



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, October 12, 2021

6:30 PM

Council Chambers

I. Roll Call of Members.

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

Absent: 1 - Nicholas Kalogerakis

II. Pledge of Allegiance.

Council Chair Nadeau led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 21-147](#) To approve the Minutes of the September 28, 2021 Council meeting.

Attachments: [Minutes-Council-9-28-2021.pdf](#)

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

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

Absent: 1 - Councilor Kalogerakis

IV. Adjustments to the Agenda.

None.

V. Public Participation.

None.

VI. Councilors' Comments.

Councilor Nangle said he feels the adjustments to the agenda is ridiculous. Adding it to the agenda merely normalizes it. Staff has more time to get things together but yet, there are still errors with agenda items/attachments. He said it is not only a slight to the Council, it is also extremely disingenuous to the citizens.

VII. PUBLIC HEARINGS.

[21-186](#) To receive public comment and act on a proposed Remote Meeting Participation Policy.

Attachments: [21-186 Cover Sheet.pdf](#)

[Council, Board or Committee Remote Meetings Policy.pdf](#)

Manager Tibbetts explained that when the pandemic hit the Governor modified the allowance of Zoom meetings for Councils and Committees. When the executive order went away, that language left and municipalities were not allowed to continue under the old policies. The Legislature has enacted a law that allows remote meetings for limited, necessary times to occur. In order for that to happen, each Board has to have its own participation policy. Before you tonight is what MMA laid out and most communities has adopted it. This is not a substitute to do this remotely because you don't want to meet in person. The purpose for this is if you are out sick or you have tested positive and you cannot come to a meeting.

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, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott

Absent: 1 - Councilor Kalogerakis

[21-187](#)

To receive public comment and act on proposed amendments to the Shoreland Zoning Ordinance, Chapter 199, and the Official Land Use Map, as required by state law.

Attachments: [21-187 Cover Sheet.pdf](#)

[TC packet PB recommend Shoreland Ordinance Amend 08-05-21.pdf](#)

Amanda Lessard Planning Director said in discussions with the Natural Resource Advisory Committee there was a series of amendments proposed to the Shoreland Zoning Ordinance and map. What is before the Council is limited in scope only to map changes that are required by the State's Minimum Shoreland Zoning Act. In consultation with DEP they have used the data that is available to all municipalities to show the area of the town that Windham is deficient in meeting the State's requirements.

Amanda listed off several areas that are being added. Where there are places in the town's ordinance where the map does not quite reflect the way the ordinance describes, we just brought references back to the Shoreland Zoning map itself she said. They have provided the notification to the property owners who are impacted to be proposed to be added to the resource protection district as required by State law. This map is intended to bring Windham in compliance with the State statute.

Elaine Pollock of Gentle Breeze said she understands that this needs to be done, but her concern is one of compensation. These land owners, particularly two of them, have rather large tracks of land that are involved with this change. This will result in reduced value, and reduced use. She said she does not like Windham being a taking community of property rights, she thinks we have a bit of that reputation. There are ways of addressing this that does not specifically initiate from the Town, whether the land owner would be interested in compensation by selling it for a preserve, it is not of use to them any longer. She would imagine they would get reduced value on their tax bill, hopefully significantly, for this loss of value and use. She said she hopes if there is some sort of vehicle to make these areas into preserved land, that the Council would also step up and put some money in the pot.

Public hearing closed.

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

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

Absent: 1 - Councilor Kalogerakis

[21-190](#)

To receive public comment and act on a proposed Designated Private Ways Ordinance, Chapter 210 of the Code of the Town of Windham.

Attachments: [21-190 Cover Sheet.pdf](#)

[Chapter 210 Streets and Sidewalks PROPOSED AMENDMENT 2021 1025.pdf](#)
[Ordinance re maintenance of designated private ways KMC 102521.pdf](#)
[LD 1723 AG Letter to State and Local Gov. 10.1.2021.pdf](#)

Manager Tibbetts explained that about 20 or 30 years ago the town started out by agreement with a number of private roads in Windham, particularly located along the many lakes that Windham has to assist in the plowing, and that practice has gone on for some time. It was really restricted to plowing at the time and not for summer maintenance.

Part of the problem we have, through the research that has been uncovered, is those agreements that were originally set up were valid agreements but they have to be renewed on a regular basis, recorded and updated continually, and that did not occur. We have 101 roads that go around the lakes and rivers, and for whatever reason they slipped through the cracks, and were not able to be updated and corrected.

In order to fix that we would have to go back to about 1,700 homes on those direct roads and another 400 on minor additional roads, that are now connected into those private roads to redo all of those agreements, which is really too onerous. Another way around that would be to enact an ordinance, and in order to do that, and for the town to go on those private roads to continue the plowing, the town had to go to the Maine State Legislature to have a private and special law just for Windham, which would allow us to do that. We did that and got the approval and came up with a Designated Private Ways Ordinance that would allow the town to continue the practice for those residents here in Windham.

When they were at the legislature, around March of last, year the subcommittee on local and state government sent our request along with the language to the Attorney Generals Office for an opinion of whether an ordinance and/or the town would be able to continue doing what it is doing. In Windham about 40% of these roads are private; it is very unusual because in most municipalities it does not occur, it is prohibited by state law.

In the letter from the Attorney General, one of the challenges is they really have to have clearly written in the ordinance that the town is receiving a permanent right of access, a permanent easement that is irrevocable to have public traffic on that road for the town to continue. That is not going to happen; it won't fit within the defines of what the Attorney General is going to be advising the State and local government on whether or enact this law or not. They gave us a year to notify the residents, educate everybody, put a designated ordinance in place, and come back and report to them this February 2022. In

order to do that, we are ready to send out notices, we have the designated ordinance, we just need to change this ordinance to reflect that opinion by the AG's Office. If the AG's Office does not support it, it will not get through state and local government or the legislature.

His recommendation is to bring it back to Attorney Kristin Collins and have her modify some of the language and bring it back to the Council again. That is the next step if they want to continue down this road.

Public Comment: None

Councilor Maxfield moved to postpone the Order 21-190 to October 26, 2021, seconded Councilor Morrison.

Margaret Cardosa of Sposedo Road said there are two different definitions, a private road is the unconstitutional issue. Where as a private way is defined with a public easement, and thus, again, the public has unfettered rights to travel on the road. She said she appreciates their perseverance of this very privileged opportunity that we have on their roads.

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

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

Absent: 1 - Councilor Kalogerakis

VIII. CONSENT AGENDA.

[21-178](#) To approve the Town Clerk's roster of Warden and Deputy Warden for the November 2, 2021, Municipal and State Referendum Election for districts 24 & 25.

Warden: Yvonne Myer Deputy Warden: Sally Babb

Attachments: [21-178 Cover Sheet.pdf](#)

[21-179](#) To set poll hours and polling location for the November 2, 2021, Municipal & State Referendum Election as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym.

Attachments: [21-179 Cover Sheet.pdf](#)

[21-180](#) To set the date and time for extended hours of the Registrar of Voters as 4:00 p.m. to 7:00 p.m. on Thursday, October 28, 2021.

Attachments: [21-180 Cover Sheet.pdf](#)

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, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott

Absent: 1 - Councilor Kalogerakis

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[21-188](#)

To authorize the disbursement of funds to public health and safety programs as recommended by the Marijuana License Fee Committee.

Attachments: [21-188 Cover Sheet.pdf](#)

[MLF Approval Memo October 5 2021.pdf](#)

[MLF Grant Application BTI.pdf](#)

[MLF Grant Application D.A.R.E.pdf](#)

[Marijuana Licensing Ordinance APPROVED 2021 0713.pdf](#)

Manager Tibbetts said this is a committee that the Council put together to come up with a criteria for distributing the educational fees that we charge our Marijuana Licensees, and this committee has come up with the criteria they reviewed with you at a prior meeting. They have come up with an application and anyone can apply, it will be reviewed and they will decide where those monies will best serve the youth.

Marge Govoni said they had two applications, they support them, and they have been forwarded to the Council. The first is Building Resilience with Teens through the Arts, which is affiliated with Be the Influence. They are looking for a request of \$3,500.

The second request is for the D.A.R.E. to Adventure, which is affiliated with the Windham Police Department for a funding request of \$2,500. She stated that a member of the Marijuana Licensing Fee Committee Matt Cyr did recuse himself from the second application because he is associated with the D.A.R.E. to Adventure group.

Marge said when they started out they had a conversation about a scholarship and taking \$1,000 for the scholarship, she would like to ask that the money be taken out and put aside, and the scholarship would be awarded in the spring.

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

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

Absent: 1 - Councilor Kalogerakis

[21-201](#)

To appoint Phil Spiller to the Natural Resources Advisory Committee for a three-year term to expire August 15, 2024.

Attachments: [21-201 Cover Sheet.pdf](#)

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, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott

Absent: 1 - Councilor Kalogerakis

[21-202](#)

To approve a purchase and sale agreement for approximately 597 acres of

what is the Morrell parcels and authorize the Town Manager to take any other action related thereto to finalize the sale.

Attachments: [21-202 Cover Sheet.pdf](#)

[Morrell Property P & S Agreement including Appraisal.pdf](#)

Manager Tibbetts gave a power point presentation, which showed the 597 acres of land colored in light green on the map, in which Tim Morrell has purchased over many years. It abuts the darker green areas, which is the Lowell Preserve and is around 300 acres. Falmouth has about 300 acres in one parcel that abuts Lowell and then there is the Blackstrap Preserve, which has another 500 acres. Between those four parcels there is almost 2,000 acres of contiguous forested open space land that is available for the public to access for snowmobiling, cross country skiing, hiking, biking, etc.

The town became aware of this parcel and as they looked at it they looked at what a valuable asset this was in abutting various other parcels within Windham. In light of the new open space plan that was recently approved, it meets all of the criteria the town is looking for to preserve land here in Windham and will be for all residents in the future.

There is no house on the property, it abuts Little Duck Pond and has roughly 1,540 feet of frontage on Little Duck Pond. The town had an appraisal done on the property by a firm that specializes in large parcels. They do a lot of work for the Portland Water District and many of the Land Conservation Trusts in Maine, their name is Legacy Appraisal Services. They came to a value of \$3,484 per acre, and that is how they got to the \$2,040,000.

They spent some time in looking at how funds can be raised for this to help pay for the costs. There are a couple of agencies in Maine they can work with. One is Land for Maine's Future, and the maximum award on that is a million dollars. These parcels would qualify for that program. The second program is the Maine Department of Agriculture Conservation & Forestry and their limit is \$600,000. There are a couple of other opportunities out there that they can still apply for that could be at the Federal Land Conservation or the other option is to look for local fund raising through Presumpscot Regional Land Trust and the town.

The Town recently entered into an agreement with the Presumpscot Regional Land Trust to conserve the Lowell Preserve and to help the town create trails, and make what is already there better. The applications for those grants are due this fall and another in the first quarter of next year, the results will be back by May of 2022. Depending on the timing and if we get the Council's approval, they go after the grants and it is put before the voters at the annual Town Meeting. If they close within 12 months of the date of the Purchase and Sale, then they would use the existing appraisal based on a survey that will be done on the property. If it goes after 12 months, there is another look at the appraisal to look at what the market conditions are. Those are requirements of the federal government on large grants that are given for land purchases. There are some conditions on the closing, and there are some warranties but it is all straight forward stuff. They want a survey, they want to walk the property with the owner. The owner knows those lot lines really well, and they will walk with a GPS to identify the boundaries more clearly. There is some limited logging that is going on now and it was started awhile ago, and it is being completed within the next several weeks. It is a selective logging and is being done well.

The Town has worked closely with Portland Water District, and they are looking to replace the water tower outside of this building. This past winter there was a hole on the

side of the tank, and there was a steady stream of water. The tank has to be replaced, and they have done an exhaustive search throughout Windham, and they have located a spot that is on part of this property located off of the Falmouth Road. Putting a tank at that elevation will actually supply the pressure for almost all of Windham. It will supply Windham's future for many, many years. He showed, on the map, where there used to be an old fire observation tower, and so their goal is to raise the money for the purchase of all of this land, and also to raise the money to put various trails in for the residents of all ages, to put a couple of parking lots and to raise enough money to restore that observation tower. This will be a nice plus for the people coming into our community, but also for our residents here to have some place to go and enjoy.

The Manager's recommendation, along with staffs and the Presumpscot Regional Land Trust is this would be a great project for the Council to consider and move forward for the community.

Rachelle Curran Apse Executive Director for the Presumpscot Regional Land Trust said they have closed on the conservation easement for the Lowell Preserve, and they are now actively working to upgrade and improve the trail system with the newly revived Snowmobile club/ATV club, mountain biking club, trail running club and 40+ other volunteers who have been reinvigorated by this process.

It is exciting to do this same process together again with Morrell. They are looking to do, essentially, the same thing for the town to own the land, and for the Land Trust to hold the conservation easement and together, create a shared management plan. It will look essentially the same as what they discussed with Lowell. It is such a big deal for Windham to still have, for what is quite possibly, the last largest open space project in Greater Portland. This project likely won't happen anywhere else in the whole region again. It is really important for Windham and really exciting as an economic development driver for Windham through the region, especially by putting in an observation tower. The next closest observation tower is Douglass Hill in Sebago.

This will become a destination, it will be an opportunity for every school group to come to, every after school group, every summer group to come and learn to love the outdoors right here in Windham. She thinks the timing is incredible, and this project has been talked about behind the scenes for along time, but the timing hasn't been right, but now with the Land For Maine's Future is opening up, they are hoping it will be the largest funding source for this project. There are other state and federal opportunities that have not been available until now. She is delighted that this would be the next really big project that Windham could take on after passing your Open Space Plan.

Steve Quinlan said he thinks it is a great idea.

Barry Bernard who is the President of the Windham Drifters Snowmobile Club is in support of this project. He said they have been working with Toby Jacobs of the Presumpscot Regional Land Trust. He said he has spent a lot of time hiking the Lowell Preserve and trying to establish motorized trails and keep them separate from pedestrian traffic. He has also hiked quite a bit of the Morrell property out to the power line because their existing trail comes right out to that line and then it connects to Gray. The problem with the power line is it is a mine field of rocks and steepness and extremely difficult to traverse. To be able to use some of the existing roads and skidder trails that are on the Morrell property would be ideal.

Mr. Bernard said Windham is number one in the State of Maine with snowmobile registrations for many years, 975 sleds registered to 611 owners in the town. He said

their club crosses 116 different land owner parcels in the Town of Windham, about 178 different parcels of land owned by those people, and anyone of them could shut them down, so having property like this is wonderful.

Rochelle said they worked with the Gray/New Gloucester ATV club who officially regionalize broader and they are now the Windham Gray/New Gloucester ATV Club so they officially cover the Town of Windham.

Mickie Van Summer said she is proud of our town, and this is one of the best things we have done in a long time. She hikes everyday and has hiked in Lowell.

Elaine Pollock said this was fabulous and a huge thank you to the Morrell Family, what a tremendous gift.

Councilor Nangle said he completely supports this. There will be people who complain because we are spending so much money but this is the chance for all of those people who are opposed to these subdivisions to put up or shut up. It is an opportunity to protect open space in town, which seems to be some of their largest concerns.

Councilor Maxfield said he echo's what Councilor Nangle said, he totally supports it. He thanked the Manager, Planner and town staff for planning and looking ahead. He thanked the Morrell family for accumulating and holding the land and not turning it into a subdivision. The opportunity the town will get is fantastic on so many levels.

Councilor Jones said when this first came to light he was a big supporter of this. If he could do one thing over the next two years as a Councilor is to see this go through. Large parcels like this do not come up ever for public purchase. This is an opportunity to preserve this land forever, for his children and all of our children. He is excited to move forward and find the funding to do 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, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott

Absent: 1 - Councilor Kalogerakis

[21-209](#)

To authorize the Town's contribution of up to 50% funding from the Town, in cash (bond) or in-kind services, towards the purchase price of the Morrell parcels.

Attachments: [21-209 Cover Sheet.pdf](#)

Manager Tibbetts explained that for the Town to apply for those grants the Town Council needs to vote and be willing to fund up to 50% of that purchase price, otherwise they will not accept our applications for the grant. It does not mean we are going to do 50%, we could get more than that in cash and in-kind, but we have to make the commitment that "yes" we are willing to do it.

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

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

Absent: 1 - Councilor Kalogerakis

[21-204](#)

To approve a Memorandum of Understanding between the Town and the Presumpscot Regional Land Trust for the former Morrell property.

Attachments: [21-204 Cover Sheet.pdf](#)

[MOU-Morrell-10-01-21 PRLT and Town.pdf](#)

Manager Tibbetts said this is very similar to the agreement they entered into with the Presumpscot Regional Land Trust prior to the Lowell Preserve, and what they are saying is they are going to work cooperatively towards the purchase of the Morrell property, and they will assist us in writing grants, and they will work out a management plan.

He explained that the Land Trust's roll is to ensure the property is preserved forever. The town could buy this property and not put any restrictive easements on it. What the Land Trust offers for us is they work and operate in the land of grants more than the town does, and they also will provide the service of taking care of the property using volunteers. The town is able to do that because we contributed some money towards a preservation fund, they raised some money for that preservation fund and those funds, in combination with the volunteers, can maintain those trails, it is a unique partnership.

A motion was made by Councilor Morrison, 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, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott

Absent: 1 - Councilor Kalogerakis

[21-203](#)

To approve a purchase and sale agreement for a parcel identified on tax map 19B lot 32, 67 Forbes Lane, and authorize the Town Manager to take any other action related thereto to finalize the sale.

Attachments: [21-203 Cover Sheet.pdf](#)

[Forbes Lane Parcel Information.pdf](#)

Manager Tibbetts said in 1979 the Town of Windham applied for a federal grant for a public recreation facility, and this was when the school was under the town's jurisdiction. The grant was \$89,000 and the town contributed \$89,000 for \$179,000, and two tennis courts were built on school property. It was built where the current football stadium is now located. At some point, when the school separated from the town and the RSU was created the RSU went forward and removed those courts.

When the town accepts a grant from the federal government for recreational purposes it travels with the land forever. You are not allowed to change what is there without the federal government's permission, and so when, we as a town, are looking to raise money for the Morrell property, those federal agencies go back in their records and look the Town of Windham up. They found an old map submitted by the town, and we took the money and put the courts in. It was done right, but the minute we changed that and removed those courts, we needed to go back to that agency and notify them we were changing it.

The way it works through the grant process is, we need to replace what was there, and if we don't replace it, we cannot get additional grant funds from that federal agency. The only way to do that is to find a similar parcel, somewhere within the municipality, where we can do something to create that additional recreational value that was lost when those

courts were taken away. He has spoken with Chris Howell and he is aware of this issue, and he wants to resolve it too. The school will cover the cost for the value of those courts for a new recreational area and it will be no cost to the town, but we are the vehicle it has to go through because we took out the original grant.

Our planning office has been looking at different parcels where opportunities could arise to enhance neighborhoods. The town owns a parcel of vacant land on Misty Drive off of Falmouth Road. On the other side of that is Forbes Lane where this parcel exists. This parcel was up for sale. We will use the school to fund this parcel and when we do that and put a playground on it, it will be the replacement value for those two tennis courts. It takes about a couple years to go through the process but in correcting this, if we have this parcel and it is under contract, we are able to apply to the federal agency, even though we have not closed or completed the project, it opens up the door for the town to apply for the grants for the Morrell property. We have to correct this wrong before moving forward.

Mary Cote she said she didn't know what the criteria for the playground would be, she said that property is on a narrow corner and feels it is a safety concern. She asked where the cars would park? The Manager said parking may be on the side of the street. She also asked what do you offer for a house that abuts this playground, would the town put up a privacy fence? The Manager said there could be a privacy fence, they would meet with the abutters and discuss this. She would love to see walking and biking trails.

Dave Joy lives two lots up from the blue section. Those two pieces of property has always been known as "common" to the neighbors. He would like to keep it small scale and keep it as natural as possible.

Greg Baker lives on Misty Drive and is in full support of 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, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott

Absent: 1 - Councilor Kalogerakis

[21-205](#)

To award a bid for the purchase of one 2022 GMC 3500HD 4x4 1-ton pickup from Bill Dodge in the amount of \$47,549 plus \$12,451 for related plow and sanding gear, a total equipment purchase of \$60,000 to be applied to account 19100-47430 and financed through a municipal lease-purchase agreement.

Attachments: [21-205 Cover Sheet.pdf](#)
[Memo Public Works Director 2021 0922.pdf](#)

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

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

Absent: 1 - Councilor Kalogerakis

[21-206](#)

To adopt a resolution to authorize the Town Treasurer to negotiate the

terms of an Equipment Lease Purchase Agreement and related documents providing financing of up to \$60,000.00 plus interest, maturity, and other terms and conditions with whatever financial institution the Treasurer deems appropriate and to award the Equipment Lease Purchase Agreement to such financial institution as they deem to be in the best interests of the Town in order to provide the Town with one 2022 GMC 3500HD 4x4 1-ton pickup and related plow and sanding gear.

Attachments: [21-206 Cover Sheet.pdf](#)
[Windham Resolution 21-206.pdf](#)

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

In Favor: 6 - Council Chair Nadeau, Councilor Nangle, Vice Chair Maxfield, Councilor Morrison, Councilor Jones and Councilor Ohmott
Absent: 1 - Councilor Kalogerakis

[21-207](#) To approve the use of a growth permit from the reserve pool for a single dwelling unit, a single-family home in the Farm zone.

Attachments: [21-207 Cover Sheet.pdf](#)
[R Cooper Letter to Council.pdf](#)
[Ch 116 Growth Management Ordinance REVISED 2021 0622.pdf](#)

This Order is not needed. The Manager said staff has been working with the owner and there is an alternate solution where they can do it, as a gift lot, from the son to the father; therefore, they do not need a growth permit so this does not need to be acted on.

[21-208](#) To endorse the Climate Resilience Project and support the funding proposal to the Governor's Office of Policy Innovation and the Future (GOPIF), and to authorize the Town Manager to submit the application and take any other necessary action related thereto.

Attachments: [21-208 Cover Sheet.pdf](#)
[Windham Resilience Pilot Presentation.pdf](#)
[Timeline and Implementation GPCOG Resilience Pilot.pdf](#)
[GPCOG Award Notification Letter Resilience Pilot.pdf](#)

Gretchen Anderson Environmental Sustainability Coordinator said they received a grant from GOPIF to Bridgton and GPCOG to design a pilot project to increase municipal capacity to plan for climate change; that was awarded in March. In that time they have held three workshops bringing in experts, analyzing data and discussing climate hazards and impacts that have impacted both municipalities, and identifying actions that could improve resilience.

From those workshops they identified a list of priority projects that could potentially build resilience within Windham and Bridgton. From there they have to create a proposal application to GOPIF and they will fully fund this project.

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

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

Absent: 1 - Councilor Kalogerakis

X. Council Correspondence.

[CD 21-146](#) Department Quarterly Reports.

Attachments: [Assessing July-September 2021.pdf](#)
[BTI Town Report Update.pdf](#)
[Fire-Rescue 2021 Q3 Report.pdf](#)
[Human Resources Quarterly Report.pdf](#)
[Library Quarterly update 10012021.pdf](#)
[Parks and Recreation Quarterly Report July - September 2021.pdf](#)
[Planning FY22 Q1 Report.pdf](#)
[Public Works July-Sept 2021 Quarterly Report.pdf](#)
[WEDC Quarterly Town Council Report](#)
[Police Quarterly Report July-Sept. 2021.pdf](#)

[CD 21-149](#) Town Clerk's Quarterly Report July-September 2021

Attachments: [Town Clerk's Quarterly Report.pdf](#)

XI. Town Manager's Report.

Manager's report: They are making good progress on the Police & Fire Station. The majority of the big steel is up and they are doing exterior framing. The goal is to have it closed in before winter.

They are continuing with the planning of the sewer design, and they are still on target to bring back some numbers to the Council in December. They are looking to have some indication from the Maine DEP on the permitting for the wastewater facility approval by May, and our goal is to have that before Town Meeting in June of 2022.

The Lowell Parking lot at the East Windham Fire Station is being worked on by the Public Works Dept., they are making good progress and the first coat of base pavement is going down this fall.

The paving projects that were approved through the budgetary process are all done excluding for Depot Street.

At the next meeting on October 26 he will give a report about waivers that have occurred within the Planning Board and some potential areas they can look at with changes in our ordinances. He asked if the Council would like to have a joint meeting with the Planning Board?

XII. Committee Reports.**A. Council Subcommittees.**

1. Appointments Committee.

No report.

2. Finance Committee.

Councilor Nadeau said they met a couple weeks ago.

B. Other Committees.

1. Long Range Planning Committee.

Councilor Nadeau said they met last week.

2. Parks & Recreation Advisory Committee.

No report.

3. Windham Economic Development Corporation

No report.

4. Highland Lake Leadership Team.

Councilor Jones said they meet on October 19th.

5. Natural Resources Advisory Committee.

Councilor Jones said the next meeting is October 20th.

6. Public Easement Advisory Committee.

Councilor Jones said they are all done for the year.

XIII. Discussion Items.

[CD 21-139](#) Marijuana Business Licensing Ordinance - Definition of Dispensary.

Attachments: [Email M Dumais RE Medical Marijuana Caregiver Businesses.pdf](#)

[CD 21-128](#) North Windham Moves Presentation.

XIV. Agendas & Scheduling.

XV. ADJOURN.

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

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

Absent: 1 - Councilor Kalogerakis

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM