



Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Final

Town Council

Tuesday, September 24, 2024

6:00 PM

Council Chambers

I. Roll Call of Members.

Councilor Maxfield arrived at 6:07 p.m.

Present: 5 - David Nadeau, Nicholas Kalogerakis, William Reiner, John Henry and Jarrod Maxfield

Absent: 2 - Brett Jones and Mark Morrison

II. Pledge of Allegiance.

Vice Chair Kalogerakis led the Pledge of Allegiance.

III. Minutes to be Approved:

[CD 24-188](#) To approve the Minutes of the Special Council Meeting on September 3, 2024.

Attachments: [Minutes-Council-9-3-2024.pdf](#)

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

In Favor: 4 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner and Councilor Henry

Absent: 3 - Councilor Jones, Council Chair Morrison and Councilor Maxfield

[CD 24-194](#) To approve the minutes of the September 10, 2024 Council meeting.

Attachments: [Minutes-Council-9-10-2024.pdf](#)

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

In Favor: 4 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner and Councilor Henry

Absent: 3 - Councilor Jones, Council Chair Morrison and Councilor Maxfield

IV. Adjustments to the Agenda.

V. Staff Announcements.

Vice Chair Kalogerakis welcomed Mary Wicklund, Environmental & Sustainability Coordinator.

VI. Public Participation.

No public participation.

VII. Councilors' Comments.

No Councilor Comment.

VIII. 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 he would like to postpone this until October 8, 2024, if possible. The document came in late Friday, and he was able to go through it, but he has a few more minor changes that he spoke to the attorney about.

Councilor Nadeau made a motion to postpone Order 24-136 to October 8, 2024, seconded by Councilor Henry.

Vote on amendment:

In Favor: 4-0

Absent: 3 (Maxfield, Jones & Morrison)

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: 4 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner and Councilor Henry

Absent: 3 - Councilor Jones, Council Chair Morrison and Councilor Maxfield

24-178

To receive public comment and act on proposed amended General Assistance Ordinance, Chapter 95 of the Code of the Town of Windham and updated appendices establishing certain benefit maximums as required by statute and provides additional guidance for recovery residences.

Attachments: [24-178 Cover Sheet.pdf](#)

[Memo P Moss GA Ordinance and Appendices Changes.pdf](#)

[MMA GA Ordinance 2024.pdf](#)

No Public Comment.

Manager Tibbetts said our GA Ordinance is modeled after the MMA's Ordinance, which is adopted by almost every single municipality in the State of Maine, so there is consistency there.

What is before the Council tonight is the recent Legislative changes to what are the allowable rates for monthly assistance on rent, heated, unheated, increases for monthly food allowances and cremation.

The recommendation from staff is that you approve the ordinance that is before you and adopt these new figures to take care of the needy in Windham.

Councilor Reiner asked what the town's total was from year to year? Barry said from last year to this year the town had a 30% drop. It went from \$79,000 to \$57,000. He said the program is quite strict on who may receive these benefits.

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: 4 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner and Councilor Henry

Absent: 3 - Councilor Jones, Council Chair Morrison and Councilor Maxfield

24-200

To receive public comment and act on a renewal application of Rockan Abdulla d/b/a Windham Auto Recyclers for a permit to operate a junkyard/automobile graveyard.

Attachments: [24-200 Cover Sheet.pdf](#)
[Windham Auto Recyclers.pdf](#)

No Public Comment.

Assistant Manager Bob Burns said staff has reviewed the application, and the Code Officer has conducted site visits and all is in order. All four of the Junkyards passed inspection and are all set.

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: 4 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner and Councilor Henry

Absent: 3 - Councilor Jones, Council Chair Morrison and Councilor Maxfield

24-201

To receive public comment and act on a renewal application of Mark Day d/b/a Auto Mill, LLC for a permit to operate a junkyard/automobile graveyard.

Attachments: [24-201 Cover Sheet.pdf](#)
[Auto Mill, LLC.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: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

24-202

To receive public comment and act on a renewal application of Stephen

Rogers d/b/a Serv-U-Garage for a permit to operate a junkyard/automobile graveyard.

Attachments: [24-202 Cover Sheet.pdf](#)
[Serve-U-Garage.pdf](#)

No Public Comment.

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: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

[24-203](#) To receive public comment and act on a renewal application of Jeffrey Whitney d/b/a Whitney's for a permit to operate a junkyard/automobile graveyard.

Attachments: [24-203 Cover Sheet.pdf](#)
[Whitney's.pdf](#)

No Public Comment.

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

In Favor: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

IX. CONSENT AGENDA.

X. UNFINISHED BUSINESS & GENERAL ORDERS.

[24-149](#) To approve the annual salary adjustments of the BTI Program Director and Program Coordinator as outlined by the federally funded "Be the Influence" community collaborative grant.

Attachments: [24-149 Cover Sheet.pdf](#)
[Memo S Rossignol BTI Pay Plan Approval.pdf](#)
[Salary and Benefits Projection.pdf](#)
[Grant Information and Budget.pdf](#)

Assistant Manager Burns said they are in their tenth year of this federal Be the Influence - BTI Grant. As this is federal, their budget year is from October through the end of September. This is by the grant details, and there is a COLA adjustment. It is a wage and benefits adjustment for both Director Patrice Leary-Forrey and Program Coordinator Crystal Aldrich.

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: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

[24-176](#) To appoint Mark Kinner to the Energy Advisory Committee for a three-year term to expire August 15, 2027.

Attachments: [24-176 Cover Sheet.pdf](#)

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

In Favor: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

[24-205](#) To endorse a letter to the Commissioner of the Maine Department of Transportation petitioning for the establishment of a Rail Corridor Use Advisory Council to review the joint community request to allow an interim regional recreation trail within the 5-mile section of the rail system rather than beside the rail thereby reducing the project cost by 50% and making the project viable.

Attachments: [24-205 Cover Sheet.pdf](#)

[MDOT Commissioner Petition Request for 5-mile section expansion in rail bed.pdf](#)
[Order 21-076 of April 13 2021.pdf](#)

Assistant Manager Burns said it is a five mile stretch of rail currently, and instead of trying to build a trail next to the rail, which would be over \$12 million in total costs, this halves that cost and it puts the rail on the rail bed. It is what they call a trail until rail.

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: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

XI. Council Correspondence.

[CD 24-176](#) Emailed Council Correspondence.

Attachments: [Email M Libby Fwd Gun safety.msg.pdf](#)
[Email D Sigley Jr Town Flag.pdf](#)

[CD 24-177](#) FOAA Status Report.

Attachments: [Email S Napolitano Town Clerk File Conversion to PDF 9.10.24.pdf](#)
[Email S Napolitano Windham Eagle Response file conversion to PDF 9.10.2024.pdf](#)
[FOAA Re 12 Main Street Property.pdf](#)

[CD 24-178](#) BTI Public Information Materials.

Attachments: [MaineCDC Drug Prevention and Safety Card.pdf](#)
[EyesOpenForME.org EyesOpen Drug Safety Tips and Helpline.pdf](#)

[CD 24-179](#) Windham Historical Society.

Attachments: [Thank You Granite Slabs from Swett Road Bridge.pdf](#)

[CD 24-181](#) Route 302/Albion Road Intersection Improvements - MDOT Project.

Attachments: [MDOT Workplan Windham.pdf](#)
[MDOT Advertisement Schedule as of 9.9.24 See Pg 45.pdf](#)

[CD 24-182](#) MaineBiz - Maine's Business News Resource - August 26, 2024 Ed.

Attachments: [Windham Economic Development Special Advertising Section.pdf](#)

[CD 24-193](#) Spectrum/Charter Communications Notification.

Attachments: [2024.09.17 ME..NH Charter Communications Notification \(SPP4 Notice-Rates New Cust\) sw.pdf](#)

[CD 24-195](#) Portland Press Herald Article, September 17, 2024.

Attachments: [Windham PD PPH Article Featuring Capt Burke Det Gallant.pdf](#)

XII. Town Manager's Report.

Assistant Manager Bob Burns talked about the new trash program. He said that we are in the third week of the automated side load mechanical trash collection system that Casella conducts for us, He said he thinks it has gone quite well. We do have folks that are calling Public Works and Casella with issues, and we are working those issues out. Hopefully, within the next week or so, they will be able to share Casella's permanent trash route index. He will report back on the tonnage being collected.

Councilor Kalogerakis asked when would they be able to drop of old paint and chemicals? Bob said it will be in the spring, but there is no specific day set yet.

Manager Tibbetts reported on the following:

The Leaf & Brush Program will begin on October 19 thru November 10.

There will be the second annual Coffee with Police at Star Bucks on October 2nd.

The Library is now open on Saturdays to coordinate better with the schools being opened.

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. Long Range Planning Committee.

Councilor Nadeau said they met and they talked about South Windham and Gorham, and looking to set something up in October with the two Councils. Both town's ordinances are different, and they are trying to align them for that section. They are also trying to align them so they do not affect all of our other ordinances.

2. Parks & Recreation Advisory Committee

No report.

3. Windham Economic Development Corporation.

No report.

4. Natural Resources Advisory Committee.

No report.

5. Greater Portland Council of Governments (GPCOG).

No report.

6. ecomaine.

No report.

XIV. Discussion Items.

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

[CD 24-192](#)

Department Videos Produced by Communications Director.
Fire-Rescue Department - Chief Brent Libby.

[CD 24-173](#) Friends of the Presumpscot River.

[CD 24-198](#) Property Tax Assistance Ordinance, Chapter 209 - Proposed Amendments.

Attachments: [Amendment to Property Tax Assistance \(Chapter 209\).pdf](#)
[title36sec5219-KK.pdf](#)
[CH209 Property Tax Assistance.pdf](#)
[Windham 2024-2025 Property Tax Assistance Refund Application .pdf](#)

XV. Agendas & Scheduling.

Councilor Reiner asked if the agenda items that were moved to the next meeting, could be moved towards the front of the next meeting? Barry said they would do that.

Councilor Kalogerakis said we've all seen what has been going on with property taxes, and he is following what has been going on with the City of So. Portland. He referenced a document that came from So. Portland and there were six suggestions, some good, and he did not think So. Portland had been doing assessments as regularly as Windham has, so their increase was quite substantial.

He has been thinking about the economy, and property taxes going up, and said this might be a way to get our Legislatures to get a formal document from Windham's Council, after the November election, and ask our local legislatures to step up to see what we can do in Augusta to help increase the Homestead Exemption. It is food for thought.

XVI. ADJOURN.

A motion was made by Councilor Maxfield, seconded by Councilor Henry, that they be adjourned. The motion carried by the following vote at 7:42 p.m.

In Favor: 5 - Councilor Nadeau, Councilor Kalogerakis, Councilor Reiner, Councilor Henry and Councilor Maxfield

Absent: 2 - Councilor Jones and Council Chair Morrison

Respectfully submitted,

Linda S. Morrell
Town Clerk, CCM