



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, August 20, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

Councilor Maxfield arrived at 7:45 p.m.

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 24-151 To approve the Minutes of the July 9, 2024, Executive Session Council Meeting.

Attachments: [Minutes-Council Ex.Session-6-9-2024.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

CD 24-153 To approve the Minutes of the July 9, 2024, Council Meeting.

Attachments: [Minutes-Council--7-9-2024.pdf](#)

Councilor Reiner noted that he had notified the Clerk that in Order 24-074 under his statement that the word "not" in the last sentence was not said by him, and Linda said she would remove the word, which she did.

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.

V. Staff Announcements.

VI. Public Participation.

No public participation.

VII. Councilors' Comments.

VIII. PUBLIC HEARINGS.

[24-084](#) To receive comment on proposed amendments to the town's charter pursuant to 30-A M.R.S.A. §2104(1) and summarized below pursuant to 30-A M.R.S.A. §2104(6) and order that language specific to the amendments be placed on the municipal ballot coincident with the State and Federal elections on Tuesday, November 5, 2024 for the purpose of voting on the charter amendments as summarized below:

To amend Article II, Section 3.B to give the Town Council the authority to appoint and remove the Town Clerk on a vote of five members; Article II, Section 12 to remove the requirement that the Town Clerk be a resident of Windham; and Article VII, Sections 1 and 2 to remove the Town Clerk from provisions related to elected officials. These amendments will result in the Town Clerk being an appointed rather than an elected official.

[Attachments:](#) [24-084 Cover Sheet.pdf](#)

[Charter Question-Town Clerk amendment \(complete text\).pdf](#)

[Charter Question-Town Clerk amendment \(summary of text\).pdf](#)

[Memo Town Clerk Position.pdf](#)

[Legal Differences Chart re Windham Town Clerk.pdf](#)

[Town Clerk Elected vs Appointed Area Communities Survey.pdf](#)

[Town Clerk's Comments Appt-Elec 2024.pdf](#)

[Town Clerk DRAFT Job Description.pdf](#)

[Organizational Chart 2024 amendment for TC appointed.pdf](#)

[Email_Woodbury.pdf](#)

[Email_Cummings.pdf](#)

[Email_Meehan.pdf](#)

Council Chair Morrison said there were 6 of the 7 Councilors here tonight, and it had been recommended that they, potentially, postpone the Clerk discussion until Councilor Maxfield arrives so there will be 7 Councilors present. He said he was comfortable moving forward without him here, unless anyone objects. Councilor Kalogerakis said he objected because they had been in the situation where Councilors have not been present in the past and this is not the practice that they have had. If someone is not here, they always vote. Councilor Jones said he thinks there is a difference with someone not being here and not being here for an hour. Councilor Nadeau agreed with Councilor Jones. Councilor Reiner asked to take a poll of the audience to see how many were here to speak to this matter? After a show of hands there were approximately 10 or so people to speak. Councilor Morrison felt where they had close to a dozen folks for this as item

number 1 on the agenda, and as much as he'd like to have 7 Councilors present, he thinks they can move forward.

Manager Tibbetts summarized what is on the website about this discussion. There is a memo from Linda and the Manager based on their experience in looking at this position and the importance of how this position takes care of a number of technical important aspects for the community, and to make sure there is a continuity of services in the future. Linda has indicated she is going to retire in the near future, and based on that it made sense to have experience to be able to be in this position going forward.

The second item in the packet is a chart that the attorney looked over that has three different approaches to the Town Clerk position. One of these three is used in all the counties within the State of Maine, one is it is an elected position, appointed by the Council, or is appointed by the Town Manager. They have related back to the segments in the Charter and State Law and each one of those characteristics of those job responsibilities is how they relate to each one of those assignments. It really covers everything from the qualifications of the job, to being bonded, how the office works and who appoints who, etc.

Another document shows all the communities that are larger than 7,000 in population all the way up to the largest, Portland. It shows whether they are elected or appointed, and whether those appointments are from residents from within those communities or not within those communities. Of the 30 larger communities, 27 of them have made the switch from an elected position to an appointed position, and it was done either from a charter change or a charter amendment.

This position entails an tremendous amount of state and federal regulations, not only our local ordinances, our local licensing criteria, understanding all the different computer programs that are used daily, all the State licensing with dogs, boats, ATV's, and sharing responsibilities for tax collection and automobile registrations. All of these things represent the diversity of that position, and we feel that having someone who is appointed verses elected, we will have better continuity for the community. Also included is a summary from Linda and why she believes we should be leaning towards the appointed position, a job description for how the appointed position would work and an organizational chart for that position. If this goes to the voters, and where it is a Charter amendment and whether it passes or fails, it would need a 30% voter turnout and with November being a Presidential election, that would not be a problem. The opportunity is here for Windham going forward in the future. The timing is good because Linda will be retiring next year and she would be finishing up her term and once she leaves then it would turn over to be an appointed position.

Linda Morrell said she believed for a long time that it should be an appointed position. It is a big job with a lot of responsibility. New things are always coming down the pike. There is a new dog program, a new voter registration program coming and it is never ending. Having this job appointed and being able to put it out to everyone, there are lots of Clerks who are looking to move to a better job. Those folks would have the experience you would need to jump in and get off on good footing verses possibly ending up with somebody who has no experience whatsoever would not be good.

Councilor Morrison said to clarify on what is being proposed is that the Clerk will be to the subject of the Town Council, which they will be the over site by the electorate as a whole, and he asked the Manager to clarify.

Manager Tibbetts said if the position is appointed, the appointed position would follow all

the personnel policy rules and guidelines. The Council would interview and designate who will be appointed, and as issues come up there will be two issues on how you can do this. You can work directly with the person, as you do with the Assessor, or you could ask the Manager to help assist in providing guidance on how you review those. The responsibility falls to the Council.

Public Comment:

Bill Holmes of Sandbar Road said he is not here in either support or opposition for the position. A year ago there was a question on whether or not there were other positions in the state that required qualifications in order to run for the position. The public asked if it were kept as an elected position could we not insert some sort of qualifications? He sent a memo to the Council that said it is a process in the state that elected positions do carry qualifications. The office of Sheriff, which he has run for previously, does specify that you need a written certification from the Maine Criminal Justice Academy that the person has been a certified law enforcement officer. Also, the Office of District Attorney must be an attorney and in good standing with the Maine State Bar. So, he thinks it can be done.

Manager Tibbetts said he did ask the attorney that specific question and he stated that positions that are at the county level, qualifications can be placed in law, but at the local level you do not have the ability to do that. He said he could get it in writing.

Justin Whynot was opposed to the change in the Charter to move from the election of the Clerk to an appointment. He feels the people should have the say in part of the governing body on who holds control over the electoral process. It is very important to have the people have their voice in that, not just the Council. The Council is great at this moment, with many great members, but you never know what the future holds. When you put it to the whole body of the town, it ensures that people will be constantly make the better judgment.

Clayton Haskell is opposed to the whole amendment and it has been a round-a-bout way of getting here. He thinks it is up to the citizens of the town to figure out a vote or non-vote for the Clerk. It is a substantial system, and it seems that it is more important to have the town's people involved in this. There has been a lot going on in the town that the citizens have not had any input. It has only been between the Council and Manager, which is wrong. On this particular issue, he thinks it is up to the town's people to decide if they want to do it and if they don't, that's fine. There is also the opportunity for Linda to hire somebody that is somewhat qualified to learn the operation so they could be voted in as Town Clerk. Linda had guidance with a couple of people in the office already and that is the way it should be. He hopes the Council votes against this.

Will Colby from Windham read a letter from Rebecca Woodbury. (See Attached)

Barb Maurais said she was on the original Charter Commission back in 1973. She knows that the Charter is a living document. She is here to urge the Council to recommend that the Charter Amendment be placed on the November ballot, so that the people of the Town of Windham can have their voices heard, and decide whether this is the avenue that we want to go. She is not comfortable with having the Council say "no, we are not going to put it forth to the voters." She has heard several people say that the voters need to decide. She thinks that this is a prime example of allowing that to happen. When looking at the Clerk position attachment she noticed that every town in Cumberland County with the exception of Falmouth has gone to an appointed position. Appointed means that there are qualifications, it is not that it is a free for all for the Council to

decide. Please pass this forward so the voters can decide.

Beth Hall said she agrees with everyone who has been up to speak and wants her voice heard.

Public Hearing Closed at 6:31 p.m.

Council Participation:

Councilor Jones said we are not here to vote this down or not, we are here to vote on whether we want to move it to the November ballot, so the people of Windham can decide whether they want to support this or not.

Councilor Nadeau said in 1973 is when the Charter was created, and in 2000 the Charter was opened and again in 2010 to have the RSU 14 removed from the Charter. For a living document it has not been opened since 2010 and it is 50 years old. In the information that was provided there are 24 appointed and 4 elected Clerks. He thinks this position, as in any other position, i.e. Town Manager, etc., we always interview for them and make sure they have the qualifications. We cannot make qualifications in the Charter, but we can make qualifications if we put out to be hired. He feels this position is too important, and with the election coming up, he cannot see somebody taking care of a Presidential Election if they were not up to speed and qualified. It takes a long time to get there. He is in favor in moving it to the voters, he is not making this decision.

Councilor Reiner said there were several letters sent to the town on this matter tonight, and he said they were not included in this agenda documentation or located in town communications. He would like them moved out of town correspondence and to the agenda packet. There were two letters from the outside that were not included.

As far as the information provided by the Manager on other towns, he asked if there was a timeline or date so we know when these towns may have switched from an elected to an appointed position? Is this a more recent or prior practice that changed a substantial time ago? The Manager said they did not ask that question, it could be researched.

Councilor Reiner said the Manager mentioned that the Town Clerk would follow the policies, which policies, the Personnel Policy or policies where the Council would stipulate it would not just be elections, licensing, etc. but would work the front desk as well, which is not their traditional role for Town Clerk? Manager Tibbets said as an appointed position they would be a full-time employee of the town, and they would follow all rules and regulations within the Personnel Policy, which would include cross-training of services, i.e. excise tax, etc. If the position was elected, the elected position would have the option to say "no I am not going to do that and the deputies I appoint are not going to do that." So, if they are appointed we could develop a job description? He said if we go the appointed route, how would that person, for consideration, be selected and who would be doing that process? Would it go out as a job description, a job offering in the field as we do with other ones, how will the process be worked out? The Manager said we would follow the same procedures that we do for any position. We would post it, advertise it, look at our internal candidates, outside candidates and they would be collated and presented. The H.R. Department would handle it and it would be presented to you as the Board. You would go through those applications, review them and choose which ones you want to interview. If you wanted, you could have the H.R. Director, Assistant Manager or the Manager in the room to assist with questions, and they can help develop questions, but you will ask the questions, and you come down to the final candidate.

His final question was elected vs appointed, regardless of elected vs appointed would an appointed Town Clerk be allowed to hire their own staff? The Manager said if the Town Clerk is appointed, then they will follow the governing policies of the H.R. and the existing staff would remain within their positions but would still need to be appointed as Deputies, but if the Town Clerk were to retire after two years, the Deputies would still be able to do those functions of that job as an interim basis by the Council. If the Clerk is elected and the Clerk appoints the Deputies, so if the elected Clerk were to resign tomorrow, those Deputies would cease to do any transactions related to the Deputies duties, it would be frozen until a new Clerk could be elected, was his understanding. The answer to the other questions which was, what happens to the staff that is already in place and are Deputies if a new Clerk comes in, do they remain and can that Clerk choose other folks to do the Deputies work, and the answer is "yes they can". They appoint the Deputies and if they do not want to appoint the staff that is there, he would have to move that staff into other positions within the town. Councilor Reiner said he still feels the Town Clerk should be a resident for the first two years. Some of the larger towns have that in there as well, even if it wasn't an elected position it is a qualification that is in there. He would like to see more of the department heads, through attrition, at least through the first part of their career be residents of the town. He feels it promotes more buy-in into the town. He said they make a lot of decisions that affect the residents directly, and he would like to see that done with the department head as well and carrying that over to town clerk to be changed to a two-year minimum.

It also looks like we can waive it if there was no candidates that came up, so it puts some stop gaps in. He is not in favor of it being appointed by the Town Manager. He agrees, in part, with Councilor Jones and Nadeau, in essence, with this going to referendum in the fall, brings it back to the people in a roundabout way. He knew that it had been brought forward two times earlier and failed both times. He would be in agreement with moving it to referendum if the residency requirement was put in. The Manager said he thinks from the appointed position, as the Council, you can do that if it is appointed, but if elected, it is already mandated in there.

Councilor Henry said if Linda retires tomorrow are you saying no Town Clerk duties can be fulfilled until the next election? The Manager said they would have the Attorney come in and find a way though it. He understands that once the Town Clerk leaves her position, and she appoints the deputies, the deputies lose their authority to function. Councilor Henry said he is on the fence with his decision, and if it wasn't going to the citizens, he would vote no for sure. Going to the citizens gives him a little bit more comfort level. He said he was not sure we have a problem. He thinks we are trying to fix something that has not happened. Couldn't our deputies be a hired position? Manager Tibbetts said if the elected town clerk were to leave, their duties would cease to exist, and whether we would have to have a new election within 30 or 60 days or a bridge that can be made that the attorney can identify. Councilor Henry asked how could we have an election without the Clerk and the Manager said that the Clerk does not run the election, it is run by the Warden and the Warden does the certification. The Clerk sets up the election and does all the preparation for election day.

Councilor Reiner said as far as residency, the way it is written, it says in Section 12 to remove the requirement that the Town Clerk be a resident of Windham. So, if this passes and it is an appointed position, it's without a residency requirement? If we pass it like that, how do we then, as a Council, dictate that it has to be a resident? Manager Tibbetts said it will not be in the Charter, it could be made part of the job decision.

Councilor Kalogerakis said towns have been here for over a thousand years, and Linda has been the Clerk for 23 years. Whenever the Clerks came about we were fine. Barb

talked about the Charter, Dave told us how many times it was opened. Anytime we opened it, it was never an issue. For some reason we think the public is going to make a very poor decision, and if Bozo the Clown decides to run for Clerk, we are voting him into office, he puts more faith in the people,

Linda has been developing people in the department. He keeps hearing "let the people decide" and to him if you let them decide, that should be your position all the time. If you flip flop on that, it is pretty hypocritical. He said this is a non-issue to him, the seven of us are no smarter than the whole population, of having somebody get appointed with experience that is not going to be as committed as she is, and just because they have experience does not tell you who they are. When Linda retires, that department is struggling no matter who you put in there, there is a lot going on. In any position, we don't know what we are doing at first but we have staff that supports us and they are there to help us along. He has faith in the voters and when Linda leaves we will have a few issues there, and no offense to the new clerk, it is a lot to handle. His position is to stay as is.

Councilor Morrison said with this position there is a lot of responsibilities, a fair amount of risk in regard to how one gets hired to fill that role. We talk about the integrity of the election, which a lot of folks are concerned about, integrity of the election is overseen by the Warden and deputies are appointed people. It would be consistent to have the Clerk an appointed person with over site by the Council. He is leaning in that direction and there are lots of towns that have an appointed position with Council over site and it is working pretty well and we are no longer a small town, we are on the threshold of becoming a city. He feels comfortable, as a Council, to move this forward for the towns people to make their decision on what they think is best for them.

A motion was made by Councilor Nadeau, seconded by Councilor Jones. The Order failed due to a tied vote. The motion carried by the following vote:

In Favor: 3 - Councilor Nadeau, Councilor Jones and Council Chair Morrison

Opposed: 3 - Councilor Kalogerakis, Councilor Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

24-132 To receive public comment and act on a proposed amendment to the Solid Waste Ordinance, Chapter 192, of the Code of the Town of Windham regarding trash and recyclable collection at multi-family dwellings.

Attachments: [24-132 Cover Sheet.pdf](#)

[Memo Burns Trash Collection Update.pdf](#)

[Proposed Solid Waste Ordinance Amendment.pdf](#)

No public comment.

Assistant Manager Burns said as it was discussed at the last meeting, we are changing the existing definition of the Solid Waste Ordinance for Commercial Solid Waste. Currently it reads more than two dwelling units, and the proposal is to change it to read more than four dwelling units, and that brings us into consistency with both our Planning Ordinance and assessing practices. Since 1999 it has read more than two dwelling units, and despite in the field practices of our contractor inadvertently collecting at locations with more than two units. Letters were sent out to those folks letting them know they will not be collecting there any longer.

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

Absent: 1 - Councilor Maxfield

24-135 To receive public comment and act on proposed amendments to the Town of Windham Marijuana Business Ordinance, Chapter 128 of the Code of the Town of Windham, to require that an applicant has paid all tax obligations to the Town in order to obtain or maintain a license.

Attachments: [24-135 Cover Sheet.pdf](#)

[Proposed Marijuana Ordinance Amendment.pdf](#)

No public comment.

Assistant Manager Burns said this is just ensuring that before any Marijuana Businesses are given a license that they are in good financial standing.

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

Absent: 1 - Councilor Maxfield

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_2 \(002\).pdf](#)

No public comment.

Manager Tibbets said there are a couple more changes to be made in talking with Portland Water District and we may want to add into this, so you may want to postpone this to the September 10 meeting. He will make those changes and it can be done all at once.

A motion was made by Councilor Nadeau, seconded by Councilor Reiner, that the Order 24-136 be postponed to the September 10, 2024 meeting. 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

24-137 To receive public comment and act on a proposed Disbursement Warrant Ordinance, Chapter 46 of the Code of the Town of Windham.

Attachments: [24-137 Cover Sheet.pdf](#)

[Disbursement Warrant Ordinance DRAFT.pdf](#)

No public comment.

Assistant Manager Burns said at times it has been very difficult to obtain all signatures required for the approval of the warrant. This would allow either the Chair or the Vice Chair to approve the warrant, specific to the two items described below in item B.

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

Absent: 1 - Councilor Maxfield

IX. CONSENT AGENDA.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

24-083

To award a contract to Great Falls Builders in the amount of \$650,000, said amount to be paid from account 19100-47430 for design-build services for the construction of a new North Windham Fire Station, the renovation of the existing North Windham Fire Station for its re-use as an economic incubator, the renovation of the current Windham Middle School for its re-use as a community center, and renovations at the Town Hall, subject to budgetary allocations, and to authorize the town manager to execute a contract and to take any other necessary action related thereto.

Attachments: [24-083 Cover Sheet.pdf](#)

[Town Manager's Memo Design Build Services.pdf](#)

[Windham Opportunities 4 FINAL Request for Qualifications and Proposals.pdf](#)

Manager Tibbetts said they have discussed the four potential items, and they went through a process to determine a company to work with. They had an eleven member committee that reviewed all the applications and different design teams. They concluded that Great Falls Construction Co. was able to provide what the town was looking for. The end result is we are looking to have preliminary design and construction cost estimates so we would have a number to be able to go back to the voters with, which would be a firm number as opposed to an estimated number.

Councilor Nadeau thanked the committee, it was a great committee with a lot of interviews. He would like to see when we put an account number in here, they specify where that account is, and what account it is coming from because he has to dig out his budget manual to see what account it is coming from.

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

Absent: 1 - Councilor Maxfield

24-091

To set the tax rate for 2024-2025 at \$11.47 per thousand dollars of

assessed value.

Attachments: [24-091 Cover Sheet.pdf](#)
[Manager's Memo_mil rate.pdf](#)
[Comparative Mil Rates.pdf](#)
[24_25 Budget Items.pdf](#)

Manager Tibbetts said this is the result of what the mill rate would be for this coming year based on what the approved budget was from our annual Town Meeting, and what the School Budget was approved and obtaining all the financial numbers for revenues that may be coming from the state and running all of those numbers through the calculation. They kept the contingency to be very similar to where we were last year and it ends up with having the lowest mill rate possible.

The breakdown for the median average home is going to place about 32% of the taxes paid, which would be attributed to the town and that increase is \$129 per municipal services. The RSU Education Services increase on the median home would be around \$256.00 and County Services would be roughly \$18. So, you are looking at an increase of around \$406 on the median average home of around \$426,000.

The municipal budget increase ends up being 4.394%, the estimated mill rate is being projected at \$11.47, a .25¢ increase over last year. COLA increases were at 4%, paving budget is set at \$1,116,414, that was \$750,000 from monies from the budget and then they carried forward some unapplied bond monies for paving. This budget does add a new position for an Operations Manager in the Public Works Department, another to take the shared Police position for the Social Worker to full-time, and we would add four Fire Fighters and Paramedics to the next year. We had a grant for two of those this year, and we will get a grant next year. It also covers some heating improvements in this building, and money has been set aside for gravel road reconditioning.

In the budget they show this as the East Windham Conservation Trail, there is a universal trail being built that they received a grant for and is still shown in the budget. Also in there is the four items that were just approved in the prior article tonight, \$400,000 to expand the Smith Cemetery, adding some solar panels here on town hall, some money added in for some land acquisition at Gambo Road from Portland Water District, and all the prior bonds that had been approved. Those payments are included in this budget and the long-term debt of \$3.7 million in new bond issue. Moody's rated us at AA1 for our rating and Standard & Poor increased us to a AA+ and that helped in our ratings.

Councilor Nadeau asked Josh "where do we stand percent wise with residential and with commercial?"

Josh Houde Assessor said last summer the company who came in to update the values left the residential values around 94%, so the assessments for the 300 or so residential properties that sold, compared to the sale prices, were a little bit lower. The markets continued to grow this year, so the assessments dropped down to about 87% for residential. Condos were only at 82%. He said residential and condos are currently around 95% now and are closer to market value.

Commercial hasn't seen any changes in the past three years, it was not looked at. He said this coming year he will be taking a look at it. They had 8 to 11 sales for commercial and those were very low sales. He did increase the commercial values a little bit this year. The commercial was at 58% based on those sales, they came up about 5%.

Speaking to the mill rate he said if he had left the values alone down below 87%, we wouldn't be able to certify at 100% with the State, we have to be at least 91% to do that.

Councilor Reiner thanked the committee. He said the Council is only responsible, as shown, for 35% of the total tax bill that everybody receives. A lot of time and hard decisions goes into this and we pay taxes too. He is happy with the budget and what they came up with.

Councilor Nadeau mentioned that a lot of people last year applied to have their taxes frozen by the State, and they were. The State reimbursed the town for that money. It was a one shot deal because the State did not have the money to continue the program any longer. Anybody who was in that program last year will see a significant increase because they will see last year's increase and this year's increase. His point would be that if you are struggling at all, come in and talk to the Manager.

Councilor Morrison said the Finance Committee did a great job, and we still have strong inflationary pressure, and to keep the budget at approximately 4% and still offer the services that we are providing and to compare that amongst the other towns, we are in pretty good shape.

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

Absent: 1 - Councilor Maxfield

24-092 To set the dates on which 2024-2025 taxes will be due as October 1, 2024 and April 1, 2025.

Attachments: [24-092 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 Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

24-093 To set the rate of interest that will be charged on overdue taxes for 2024-2025 at eight and a half percent (8.50%).

Attachments: [24-093 Cover Sheet.pdf](#)

[Delinquent Tax Rates - Office of the Maine State Treasurer.pdf](#)

Beth Hall asked when will credit cards be allowed to pay for taxes at Town Hall?

Manager Tibbets said with credit card payments there is a 2.65% fee that we have to pay on our end for those taxes to be paid and we would be short that in the long term in our total budget revenues and we would have to budget for that.

Councilor Nadeau said if anyone is struggling with their taxes this year, especially those who were over 65 and had their taxes froze the year before and they will get hit with a

double whack, that they come in to talk to the Manager. He would like to talk about waiving the interest on that payment. There are a lot of communities who are not using 8.5% and they are waiving that and are going with zero to try and get the funds back in. If you were delinquent over a certain amount of time, he would charge the interest, but if somebody came in and had a problem, he would like it to be 0% as long as they are moving forward to pay their taxes.

Town Clerk Linda Morrell said we do accept credit cards to pay for taxes, and this was confirmed with Veronica Meserve, the Deputy Tax Collector.

A discussion took place on the percentage rate and whether to lower it, and after much debate it stayed at 8.5%.

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

Absent: 1 - Councilor Maxfield

24-094 To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §906, to apply any tax payment received as payment against outstanding or delinquent taxes due in chronological order, beginning with the oldest unpaid obligation, including personal property, provided, however, that no such payment may be applied to any tax obligation for which an abatement application or appeal is pending, unless approved in writing by the taxpayer.

Attachments: [24-094 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 Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

24-095 To authorize and direct the Tax Collector/Treasurer, pursuant to Title 36 M.R.S.A. §506, to accept prepaid property taxes at any time and to establish an interest rate of 0% on such payments.

Attachments: [24-095 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 Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

24-152 To authorize the transfer of \$6,076 from general contingency account 19910-43100 to the property tax assistance program account

18300-46930.

Attachments: [24-152 Cover Sheet.pdf](#)

[BT memo SR tax assistance program Results 23_24.pdf](#)

Manager Tibbetts said there were 282 applicants who participated in the program. Last year we had 243, and in our budget we had projected that we would be a little bit higher but didn't anticipate the 282. Because we had the additional number come in and had met the qualifications, they should be included with the program to receive the full benefit.

The average income of the qualifying recipients is \$38,388, the average tax paid by the qualifying recipients is \$3,467. Of the \$700, which is the full benefit to the applicants, 181 received the full benefit of \$700, while 88 of the applicants received anywhere from \$7 up to \$693 as a reduction. There were 13 people who applied who did not qualify. So, not to leave those other few out of the mix, he thought they could take the funds out of contingency and add it in. Next year when the budget process is done, they will have to reexamine the numbers.

If the Council decides not to take the money out of contingency account, they will have to go back in and adjust their payment and they will receive less than the \$700.

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 Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

24-096

To approve qualifying applications for property tax assistance pursuant to Chapter 209, Article I of the Code of the Town of Windham, "Property Tax Assistance," to be processed from account 18300-46930.

Attachments: [24-096 Cover Sheet.pdf](#)

[BT memo SR tax assistance program Results 23_24.pdf](#)

Councilor Nadeau said on this program they will have to look at how we take out their maximum income. Most of the people in the program are at \$38,000 living on Social Security and not much else. There have been several applicants making more than that but they have a bunch of deductions. He said they will have to look at how they rate the program and how the deductions are used.

Manager Tibbetts said they have looked at the loop hole that is potentially there, and they have a solution for that. Council should see it in early October.

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

Absent: 1 - Councilor Maxfield

24-129

To adopt a 90-day extension to the ordinance establishing a moratorium for non-residential uses in shoreland zoning districts, extending the existing

ordinance expiration from September 22, 2024 to December 21, 2024.

Attachments: [24-129 Cover Sheet.pdf](#)

[Moratorium Ordinance Effective 03.26.2024.pdf](#)

Assistant Manager Bob Burns said this in regards to the proposed marina at the end of Marston Road. They are asking for more time to continue efforts in completing ordinance revisions in this matter.

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 Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

[24-134](#) To authorize the Town Manager to sign the necessary documents to convey a parcel of land for the wastewater treatment facility on the southwesterly side of Sposedo Road and any other associated easements associated with the wastewater treatment system to the Portland Water District and take any other action related thereto.

Attachments: [24-134 Cover Sheet.pdf](#)

[Municipal Quitclaim Deed - Town of Windham to PWD 4.9.24 \(002\).pdf](#)

Assistant Manager Bob Burns said they are looking for approval to allow the town to transfer both the wastewater treatment plant property and several easements to the Portland Water District.

Councilor Henry asked if they could see the easements in the future? It is nice to see it visually.

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

Absent: 1 - Councilor Maxfield

[24-138](#) To adopt the updated Economic Development Strategic Plan as a policy with the intent of incorporating the revised objectives and strategies as a future amendment to the Comprehensive Plan.

Attachments: [24-138 Cover Sheet.pdf](#)

[ED Strategic Plan.pdf](#)

Councilor Tibbets said this was presented at one of your earlier meetings. Instead of trying to go through do the Comprehensive Plan update, this was a solution that made more sense to start moving in that direction. Then we can time the Comprehensive Plan changes from this, as with some other amendments in the future, all as one bundle.

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 Reiner and Councilor Henry

Absent: 1 - Councilor Maxfield

24-139 To refer proposed miscellaneous amendments to the Code of the Town of Windham Chapter 120 Land Use Ordinance, Article 3 Definitions, Article 4 District Standards, Article 8 Site Plan Review, and Article 9 Subdivision Review to the Planning Board for its review and recommendation.

Attachments: [24-139 Cover Sheet.pdf](#)

[24-24_TC_MEMO_MiscLUO_0813624.pdf](#)

[24-24 LUO_Miscellaneous_Amendments](#)

[ARTICLE 3 DEFINITIONS 081324.pdf](#)

[24-24 LUO_Misc_Amendments_ARTICLE 4 ZONING DISTICTS 081324.pdf](#)

[24-24 LUO_Misc_Amend_Article_8_SiteWork_082024](#)

[24-24_Misc_Amendments_Article_9_Violations_&_Penalties_082024](#)

Councilor Maxfield arrived at 7:45 p.m.

Assistant Manager Bob Burns introduced Steve Poulio, and he said these are changes that came out of the last Ordinance committee meeting. There are some smaller changes, some house keeping items, but then there are more substantive items that Steve is prepared to discuss.

Steve Poulio Planning Director said these are proposed miscellaneous amendments to the Code of Ordinances and talking about Article 3 Definitions, Article 4 Zoning Districts Standards, Article 8 SiteWork and Article 9 Violations and Penalties. He said the purpose of the amendments is to provide some consistency with terminology between the Land Use definitions and our Performance Standards.

He, Barry & Bob met with the Ordinance Committee on August 1 to have the committee recommend changes to the Planning Board and to send it to the Council for adoption. (See Attachments) Steve said they also consulted with the Town Attorney to review these suggested changes to make sure they were compliant with our ordinances.

Councilor Reiner said for clarification on Articles 8 & 9 about a year ago, there was a project going in and there was clearing of trees before it got to the Planning Board. Do the changes in Article 8 & 9 prevent that from happening in the future? Steve said that is exactly what this does. There is a little consistency of what the Code allows for removing trees on your property, and it does not show up in our subdivision review. It forces the Planning Dept. to require the applicant to resurvey the property, because most likely, the Planning Board has already done a site walk and have already seen the trees and compare it to the presentation that they are receiving to review the application, which shows a limitation of tree clearing.

Councilor Kalogerakis asked what does violations and penalties mean when there has been a violation? Steve said if there is a notice of violation issued by the Code Director that prevents the applicant being reviewed by the Planning Board, they will not take their request in front of them until the violations is cured some how.

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

24-140 To authorize the disbursement of \$4,149 from the Federal Opioid Distribution Fund (1000-4008) for the purchase of LockMed Guardian, designed to safeguard prescription medication.

Attachments: [24-140 Cover Sheet.pdf](#)

[Opioid Monies Distribution Meeting Notes.pdf](#)

[Opioid Monies Distribution LockMed 61024-Wind.pdf](#)

Manager Tibbetts said the opiate settlement monies, which have been awarded and distributed by a prorated formula through the State of Maine and our share of that is roughly \$22,000. The goal of the opiate funds is to help prevent further addiction or ways to safeguard prescriptions and assist residents. He said there were two applications and the committee only supported this one.

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

24-144 To approve the ballot for the election of vice president and executive committee of the Maine Municipal Association, and to further authorize the Town Manager to take any other necessary action related thereto to finalize the action.

Attachments: [24-144 Cover Sheet.pdf](#)

[MMA Annual Executive Committee Election Memo.pdf](#)

[Candidate Bios.pdf](#)

[MMA Ballot.pdf](#)

Assistant Manager Bob Burns read through the ballot for the public. Council was in favor of the ballot as presented.

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

24-145 To accept the public turnaround easements for Hemlock Drive, a street identified by the Town as a Designated Private Way that has met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services.

Attachments: [24-145 Cover Sheet.pdf](#)

[Hemlock Drive Keeley Turnaround Easement.pdf](#)

[Hemlock Drive Pike Turnaround Easement.pdf](#)

Assistant Manager Bob Burns said that this is a process of the public easements roads

who have needed turnarounds and easements to be acquired and to be constructed as well. Mark Arienti has met with the folks there and has obtained the two easements and things are moving ahead.

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

24-146 To approve a new Victualer's License application submitted by Andrew Hager & Hannah Buoye d/b/a Waxwing Bakery.

Attachments: [24-146 Cover Sheet.pdf](#)

[Waxwing Bakery new Victuler's.pdf](#)

The owners said they would love support in getting them going.

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

24-150 To adopt proposed amendments to the Town's Purchasing Policy.

Attachments: [24-150 Cover Sheet.pdf](#)

[Purchasing Policy DRAFT Amendments 2024 0806.pdf](#)

Manager Tibbetts said they added in a line to make sure they comply with state and federal bidding requirements, which in many respects supersede our policy here. We increased some of the basic amounts for purchase limits and competitive purchasing. They increased the professional services line and also they added in exceptions to the policy and/or to add in a yearly adjustment by CPI on the actual purchase limits and competitive purchasing limits as well.

The limit is currently \$1,000 and they would move that to \$2,500 so department heads can go out and purchase items. They would still be looking for bids but would be able to do that and based on oral conversations with their best research. From \$2,500 to \$10,000 you can call three different vendors to get the best price. For over \$10,000 it was written purchase orders only but they have into that category from \$10,000 up to \$100,000 for verbal quotes. Prior to this, if they were buying a pickup truck, they would get three written quotes from an RFP. It is hard to get some vendors to even participate, but if they can do three verbal's by calling, we are still finding the lowest bids and it helps us be more efficient. In the competitive purchasing they basically did the same ranges. Professional services was upped to \$50,000 from \$25,000, the other two items dealt with says they can go outside the policy if they need to, but they have to report back to the Finance Committee as to why they went outside the policy. They added in the CPI adjustment to those numbers.

Councilor Reiner asked about Section 5, item 3 for the over \$10,000. Was there never a cap on it before? Barry said it was anything over \$10,000. Councilor Reiner asked if the cap was too low? Barry said they can make it work as written.

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

24-151 To award a bid for the purchase of a budgeted 2024 14-passenger bus with wheelchair lift at cost of \$107,100 to be applied to account 19100-47430.

Attachments: [24-151 Cover Sheet.pdf](#)
[O'Connor Transit Van Bid.pdf](#)
[Transit Van Quote Summary 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

XI. Council Correspondence.

CD 24-148 Substance Prevention Grant Recipient Reports.

Attachments: [WMS Boys to Men Substance Prevention Grant.pdf](#)

CD 24-149 FOAA Status Report.

Attachments: [NAPC Bid Results Response_ Universal Trail 7.15.24.pdf](#)
[SmartProcure Requested Records 7.16.2024.pdf](#)
[R Cummings Election Integrity_ GA Fraud 7.16.2024.pdf](#)

CD 24-150 Watershed Protection Grant Program - Thank you.

Attachments: [Little Sebago Lake Association Letter.pdf](#)

CD 24-154 Growth Permit Status.

Attachments: [Growth Permit Stats through 7.25.2024.pdf](#)

CD 24-156 Sebago Lakes Region Fuller Center For Housing Event and Update.

Attachments: [5th Anniversary Gala Celebration Auction.pdf](#)
[Fuller Center Work Review.pdf](#)

CD 24-157 Emailed Council Correspondence.

Attachments: [Emailed Comments to Town Council D Meehan Charter Amendment.pdf](#)
[Emailed Comments to Town Council J Whynot Charter Amendment.pdf](#)
[Emailed Message to TownCouncil_Hola.pdf](#)
[Emailed Comments to Town Council W Andrew Crossridge Roads.pdf](#)
[Emailed Letter to Town Council Crossridge CR Letter.pdf](#)

CD 24-158 Public Outreach - New Trash Collection Service.

Attachments: [North Windham Initial Mailer.pdf](#)
[Trash Removal Commercial Property Letter.pdf](#)

CD 24-159 Cumberland County - District #2 Notice of Caucus - Finance Committee Appointments.

Attachments: [September 9, 2024 Meeting Notice.pdf](#)

CD 24-160 Quarterly Department Report.

Attachments: [Quarterly Report from the Town Clerk.pdf](#)

CD 24-162 Southern Maine Agency on Aging Correspondence.

Attachments: [SMAA Newsletter and Luncheon Invitation.pdf](#)

CD 24-165 Dundee Hydroelectric Project on Presumpscot River - Dundee Park.

Attachments: [Dundee Pond PR Statement 20240731vFinal.pdf](#)

CD 24-169 Credit Opinions - August 2024.

Attachments: [Moody's Credit_Opinion-Town-of-Windham-ME-Update-to-08Aug2024-PBM_1417835.pdf](#)
[S&P Global Ratings Letter\(STDLONG1812375\) Doc.pdf](#)
[S&P Global Ratings Letter\(STDLONG40357865\) Doc.pdf](#)
[S&P Report for Windham, Maine \(Aug-7-2024\).pdf](#)
[Moors & Cabot Bid Results.pdf](#)

CD 24-171 Preliminary 2025 State Valuation.

Attachments: [Preliminary 2025 State Valuation.pdf](#)

XII. Town Manager's Report.

Manager Tibbetts reported that the town was upgraded in our bond rating. Our current bond rate for the \$10 million dollars is 3.14%, which is fabulous. Police positions are totally full and we have 30 out of the 31 positions filled, and we have three applicants for

the position. In Public Works we have the opening for the Operations Manager and one truck driver that we have a couple applications for.

XIII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

Councilor Reiner said the committee met tonight and they had four applicants. Two of the applicants are reappointments to current positions and both are in good standing. That is Marge Govoni to the Human Services Advisory Committee for a 3-year term, and Kayla Desmond to the Parks & Rec Advisory Committee for a 3-year term. We would move them forward to September 10 for acceptance.

The two other interviews were both for the Human Services Advisory Committee, both 3-year terms, and they are Christina Faye and Joyce Onafowokan. Both are very qualified and assets to the committee. They asked that they be approved on September 10.

2. Finance Committee.

Councilor Nadeau said they met and a lot of it has been presented to the Council this evening. They had a budget summary, the carry forward, the static impact fees, undesignated fund balance, tax rate base was presented, overlay options, budget 2025, bond issue update and our purchasing policy.

3. Ordinance Committee.

Councilor Nadeau had a meeting on Solid Waste, Land Use issues and they looked at the growth ordinance, and several of them have been in front of the Council this evening.

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. Highland Lake Leadership Team.

No report.

5. Natural Resources Advisory Committee.

No report.

6. Greater Portland Council of Governments (GPCOG).

No report.

7. ecomaine.

No report.

XIV. Discussion Items.

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

[CD 24-026](#) New Cell Tower - Public Safety Building Tower Replacement.

Attachments: [Windham W ME LE Rev0 090723.pdf](#)

[Windham W ME - Tower Lease DRAFT \(002\).pdf](#)

[CD 24-106](#) Branding & Wayfinding Signage Advisory Committee Update.

Attachments: [WindhamWelcome2024-GJP1 copy.pdf](#)

[CD 24-126](#) Trash Program Update.

[CD 24-155](#) Little Falls Master Plan Update.

Attachments: [TC memo SWLF Mater Plan Implem Update 081324.pdf](#)

[SWLF_MasterPlan_Zoning_Recommendations.pdf](#)

[NSP_VillageProgressMemo_May2024.pdf](#)

[Village Zoning Language Draft 07-03-2024.pdf](#)

[2023-04-24-VILLAGES MASTER PLAN.pdf](#)

[CD 24-161](#) Growth Permit Ordinance - Growth Permit Ratios.

Attachments: [24.08.08 OUTLINE Proposed Amendments to GMO.pdf](#)

[Memo Growth Ordinance.pdf](#)

[Housing Permit History.pdf](#)

[Windham Growth 1_3_2024 bat.pdf](#)

XV. Agendas & Scheduling.

XVI. ADJOURN.

A motion was made by Councilor Reiner, seconded by Councilor Kalogerakis, that they be adjourned. The motion carried by the following vote at 9:15 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