



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Final

### Town Council

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Tuesday, October 8, 2024

6:00 PM

Council Chambers

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#### 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.

Council Chair Morrison led the Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 24-203](#) To approve the Minutes of the September 24, 2024, Council meeting.

**Attachments:** [Minutes-Council-9-24-2024.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 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

#### IV. Adjustments to the Agenda.

*Councilor Morrison said they will be moving Discussion Item CD 24-197 the Ruby Meadows Subdivision to right after the Public Hearings.*

#### V. Staff Announcements.

Councilor Morrison welcomed DaveVeinott to the Town of Windham.

#### V. Public Participation.

*No public participation.*

#### VI. Councilors' Comments.

*Councilor Kalogerakis said that two weekends ago he attended Maine Alliance for Road Association, which is known as MARA. This to help home owner associations who live on roads that are not public. There was a wealth of information from the attorneys and how to run your home owner associations. Peter Coughlin who has worked at MDOT for 47 years was there and gave a lot of information on how to maintain your road. We have two great books as references. Peter Coughlin has a crew that goes out to municipalities, and Councilor Kalogerakis thought it might be a good idea for the town to contact him and his team to come and do a presentation for local home owner associations. They also have a Road Ranger who will come out and visit your road and give you some help,*

and he said this is federally funded.

## VII. PUBLIC HEARINGS.

### [24-136](#)

To receive public comment and act on proposed amendments to the Sewers Ordinance, Chapter 181 of the Code of the Town of Windham.

**Attachments:** [24-136 Cover Sheet.pdf](#)

[Ch 181 Sewers proposed amendments PWD Draft Bat 4 \(clean\).pdf](#)

[Ch 181 Sewers proposed amendments PWD Draft Bat 4 \(redline version\) \(002\).pdf](#)

No public comment.

Manager Tibbetts said they currently have a sewer ordinance for North & South Windham, and the changes they are making here really apply to the North Windham area. This is due to the new sewer that is coming there, and the changes being made are:

\*New Definitions to accommodate the treatment plant operation.

\*3 year allowance on existing systems for conversion

If choose, no grant connection monies in the future

Hooking up will be mandatory in 3 years, all at the businesses expense

Council can set a mandatory stand by fee for non connection

\*Any hauling of wastewater must be licensed by Town

\*Three (3) types of sewer permits

Residential

Commercial

Industrial (may require pre-treatment facility - by business depending waste water)

\*Established Buy in Fees after 1/3/2026

Set at \$5,000 per unit

Any prior project permitted would be set at \$3,500 per unit

\*Industrial Pretreatment process/standards are defined

\*Discharges & Allowance limits are established subject to modification by Superintendent

This has been looked over by the attorney, Portland Water District, and he and Bob more than once. He said what is before them will serve us well going forward.

Councilor Maxfield asked what happens if they don't hook up after 3 years? Barry said they have to or they will be fined. They have to connect or they will pay the sewer standby fees that are set by the Council.

Councilor Kalogerakis said he has a problem with telling a business they are getting fined \$10,000 if they don't hook up. He was worried about the people who may have just put in a new septic system.

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

### [24-148](#)

To receive public comment and act on proposed amendments to the Growth Ordinance, Chapter 101, of the Code of the Town of Windham, to

reflect current practices of permit issuance.

**Attachments:** [24-148 Cover Sheet.pdf](#)  
[Proposed GMO Amendments MARKUP.pdf](#)

*No public comment.*

*Manager Tibbetts said this had been discussed in a prior meeting and the comments that they went over has been incorporated into this proposed language. Some questions came in from Councilor Maxfield concerning how many past reserve permits have been issued?*

*Manager Tibbetts said they tried to correct a couple of issues. One was the definition of dwellings, units and structures to make it so there was no confusion.*

*The second thing was they talked about the multi-family dwelling structures of less than 20 units. They specifically stated that the Code Officer can currently issue three and not anymore than that but will still have to use the same number of permits as the 1-10 or 1-5, but for regular projects that come through that are under 20, he can deal with 3 of those and anything over that has to come before the Council.*

*Another thing added, based on Councilor comment, was any permits that became available to be issued, after 5 years if they were not issued they were eliminated, so the pool did not keep increasing every year.*

*He said the rest of it is all about structure and dwelling and the changing of that language.*

*There was a long discussion on whether they were expiring the permits after 3 or 5 years.*

*Councilor Maxfield moved to amend 101-7A,(a)B from less than 20 dwelling units to less than 10 dwelling units, and structures consisting of 20 or more to consisting of 10 or more, seconded by Councilor Henry.*

*No public comment*

*Vote on amendment:  
In Favor: 7-0*

*Councilor Maxfield moved to amend 101-7F(2) shall expire five years to be changed to shall expire three years after they are added to the pool, seconded by Councilor Reiner.*

*No public comment.*

*Vote on amendment:  
In Favor: 7-0*

*Vote 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 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

24-153

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 clarify the calculation of household income and determination of eligibility.

**Attachments:** [24-153 Cover Sheet.pdf](#)  
[Criteria for participation 5 year.pdf](#)

*No public comment.*

*Manager Tibbetts said this was discussed at a prior meeting to add a definition called Household Income because there was a loophole in there that allowed various deductions under the IRS code, which would be applied to the adjusted gross income, which would lower one's ability to get into the program, and the program was not designed for that. So, someone could have a significant amount of money and have a tremendous loss from a business or some other entity and then write that off, and it would drop them down where they would receive that \$700 reduction in their taxes. The whole point of the program was really to deal with the folks who are earning \$64,000 or less. He said most of the participants are in the \$30,000 to \$45,000 range.*

*Also, under this current program you have to be a resident for 10 years. They have had 3 or 4 folks who have come in to apply and are in the lower category of income but they have only lived here for 5 years.*

*There was discussion by the Council and Manager as to what the residency requirement should be. It was noted that the Homestead Exemption application requires residency of 1 year. He also noted that another 22 applicants have come in since they extended the deadline to apply.*

*They agreed to make it a Council Goal to bring this back early next year to discuss on lowering the residency requirement to be in place for July 1, 2025.*

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

24-211

To receive public comment and act on an application submitted by Kennebec Hospitality, LLC d/b/a/ Microtel Inn & suites located at 965 Roosevelt Trail for a renewal Special Amusement Permit.

**Attachments:** [24-211 Cover Sheet.pdf](#)  
[Microtel-Special Amusement.pdf](#)

*No public comment.*

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

24-214

To receive public comment and act on a new Marijuana application submitted by Christopher Bradley d/b/a Ancient Roots Farm, LLC located at 299

Roosevelt Trail for a change in the majority of ownership, in accordance with Chapter 128-10(B) of the Code of the Town of Windham.

**Attachments:** [24-214 Cover Sheet.pdf](#)  
[Addendum-Ancient Roots Farm.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:** 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

## **VIII. CONSENT AGENDA.**

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

[24-198](#) To approve the use of two (2) growth permits from the reserve pool for two (2) multi-family buildings in an approved multi-family subdivision plan, Astral Village, located in a growth area as designated by the Comprehensive Master Plan.

**Attachments:** [24-198 Cover Sheet.pdf](#)  
[Growth Permit Reserve Pool Request\\_Astral Village.pdf](#)  
[03 - Site Subdivision Plan.pdf](#)  
[Development Aerial View of Location.pdf](#)  
[Image of Similar Development Design.pdf](#)  
[Growth Permit Summary\\_10-17-2024.pdf](#)

*Assistant Manager Bob Burns said this development has been through the Planning Board and in the packet there is 11 units. He understands that they are going to be 2-story, 2-bedroom units. There is a picture in the packet and they would follow that example.*

*Councilor Nadeau said all they can do on a growth permit is say "yes or no". He would like to see the next time that something comes before them and is presented, he would like them to show what they are building. He wants the picture of what they are building. The Manager said the attorney weighed in on this and we are not allowed to require a picture, it cannot be within your determination on whether the growth permit is approved or not. It is given as a courtesy for you to see.*

*The Code Officer was not in attendance and there were more questions that needed to be answered, so it was decided to postpone the order.*

*Councilor Maxfield moved to postpone Order 24-198 to a future meeting, seconded by Councilor Reiner.*

*Vote on amendment:*

*In Favor: 6*

*Opposed:1 (Nadeau)*

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

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

**Opposed:** 1 - Councilor Nadeau

[24-081](#)

To award the purchase and redevelopment proposal for the former John A Andrew School located at 55 High Street to Westbrook Development Corporation and Great Falls Construction and authorize the Town Manager to take any other action related thereto to finalize the sale.

**Attachments:** [24-081 Cover Sheet.pdf](#)

[Purchase and Sale Agreement \(Sale of Andrews School\) v.2 BAT](#)

[final draft CLEAN.pdf](#)

[WDC+GFC Andrews School ReDev Submission 7.25.2024\\_opt.pdf](#)

*Manager Tibbetts said the town had swapped our lay down yard with the school for this particular parcel, so we could put some housing on this parcel. We own the parcel from the school, it has an existing building. They put together an RFP, advertised it and they had a response from Westbrook Development Corp. and Great Falls Construction as partners on this project. Because of the location of where it is, it does not fully qualify for the standard Maine State Housing Large Scale Projects. However, Westbrook Housing Development was able to find a program through the USDA, which Maine State Housing has adopted where you can put 18 units on this parcel. They have taken their plan to the Planning Board and requested to do a subdivision on the parcel. So on the front half you can do 18 senior affordable apartments, managed by Westbrook Housing Development and the backside would be further developed, at some point, to market rate units. The developer is open to working some kind of arrangement with the town using T.I.F. if the town chooses to offset certain rents so it would be lower than the market rate.*

*What is being done in this Purchase & Sale Agreement is they are giving them the ability to have right title and interest so they can apply to Maine State Housing to do the funding to be able to do the 18 units on the first phase. They would have the full right title and interest to take it through the planning process to get the full planning approval for the front. It will probably take them 5 to 6 months to get through the approvals at Maine State Housing for the funding for the 18 years, with a year or so to build them.*

*He noted that the 18 units would require a T.I.F. of 75/25 in order to get the funding.*

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

[24-208](#)

To approve the Town Clerk's roster of Warden and Deputy Warden for the November 5, 2024, General and Municipal Election for Districts 106 & 107.

Warden: Yvonne Myer and Deputy Warden: Sally Babb

**Attachments:** [24-208 Cover Sheet.pdf](#)

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

[24-209](#)

To set the poll hours and polling location for the November 5, 2024, General and Municipal Elections as 7:00 a.m. to 8:00 p.m. at the Windham High School's Main Gym located at 406 Gray Road.

**Attachments:** [24-209 Cover Sheet.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:** 7 - Councilor Nadeau, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner, Councilor Henry and Councilor Maxfield

[24-210](#)

To set the date and time for extended hours of the Registrar of Voters from 5:00 p.m. to 7:00 p.m. on Wednesday, October 30, 2024.

**Attachments:** [24-210 Cover Sheet.pdf](#)

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

[24-212](#)

**WHEREAS**, on September 10, 2024, the Town Council adopted Order 24-171, authorizing the Town Treasurer to negotiate the terms of the purchase of the following equipment: 1) Public Works Dump Truck #9 (PW 2025-002) and related plowing equipment, 2) Public Works Non-CDL Rated Dump Truck (PW 2024-006) and related plowing equipment, 3) Public Works Trackless Sidewalk Tractor #24 (PW 2024-005) and related equipment, 4) Public Works One Ton Pickup replacement for Pickup #99 (PW 2028-003) (collectively the "Equipment"); and

**WHEREAS**, the Town expects to enter into one or more lease purchase agreements in an aggregate principal amount of \$915,000 for the purpose of financing the Equipment authorized to be purchased by Order 24-171; and

**WHEREAS**, the Town Treasurer made an original expenditure in the amount of \$231,651 on September 26, 2024, for the purpose of acquiring the Public Works Trackless Sidewalk Tractor #24 (PW 2024-005) and related equipment authorized by Order 24-171; and

**WHEREAS**, the Town expects to make additional original expenditures to acquire said Equipment prior to closing on the lease purchase financing;

**NOW, THEREFORE**, be it voted, resolved, and ordered by the Town Council of Windham, Maine:

That the Town Council hereby declares its official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, up to \$915,000 of costs of the Equipment, which costs the Town reasonably expects to reimburse with proceeds of the lease purchase financing to be issued in the maximum principal amount of \$915,000, or as otherwise increased by the Town Council.

**Attachments:** [24-212 Cover Sheet.pdf](#)  
[Equipment to be Leased.pdf](#)

*Assistant Manager Bob Burns said we have a three step process that the town is required to go through with leasing. This was step 2, so we have another reading coming up. He said in the future they hope to combine steps 1 and 2 into one order so that this is less of a burden.*

*This step was to declare the intent to proceed with the lease for those items.*

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

[24-213](#) To authorize the refund of overpaid personal property taxes for fiscal years 2022 and 2023 for account S0890P, in the amount of \$928.37 from contingency account 19910-43100.

**Attachments:** [24-213 Cover Sheet.pdf](#)  
[Manager's Memo Reimbursement of Taxes Paid.pdf](#)  
[2024 Maine Orthodontics.pdf](#)  
[Stegemann - Abated 2024.pdf](#)  
[Stegemann 2022.pdf](#)  
[Stegemann 2023.pdf](#)

*Assistant Manager Bob Burns explained the Dental Office transferred ownership and received two bills, which they paid. It was discovered it this year, so the Manager acting as the Tax Collector is recommending that the Council reimburses the previous two years to this one. This was about Personal Property Taxes that were over collected.*

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

## **X. Council Correspondence.**

[CD 24-205](#) Community Survey Mailing.

**Attachments:** [Community Survey Mailer\\_PR1.pdf](#)

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



*Manager Tibbetts said Councilor Nadeau and Tom Bartell attended a conference and talked to Dr. Habib Dagher from UMO with the Advanced Structures and Composites Center. They had six students come down and meet with the town and the engineering firm from the RSU, and we have asked the students to come up with a solution to a pedestrian bridge across the Pleasant River. It is a great way for them to do some research, talk with MDOT and come back with a proposal that might work using composite materials and save us some money.*

*South Windham's schedule has been pushed back a bit, but please bear with them, it is getting close.*

## **XII. Committee Reports.**

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

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

*No report.*

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

*No report.*

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

*No report.*

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

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

*Councilor Jones said they met last night but he had to work and could not attend.*

#### **2. Windham Economic Development Corporation.**

*Tom Bartell reported on the closing of Farmer's Market on Turning Leaf Drive. It ran for 20 weeks starting on May 18 through September 28. They had 17 seasonal vendors and 12 visiting vendors. They had 6 farms, 3 bakers, 1 food truck and a variety of artisans throughout the year. Eleven of those vendors were Windham residents and 18 were non-residents but in the Sebago Lakes Region. This was the market's seventh year, and they very much appreciate the land owners, Steve & Diane O'Brien with Baker Brook Farms who makes the location available to them at no costs.*

*The other event was the Monday night Food Truck Park that originated from the Council. That has been located at the Public Safety Building & Community Park on Gray Road. They had 16 weeks from June 17 through September 30. We had 6 weekly trucks and 4 visiting trucks. Four vendors were Windham residents and six were non-Windham residents. The organizing and implementing the food truck project came together quickly and involved the cooperation of several town departments: Fire/Rescue, Police, Parks & Rec, Town Clerk's Office, Public Works, WEDC, Town Council, Town Manager's Office and the Communications Director. Lisa Fisher who has been assisting WEDC and his office for the last 15 years, has spent an incredible amount of time on these two events.*

*She organized these and also attended these events; it is a lot so they will be talking with Parks & Rec to see if they can better manage time usage and maybe keep people there to help out. Because of the Dudee Park situation, they had some of their staff work at the Food Truck Park, which was a big help.*

3. Highland Lake Leadership Team.

*Councilor Nadeau said they sent out a Doodle Poll today.*

4. Natural Resources Advisory Committee.

*No report.*

5. Greater Portland Council of Governments (GPCOG).

*Councilor Maxfield said they will meet next Tuesday.*

6. ecomaine.

*No report.*

### **XIII. Discussion Items.**

[CD 24-197](#) Ruby Meadows Subdivision and Viola Lane.

[CD 24-183](#) Use of Gym and Stage Facilities at Town Hall.

**Attachments:** [Draft Facilities Rental POLICY 2024.pdf](#)  
[Special Events Application 2024 DRAFTfinal.pdf](#)  
[Town Hall Gym Reservation Requests dec2023 thru dec2024.pdf](#)  
[Town Hall Reservation Form DRAFT102024.pdf](#)  
[WCST Notice to Vacate.pdf](#)

[CD 24-204](#) Standards of Conduct Policy.

**Attachments:** [P Moss Memo Standards of Conduct.pdf](#)  
[Standards of Conduct Policy.pdf](#)

[CD 24-200](#) Ordinance Committee and Long-Range Planning Committee Changes.

[CD 24-201](#) Town Clerk Informational Mailer.

**Attachments:** [clerk position brochure.pdf](#)

### **XIV. Agendas & Scheduling.**

### **XV. ADJOURN.**

**A motion was made by Councilor Maxfield, seconded by Councilor Reiner, that they be adjourned. The motion carried by the following vote at 8:45 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