



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Thursday, December 12, 2024

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 6 - David Nadeau, Nicholas Kalogerakis, Mark Morrison, William Reiner, John Henry and Jarrod Maxfield

**Absent:** 1 - Brett Jones

#### II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 24-231](#) To approve the Minutes of the November 26, 2024, Council Meeting.

**Attachments:** [Minutes-Council-11-26-2024.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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

#### IV. Adjustments to the Agenda.

#### V. Staff Announcements.

*Council Chair Maxfield welcomed Brigid Newhall a Full-time Firefighter/Paramedic, Brayden Bixby a Full-time Firefighter/EMT, and Jason Hanken in Parks & Recreation as the Recreation Marketing and Administrative Assistant.*

#### VI. Public Participation.

*Rick Haskell a lifetime resident of Windham said he would like this to be the start of reviewing a local ordinance and building code detailed in his letter. (See attached letter)*

#### VII. Councilors' Comments.

*No Councilor Comments.*

#### 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](#)

*No public comment.*

*Assistant Manager Bob Burns said questions were raised about prohibiting non-residential uses within the private driveways in the Shoreland Zone. He said he thinks they have addressed that in the corrections here to the ordinance.*

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

## **IX. CONSENT AGENDA.**

## **X. UNFINISHED BUSINESS & GENERAL ORDERS.**

[24-071](#) To approve a purchase and sale agreement for approximately five (5) acres from Jay Wise, a parcel located at 795 Roosevelt Trail, the future site of a new North Windham Public Safety Building, with capacity for the Cumberland County Sheriff Office, and authorize the Town Manager to take any other action related thereto to finalize the sale.

**Attachments:** [24-071 Cover Sheet.pdf](#)  
[Purchase and Sale Agreement \(795 Roosevelt Trail\) rev. bat.pdf](#)  
[NW Fire Police Site Options Layout.pdf](#)  
[Police operations ctr copy.pdf](#)

*Manager Tibbetts said this is a parcel located behind the Windham Mall, and if you were to drive down Franklin Drive it would be on the right hand side opposite Home Depot. In the future there will be a roadway that goes from Franklin Drive over to Route 115. The objective was to take the current fire station from the 1950's or 1960's and move it out of that facility and put it into a facility that would increase our response times to No. Windham and the easterly side of Windham, and they would be able to avoid going through Boody's Corner. Even with the improvements coming there, they felt putting it on the other side and having access down Franklin Dr. or out through Memorial Veteran's Drive to Route 115 they could improve the response time to the residents and deal with*

accidents more quickly.

*The next agenda item is to work with the Cumberland County Sheriffs Department to allow them to have some space within the new facility. This creates more of a regional approach for helping the County but it also helps us indirectly. The price is a negotiated price, it is a very fair price for the parcel, and he thinks by moving the fire station, this will provide future safety advantages to the community for the next 30 years.*

*Councilor Kalogerakis asked if the Sheriff's office being there will there be a trade out or will there be a lease? Barry said it will be a trade out. They will invest money into the sewer project and they will provide office space for them.*

*Councilor Kalogerakis asked if that was in perpetuity, and they would never pay rent? Barry said that will be in the next agenda item. They will pay for all maintenance, a prorated share for a square foot on electricity, heat, etc. At the end of the life of the bond, which will probably be a 20-year bond, there will be a re look at any other capital improvements that needed to occur, which could include anything from paving, siding, new flooring, etc. and they will share in that costs, proportionately, going forward. When you involve the rent, it changes the structure of the bond and you cannot use a tax exempt bond, you would have to use a taxable bond and it gets a lot more complicated for us.*

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

#### [24-159](#)

To approve a Memorandum of Understanding and lease agreement between the Town and the County of Cumberland for the use of a portion of the new North Windham Public Safety Building to be located off Franklin Drive for use as a shared police facility and authorize the Town Manager to take the necessary steps to execute said agreements.

**Attachments:** [24-159 Cover Sheet.pdf](#)  
[County Letter Gailey.pdf](#)

*Councilor Kalogerakis thinks, at some point, there should be some type of rent and asked how long is the lease for? Barry said it was originally set with the life of the bond, which would be 20 years. At 20 years you would redo the reevaluation so if there is capital costs, it would be incurred on the maintenance of that building, which there would be. They would share those costs out. Councilor Kalogerakis said that, at some point, they should be paying rent not just utilities. Barry said it is an interesting point, but there are other things that come into play that need to be considered. Sharing that space with the County means you will have an additional 18/19 deputies running in and out of the building and that will help our police department to a certain extent, but it will also help influence traffic speeds in the area. He said they wanted to avoid the rent during the bond because that will create some real issues for them.*

*Councilor Henry had the same question. Paying a share of the utility costs for the life of the bond seems reasonable. He thinks in perpetuity sounds crazy but for the life of the bond sounds reasonable, and so they are contributing \$1.2 million towards the extension of the sewer up to Franklin Dr. He thinks it is a fair point to revisit this and to say at the*

end of the bond term we can revisit the terms at that time. Barry will bring it up to the County Manager.

Councilor Nadeau said we need it leased like this so the town can get a non-taxable bond. The way it is written another Council in 20 or 30 years will be sitting here and they can look at what they want to do at that point in time.

Councilor Reiner said he spoke with the Manager a week and a half ago, and he kind of shares the same opinions the other Councilors share. They are paying about \$60,000 per year with the bond of \$1.2 million. This whole project will come up for a vote at some point. The \$1.2 million ARPA funds, we are not on the hook for, if this were to be voted down, correct? Barry said that was correct. He said he would think the \$60,000/year for 20 years is not a bad deal for either party. He just wants the town, in 20 years, to have the option to review it. He's not saying that we have to charge them rent, but we do not know what will be going on in 20 years.

Councilor Maxfield agrees with what Bill said, and it would be good if we had an option in there, so in 20 years it could be reviewed. He said he wouldn't want this to scare them off and ruin the deal because it is a great deal on multiple levels, but there should be some sort of review.

Councilor Morrison suggested they amend it now so there is an option at some point in time.

Councilor Maxfield moved to amend Order 24-159 that the Town and County agree to a more formalized arrangement and include a review starting 2 years prior to the expiration of the bond to review any capital improvements, potential rental agreements and/or review space allocation, seconded by Councilor Nadeau

Vote on amendment: 6-0

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

#### [24-236](#)

To authorize the Town Manager to endorse a Subaward Agreement regarding the disbursement of \$1,823,709.67 in ARPA/CSLFRF funds to the Portland Water District for the North Windham Sewer System project.

**Attachments:** [24-236 Cover Sheet.pdf](#)  
[Windham ARPA Subagreement PWD\\_1.pdf](#)

Assistant Manager Burns explained that they need to commit these funds, and they advised the Council years ago back with the sewer plant project that we were going to request the Council direct these funds be utilized towards paying down the total cost of the treatment plant, and that is what is happening in this case. This allows us to commit the ARPA funds to the Water District, and they, in turn, will utilize those funds towards the treatment plant project.

The Manager said if we do not approve this, we lose the \$1.8 million.

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

[24-237](#)

To dedicate and rename a Windham bridge as the "Windham Veterans Bridge" or similar to acknowledge our veterans' service to our country.

**Attachments:** [24-237 Cover Sheet.pdf](#)  
[Memo Re Bridge Naming for Veterans.pdf](#)

*No public comment.*

*Manager Tibbetts said they were approached by a Veteran who is with the Maine Honor Flight Program, who has been working with Senator Bill Chipman, and who is the former Chair of the Transportation Committee in Augusta. She has approached about 15 different towns about each town dedicating a bridge to the Veterans. It could be a singular person or to the Veteran's group. He reached out to our Veteran's Groups here and they thought it would be best to have it for all Veterans and would leave it up to the Council to choose a name.*

*After a discussion on White's Bridge being chosen and knowing the White family was all on the Standish side, it was decided to name the bridge in South Windham between Windham and Gorham.*

*Councilor Maxfield moved to amend Order 24-237 to dedicate and rename the South Windham Bridge as the "Little Falls Veteran's Memorial Bridge", seconded by Councilor Nadeau.*

*Vote on the amendment:*

*In Favor: 6-0*

*Absent: 1 (Jones)*

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

**In Favor:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

[24-238](#)

To appoint Catherine Miller, an active member of the Library Board of Trustees, to the Windham Middle School Repurpose Advisory Committee.

**Attachments:** [24-238 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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

[24-239](#) To appoint Debra Matthews, an active member of the Parks and Recreation Advisory Committee, to the Windham Middle School Repurpose Advisory Committee.

**Attachments:** [24-239 Cover Sheet.pdf](#)

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

[24-240](#) To appoint Judith Vance as Registrar of Voters to serve an additional two-year term.

**Attachments:** [24-240 Cover Sheet.pdf](#)  
[Registrar Qualifications.pdf](#)

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

[24-242](#) To appoint Matthew Irving to a three-year term on the Parks & Recreation Advisory Committee, to expire August 15, 2027.

**Attachments:** [24-242 Cover Sheet.pdf](#)

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

**In Favor:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

## **XI. Council Correspondence.**

[CD 24-226](#) Windham PACTS Project List.

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

[CD 24-227](#) Approved Growth Permit - Revised Form Attached.

**Attachments:** [The Cove at Highland Lake Remaining 48 Units Application Windham Growth Permit Application Reserve Pool 12-02-24.pdf](#)

[CD 24-232](#) Financial Reports.

Attachments: [REVENUES November 2024.pdf](#)  
[EXPENDITURES November 2024.pdf](#)

## **XII. Town Manager's Report.**

*Manager Tibbetts said the staff would like to wish everyone Happy Holidays and drive safe over the coming weeks.*

## **XIII. Committee Reports.**

### **A. Council Subcommittees.**

#### **1. Appointments Committee.**

*Councilor Morrison said they met and they voted on their recommendations tonight.*

#### **2. Finance Committee.**

*No report.*

#### **3. Ordinance Committee.**

*Meeting next Tuesday.*

### **B. Other Committees.**

#### **1. Long Range Planning Committee.**

*No report.*

#### **2. Parks & Recreation Advisory Committee**

*No report.*

#### **3. Windham Economic Development Corporation.**

*No report.*

#### **4. Natural Resources Advisory Committee.**

*No report.*

#### **5. Greater Portland Council of Governments (GPCOG).**

*No report.*

#### **6. ecomaine.**

*They will meet next week.*

#### XIV. Discussion Items.

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

[CD 24-228](#) Consideration of a Growth Workshop.  
Suggested Dates: Tuesday, January 21, 2025 or Thursday, January 23, 2025

[CD 24-229](#) Wayfinding Signage - Sign Size Specifications for RFP.

**Attachments:** [Wayfinding Sign Sizing.pdf](#)

[CD 24-230](#) Sewer Project Updates in Response to Councilor Questions.

**Attachments:** [Funding Sewer Short version 2.pdf](#)

[CD 24-191](#) Council Goals and Objectives Session 2025.

**Attachments:** [Windham\\_Goal\\_project list 2024 BAT 11.pdf](#)

#### XV. Agendas & Scheduling.

#### XVI. Executive Session.

[24-197](#) To enter into executive session under 1 M.R.S.A. §405(6)(A), which provides for the “Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency,” for the purpose of discussing a personnel matter; and pursuant to Title 1 M.R.S.A. §405(6)(F) to discuss an application for abatement of property taxes pursuant to Title 36 M.R.S.A. §841; and in accordance with 1 MRS §405(6) (C) to discuss “the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency and to meet with the town attorney for an update on legal matters in accordance with 1 MRS §405(6) (E).

**Attachments:** [24-197 Cover Sheet.pdf](#)

A motion was made by Councilor Nadeau to move into executive session, seconded by Councilor Morrison. The motion carried by the following vote:

In Favor: 6-0

Absent: 1 (Jones)

A motion was made by Councilor Nadeau, seconded by Councilor Henry that the



return from executive session. No votes were taken in executive session.

In Favor: 6-0

Absent: 1 (Jones)

## **XVII. Unfinished Business & General Orders.**

### [24-244](#)

To find that the applicant met/did not meet the requirements for abatement of taxes pursuant to Title 36 M.R.S.A. §841 and to approve/deny application 2024-00X.

**Attachments:** [24-244 Cover Sheet.pdf](#)

[Poverty Abatements MMA Legal Services Information](#)

**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:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

## **XVIII. ADJOURN.**

**A motion was made by Councilor Nadeau, seconded by Councilor Henry, that they be adjourned. The motion carried by the following vote:**

**In Favor:** 6 - Councilor Nadeau, Councilor Kalogerakis, Councilor Morrison, Councilor Reiner, Councilor Henry and Council Chair Maxfield

**Absent:** 1 - Councilor Jones

Respectfully submitted,

Linda S. Morrell  
Town Clerk, CCM