

# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Agenda

### Town Council

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Tuesday, May 12, 2026

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

#### II. Pledge of Allegiance.

#### III. Minutes to be Approved:

[CD 26-086](#) To approve the Minutes of the April 28, 2026 Council meeting.

Attachments: [DRAFT-TC-MINUTES-April 28, 2026](#)

#### IV. Adjustments to the Agenda.

#### VI. Public Participation.

*The public is invited to address the Council on any item of business not on the agenda for tonight's meeting.*

*NOTE TO CITIZENS: Citizens have the right and are encouraged to speak during public participation regarding items not on the agenda, or regarding an item when it comes up on the agenda.*

*All comments and questions during public participation or on an agenda item must be directed to the Chair and be limited to not more than three (3) minutes per speaker; except that the Chair may grant another three (3) minutes at his/her discretion.*

*Anyone who has already addressed the Council during public participation, on an agenda item, or during a public hearing will be asked to wait until all others have spoken before being recognized a second time.*

#### VII. Councilors' Comments.

[CD 26-064](#) Announcement of Summerfest Grand Marshall & Hometown Hero.

[CD 26-089](#) Memorial Day Events.

#### VIII. PUBLIC HEARINGS.

[26-078](#) To receive public comment and act on an application submitted by Milton Smith d/b/a Smitty's Cinema-Windham LLC located at 795 Roosevelt Trail for a renewal Special Amusement Permit.

**Attachments:** [26-078 Cover Sheet.pdf](#)  
[Smitty's Renewal Special Amusement 5-2026](#)

[26-084](#) To receive public comment and act on proposed amendments to Chapter 120 Land Use Ordinance of the Code of the Town of Windham, Article 12, North Route 302 Road Improvements Impact Fee, to extend the sunset date of the impact fee to July 1, 2031.

**Attachments:** [26-084 Cover Sheet.pdf](#)  
[TC MEMO NorthRoute302Fee\\_05-07-26.pdf](#)  
[LUO\\_AMD\\_NorthRoute302Fee.pdf](#)

## IX. CONSENT AGENDA.

*None.*

## X. UNFINISHED BUSINESS & GENERAL ORDERS.

[26-082](#) To adopt amendments to the town's fund balance policy.

**Attachments:** [26-082 Cover Sheet.pdf](#)

**Legislative History**

4/28/26          Town Council                          postponed

[26-064](#) To set poll hours and polling location for the June 9, 2026 State Primary and 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:** [26-064 Cover Sheet.pdf](#)

[26-065](#) To set the date and time for extended hours of the Registrar of Voters from 4:00 p.m. to 7:00 p.m. on Thursday, June 4, 2026.

**Attachments:** [26-065 Cover Sheet.pdf](#)

[26-066](#) To approve the Town Clerk's roster of Warden Yvonne Myer and Deputy Warden Sally Babb for the June 9, 2026 State Primary and RSU #14 Budget Validation Referendum Election for Districts 106 & 107.

**Attachments:** [26-066 Cover Sheet.pdf](#)

[26-077](#) To find that public benefit is derived by not offering for sale the property identified as tax account S8529R pursuant to the Policy on Tax Acquired Property and allow the previous assessed owner to regain title to the property by entering into an agreement to pay the remaining 2025 taxes, interest, and costs owed thereon.

**Attachments:** [26-077 Cover Sheet.pdf](#)  
[PCard\\_WindhamME.pdf](#)

[26-085](#) To appoint Emily Legere to the Planning Board for a two-year term to end February 15, 2028.

**Attachments:** [26-085 Cover Sheet.pdf](#)

[26-086](#) To appoint Mari Balow, a community member with volunteer experiences with Greater Portland Area land trusts, Lowell trail working days and a personal interest in trail running to represent residents with those interests, to the East Windham Steering Committee.

**Attachments:** [26-086 Cover Sheet.pdf](#)  
[East Windham Steering Committee Charge\\_adopted 1.27.2026.pdf](#)

[26-090](#) To set the Council's meeting schedule for the summer months as Tuesday, May 26, Thursday, June 11 (Tuesday, June 9th is Election Day), Saturday, June 13 (Annual Town Meeting), July 14, and Tuesday, August 11, 2026.

**Attachments:** [26-090 Cover Sheet.pdf](#)  
[Council Rules Amended 2024 1126.pdf](#)

## **XI. Council Correspondence.**

[CD 26-085](#) FOAA Status Report.

**Attachments:** [FOAA Depot Street Apartments 4.23.26.pdf](#)  
[FOAA Records PowerDMS or NeoGov 5.7.2026.pdf](#)  
[FOAA 30 Landing Road Records Request 5.7.2026.pdf](#)  
[FOAA Dynamic-Earth Records Request 5.7.2026.pdf](#)

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

## **XIII. Committee Reports.**

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

1. Appointments Committee.

2. Finance Committee.

3. Ordinance Committee.

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

1. Parks & Recreation Advisory Committee.

*Meetings occur the second Monday of each month.*

2. Windham Economic Development Corporation.

*The W.E.D.C. held a board meeting on May 7th at noon.*

3. Natural Resources Advisory Committee.

*Meetings occur the third Wednesday of each month.*

4. Greater Portland Council of Governments (GPCOG).

*Dates:*

*PACTS Policy Board Meeting: Tuesday, May 26, 2026, 11:00 AM - 1:00 PM  
GPCOG General Assembly, Annual Summit & Reception: Thursday, May 28, 2026,  
2:00 - 7:00 PM.*

5. ecomaine.

*The ecomaine Finance Committee is scheduled to meet on Thursday, May 21st at 3:00 PM.*

6. Forbes Lane Neighborhood Park ad hoc Committee.

*The Committee will be presenting their recommendations tonight.*

### **XIV. Discussion Items.**

[CD 26-057](#) Forbes Lane Neighborhood Park ad hoc Committee Recommendations.

[CD 26-034](#) Windham Economic Development Corporation - Update & Future Meeting Schedule.

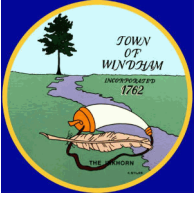
[CD 26-079](#) Mobile Food and Victualer Licensing Authority Designated to Town Clerk.

[CD 26-087](#) Charter Amendment.

**Attachments:** [2025.05.05 2026 Charter Amendments for Ballot \(002\).pdf](#)  
[Council-Manager Charter \(2026.05.05\) \(002\).pdf](#)

**XV. Agendas & Scheduling.**

**XVI. ADJOURN.**



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-086

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**Agenda Date:** 5/26/2026

**Version:** 1

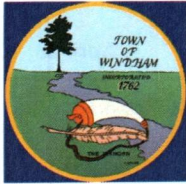
**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Minutes

**Agenda Number:**

To approve the Minutes of the April 28, 2026 Council meeting.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Meeting Minutes - Draft

### Town Council

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Tuesday, April 28, 2026

6:00 PM

Council Chambers

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#### I. Roll Call of Members.

**Present:** 4 - David Nadeau, Mark Morrison, Douglas Fortier and Katie Cook

**Absent:** 3 - Brett Jones, William Reiner and Margaret Terry

#### II. Pledge of Allegiance.

*Council-Chair Morrison led the Council in the Pledge of Allegiance.*

#### III. Minutes to be Approved:

[CD 26-080](#) To approve the Minutes of the April 14, 2026 Council meeting.

**Attachments:** [DRAFT-TC-MINUTES-April 14, 2026](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

#### IV. Adjustments to the Agenda.

*Councilor Morrison stated that there would be two additions and one postponement.*

#### VI. Public Participation.

*Raymond Gilliam of 12 Conifer Drive asked that the income cap to the Senior Property Tax Rebate program be increased every year to account for rising costs. He also wondered why additional funds were needed to purchase a new ambulance, as he feels the bills paid by residents and insurance for transportation should cover the cost of the vehicle.*

*Susan Simonson of 479 Brook Street in Westbrook, President of the Windham Historical Society spoke to the need for renovations and repairs on the 1837 Town Building, now present day headquarters of the WHS. It is in need of mold remediation and reconstruction, especially with regards to concrete, plumbing, electricity, entrance/exits, a stairway, and making it compliant with the Americans with Disabilities Act. She stressed the need for more funds, gifts, and grants to help with the project.*

#### VII. Councilors' Comments.

Councilor Nadeau stated that the Council received letters from students Lila Miller and Courtney Carter, regarding use of flavored vapes at the schools. He wondered if the Town could look into banning flavored vapes within the Town.

## VIII. PUBLIC HEARINGS.

26-056

To receive comment and approve a municipal services budget for fiscal year 2026-2027.

**Attachments:** [26-056 Cover Sheet.pdf](#)

[Windham Finance Committee Budget FY27 EDIT 4.28.2026.pdf](#)

[FY27 Finance Committee Capital Plan.pdf](#)

[Finance Committee Review of Managers Budget.pdf](#)

[Finance Committee Revenues.pdf](#)

[Finance Committee Expenses.pdf](#)

[RSU Budget Presentation.pdf](#)

There was no public comment.

Councilor Nadeau wanted to thank the Town Manager, Town Staff, and the Finance Committee for their hard work on the budget. He described it as a difficult budget made during difficult times.

Regional School Unit 14 Superintendent Christopher Howell spoke to the proposed RSU budget. He gave an overview of the numbers from the proposed budget; he stated that he understood these were difficult times and that they were conscious of the fact that the RSU Budget is the largest item in the Town's budget. The community is invited to the public budget meeting on Wednesday, May 13. The community will vote on the budget on June 9. The new Windham Middle School construction began in 2024, and this is the first year that Windham and Raymond must make a payment towards the project. Windham will be paying 82% of that bill. 45% of the budget increase year this comes from increased health insurance costs. As valuations in the community go up, State subsidies tend to go down, so the RSU will likely see less. Increased costs in food and supplies are affecting the RSU as well, leading to a 4% increase in operating costs. Utility costs fortunately remain the same. So far the cost of the new school is coming \$16,000,000 under what was budgeted. The RSU finance committee went line by line to cut as much from this budget as possible.

Councilor Nadeau asked if the new State formula would affect this year's budget? Superintendent Howell replied that it would not affect this year's budget but next year the RSU would lose about \$800,000 in the \$900,000 in proposed subsidies, but we are comparatively better off than neighboring towns.

Manager Burns then presented his keynote, attached to the minutes of this meeting. This presentation has gone before the Council twice before, but minor changes are now noted here. The proposed increase to the RSU 14 budget would be 13.4 percent. This amount combined with other allocations and deductions results in an overall increase of 10.1% compared to last year. For a Windham home valued at \$433,000 there would be an estimated increase in \$522 on the tax bill. An estimated MIL-rate would be around 12.06%.

Councilor Morrison asked if the public wished to ask any questions or make any

comments? No one stepped forward. He further thanked Town Staff, the Town Manager, and the Finance committee for their work.

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

### 26-071

To receive public comment and act on proposed amendments to Chapter 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:** [26-071 Cover Sheet.pdf](#)

[26-03 SZMC TC MEMO 999 Roosevelt Trail 04-13-2026.pdf](#)

[DEP Shoreland Zoning Approval 2021-12-16.pdf](#)

*Town Planner Steve Puleo described the attached memo. An error was found on the Shoreland Zoning Map regarding the property at 999 Roosevelt Trail. This property has a large area relevant to wetland habitat, but had pre-existing structures on it. The buildings recently renovated were found to be in the Limited Residential District. This order amendment would change the map to place the buildings within the General Development District IV. This would allow the business located there to continue to operate as they have historically.*

*Councilor Nadeau stated that this had come before the Ordinance Review Committee and was immediately sent to the Planning Board as it is a minor fix.*

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

## IX. CONSENT AGENDA.

## X. UNFINISHED BUSINESS & GENERAL ORDERS.

### 26-048

To countersign the Regional School Unit No.14 Warrant calling a Regional School Unit Budget Referendum to be held on June 9, 2026.

**Attachments:** [26-048 Cover Sheet.pdf](#)

[RSU Warrant-Notice of Elec. 6-2026.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

26-059 To appoint Leo Gerior to the Planning Board for a three-year term to end February 15, 2029.

**Attachments:** [26-059 Cover Sheet.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

26-060 To appoint Gabe Andrews, a community member with a professional background in conservation, ecology and trail building and personal interest in hunting and trail running to represent residents with those interests, to the East Windham Steering Committee.

**Attachments:** [26-060 Cover Sheet.pdf](#)

[East Windham Steering Committee Charge adopted 1.27.2026.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

26-074 To appoint James VanNest to the Comprehensive Plan Steering Committee.

**Attachments:** [26-074 Cover Sheet.pdf](#)

[Comprehensive Plan Steering Committee Charge.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

26-083 To amend the charge of the Comprehensive Plan Steering Committee membership from one Councilor to \_\_\_ Councilors.

**Attachments:** [FINAL Comprehensive Plan Committee Charge 032426.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

[26-076](#) To appoint a councilor to the Comprehensive Plan Steering Committee.

**Attachments:** [26-076 Cover Sheet.pdf](#)  
[Comprehensive Plan Steering Committee Charge.pdf](#)

*Councilor Fortier nominated Councilor Cook to serve on this committee.*

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

[26-075](#) To nominate a councilor to be considered to serve on the Maine Municipal Association's Legislative Policy Committee.

**Attachments:** [26-075 Cover Sheet.pdf](#)  
[MMA 2026-2028 Legislative Policy Committee.pdf](#)

*Councilor Cook nominated Councilor Nadeau to serve on this committee.*

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

[26-068](#) To find that public benefit is derived by not offering for sale the property identified as tax account F2435R pursuant to the Policy on Tax Acquired Property and allow the previous assessed owner to regain title to the property by entering into an agreement to pay all 2023, 2024 and 2025 taxes, interest, and costs owed thereon.

**Attachments:** [26-068 Cover Sheet.pdf](#)  
[Highland Cliff Rd.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

[26-069](#) To find that public benefit is derived by not offering for sale the property identified as tax account M7277R pursuant to the Policy on Tax Acquired Property and allow the previous assessed owner to regain title to the property by entering into an agreement to pay all 2023, 2024 and 2025 taxes, interest, and costs owed thereon.

**Attachments:** [26-069 Cover Sheet.pdf](#)  
[Depot Street.pdf](#)

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

### 26-079

To approve a Memorandum of Agreement with Greater Portland Council of Governments, Maine Department of Transportation, and the municipalities of Portland, Westbrook and Raymond to formalize a partnership agreement to conduct the Route 302 Corridor Study from Portland to Raymond and authorize the Town Manager to take the necessary actions to execute said agreement.

**Attachments:** [26-079 Cover Sheet.pdf](#)

[DRAFT MOA - Route 302 Corridor Study.pdf](#)

[Attachment A Route 302 Corridor Study Scope 4-6-26.pdf](#)

*Assistant Manager Amanda Lessard stated that a study of Route 302 Corridor would be conducted, based on Retired Town Manager Barry Tibbetts proposal. It is completely funded by the organization. The goal is to identify specific projects that may be proposed to the Maine Department of Transit in the future.*

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

### 26-082

To adopt amendments to the town's fund balance policy.

**Attachments:** [26-082 Cover Sheet.pdf](#)

**A motion was made by Councilor Morrison, seconded by Councilor Cook, that the Order be postponed. The motion carried by the following vote:**

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

### 26-087

To approve the expenditure of \$47,023, the cost of a police cruiser to replace a vehicle deemed a complete loss by the Town's insurer, of which the Town will be reimbursed \$30,525 and the remaining balance will be funded from 13100-47410.

*Manager Burns stated that the police cruiser was totaled in a crash at Boody's Corner. Both the Officer and the K9 received no serious injuries. The Town is looking to cover the difference in the cost not covered by insurance to purchase a new cruiser for the Windham Police Department. Two of the occupants of the other vehicle spontaneously fled the scene and there has been no further update.*

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

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

## XI. Council Correspondence.

CD 26-078 FOAA Status Report.

**Attachments:** [Attny Request 7 Flagship Lane.pdf](#)  
[6 Challenge Drive Deed.pdf](#)  
[FOAA 770 Roosevelt Trail Property.pdf](#)  
[FOAA Code Violations 770 Roosevelt Trl Response 4.23.2026.pdf](#)  
[FOAA Code Violations All Building Permits Contractors 2025 Response 4.23.2026 2.pdf](#)

CD 26-082 CMP Rate Decrease and PUC Required Customer Notice.

**Attachments:** [CMP Letter and Notice Rates.pdf](#)

## XII. Town Manager's Report.

*Nothing to report.*

## XIII. Committee Reports.

### A. Council Subcommittees.

#### 1. Appointments Committee.

*Two meetings were held prior to tonight's meeting and two candidates are being considered.*

#### 2. Finance Committee.

#### 3. Ordinance Committee.

*A meeting is scheduled for May 20 at 4:00 p.m.*

### B. Other Committees.

#### 1. Parks & Recreation Advisory Committee.

*Councilor Jones was not present to give an update.*

#### 2. Windham Economic Development Corporation.

*A meeting was held last week to help determine how WEDC proceeds. There will be another meeting on April 29, at 3:00 p.m.*

3. Natural Resources Advisory Committee.

*Met last Wednesday on Earth Day. Nothing to report.*

4. Greater Portland Council of Governments (GPCOG).

*Has not met.*

5. ecomaine.

*The annual budget was approved at the last meeting. The Town is helping to fund a bond payment on the new recycling facility and there is an increased cost this year. The Town should get revenue from associated programs in the future.*

6. Forbes Lane Neighborhood Park ad hoc Committee.

*A meeting was held last week and another meeting will be held tomorrow night. The committee will present a proposal to the Town Council on May 12.*

**XIV. Discussion Items.**

CD 26-045 Update from County Commissioner, Tom Tyler.

CD 26-083 Sewer Capacity and Potential Moratorium on Large-Scale Wastewater Users.

CD 26-084 Buffer Zones in Residential Areas.

**XV. Agendas & Scheduling.**

**XVI. ADJOURN.**

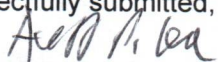
*The meeting adjourned at 7:45 p.m.*

**A motion was made by Councilor Fortier, seconded by Councilor Cook, that the be approved. The motion carried by the following vote:**

**In Favor:** 4 - Councilor Nadeau, Councilor Morrison, Councilor Fortier and Councilor Cook

**Absent:** 3 - Councilor Jones, Councilor Reiner and Councilor Terry

Respectfully submitted,



Anthony P. Blasi  
Town Clerk, BA, CCM



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-064

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**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

Announcement of Summerfest Grand Marshall & Hometown Hero.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-089

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**Agenda Date:** 5/12/2026

**Version:** 1

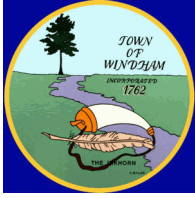
**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

**Agenda Number:**

Memorial Day Events.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-078

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

To receive public comment and act on an application submitted by Milton Smith d/b/a Smitty's Cinema-Windham LLC located at 795 Roosevelt Trail for a renewal Special Amusement Permit.

### II. Basis for Council Action.

Council approval of this item is required because;

a. Chapter 11 §4 of the Code of the Town of Windham requires the holder of a liquor or bottle club license to obtain a Special Amusement permit for any "music, except radio or other mechanical device, any dancing or entertainment of any sort" by application of the Town Council.

### III. Issue Summary.

Please refer to the attached application.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-078

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

To receive public comment and act on an application submitted by Milton Smith d/b/a Smitty's Cinema-Windham LLC located at 795 Roosevelt Trail for a renewal Special Amusement Permit.

### II. Basis for Council Action.

Council approval of this item is required because;

a. Chapter 11 §4 of the Code of the Town of Windham requires the holder of a liquor or bottle club license to obtain a Special Amusement permit for any "music, except radio or other mechanical device, any dancing or entertainment of any sort" by application of the Town Council.

### III. Issue Summary.

Please refer to the attached application.



Town of Windham  
8 School Rd, Windham ME, 04062  
Chapter 11

**APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

NEW

RENEWAL

Name of Business Smitty's Cinema - Windham LLC

Address of Business 795 Roosevelt Tr #21 Windham ME 04062

Business Mailing Address 123 West Main St Merrimac MA 01860

Owner's Name Milton S Smith DOB 09/07/1971

Owner's Mailing Address 123 West Main St Merrimac MA 01860

Business Phone 978-346-7830 Contact Phone 609-819-9220

E-Mail milton@smittyscinema.com Website www.smittyscinema.com

Please check where you would like your permit mailed:

Owner's Mailing Address

Business Mailing Address

**\*\* Special Amusement Permits expire at the same time as a Liquor License \*\***

List names & addresses of all Officers for the proceeding 3 years:

1. Milton S Smith DOB 09/07/1971

121 River Rd

West Newbury MA 01985

2. \_\_\_\_\_ DOB \_\_\_\_\_

3. \_\_\_\_\_ DOB \_\_\_\_\_

Have any of the Officers been convicted of a Class A, B, or C crime in the last 5 years?

No

Yes - If yes, Who and or what offense (describe situation):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the premises (including security measures, size, seating, etc.):

See Attached  
\_\_\_\_\_  
\_\_\_\_\_

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVENUE  
CHICAGO, ILL. 60637



Dear \_\_\_\_\_:

I am pleased to inform you that your application for admission to the Ph.D. program in Chemistry for the fall semester of 19\_\_\_\_ has been accepted. You will be joining the department as a new member of our research group.

Your background and achievements in your undergraduate studies are impressive, and we believe you will make a valuable contribution to our department. You will be working with \_\_\_\_\_, who is currently a member of our research group.

We have arranged for you to begin your studies in the fall of 19\_\_\_\_. You will be receiving a stipend and tuition waiver for the duration of your Ph.D. program. We also have arranged for you to receive a letter of introduction to the department.

Please contact \_\_\_\_\_ at \_\_\_\_\_ if you have any questions regarding your admission or the department. We look forward to welcoming you to the University of Chicago.

Sincerely,  
\_\_\_\_\_  
Department of Chemistry

Enclosed are two copies of the letter of introduction to the department. One copy should be given to \_\_\_\_\_ and the other to the department secretary.

We are excited to have you join our research group and to the University of Chicago. We look forward to working with you in the fall.

Has Applicant ever had a permit denied or revoked?  Yes  No

If yes, describe the circumstances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify type of entertainment: Cinema & Pub  
\_\_\_\_\_  
\_\_\_\_\_

List days and hours of entertainment: Sun-Sat 10am - 11pm  
\_\_\_\_\_  
\_\_\_\_\_

Contact person(s) available during the business hours of 8:00am to 4:00pm Monday – Friday:

Name Milton S Smith  
Phone 603-819-9220  
E-mail milton@smittyscinema.com

### Notice to Applicant

Upon approval of this application for a Special Amusement Permit, the named business is required to comply with all regulations contained in section 11.5 (C) of the Special Amusement Ordinance as well as any conditions made as part of its approval. Any regulated activity under this ordinance may not take place until it has been documented and verified by a Code Enforcement Officer that the regulations and condition have been met and implemented in accordance with the approval. Any concerns you may have regarding the implementation of the requirements contained in the Special Amusement Ordinance should be made part of your application or voiced at your hearing prior to the permit application's approval.

"I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$500.00 or both."

3/19/26  
Date

[Signature]  
Applicant, Acknowledgement

Please return Application, \$150.00 permit fee, plus all advertising costs to:

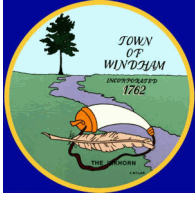
Town Clerk, 8 School Rd, Windham ME 04062

AUTHORIZED SIGNATURES:  
Code Enforcement Officer

[Signature]

Chief of Police

[Signature]



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-084

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To receive public comment and act on proposed amendments to Chapter 120 Land Use Ordinance of the Code of the Town of Windham, Article 12, North Route 302 Road Improvements Impact Fee, to extend the sunset date of the impact fee to July 1, 2031.

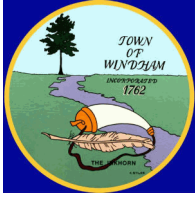
II. Basis for Council Action.

Council approval of this item is required because;

- a. Section 107 of the Land Use Ordinance (Chapter 120 of the Code of the Town of Windham) states "After review and recommendation by the Planning Board, this chapter may be amended in accordance with the Town Charter."

III. Issue Summary.

Please see the attachments.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-084

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To receive public comment and act on proposed amendments to Chapter 120 Land Use Ordinance of the Code of the Town of Windham, Article 12, North Route 302 Road Improvements Impact Fee, to extend the sunset date of the impact fee to July 1, 2031.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Section 107 of the Land Use Ordinance (Chapter 120 of the Code of the Town of Windham) states "After review and recommendation by the Planning Board, this chapter may be amended in accordance with the Town Charter."

III. Issue Summary.

Please see the attachments.

DATE: May 7, 2026

TO: Windham Town Council  
THROUGH: Bob Burns, Town Manager  
FROM: Amanda Lessard, Assistant Town Manager  
Cc: Windham Planning Board  
Steve Puleo, Planning Director

RE: Planning Board Recommendation #26-07 Land Use Ordinance Amendments to Article 12  
Impact Fees - North Route 302 Road Improvements Impact Fee

---

At the Planning Board meeting on [April 27, 2026](#), a public hearing was held on the attached proposed amendment to Chapter 120 Land Use [§ 120-1204K](#) to extend the time limit of the North Route 302 road improvements impact fee to July 1, 2031.

The [§ 120-1204](#) North Route 302 road improvements impact fee was adopted on April 8, 2014 as a means of financing the capital improvements to realign Anglers Road with White's Bridge Road as stated in the [North 302 Corridor Plan](#). The fee is applicable to all new development located in the collection areas shown on North Route 302 Road Improvement Impact Fee Collection Areas Map ([Appendix J](#) of Chapter 120 Land Use). In accordance with § 120-1204K the fee shall remain in effect until the Town has collected \$150,000 in fees (as adjusted for construction cost inflation) or until July 1, 2026, whichever comes first, unless such dollar amount is increased or time limit is extended by vote of the Town Council. The Town has not yet collected the specified amount of fees and is proposing to extend sunset date to July 1, 2031.

### **Zoning Amendment Process**

As required by [§ 120-107](#) of the Land Use Ordinance, the Ordinance may be amended in accordance with the Town Charter following the review and recommendation of the Planning Board. There are no specific standards in the ordinance by which to judge the proposed zoning change, but State statute requires all proposed zoning to be consistent with the goals and objectives of the Comprehensive Plan.

### **Planning Board Review and Recommendation**

No members of the public spoke for or against the proposed amendment during the Planning Board's public hearing held on April 27, 2026.

The Board discussed that the amendment was understandable in order to collect the \$150,000 and that impact fees are a reallocation of taxes. Following discussion of the proposed changes, the Board made the following motion:

To recommend for approval of proposed amendments to the Land Use Ordinance Chapter 120 Article 12 Impact Fees to extend the time limit of the North Route 302 Road Improvements Impact Fee.

Motion: Evert Krikken  
2nd: Kathleen Brown

Vote: 3-2 (R. Yost and M. Young opposed)

**AMENDMENT TO CHAPTER 120 LAND USE  
RE: NORTH ROUTE 302 IMPACT FEE SUNSET PROVISION**

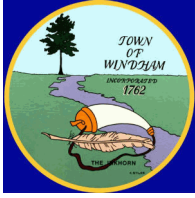
**The Town of Windham Land Use Ordinance is hereby amended as follows:**

**1. Article 12 Impact Fees is amended to extend the time limit of the fee:**

...

**§ 120-1207. North Route 302 road improvements impact fee.**

- K. Sunset provision. The fee shall remain in effect until the Town has collected \$150,000 in fees (as adjusted for construction cost inflation) or until July 1, ~~2026~~2031, whichever comes first, unless such dollar amount is increased or time limit is extended by vote of the Town Council.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-082

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Postponed

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To adopt amendments to the town's fund balance policy.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Article II, Section 3 (I) of the Charter gives the Council the authority to "Exercise all the legislative, financial, borrowing and other powers or hereafter given by statute to inhabitants of towns acting in Town Meeting...", and
- b. This article contemplates the adoption or amendment of policies regarding the town's budgeting and fund balance practices.

III. Issue Summary.

Please refer to the attached policy.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-082

**Agenda Date:** 4/28/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To adopt amendments to the town's fund balance policy.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Article II, Section 3 (l) of the Charter gives the Council the authority to "Exercise all the legislative, financial, borrowing and other powers or hereafter given by statute to inhabitants of towns acting in Town Meeting...", and
- b. This article contemplates the adoption or amendment of policies regarding the town's budgeting and fund balance practices.

III. Issue Summary.

Please refer to the attached policy.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-064

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

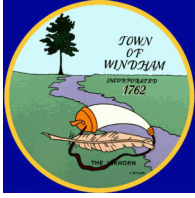
To set poll hours and polling location for the June 9, 2026 State Primary and RSU #14 Budget Validation Referendum as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym located at 406 Gray Rd.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 21-A M.R.S.A. § 626 requires the municipal officers set the time for the opening of polls, which must be between 6:00 a.m. and 9:00 a.m., and
- b. Pursuant to Article II, Section 1 of the Charter "[t]he Town Council, hereinafter called the "Council", shall be and constitute the municipal officers of the town.

### III. Issue Summary.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-064

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

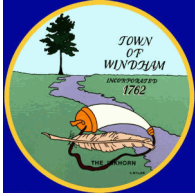
To set poll hours and polling location for the June 9, 2026 State Primary and RSU #14 Budget Validation Referendum as 7:00 a.m. to 8:00 p.m. at the Windham High School's Auxiliary Gym located at 406 Gray Rd.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 21-A M.R.S.A. § 626 requires the municipal officers set the time for the opening of polls, which must be between 6:00 a.m. and 9:00 a.m., and
- b. Pursuant to Article II, Section 1 of the Charter "[t]he Town Council, hereinafter called the "Council", shall be and constitute the municipal officers of the town.

### III. Issue Summary.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-065

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

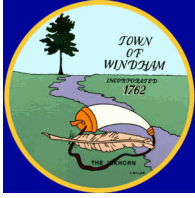
To set the date and time for extended hours of the Registrar of Voters from 4:00 p.m. to 7:00 p.m. on Thursday, June 4, 2026.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 21-A M.R.S.A. §122 (8) allows the municipal officer to change the hours of the Registrar to meet the standards of the community, and
- b. Pursuant to Article II Section 1 of the Charter “[t]he Town Council, hereinafter called the ‘Council,’ shall be and constitute the municipal officer of the Town.”

### III. Issue Summary.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-065

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

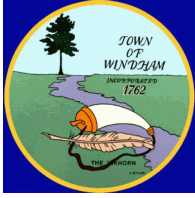
To set the date and time for extended hours of the Registrar of Voters from 4:00 p.m. to 7:00 p.m. on Thursday, June 4, 2026.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 21-A M.R.S.A. §122 (8) allows the municipal officer to change the hours of the Registrar to meet the standards of the community, and
- b. Pursuant to Article II Section 1 of the Charter “[t]he Town Council, hereinafter called the ‘Council,’ shall be and constitute the municipal officer of the Town.”

### III. Issue Summary.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-066

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

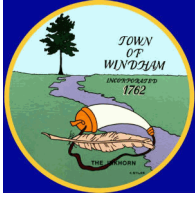
To approve the Town Clerk's roster of Warden Yvonne Myer and Deputy Warden Sally Babb for the June 9, 2026 State Primary and RSU #14 Budget Validation Referendum Election for Districts 106 & 107.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 21-A M.R.S.A. § 501 (2) requires the municipal officers to approve the Town Clerk's appointments of Wardens and Deputy Wardens, and
- b. Pursuant to Article II, Section 1 of the charter, "[t]he Town Council, hereinafter called the 'Council,' shall be and constitute the municipal officers of the Town."

### III. Issue Summary.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-066

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

To approve the Town Clerk's roster of Warden Yvonne Myer and Deputy Warden Sally Babb for the June 9, 2026 State Primary and RSU #14 Budget Validation Referendum Election for Districts 106 & 107.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 21-A M.R.S.A. § 501 (2) requires the municipal officers to approve the Town Clerk's appointments of Wardens and Deputy Wardens, and
- b. Pursuant to Article II, Section 1 of the charter, "[t]he Town Council, hereinafter called the 'Council,' shall be and constitute the municipal officers of the Town."

### III. Issue Summary.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-077

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### Agenda Number:

#### I. Council Action Requested.

To find that public benefit is derived by not offering for sale the property identified as tax account S8529R pursuant to the Policy on Tax Acquired Property and allow the previous assessed owner to regain title to the property by entering into an agreement to pay the remaining 2025 taxes, interest, and costs owed thereon.

#### II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town has the ability to “sell, lease, mortgage, hold, manage and control such property as its interest may “require”,
- b. The Town Council has the authority under Article II, Section 3 (I) of the Charter to [e]xercise 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
- c. Article 1, Section 1.4 of the Policy of the Disposition of Tax-Acquired Property states that any release of the Town’s interest pursuant to this policy is at the sole discretion of the Town Council.

#### III. Issue Summary.

Heirs to the previous property owner, who had a payment arrangement, had paid the majority of taxes due and only had a remaining balance of \$365. They presented payment in full for all taxes due, and the account now has a credit balance.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-077

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

To find that public benefit is derived by not offering for sale the property identified as tax account S8529R pursuant to the Policy on Tax Acquired Property and allow the previous assessed owner to regain title to the property by entering into an agreement to pay the remaining 2025 taxes, interest, and costs owed thereon.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town has the ability to “sell, lease, mortgage, hold, manage and control such property as its interest may “require”,
- b. The Town Council has the authority under Article II, Section 3 (I) of the Charter to [e]xercise 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
- c. Article 1, Section 1.4 of the Policy of the Disposition of Tax-Acquired Property states that any release of the Town’s interest pursuant to this policy is at the sole discretion of the Town Council.

### III. Issue Summary.

Heirs to the previous property owner, who had a payment arrangement, had paid the majority of taxes due and only had a remaining balance of \$365. They presented payment in full for all taxes due, and the account now has a credit balance.

## Windham Town Report

## Property Owner

**Name:** SCOTT JOHN A & SCOTT ALICIA A**Mailing Address:** PO BOX 1515  
WINDHAM, ME 04062**Parcel Use:** SINGLE FAM

## Property Information

**Physical Address:** 26 VISTA DR**Map/Block/Lot/Unit:** 30-68**Size (Acres):** 0.90

## Additional Information

ZONE	SUBDIVISION	NEIGHBORHOOD
FR	HIGHLAND LAKE VISTA	6015

## Current Assessment

Year	Land	Improvements	Total	Exemptions
2026	\$132,900	\$103,300	\$236,200	\$0

## Land

Use Code	Land Use	Size	Units	Assessed Value
1010	SINGLE FAM	39,204.00	Square Feet	\$132,900

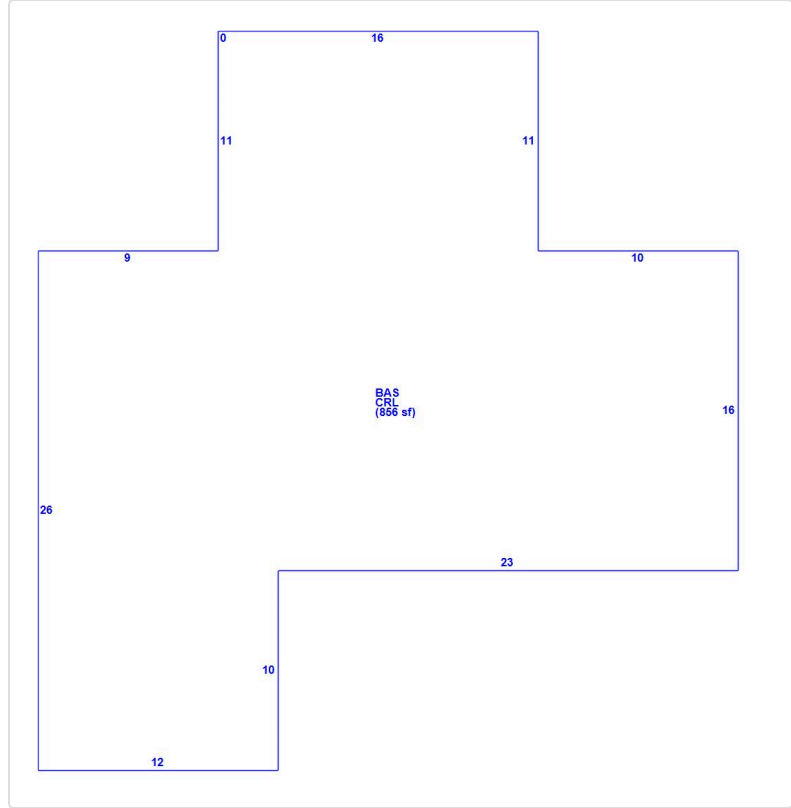
## Deed Transfers

Deed Date	Book	Page	Qualified Sale	Sale Price	Owner
9/11/2024	41237	14	U	N/A	SCOTT JOHN A &
6/1/2023	6402	81	U	N/A	SCOTT MARY - HEIRS OF
8/7/2012	6402	0081	U	\$0	SCOTT MARY
3/7/1984	6402	0081	U	\$29,000	SCOTT STANLEY &

## Residential Card 1 Details

Occupancy	Story	Total Liv	Grade	Year Built	Condition	Beds
Single Family	1	856	02	1950	P	2

<b>Model:</b>	Residential	<b>Style:</b>	RANCH
<b>Roof Cover:</b>	Asph/F Gls/Cmp	<b>Roof Type:</b>	Gable/Hip
<b>Rooms:</b>	<b>Beds: 2 Total: 5</b>	<b>Percent Good:</b>	54%
<b>Interior Wall:</b>	Drywall/Sheet	<b>Plumbing:</b>	<b>Full: 1 Half: 0</b>
<b>Exterior Wall:</b>	Wood Shingle	<b>Heating Fuel:</b>	Oil
<b>Interior Floor:</b>	Carpet	<b>Heating Type:</b>	Hot Water



### Building Sub-Areas (sq ft)

Code	Description	Gross Area	Living Area
BAS	First Floor	856	856
CRL	Crawl Space	856	0
<b>Totals</b>		<b>1,712</b>	<b>856</b>

### Outbuildings and Extra Features

Code	Description	Size	Assessed Value
FGR1	GARAGE-AVE	672.00 S.F.	\$13,500
SHD1	SHED FRAME	180.00 S.F.	\$1,400
SHD1	SHED FRAME	194.00 S.F.	\$1,600

## Assessment History

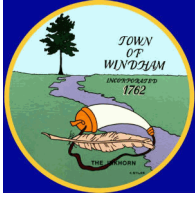
Year	Land	Improvements	Total	Exemptions
2025	\$132,900	\$103,300	\$236,200	\$0
2024	\$132,900	\$103,300	\$236,200	\$0
2023	\$123,900	\$102,000	\$225,900	\$25,000
2022	\$98,000	\$89,800	\$187,800	\$25,000
2021	\$85,100	\$85,100	\$170,200	\$25,000
2020	\$74,500	\$75,000	\$149,500	\$25,000
2019	\$74,500	\$75,000	\$149,500	\$20,000
2018	\$67,000	\$70,200	\$137,200	\$20,000
2017	\$60,400	\$63,500	\$123,900	\$20,000
2016	\$60,400	\$63,500	\$123,900	\$15,000
2015	\$60,400	\$63,500	\$123,900	\$10,000
2014	\$60,400	\$63,500	\$123,900	\$10,000
2013	\$60,400	\$63,500	\$123,900	\$10,000
2012	\$60,400	\$63,500	\$123,900	\$10,000
2011	\$60,400	\$63,500	\$123,900	\$10,000
2010	\$75,300	\$67,000	\$142,300	\$10,000
2009	\$75,300	\$67,000	\$142,300	\$13,000
2008	\$75,300	\$67,000	\$142,300	\$13,000
2007	\$75,300	\$67,000	\$142,300	\$13,000
2006	\$75,300	\$67,000	\$142,300	\$13,000
2003	\$39,800	\$0	\$90,800	\$0

## Map



## Not a Legal Document

Subject to terms and conditions  
[www.actDataScout.com](http://www.actDataScout.com)



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-085

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To appoint Emily Legere to the Planning Board for a two-year term to end February 15, 2028.

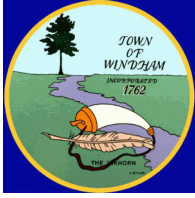
II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town Council, pursuant to Article II, Section 3C, is charged with appointing “[t]he members of the Board of Assessment Review, the Planning Board, the Board of Zoning Appeals, and the membership of such advisory committees as the Council may create,” and
- b. Pursuant to §120-903 C. (3) of the Code of the Town of Windham, “when there is a vacancy, the municipal officers shall appoint a person to serve the remainder of the unexpired term,” and
- c. The vacated Planning Board seat had a term expiration of February 15, 2028.

III. Issue Summary.

The Appointments Committee interviewed this applicant May 12, 2026 and recommends this appointment.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-085

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To appoint Emily Legere to the Planning Board for a two-year term to end February 15, 2028.

II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town Council, pursuant to Article II, Section 3C, is charged with appointing “[t]he members of the Board of Assessment Review, the Planning Board, the Board of Zoning Appeals, and the membership of such advisory committees as the Council may create,” and
- b. Pursuant to §120-903 C. (3) of the Code of the Town of Windham, “when there is a vacancy, the municipal officers shall appoint a person to serve the remainder of the unexpired term,” and
- c. The vacated Planning Board seat had a term expiration of February 15, 2028.

III. Issue Summary.

The Appointments Committee interviewed this applicant May 12, 2026 and recommends this appointment.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-086

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To appoint Mari Balow, a community member with volunteer experiences with Greater Portland Area land trusts, Lowell trail working days and a personal interest in trail running to represent residents with those interests, to the East Windham Steering Committee.

II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town Council, pursuant to Article II, Section 3C, is charged with appointing “[t]he members of the Board of Assessment Review, the Planning Board, the Board of Zoning Appeals, and the membership of such advisory committees as the Council may create.”

III. Issue Summary.

The Appointments Committee interviewed this applicant on May 12, 2026 and recommends this appointment.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-086

**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Order

**Agenda Number:**

I. Council Action Requested.

To appoint Mari Balow, a community member with volunteer experiences with Greater Portland Area land trusts, Lowell trail working days and a personal interest in trail running to represent residents with those interests, to the East Windham Steering Committee.

II. Basis for Council Action.

Council approval of this item is required because;

- a. The Town Council, pursuant to Article II, Section 3C, is charged with appointing “[t]he members of the Board of Assessment Review, the Planning Board, the Board of Zoning Appeals, and the membership of such advisory committees as the Council may create.”

III. Issue Summary.

The Appointments Committee interviewed this applicant on May 12, 2026 and recommends this appointment.

## Steering Committee - East Windham

### **Purpose**

The purpose of this committee is to guide the process towards creating a vision and management plan for the combined parcels that comprise the East Windham Conservation Area and the Lowell Preserve and to provide ongoing oversight of the maintenance of operation of the property.

### **Membership**

The Committee shall consist of not fewer than seven (7) nor more than eleven (11) volunteers from local businesses, civic organizations, town government and the general population, and will work in cooperation with the Presumpscot Regional Land Trust (PRLT), and Town of Windham Director of Parks and Recreation, and other town employees designated to assist. Committee members shall not be required to be residents of the town, but be able to demonstrate a connection by residence, employment, business interest, or other civic and community organization affiliation. Committee members may include, but not be limited to, representatives of the following outdoor recreation, education, economic development, public health, and conservation interests:

1. Member of the Town Council
2. Windham Parks & Recreation Advisory Committee (1 member)
3. Windham Natural Resource Advisory Committee (1 member)
4. Windham Economic Development Corporation
5. Greater Portland Chapter of NEMBA
6. Windham Drifters Snowmobile Club
7. RSU14 Katahdin Program (1 staff member)
8. Little Duck Pond Road Association
9. One member of the public with interest and experience in hunting.
10. Up to 2 members of the public with interest and experience in hunting, trail running, hiking, education, public health, conservation and/or nature education. A preference will be given to those who have multiple interests previously referenced.

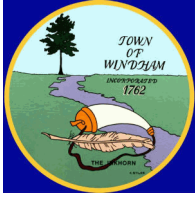
### **Meetings and Procedures**

The committee shall select a Chair from its membership, which should not be the Town Council representative. The Chair shall have the authority to convene meetings of the Committee, which shall be conducted in accordance with Maine's Freedom of Access Law with due notice to its members. The committee shall adopt other such reasonable rules of procedure as may be necessary for the efficient conduct of its business while allowing for public accountability and due process.

## **Charge**

It shall be the responsibility of the Committee to:

1. Seek public input and recommend a new name that unifies the shared character and use of property.
2. Develop an RFP and select a firm to assist in the establishment of a Master Plan to guide the Town and PRLT in the development and management of this property for the years to come.
3. Assist the selected firm in the development of the Master Plan
4. Present the recommended plan to the Town Council for adoption.
5. Meet at least once a year (or as needed) after the Master Plan has been adopted, to review the plan and progress, provide feedback to the Parks and Recreation Advisory Committee, and ensure the property continues to have broad collaboration.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-090

Agenda Date: 5/12/2026

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

### Agenda Number:

#### I. Council Action Requested.

To set the Council's meeting schedule for the summer months as Tuesday, May 26, Thursday, June 11 (Tuesday, June 9th is Election Day), Saturday, June 13 (Annual Town Meeting), July 14, and Tuesday, August 11, 2026.

#### II. Basis for Council Action.

Council approval of this item is required because;

- a. Pursuant to Section 1 of the Council Rules of Procedure "regular meetings of the Town Council shall be held in the Community Center at 6:00 P.M., current time, on the first through fourth Tuesdays of each calendar month," and
- b. Pursuant to Section 1. D. " when a regularly scheduled Town Council meeting falls on a holiday or Election Day,...the regular meeting shall be held on the following Thursday," and
- c. Also pursuant to Section 1 of the Council Rules of Procedure "the date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for at least one regular meeting in each month."

#### III. Issue Summary.

Proposed summer schedule:

May 26 Council Meeting  
June 9 Election Day  
June 11 Thursday, Council Meeting  
June 13 Annual Town Meeting  
July 14 Council Meeting  
August 11 Council Meeting



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 26-090

Agenda Date: 5/12/2026

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

### I. Council Action Requested.

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- c. Also pursuant to Section 1 of the Council Rules of Procedure "the date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for at least one regular meeting in each month."

### III. Issue Summary.

Proposed summer schedule:

May 26 Council Meeting  
June 9 Election Day  
June 11 Thursday, Council Meeting  
June 13 Annual Town Meeting  
July 14 Council Meeting  
August 11 Council Meeting

# **TOWN OF WINDHAM**

## **COUNCIL RULES OF PROCEDURE**

(Note: These rules are adopted pursuant to Article II, Section 8 of the Charter.)

### Section 1. **Council and Workshop session Regular Meetings**

- A. The meetings for the Town Council and Workshop sessions shall be held in the Community Center at 6:00 P.M., current time, on the first through fourth Tuesdays of each calendar month.
- B. The meetings on the first and third Tuesdays shall be Workshop Sessions and no official Council action may occur. Meetings on the second and fourth Tuesdays of each calendar month shall be for public hearings and for Council action on any ordinances, orders, or resolves.
- C. If official Council action is necessary on the first or third weeks of the month, a special Council Meeting will be called for that week to deal with the specific action.
- D. When a regularly scheduled Town Council meeting falls on a holiday or Election Day, or is canceled for any other reason, the regular meeting shall be held on the following Thursday, at the same time and place unless a majority of councilors vote on a different schedule.
- E. Should there be the need to cancel, postpone or change the location or time of the regularly scheduled Town Council meeting or Workshop Session for any reason, the Town Manager or their designee at the direction of the Chair, or Vice Chair in the absence of the Chair, shall see that all Councilors are notified as soon as practical via any practical method and reasonable notice is given to the public of the new time and date of the new meeting.
- F. The date or time of any regular Town Council meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for at least one regular Town Council meeting in each month. No new business items will be discussed after 9:30 P.M. except by vote of the Council.

## Section 2. **Special Meetings**

- A. Special Town Council meetings may be called by the Chair, and in case of their absence, disability, or refusal may be called by three members of the Council. Notice of the special meeting shall be delivered to each member of the Council by telephone or email (with RSVP) or text message. Councilor(s) will acknowledge receipt to the best of their abilities.
- B. The Press (local editions) shall be notified via best means possible with the agenda posted on the Town's website. The notification and posting will be at least twenty-four hours before the time for holding said special meeting unless all members of the Council waive such notice.
- C. The call and agenda for said special Town Council meeting shall set forth the matters to be acted upon at said meeting. No other business shall be considered at such meeting.
- D. Articles from the previous Town Council meeting may not be brought up for reconsideration at a special Town Council meeting, unless the Council finds that a special meeting, confined to the issue under reconsideration, is in order. Nothing in this paragraph shall eliminate the right of a Council member to put forward a motion for reconsideration at the next regularly scheduled Town Council meeting.

## Section 3. **Quorum**

- A. Article II, section 10 of the Charter provides that a quorum is a majority of the Council (4 members)
- B. Four affirmative votes must be cast for passage of any item.
- C. A tie vote shall result in the automatic postponement of the motion to the next meeting, not a failure of the motion. The item shall appear on the next meeting's agenda as unfinished business, and no additional motion is needed to reintroduce the item; the Chair will state the motion again, reopen debate, and then call for a vote. Only one (1) postponement for a motion is allowed. If the vote remains tied at the second vote, the motion fails.

## Section 4. **Council Action**

The Town Council shall formally act only by ordinances, orders, or resolves. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title.

**Section 5. Ordinance Style**

The enacting style for an ordinance shall be "The Town of Windham hereby ordains", followed by the wording of the ordinance.

**Section 6. Order & Resolve Style**

In all votes of command, the form of expression shall be "ordered", and of opinions, principles, facts, or purposes, the form shall be "resolved".

**Section 7. Full Reading Waiver**

Every ordinance order or resolve shall be read in its entirety unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

**Section 8. Roll Call Vote**

- A. Roll call votes shall be taken on the passage of an ordinance, order, or resolve, when called for by any member of the Council.
- B. The results of the roll call vote shall be entered upon the record of proceedings of the Council by the Clerk.

Every ordinance, order and resolve shall require, on final passage, the affirmative vote of at least four members of the Council.

**Section 9. Effective Date of Ordinances**

- A. All ordinances shall take effect and be in full force on the 30<sup>th</sup> day following Council approval, as required by Article II, section 11 of the Charter.
- B. Emergency ordinances are excepted from the 30-day rule and become enacted on the date indicated in the ordinance. However, they stand repealed as of the 61<sup>st</sup> day following approval unless the Council has held a public hearing on the ordinance and approved its extension or permanent enactment.

**Section 10. Effective Date of Orders and Resolve**

Orders or resolves shall take effect immediately upon passage.

### Section 11. Items for Agenda

No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order, or resolve shall be filed in the office of the Town Clerk on the Friday prior to the meeting. Further,

- A. Items may be placed on the agenda for any meeting of the Town Council, whether a regular Town Council meeting or Workshop Session:
  - 1. By request to the Council Chair, who may place an item on the agenda for any meeting at his or her discretion;
  - 2. By written request of two or more members of the Council to the Council Chair; or
  - 3. By the Town Manager, though such items generally shall be limited to requests of the Council, as above, or matters of routine administration.
- B. Items which are considered routine and not requiring debate may be placed on a consent agenda at the discretion of the Council Chair or Town Manager, subject to the limitations above, and shall be listed separately on the agenda for any regular meeting.
- C. A motion made to approve the entire consent agenda shall be considered a motion for each and every item on the consent agenda and a waiver of full reading otherwise required by Section 7 of these Rules.
- D. At any point prior to a vote of the Council on the consent agenda, any member of the Council may have any or all items removed from the consent agenda to be considered individually.
- E. There shall be no consent agenda at special meetings of the Town Council called pursuant to these Rules, except to authorize the acceptance of a consent or settlement agreement.

### Section 12. Opening of Meeting

The Chair shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting(s) to be acted on, and proceed to business.

### Section 13. Chair's Duties

- A. The Chair shall preserve decorum and order.
- B. The Chair may speak to points of order raised by other members and shall declare all votes.
- C. Should any member doubt the results of the vote, the Chair shall cause a recount of the members voting in the affirmative and in the negative without debate.

#### Section 14. **Council Parliamentarian**

The Council Parliamentarian shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

#### Section 15. **Motions**

The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

#### Section 16. **Reconsiderations**

- A. When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next Council meeting or Special Meeting held.
- B. When a motion for reconsideration is decided, that vote shall not be reconsidered.
- C. Such a motion may be seconded by any member; however, they voted on the prior vote.
- D. For the purpose of this Section, a special meeting or workshop session meeting shall not constitute a regular meeting.

#### Section 17. **Motion for Previous Question**

- A. Upon the motion for the previous questions being made and seconded, the Chair shall put the question in the following form: "Shall the main question be suspended until the motion for the previous question shall be decided."
- B. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments, and then upon the main question.

- C. No debate shall be allowed on a motion for the previous question. Neither is it susceptible to amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Parliamentarian or not.

Section 18. **Address the Chair**

When a member is recognized by the Chair they shall address the Chair, confine themselves to the question under debate, and avoid personalities.

Section 19. **No Interruptions**

- A. No Council member or member of the public shall interrupt any person speaking under recognition by the Chair.
- B. A Council member may interrupt a speaker only to make a call to order or to correct a mistake.

Section 20. **Council Voting**

- A. Every member present when a question is put shall give their vote unless the Council, for special reasons, shall excuse them.
- B. Application to be so excused must be made before the Council discussion on the selected topic.
- C. Any member who has reason to believe they may be prevented from voting due to conflict of interest or bias, or the perception thereof, shall declare this prior to hearing or discussion on the topic. The Chair may call for discussion and vote regarding any member's ability to participate on an agenda item.
- D. Any member abstaining from the agenda item shall not participate in Council discussion and must depart the Council seat they occupy for the entirety of the agenda item.

Section 21. **Motion in Writing**

Every motion shall be reduced to writing if the Chair shall so direct.

Section 22. **Dividing a Motion**

A majority of the Council may approve a question to be moved and discussed in a divided fashion, in order to promote clarity and convenience in addressing the issue.

Section 23. **Priority of Business**

All questions relating to priority of business to be acted upon shall be decided without debate, as stated by Chair or vote of the Council.

Section 24. **Suspending and/or Changing Rules**

- A. These Rules shall not be dispensed with or suspended unless 2/3 of the members present and voting consent thereto.
- B. These Rules shall not be amended or repealed without notice, in writing, being given at the preceding meeting, and the affirmative vote of at least four members at the next regular meeting of the Council.

Section 25. **To Address the Council**

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedures:

- A. Members of the public wishing to address the Council on an item which appears on the agenda shall wait until the Chair announces the acceptance of public comment for said item, at which time the public may address the Council on that particular item. Public comment at Workshop Sessions will be accepted only as permitted by the Chair or by consent of the Council.
- B. Once the Council has begun its deliberation on an item, no person shall be permitted to address the Council on such item except by approval of the Chair.
- C. Members of the public shall limit their comments to three minutes per agenda item. The Council Chair may grant an additional three minutes at their discretion.
- D. Each person may address an agenda item once and shall be allowed to speak once again after everyone else has had an opportunity to speak. Duplicative, combative, or inappropriate comments will not be permitted.
- E. Persons wishing to address the Council on an item not appearing on the agenda shall do so during the public participation section of the agenda.
- F. Any person wishing to address the Council shall:

1. Signify their desire by raising their hand and, when recognized by the Chair;
2. State their name and town of residency; and
3. The subject matter on which they desire to address the Council.

G. Persons present at Council meetings are requested not to applaud or otherwise express, other than verbally, their approval or disapproval of any statements made, or actions taken at such meeting.

**Section 26. Council Officers and Subcommittees**

A. At the first regularly scheduled Town Council meeting or Workshop Session following the election, there shall be chosen the following subcommittees and Council Officers:

1. Council Chair and Vice Chair. The Chair shall have those duties as prescribed by Charter, by these Rules, and any other lawful duties which may be assigned. The Vice Chair shall act as Chair in the Chair's absence.
2. Council Parliamentarian. The Parliamentarian shall have those duties as prescribed by Section 14 of these Rules.
3. Finance Committee.
  - a. The Finance Committee shall consist either of (a) three (3) members of the Council or (b) a committee of the whole and shall act by majority vote. The Finance Committee shall choose a Chair by majority vote of its members.
  - b. The Finance Committee shall have the duty to meet with the Town Manager to review the Manager's recommended annual town budget, and to make recommendations thereon to the Council.
  - c. The Finance Committee shall have the duty to review and advise the Town Manager on matters of current expenditures and revenues, and to report as needed to the full Council.
  - d. The Council may refer matters relating to Town finances to the Finance Committee, which shall study the same and make appropriate recommendations to the full Council.

4. Appointments Committee.

- a. The Appointments Committee shall consist of three (3) members of the Council and shall act by majority vote.
- b. The Appointments Committee shall choose a Chair by majority vote of its members.
- c. The Appointments Committee shall review applications for and recommend persons for appointment to various boards and advisory committees which are appointed by the Council, except that the Appointments Committee shall not make recommendations as to the subcommittees of the Council under this Section.

5. Council of Governments Executive Committee Member. The Council shall appoint one member of the Council, or may appoint the Town Manager, as the Town's representative on the Greater Portland Council of Governments Executive Committee.

6. Windham Economic Development Corporation Board of Directors. The Council shall appoint two members of the Council to serve on the WEDC board of directors, such appointment to expire annually on the date of the regular municipal election.

B. The Council may create such additional subcommittees of its members as it may determine necessary from time to time.

**Section 27. Selection Process**

The members of the Council to serve in the above capacities shall be chosen by the Council by a majority vote, and the Chair of the Council shall be, ex-officio, a member of the subcommittee.

**Section 28. Council Appointments**

A. The Council may appoint members of the Council and/or citizens of the Town to such committees and boards as are authorized by order of the Council, charter, or statute.

B. A citizen of the Town is defined, in this section, as a legal resident of Windham that would be eligible to register to vote in the town.

- C. Any such member who does not meet the definition of citizen is ineligible to participate on the board or committee unless specifically permitted under the board or committee's charge. If a board or committee's charge is amended during a member's term, the member may serve out their term despite not meeting any new membership requirements, including citizenship.
- D. No committee shall have the power of executive action unless specifically authorized by law or the Council and shall report back to the Council for action on its recommendations or proposals.
- E. When considering candidates for appointment to these Town-Chartered boards, the Council shall regard existing committee members in the same manner as other applicants.
- F. The Council's Appointments Committee shall provide its recommendations for appointment to any board, committee or commission to the full Council at least four days prior to any consideration of a vote.

Section 29. ***Robert's Rules of Order***

- A. *Robert's Rules of Order* shall govern all other questions regarding the procedures of the Windham Council.
- B. If a conflict shall arise between these Rules and Robert's Rules, these Rules shall govern.

Section 30. **Other Rules**

- A. All rules and regulations of the municipal officers or of any office in the Town of Windham in force at the time that these Rules take effect, not inconsistent with the provisions thereof, shall continue in force until amended or repealed.
- B. No Councilor will contact the town attorney without express verbal or written permission of either the Council Chair, Vice Chair or Town Manager.
- C. The chair, vice chair and town manager shall be copied on all correspondences to the town attorney.
- D. At the discretion of the town attorney, the legal opinion and or response of the attorney shall be distributed to the entire council at the next regular meeting.

Section 31. **Council-Staff Communications**

Communications with staff shall be conducted according to the Council-Staff Communications Protocol, attached to these Rules as Appendix A.

### Section 32. Severability

If any portion of these Rules shall be held invalid, such decision shall not affect the validity of the remaining portions thereof.

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#### **Digest of Changes:**

Note: As previously adopted and amended 3/26/1981, 10/22/1991, 10/10/1995, 8/26/1997 and 8/10/2004

Amended by Order 09-188, 12/22/2009

- Added procedures for putting items on agenda in Section 11.
- Added consent agenda procedures in Section 11.
- Added role descriptions for council officers and subcommittees in Section 27.
- Specified duties and composition of council subcommittees in Section 27.
- Specifically allowed appointment of Town Manager as GPCOG Executive Committee representative in Section 27.

Amended by Order 10-166, 9/14/2010

- Added Council-Staff communications policy at Section 30, renumbered subsequent sections.

Amended by Order 12-045, 4/10/2012

- Added paragraph 6 to Section 27 requiring the appointment of a member of the council to the Windham Economic Development Corporation (WEDC) board of directors.

Amended by Order 14-005, 1/14/2014

- Specified that the Finance Committee shall consist of either a three-member committee or a committee of the whole.
- Added the appointment of a second member of the Town Council to serve on the WEDC Board of Directors.

Amended by Order 16-007, 1/26/2016

- Amended Section 1 to hold regular meetings on the first four Tuesdays of the month, with first and third Tuesdays to be mainly discussion items, and second and fourth Tuesdays to be mainly public hearings, orders, and other actionable business, but allowing for flexibility as circumstances dictate.

Amended by Order 18-129, 6/26/2018

- Deleted Section 30, "Council-Staff Communications" in its entirety.

Amended by Order 18-244, 12/18/2018

- Amended Section 29, “Council Appointments” to define a citizen of the town as a legal resident or property/business owner in Windham.

Amended by Order 19-120, 6/25/2019

- Amended Section 1, “Regular Meetings” to adjust regular meeting start time to 6:30 P.M., clarifying that first and third Tuesdays are work sessions and that no official action may occur, and if Council Action is necessary a Special Council Meeting will be called for that week.
- When the meeting falls on a holiday or Election Day, the regular meeting shall be held the following Thursday.
- Should there be a need to cancel, postpone or change the location of a regular meeting, the Town Manager shall see that all Councilors are notified, and reasonable notice given to the public.
- No new business items will be discussed after 9:30 P.M.
- Amended Section 16, “Reconsiderations” clarifying that a motion to reconsider can occur at the next regular meeting, not a workshop session or special meeting.

Amended by Order 20-079, 4/28/2020

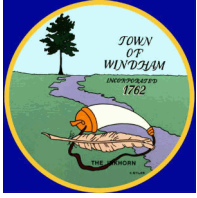
- Overall reformatting and paragraph numbering within sections for easier reference.
- Several grammatical and language clarifications.
- Added Council Staff-Communications Protocol back into Council Rules, as indicated in Section 30 and identified as Appendix A.

Amended by Order 23-211, 10/24/2023

- Section 1. A. Meeting time changed to 6:00 PM.
- Minor typographical correction in Sections 9(A) and 13(A).

Amended by Order 24-196, 11/26/2024

- Section 3, Added procedure for “a tie vote shall result in postponement of the motion to the next meeting, not a failure of the motion. Only one (1) postponement for a motion is allowed. If the vote remains tied at the second vote, the motion fails.”
- Updated personal pronouns to gender neutral “they”, “their”, and other grammatical/punctuation edits.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-085

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**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Correspondence

**Agenda Number:**

FOAA Status Report.

## Tammy Hodgman

---

**From:** Tammy Hodgman  
**Sent:** Monday, April 27, 2026 2:13 PM  
**To:** David D. Aman  
**Cc:** Brenda C. Wyman  
**Subject:** RE: FOAA Depot Street Apartments Project (#23-10)  
**Attachments:** Ltr to Town of Windham - FOAA request.pdf

Dear Mr. Aman,

We have compiled the Planning Department documents responsive to your request electronically.

This one drive file:  [FOAA Depot Street Apartments](#), has planning materials identified in separate meeting folders. The original project #19-21 received approval July 13, 2020. Project #23-10 was an amendment to the original plan and approved May 8, 2023. The Planning Board files have the naming convention ‘YYYY MMDD PB Step in Process’, for example ‘2019 0923 PB New Business Item’. What we have compiled to this point is all the information the Planning Department has for the project.

The Code Enforcement department utilizes an electronic recordkeeping system where you may query our software for building permits, inspection notes, and final occupancy issuances by property address. Would you consider looking at what the address lookup search would provide for one of the addresses? You may want to refine your search parameters once you examine what is available online.

- The Town’s land use/ building permit/ inspections documents are available by searching our Public Portal: [https://public.mygov.us/windham\\_me](https://public.mygov.us/windham_me)
- The specific information on permits is available for public viewing under the “address lookup” search tab located at the bottom of our public portal page (below the reports section).

This has exhausted the 2 hours of free staff time accorded by the statute. If it is your preference to have hardcopies of these documents, it will take considerable staff time. We will need additional time to estimate the hours of staff time needed and per page costs to provide an estimate.

Thank you,

### Tammy Hodgman

Executive Assistant and Website Coordinator | [tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://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:** David D. Aman <[daman@nhdlaw.com](mailto:daman@nhdlaw.com)>  
**Sent:** Thursday, April 23, 2026 11:31 AM  
**To:** Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>  
**Cc:** Brenda C. Wyman <[bwyman@nhdlaw.com](mailto:bwyman@nhdlaw.com)>  
**Subject:** RE: FOAA Depot Street Apartments Project (#23-10)

**Warning: Unusual sender** <[daman@nhdlaw.com](mailto:daman@nhdlaw.com)>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Thank you, Ms. Hodgman.



David D. Aman, Esq.  
**Norman, Hanson & DeTroy, LLC**  
220 Middle Street  
P.O. Box 4600  
Portland, ME 04112-4600  
Office: (207) 774-7000  
Direct: (207) 553-4647  
Email: [daman@nhdlaw.com](mailto:daman@nhdlaw.com)

---

**From:** Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>  
**Sent:** Thursday, April 23, 2026 11:20 AM  
**To:** David D. Aman <[daman@nhdlaw.com](mailto:daman@nhdlaw.com)>  
**Cc:** Brenda C. Wyman <[bwyman@nhdlaw.com](mailto:bwyman@nhdlaw.com)>  
**Subject:** FOAA Depot Street Apartments Project (#23-10)

Dear Mr. Aman and Ms. Wyman,  
This email serves as the statutory 5-day acknowledgement of your information request.

We are currently reviewing our records to determine those that may be responsive to your request. I will coordinate the collection of information and be in touch soon.

Thank you,

**Tammy Hodgman**

Executive Assistant and Website Coordinator | [tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://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**



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**From:** Anthony P. Blasi <[apblasi@windhammaine.us](mailto:apblasi@windhammaine.us)>  
**Sent:** Monday, April 20, 2026 11:27 AM  
**To:** Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>  
**Subject:** Fw: Depot Street Apartments Project (#23-10)

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---

**From:** Brenda C. Wyman <[bwyman@nhdlaw.com](mailto:bwyman@nhdlaw.com)>  
**Sent:** Monday, April 20, 2026 11:04:38 AM  
**To:** Anthony P. Blasi <[apblasi@windhammaine.us](mailto:apblasi@windhammaine.us)>  
**Cc:** David D. Aman <[daman@nhdlaw.com](mailto:daman@nhdlaw.com)>  
**Subject:** Depot Street Apartments Project (#23-10)

**Warning: Unusual sender** <[bwyman@nhdlaw.com](mailto:bwyman@nhdlaw.com)>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Mr. Blasi,

Please see attached FOAA request letter from Attorney David Aman. Thank you.



Brenda C. Wyman, Legal Assistant to  
Rosie Williams, Esq. and David Aman,  
Esq.  
**Norman, Hanson & DeTroy, LLC**  
P.O. Box 4600  
Portland, ME 04112-4600  
(Physical Address: 220 Middle St., 5<sup>th</sup> Fl.)  
Direct: (207) 553-4629  
Email: [bwyman@nhdlaw.com](mailto:bwyman@nhdlaw.com)

**\*\*\*\*\*PRIVILEGE AND CONFIDENTIALITY\*\*\*\*\*** This email may contain privileged and confidential material. If you have received this electronic mail in error, please notify the sender immediately by replying to this e-mail or by calling (207)774-7000. Please do not disclose the contents to anyone. Thank you.

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## Tammy Hodgman

---

**From:** Tammy Hodgman  
**Sent:** Thursday, May 7, 2026 12:03 PM  
**To:** Shea Smith  
**Subject:** FW: Records Request FR 75638  
**Attachments:** FOAA Sunlight Access April 29 2026 FOAA Request.pdf

Dear Mr. Smith,

Your request for “any contract or agreement between Windham Fire & Rescue Department and PowerDMS (including any parent company, reseller, or affiliated entity such as NEOGOV) between 01/01/2021 and 04/26/2026.” Specifically, the final executed contract(s), including any amendments or renewals and any statements of work showing the services purchased.

The Windham Fire & Rescue Department does not have nor have they held any contracts with PowerDMS or NeoGov.

Thank you,

**Tammy Hodgman**

Executive Assistant and Website Coordinator | Public Access Officer | [tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://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:** Wednesday, May 6, 2026 2:55 PM  
**To:** Shea Smith <[records@sunlightaccess.com](mailto:records@sunlightaccess.com)>  
**Subject:** Records Request

Good afternoon,

This email serves as the statutory 5-day acknowledgement of your information request. I will coordinate the collection of information and will be in touch when we have compiled the documents.

Thank you,

**Tammy Hodgman**

Executive Assistant and Website Coordinator | Public Access Officer | [tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)

Town of Windham | Office of the Town Manager

8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://www.windhammaine.us)

Ph. 207.892.1907 | Fax 207.892-1910

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## Tammy Hodgman

---

**From:** Tammy Hodgman  
**Sent:** Thursday, May 7, 2026 2:17 PM  
**To:** efallon@fisherassoc.com  
**Subject:** FW: FOAA Request for 30 Landing Road, Windham ME  
**Attachments:** Windham ME FOAA Request Letter.docx; 30 Landing Rd #1.pdf; 30 Landing Rd #2.pdf; 30 Landing Rd # 3.pdf; 30 Landing Rd # 4.pdf; 30 Landing Rd Calls 1-1-2024 to 5-6-2026.csv

Dear Ms. Fallon,

The Code Enforcement department utilizes an electronic recordkeeping system where you may query our software for building permits, inspection notes, and final occupancy issuances, etc. by property address.

### Property Record Search

- Current Permits & Inspections (2015-Present): Use the [MyGov Portal](#) to search for active and completed permits, inspection notes, and code enforcement files by address.
- Legacy Records (Prior to 2015): Visit [AxisGIS - Windham](#) to search for older building documents and historical files.
  - Instructions: Search by address → Click on Property → Select "Building Docs" beneath the "Documents" subheading.

The Fire-Rescue Department was able to provide the attached PDF documents and Excel file to address #9 and #11. As for #10, the Portland Water District is our public water provider. If you have additional questions they can be reached at 207-761-8310.

---

**From:** Tammy Hodgman  
**Sent:** Wednesday, May 6, 2026 3:43 PM  
**To:** 'efallon@fisherassoc.com' <efallon@fisherassoc.com>  
**Subject:** RE: FOAA Request for 30 Landing Road, Windham ME

Dear Ms. Fallon,

This email serves as the statutory 5-day acknowledgement of your information request. I will coordinate the collection of information and will be in touch when we have compiled the documents.

Thank you,

### Tammy Hodgman

Executive Assistant and Website Coordinator | Public Access Officer | [tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)  
Town of Windham | Office of the Town Manager  
8 School Road | Windham, ME 04062 | [www.windhammaine.us](http://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**



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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:** Anthony P. Blasi <[apblasi@windhammaine.us](mailto:apblasi@windhammaine.us)>  
**Sent:** Monday, May 4, 2026 12:41 PM  
**To:** Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>  
**Subject:** Fw: FOAA Request for 30 Landing Road, Windham ME

FOAA!

Get [Outlook for iOS](#)

---

**From:** Erin Fallon <[EFallon@fisherassoc.com](mailto:EFallon@fisherassoc.com)>  
**Sent:** Monday, May 4, 2026 12:37:21 PM  
**To:** Anthony P. Blasi <[apblasi@windhammaine.us](mailto:apblasi@windhammaine.us)>  
**Subject:** FOAA Request for 30 Landing Road, Windham ME

**Warning: Unusual sender** <[efallon@fisherassoc.com](mailto:efallon@fisherassoc.com)>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

May 4, 2026

**Re: Freedom of Information Law Request**

To whom it may concern,

Fisher Associates has been retained to conduct a Phase I Environmental Site Assessment on the property listed below. Fisher Associates is requesting copies of records for the property listed below owned by Walmart Inc.:

- 30 Landing Road, Windham, ME 04062
- Map/Book/Lot: 018A048A 000
- PID: 2643

Please include all environmental records such as:

1. Title Record
2. Petroleum Bulk Storage
3. Chemical Bulk Storage
4. Spills
5. Hazardous Waste
6. Solid Waste
7. Actions or anticipated actions under CERCLA, RCRA, Superfund
8. Building Permits, including current and previous owners and occupants, any recorded additions or demolitions, zoning information
9. Fire Department Records

10. Potable Water Supply type
11. Spill Cleanup or soil contamination remediation reports, or closure letters for remediation performed not under a state or federal program.
12. Soil vapor intrusion studies or reports.
13. Utility services to the facility (water/sewage), including any discharge permits and information pertaining to retention ponds/basins, detention ponds, catch basins, etc.

If the estimated total fee for processing this request exceeds \$25, please notify us in writing of the estimated cost.

Respectfully,

**Fisher Associates, P.E., L.S., L.A D.P.C.**

*Erin Fallon*

**Erin Fallon**

[efallon@fisherassoc.com](mailto:efallon@fisherassoc.com)

Phone: (914) 714.8176

**Erin Fallon**

Environmental Specialist I



1 Winners Circle Suite 205

Albany, NY 12205

518.909.6160 ext. 909 (office)

914.714.8176 (cell)

[EFallon@fisherassoc.com](mailto:EFallon@fisherassoc.com)

[www.fisherassoc.com](http://www.fisherassoc.com)

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## Tammy Hodgman

---

**From:** Tammy Hodgman  
**Sent:** Thursday, May 7, 2026 2:04 PM  
**To:** 'bhertzig@dynamic-earth.com'  
**Cc:** Chuck Daigle; Jon G. Rioux  
**Subject:** FW: Dynamic Earth Follow up on Public records Request

Dear Brad,

This email serves as both the statutory 5-day acknowledgement of your information request and our response.

Thank you for clarifying which property records you were looking for. The Code Enforcement department utilizes an electronic recordkeeping system where you may query our software for building permits, inspection notes, and final occupancy issuances by property address.

### Property Record Search

- Current Permits & Inspections (2015-Present): Use the [MyGov Portal](#) to search for active and completed permits, inspection notes, and code enforcement files by address.
  - Click on 'Address Lookup' beneath the five circular icons in the blue band.
- Legacy Records (Prior to 2015): Visit [AxisGIS - Windham](#) to search for older building documents and historical files.
  - Instructions: Search by address → Click on Property → Select "Building Docs" beneath the "Documents" subheading.

Thank you,  
Tammy

### Tammy Hodgman

Executive Assistant and Website Coordinator | Public Access Officer | [tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)  
Town of Windham | Office of the Town Manager  
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---

**From:** Chuck Daigle <[cdaigle@windhammaine.us](mailto:cdaigle@windhammaine.us)>  
**Sent:** Thursday, May 7, 2026 12:06 PM  
**To:** Tammy Hodgman <[tahodgman@windhammaine.us](mailto:tahodgman@windhammaine.us)>  
**Cc:** Jon G. Rioux <[jgrioux@windhammaine.us](mailto:jgrioux@windhammaine.us)>  
**Subject:** FW: Dynamic Earth Follow up on Public records Request

These are the properties they want.

---

**From:** Brad Hertzig <[bhertzig@dynamic-earth.com](mailto:bhertzig@dynamic-earth.com)>  
**Sent:** Thursday, May 7, 2026 12:03 PM  
**To:** Chuck Daigle <[cdaigle@windhammaine.us](mailto:cdaigle@windhammaine.us)>  
**Subject:** Dynamic Earth Follow up on Public records Request

**Warning: Unusual sender** <[bhertzig@dynamic-earth.com](mailto:bhertzig@dynamic-earth.com)>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good Morning Chuck,

Thank you for calling the office the other day, sorry for the delay, I've been out of the office. Also my apologies for the confusion here. Please see below for full addresses. We are looking for the subsurface wastewater disposal system permit application, wastewater disposal system design plans, site plan, and survey for these address below. Please feel free to call my cell 201-400-8555 with any questions.

- 1 Amato Dr, Windham, ME 04062 Parcel: 071003002000
- 64 Manchester Dr, Windham, ME 04062 Parcel:18A048B00000
- 31 Landing Road, Windham, ME 04062 Parcel:18A048C00000
- 20 Franklin Drive, Windham, ME 04062 Parcel:018026002000

Thanks,

**Brad Hertzig, PG**  
Project Manager



421 Main Street | Office Building, 1st Floor | Dunedin | FL | 34698  
Phone: 727-474-4000 Ext. 6202 | Cell: 201-400-8555  
NJ | DE | FL | MD | NC | PA | TX  
[www.dynamic-earth.com](http://www.dynamic-earth.com)

**Licensed Professional Engineers Throughout the United States**



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# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-057

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**Agenda Date:** 5/12/2026

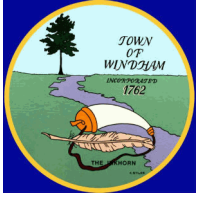
**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

Forbes Lane Neighborhood Park ad hoc Committee Recommendations.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-034

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**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

Windham Economic Development Corporation - Update & Future Meeting Schedule.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-079

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**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

**Agenda Number:**

Mobile Food and Victualer Licensing Authority Designated to Town Clerk.



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: CD 26-087

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**Agenda Date:** 5/12/2026

**Version:** 1

**Status:** Agenda Ready

**In Control:** Town Council

**File Type:** Discussion Item

Charter Amendment.

**QUESTION 1:** Shall the Town approve charter amendment summarized below, to be effective January 1, 2027?

To amend Article V (Budget) and Article VIII (The Town Meeting) of the Town Charter to:

- Change the method of Town Meeting’s voting on the annual budget from an open town meeting to a secret ballot referendum;
  - Provide for a special open Town Meeting to be held to consider portions of the annual budget rejected at the secret ballot referendum;
  - Authorize the Town Council to choose how to present the budget to voters for approval; and
  - Adjust the timeline for the Town Manager to prepare and submit the proposed annual budget to the Town Council for review, to accommodate use of the secret ballot referendum process.
- 

**QUESTION 2.** Shall the Town approve charter amendment reprinted below, to be effective immediately upon adoption?

Article VIII of the Town Charter, entitled, “The Town Meeting,” Section 2 entitled, “When action by Town Meeting required” is hereby amended as follows (additions are underlined, deletions are ~~struck through~~):

**Section 2. When action by Town Meeting required.**

The annual budget, as provided in Article V and in accordance with Section 5 of this Article; any appropriation of ~~\$25,000~~500,000 or more in addition to or supplementary to the annual budget appropriation; the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued; shall become effective only after adoption ~~it has been adopted~~ at a Town Meeting by ~~the vote of a majority vote of those present~~ a majority vote of those present and voting. ~~those present and entitled to vote at such meeting~~. The Town Meeting shall not increase the amount of any appropriation recommended by the Council and shall not increase the amount of any bond issue above the amount recommended by the Council.

## Chapter C

### COUNCIL-MANAGER CHARTER

	ARTICLE I		
	<b>Grant of Powers to the Town</b>	Section 3.	<b>Capital program.</b>
Section 1.	<b>Incorporation.</b>	Section 4.	<b>Review of budget by Council.</b>
Section 2.	<b>Powers and duties.</b>	Section 5.	<b>Budget establishes appropriation.</b>
Section 3.	<b>Intergovernmental relations.</b>	Section 6.	<b>Budget establishes amount to be raised by property tax; certification of Town Assessor.</b>
	ARTICLE II	Section 7.	<b>Expenditures and departmental revenue.</b>
	<b>Town Council</b>	Section 8.	<b>Transfers of appropriations.</b>
Section 1.	<b>Number, election, term.</b>	Section 9.	<b>Interim expenditures.</b>
Section 2.	<b>Qualifications, vacancies.</b>	Section 10.	<b>Work program; allotments.</b>
Section 3.	<b>Enumeration of powers.</b>	Section 11.	<b>Amendments after adoption.</b>
Section 4.	<b>Compensation.</b>	Section 12.	<b>Lapse of appropriations.</b>
Section 5.	<b>Induction of Council into office.</b>		
Section 6.	<b>Council to judge qualifications of its members.</b>		ARTICLE VI
Section 7.	<b>Regular meetings.</b>		<b>Tax Administration</b>
Section 8.	<b>Rules of procedure; journal.</b>	Section 1.	<b>Assessor.</b>
Section 9.	<b>The presiding officer.</b>	Section 2.	<b>Board of Assessment Review; appointment; vacancies.</b>
Section 10.	<b>Quorum.</b>	Section 3.	<b>Board of Assessment Review; powers and duties.</b>
Section 11.	<b>Ordinances in general.</b>		
Section 12.	<b>Town Clerk.</b>		ARTICLE VII
Section 13.	<b>Independent annual audit.</b>		<b>Nominations and Elections</b>
	ARTICLE III	Section 1.	<b>Municipal elections.</b>
	<b>Town Manager</b>	Section 2.	<b>Nomination.</b>
Section 1.	<b>Town Manager, qualifications.</b>	Section 3.	<b>Conduct of municipal elections.</b>
Section 2.	<b>Powers and duties of Town Manager.</b>	Section 4.	<b>Voting places.</b>
	ARTICLE IV	Section 5.	<b>Election officials.</b>
	<b>Department of Education</b>		ARTICLE VIII
	ARTICLE V		<b>The Town Meeting</b>
	<b>Budget</b>	Section 1.	<b>Annual and Special Town Meeting.</b>
Section 1.	<b>Fiscal year.</b>	Section 2.	<b>When action by Town Meeting required.</b>
Section 2.	<b>Preparation and submission of the budget.</b>	Section 3.	<b>Application.</b>

WINDHAM CODE

**Section 4. Method of discontinuing the Town Meeting.**

**ARTICLE IX  
Initiative and Referendum**

**Section 1. Petition for overrule of action of Council.**

**Section 2. Petition for enactment of ordinances.**

**Section 3. Form of ballot.**

**ARTICLE X  
General Provisions**

**Section 1. Oath of office.**

**Section 2. Short title.**

**Section 3. Separability clause.**

**[HISTORY: Adopted by the Town of Windham 12-9-1974, effective 1-1-1975, as amended through 11-5-2024. Subsequent amendments noted where applicable.]**

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ARTICLE I  
**Grant of Powers to the Town**

**Section 1. Incorporation.**

The inhabitants of the Town of Windham, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation, by the name of the Town of Windham.

**Section 2. Powers and duties.**

The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise, pertaining to or incumbent upon said Town as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, to be recovered for such uses as said by-laws, regulations or ordinances shall provide.

The administration of all the fiscal, prudential and municipal affairs of said Town, with the government thereof, except as otherwise provided by this Charter, shall be and is vested in one body of seven members, which shall constitute and be called the Town Council, all of whom shall be inhabitants of said Town, and shall be sworn in the manner hereinafter prescribed.

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.

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to state laws and to the provisions of the State Constitution.

**Section 3. Intergovernmental relations.**

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil subdivisions or agencies thereof, or with the United States or any agency thereof, in accordance with the terms of the Interlocal Cooperation Act<sup>1</sup> and other statutory provisions.

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1. Editor's Note: See 30-A M.R.S.A. § 2201 et seq.

ARTICLE II  
**Town Council**

**Section 1. Number, election, term.**

The Town Council, hereinafter called the "Council", shall be and constitute the municipal officers of the Town and shall be composed of seven (7) members, each of whom shall be elected by the registered voters of the entire Town.

"Area representatives." At least one member shall be a resident of each of the following areas of the Town at the time of their election and shall maintain residency in their respective areas for the duration of their terms of office:

North Windham shall consist of the area bounded on the south by the centerline of Routes 35 and 115, on the east by the Town of Gray, on the north by the Towns of Raymond and Gray and on the west by the Town of Standish;

East Windham shall consist of the area bounded on the north by the centerline of Route 115 from its intersection with the Little Sebago Lake outlet to the Gray line, on the east by the Towns of Gray, Cumberland, Falmouth and Westbrook, on the west by the centerline of Route 302 from Westbrook to its intersection with the Varney Mill Road, thence by the centerline of the Varney Mill Road to its intersection with the Ditch Brook, thence by the thread of the Ditch Brook to Collins Pond, thence by the middle of Collins Pond to the Little Sebago Lake outlet and Route 115;

West Windham shall consist of the area bounded on the north by the centerline of Route 35, on the west by the Towns of Standish and Gorham, on the south by the centerlines of Gambo and Newhall Roads to the point of their intersection with Route 202 and on the east by the centerline of Route 202 from its intersection with the Newhall Road to its intersection with Route 302 and by the centerline of Route 302 from its intersection with Route 202 to its intersection with the Varney Mill Road, thence by the centerline of the Varney Mill Road to its intersection with the Ditch Brook, thence by the thread of the Ditch Brook to Collins Pond, thence by the middle of Collins Pond to the Little Sebago Lake outlet and Route 115;

South Windham shall consist of the area bounded on the northeast by the centerline of Route 302 from the Westbrook line to its intersection with Route 202, on the northwest by the centerline of Route 202 from its intersection with Newhall Road to its intersection with Route 302, and by the centerlines of Gambo and Newhall Roads to their intersection with the town line of Gorham and on the southeast by the town line of Westbrook to its intersection with Route 302.

"At large representatives." Three members shall be considered "at large" who shall be residents of any section of the Town. Each member shall be elected for a term of three years and until his successor is elected and qualified.

**Section 2. Qualifications, vacancies.**

- A. Councilors shall be qualified voters of the Town and shall reside in the Town during their term of office.
- B. Holding other office: Except where otherwise allowed by law, or pursuant to an agreement under the Interlocal Cooperation Act,<sup>2</sup> no Councilor shall hold other Town office or employment during the term for which they were elected to the Council, and no former Councilor shall hold any compensated

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2. Editor's Note: See 30-A M.R.S.A. § 2201 et seq.

appointive Town office or employment until one year after the expiration of the term for which they were elected to the Council.

- C. Forfeiture of office: A Councilor shall forfeit his/her office if he/she:
- (1) Lacks at any time during his/her term of office any qualification for the office prescribed by the Charter or by law,
  - (2) Violates any express prohibition of this Charter,
  - (3) Is convicted of a felony,
  - (4) Is convicted of any other crime or offense involving moral turpitude, or
  - (5) Fails to attend three consecutive regular meetings of the Council, where votes will be taken, without being excused for due cause by the Council.
- D. Filling of vacancies: In case of a vacancy caused by death, resignation or other cause, the vacancy shall be filled at the next regular municipal election for the unexpired term. The Council shall fill vacancies in its number occurring between regular municipal elections, and the term of office of any member of the Council so chosen shall expire at the next municipal election.

### **Section 3. Enumeration of powers.**

Without limitation of the foregoing, the Council shall have the power to:

- A. Appoint, on the affirmative vote of five members, the Manager for an indefinite term and remove him/her by the same vote. At least 30 days before such removal shall become effective, the Council shall, by the affirmative vote of five members, adopt a preliminary resolution stating the reasons for the Manager's removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing if one is requested, and after full consideration, the Council by the affirmative vote of five members may adopt a final resolution of removal. By the preliminary resolution, the Council may suspend the Manager from duty, but the regular salary of the Manager shall continue to be paid to him/her during the period of suspension. However, in no case shall the Manager receive pay while on suspension or in any form of severance agreement that, in total, exceeds three months' salary.
- B. Appoint and remove on the affirmative vote of five members, the Assessor, the Town Clerk and the Town Attorney. All appointees of the Council shall serve at the will of the Council.
- C. Appoint the members of the Board of Assessment Review, the Planning Board, the Board of Zoning Appeals, and the membership of such advisory committees as the Council shall create, except that by ordinance the Council may make membership of any advisory committee elected.
- D. Create by ordinance, change and abolish offices, departments and agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. The Council may, however, where not prohibited by law, vest in the Town Manager all or part of the duties of any office under this Charter.
- E. The Council may make investigations into the affairs of the Town and the conduct of any Town department, office or agency.

- F. Adopt, reject, or modify and carry out plans proposed by the Planning Board.
- G. Approve an annual budget and recommend same to the Town Meeting, subject to the provisions of this Charter, and may appoint a Budget Committee to assist them in this duty.
- H. Provide for an annual audit.
- I. 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.

#### **Section 4. Compensation.**

- A. Councilors shall receive \$20 for each Council meeting attended, not to exceed in the aggregate of \$500 per year in full for their services and shall be paid quarterly. Such compensation may be changed by ordinance, but no such ordinance increasing the salary of members of the Town Council shall take effect during the then current municipal year.
- B. The Town Council by order shall fix the salaries of officials appointed by the Town Council, including the salary of the Town Manager.
- C. Salaries of the appointees of the Town Manager shall be fixed by the Town Manager subject to the approval of the Council.
- D. The Council may provide by order for the reimbursement of necessary and actual expenses of Town officers and officials in the exercise of their official duties.

#### **Section 5. Induction of Council into office.**

Councilors-elect shall be sworn to the faithful discharge of their duties by a Justice of the Peace, or by the Town Clerk, at the next regular or special Town Council meeting immediately following the regular Town elections, and a record made thereof.

#### **Section 6. Council to judge qualifications of its members.**

The Council shall be the judge of the election and qualifications of its members, but the decision of the Council in any such case shall be subject to review of the courts.

#### **Section 7. Regular meetings.**

The Council shall meet regularly at least once a month. It shall also provide a method for calling special meetings. During each meeting there shall be opportunity for public discussion by the Council upon each item on the agenda. There shall be an opportunity for the public to speak on each item before a vote is taken by the Council.

#### **Section 8. Rules of procedure; journal.**

The Council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection.

#### **Section 9. The presiding officer.**

At the first meeting after the regular municipal election, the Council shall elect from among its members,

officers of the Town who shall have the titles of Chair and Vice-Chair each of whom shall serve at the pleasure of the Council. The Chair shall preside at meetings of the Council, and shall be recognized as head of the Town government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no administrative duties. The Vice-Chair shall act as Chair in the absence of the Chair. The Chair and the Vice-Chair shall be entitled to vote on all questions.

### **Section 10. Quorum.**

A majority of the Council shall constitute a quorum for the transaction of business. At least four votes shall be registered in favor of passage of an ordinance, order or resolution. A smaller number may adjourn from time to time. At least 24 hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

### **Section 11. Ordinances in general.**

- A. Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "The Town of Windham hereby ordains...".
- B. Procedure: A proposed ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Secretary to the Council shall distribute a copy to each Council member and to the Town Manager; shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate. A notice setting out the time and place for a public hearing shall be given at least seven days in advance by publication in a newspaper, as defined by relevant Maine statute (1 M.R.S.A. § 601 or its successor, as amended), having a general circulation in said Town before any ordinance shall be passed, but nothing herein shall be deemed to require publication of the ordinance itself. The public hearing may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it; but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure hereinbefore required in the case of a newly introduced ordinance.
- C. Effective date: Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.
- D. Emergency ordinances: To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least the majority plus one member shall be required for adoption. After its adoption the ordinance shall be posted in three public places. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

### **Section 12. Town Clerk.**

- A. The Town Clerk shall perform those duties established by law and shall act as Secretary of Council,

and shall keep a public record of all proceedings of the Council, including all roll call votes. The Town Clerk shall be a resident of the Town, unless the Council waives this requirement.

- B. Statutory fees collected by the Town Clerk shall be turned over to the Town.
- C. The Council shall set the salary of the Town Clerk.

**Section 13. Independent annual audit.**

Prior to the end of each fiscal year, the Council shall designate the State Department of Audit or private certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transaction of the Town Government and shall submit their report to the Council and the Town Manager. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town Government.

ARTICLE III  
**Town Manager**

**Section 1. Town Manager, qualifications.**

The Town Manager shall be chosen by the Council solely on the basis of his/her character and his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as hereinafter set forth. At the time of his/her appointment, the Town Manager need not be a resident of the Town or state.

**Section 2. Powers and duties of Town Manager.**

The Town Manager shall be the Chief Administrative Officer of the Town. The Town Manager shall be responsible to the Council for the administration of all Town affairs placed in the Town Manager's charge by or under this Charter or by direction of the Council. The Town Manager shall have the following powers and duties:

- A. The Town Manager shall be Tax Collector, Town Treasurer, Overseer of the Poor, and shall have and exercise all powers and perform all the duties conferred or imposed by law upon said respective officers. No Councilor shall receive appointment to the office of Town Manager during the term for which they shall have been elected, nor within one year after the expiration of their term, nor shall any member of the Council act in that capacity. The Town Manager shall give bond for the faithful discharge of his/her duties to the Town of Windham in such sum as the Council shall determine and direct, and with surety or sureties to be approved by the Council. The premium on the Town Manager's bond shall be paid by the Town.
- (1) The Town Manager shall appoint and remove statutory officers and department heads, including but not limited to Chief of the Police Department, Fire-Rescue Chief and Director of Public Works subject to confirmation by the Council; and all other administrative officers and Town employees, except as the Town Manager may authorize the head of a department or office to appoint or remove subordinates in such department or office and except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.
  - (2) The Town Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.
  - (3) The Town Manager or his/her designee shall attend Council meetings, except when the Town Manager's removal is being considered, and shall have the right to take part in discussions but may not vote.
  - (4) The Town Manager shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the Town Manager or by officers subject to the Town Manager's direction and supervision, are faithfully executed.
  - (5) The Town Manager shall prepare and submit the annual budget and capital program to the Council and be responsible for its administration after adoption.
  - (6) The Town Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year, and cause such annual Town report to be published and made available to the public as promptly as possible after the close of the fiscal year.

- (7) The Town Manager shall prepare and submit to the Council such reports and shall perform such duties as the Council may require, shall keep the Council advised of the financial condition and future needs of the Town, and shall make such recommendations to the Council concerning the affairs of the Town as the Town Manager deems desirable.
- (8) The Town Manager shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- (9) The Town Manager shall act as purchasing agent for all departments of the Town and provide for cooperative purchasing arrangements where feasible, and shall submit to competitive bids any transaction in excess of the amount set by order of the Council.
- (10) The Town Manager shall prepare an Administrative Code, submit it to the Council and be responsible for its administration after adoption by the Council.
- (11) Council not to interfere in appointments or removals. Neither the Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the Manager or by any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.
- (12) Vacancy in office of Town Manager. During any vacancy in the office of Town Manager, and during the absence or disability of the Town Manager, the Council shall designate a properly qualified person, not a member of the Council, to perform the duties of Manager and fix his/her compensation. While so acting, he/she shall have the same powers and duties as those given to and imposed on the Town Manager. Before entering the Town Manager's duties, he/she shall give bond to the Town of Windham in a sum and with surety or sureties to be approved by the Council. The premium on said bond shall be paid by the Town.

ARTICLE IV  
**Department of Education**

[Superseded by consolidation of the Windham and Raymond school departments pursuant to 20-A M.R.S.A. Chapter 103-A, effective July 1, 2009.]

ARTICLE V  
**Budget**

**Section 1. Fiscal year.**

- A. The fiscal year of the Town Government shall begin the first day of July and shall end on the 30th day of June, or such other fiscal year as the Council may decide. Such fiscal year shall constitute the budget and accounting year as used in the Charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.
- B. The credit of the Town shall in no manner be loaned to any individual, association or corporation, except as provided by law.

**Section 2. Preparation and submission of the budget.**

The Town Manager, ~~not less than 90 days prior to the beginning of the new fiscal year~~ no later than March 1 of each year, shall submit to the Council a budget and an explanatory budget message. The budget authority of the Council shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the Town.

This budget shall contain:

- A. ~~Exact~~ A statement of the financial condition of the Town consistent with the most recent annual audit conducted by the Town's auditor.
- B. An itemized statement of appropriations recommended for current expenses, with comparative statements in parallel columns of estimated expenditures for the current fiscal year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be noted.
- C. Proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure.
- D. An itemized statement of estimated revenue from all sources, other than taxation, and a statement of taxes required, comparative figures from current and next preceding year.
- E. Such other information as may be required by the Council.

**Section 3. Capital program.**

- A. Submission to Council. The Manager, ~~with the assistance of the Planning Board~~, shall prepare and submit to the Council a five-year capital program ~~at least three months prior to the final date for submission of the budget~~ no later than March 1 of each year.
- B. Contents. The capital program shall include:
  - (1) A clear general summary of its contents;
  - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - (3) Cost estimates, method of financing and recommended time schedules for each improvement; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or

acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **Section 4. Review of budget by Council.**

The proposed budget prepared by the Manager shall be reviewed by the Council which shall acknowledge receipt of the budget with or without amendments. The complete Town budget as received or as amended by the Council shall be printed and distributed and the Council shall fix the time and place for holding a public hearing on the budget, and shall give a public notice of such hearing as provided in this Charter. The Council, after holding the public hearing, shall then review the budget and recommend it with or without change to the annual Town Meeting, ~~no later than 30 days prior to the beginning of the new fiscal year.~~

In the event the Council shall fail to approve the budget at least ~~30-60~~ days prior to the beginning of the new fiscal year, the budget as presented by the Manager shall become the budget recommended to the Annual Town Meeting.

#### **Section 5. Budget establishes appropriation.**

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and the purposes therein named, unless modified by a subsequent vote of a special town meeting held prior to the date that taxes are committed.

#### **Section 6. Budget establishes amount to be raised by property tax; certification of Town Assessor.**

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding fiscal year, unless modified by a subsequent vote of a special town meeting held prior to the date that taxes are committed. A copy of the budget as finally adopted shall be certified and filed by the Manager with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding fiscal year.

#### **Section 7. Expenditures ~~and departmental revenue.~~**

The budget for all departments shall include all proposed expenditures, inclusive of current expenses and capital expenditures; and the Council shall make a gross appropriation for each department for the ensuing fiscal year. Town Meeting shall be asked to approve the gross expenditure of each department in separate budget articles or approve the entire budget through a single budget article, in the discretion of the Town Council, pursuant to the provisions of Article VIII. Regardless of how approved, tThe gross appropriation for each department shall not be exceeded except by consent by a majority of the Council.

#### **Section 8. Transfers of appropriations.**

At the request of the Manager and within the last three months of the budget year, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures between any offices, departments, or agencies. Following the close of the fiscal year, the Council may also continue unexpended balances in capital accounts.

#### **Section 9. Interim expenditures.**

In the period between the beginning of the fiscal year and the appropriation of funds, the Council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year when

made in amounts sufficient to cover the necessary expenses of the various departments.

**Section 10. Work program; allotments.**

Before the beginning of the budget year, the head of each office, department or agency shall submit to the Town Manager, when required, a work program of the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

**Section 11. Amendments after adoption.**

- A. Supplemental appropriations: If during the fiscal year, the Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess, subject to the limit set forth in Article VIII, Section 2 of this Charter.
- B. Emergency appropriations: To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated funds to meet such appropriations, the Council may by emergency ordinance authorize the issuance of temporary notes, which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- C. Reduction of appropriations: If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

**Section 12. Lapse of appropriations.**

Every general fund appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

ARTICLE VI  
**Tax Administration**

**Section 1. Assessor.**

There shall be established a Division of Assessment, the head of which shall be the Town Assessor. The Assessor, appointed as hereinbefore provided, shall perform all duties and responsibilities provided for assessors, and as the Assessor may now or hereafter be subject to, under the laws of the State of Maine.

**Section 2. Board of Assessment Review; appointment; vacancies.**

There shall be a Board of Assessment Review to consist of five members, who shall be appointed by the Council for a term of three years. Members may be removed for cause after hearing by the Council. Vacancies in the membership of such Board shall be filled by appointment of the Council for the unexpired term.

**Section 3. Board of Assessment Review; powers and duties.**

The Board of Assessment Review shall have the power to:

- A. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Town Assessor;
- B. Administer oaths;
- C. Take testimony;
- D. Hold hearings;
- E. Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.

ARTICLE VII  
**Nominations and Elections**

**Section 1. Municipal elections.**

The regular election for the choice of members of the Council shall be held on the first Tuesday following the first Monday of November. All such elections shall be conducted on a nonpartisan basis and without party designations on the election ballot.

**Section 2. Nomination.**

Any qualified voter of the Town may be nominated for the Council by the use of nomination papers in accordance with the Statutes of the State of Maine.

**Section 3. Conduct of municipal elections.**

The provisions of the Statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

**Section 4. Voting places.**

The voting places for municipal elections shall be those which have been or may hereafter be established for state elections.

**Section 5. Election officials.**

The Town Council shall, not less than 10 days before any election, approve the appointment of an Election Warden and Deputy Warden made by the Town Clerk as required by relevant Maine statute (21-A M.R.S.A. Chapter 7 or its successor) and, not later than May 1 of any general election year, appoint regular ballot clerks for each voting place.

ARTICLE VIII  
The Town Meeting

**Section 1. Annual and Special Town Meeting.**

An Annual Town Meeting for the consideration of the annual budget and the transaction of other Town business which voters are authorized to vote upon shall be held on the ~~first Saturday following the second Tuesday~~second Tuesday in June, ~~in a manner concurrent with the regular municipal election.~~ The review and approval of the budget by the Annual Town Meeting shall be in accordance with Section 5 of this Article. Special Town Meetings may also be called by the Council.

~~Special Town Meetings may be called by the Council.~~

**Section 2. When action by Town Meeting required.**

The annual budget, as provided in Article V and in accordance with Section 5 of this Article; any appropriation of ~~\$25,000~~500,000 or more in addition to or supplementary to the annual budget appropriation; the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued; shall become effective only after adoption ~~it has been adopted~~ at a Town Meeting by ~~the vote of a majority vote of those present~~a majority vote of those present and voting. ~~those present and entitled to vote at such meeting.~~ The Town Meeting shall not increase the amount of any appropriation recommended by the Council and shall not increase the amount of any bond issue above the amount recommended by the Council.

**Section 3. Application.**

The provisions of this ~~article~~Article shall not apply to any appointments of officers, or members of commissions or of boards made by said Town Council, or to the appointment or designation of officers of the Town Council or to rules governing the procedure of the Town Council.

**Section 4. Method of discontinuing the Town Meeting.**

At any time, not less than 10% of the registered voters of the Town may petition over their personal signatures for a referendum vote on the ballot at a general or special Town election on the proposition of discontinuing the Town Meeting. The proper election officials of the Town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose. If at such general election or special election a majority of the electors of the Town voting on the question shall vote for the discontinuing of the Town Meeting of the Town of Windham, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Town Council.

**Section 5. Review and approval of the annual budget.**

The Annual Town Meeting shall vote on the annual budget by secret ballot. The ballot shall include either: (i) several budget articles, each setting forth a proposed gross appropriation for a specific department or operating fund of the Town, or (ii) a single budget article seeking approval for the entire proposed budget for the upcoming fiscal year. The ballot shall further indicate that approval of a proposed budget article shall authorize the raising and appropriating of the proposed amount, but that defeat of a proposed budget article shall authorize the raising and appropriating of the amount so approved for that department, operating fund, or entire annual budget, for the previous fiscal year, which amount shall also be shown. Each budget article must receive a majority of votes cast to be approved. Consistent with this Section, the form of the ballot may change from year to year in the sole and

Section 1

exclusive discretion of the Town Council.

Should any budget article be defeated at the Annual Town Meeting, the Town Council may call a special town meeting to propose an alternative amount to raise and appropriate. Any special town meeting called for such purpose shall be conducted as an open town meeting, which must occur prior to the date on which taxes are committed by the Town.

Any request for the issuance of bonds or notes, as required by Section 2 of this Article, may be included on the secret ballot voted upon by the Annual Town Meeting. Alternatively, such requests may be submitted to a special town meeting, which shall be conducted as an open town meeting.

ARTICLE IX  
Initiative and Referendum

**Section 1. Petition for overrule of action of Council.**

All ordinances, resolutions or votes, except those making appointments or removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a referendum, by direct vote of the whole people by secret ballot, as follows:

If, within 20 days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than 10% of the registered voters of the Town of Windham is filed with the Town Clerk requesting its reference to a referendum, by direct vote of the whole people by secret ballot, the Council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the Town Clerk and shall, within 30 days after said public hearing, call a special Town Meeting for the purpose of submitting to a referendum vote, by direct vote of the whole people by secret ballot, the question of adopting such ordinance, resolution or vote. Pending action by the Town Meeting, the referred ordinance, resolution or vote shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

**Section 2. Petition for enactment of ordinances.**

Not less than 10% of the registered voters of the Town may at any time petition for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the Town Clerk. The Council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the Town Clerk, and shall within 30 days after said public hearing call a special Town election for the purpose of submitting to a referendum vote, by direct vote of the whole people by secret ballot, the question of adopting such ordinance, unless prior to the call for said Town election, such ordinance shall be enacted by the Council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the Town Attorney before being submitted to referendum. The Town Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but he/she shall not materially change its meaning and effect.

**Section 3. Form of ballot.**

The form of ballot for the proposed ordinance, or repeal of such ordinance, resolution or vote shall be substantially as follows:

"Shall the proposed ordinance (resolution, vote or Charter amendment), a copy of which is printed herein or attached hereto, be adopted?"

For the Ordinance	Against the Ordinance
( )	( )

The voter shall write a cross or check mark in the appropriate box.

ARTICLE X  
**General Provisions**

**Section 1. Oath of office.**

Every officer of the Town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Windham and statutes of the State of Maine, and will faithfully discharge the duties of the office of. "

**Section 2. Short title.**

This Charter shall be known and may be cited as the "Council-Manager Charter of the Town of Windham". The Town Clerk shall cause it to be printed and made available to the public promptly.

**Section 3. Separability clause.**

If any portion of this Charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.