



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, November 12, 2024

6:00 PM

Council Chambers

Swearing In of Councilors-Elect.

William Reiner and David Nadeau were sworn in prior to the meeting.

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

I. Roll Call of Members.

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

II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 24-216](#) To approve the Minutes of the October 22, 2024, Council meeting.

Attachments: [Minutes-Council-10-22-2024.pdf](#)

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

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

IV. Adjustments to the Agenda.

VI. Public Participation.

No public participation.

VII. Councilors' Comments.

No Councilor comment.

VIII. PUBLIC HEARINGS.

[24-221](#) To receive public comment and act on proposed amendments to the Taxation Ordinance, Chapter 209 of the Code of the Town of Windham, specifically to Article 1 Property Tax Assistance, to decrease the 10-year residency requirement to 5-years. [There are currently two of a possible five

applications received.]

Attachments: [24-221 Cover Sheet.pdf](#)

[Criteria for participation 5 year.pdf](#)

Manager Tibbetts said that this had previously been discussed at a couple of other council meetings. This is a result from applications that came in to this program, and they realized that there are some residents who had not lived here a full ten years but have lived here longer than five years that would not qualify because of that time limit. From a financial perspective they certainly would qualify and it would be of great help to them.

As an interim measure and having discussions with Councilor Reiner and Councilor Kalogerakis, he put this back on the agenda to see if the Council would be willing to go from the ten to the five years for this current year, and then the Finance Committee would take a deeper dive into this with possible further changes for next year.

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

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

24-224

To receive public comment and act on proposed amendments to the Parks Ordinance, Chapter 150 of the Code of the Town of Windham, to better define smoking prohibitions to include vaping and expand the prohibited substances to include marijuana and other substances, as well the hunting exception including East Windham Conservation Area and other minor typographical corrections.

Attachments: [24-224 Cover Sheet.pdf](#)

[CH 150 PARKS markup.pdf](#)

Patrice Leary-Forrey the Project Director for Be the Influence said this is a project by the youth from the Windham High School that was presented to Council and has gone through the process. They support the change in the signage from No Smoke, No Tobacco to include Vapes, Marijuana and any other substances that are combustible.

Madeline Cyr is a Community Health Promotion Worker with Portland Public Health. They serve all of the County and she wanted to highlight the importance of having language on signage and why she supports this so much. It is because when they say "No Smoking" that can mean a lot of things. Having Vaping and Cannabis included in that is going to be incredibly helpful in keeping our parks smoke free.

Assistant Manager Burns said smoking is being further defined in this change but also there are two other items. Firearms and Fireworks they are adding at East Windham Conservation area in this ordinance and there were some minor spelling and punctuation mistakes.

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

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

24-228

To receive public comment and act on a new application submitted by Connor Dufour d/b/a Big Swing Golf Sim, at 765 Roosevelt Trail, and to find that the

requirements of 28-A M.R.S.A. § 653 have been met for a new Liquor License.

Attachments: [24-228 Cover Sheet.pdf](#)

[New Liquor - Big Swing Golf Sim.pdf](#)

Connor Dufour the owner of Big Swing Golf Sim said it will be a golf simulator with six bays, and recreational areas with shuffle board, dart boards and corn hole. This will be for all of Windham and surrounding areas. They would like to provide alcoholic and non-alcoholic beverages. They will be located at 765 Roosevelt Trail where Radio Shack used to be.

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

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

IX. CONSENT AGENDA.

[CD 24-199](#) Freedom of Access Act (FOAA) Training.

Attorney Mark Bower of Jensen Baird gave the training.

After Council Chair Morrison acknowledge the Clerk on last week's election. He said she spent a lot of time preparing for the election with early voting and then it was a very late election night. Linda said it was 3:17 a.m. when they left the school. Councilor Morrison thanked Linda and her team for all they did for the election.

He noted that there were two Councilors who were up for re-election, Bill Reiner and David Nadeau and both were re-elected.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

[24-182](#) To accept nominations for and elect a Chairman of the Town Council.

Attachments: [24-182 Cover Sheet.pdf](#)

**Councilor Nadeau nominated Jarrod Maxfield.
Councilor Reiner nominated Nick Kalogerakis.**

Votes for Jarrod Maxfield

In Favor: 4 - Councilor Nadeau, Councilor Jones, Councilor Morrison, Councilor Maxfield

Jarrod Maxfield won the nomination.

[24-183](#) To accept nominations for and elect a Vice-Chairman of the Town Council.

Attachments: [24-183 Cover Sheet.pdf](#)

**Councilor Kalogerakis nominated Bill Reiner.
Councilor Jones nominated Mark Morrison.**

Votes for Councilor Reiner

In Favor: 7-0

[24-184](#) To accept nominations for and elect a Parliamentarian of the Town Council.

Attachments: [24-184 Cover Sheet.pdf](#)

Councilor Maxfield nominated David Nadeau.

In Favor: 7-0

24-185

To accept nominations for and appoint a Finance Committee. (The committee meets when warranted, typically bi-monthly, the hour prior to regular council meetings on the second or first Tuesdays of the month. Additional meetings may be scheduled for the budget review process.)

Attachments: [24-185 Cover Sheet.pdf](#)

Councilor Nadeau nominated Bill Reiner, David Nadeau and Nick Kalogerakis.

In Favor: 7-0

24-186

To accept nominations for and appoint an Appointments Committee. (The committee meets when applications are received, typically the hour prior to regular council meetings, on the 2nd and/or 4th Tuesdays of the month.)

Attachments: [24-186 Cover Sheet.pdf](#)

Councilor Maxfield nominated John Henry.

Councilor Jones nominated Bill Reiner.

Councilor Maxfield nominated Mark Morrison.

In Favor: 7-0

24-187

To accept nominations for and appoint an Ordinance Committee.
(Currently meets, _____)

Councilor Maxfield nominated Jarrod Maxfield, John Henry and David Nadeau.

In Favor: 7-0

24-188

To accept nominations for and appoint two representatives to the Windham Economic Development Corporation board of directors. (Currently meets, _____)

Attachments: [Windham Economic Development Corporation](#)

Councilor Morrison nominated Jarrod Maxfield and Nick Kalogerakis.

In Favor: 7-0

24-189

To appoint a Council representative to the Parks and Recreation Advisory Committee. (Typically meets at 6:00 PM on the 2nd Monday of each month.)

Attachments: [24-189 Cover Sheet.pdf](#)

[Parks and Recreation Advisory Committee.pdf](#)

Councilor Maxfield nominated Brett Jones.

In Favor: 7-0

[24-190](#) To appoint a Council representative to the Energy Advisory Committee. (Meetings TBD)

Attachments: [24-190 Cover Sheet.pdf](#)
[Energy Advisory Committee.pdf](#)

Councilor Henry nominated Bill Reiner.

In Favor: 7-0

[24-191](#) To appoint two Councilors to the Substance Prevention Grant Committee. (Typically meets via Zoom the first Tuesday of each month at 1:00 PM if there are applications to consider.)

Attachments: [24-191 Cover Sheet.pdf](#)
[Substance Prevention Grant Committee Charge](#)

Councilor Maxfield nominated Mark Morrison.

In Favor: 7-0

[24-193](#) To appoint both a delegate and alternate delegate to the Greater Portland Council of Governments General Assembly. (The General Assembly meeting is tentatively May 29, 2025.)

Attachments: [24-193 Cover Sheet.pdf](#)

Councilor Maxfield was appointed as the delegate and Assistant Manager Bob Burns was appointed as the alternate delegate.

In Favor: 7-0

[24-194](#) To appoint a representative and alternate representative to the **ecomaine** board of directors. (Typically meets the third Thursday of each month at 4PM.)

Attachments: [24-194 Cover Sheet.pdf](#)

Councilor Maxfield nominated Assistant Manager Bob Burns as the representative.

Councilor Maxfield nominated David Nadeau as the alternate representative.

In Favor: 7-0

[24-195](#) To appoint a Council representative to the Natural Resources Advisory Committee. (Typically meets at 5:30 on the third Wednesday of each month.)

Attachments: [24-195 Cover Sheet.pdf](#)
[Natural Resources Advisory Committee Charge.pdf](#)

Councilor Maxfield nominated Brett Jones.

In Favor: 7-0

[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 he had modified one section of the Council Rules to reflect how to handle a tie vote. He took the language that they currently use for the Planning Board, and he put that into the Council Rules so if there is a tie vote, it is not deemed denied; it would still be in play onto the next Council meeting. So, hopefully at the next meeting you would have a full Council.

It would read:

A tie vote shall result in postponement of the motion to the next meeting, not a failure of the motion. Only one (1) postponement for a motion is allowed. If the vote remains tied at the second vote, the motion fails."

Barry said it has been an effective way for the Planning Board to handle tie votes, and thought it would make sense for the Council to consider this as well.

Councilor Reiner asked if other towns handle a tie vote this way? Barry said he did not research that side of it.

Councilor Maxfield asked if they could go to Section 25 and change the word "his" to "their" wherever it appears to keep it neutral.

A motion was made by Councilor Nadeau to postpone Order 24-196 to their next meeting, seconded by Councilor Reiner.

Vote on Amendment:

In Favor: 7-0

Vote on Order 24-196 as amended.

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

[24-179](#) **WHEREAS**, Pat Moody is an inspiring leader who instilled a legacy of kindness and was a mentor to many Windham citizens;

WHEREAS, Pat Moody exudes a transformative and unwavering passion and boundless encouragement to community members;

WHEREAS, Pat Moody has taught and exemplified the power of

determination, drive, teamwork and the love of basketball;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Windham, Maine hereby commemorates the Community Park basketball courts as the "Moody Courts" in recognition the outstanding dedication and inspiring service efforts of Pat Moody to the Windham community.

Attachments: [24-179 Cover Sheet.pdf](#)
[Resolution 24-179.docx](#)

**Note: This item was taken out of Order and put right after the third public hearing.*

Council Chair Morrison read the Resolution. He said they are very appreciative and very excited this basketball court facility in his name. He was a tremendous asset to this community, and he touched a lot of lives.

Councilor Maxfield said he doesn't normally wear a tee shirt to the Council meetings but when Pat was on the Community Center Committee, because nobody wants to get a community center done in Windham more than Pat did, these were the tee shirts they gave out. He wears this tee shirt often and he saw Pat with the same tee shirt on many times out and about. He meant a lot to this town. He said for anyone who got to go out last week to the basketball courts it was pretty moving. He was a great asset to the town and touched a lot of people's lives, and to be taken young is horrible for his family, friends and the community, but he thinks we can all hope before it is our time that you get a chance to feel the love. To be there last Sunday at the courts was inspiring. Thank you to all who made it happen. He will think about him every time he puts on this shirt.

Councilor Nadeau said he has worn that tee shirt to bed for the last week.

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

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

24-204

To set the Council's meeting schedule for December where only one (1) regular meeting will be held on December 10, 2024, the second Tuesday of the month, and to schedule a special meeting on Thursday, December 12, 2024, at 5:00 PM to be held in executive session to discuss a personnel matter. The regular meeting typically held on the fourth Tuesday of the month, will be canceled as it is Christmas Eve.

Attachments: [24-204 Cover Sheet.pdf](#)

Councilors Reiner and Jones both said they are working on December 10th.

Councilor Maxfield moved to amend Order 24-204 to move the December 10th regular meeting to December 12th and hold it right after the 5:00 p.m. executive session, seconded by Councilor Nadeau.

Vote on amendment:

In Favor: 7-0

Vote on Order as amended:

In Favor: 7-0

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

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

[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](#)

*Councilor Reiner was asked by Representative Bagshaw that he read her letter this evening.
(See attached)*

A motion was made by Councilor Maxfield, seconded by Councilor Reiner, that the Proclamation be postponed to the November 26 Council meeting. The motion carried by the following vote:

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

[24-218](#)

To authorize the Town Manager to approve qualifying applications for additional for senior property tax assistance for an additional extension of 45-days, ending December 27, 2024, and process from property tax assistance program account 18300-46930 as needed.

Attachments: [24-218 Cover Sheet.pdf](#)

Manager Tippetts said is a follow up of tonight's earlier public hearing when we changed the requirement from ten years to five years. This opens it up for a 45-day period for anyone who may qualify for the new lower requirement.

Councilor Nadeau said this is for 45 days from that date. What they just voted on does not go into effect for 30-days, and so we will hold those people out for the 30-day period and put them in at the last minute. Barry said that was correct.

Councilor Reiner asked if the town would be making an announcement to the public so they are aware. Barry said it will be sent out through Facebook and the Newsletter.

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

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

[24-219](#)

To authorize the disbursement of \$1,500 from the Substance Prevention Grant Program Fund (1000-24047) to the R.S.U. 14 High School's English III Salem Field Trip program, that promotes prevention, education, and positive choices in reducing youth substance use, as recommended by the Substance Prevention Grant Committee.

Attachments: [24-219 Cover Sheet.pdf](#)
[2025-01 WHS English Salem MA Trip Educational-Grant-Application-FINAL.pdf](#)
[SPG meeting minutes for November 5.pdf](#)
[Substance Prevention Grant Fund.pdf](#)

Councilor Morrison said this was discussed in committee, and they were very much in favor of it. He said the cost was around \$10,000 and they did most of the fund raising themselves and they need the \$1,500 to make the final number whole.

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

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

[24-222](#)

To authorize the disbursement of \$1,075 from the Substance Prevention Grant Program Fund (1000-24047) to the R.S.U. 14 Middle School's STEM Club Lego League Robotics Team program, that promotes prevention, education, and positive choices in reducing youth substance use, as recommended by the Substance Prevention Grant Committee.

Attachments: [24-222 Cover Sheet.pdf](#)
[2025-02 Robotics Club Educational Grant Application.pdf](#)
[SPG meeting minutes for November 5.pdf](#)
[Substance Prevention Grant Fund.pdf](#)

Councilor Morrison said this was also discussed and approved in committee, and it is to get this club up and running. It has a lot of merit and a lot of excited kids.

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

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

[24-225](#)

To confirm the appointment of Brian Morin to the position of Public Works Director.

Attachments: [24-225 Cover Sheet.pdf](#)
[Memo from HR Director.pdf](#)

Assistant Manager Burns said they are excited to introduce Brian Morin this evening. For the last 3+ months has been standing in and acting as Interim Public Works Director. He previously has been in charge of the facilities and grounds division in Public Works. He has put in a number of years there with distinguished service, and has done an excellent job as the Interim Public Works Director. They are happy to bring him forward as the Public Works Director.

Brian Morin said he really appreciates the opportunity, as well as everyone's support from the town employees, the Council and even residents. He will serve proudly.

Councilor Reiner thanked Brian and he knows the crew has his back and supports this decision.

He also said as the Assistant Manager knows, he has been on his case about the paving of the roads. He was pleasantly surprised about the roads that have been done this year. Thank you.

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

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

[24-229](#)

To approve the amendments to the Master Fee Schedule pertaining to buy-in fees for the North Windham Sewer District.

Attachments: [24-229 Cover Sheet.pdf](#)

[MASTER FEE SCHEDULE Sewer Fees Amended 10.8.2024.pdf](#)

Manager Tibbetts said they passed the Sewer Ordinance last week for the North Windham area, the fees were in there. All they are doing is moving the fee structure that is in there into the Master Fee Schedule. Two years ago they moved all the fees out of all the ordinances and into the Master Fee Schedule. That way it is easier to see it and to make any amendments.

Councilor Maxfield asked about the buy-in fee? Barry said the buy-in fee is when you go to connect to the sewer prior to January 1, 2026 the fee is \$3,500 per unit. After January 1, 2026 the buy-in fee is \$5,000. This is an incentive to make sure any new businesses coming in would pay for the additional capacity that we need to build out in the sewer treatment plant facility. The stand-by fee is to be determined.

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

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

XI. Council Correspondence.

[CD 24-214](#) FOAA Status Report.

Attachments: [J Whynot Ballot Box Surveillance Videos 10.28.2024.pdf](#)

[Wheeler Truck Bid Results 10.28.2024.pdf](#)

[14 Vista Drive ICE Mortgage 10.28.2024.pdf](#)

[Response RE Non-CDL Truck Bid Results 10.28.2024.pdf](#)

[INOVO.AI Purchase Records Request 11.4.2024.pdf](#)

[FOAA Cherry Jangalay Excessive Fund List Response 11.7.2024.pdf](#)

[CD 24-217](#) Crooked River Bridge, Casco_MEDOT On Demand Public Meeting Notice.

Attachments: [On-Demand Formal Public Meeting Notice Casco 26228.00.pdf](#)

[CD 24-218](#) Charter (Spectrum) Programming Notices.

Attachments: [2024.10.31 Charter Programming Notice \(4 marketing channel launches\) SW ME NH.pdf](#)

[2024.11.05 Charter Programming Notice \(MC Reggae rebrand to Christmas\) SW ME NH.pdf](#)

[CD 24-219](#) Social Service Agency Funding - Thank You.

Attachments: [LifeFlight Thank You for Funding.pdf](#)

[CD 24-220](#) Substance Prevention Grant Scholarship.

Attachments: [C LeClerc Scholarship Thank You.pdf](#)

XII. Town Manager's Report.

No report.

XIII. Committee Reports.**A. Council Subcommittees.**

1. Appointments Committee.

Councilor Morrison said they met this evening and they had two interviews, and they will be making recommendations to move 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 will meet next Tuesday.

5. ecomaine.

Assistant Manager Burns said from the meeting that occurred, they did vote to increase both the solid waste rate and the recycling rate. The solid waste rate is \$107.50 per ton and the recycling rate \$85.00 per ton. He said he promised to get back to the Council about what is happening with our tonnages now that we have transitioned to the automatic side load collection system, and tonnages are up. He compared last year's two month period, September and October to this years and we are up just over 250 tons. It was a significant increase and was anticipated. He said they will be watching it closely over the coming months, but expect it to level out to where we have been in the past.

XIV. Discussion Items.

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

[CD 24-187](#) Tax Increment Finance (TIF) Presentation on Sewer.

Attachments: [Sewer Status Const_funding Nov 2024 BAT 3 \(002\).pdf](#)

[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](#)

XV. Agendas & Scheduling.

XVI. ADJOURN.

A motion was made by Councilor Maxfield, seconded by Councilor Henry, that they be adjourned. The motion carried by the following vote at 9:10 p.m.

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

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM