

Town of Windham

Town Offices
8 School Road
Windham, Maine

Meeting Minutes - Draft

Town Council

Tuesday, November 28, 2023

6:00 PM

Council Chambers

I. Roll Call of Members.

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

Absent: 1 - John Henry

II. Pledge of Allegiance.

Council Chair Morrison led the Pledge of Allegiance.

III. Minutes to be Approved:

IV. Adjustments to the Agenda.

V. Public Participation.

None.

VI. Councilors' Comments.

None.

VII. PUBLIC HEARINGS.

23-237

To receive public comment and act on a new application submitted by Pramukh Amusement Park-Tavern LLC d/b/a Deckhouse Sports Tavern, and to find that the requirements of 28-A M.R.S.A. § 653 have been met for a new Liquor License.

Attachments: [23-237 Cover Sheet.pdf](#)

[Pramukh Amusement park-Tavern LLC -Deckhouse Sports Tavern.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, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield

Absent: 1 - Councilor Henry

VIII. CONSENT AGENDA.

IX. UNFINISHED BUSINESS & GENERAL ORDERS.

[23-232](#) To appoint a Council representative to the Highland Lake Leadership Team.

Attachments: [23-232 Cover Sheet.pdf](#)

Councilor Maxfield nominated David Nadeau.

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

Absent: 1 - Councilor Henry

[23-233](#) To adopt a Non-Discrimination Policy in Public Access to Facilities, Programs, Activities and Services as part of the town's strategic planning process.

Attachments: [23-233 Cover Sheet.pdf](#)

[Non-Discrimination Policy \(JB 11-24-23\).pdf](#)

[Non-Discrimination Policy \(JB 11-24-23\) CLEAN.pdf](#)

Manager Tibbetts told the Council that there is a revised version of what was in their packet. He said this one is the latest copy from our attorney with the appropriate changes needed for this language.

Councilor Nadeau moved to amend Order 23-233 to accept the final draft, seconded by Councilor Jones.

Vote on amendment:

In Favor: 6-0

Absent: 1 (J. Henry)

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

Absent: 1 - Councilor Henry

[23-234](#) To set the Council's meeting schedule for December where only one (1) regular meeting will be held on December 12, 2023, the second Tuesday of the month.

Attachments: [23-234 Cover Sheet.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, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield

Absent: 1 - Councilor Henry

23-235

To authorize the Town Manager to sign the consent judgment to resolve the land use violation litigation involving 3 Mallison Falls Road.

Attachments: [23-235 Cover Sheet.pdf](#)
[23.11.06 Consent Judgment.pdf](#)

Kevin Finkenaur the owner of Liberty Bell Moving Company asked if there are any plans to automate the process when a business is found to have violations to make it easier for the businesses to work through the violations with Code Enforcement? He said they currently email him a PDF with a million non-descript pictures, half of which are not violations, and they expect somebody, who isn't really familiar with all of the codes to decipher that based on what they know or what they don't know.

He asked if there was a plan to automate the process to make it easier for businesses, and instead of the PDF send them a link and options to choose from?

He said he could not get any answers because you are relying on emails and PDF's, it's a mess. He suggested implementing a software program that wouldn't cost more than \$80,000, and it would make his life a lot easier and him getting fined \$5,000 because people can't send emails back or explain things to him properly.

Manager Tippetts said under our current practices the town does their inspections, there is a listing of the violations that are made, and we try to track those and back them up with photos and information and detail them out in the format of an email or a letter, but emails are easier and effective. He said when there are a lot of violations it is a lot of information. He said he is not sure there is a program out there that does it but he will take a look.

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

Absent: 1 - Councilor Henry

23-236

To approve a new Victualer's License application submitted by Dipul Patel d/b/a Seacoast Park/Deckhouse Sports Tavern.

Attachments: [23-236 Cover Sheet.pdf](#)
[Victualers-Seacoast.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, Councilor Jones, Councilor Kalogerakis, Council Chair Morrison, Councilor Reiner and Councilor Maxfield

Absent: 1 - Councilor Henry

X. Council Correspondence.

CD 23-152

General Correspondence.

Attachments: [A Lessard Email Council Correspondence Suggestion.pdf](#)
[C Tripp Email Support of Recall Ordinance.pdf](#)

CD 23-153 Substance Prevention Grant Program - Final Report.

Attachments: [National Night Out Event Program Report.pdf](#)

CD 23-154 Charter Communications Programming Notice.

Attachments: [2023.11.17 Charter Programming Notice \(Mi Plan Latino ch adds Deutsche Welle disc\)45 D ME.pdf](#)
[2023.11.17 Charter Programming Notice \(WCSH 3 add\)45D ME.pdf](#)

CD 23-157 Financial Reports.

Attachments: [October 31, 2023 Expenditure Report.pdf](#)
[October 31, 2023 Revenue Report.pdf](#)

CD 23-158 Council-Funded Social Service Agency Newsletter.

Attachments: [Northern Light Home Care and Hospice Newsletter Fall 2023.pdf](#)

XI. Town Manager's Report.

Manager Tibbetts said the Public Works Department was able to create a pathway between the current Community Park and the parking lot at the Fire Station.

Christmas lights are going up and he thinks they are all in place now.

The Scanning project, which they have been working on for several months has ten of the twenty-six cabinets done. He said that is a lot of paperwork to be scanned in, and hopefully in a month or two they will be able to bring in a demo to show the Council. Once this is done you will be able to click on a parcel and you will see all the history of that parcel, any permit or anything that has happened to that parcel will be available to you.

At noon on December 2 the East Windham Conservation will have a dedication. There will be some optional hikes to go on, five miles or less to choose from. It will be held behind the East Windham Fire Station/Lowell Preserve. From there they will walk into the new East Windham Conservation area. The reason it is being held there and not at the entrance on Falmouth Road is they are still constructing the parking lot, and there will be blasting during the month of December, and then construction of that parking lot will happen in January and February.

The North Pole Hot Line is available and he encouraged people to check the town's website out to get the details from Parks & Recreation.

On December 12 the Rec Department and Library are hosting a Senior Tea Party.

Also, on December 2 is the annual Rabies Clinic for dogs and cats. Please check the town's website to get information about that.

XII. Committee Reports.

A. Council Subcommittees.

1. Appointments Committee.

No report.

2. Finance Committee.

No report.

3. Ordinance Committee.

No report.

1. Long Range Planning Committee.

No report.

2. Parks & Recreation Advisory Committee

Councilor Jones said the Christmas Light Parade took place on Sunday, and he heard it went well.

3. Windham Economic Development Corporation.

Tom Bartell said the WEDC held their annual meeting on October 18, and at the meeting they had a preview of the new Economic Development Strategic Plan for the Town of Windham. They will continue to work on that plan, and with Michael Crane of Crane Associates. For a preview he suggested that in the plan there will be for them to take advantage of our position in the Lakes Region for an expansion of outdoor recreation opportunities and take advantage of the new property that they will celebrate on Saturday, as well as other trails in town, and connect us to that Greater Lakes Region when it comes to outdoor opportunities.

They will also become more directly involved in certain economic sectors that are found in Cumberland County and become more a part of the economy of Cumberland County as a whole.

They hope to be finalizing those things over the winter months.

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.

XIII. Discussion Items.

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

[CD 23-147](#) Municipal Valuation Report (MVR) Report - Assessor Josh Houde.

Attachments: [MVR 2023 Summary.pdf](#)
[MVR 2023 Excel Summary.pdf](#)
[Top Ten Taxpayers-Nov 2023 \(002\).pdf](#)
[Municipal Valuation Return 2023.pdf](#)
[Assessor's - MVR Summary 2023 PPT.pdf](#)

[CD 23-159](#) Land Use Ordinance Amendment - Marijuana Dispensary.

Attachments: [LUO Amendment \(dispensaries\).pdf](#)

[CD 23-142](#) Freedom of Access Act Training with Town Attorney.

State law identifies municipal officers, clerks, treasurers, managers, code enforcement officers, assessors, and deputies for these positions, planning board members, budget committee members and public access officers be trained on the Freedom of Access Act.

[CD 23-155](#) Ethics Policy - Draft Changes.

Attachments: [Windham Council Code of Conduct \(MAB rev'd\) \(002\).pdf](#)
[Windham Code of Ethics \(JB redlined\) 11-21-23.pdf](#)
[Windham Code of Ethics \(JB clean\) 11-21-23.pdf](#)

[CD 23-156](#) Recall Ordinance - Draft Changes.

Attachments: [Petitioned Recall Ordinance \(JB annotated revision\) 11-21-23.pdf](#)
[Petitioned Recall Ordinance \(JB clean\) 11-21-23.pdf](#)

XIV. Agendas & Scheduling.

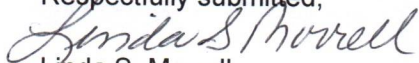
XV. ADJOURN.

A motion was made by Councilor Kalogerakis, seconded by Councilor Jones, that the be adjourned. The motion carried by the following vote at 9:22 p.m.

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

Absent: 1 - Councilor Henry

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda S. Morrell".

Linda S. Morrell
Town Clerk, CCM