:**

**In Favor: 6**

**Opposed: 1 (Haskell)**

**Councilor Nangle moved and second by Councilor Douglass to put back on the table.**

**Vote on Order 20-048 as amended:**

**In Favor: 6**

**Opposed: 1 (Haskell)**

**Councilor Maxfield moved to suspend Council Rules to add an agenda item to adopt an ordinance extending the existing moratorium on Marijuana Cultivation Facilities ending May 12, 2020 to May 26, 2020.**

**Councilor Douglass moved, second by Councilor Nangle.**

**Vote on suspending Council Rules:**

**In Favor: 6**

**Opposed: 1 (Haskell)**

[20-109](#)

To adopt an ordinance extending the existing moratorium on marijuana cultivation facilities ending on May 12, 2020 to May 26, 2020.

**Attachments:** [20-109 Cover Sheet](#)

[Moratorium Ordinance Regarding Marijuana Cultivation Facilities](#)

**A motion was made by Councilor Jones, second by Councilor Douglass (Order number to be determined) to adopt an ordinance extending the existing Moratorium on Marijuana Cultivation Facilities ending on May 12, 2020 to May 26, 2020. The motion carried by the following vote:**

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

**Opposed:** 1 - Councilor Haskell

[20-099](#)

To receive comment and approve a municipal services budget for fiscal year 2020-2021.

**Attachments:** [20-099 Cover Sheet](#)

[Budget 2020 Presentation](#)

[Finance Committee Budget FY21](#)

[CAPITAL FY 21 4-28-20](#)

*Manager Tibbetts said they started the process in January, when Covid-19 was not around. He has made changes to this budget to keep it flat, they have also lowered the projections on our revenues due to the uncertainty of what may happen with the State of Maine. From a revenues perspective, we are down around \$124,000, the County budget is up around \$383,000, the Town's budget is down around \$59,000, the School's Budget is still to be determined, but when they calculate out the mill rate impact, for you, as a tax payer, under the Municipal budget side, your portion would be a zero increase, the County's increase around .17 cents, and the RSU budget, when it is finally approved, will be calculated and made known.*

*Additionally, what we talked about at our last meeting, prior to the budget presentation, was that we would add a revised bonding option. When we set out back in January we had a number of different projects lined up for the town, and had done a number of studies, i.e. space utilization, road analysis and road improvements. They have curbed all of that back so they will only look at doing two different paving projects, two different truck projects, one traffic improvement project and one potential building project. They*

would all go as a separate article from the budget for bonding. The Manager said that bonding payment would be absorbed in the future within the existing capital budget so there is no impact to the budget in the subsequent year.

The project details are: improvement on the Route 35 sidewalk, move the purchase of an ambulance forward, do the base coat paving for the last section of Brand Road, a dump truck purchase, smart lights, and improvements to the Police and Fire Station. He then went on to talk about the Police/Fire station.

The capital paving projects were pushed back, dirt road rebuilding program was pushed back for a year, they kept a number of Parks & Recreation improvements because those were from impact fees, and a lot of the various capital funding projects were pushed to the following year.

Councilors who spoke to the Manager's comments were Councilors Nadeau, Nangle, Douglass, Kalogerakis, Haskell.

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

## VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

### [20-100](#)

To approve the warrant for the 2021 annual town meeting.

**Attachments:** [20-100 Cover Sheet](#)  
[FY2021 Warrant](#)

Manager Tibbetts said the Town Meeting will be in the High School Auditorium on Saturday, June 13, 2020, and the meeting will be start at 10:00 a.m.

We will be able to accommodate over 50 people with there being three connecting rooms in there, and everyone will be able to hear and see what is being said.

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

### [20-104](#)

To decommission the Private Roads ad hoc 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:** [20-104 Cover Sheet](#)

Councilor Nangle said he was the one who made the suggestion to do this. They haven't met in almost a year, and he believes they have turned over all of the recommendations that they are going to do. Action was postponed because they decided to implement some of these changes as part of a Growth Plan, and they made some progress on that last week. Once the Growth Plan gets to them, they can marry the recommendations of the Private Roads Committee to the Growth Plan to see what works.

Councilor Jones was the Chair of the Committee, and he thanked his fellow committee

members. They met many times and discussed a lot of options. They have put a good package together, and he agrees with Councilor Nangle, he does not feel there is any use for the committee at this point. He would like to see some kind of over-sight or a subcommittee that could be established to continue to look at the roads.

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

#### 20-105

To approve an application submitted by Central Maine Power to locate one (1) utility pole and cables and wires there on Roosevelt Trail, approximate 200 feet +/- West of the Corner of Enterprise Drive and Roosevelt Trail.

**Attachments:** [20-105 Cover Sheet](#)  
[Roosevelt Tr Pole Loc.-CMP](#)

**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 Douglass, Councilor Kalogerakis, Council Chair Maxfield and Councilor Jones

#### 20-106

To approve an application submitted by Rustler's Steakhouse located at 754 Roosevelt Trail for a renewal Special Amusement permit.

**Attachments:** [20-106 Cover Sheet](#)  
[Rustlers Steakhouse-Sp.Amusement](#)

**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 Douglass, Councilor Kalogerakis, Council Chair Maxfield and Councilor Jones

#### 20-107

To set the Council's meeting schedule for June, July and August.

**Attachments:** [20-107 Cover Sheet](#)  
[Memo to Council - Council Summer Meeting Schedule](#)

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

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

*Manager Tibbetts said the town has made a number of changes for the "soft opening" on Monday, May 18th. Residents will be allowed to come in to do their business transactions i.e. register to vote, register their car, or go to Code, Planning, or Assessing. Our hours will be from 9:00 to 3:00 due to the additional processing of the paperwork. We will do that for two weeks and will re-evaluate in June. The Library will be available for drop-off on the 18th and curbside pick-up, and then on May 26-May 29 they will be open from noon to 4:00 p.m., with the mornings being for curbside and drop-off.*

*He said we will be following the Governor's guidelines, and we will be spacing 6 feet apart, we have plastic shields in place, hand sanitizer, we are asking residents to wear masks, and we will have some available. We can do one-on-one appointments if necessary, and there will be a limit to the number of people allowed in the building at any one time. That number is 15 people within the Town Hall and 10 within the Library. Staff will be taking their temperatures each day.*

*He reminded people, again, that the annual Town Meeting will be on Saturday, June 13th at 10:00 a.m.*

*The Manager explained how we were concerned about the April tax payment due to the Covid-19 and the ability for the residents to be able to make that payment, and so they postponed the payment and any interest that would be born by that postponement to June 1.*

*The tax lien process is governed by a series of different dates that occur, and as the Tax Collector, he needs to follow a certain set of dates, and if he does not follow those dates it becomes very problematic from the perspective of collection. Normally the town sends out a reminder letter that the taxes are due, and there is no interest charged on that April payment up through June 1 this year. Those people who had not made their April payment were the ones who received this reminder letter.*

*Barry asked the Council if they wanted Staff to continue with their monthly reports or to maybe start submitting them quarterly? The consensus of the Council was to have Staff submit them quarterly. Councilor Nangle said he would rather not see a lot of statistics, and if they report quarterly he would like a little more in depth about what the department is doing, maybe recognizing an employee in your office.*

*Councilor Maxfield said he would like to see us recognize employees and staff more often, perhaps as employee of the month or when somebody has worked extra hard and got their certification.*

[CD 20-120](#)      Municipal Facilities "Soft Opening"

**Attachments:**    [Memo to Council - ReOpening Municipal Facilities](#)

[CD 20-121](#)      Annual Town Meeting.

**Attachments:**    [Memo to Council - Annual Town Meeting](#)

## **X. Council Correspondence.**

[CD 20-117](#)      Windham Public Library Newsletter

**Attachments:**    [Check It Out - April 29 2020](#)  
                          [Check It Out - May 6 2020](#)

[CD 20-125](#)      Gray - Route 26 Road Work - Expected Traffic Delay.

**Attachments:**    [MDOT timeline for project02282020](#)  
                          [MDOT02282020](#)

**XI. Committee Reports.**

A motion was made by Councilor Nangle, second by Councilor Kalogerakis that they adjourn. the motion carried by the following vote at 9:57.

In Favor: 7

**A. Council Subcommittees.**

1. Appointments Committee.

*No report.*

2. Finance Committee.

*Councilor Nadeau noted the Committee just presented their budget, and he thanked them for accepting the budget.*

**B. Other Committees.**

1. Long Range Planning Committee.

*Councilor Nadeau said they met and took their guidance to the Council and are now moving forward.*

2. Parks & Recreation Advisory Committee.

*Councilor Nangle said they cancelled the May meeting, and they will not meet until June.*

3. Windham Economic Development Corporation

*Councilor Maxfield said they will meet tomorrow, May 13 at 8:00 a.m.*

4. Highland Lake Leadership Team.

*Councilor Maxfield said they are planning their next meeting.*

5. Natural Resources Advisory Committee.

*Councilor Douglass said there was a meeting last night, but he was not able to attend.*

6. Public Easement Advisory Committee.

*Councilor Nadeau said they are trying to decide when they are going to tour the roads and stay 6 feet apart.*

**XII. Discussion Items.**

[CD 20-123](#)

Draft Memorandum of Understanding (MOU) concerning a North Windham Sewer District with Portland Water District (PWD).



The opportunity for a wastewater treatment system in a defined North Windham district area is possible. The attached map outlines the proposed service area with a possible phased in approach. The MOU agreement allows the Town and Portland Water District to explore a solution for design/implementation/funding and timing. The anticipated project would be five years to completion.

**Attachments:** [North Windham Wastewater](#)  
[Draft Windham MOU revised 5.4](#)  
[North Windham Wastewater 3](#)

[CD 20-124](#) Pay-As-You-Throw (PAYT) Program Expenditures and Funding.

Please refer to the attached summary.

**Attachments:** [Memo to Council - Solid Waste Recycling and Collection](#)

### **XIII. Agendas & Scheduling.**

### **XIV. ADJOURN.**

A motion was made by Councilor Nangle, second by Councilor Kalogerakis that they be adjourned. The motion carried by the following vote at 9:57 p.m.

In Favor: 7

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM