



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, October 22, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

Councilor Maxfield arrived at 6:08.

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 24-208](#) To approve the Minutes of the October 8, 2024 Council meeting.

Attachments: [Minutes-Council-10-8-2024.pdf](#)

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

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

Absent: 1 - Councilor Maxfield

IV. Adjustments to the Agenda.

Councilor Morrison said we have guests from the High School with us tonight who will speak right after the public hearing in regard to Be The Influence and signage in the Public Parks.

VI. Public Participation.

Jim Ross of Albion Road who is a member of the Smith Cemetery Association and is also on the town's committee for the expansion project. He wants to petition the Council and town to keep the cemetery expansion project alive and begin the expansion next spring. The committee would appreciate it.

Manager Tibbetts said they have contracted a survey company to complete the survey, and he believes it is done and they are waiting for it to come back. Once they have that they will plot out the roads and it will be going out to bid, then they will decide if they want to out-source parts of it or do it all in-house. He said their timeline is the spring.

VII. Councilors' Comments.

Councilor Reiner said last week he had discussed with the Manager and Assistant

Manager to backup the Vice Chair's request to bring marijuana licensing back up for discussion. He thought it would be on this agenda, and was wondering why it was not.

Manager Tibbetts said there was a task force that was put together by the Governor that is putting a report out on licensing and changing the licensing structure. This is due out within the next two months. He thought would be good to have that report and then have the discussion of our current licensing and how it affects us. There will be some law changes.

VIII. PUBLIC HEARINGS.

24-215

To receive public comment and act on the proposed Andrews School (South Windham) Omnibus Municipal Tax Increment Financing District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

Attachments: [24-215 Cover Sheet.pdf](#)
[Andrew School TIF Application w Exhibits.pdf](#)
[ExhibitC_TIFDistricts24_2_TabloidSize.pdf](#)
[Exhibit D Andrews School South Windham 2024.pdf](#)
[Exhibit G public notice.pdf](#)

No public comment.

Manager Tibbetts explained that a T.I.F. is being proposed for the former Andrews School on High Street here in South Windham. This was the parcel that the town had put out to receive bids on for building Senior Housing, Affordable Housing or Subsidized housing of some kind. They had one team respond when they put the bids out, which was Westbrook Housing Development and Great Falls Construction Co. The program they are using is similar to the USDA program for rural development because that particular site doesn't qualify under the Maine State Housing Program for major housing projects. This modified USDA program that the Maine State Housing has adopted and is using allows up to 18 units for Senior Housing.

So, what this T.I.F. does really mirrors what the Council had looked at and discussed for the Community Development group that did the housing project behind our Lady of Perpetual Help Church. It is the same approach, 75/25. The town would retain 25% of the tax proceeds on the property, 75% would go back to the developer and the reason is that is how they get the State and Federal monies for that Senior Housing.

They way they wrote the T.I.F. is if the Council and the developer decide and can come to an agreement of the later backside of that property for the 18 units, you could do some special rate structure for housing to go in there or it could just be straight market rate, but to be determine once you approve it. The application is due on November 1st and the chances of us getting it is really high.

Councilor Nadeau asked why didn't the parcel qualify under the Maine State Housing? Barry said under Maine State Housing the parcels that are awarded for larger projects are based off a points scale and some of the things that South Windham does not have is regular transit through that area and that hurts in the points total. Another is there is not walk ability to food stores. So, there still needs to be some further development for the

village center for that to get to that level of support.

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

IX. CONSENT AGENDA.

[CD 24-180](#) Be The Influence - Signage in Public Parks.

Attachments: [WHS Student Comment.pdf](#)
[Sign Prototype for Parks.pdf](#)
[Chapter 150 Parks MARKUP.pdf](#)

X. 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](#)

Dustin Roma said they submitted the application of behalf of the owner and they represented them through the planning process. The reason they had made this request is there were some growth permits that had been issued for another project, the Vintage Subdivision, and they had made a request for that project as well, to obtain six growth permits from the reserve pool, and at the time there were still two growth permits available under the Code Enforcement's allocation. So, the decision was made at that time to allocate those to the Vintage Subdivision, the two that the Code Enforcement had, and then the Council had given out four from the reserve pool for that project to move forward. That was the reason that it kind of fell off their radar to apply for these growth permits ahead of time.

He said, generally, they would do that at the preliminary planning stage, and they would come in and talk about it, so when the project received final approval from the Planning Board they are ready to move quickly into construction at that point.

Councilor Comments were made by Councilor Maxfield, Councilor Reiner, Councilor Nadeau, Jon Rioux and Manager Tibbetts.

Councilor Morrison clarified that we are requesting 2 growth permits for a total of 11 units, all 2 bedroom, and they would like to get started now so they are not putting foundations in January instead of October. These will be competed in 2025.

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 Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Henry and Councilor Maxfield

Opposed: 1 - Councilor Reiner

[24-220](#)

To approve the use of four (4) growth permits from the reserve pool for four (4) multi-family buildings in the multi-family subdivision plan, WDCJS Subdivision, located at 55 High Street, a growth area as designated by the Comprehensive Master Plan.

Attachments: [24-220 Cover Sheet.pdf](#)

[Growth Permit Reserve Pool Request Form - 55 High Street.pdf](#)

[24-25 MJR SUB-SP FP SUBDIVISION PLAN AndrewSchool 1010 24.pdf](#)

[24-25 MJR SUB-SP FP ARCH&ELEV AndrewSchool 101024.pdf](#)

[Growth Permit Summary 10-17-2024.pdf](#)

No public comment.

Manager Tibbetts explained that this was the former Andrews School and was mentioned earlier tonight for the T.I.F., and this will go with the state application the first part of November. This would complete the application and enhance the funding opportunities. They want to see a full set of project parameters all being met.

Councilor Maxfield said this is why he thinks they should have the growth pool. People in South Windham are finally getting some love for their area. The town has been doing a great job laying a foundation for it. They meet tomorrow with Gorham to work hand-in-hand to turn both sides of the bridge into more of a Village Center. He is happy to support this.

Councilor Kalogerakis said he was looking at the big open space, and there are no parks or anything in that area. He asked if they could put a little park in there with a swing set, or small basketball court, etc.? Barry said they could have that discussion with the developers.

Councilor Reiner asked if these permits come out of the reserve pool, out of the affordable housing aspect of it? Barry said it would come out of there, and he said they should track that separately.

Councilor Morrison said he is supportive of this, it is in South Windham, it is supporting Senior Affordable Housing, two things we need to pay attention to.

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

[24-175](#)

To accept Pennywhistle Drive as a public way.

Attachments: [24-175 Cover Sheet.pdf](#)
[17-23 TC MEMO DureantHomestead StreetAccept 101624.pdf](#)
[Town acceptance application.pdf](#)
[Subdivision Location Map.pdf](#)
[DocuSigned_Durant_Final_Subdivision_Plan.pdf](#)
[Cession Letter Durant Homestead 092023.pdf](#)
[Pennywhistle Land StreetAccept MEMO Rev 10-02-24.pdf](#)
[Warranty Deed PennyWhistle ROW.pdf](#)
[17-23 MJR SUB AS-BUILT PennywhistleDrive.pdf](#)
[DEP Matt Hancock Properties L-23215-L3-D-N.pdf](#)

Zack, who is a resident and representing the road said they have 22 homes on that street, and they hope the town approves them. He has worked with Bob and Steve quite a bit. The one form that is not in there is the Storm Water Infrastructure of their road, which is their responsibility. He said they had the inspection done in May and everything was fine, and would supply the documents if needed.

Assistant Manager Burns said this is a 2,300 foot long road off of Chute Road. The town has reviewed it, it was constructed per the plan, and is certainly acceptable. His understanding is the maintenance bond is in place. He said the only topic that he would like to call attention to is the cul-de-sac at the very end, it has a minor drainage problem. They have talked with the residents and they are going to utilize some of their maintenance money to repair that in the coming year and they have that in writing. Bob said we have more than adequate maintenance bond money should that not occur, but they are confident they will take care of it and we are favorable for a road acceptance.

Councilor Maxfield asked if there were any major waivers granted? Steve Puleo said there were no waivers for this road on this development.

A motion was made by Councilor Kalogerakis, seconded by Councilor Nadeau, 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

XI. Council Correspondence.

[CD 24-206](#) FOAA Status Report.

Attachments: [Bids@NAPC Andrews School Results 10.9.2024.pdf](#)
[FOAA Excessive Funds_C Brown Response 10.15.2024pdf.pdf](#)
[SmartProcure Acknowledgement and Response 10.15.2024.pdf](#)

[CD 24-207](#) Department Quarterly Reports.

Attachments: [2024 -Third Quarter Fire-Rescue Report .pdf](#)
[Parks&Rec Quarterly Report July - Sept 2024.pdf](#)
[Assessor's Quarterly Report-July-Sep 2024.pdf](#)
[Quarterly Report from the Town Clerk \(002\).pdf](#)
[Windham Communications 3rd Qreport2024.pdf](#)
[Planning FY25 Q1 Report.pdf](#)
[HR Quarterly Report July - Sept 2024.pdf](#)
[Public Works July August September 2024 Quarterly Report \(002\).pdf](#)
[Code Enforcement Department Quartely Report 7-01-24 to 9-31-24.pdf](#)
[Library Quarterly update 10012024.pdf](#)

XII. Town Manager's Report.

Town Manager's Report:

He said that the Trunk or Treat is on the 26th of October, and there is a Drug Take Back Day on the 26th of October as well.

There is a Sand For Seniors Program, and it is on our website. There is a group of folks who will fill 5 gallon pails for seniors to help them through the winter.

Tomorrow night is a joint meeting with the Gorham Council and our Ordinance Committee on South Windham to come up with some measures between the two towns to have similar zoning ordinances.

The Greater Portland Council of Governments has worked out a new agreement with the Maine Department of Transportation. They are going into a five-year review process for projects. So, they will be submitting a number of projects for Windham looking five years out. It will be done by the end of November. If we do not submit by the deadline date in December, we would not be eligible for funding for five years from GPCOG and also be shooting ourselves in the foot with MDOT.

Councilor Nadeau said he thinks they need to look at the town's Sidewalk Ordinance, especially in subdivisions, where a subdivision can pay into the sidewalk fund and not put in sidewalks.

XIII. 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

No report.

2. Windham Economic Development Corporation.

No report.

3. Natural Resources Advisory Committee.

No report.

4. Greater Portland Council of Governments (GPCOG).

No report.

5. ecomaine.

Assistant Manager Burns said there have been two meetings. They had no representation at the meetings. He will get the minutes and fill the Council in at the next meeting.

The Council had asked about Casella and the trash and recycling tonnages' and how our new program is going? He has Casella working on that data, and he will have the information at the next meeting.

Councilor Nadeau said he has had several reports of people's trash carts being stolen. Bob said any owner that has their carts stolen, please call the Police Department and fill out a report, and they will be able to obtain a replacement cart after they do that.

XIV. Discussion Items.

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

[CD 24-185](#) Age Friendly Windham - Update from Coordinator Erica Bell-Watkins.

[CD 24-209](#) Senior Property Tax Assistance - Ch. 209 Taxation, Article 1. Amendment.

Attachments: [Property Tax Assistance.pdf](#)
[Criteria for participation 5 year.pdf](#)

[CD 24-210](#) Grant Awarded to Windham - U.S. E.D.A. via Maine Department of Economic and Community Development Financial Assistance Program.

Attachments: [Outdoor Recreation Assistance Program Budget.pdf](#)
[Award Letter.pdf](#)
[Grant Program.pdf](#)

[CD 24-211](#) Proposed Proclamation to Legislative Delegation.

Attachments: [Resolution of Date to be Determined.pdf](#)

[CD 24-213](#) Land Use Ordinance - Article 3 Definitions - Retail, Automobile Sales.

Attachments: [Amendments to ARTICLE 3 DEFINITIONS 101724.pdf](#)

8:18 pm

CD 24-213 Land Use Ordinance - Article 3 Definitions - Retail, Automobile Sales.

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

XV. Agendas & Scheduling.

XVI. ADJOURN.

A motion was made by Councilor Reiner, seconded by Councilor Jones, that they be adjourned. The motion carried by the following vote at 8:18 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