



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, November 10, 2020

6:30 PM

Virtual Meeting via Zoom

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To Join the meeting remotely use this link: <https://us02web.zoom.us/j/82039942313> or  
you may call 1-646-558-8656 and enter meeting ID: 820 3994 2313.

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

#### I. Roll Call of Members.

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

#### II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance.

#### III. Minutes to be Approved:

#### IV. Public Participation.

*Linda Morrell congratulated Brett Jones and Mark Morrison on winning their seats at last Tuesday's election. Both of them have already come into the Clerk's Office to be sworn into office.*

*The election went very smoothly from start to finish. There were lines first thing in the morning and again around rush hour, but nothing like in the past. For the most part people were out fairly quickly, and it would not have been so fast if the majority of the voters had not already voted by absentee, which was a big help.*

*At the start of Election Day there were 14,333 registered voters on the books, and during the day we registered over 400 new voters. We had 2,866 go to the polls and 8,734 voters voted by absentee. That was 4,421 more absentee voters this year than in 2016, which is pretty amazing. To be able to get all of the ballots processed by 8:00 p.m. on election night we worked late every night for a month. We had to start processing the absentee ballots the week before, and we finished them up at the polls on Election Day.*

*This could not have been accomplished without the help of my great office staff, Judy, Pam, Stephanie, the Tax Collection ladies who work right along side us, Marge Dolby who was a fantastic help and Sally Babb who came in to help us as well. I could not have done it without them, they really did a great job!*

*We had a total of 11,600 people vote in this election, which was 1,460 more than in 2016, and once again we have broken another record.*

## V. Councilors' Comments.

*Mark Morrison thanked Linda Morrell Town Clerk, he said she was awesome in helping him through the process, along with her staff. He thanked the Councilors, as he reached out to many of them with questions, and he found them very accessible and appreciated the time they gave him. He thanked Barry for the time he gave to him, the Windham Eagle, and Move Windham forward, they were great. He also thanked the towns people who voted for him.*

*Councilor Maxfield welcomed Councilor Jones back. He thanked the staff and the Council for the last year and being able to act as Chair, he is looking forward to the next two years. He thinks they have done a great job and has been a pleasure working with them. He said it has been great having Barry come aboard this last year, and they can see a real difference in how things are going.*

## VI. PUBLIC HEARINGS.

[20-245](#)

To receive public comment and act on a proposed Residency Restrictions for Sex Offenders Ordinance, Chapter 190 of the Code of the Town of Windham.

**Attachments:** [20-245 Cover Sheet](#)

[DRAFT Residency Restrictions for Sex Offenders 10\\_01\\_20 KMC 103120](#)

[MAP 750ft sex offender restricted 11-04-2020](#)

[MRS 30-A 3014](#)

[Towns with Sex Offender Residency Restriction Registry](#)

*Lauren Moulton a Windham resident, a teacher and a mother of two children ages 6 & 4 said she initially brought this up to the Town Council about 6 weeks ago, and she wanted to give a big Thank You to Barry Tibbetts who was extremely helpful. This is something she is very passionate about and anything they can do to help all children is a step in the right direction.*

*Closed hearing.*

**A motion was made by Councilor Kalogerakis, 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 Douglass, Councilor Kalogerakis and Council Chair Maxfield

**Abstain:** 1 - Councilor Morrison

## VII. CONSENT AGENDA.

## VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

[20-218](#)

To accept nominations for and elect a Chairman of the Town Council.

**Attachments:** [20-218 Cover Sheet](#)

**Councilor Kalogerakis nominated David Nadeau, second by Councilor Douglass.**

**Vote in Favor: Morrison, Nadeau, Douglass, Jones, Kalogerakis, Maxfield**

**Vote Opposed: Nangle**

[20-219](#) To accept nominations for and elect a Vice-Chairman of the Town Council.

**Attachments:** [20-219 Cover Sheet](#)

**Councilor Kalogerakis nominated Jarrod Maxfield, second by Councilor Douglass.**

**Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis, Nadeau**

[20-220](#) To accept nominations for and elect a Parliamentarian of the Town Council.

**Attachments:** [20-220 Cover Sheet](#)

**Councilor Maxfield nominated Councilor Douglass.**

**Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Kalogerakis, Jones, Nadeau.**

[20-241](#) To accept nominations for and appoint a Finance Committee.

**Attachments:** [20-241 Cover Sheet](#)

*Councilor Nadeau stated that in their Rules they can have a Finance Committee of the whole or a Finance Committee of 3 people. All agreed that a Finance Committee of 3 people was what they wanted.*

**Councilor Kalogerakis nominated Mark Morrison.**

**Councilor Maxfield nominated David Nadeau.**

**Councilor Nadeau nominated Nick Kalogerakis**

**Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis, Nadeau**

[20-222](#) To accept nominations for and appoint an Appointments Committee.

**Attachments:** [20-222 Cover Sheet](#)

**Councilor Kalogerakis nominated David Douglass.**

**Councilor Douglass nominated Nick Kalogerakis.**

**Councilor Douglass nominated Jarrod Maxfield.**

**Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis, Nadeau**

[20-223](#) To accept nominations for and appoint two representatives to the Windham Economic Development Corporation board of directors.

**Attachments:** [20-223 Cover Sheet](#)

[Windham Economic Development Corporation](#)

Councilor Kalogerakis nominated Mark Morrison.  
Councilor Douglass nominated Jarrod Maxfield.

Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis,  
Nadeau

[20-224](#) To appoint a Council representative to the Public Easement Advisory Committee.

**Attachments:** [20-224 Cover Sheet](#)  
[Public Easement Advisory Committee](#)

Councilor Kalogerakis nominated Brett Jones.

Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis,  
Nadeau

[20-225](#) To appoint a Council representative to the Parks and Recreation Advisory Committee.

**Attachments:** [20-225 Cover Sheet](#)  
[Parks and Recreation Advisory Committee CURRENT](#)

Councilor Kalogerakis nominated Tim Nangle.

Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis,  
Nadeau

[20-226](#) To appoint a Council representative to the Highland Lake Leadership Team.

**Attachments:** [20-226 Cover Sheet](#)  
[Highland Lake Leadership Team](#)

Councilor Douglass nominated David Nadeau, he declines.  
Councilor Nadeau nominated Jarrod Maxfield.

Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis,  
Nadeau

[20-227](#) To appoint a Council representative to the Natural Resources Advisory Committee.

**Attachments:** [20-227 Cover Sheet](#)  
[Natural Resources Advisory Committee 20170912](#)

Councilor Nadeau nominated David Douglass.

Vote in Favor: Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis,  
Nadeau

[20-228](#) To appoint a Council representative to the Long Range Planning Committee.

**Attachments:** [20-228 Cover Sheet](#)

[Long Range Planning Committee](#)

Councilor Douglass nominated David Nadeau.

**Vote in Favor:** Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis, Nadeau

**20-242**

To appoint two Councilors to the Marijuana License Fee Committee.

**Attachments:** [20-242 Cover Sheet](#)

[Marijuana Business License Committee Charge Adopted 09082020](#)

Councilor Maxfield nominated David Douglass and Nick Kalogerakis.

**Vote in Favor:** Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis, Nadeau

**20-243**

To appoint two Councilors to the Smith Cemetery Committee.

**Attachments:** [20-243 Cover Sheet](#)

[Smith Cemetery Committee Charge](#)

Councilor Kalogerakis nominated Tim Nangle, Tim declines.

Councilor Kalogerakis nominated David Nadeau and Jarrod Maxfield.

**Vote in Favor:** Nangle, Morrison, Maxfield, Douglass, Jones, Kalogerakis, Nadeau

**20-237**

To adopt the Council's Rules of Procedure.

**Attachments:** [20-237 Cover Sheet](#)

[Council Rules Amended 2020 0428 with Appendix A](#)

**A motion was made by Council Chair Maxfield, 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 Douglass, Councilor Kalogerakis, Council Chair Maxfield, Councilor Morrison and Councilor Jones

**20-238**

To appoint Jacqueline Roux to the Board of Assessment Review for a three-year term to end February 15, 2023.

**Attachments:** [20-238 Cover Sheet](#)

**A motion was made by Council Chair Maxfield, 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 Douglass, Councilor Kalogerakis, Council Chair Maxfield, Councilor Morrison and Councilor Jones

**20-239**

To appoint Elizabeth Hall to the Smith Cemetery Committee.

**Attachments:** [20-239 Cover Sheet](#)

**A motion was made by Council Chair Maxfield, 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 Douglass, Councilor Kalogerakis, Council Chair Maxfield, Councilor Morrison and Councilor Jones

[20-240](#) To appoint James Ross to the Smith Cemetery Committee.

**Attachments:** [20-240 Cover Sheet](#)

*Manager Tibbetts stated that they have a position on that committee for one member from the actual Smith Cemetery Association and James Ross is the Chairman of that association, so he would be that appointee.*

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

[20-244](#) To appoint Tim Dolby to the Smith Cemetery Committee.

**Attachments:** [20-244 Cover Sheet](#)

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

[20-246](#) To set the Council's meeting schedule for November and December.

**Attachments:** [20-246 Cover Sheet](#)

[Memo to Council - Council Meeting Schedule Nov Dec](#)

*Manager Tibbetts said on December 22 he was recommending that they cancel the regular Council meeting, but today they had a walk through the Police and Fire Public Safety Building and at the end of it they heard public questions from all of the bidders, and there is a very tight timeline on getting all of the numbers back to the town.*

*The comments indicated to the architect, himself and staff was that if we were to extend it for a little bit longer time for them to respond, it would be better from our perspective for bidding. He suggested that instead of cancelling that meeting they would only have that one item on the agenda to discuss the Police and Fire safety bids.*

*Manager Tibbetts said that on December 15 he would like to have a workshop to go through the Council Goals and Priority session with staff. It was done last year on a Saturday morning, but he thought they might be able to do it on a Tuesday evening and free up our Saturday morning.*

**A motion was made by Council Chair Maxfield, seconded by Councilor Douglass, that the Order be approved as amended. The motion carried by the following vote:**

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

**20-248**

To extend approved applications for an Extension of License on Premise through June 30, 2021.

**Attachments:** [20-248 Cover Sheet](#)

*Manager Tibbetts explained that because of the pandemic we had extended Licenses on Premise for all of these different businesses in town. They were set to expire in the fall, but because we are still in the pandemic, they thought they would extend them to June of 2021, and if they use it that is great, and if they don't, that is okay too.*

*Linda Morrell asked if she should notify the Liquor Commission in Augusta of the extension, the answer was yes.*

*Councilor Nangle asked if Erik's Church and the owners were in compliance with all of the Code Enforcement issues that were discussed on May 26? Barry said to the best of his knowledge, yes. There is still some work to be done, but they still have time left to do that.*

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

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

**20-249**

To accept Dartmouth Place as a public way.

**Attachments:** [20-249 Cover Sheet](#)

[Dartmouth Place Road Acceptance Memo 10-28-20](#)

[Public Acceptance of Streets 2017 \(1\)](#)

*Manager Tibbetts said he has driven the road, and he knows that Mark Arienti the town's Engineer has been on it several times, and he has fully inspected the roadway. It has met all of the conditions of the Planning Board and is ready to be accepted by the Council/Town should they desire.*

*Mark Arienti said this subdivision was permitted back in 2018 and has eight house lots. It was completed with surface paving this summer, and they have met the requirements of the approved plans. There is also a right-of-way to an open space between the subdivision and the Pleasant River; they have addressed any issues that were outstanding. They are recommending it be accepted as a public way. He and Doug Fortier went out this fall to do a final check.*

*Councilor Nangle asked how wide was the road? Mark said it is 24 foot paved roadway with 2 foot gravel shoulders on either side. It does meet the standard for this number of houses.*

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

**In Favor:** 5 - Councilor Nadeau, Councilor Douglass, Council Chair Maxfield, Councilor Morrison and Councilor Jones

**Opposed:** 2 - Vice Chair Nangle and Councilor Kalogerakis

## **IX. Council Correspondence.**

**X. Town Manager's Report.**

*Manager Tibbetts said the new signal at Falmouth Road and Route 202 should be fully functional before the end of year. They will flash for a couple of weeks to get the public's attention before they run fully.*

*In the joint grant with MDOT for the traffic study, Gorrill Palmer is the design engineer who will be working with us on that. They will start soon on looking at different alternate traffic solutions for North Windham.*

*Portland Water District and our staff have been reviewing six different engineering companies for the proposed sewer system in North Windham, and it has been narrowed down to one firm, which has extensive knowledge of the membrane cleansing technology in what the town is very interested in doing. They have done it in many other towns and systems, from soup to nuts, basically. He said they are a great match for us.*

*There is some logging being done next to the Donna Lippman park. It is on private land and it is under a Forest Management Plan and is allowable.*

*He met with a resident today along with Brent Libby and Tom Bartell, and there is a resident who is making an anonymous donation for the purchase of six defibrillators. They are a \$1,500 units and three of those will be placed in police cars that do not have defibrillators, and the other three will be rotated into different fire vehicles. The resident has asked to remain anonymous but Barry wanted to make sure the public knows of this wonderful gift.*

*Council Chair Nadeau asked if Barry could call the person and extend their appreciation for the generous gift.*

**XI. Committee Reports.****A. Council Subcommittees.****1. Appointments Committee.**

*Councilor Kalogerakis said all were just appointed tonight from their last meeting.*

**2. Finance Committee.**

*Councilor Nadeau said the Manager sent out some information today, and we are doing very well and ahead of what they projected.*

**B. Other Committees.****1. Long Range Planning Committee.**

*Councilor Nadeau said they met last week on the Growth Area around Town Hall, and they are formulating the process to go out.*

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

*Councilor Nangle said they met last night, and there is some logging going on to extend*



*Lippman Park. The ad hoc Community Center Committee has two vacancies, and it was his suggestion that they fill it from the regular committee, and that is what they will do. There will not be any tree lighting ceremony this year because of COVID. The Fire Department and Parks & Rec are looking at doing a reverse parade. They will need some volunteers for the North Pole Hot Line and will be doing that on December 9 & 10. They are looking at doing a phone bank from Town Hall so it comes from an 892 number versus what cell phone numbers are.*

3. Windham Economic Development Corporation

*No report.*

4. Highland Lake Leadership Team.

*No report.*

5. Natural Resources Advisory Committee.

*No report.*

6. Public Easement Advisory Committee.

*Councilor Nadeau said they sent a couple letters out to some roads.*

7. Public Dirt Road Sub-Committee.

*No report.*

**XII. Discussion Items.**

[CD 20-184](#) Growth Ordinance Revisions.

**Attachments:** [Memo to Council - Growth Ordinance 11.5.2020](#)

[Chart A](#)

[Chart B](#)

[Chart C](#)

[Chart D](#)

[Chart E](#)

[Chart F](#)

[Growth Ordinance Ch 116 PROPOSED CHANGES](#)

[CD 20-190](#) Council Goal Setting Session and Objectives.

**XIII. Agendas & Scheduling.**

**XIV. ADJOURN.**

**A motion was made by Council Chair Maxfield, seconded by Councilor Douglass, that they be adjourned. The motion carried by the following vote at 8:28 p.m.**

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

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM