



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, April 13, 2021

6:30 PM

Remote via Zoom.

To Join the meeting remotely use this link: <https://us02web.zoom.us/j/84070542953> or you may call 1-646-558-8656 and enter meeting ID: 840 7054 2953.

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.

Councilor Maxfield and Councilor Kalogerakis joined the meeting at approximately 7:43 p.m.

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

II. Pledge of Allegiance.

Council Chair Nadeau led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 21-067](#) To approve the Minutes of the Special Council meeting of March 22, 2021.

Attachments: [Minutes-Council-3-22-2021.pdf](#)

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

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

Absent: 2 - Councilor Kalogerakis and Vice Chair Maxfield

[CD 21-070](#) To approve the Minutes of the March 23, 2021 Council meeting.

Attachments: [Minutes-Council-3-23-21.pdf](#)

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

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

Absent: 2 - Councilor Kalogerakis and Vice Chair Maxfield

IV. Public Participation.

None.

V. Councilors' Comments.

None.

VI. PUBLIC HEARINGS.

[21-072](#) To receive public comment and act on proposed amendments to the Sewers Ordinance, Chapter 195 of the Code of the Town of Windham.

Attachments: [21-072 Cover Sheet.pdf](#)

[Sewers - Chapter 195 - Amended 2021 KMC 040721.pdf](#)

[North Windham Wastewater mapped.pdf](#)

No public comment.

No Councilor comment.

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

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

Absent: 2 - Councilor Kalogerakis and Vice Chair Maxfield

VII. CONSENT AGENDA.

VIII. UNFINISHED BUSINESS & GENERAL ORDERS.

[21-081](#) To proclaim April 10-16, 2021 as the "Week of the Young Child."

Attachments: [21-081 CoverSheet.pdf](#)

[Proclamation 21-081 Week of the Young Child .pdf](#)

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

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

Absent: 2 - Councilor Kalogerakis and Vice Chair Maxfield

21-083

To accept the resignation of David Douglass from the Town Council and for the Town Council to express its appreciation for Mr. Douglass's service.

Attachments: [21-083 Cover Sheet.pdf](#)

Manager Tibbetts explained that the Charter says the Council can appoint someone until the next regularly scheduled election for a Council seat, which will be November 2, 2021. At that time, that person, and/or anyone else can run for that seats remaining last year. David's term does not expire until 2022 and his seat was At-Large, so anyone in the town is eligible to run for that seat.

The Council expressed their appreciation for his service to the town.

Councilor Maxfield said that David had been one of three on the Appointment's Committee so that seat will need to be filled. As for the whole Council doing the interviews, he is fine with that.

The interviews will be conducted in executive session.

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

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

21-080

To adopt a resolution and endorse the application to the U.S. Congress' Community Funding Program, through the Office of U.S. Congresswoman Chellie Pingree, for \$1,000,000 in funding towards the Morrell land acquisition; a 585+ acre parcel that abuts the 308-acre Lowell Preserve and the 520-acre Town of Falmouth and Falmouth Land Trust conservation land, to be forever preserved for conservation with public access for recreational activities, and to authorize the Town Manager to submit the application and take any other necessary action related thereto.

Attachments: [21-080 Cover Sheet.pdf](#)

[Resolution 21-080.pdf](#)

[MorrellPropertiesMap.pdf](#)

[MOU Morrell Property.pdf](#)

Manager Tibbetts showed a map of the property the town wants to obtain. They became aware that the Morrell's property was potentially for sale, and they had heard through the Presumpscot Land Trust that they also had some conversations with them, and there

was an appraisal in the process of being developed for this property.

While these discussions were happening and in process, the U.S. Congress decided to bring back something that has not existed since 2011, and that is what they call Earmarks. Congressional leaders and Senators are able to identify specific projects that they feel are important to their districts for funding. Each Congressional Rep and Senator is allowed to submit ten different projects, up to a million dollars each.

He feels it is to the town's advantage to submit in a request to Chellie Pingree's Office to see if they can get some funding. They do not know the exact price, but there is an appraisal being done, this is the first step in getting our name in the door to be considered for this earmark. He feels they have a really good chance at receiving this. This property will allow activities for hiking, biking, snowshoeing, cross country skiing, snowmobiling, horseback riding, fishing, swimming, hunting, ATV's and a host of family activities that can all be done there.

The application is due on Friday, April 19. The process is very simple, they are looking for public support, and particularly, if the Council is in favor of doing it. They want to see that the community is involved, along with different organizations. They have been on the phone with different groups, all of which have echoed strong support for this. These selective parcels really fit with what the Open Space Plan is desiring to achieve here in Windham.

He feels it is worthy of consideration in going after the grant monies, and these wouldn't be the only grant monies they would go after. There are three or four other programs at the State level and Federal level that they may be able to receive to get to the end result.

The Town of Falmouth and the Falmouth Land Trust have both sent letters of support for this.

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

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

[21-082](#)

To adopt a resolution and endorse the application to the U.S. Congress' Community Project Funding Program, through the office of U.S. Congresswoman Chellie Pingree, for \$500,000 in funding to replace the John A Andrews School storage facility with a new storage facility on RSU property and raze the existing old school building; for the purpose of constructing new senior public housing that meets the Housing and Urban Development (HUD) Economic Development initiatives, and to authorize the Town Manager to submit the application and take any other necessary action related thereto.

Attachments: [21-082 Cover Sheet.pdf](#)
[Resolution 21-082.pdf](#)
[rsu14_storage_fig1.pdf](#)
[rsu14_storage_fig1_aerial.pdf](#)
[Aerial View John A Andrew School](#)
[John A Andrew School Tax Card](#)

Manager Tibbetts said when they started looking at the opportunities for those earmarks there is a number of different categories you can apply for, and reading the rules for the grant they are not constrained with only one application, multiple applications can be put in.

At a previous meeting they had a discussion with the Council about how to try to do some kind of housing project in South Windham, and to try and find a way to demolish that building and to build a new storage facility for the RSU on RSU property, and to limit the town's involvement in how those funds would work and the transactions. They concluded they could also apply for this, and also use the grant to clean that site up and use the monies to create the new storage facility, thusly, opening up that property for housing. He thinks it is worth pursuing.

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

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

[21-079](#)

To approve a Memorandum of Understanding with R.S.U. 14 authorizing the Town to improve the Manchester School property wooded area with fields and an alternative exit for vehicles, and to authorize the Town Manager to sign the Memorandum of Understanding and to take any other necessary action related thereto.

Attachments: [21-079 Cover Sheet.pdf](#)
[Manchester Fields.pdf](#)
[MOU Manchester Fields.pdf](#)

Manager Tibbetts displayed a screen showing a map of the proposed parcel. He asked Chris Howell Superintendent if the School would be open to the town developing this, and after discussions with his team, they were in favor. The Manager said he has priced it out, included it in the budget and it will have no impact to the budget. All of this work and access road can be funded through a bond. They will have to have an inter- local agreement between the School and the Town. That document will be the next step, because they need that for the bond.

Councilor Nangle said he has seen some disturbing issues where kids were shoood off the existing property at the Manchester School, after school hours, because there was no supervision. He wants to make sure that will not be an issue with these ball fields, and he doesn't feel the staff at the school should be telling them they cannot do that when school is not in session.

Manager Tibbetts said basically after school hours the fields would be open to the public and the town, as well as weekends and holidays. They will draw up a joint maintenance agreement on how to do that.

Superintendent Chris Howell added that they are both looking to serve the same group of kids. The school will serve them during the day and the town will serve them after school hours. He said their excitement in this project in being able to partner with the town, is that our kids will have greater access to athletic fields.

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

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

[21-074](#) To find that the requirements of Section 653 of Title 28-A have been met and to approve an application submitted by D & J Drouin LLC. d/b/a Stockhouse Restaurant & Sandbar Pub for an Extension of License on Premise.

Attachments: [Cover Sheet 21-074.pdf](#)
[Stockhouse-ExtOf Lic..pdf](#)

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

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

[21-075](#) To endorse an application to the Portland Area Comprehensive Transportation System (PACTS) requesting an allocation for Federal Highway Administration (FHWA) funding from PACTS' 2024 "MPO Allocation" for proposed transportation improvements of approximately 2,600 feet of Route 302, from the Shaw's plaza entrance to Amato Drive in North Windham, which is a portion of the Town's North Windham 21st Century Downtown Plan. The total projected budget is \$3.1million and the Town portion is \$1.5million for fiscal year 2023-2024.

Attachments: [21-075 Cover Sheet.pdf](#)
[PACTSApp-Windham302Sidewalk.pdf](#)
[Attachment A - Project Location Map.pdf](#)
[Attachment B - Windham MPO Sidewalk Application Plan.pdf](#)
[Attachment C - Windham 21st Century Preliminary Plan PDR.pdf](#)

Manager Tibbetts showed a map of the area the grant would apply to, and said it would run from where the Shaw's entrance is, on the most westerly side, all the way up to where Amato Drive is.

This came about as staff has been reviewing grant opportunities through GPCOG. In light of all the opportunities coming through the American Recovery Act, and now the Earmark Funds Act, they are trying to put their hands on the right opportunities for funding for projects that are near shovel ready or things that have been moving along through the Council and various committees.

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

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

[21-076](#) To approve the expenditure of \$25,000 from Tax Increment Finance (TIF) funds and \$25,000 from Recreation Impact fees for a total of \$50,000 from the current fiscal year, to be utilized in combination with matching funds

from the City of Westbrook, to complete a cost design summary report for the extension of the Mountain Division Trail approximately five (5) miles from Route 202 to Westbrook; said report to be used to obtain state and federal funding resources for implementation.

Attachments: [21-076 Cover Sheet.pdf](#)
[SouthWindham-WestbrookSection4_8x11.pdf](#)

Manager Tibbetts showed a map of the area. He said this trail would follow these tracks all the way down into Westbrook. They want to capitalize on as much of those grant funds as possible and opportunities with the least amount of impact to Windham and our partner, the City of Westbrook. He said the goal in this is to convert this back into the Maine DOT program and then the State funds it. We are just investing a little seed money to get it going.

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

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

[21-077](#) To consent to an "Access, Utilities and Communications Easement", between the Town of Windham and OTELCO, for the placement of an equipment cabinet on the southerly side of the North Windham Fire Station property at 718 Roosevelt Trail, in a manner that would not obstruct any town functionality, and to further authorize the Town Manager to take any other action related thereto to finalize the action.

Attachments: [21-077 Cover Sheet.pdf](#)
[42339 Easement Prelim 2-18-21.pdf](#)
[Otelco Fiber Optic Cabinet Easement 040121 \(1\).pdf](#)

Manager Tibbetts said they run a significant amount of cable here in Windham. They approached the town about moving this from one side to the other. It will be located on the grassy area, and it will not impede us in any way. The Town Attorney went over the agreement and she was fine with it.

Councilor Maxfield asked if they were to do something with this Fire Station or the property itself in a few years, will that be an issue? No, it is very close to the edge of the property line so it should not be a problem.

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

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

IX. Council Correspondence.

None.

[CD 21-065](#) MMA Municipal Intern Scholarship.

Attachments: [Windham's Award Recipient Announcement.pdf](#)

[CD 21-071](#) PACTS - New Structure.

Attachments: [Orientation to PACTS_3.30.21.pdf](#)

X. Town Manager's Report.

Manager Tibbetts reported on:

We received a \$2,000 scholarship from MMA, and that money will go towards an Intern from the Margaret Chase Smith Policy Center. This was submitted by Amanda and Gretchen. This person will help Gretchen in the field collecting data.

The Library has extended their hours on Saturdays. They also received a \$1,000 grant to develop a Special Needs Adult Craft Program for seniors.

Last weekend there was an Easter Bunny Parade. They heard great feedback on it, and it was a very positive event.

Public Works is finishing up the new playground at Dundee Park, and they are out street sweeping and they are ahead of schedule.

The Fire Department has been reviewing bids on the new fire truck. They are getting close to putting all of that together.

Chipotle and Star Bucks is going in where the old Pizza Hut was, and it should be done in early fall. Jersey Mike's will be going into the Windham Mall in late summer.

The crew is out in all of our parks and cemeteries getting them cleaned up from the winter.

The town put into its budget for a GIS Director; we have hired that person and they started this week. Steve Harmon will be talking with staff on how to integrate information from within each department. Steve comes to us from Auburn, and for the last ten years he spent with the Police and Fire Departments on analysis of data and ten years prior to that he was with DEP. Steve is also a Windham resident.

XI. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

Councilor Nadeau said they have a meeting next week.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said they met last week, and Amanda is finishing up the Windham Center Design Guidelines.

2. Parks & Recreation Advisory Committee.

Councilor Nangle said they met last night. They want to remind everyone that the parks are tobacco free, there is no smoking of anything and that includes vaping at any of the Town Parks or Reserves. All the Town Parks and Reserves are carry-in and carry-out, and this includes pet waste, please clean up after your pets. Somebody spent last weekend cleaning up a bunch of trash at the Donnabeth Lippman Park and it was appreciated by town staff.

Summerfest is being planned in some combination, and the big news is that Dundee Park will open on Memorial Day weekend.

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.

No report.

7. Public Dirt Road Sub-Committee.

No report. Councilor Nadeau asked the Manager if we needed this committee any longer and he did not believe so.

XII. Discussion Items.

Minutes are not taken for Discussion Items.

[CD 21-034](#) North Windham Moves: Regional Mobility, Local Access. Update on the North Windham Transportation Study.

[CD 21-054](#) Natural Resources Advisory Committee Ordinance Amendment Recommendations.

Attachments: [TC memo_NRAC_Shoreland_Surface Water_04-06-21.pdf](#)
[Shoreland Zoning - Chapter 199 revised 04-05-21.pdf](#)
[shorelandzoningmap_04-05-2021.pdf](#)
[Surface Water Protection - Chapter 142 revised 04-05-21.pdf](#)
[2021 Recommendations for Prioritizing Windham's Waterbodies.pdf](#)

[CD 21-055](#) Budget Conversation with RSU#14 Superintendent.

Attachments: [RSU14 Budget .pdf \(42MB\)](#)

[CD 21-068](#) Update from the WEDC Executive Director.

Attachments: [Town Council Presentation April 2021.pdf](#)

XIII. Agendas & Scheduling.

XIV. ADJOURN.

**A motion was made by Councilor Nangle, seconded by Councilor Jones, that the7
be adjourned. The motion carried by the following vote at approximately 10:28
p.m.**

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

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM