

Tammy Hodgman

From: Tammy Hodgman
Sent: Monday, May 13, 2024 4:55 PM
To: 'john@islandjusticelaw.com'
Subject: RE: FOAA Request 4/22/2024 (Clarification/Refinement of 10/3/2023 Prior Request)

Dear Mr. Steed,

Please note that the Maine Freedom of Access Act provides access to documents but does not require municipalities to compile information from several documents to fulfill a request.

For several years our Town Council chose not to address the properties that became automatically foreclosed. We sent repetitive notices per state statute each year. Hence, the files are expansive with repetitive lien and auto-foreclosure notices.

In 2019, we put a list before council to discuss vacant or commercial parcels we were considering putting out to bid. (Tax Acquired Properties 2017 AF.pdf) By the time we went through the proper notification process, the bid advertisement included these parcels noting taxes due through 11/15/2019 (Acquired Parcel List for Sale 12.3.2019.pdf). We received bids on two parcels and the Council only accepted one bid on one parcel. (Parcel 9 Bid.pdf) The Town retained the other parcels. (Town Retained Tax Acquired Properties for Insurance.pdf) The variance between taxes due and purchase price for Parcel 9 is explained by our finance director in this email, a prior F.O.A.A. request response. (B Bergin Request Acknowledgement and Response.pdf)

Our second bid process occurred in the fall of 2022. (Bid Sale Advertisement 2022 1019_Bat.pdf & Bid Results Lot 1 – Lot 6.pdf) The bid advertisement shows estimated taxes due, and the Bid Results show winning bids. Note that the high bidder for the two Emily Lane and two Hunts Drive bids backed out and the second highest bidder, Mike Messer, had the winning bids. The variance between taxes due and purchase price for this process is provided in this report. (Nov_2022 Tax Acquired Property Sale.pdf) Note the distribution went to the prior owner.

All of the documents referenced in parenthesis and the lien and auto-foreclosure notices for the October 2022 bid process for the four Hunts Drive and Emily Lane vacant condo lots which were previously scanned are included in this SharePoint file: [☐ J Steed FOAA Request 4.29.2024](#)

Finally, in relation to documentation in compliance with 36 M.R.S. § 943-C, we have not had a bid process since that went into effect in 2023, so there aren't any records that specifically relate to compliance with that statute. Per 1 M.R.S.A. § 408-A(9) the municipality must inform the requester with an estimate of the total cost (research/compilation time plus copy charges) if the cost exceeds \$50 (2 hours at \$25/hour is at no cost) before proceeding. To pull all impending automatic foreclosure notices for each property since first acquired would take staff an estimated one hour per parcel, or a minimum of an additional fifteen hours. (12 properties retained and 3 additional properties sold)

The compilation of this response and time to gather pertinent records has exceeded the two hours of "free time" allowed by the parameters of the F.O.A. Act. We will require a prepayment of \$375 for the remaining records. Is this how you would like to proceed or are the records provided adequate?

Thank you,

Tammy Hodgman

Executive Assistant and Website Coordinator | tahodgman@windhammaine.us
Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | www.windhammaine.us
Ph. 207.892.1907 | Fax 207.892-1910

PUBLIC HOURS: Monday 7:00-5:00 Tuesday 7:00-6:00 Wednesday 7:00-5:00 Thursday 7:00-4:00

NOTICE: Under Maine’s Freedom of Access (“Right to Know”) law, documents – including emails – in the possession of public officials about town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

From: Tammy Hodgman
Sent: Tuesday, April 30, 2024 1:01 PM
To: 'john@islandjusticelaw.com' <john@islandjusticelaw.com>
Subject: FOAA Request 4/22/2024 (Clarification/Refinement of 10/3/2023 Prior Request)

Good afternoon,

This email serves as the statutory 5-day acknowledgement of your information request.

Please note that the Maine Freedom of Access Act provides access to documents but does not require municipalities to compile information from several documents to fulfill a request.

We will inform you of a projected turnaround time and cost for fulfilling your request as soon as we are able to provide you with a reasonably accurate estimate.

Thank you,

Tammy Hodgman

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