



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

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Tuesday, May 9, 2023

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

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

Absent: 1 - Brett Jones

#### II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

#### III. Minutes to be Approved:

CD 23-067 To approve the Minutes of the April 25, 2023, Council meeting.

Attachments: [Minutes-Council Mtg - 4-25-2023.pdf](#)

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

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

Absent: 1 - Councilor Jones

#### IV. Adjustments to the Agenda.

Councilor Nadeau moves to bring back Order 23-039,

Failed for lack of a second.

#### V. Public Participation.

No public participation.

#### VI. Councilors' Comments.

Councilor Maxfield said in light of what was just brought up he did recuse himself from Order 23-039 because that land abuts his property; he feels bad for the applicant. One of the options we spoke about between staff and the Council was trying to fix the C2 zone to come more in line so it makes sense. In light of what just happened and the news they are going to get, if they do not already know about it, he would like to see that come back sooner rather than later so they can fix the zone for that applicant, and everybody so it does not feel like it is spot zoning.

*He reminded people that on Wednesday, May 17 at 6:30 p.m. at the High School the in person vote for the RSU 14 budget will take place. It is important to attend the meeting. The increase of 4.424% increase is fairly remarkable considering what we are seeing in other towns, and the things we have funded not only for the new teachers, but the expanded pre-K, more technology and the town side working with the school to add a new Resource Officer to the elementary school is also in that budget. It would be a shame if that budget was altered or impeded for other agendas.*

## VII. PUBLIC HEARINGS.

23-077 To receive public comment and act on an application submitted by Travis Mathieu d/b/a Bob's Seafood located at 901 Roosevelt Trail for a renewal Special Amusement Permit.

**Attachments:** [23-077 Cover Sheet.pdf](#)

[Bob's Seafood-Renewal Sp. Amusement.pdf](#)

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

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

**Absent:** 1 - Councilor Jones

23-078 To receive public comment and act on a new application for Pop's Place, LLC submitted by Deanna Gaudreau, and to find that the requirements of 28-A M.R.S.A. § 653 have been met for a new Liquor License.

**Attachments:** [23-078 Cover Sheet.pdf](#)

[Pop's Place-New Liquor License.pdf](#)

[Pop's Place Liquor Addendum\(1\).pdf](#)

*Deanna Gaudreau said per the Fire Chief's request they have people coming in this week to retag the sprinklers that somebody ripped off, address the fire alarm system, and a new flood light and exit light are on order.*

*Councilor Maxfield amended Order 23-078 to approve the Liquor License subsequent to the Clerk's notification of approval from the Fire Chief of the completion of the outstanding items that are required.*

*Councilor Nadeau moved the amendment, seconded by Councilor Kalogerakis.*

*Vote on amendment:*

*In Favor: 6-0*

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

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

**Absent:** 1 - Councilor Jones

23-079 To receive public comment and act on an application for Pop's Place, LLC submitted by Deanna Gaudreau located at 754 Roosevelt Trail for a new Special Amusement Permit.

**Attachments:** [23-079 Cover Sheet.pdf](#)

[Pop's Place-New Sp. Amusement.pdf](#)

*This license will be issued when the Clerk receives, from the Fire Chief, a letter of completion of the outstanding items that are required.*

**A motion was made by Councilor Nadeau, seconded by Councilor Kalogerakis, that the Order be approved as amended following the same conditions in Order 23-078. The motion carried by the following vote:**

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

**Absent:** 1 - Councilor Jones

23-083 To receive public comment and act on proposed amendments to the Town of Windham Mobile Food Services Ordinance, Chapter 87 of the Code of the Town of Windham, to receive comment on proposed amendments to add language allowing temporary one- or two-day license options for Mobile Food Trucks and Pushcarts.

**Attachments:** [23-083 Cover Sheet.pdf](#)

[Chapter 87 Temporary License.pdf](#)

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

**Absent:** 1 - Councilor Jones

23-075 To receive comment and approve a municipal services budget for fiscal year 2023-2024.

**Attachments:** [23-075 Cover Sheet.pdf](#)

[Windham Budget 23\\_24\\_revised Final.pdf](#)

[Revenue Summary - 4-25-23.pdf](#)

[Revenue Detail - 4-25-23.pdf](#)

[Expenditure Summary - 4-25-23.pdf](#)

[Expenditure Detail - 4-25-23.pdf](#)

*Manager Tibbets said there were a couple of questions that had come up this past week and he wanted to bring those slides up and talk about those. Slides discussed were the Budget Comparison, Projected Mil Rate Breakdown, Legal Debt Limitation, Comparative Mil Rates chart, Trash Conversion chart, Capital Project chart, and Budget Implications. He said all major projects are all on track.*

*He noted that the Municipal Warrant is coming up further into the agenda, and said there*

*is a tabulation error in the Summary of Bonds. There was a math error but it does not mean we are changing the level of bonding. We have accounted for everything we are going to bond and what has been approved prior and that has been corrected. It does not change our total indebtedness in any way.*

*Town Meeting will be held here at Town Hall in the gym on Saturday, June 17 at 10:00 a.m.*

*Councilor Nadeau thanked Sue Rossignol and everyone who was involved in the budget process.*

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

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

**Absent:** 1 - Councilor Jones

## **VIII. CONSENT AGENDA.**

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

23-076 To approve the warrant for the 2024 annual town meeting.

**Attachments:** [23-076 Cover Sheet.pdf](#)

[Warrant for Annual Town Meeting June 17 2023.pdf](#)

*Councilor Maxfield made a motion to amend 23-076 to approve the Warrant for the 2023/2024 Annual Town Meeting to reflect under the Financial Statement relating to Article 22, section 1, line b, Bonds authorized and unissued to reflect that the number \$1,050,000 is incorrect and will be replaced by the figure \$3,750,000, seconded by Councilor Nadeau.*

*Vote on amendment:*

*In Favor: 6*

*Absent: 1 (Jones)*

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

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

**Absent:** 1 - Councilor Jones

23-073 To appoint the Town Clerk's recommendation for Chairman of the Voter Registration Appeals Board.

**Attachments:** [23-073 Cover Sheet.pdf](#)

[24-Voter Reg Appeals Bd-Nomination.pdf](#)

[Voter Reg Appeals Bd-Title 21-A.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, Council Chair Morrison, Councilor Reiner, Councilor Henry, Councilor Maxfield and Councilor Kalogerakis

**Absent:** 1 - Councilor Jones

23-074 To appoint an alternate member of the Voter Registration Appeals Board.

**Attachments:** [23-074 Cover Sheet.pdf](#)

[Democrat Alternate Nominee-Voter Reg Appeals Bd.pdf](#)

[Voter Reg Appeals Bd-Title 21-A.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, Council Chair Morrison, Councilor Reiner, Councilor Henry, Councilor Maxfield and Councilor Kalogerakis

**Absent:** 1 - Councilor Jones

23-080 To approve a new Victualer's License application for Pop's Place LLC by Deanna Gaudreau located at 754 Roosevelt Trail.

**Attachments:** [23-080 Cover Sheet.pdf](#)

[Pop's Place-New Victualer's.pdf](#)

*This license will be issued when the Clerk receives, from the Fire Chief, a letter of completion of the outstanding items that are required.*

**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, Council Chair Morrison, Councilor Reiner, Councilor Henry, Councilor Maxfield and Councilor Kalogerakis

**Absent:** 1 - Councilor Jones

23-081 To approve the Town Clerk's roster of Warden and Deputy Warden for the June 13, 2023, RSU #14 Budget Validation Referendum for Districts 106 & 107.

Warden: Yvonne Myer

Deputy Warden: Sally Babb

**Attachments:** [23-081 Cover Sheet.pdf](#)

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

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

**Absent:** 1 - Councilor Jones

23-082 To set poll hours and polling location for the June 13, 2023, RSU #14 Budget Validation Referendum as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym located at 406 Gray Rd.

Attachments: [23-082 Cover Sheet.pdf](#)

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

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

**Absent:** 1 - Councilor Jones

23-084 To set the date and time for extended hours of the Registrar of Voters as 4:00 p.m. to 6:00 p.m. on Thursday, June 8, 2023.

Attachments: [23-084 Cover Sheet.pdf](#)

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

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

**Absent:** 1 - Councilor Jones

23-085 To approve a new Victualer's License application submitted by Adam Herald for the Refuge Church d/b/a Milk & Honey Café, located at 765 Roosevelt Tr.

Attachments: [23-085 Cover Sheet.pdf](#)

[Refuge Church-new Victualer's .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, Council Chair Morrison, Councilor Reiner, Councilor Henry, Councilor Maxfield and Councilor Kalogerakis

**Absent:** 1 - Councilor Jones

23-086 To approve applications for watershed protection grants, such funding to be paid from fiscal year 2022-2023 watershed protection funds in account 11500-46930 and carry forward surplus funds in perpetuity for future projects.

Attachments: [23-086 Cover Sheet.pdf](#)

[2022 WPG Final Reports Summary Memo.pdf](#)

[2023 Recommendations Memo + Evals.pdf](#)

*Councilor Nadeau asked Gretchen how many applications did we receive?. She said there were three applications.*

*He asked what are they putting in for in-kind? Gretchen said a 50% match is the requirement and 25% of the 50% has to be cash.*

*Councilor Kalogerakis asked if the milfoil ever going to get totally removed? Gretchen said milfoil is extremely hard to get rid of and this is our best removal process outside of*

*chemical application from the state.*

*Councilor Maxfield asked if there was a follow up process for the monies granted? Gretchen said they are required to upon completion to follow up.*

*Councilor Kalogerakis mentioned about the funds remaining and shouldn't we give that to other lakes. Gretchen said they contacted Collins Pond and the amount that would be needed to fund, even another week, would be outside what they could match for the grant.*

*Councilor Nadeau said that extra money can be used for someone who has a culvert washed out and it needs to be replaced, you could use the money for that situation.*

**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, Council Chair Morrison, Councilor Reiner, Councilor Henry, Councilor Maxfield and Councilor Kalogerakis

**Absent:** 1 - Councilor Jones

23-087 To accept the public easements for Mount Hunger Shore Road, Mt. View Street, Bay View Avenue, Sebago Avenue, Lakehurst Avenue and Crescent Avenue identified by the Town as Designated Private Ways and that have met the criteria set forth by private and special law L.D. 1975, for the purpose of the Town's continued winter maintenance services on the defined public easement area.

Attachments: [23-087 Cover Sheet.pdf](#)

[MT Hunger Shore Part 1\\_opt.pdf](#)

[MT Hunger Shore Part 2\\_opt.pdf](#)

[Lakehurst Association Inc Easements.pdf](#)

*Manager Tibbetts said the associations and roads who have completed the process is at 40%, those working on meeting the October 1, deadline as set by state law in our private and special law, is at 45%, roads making inquiries into the process is at 9% and we have 6 roads, which represent 6% where have heard absolutely nothing from any of the residents. As of October 1, if they do not have their paperwork in and easements signed, we will not be plowing their roads this winter.*

*Those roads are: Blueberry Lane, Brick Hill Road, Indian Cove Road, Moore's Drive, Moose Point Road, and Terrace Drive.*

*He said if you know someone on those roads, you may want to mention something to them. They do still have time to get this done.*

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

**Absent:** 1 - Councilor Jones

## X. Council Correspondence.

CD 23-068 Designated Private Ways - Status Update.

Attachments: [DPW easement stats 5.9.23.pdf](#)

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

*Manager Tibbets reported on:*

*He said we are waiting to hear from the County on our ARPA Funding Grant that was submitted.*

*Derrick Stevenson, who is one our Code Enforcement Inspectors, gave notice and today was his last day. He is moving out of state to be closer to his family.*

*Be the Influence has a presentation on understanding high potency marijuana, and that will be on May 15 from 6:30 to 8:00 p.m. at the Windham High School auditorium. There will be a panelist and moderator there.*

*Next Tuesday, May 16 there will be an executive session to go through with Council on a number of pending legal issues. It will start at 6:00 p.m. and there will be a couple of attorneys attending.*

*Barry has talked with Brett Jones, and he has been unable to make the last two meetings because he had to work. He would like to request those times be excused. Barry suggested they work out a policy that would cover if you were required to work, you would have that as an automatic excuse instead of bringing it back to the Council to have it voted on. It was suggested that it be brought up under adjustments and take care of it as it happens.*

## **XII. Committee Reports.**

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

#### 1. Appointments Committee.

*No report.*

#### 2. Finance Committee.

*Councilor Nadeau: Budget was just voted on tonight.*

#### 3. Ordinance Committee.

*Councilor Nadeau said the Solar Ordinance will be in front of the Council shortly.*

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

#### 1. Long Range Planning Committee.

*Councilor Nadeau said they were looking at zoning at the last meeting.*

**2. Parks & Recreation Advisory Committee**

*Councilor Henry said they met last night, and it looks like all of the vacant positions have been filled. They are offering swimming lessons again, and they are planning the Windham Summerfest. Frank Farinella joined two committees and it is great to have interested volunteers. They interviewed someone for the Windham Summerfest Committee and was appointed. People are active and involved.*

**3. Windham Economic Development Corporation.**

*Tom Bartell said they held two meetings last week. A number of the board members, along with the Age Friendly group and Chairman Morrison were able to meet down in Westbrook at the Westbrook Housing complex to talk about and visit and to see what a complex like that looks like, and how it operates and how we can move forward with affordable housing senior projects here in Windham.*

*There was a meeting on Friday to kick off the Economic Development Strategic Plan process, about a dozen people showed up, along with Councilor Nadeau, Manager Tibbets and Assistant Manager Burns. It went very well and they had really good discussions to start. They will be asking for input from the Council. They are hoping to present that plan by October.*

**4. Highland Lake Leadership Team.**

*No report.*

**5. Natural Resources Advisory Committee.**

*No report.*

**6. Public Easement Advisory Committee.**

*Councilor Nadeau said we have 50% of those roads done. We should be inspecting those roads and giving them some marching orders, because some of them are in horrible shape. Barry said we can have Mark Arienti our engineer along with Councilor Jones and Doug Fortier take a look at them.*

**XIII. Discussion Items.**

**Notes are not taken for discussion items.**

CD 23-070      North Windham Sewer Project Funding/Expenses.

Attachments: [North Windham Sewer update 5.9.23 BAT1\\_opt.pdf](#)

**XIV. Agendas & Scheduling.****XV. ADJOURN.**

**A motion was made by Councilor Maxfield, seconded by Council Chair Morrison, that they be adjourned. The motion carried by the following vote:**

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

**Absent:** 1 - Councilor Jones

Respectfully submitted,



Linda S. Morrell

Town Clerk, CCM