



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 25-138

Agenda Date: 9/23/2025

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

Agenda Number:

I. Council Action Requested.

To adopt the provisions of 5 M.R.S. § 18252-C (PL 2021, Chapter 286) as allowed by MainePERS Rule Chapter 803.

The Town agrees:

1. To adopt the provisions of 5 M.R.S. §18252-C as enacted by PL 2021, Chapter 286 as allowed by Maine PERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS (“eligible employees”) and to comply with the following requirements:
 - a. Beginning in 2025, to annually offer eligible employees who have been employed for less than 5 years the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision; and
 - b. To calculate employee contributions against gross compensation as with other participating employees and then withhold and report employee contributions for employees who join under this provision on an after-tax basis and remit them to MainePERS (i.e., employee contributions for those who join under this provision are subject to both federal and state income tax).
2. To authorize the Town Manager to sign the Amended Agreement between the Town of Windham and the Maine Employees Retirement System.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Participation in a Maine State Retirement System plan requires approval by the governing body, and
- b. Article III, Section 3(I) of the Charter authorizes the Council to “exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein and also exercise all the powers now or hereafter given by statute to municipal officers of towns.”

III. Issue Summary.