



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

---

Thursday, December 12, 2024

6:00 PM

Council Chambers

---

#### I. Roll Call of Members.

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

**Absent:** 1 - Brett Jones

#### II. Pledge of Allegiance.

Council Chair Maxfield led the Pledge of Allegiance.

#### III. Minutes to be Approved:

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

**Attachments:** [Minutes-Council-11-26-2024.pdf](#)

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

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

**Absent:** 1 - Councilor Jones

#### IV. Adjustments to the Agenda.

#### V. Staff Announcements.

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

#### VI. Public Participation.

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

#### VII. Councilors' Comments.

*No Councilor Comments.*

#### VIII. PUBLIC HEARINGS.

[24-173](#) To receive public comment and act on proposed amendments to Chapter

Rick Haskell  
21 Rocklinn Drive  
Windham, Maine 04062

**VIA PUBLIC COMMENT TOWN MEETING 12/12/2024 - FILE TO RECORDS OF MEETING**

Windham Town Council, Town Hall  
8 School Road  
Windham, Maine 04062

Good Evening Everyone,

My name is Rick Haskell, a native lifetime Maine resident currently residing in the town of Windham.

I would like this to be the start of reviewing a local ordinance and building code detailed below. This code is based on residential home construction requiring sprinkler systems in certain circumstances. Please accept this as my request for public review, discussion and a new vote that will be based on factual, immutable data since Windham adopted this policy.

I believe this is outlined in the Town of Windham Code > Chapter 120 Land Use > Article 5 Performance Standards > Chapter 120-555 Street > Section F. This requires new construction on dead end roads to have a certified sprinkler system installed.

Is it possible that the reasoning at the time is not relative to what we know now? Can any of the Council Members clearly state what the primary concerns are that supported this ordinance being voted in?

I am seeking clarity, and again am requesting that this be reviewed and added to the agenda of a future meeting some time in Q1 2025.

**Details & Overview**

1. The State allowed local municipalities to decide whether or not to adopt this code, causing Council Members of each municipality throughout the state to decide. Is it possible that the influence at that time is no longer relevant or a concern with what we know today. To start this review I have outlined some basic questions, which are:
  - a. What was the objective and desired result of this ordinance?
  - b. Have those objectives and results been met by enforcing this ordinance?
  - c. Are the current Council Members aware of the significant cost of these systems, and the financial burden they create?
  - d. Are there alternative options that are more feasible and affordable for homeowners?
  - e. Why is it not required for all new construction of residential homes if the objective is so compelling to the safety of the citizens?

- f. Is the Council willing to explore this topic with an open mind and put in the proper time and research to make a well informed decision for our community?
2. With such specific narrow spectrum targeting it appears border line discriminatory to have this ordinance. It is possible that we may learn collectively that this ordinance has had little to no impact, or a very significant and profound impact. This would lead us to a sensible decision to expand the scope or possibly remove it all together.
3. I raised concerns with this in several meetings in 2019 when my mother-in-law was required to install a system valued over \$18,000.
  - a. With inflation and cost increases this would cost over \$20,000 in 2024
  - b. Maintenance cost is a factor that should be considered
  - c. Reliability of the system is a factor that should be considered, i.e. power outages, mineral hardened water, system failure, well pumps, etc.
  - d. Proximity to fire station, i.e. My mother-in-laws home is a mere 1.6 miles away from Central Station and two of seven trucks can carry over 4,800 gallons of water
4. The number 1 proactive method for saving lives in the case of residential home fires is working smoke detectors, also enforced by code.
  - a. I am an advocate for fire safety and value human life
  - b. I am exploring how to bring awareness to our local community about the resources available for checking smoke detectors
  - c. I am exploring resources to expand the reach of our fire safety message to our community
  - d. I personally met with the Chief and Assistant Town Manager on 12/4/2024 discussing various topics about fire safety, ordinances and community safety
5. Homeowners have always had the right to install a sprinkler system in their home.
  - a. Choosing to install a sprinkler system is much different than being required to
  - b. Decisions being made by local government without specific research, data and knowledge appears as overreach
6. It is your duty to review the historical decisions made by your predecessors and determine if they are still relevant today.
  - a. With advancements in technology specifically in fire detection and the goal of saving lives there are much more effective and affordable solutions
  - b. It should be our primary objective to expand safety to ALL of our community

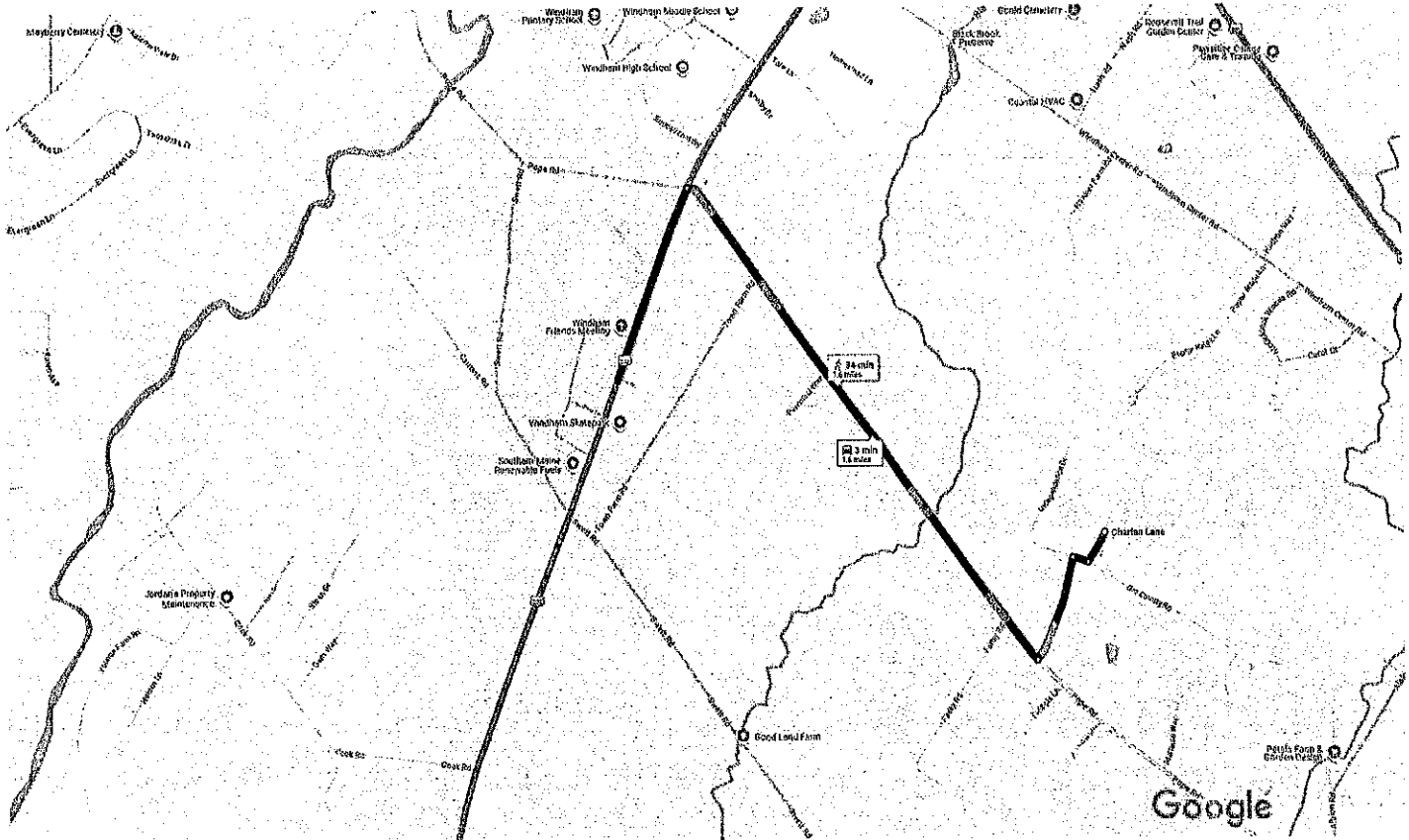
I would like to thank each of you for the opportunity to speak and be heard. I look forward to participating in the future meetings to increase the level of fire safety, and make Windham the pinnacle example of community in the state of Maine and in our amazing United State of America.

Thank you,


Rick Haskell - Semper Fidelis

Google Maps

Charlan Ln, Windham, ME 04062 to Windham Fire Rescue - Central Station, 375 Gray Rd, Windham, ME 04062 Drive 1.6 miles, 3 min







Map data ©2024 Google 500 ft

 via Pope Rd **3 min**  
 Fastest route, the usual traffic 1.6 miles

 via Pope Rd **34 min**  
 1.6 miles

### Explore nearby Windham Fire Rescue - Central Station

-   
Restaurants
-   
Hotels
-   
Gas stations
-   
Parking Lots
- ...
- More

185 Shoreland Zoning Ordinance and Chapter 120 Land Use Ordinance of the Code of the Town of Windham, pertaining to standards to effectively provide municipal review and approval of development proposals for the development of new or expanded non-residential uses in the shoreland zoning districts.

**Attachments:** [24-173 Cover Sheet.pdf](#)  
[Moratorium Ordinance.pdf](#)  
[Order 24-129 Moratorium Extension Non-Residential Uses in Shoreland District.pdf](#)  
[24-27 TOC MEMO AmendmentsChapter185Shorland LUO 1209624.pdf](#)  
[Ordinance Amendment 120924.pdf](#)

*No public comment.*

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

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

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

**Absent:** 1 - Councilor Jones

## IX. CONSENT AGENDA.

## X. UNFINISHED BUSINESS & GENERAL ORDERS.

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

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

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

accidents more quickly.

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

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

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

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

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

**Absent:** 1 - Councilor Jones

#### 24-159

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

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

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

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

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

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

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

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

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

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

Vote on amendment: 6-0

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

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

**Absent:** 1 - Councilor Jones

### 24-236

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

**Attachments:** [24-236 Cover Sheet.pdf](#)  
[Windham ARPA Subagreement PWD 1.pdf](#)

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

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

**A motion was made by Councilor Nadeau, seconded by Council Chair Morrison,**

that the Order be approved. The motion carried by the following vote:

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

**Absent:** 1 - Councilor Jones

24-237

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

**Attachments:** [24-237 Cover Sheet.pdf](#)

[Memo Re Bridge Naming for Veterans.pdf](#)

*No public comment.*

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

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

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

*Vote on the amendment:*

*In Favor: 6-0*

*Absent: 1 (Jones)*

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

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

**Absent:** 1 - Councilor Jones

24-238

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

**Attachments:** [24-238 Cover Sheet.pdf](#)

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

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

**Absent:** 1 - Councilor Jones



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

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

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

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

**Absent:** 1 - Councilor Jones

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

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

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

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

**Absent:** 1 - Councilor Jones

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

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

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

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

**Absent:** 1 - Councilor Jones

## **XI. Council Correspondence.**

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

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

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

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

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

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

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

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

## **XIII. Committee Reports.**

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

#### 1. Appointments Committee.

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

#### 2. Finance Committee.

*No report.*

#### 3. Ordinance Committee.

*Meeting next Tuesday.*

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

#### 1. Long Range Planning Committee.

*No report.*

#### 2. Parks & Recreation Advisory Committee

*No report.*

#### 3. Windham Economic Development Corporation.

*No report.*

#### 4. Natural Resources Advisory Committee.

*No report.*

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

*No report.*

#### 6. ecomaine.

*They will meet next week.*

#### XIV. Discussion Items.

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

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

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

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

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

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

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

**Attachments:** [Windham Goal project list 2024 BAT 11.pdf](#)

#### XV. Agendas & Scheduling.

#### XVI. Executive Session.

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

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

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

In Favor: 6-0

Absent: 1 (Jones)

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

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

In Favor: 6-0

Absent: 1 (Jones)

## XVII. Unfinished Business & General Orders.

### 24-244

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

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

[Poverty Abatements MMA Legal Services Information](#)

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

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

**Absent:** 1 - Councilor Jones

## XVIII. ADJOURN.

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

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

**Absent:** 1 - Councilor Jones

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM