



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, January 12, 2021

6:30 PM

Remote meeting via Zoom.

To Join the meeting remotely use this link: <https://us02web.zoom.us/j/81381613732> or you may call 1-646-558-8656 and enter meeting ID: 813 8161 3732.

In accordance with Public Law Chapter 617 adopted as emergency legislation by the Maine State Legislature on March 17, 2020 and signed into effect by Governor Mills, 1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19.

Zoom will be the meeting platform used by both the Council and the public. Information about using Zoom is available at <https://support.zoom.us/hc/en-us/articles/115004954946-Joining-and-participating-in-a-webinar-attendee->.

Please note that members of the public will need to use the raise your hand feature in Zoom or type *9 on the phone to be called on and heard during the public testimony portion of the agenda.

If you prefer, you may also email the Council at TownCouncil@windhammaine.us prior to the meeting with your thoughts on an issue and if you would like, please note that you would like the email read into the record during public participation or during that agenda item. Please keep in mind we request stated comments to be three minutes or less.

The meeting will be recorded and broadcast live on WindhamTV (Channel 7) and the Town's Facebook page.

I. Roll Call of Members.

Present: 5 - David Nadeau, Tim Nangle, Jarrod Maxfield, Mark Morrison and Brett Jones

Absent: 2 - David Douglass and Nicholas Kalogerakis

II. Pledge of Allegiance.

Council Chair Nadeau led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 20-210](#) To approve the Minutes of the December 22, 2020 Council meeting.

Attachments: [Minutes-Council-12-22-2020](#)

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

IV. Public Participation.

Linda Morrell reminded the residents who have not licensed their dogs that they need to do so by January 31st to avoid a \$25.00 late fee per dog. You can license your dog by going on-line, by mail or coming into the Town Office.

V. Councilors' Comments.

None.

VI. PUBLIC HEARINGS.

VII. Annual Training Session with Legal Counsel.

[CD 21-001](#)

Freedom of Access - Public Records and Open Meetings Training for Council.

Kristin Collins from Preti Flaherty did the Freedom of Access training for the Councilors. She told the Councilors to stop by Town Hall to sign the form that shows they have fulfilled their annual requirement.

Manager Tibbetts asked Kristin a question relating to Section 2, C-5 in the Charter. It states that if a Council Member misses three consecutive meetings he forfeits his seat. Nick's dad passed away in December and he missed those two meetings in December. Nick personally called the Manager to tell him that his dad died out of the country and he had to be in Boston. The Manager said he had not talked with him about tonight's meeting, but this is the third meeting. The Council can excuse the first two meetings and deal with the third when he comes back.

Kristin said it seems fair to give him the opportunity, if he is present, to give his reason for why he wasn't there, before the Council would consider whether to excuse the absences or not. Kristin looked at the Charter and she didn't read it to be so specific that you have to have the Council excuse it on the day of the third absence; just make sure he is at the next meeting and is able to explain his absences and take a vote on it then for the record.

Kristin said it may be a good practice if someone is going to be absent and you know it, to just say that at the onset of the meeting and just have the Council note the absence as excused for the record.

VIII. CONSENT AGENDA.

[21-001](#)

To appoint Mike Duffy to the Marijuana License Fee Committee.

Attachments: [21-001 Cover Sheet](#)
[Marijuana License Fee Committee Charge](#)

[21-002](#) To appoint Marge Govoni to the Marijuana License Fee Committee.

Attachments: [21-002 Cover Sheet](#)
[Marijuana License Fee Committee Charge](#)

[21-003](#) To appoint David Foster to the Energy Advisory Committee for a three-year term to expire August 15, 2024.

Attachments: [21-003 Cover Sheet](#)
[Energy Advisory Committee](#)

[21-004](#) To appoint Deb McAfee to the Human Services Advisory Committee for a three-year term to expire May 15, 2024.

Attachments: [21-004 Cover Sheet](#)
[Human Services Advisory Committee AMENDED 130423](#)

[21-005](#) To appoint Marge Govoni to the Human Services Advisory Committee for a three-year term to expire May 15, 2024.

Attachments: [21-005 Cover Sheet](#)
[Human Services Advisory Committee AMENDED 130423](#)

[21-006](#) To appoint Judy Vance as Registrar of Voters to serve a two-year term.

Attachments: [21-006 Cover Sheet](#)
[Registrar\(1\)](#)

[21-009](#) To accept the donation of a 2013 Neoteric Hovercraft for use by the Fire-Rescue Department for emergency response purposes.

Attachments: [21-009 Cover Sheet](#)
[Chief Libby Memo](#)

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[21-008](#) To approve proposed changes to Article VI, Benefits, updating references to vacation as earned time as well as eligibility and earning revisions.

Attachments: [21-008 Cover Sheet](#)[Memo P Moss re Earned Paid Leave Act](#)

Human Resources Director Phyllis Moss said this is something we have to do, it is not an option. Governor Mills signed into law that certain Maine employers, and the town is one of them, must provide paid time off beginning January 1, 2021. That paid time off includes employees that work less than 30 hours a week. They are to earn 1 hour for every 40 hours worked. They need to be able to use it for whatever way they want.

The best way for us to handle it was to take our vacation and turn it into earned paid leave. It doesn't work for sick time because we do not pay out sick time at 100%, and under this law we must pay this out at 100%.

She drafted a new Earned Paid Leave to replace Vacation Policy in the Policy Handbook. There is a financial impact, we must pay this out to employees upon their termination. If that should happen and in looking at the 2020 numbers, we would be looking at \$22,000. She does feel that most people would use this time instead of having it paid out.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

[21-024](#)

To authorize the purchase of a 2021 Braun Ambulance from Autotronics for a cost not to exceed \$210,000, as described in a memorandum from Fire-Rescue Chief Brent Libby dated January 5, 2021.

Attachments: [21-024 Cover Sheet](#)[Memo from Chief Libby](#)

Chief Brent Libby said this ambulance is replacing our current Ambulance 3, a 2010/11 that is about ready to crest 180,000 miles. We kept this truck in 2017 when we purchased two new ones, both of which are at about 100,000 miles. This will start them in the cycle of replacing the ambulances. The last three or four rotations we have bought two at a time, and our intent now is to replace one every couple of years.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

[21-010](#)

To endorse an application for Community Development Block Grant (CDBG) funds for the proposed "Little Falls - South Windham Village Master Plan", which is a joint project with Gorham.

Attachments: [21-010 Cover Sheet](#)[2021 CDBG PLANNING Application - Little Falls South Windham final](#)[TC memo_Little Falls-South Windham Master Plan CDBG](#)[2021 CDBG Grant Applications Summary](#)

Planning Director Amanda Lessard said the Town of Gorham is taking the lead on this application, and this is to bring a new Master Plan for the South Windham Village and Little Falls Village area; historically, it is really one village area.

They wrote a South Windham Little Falls Revitalization Plan in 1998. Both towns have implemented some of that plan, but things have really changed in the economy in the areas of how development has happened in that part of town, and both towns have updated their comprehensive plans in that time. Our Comp Plan does direct the town to write a new Master Plan for the village area similar to what we most recently did in North Windham.

This grant application would be a three-way split between the CDBG funds that we are requesting for \$25,000, Gorham would contribute \$25,000 and the Town of Windham would continue \$25,000. There may be additional in-kind and staff time towards the project. She has been budgeting for this, and this has been on the Long Range Planning Committees work plan as the next major planning effort after they wrap up the Open Space Plan.

Councilor Maxfield said it sounds great and exciting and a vote was taken.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

[21-011](#)

To endorse an application for Community Development Block Grant (CDBG) funds for the proposed "Economic Development and Job Creation Grant", for the former South Windham Fire Station.

Attachments: [21-011 Cover Sheet](#)[2021 CDBG GENERAL](#)[Application_Windham_JCS_Property_Management_Economic](#)[Development Job Creation \(002\) FINAL](#)[2021 CDBG Grant Applications Summary](#)

Tom Bartell said this is in response to the acceptance of the response to the RFP in the purchase and redevelopment of the former fire station in South Windham. The winner of that endorsement was Great Falls Construction, and through their looking at the project they would like for this application to go through in support of job creation that will occur in the brewery and restaurant.

This application is acceptable to the CDBG Program because it is in an area-wide eligible for CDBG grants. It is one of two areas in Windham that have, unfortunately, a high enough level of low and moderate income persons to be eligible categorically in the County Program.

The reason it is acceptable to do these sort of job creation grants is that the risk

involved in starting a business in this area in South Windham is very large. The undertaking and renovating the fire station is also very large, to the tune of about a million dollars. The proposal is for the creation of at least 15 full-time equivalent positions; they would receive reimbursement for equipment going into the project of \$225,000; \$15,000 per full-time equivalent job.

They put the application together along with the Smith family from Great Falls and JCS Property Management and, we look for your endorsement.

Council Chair Nadeau noted that this was just for the endorsement and there was no match from the town; Tom Bartell stated that was correct.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

21-012

To endorse an application for Community Development Block Grant (CDBG) funds for parking and roadway improvements in South Windham.

Attachments: [21-012 Cover Sheet](#)

[2021 CDBG GENERAL Application South Windham Village Main Street Parking and Sidewalk Construction](#)
[Proposed Parking Projects - Images](#)
[2021 CDBG Grant Applications Summary](#)

Manager Tibbetts said this project is going to add a detectible curb ramp warning system for ADA requirements on Route 202 with a rapid, reflective flashing beacon. This will be pretty close to where Depot Street intersects with Route 202 in So. Windham. It also will deal with existing sidewalks, moving some hydrants and some power pole lines to create some parking. Also, going further up the roadway to deal with some sidewalk curbing and pedestrian lighting for about 200 feet.

The second part of this grant would be to deal with some storm water and some public parking on a part of the Cumberland County Soil & Water Conservation District's home office in Windham on Route 202. Heading north over the bridge, and just as you crest the hill where the church is you would take a right to go into where our fire station is located. Right across from that is an extra large parking area, and they would use those funds to redo that parking. The two main objects is that one is for adding access for better parking for the Mountain Trails, which is up to Blue Seal Feed. We also have public parking, which could support any other businesses within the greater So. Windham area.

They have met with the Board of the Cumberland County Soil & Water Conservation and have talked about how the arrangement would work, and they are in favor of seeing the grant go forward to improve the lot, and they are willing to share that parking and enter into an agreement with the Town. This would open up that opportunity to better align the parking in there, and it would be better for our fire trucks and everyone traveling in and out of that area.

Councilor Nangle asked how many parking spaces would this create? The Manager said they estimate there is about 50 spots and Cumberland County Soil wants to reserve

about 20 spots for themselves close to the building. In the discussions with them it would easily be 10-15 spots for others.

The Manager brought up a diagram that showed the area and said they would close a curb cut and how they would redirect traffic flow. Councilor Nangle asked if it might be better to carry the green space in the middle of the lot to the island, so the fire station would have their own entrance and exit and Cumberland County Soil & Water would have their own entrance and exit? The Manager said they would have Amanda and her team along with Mark Arienti take a look at the geometrics in that area. He said whenever you can eliminate a curb cut on a heavily traveled road it is a good thing, and that was what they were hoping to accomplish.

Amanda Lessard said that she, Doug Fortier and Mark Arienti went down and looked at where the best site distance was, and it is really about trying to prevent some of the cross traffic.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

[21-014](#)

To approve the write off of twelve (12) uncollected personal property tax accounts in the amount of \$4,335.86.

Attachments: [21-014 Cover Sheet](#)

[Personal Property Write Off](#)

The Manager said they came up with a policy for dealing with personal property and staff has been dutifully calling every single account to have a conversation with them before we turn it over to the collection agency.

As they have gone through this they noticed certain cases that should be brought to the Council for consideration to write these off. Many on this list have either sold the businesses back in 2011 or have moved out of town or are no longer in business. Some businesses never even got started, and so they recommend they be written off so they can be taken off our records.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

[21-015](#)

To award a contract for town-wide statistical revaluation services to Vision Government Solutions in the amount of \$77,000, to be funded from Council Contingency in the amount of \$50,000, which currently has a balance of \$100,000, and \$27,000 from several accounts where training budgets have been frozen due to the COVID pandemic.

Attachments: [21-015 Cover Sheet](#)
[Memo Statistical Revaluation](#)
[VISION Statistical Revaluation Proposal](#)

The Manager explained they have already discussed this at another Council meeting and they put it out to bid to find the exact cost of what they thought it would be to do a statistical revaluation. They had two bidders respond, they evaluated those two and they believe that Vision Government Solutions is the right firm to do the work for the town, and they were the lowest bidder. The town does use Vision Appraisal software, and we use their most recent version.

Reasons for moving forward with this kind of project is it will equalize our tax base, and the assessments will represent what is happening in the market. Also to keep in mind is, we want to maintain ourselves at a certified ratio of 100% or as close to that as possible. That certified ratio that the town gets is evaluated on every year at the state level. When we are certified at 100%, it means we get 100% of our share of the revenue sharing funds and we get 100% of the school funds that are allocated to our schools. It also means our Veterans and Homestead exemptions are fully granted at 100%. Looking at our numbers we are around 87%, which means we can be within 10% of that so we can push that up to 95%, and based on preliminary numbers, not counting school funding, it would be about a \$120,000 reduction in revenues, and the lower that goes the greater that gap gets each year.

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

In Favor: 4 - Councilor Nadeau, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Opposed: 1 - Vice Chair Nangle

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

[21-022](#) To adopt proposed changes to the Town's Post Issuance Compliance Policy Relating to Bonds Issued by the Town.

Attachments: [21-022 Cover Sheet](#)
[Town Council Memo.Windham.2021GOB](#)
[Post Issuance Compliance Policy Relating to Bonds Issued by the Town 2011 - Post Issuance Compliance Policy 2020](#)

The Manager said, as a community, when we issue a bond there are a number of reporting agencies that want to follow our data. We adopted this policy back in 2011, and we need to amend it with some of the new things that have happened since then. There have been some new sections added in on how we are going to comply with that.

He said what it really comes down to is post issuances and compliances the SEC wants to have, particularly through the Municipal Securities Rule Making Board is to continue to make sure our audit is completed every year, and we file information about the Town of Windham, particularly about how many kids are in the school, what is our tax collection rate, how much is in our budget, and the reason is different bond holders, people who are looking to invest in the bond market, will read this information and want to know that when they are looking at Windham as to how reliable we are, do we follow through with what we say we are going to do, and this policy is one way for them to gain that level of security. Each year we should be reviewing the filings we are doing and providing those

to the Council so you can see what we are doing.

Bonnie Martinolich said in February of 2019 the SEC decided they wanted additional information on two additional types of events. There is the annual filings and then if something happens to the town there is a list of 16 things the SEC says if this happens you need to make this filing with EMMA. These will apply once we issue the new bonds and that is why you want to get them in place before the new bonds are issued.

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

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

X. Council Correspondence.

Jarrold Maxfield said they received a letter congratulating Chief Libby who has completed some additional training and is now Chief Fire Officer Level 3.

Congratulations!

[CD 20-205](#) Maine Health Care at Home Correspondence.

Attachments: [Maine Health Care at Home Thank You](#)

[CD 20-208](#) Maine Fire Chiefs' Association Correspondence.

Attachments: [Chief Libby Accomplishment](#)

[CD 21-005](#) Cumberland County EMA.

Attachments: [Five Year Mitigation Plan Process Underway](#)

[CD 21-015](#) Maine Municipal Association Correspondence.

Attachments: [2021 MMA Membership Dues and Service Program](#)

XI. Town Manager's Report.

No report.

XII. 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 are working on the Windham Center.

2. Parks & Recreation Advisory Committee.

Councilor Nangle said they met last night. The Parks & Recreation Committee is going to review the Parks Ordinance and make sure they are up to date and it is the best possible option for the town.

They looked at the committee charge and it looks fairly accurate. They are talking about some trail sponsorships. If your business or community group wanted to sponsor a trail, you could.

There are several upcoming programs; looking at Shawnee Peak but there needs to be a minimum of 20 people to go, if interested, call Parks & Rec.

There is an E-Sports League starting on the 16th. That should draw quite a few people.

3. Windham Economic Development Corporation

Tom Bartell talked about their recruitment process for Windham Small Biz 360, and he said this is designed to help existing small businesses by analyzing the Windham market, specifically to their business, as well as helping them build a website or improving their website and add ecommerce to their web presence. This is available for up to ten small businesses in Windham. This is being done in conjunction with The Retail Coach, which is a market analysis company that does work nationwide.

This is in response to the restrictions that were put on to these small businesses all over the state, and while they were talking to many of them, they learned that many did not have a website. They are recycling monies that were received through the Keep Maine Healthy Grant that Windham received to help these businesses.

4. Highland Lake Leadership Team.

No report.

5. Natural Resources Advisory Committee.

Amanda Lessard gave a report on Councilor Douglass's behalf. The Watershed Protection Grant applications are open and the Committee reviews that on your behalf to make a recommendation on. The applications are due on February 12. The Committee has a meeting next Wednesday evening. They will be reviewing the high priority strategies from the Comp Plan.

6. Public Easement Advisory Committee.

No report.

7. Public Dirt Road Sub-Committee.

No report.

XIII. Discussion Items.

[CD 21-004](#) Bond Process: Preliminary Official Statement.

Attachments: [2021-Windham\(POS for Council\)](#)

No minutes are taken.

[CD 21-003](#) New Tax Increment Finance (TIF) Districts Proposed.

(1-South Windham Fire Station & Apartments, 2-Roosevelt Trail Promenade Extension, and 3-Kettle Estates/Varney Mill)

Attachments: [Windham TIF Program Update](#)

No minutes are taken.

XIV. Agendas & Scheduling.**XV. ADJOURN.**

A motion was made by Council Chair Maxfield, seconded by Councilor Morrison, that they be adjourned. The motion carried by the following vote at 9:02 p.m.:

In Favor: 5 - Councilor Nadeau, Vice Chair Nangle, Council Chair Maxfield, Councilor Morrison and Councilor Jones

Absent: 2 - Councilor Douglass and Councilor Kalogerakis

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM