



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 25-179

Agenda Date: 10/28/2025

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

Agenda Number:

I. Council Action Requested.

WHEREAS, the performance bond company for the Ruby Meadows Subdivision experienced bankruptcy leaving Viola Lane residents with partially complete road infrastructure that did not meet the subdivision plan and conditions of approval; and

WHEREAS, Viola Lane residents expressed their desire for the Town to aid in the completion of Viola Lane to meet road acceptance standards and the Town subsequently worked with legal counsel and the bankruptcy courts which resulted in the recoupment of approximately \$45,787.20; and

WHEREAS, the Town Council, at its meeting of October 8, 2024, discussed the circumstances surrounding this development and conducted a straw poll which unofficially indicated that the Council would be willing to consider accepting Viola Lane if: (1) the residents raised the additional \$55,168.40 needed to bring Viola Lane up to town standard, and (2) the residents formed a homeowners' association to manage the common elements of the subdivision, as required by § 120-911N of the Town Code; and

WHEREAS, the requirement that each lot owner in the Ruby Meadows Subdivision be a member of and be subject to a homeowners' association is contained in the deed of each lot, as well as the "Declaration of Rights, Restrictions, Covenants & Easements for Ruby Meadows, A New Residential Community Located on Pope and Albion Road, Town of Windham, Maine 04062."

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of Windham, that a deadline be set for November 20, 2025 for the Ruby Meadows Homeowners Association to be legally established, and Articles of Incorporation for the same be filed with the Maine Office of the Secretary of State, to the satisfaction of the Town Attorney. Should this occur, the Windham Town Council shall vote on whether or not to accept Viola Lane as a town way on November 25, 2025. Should this not occur by the appointed date, the Town Council will not consider acceptance of Viola Lane as a town way until at least November 25, 2026, during which time, the Town of Windham may not provide any road maintenance, including winter maintenance, for Viola Lane.

II. Basis for Council Action.

Council approval of this item is required because:

- a. Article I, Section 2 of the Charter provides that "The Town may acquire property for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require," and
- b. Article II, Section 3(I) of the Charter authorizes the Council to "Exercise all the

legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns," and

- c. Section 120-199M(e)(6) and 23 M.R.S. § 3025 require an affirmative vote of the Town Council prior to any constructed private road being accepted as a town way.