



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, November 26, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

Present: 7 - David Nadeau, Brett Jones, Nicholas Kalogerakis, Mark Morrison, William Reiner, John Henry and Jarrod Maxfield

II. Pledge of Allegiance.

III. Minutes to be Approved:

[CD 24-224](#) To approve the Minutes of the November 12, 2024, Council meeting.

Attachments: [Minutes-Council-11-12-2024\(1\).pdf](#)

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

IV. Adjustments to the Agenda.

None.

VI. Public Participation.

None.

VII. Councilors' Comments.

Councilor Nadeau said that Marge received a text from the Primary School and they were looking for 28 meals for student's families for Thanksgiving. Rene and Colette stepped right up and they will be receiving Thanksgiving meals and they will also be receiving breakfast.

Councilor Henry told Barry that he is still trying to digest the sewer information Barry presented last week. He said it was a lot of data, and to him he was not 100% clear of what the breakout of our cost obligations are by phase. He feels they kind of painted themselves into a corner, and he feels like the tone is the town is obligated to approve 864 apartment units to pay for the sewer, he was not sure that was accurate. He said it seems like we are building apartments to fund the sewer to support more apartments to fund the sewer. He would like to request a break-down of the numbers by phase and what the funding growth requirements are to fund the minimum level of operation for the sewer, and maybe the next phase.

The Manager said he will take a look at the data and see how they can break it out for him. Basically, when they sent out the original flyer on the sewer for the public to vote on the sewer, the flyers said they would be looking to bring commercial apartments and a series of different items into the T.I.F. areas to pay for the sewer.

The apartments came forward, and one of the projects was already lined up for that, they could have built, but they went to do more because the sewer was going there and it became part of the funding. As they went through the project another apartment complex came forward that wanted to do something, and most recently the first all commercial project has come forward, which is good. He will break it out by colors. He said in order for them to get to that project of \$47 million, less the debt forgiveness and the other grants, along with the school project of \$13 million, the net of that is around \$51.5 million, and what they have lined up for potential projects coming in to that area would cover those costs. It will be hard to break out and not do one of those segments, because they are all intertwined.

Councilor Henry said what he wants to know is are they compelled, as a Council, to approve 864 units to pay for this sewer or are there other avenues to do that? Barry said those 864 units are spanned out over 7 years.

Councilor Nadeau said if you don't have participation in the sewer, the sewer rates will be out of sight.

Councilor Kalogerakis said he too is a little confused and he doesn't think they need to make this a Council item if the rest of the Council fully understands it. He would be willing to come in and review some of his questions.

Councilor Reiner said the concern he has is Veteran's Drive since it is totally virgin land, it is like a free for all. H would like to look at the zoning on the Veteran's Drive area as a goals and objective to try and get ahead of that.

Councilor Maxfield wished everyone a Happy Thanksgiving. There was a lot of information to digest, and they do not have to approve anything, but the flip side of that is the tax burden then moves to the folks. It is a lot of units to put in over time and not unprecedented in Windham and he noted that in the 80's and 90's we had all these boons. He said those units in the pipeline, for us in North Windham, are kind of reaching the apex of residential. What he understood is those are the ones that are going to pay for the foundation and then once that foundation is in, we can grow on that and when the state allows us to open up extra capacity, based on the results of the multi-year study to show what we said is going to happen, actually happens, then that gives us more ability to get in more commercial, which the bigger end goal.

Councilor Kalogerakis said he has mentioned it before, and thinks they should revisiting the Comp Plan. Covid changed the trajectory of our town, the world and the country. It is a long project but if we don't start it, we will never get there.

VIII. PUBLIC HEARINGS.

[24-173](#)

To receive public comment and act on proposed amendments to Chapter 185 Shoreland Zoning Ordinance and Chapter 120 Land Use Ordinance of the Code of the Town of Windham, pertaining to standards to effectively provide municipal review and approval of development proposals for the development of new or expanded non-residential uses in the shoreland

zoning districts.

Attachments: [24-173 Cover Sheet.pdf](#)
[Moratorium Ordinance.pdf](#)
[Order 24-129 Moratorium Extension Non-Residential Uses in Shoreland District.pdf](#)
[24-27 TOC MEMO AmendmentsChapter185Shorland LUO 1209624.pdf](#)
[Ordinance Amendment 120924.pdf](#)

Manager Tibbetts asked for this to be postponed until December 12, 2024 because the Council has not discussed the parameters of what that moratorium of what that impact would be or how it would function.

This is going to be discussed under Discussions tonight. It was supposed to be discussed at the last meeting but we ran out of time.

A motion was made by Council Chair Morrison, seconded by Councilor Nadeau, that Order 24-173 be postponed to December 12.. The motion carried by the following vote:

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

IX. CONSENT AGENDA.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

[24-196](#) To adopt the Council's Rules of Procedure.

Attachments: [24-196 Cover Sheet.pdf](#)
[Council Rules Amendment 2024 1126 markup.pdf](#)
[Rules of the Planning Board 07-24-23.pdf](#)

Manager Tibbetts said the comments made at the last meeting have those changes reflected in here to remove the him/her, he/she markers. There were a couple comments made about having clarity about what happens with a tie vote and the attorney rewrote on what happens if there is a tie vote. It is under Section 3 (C).

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-217](#) **WHEREAS**, Windham, like many towns, has seen an influx of new residents who want to live here; and
WHEREAS, Windham has recently been named one of the top ten "hottest zip codes in the country"; and
WHEREAS, the prices of houses in Windham have increased substantially since the Covid 19 pandemic; and
WHEREAS, young families are finding it difficult to find affordable housing options; and

WHEREAS, there are residents in our community who have lived here for many years; and

WHEREAS, these long-term residents include senior citizens who live on fixed incomes; and

WHEREAS, Maine's Constitution and statutes require reassessment of properties which has resulted in some long-term owners incurring substantial and unexpected increases in property taxes, with newer homeowners also experiencing significant hikes due to shifts in the property tax burden; and

WHEREAS, the State Legislature has the sole power to enact changes in the property tax system, to enact other measures to reduce reliance on property taxes as a revenue source and, if appropriate, to submit Constitutional amendments to the voters;

NOW THEREFORE BE IT PROCLAIMED, that the Town Council of the Town of Windham calls upon the legislative delegation, Senator Timothy Nangle, and Representatives Barbara Bagshaw and Mark Cooper to work toward a more fair and equitable system of real property taxation, as well as other measures to reduce property tax burden which may include but is not limited to the following:

1. Substantially increase the Homestead Exemption, and fully fund the lost revenue reimbursement to municipalities;
2. Authorize a real property transfer tax that is paid at the time real property is sold;
3. Authorize local option taxes that allow towns to impose local sales taxes;
4. Increase the property tax fairness credit and consider additional, means-based property tax relief programs;
5. Increase the state revenue sharing and/or revamp the formula so that communities with high values and lower tax rates are not penalized;
6. Authorize a local sales option for a marijuana use tax for those municipalities selling it; and
7. Conduct a Fiscal Impact Assessment on any legislation that affects municipalities prior to legislative voting.

Attachments: [24-217 Cover Sheet.pdf](#)
[Message from Rep Bagshaw.pdf](#)

Council Chair Maxfield introduced and invited Representative Mark Cooper and Senator Tim Nangle up to the front, and noted that Representative Barbara Bagshaw was invited but was unable to make it tonight. He said pre-Covid the Council would meet with our Representatives every year. Councilor Kalogerakis was the one who brought this Proclamation up and he thanked them for coming.

Representative Mark Cooper said there are some topics that were just mentioned that are already in discussion, and he has heard many of the topics repeatedly. He thinks there are a lot of common goals and they want to work to solve them.

Manager Tibbetts ran through the seven items listed in the proclamation and gave some

thoughts from staff's perspective.

Representative Nangle spoke to each of the seven items listed. Afterwards, some of the Councilors asked questions. He said to please keep them informed of anything that is going, especially where they can be there to meet with constituents and hear their support of programs. He said he would reach out to the Council to get some more ideas on how we can write the legislation for the revenue sharing redistribution.

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-230](#)

To appoint Marge Govoni to the Substance Prevention Grant Committee for a three-year term to expire August 15, 2027.

Attachments: [24-230 Cover Sheet.pdf](#)

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-082](#)

To appoint Stan Rintz, who previously served on the ad hoc Community Center Committee, to the Windham Middle School Repurpose Advisory Committee.

Attachments: [24-082 Cover Sheet.pdf](#)

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-231](#)

To appoint Cathy Streifel, who previously served on the ad hoc Community Center Committee, to the Windham Middle School Repurpose Advisory Committee.

Attachments: [24-231 Cover Sheet.pdf](#)

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-232](#)

To appoint Phil Spiller to the Natural Resources Advisory Committee for a three-year term to expire August 15, 2027.

Attachments: [24-232 Cover Sheet.pdf](#)

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

24-234

To approve the use of sixteen (16) growth permits from the reserve pool for eight (8) duplex buildings and eight (8) multifamily buildings in an approved senior housing condominium development, The Cove at Highland Lake, located in the Route 302 transitional growth area as designated by the Comprehensive Plan.

Attachments: [24-234 Cover Sheet.pdf](#)

[Growth Permit Application - All Remaining Buildings in The Cove at Highland Lake 48 Units.pdf](#)
[Growth Permit Exhibit 48 Units QTY 8 4 Unit and 8 2 Unit Buildings in The Cove.pdf](#)
[The Cove at Highland Lake Remaining 48 Units Application Windham Growth Permit Application Reserve Pool 12-02-24.pdf](#)

Assistant Manager Bob Burns said this is an approved subdivision, it already exists and is under construction down on Route 302 near the Westbrook town line. He said this development has used up the allocated growth permits that they can get from the Code Office, and to finish the subdivision they are asking the Council to grant the eligible growth permits. Bob invited Steve Pulio and Jon Rioux up to speak about this.

Jon Rioux said they did issue 12 units, and he just recently submitted for a multi-unit and he thinks the guidance was that because the Code office is all out of growth permits they would have to come to the Council to seek the remaining. He thinks his wishes, and he did not actually talk to him about this, but is to just to take the rest of it in one swoop, and that is what you see in the Order. There is still either 3 or 4 duplexes that they could approve in the Code Office, but he felt it made more sense to bring it to the Council because it is approved as one subdivision.

Councilor Kalogerakis said he was not opposed because it is all senior housing.

There was discussion on the different types of growth permit applications and which one is used in which instance.

Jon Rioux said if they came to the Code Office for permits, they are out of multi-unit permits, they already issued those three. They obviously want to do the rest of their build here, so the appropriate step is to seek approval through the Council with A - E. If that was not submitted, he thinks that is the form to guide the Council and the applicant through those steps, but it is still the same process.

Assistant Manager Burns said he would recommend that we seek the applicant out and we have them fill the form out, but to get to the heart of the matter they do 5C, which is the dwelling structure to which the growth permits may be allocated and are part of an approved subdivision or other project and will be located in two-family, multi-family and mixed use buildings. They only have to comply with one of those items and they do comply.

Steve Puleo said this is an age restricted retirement community overlay district, so it is 55+, and it is not available for anyone younger than that.

Councilor Reiner - as it was said this is going for senior housing, it is not going to have a big impact on the town. His concern lately is the schools. He thinks the Council is

correct in being cognitive of how these permits are going out and being more aware of what we are giving out, because now we are the ones authorizing them. He wants to make sure we are giving out permits from where they should be given out from, whether it is the reserve pool or the annual pool.

After much more discussion on the two types of permit pools, the application forms and the trends of different types of buildings that Windham has had in previous years, the following amendment was made.

Councilor Maxfield moved to amend the approval of 24-234 contingent upon the applicant filling out and adding to the packet and the record the growth permit reserve pool application, seconded by Councilor Jones.

Vote on Amendment:

In Favor: 7-0

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

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

XI. Council Correspondence.

XII. Town Manager's Report.

Manager Tibbetts said if you have not filled out the town-wide survey, you have a few days left. There have been almost 1,000 surveys submitted. The town does a monthly Newsletter filled with information, and if you have not signed up for this yet, please go to our website and sign up. He wished everyone a Happy Thanksgiving.

XIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Morrison said they met tonight and have one candidate they will be moving forward.

2. Finance Committee.

No report.

3. Ordinance Committee.

No report.

B. Other Committees.

1. Parks & Recreation Advisory Committee

No report.

2. Windham Economic Development Corporation.

No report.

3. Natural Resources Advisory Committee.

No report.

4. Greater Portland Council of Governments (GPCOG).

Councilor Maxfield said they met the other day and they talked about MDOT's Regional Planning Scope of Work and how they are changing up that process, which will be talked about later. The big thing is advocacy, tax relief, sustainable transportation, regional solutions and housing.

5. ecomaine.

Assistant Manager Bob Burns said there was a meeting last week but he was on vacation, and he will give an update at the next Council meeting.

XIV. Discussion Items.

***Note: Minutes are not taken for Discussion Items.**

[CD 24-196](#) Chapter 185 Shoreland Zoning & Chapter 120 Land Use Ordinance Amendments.
Non-residential Use Standards in Shoreland Zoning Districts (Current Moratorium)

Attachments: [24-27 TOC Ordinance AmendmentsChapter185Shorland LUO 1106 24.pdf](#)
[24-27 TOC Ordinance AmendmentsChapter185Shorland LUO 1106 24.pdf](#)
[24-27 SZ and LUO Amendment Minutes 102824.pdf](#)

[CD 24-215](#) Amendments to the Code of the Town of Windham, Chapter 120, Article 3 Definitions and Article 5 Performance Standards for RV sales.

Attachments: [24-24 TC MEMO LUO AMD Articles 3 5 112024.pdf](#)
[ARTICLE 3 and ARTICLE 5 \(JB rev'd SJ 11-21-24\).pdf](#)

[CD 24-184](#) Municipal Valuation Report - Assessor Josh Houde.

Attachments: [Town Council-MVR 2024 Presentation \(002\).pdf](#)

Postponed.

[CD 24-225](#) Tax Increment Financing (TIF) Report.

Attachments: [REPLACE THISWindham TIF Program Update November 2024.pdf](#)
[TIFDistricts2025.pdf](#)

Postponed.

[CD 24-222](#) 5-Year Transportation Infrastructure Project List to the Portland Area Comprehensive Transportation System's (PACTS).

Attachments: [Windham PACTS MDOT Project List.pdf](#)

XV. Agendas & Scheduling.

XVI. ADJOURN.

A motion was made by Councilor Jones, seconded by Councilor Reiner, that they be adjourned. The motion carried by the following vote at 9:25 p.m.:

In Favor: 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM