



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, November 24, 2020

6:30 PM

Virtual Meeting Via Zoom.

To Join the meeting remotely use this link: <https://us02web.zoom.us/j/82165709979> or
you may call 1-646-558-8656 and enter meeting ID: 821 6570 9979.

I. Roll Call of Members.

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

Absent: 1 - Brett Jones

II. Pledge of Allegiance.

Council Chair Nadeau led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 20-192](#) To approve the minutes of the October 27, 2020 Special Council Meeting.

Attachments: [Special Minutes-Council-10-27-2020](#)

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

Absent: 1 - Councilor Jones

[CD 20-193](#) To approve the Minutes of the October 27, 2020 Council meeting.

Attachments: [Minutes-Council-10-27-2020](#)

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

Absent: 1 - Councilor Jones

[CD 20-195](#) To approve the Minutes of the November 10, 2020 Council meeting.

Attachments: [Minutes-Council-11-10-2020](#)

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

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

Absent: 1 - Councilor Jones

IV. Public Participation.

None.

V. Councilors' Comments.

Councilor Maxfield wished everyone a Happy and safe Thanksgiving.

VI. PUBLIC HEARINGS.

VII. CONSENT AGENDA.

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

[20-152](#)

To authorize the borrowing of an amount not to exceed \$4,960,554 by the Town of Windham (the "Town") by the issuance of one or more general obligation bonds, which general obligation bonds will pay all or a portion of the costs of the design, construction, improvement, expansion, repair and equipping of the police and fire station located at 375 Gray Road and related development of the site; repair of sidewalks on Route 35; repair, improvement and repaving of portions of Brand Road; design, acquisition, installation, upgrade, improvement and maintenance of traffic lights; and the acquisition of an ambulance, dump truck and pickup truck; and costs of issuance of the bonds, with the details of such borrowing determined by the Council.

For the Council's reference, Moors & Cabot, Inc. is acting as the Town's municipal advisor for the issuance of the bonds.

Attachments: [20-152 Cover Sheet](#)

[Bond Order 16235914_1](#)

[Council Presentation 20-1208](#)

[Town of Windham Maine Chronology and Distribution List](#)

[Warrant FY21](#)

Manager Tibbetts said at the annual Town Meeting in June the Legislative body authorized this bond to be issued, and this is the second step of that process where the Council has to authorize, by Order, the issuance of these bonds. They are using Moors and Cabot out of Boston.

Barry said they had to put an upper limit on the interest. Barry explained that they are issued out into the market and once they have been issued into the market, different institutions will put a place holder in to purchase those bonds; they might come in a 1% or 1.25%. Joe Couture collects all that data, and he will call the town's Treasurer and the

Chairman of the Board and will ask if these are acceptable rates. This usually happens in January and it will take 4-5 weeks putting together the bond issue booklet, which goes out to perspective purchasers to view. Barry said a recent one that Joe was involved in was for .95%, which is really great.

Councilor Nangle asked why the interest limit is at 4% when they expect a much lower rate? Barry said they had to pick a worse case scenario range and that was the recommendation from our Bonding Agent. He said it is typical to go a couple of points higher so there is no hiccups in the process. Councilor Nangle said everything the Council said throughout was that we were going to be at probably at 2% or less, and that is the presentation they made to the public, it was discussed in open meetings, and not where we are at 4%.

The Manager said these bonds will be issued in January, it is the best time to issue bonds, it is when they are the lowest. He also checked the original warrant to see what interest rate was put in and it was 2.25%. Councilor Nangle asked why, then, wasn't it 2.25%? The Manager said that was a recommendation from Joe, our Bonding Agent. He said they do not have to accept them if it is at a higher rate, we can say no.

Councilor Maxfield moved to amend Order 20-152 to say if the bond rate comes back to the Manager and Council Chair higher than 2.25% it will be sent back to the Council for approval, second by Councilor Kalogerakis.

Vote on Amendment:

In Favor: 6

Absent: 1 (Jones)

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

Absent: 1 - Councilor Jones

[20-247](#)

To authorize the addition of various assigned fund balance amounts to the fiscal 2020-2021 budget accounts.

Attachments: [20-247 Cover Sheet](#)

[Finance Dir Memo](#)

Manager Tibbetts said each year the Council authorizes the carrying forward of various balances in different accounts. What is in your packets is a listing of all those accounts and those monies that have been set aside.

Some of those are continuing from year to year and others from this year's budget.

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

Absent: 1 - Councilor Jones

[20-252](#)

To approve the proposed noon-time closure of the municipal offices and

public library on Thursday, December 24, 2020.

Attachments: [20-252 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: 6 - Councilor Nadeau, Vice Chair Nangle, Councilor Douglass, Councilor Kalogerakis, Council Chair Maxfield and Councilor Morrison

Absent: 1 - Councilor Jones

[20-253](#)

To approve the write off of 2013 uncollected personal property taxes of \$86.70 for account B1545P.

Attachments: [20-253 Cover Sheet](#)

Manager Tibbetts said the Personal Property Taxes in question were assessed for a business that never opened. They did abate the taxes for 2014 but 2013 was not, and it was an over-sight, and they are just correcting the records.

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

Absent: 1 - Councilor Jones

[20-254](#)

To approve the write off of 2014 uncollected personal property taxes of \$13.03 for account S2035P.

Attachments: [20-254 Cover Sheet](#)

Manager Tibbetts said these were taxes that were incorrectly assessed for a business and event that did not happen, and they are just trying to correct our records.

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 Douglass, Councilor Kalogerakis, Council Chair Maxfield and Councilor Morrison

Absent: 1 - Councilor Jones

[20-255](#)

To consent to an "Access, Utilities and Communications Easement" as amended, between Laurence and Kathryn Clark and TPE ME WHO2, LLC, which includes an existing right of way granted by the Town of Windham known as Old Swett Road or Old Range Road; and to further authorize the Town Manager to take any other action related thereto to finalize the action.

Attachments: [20-255 Cover Sheet](#)

[WH02 Access and Utilities Easement 20201118](#)

Manager Tibbetts said this has gone through the Planning Board, and in that process they realized there was a range road that went through there. After examining it they needed to be able to have an easement across that range road to run their utilities and

do different things. The document allows the owner of that parcel, along with the solar farm, to be able to do the necessary transfers if they want to go back and forth across the range road.

The Council spoke about looking at this later on in regard to the solar panels being hazardous if broken and leaking into the ground.

Councilor Nadeau asked Planner Amanda Lessard to take their concerns and bring them to the Planning Board on how they would handle the solar panels breaking and what type of plan is in place at the end of this. He said he does not want another hazardous waste dump.

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: 4 - Councilor Nadeau, Councilor Douglass, Council Chair Maxfield and Councilor Morrison

Opposed: 2 - Vice Chair Nangle and Councilor Kalogerakis

Absent: 1 - Councilor Jones

IX. Council Correspondence.

[CD 20-196](#) Financial Reports as of October 31, 2020

Attachments: [Revenues as of October 31 2020.pdf](#)
[Expenses as of October 31 2020.pdf](#)

X. Town Manager's Report.

Manager Tibbetts said that this Sunday there will be a Parade on Wheels for Christmas. This is being done by the Parks and Recreation Department. The map is on the website that shows their route.

Our first Maine DOT Traffic Analysis kick-off meeting will be the first week in December.

He wished everyone a Happy and Safe Thanksgiving.

XI. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

No report.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said they met last week, and they went over looking at new zoning for the Windham Growth Area.

2. Parks & Recreation Advisory Committee.

No report.

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 last week a road issue came up where a cul-de-sac is blocked on two different sides with arguing neighbors and someone put a Quonset hut right next to the road impeding snow removal. He said a letter has been sent out to them, and they have until December 1 to respond, if they do not, it will come back to the Council for a discontinuance.

7. Public Dirt Road Sub-Committee.

No report.

XII. Discussion Items.

[CD 20-191](#) Solid Waste Ordinance Revisions.

Attachments: [Solid Waste Chapter 204 DRAFT AMENDMENTS markup copy](#)
[Solid Waste Chapter 204 AMENDMENTS CLEAN](#)
[wastehauler license application](#)

XIII. Agendas & Scheduling.

XIV. Executive Session.

[20-250](#) To enter into executive session pursuant to Title 1 M.R.S.A. §405(6)(E), for “consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, [or] pending or contemplated

litigation,” and in accordance with Title 1 MRSA §405 (6) (C) for the discussion or consideration of the condition, acquisition or the use or real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development since premature disclosures of the information would prejudice the competitive or bargaining position of the Town.

Attachments: [20-250 Cover Sheet](#)

A motion was made by Councilor Douglass, second by Councilor Maxfield that they enter into executive session. The motion carried by the following vote.

In Favor: 6

Absent: 1 (Jones)

A motion was made by Councilor Douglass, second by Councilor Maxfield that they return from executive session. The motion carried by the following vote.

In Favor: 6

Absent: 1 (Jones)

XV. ADJOURN.

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

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

Absent: 1 - Councilor Jones

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM