

ADOPTED APRIL 25, 2003

**Town Meeting-Board of Selectmen Charter  
Town of Waterboro**

**County of York, State of Maine**

**November 2002**

**Submitted to the Board of Selectmen and the citizens  
of the Town of Waterboro, County of York, State of Maine**

November 2002

**From the Waterboro Charter Commission**

We, the members of the Charter Commission, authorize the registered voters of the Town of Waterboro to act upon this Charter document by written ballot vote to be held Friday April 25, 2003. Our final report consists of:

1. Comments of the Commission as noted below.
2. Written legal opinion of Kenneth M. Cole III, Town Attorney, certifying the proposed document does not violate nor contain any provision(s) prohibited by the United States Constitution, the Constitution of Maine, or general laws.
3. Full text of the proposed Charter.

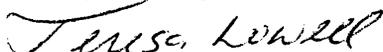
The following proposed Charter is the result of two (2) years of research and development. This document compiles the input of citizens, existing boards and committees, Selectmen past and present, department heads and employees, the review of prior proposed Charters of the Town of Waterboro, active Charters of other small Maine municipalities as well as the opinions and observations of the Commission members. Membership represented a well-balanced diverse mix of Waterboro citizens and through compromise has agreed to unanimously support this Charter.

The prevailing sentiment of the Commission was to codify our existing form of government, however a few changes have been introduced in response to the Town's rapid growth. The most significant change pertains to elected v. appointed, we unanimously agreed the positions of Tax Collector, Town Clerk and Treasurer shall be appointed. This task will be facilitated with the assistance of a hiring panel, as prescribed in Article 6. The position of Selectmen's Assistant shall be known as Town Administrator and will be given more authority. After much discussion, the consensus of the Commission was to retain the current three- (3) member Board of Selectmen. This Board will be given legislative authority, the ability to make and alter ordinances.

This Charter will be a guidebook for municipal procedure to benefit the municipality and its citizens, yielding clarity with consistent policy and structure. Since the Charter includes provision for amendment/revision, the Commission is optimistic the decision of the voters will ratify the document.

The Commission wishes to express our deepest gratitude to our Chair, Debra Wentworth, and all that contributed to this Charter.

Respectfully submitted,

  
Teresa Lowell

**Charter Members:**

Debra Wentworth, Chair  
Douglas Foglio, Sr., Vice-Chair  
Teresa Lowell, Secretary  
Robert Fay

Paul Kussmann  
Donald Mondor  
Richard Pinette  
Shawn Shoemaker  
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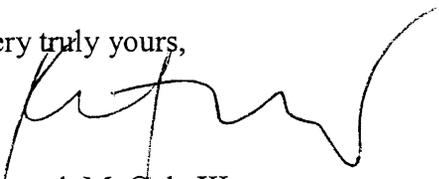
Board of Selectmen  
Town of Waterboro  
24 Townhouse Road  
East Waterboro, ME 04030

Gentlemen:

Please accept this letter pursuant to Title 30-A M.R.S.A. § 2103(5)(D)(4) as my formal written opinion as an attorney admitted to the Bar of the State of Maine that having reviewed the proposed new Charter for the Town of Waterboro, I find it does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the General Laws of Maine. More importantly, following my review of the Charter, I believe that the Charter Commission has done an excellent job of creating a unique document that will serve as a formal set of by-laws for the Town. In its two years of work, the Commission has produced an excellent Charter which should serve the Town of Waterboro well.

I look forward to working with the Selectmen in submitting this to the voters of the Town. If there is anything further that you need from me in this regard, please contact me at your convenience.

Very truly yours,

  
Kenneth M. Cole III

KMC/ab

# Town Meeting-Board of Selectmen Charter Town of Waterboro

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## **Town Meeting-Board of Selectmen Charter of the Town of Waterboro**

### **ARTICLE 1 – GRANT OF POWERS TO THE TOWN**

#### **Section 101 – Corporate Existence Retained**

The inhabitants of the Town of Waterboro shall continue to be a municipal corporation under the name of the Town of Waterboro and as such 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 the inhabitants or municipal officers thereof; it may enact bylaws, regulations, and ordinances not inconsistent with the constitution and laws of the State of Maine and impose penalties for the breach thereof as provided by the laws of the State of Maine.

#### **Section 102 – Construction**

The powers of the town under this Charter shall be construed liberally in favor of the town, and specific mention or particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

### **ARTICLE 2 – TOWN MEETING**

#### **Section 201 – Authority and Membership**

The legislative authority of the Town shall be vested in the Selectmen, but Town Meeting shall be retained as provided by this Article. All registered voters of the Town shall be members of the Town Meeting and shall be eligible to vote on matters that come before it. A quorum to convene a Town meeting shall be a minimum of 25 for the election of the Moderator. The quorum shall stand for the remainder of the business Meeting.

#### **Section 202 – Annual Town Meeting**

The Annual Town Meeting shall be held between March 1 and June 30 each year. The specific date, time and place shall be decided by the Board of Selectmen and shall be announced in accordance with Section 204 of this Article.

#### **Section 203 – Call of Special Town Meeting**

Special Town Meetings shall be called by the Selectmen or by a petition containing signatures of registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Waterboro in the last gubernatorial election.

#### **Section 204 – Notification, Posting and Public Hearings**

1. The complete warrant shall be posted in at least three conspicuous places seven days before Town Meeting.
2. Copies of the Town Report and warrant for the Town Meeting shall be made available at the Town Hall at least seven days before Town Meeting.

## Town of Waterboro Charter

3. All public hearings and notifications thereof shall be held in accordance with State law.

### **Section 205 – Moderator**

The election and duties of the Moderator shall be done in accordance with the Maine Moderator's Manual published by the Maine Municipal Association as it may be amended.

### **Section 206 – Clerk of Town Meeting**

The Town Clerk shall be the Warden of the Town Meeting. (S)He shall oversee the balloting and preserve as public records all proceedings of the Town Meeting votes. If the Clerk of the Town is absent, the Board of Selectmen shall elect a temporary warden.

### **Section 207 – Warrant Articles**

The warrant shall contain in the form of Articles, those items enumerated in Section 210. Articles may be placed in the Warrant of the Town Meeting by majority vote of the Board of Selectmen, or by petition of registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Waterboro in the last gubernatorial election. Articles concerning appropriations shall contain the Statement of Fact in addition to other information contained in two columns: one showing the appropriation for the current fiscal year, and one showing the proposed budget appropriation for the ensuing fiscal year. Each article concerning appropriation shall contain the recommendation of the Finance Committee and the recommendation of the Board of Selectmen. Except for initiated referenda, the municipal officers will determine the wording and order of the articles. The Warrant must be signed by a majority of the selectmen.

### **Section 208 – Closing of the Warrant for Annual Town Meeting**

The Warrant for the Annual Town Meeting shall be closed to the insertion of money Articles ninety (90) days prior to the Annual Town Meeting and non-money Articles sixty (60) days prior to the Annual Town Meeting. (Any articles received after these deadlines will need a unanimous vote of the Selectmen in order to be considered for placement on the warrant.) No articles shall be allowed less than thirty (30) days prior to the Annual Town Meeting.

The Warrant for Special Town Meetings will be closed in accordance with state law.

### **Section 209 – Absentee Ballots**

Absentee ballots may be cast for all Annual and Special Town Meetings for the election of Town Officers and articles to be voted on by written ballot. The general laws of the State of Maine shall determine the manner for obtaining and casting absentee ballots.

### **Section 210 – Legislative Authority of Town Meeting**

1. The Town Meeting shall by written ballot act on the following:
  - a. Election of the following Town Officials: Selectmen; Road Commissioner; School Board Representatives, Water District Trustees.
  - b. Ordinances proposed under the initiative and/or referendum power
  - c. Any other business deemed advisable by the Board of Selectmen

## Town of Waterboro Charter

2. The Town Meeting shall act on the following Warrant Articles:

- a. The various appropriation and expenditure Articles that comprise the Annual Budget
- b. Any other business deemed advisable by the Board of Selectmen
- c. Warrant articles submitted by initiative petition

### Section 211 – Procedure and Conduct of Town Meeting

Except as limited by the Constitution and Laws of the State of Maine and provisions of this Charter, rules governing the procedure and conduct of the Town Meeting shall be in accordance with the Maine Moderator's Manual published by the Maine Municipal Association as it may be amended.

## ARTICLE 3 – BOARD OF SELECTMEN

### Section 301 – Number, Eligibility, Election and Terms

(a) *Number.* There shall be a board of selectmen composed of three (3) members who shall be elected by the registered voters of the town-at-large.

(b) *Eligibility.* Only registered voters who maintain a permanent, principal residence in the town [at all times during their term] shall be eligible to hold office as selectman.

(c) *Election and terms.* Selectman shall be elected for a term of three (3) years on a staggered basis in accordance with the Town's operating fiscal year, and shall serve until his/her successor is elected and qualified. The regular election of selectman shall be held at the annual town meeting each year.

### Section 302 – Compensation

The compensation of the selectmen shall be set within the Budget adopted at each annual town meeting.

### Section 303 – Chairman

The chairman of the Board of Selectmen shall be elected by a majority vote of the Board at the first regular meeting [of the Board of Selectmen] held in the new fiscal year.

The chairman shall preside at the meetings of the selectmen, and shall be recognized as head of the town government for all ceremonial purposes and by the governor for purposes of military law, but (s)he shall have no extra administrative duties. In the temporary absence or disability of the chairman, the board of selectmen may elect a chairman pro tempore from among its members, and (s)he shall exercise all the powers of the chairman during such temporary absence or disability of the chairman.

The chairman, or a designee of the chairman, or a majority vote of the selectmen shall set the agenda for selectmen's meetings.

## Town of Waterboro Charter

### Section 304 – Powers and Duties

Except as otherwise provided by law or this Charter, all powers of the town shall be vested in the board of selectmen, which shall be the general legislative body of the town. The board of selectmen shall constitute the municipal officers of the Town of Waterboro. Their powers shall be those vested in towns at their town meeting. The decisions and actions of the board shall not be contrary to any vote of the Waterboro Annual Town Meeting, and the powers and duties of the selectmen shall be consistent with the “will of the people” and any regulations and ordinances voted upon at said Town Meeting or by referendum. Selectmen shall perform all duties required of municipal officers under the laws of this State and the provisions of this Charter.

### Section 305 – Enumeration of Powers

Without limitation of the foregoing, the board of selectmen shall:

1. Act as Selectman, Assessor and Overseer of the Poor
2. Make, alter and interpret ordinances as provided in this Charter
3. Designate warrant items
4. Award bids
5. Approve bills and sign payroll
6. Adopt a municipal personnel policy
7. Be the final authority regarding the appointment and removal of employees (and volunteers), subject to the provisions of said personnel policy
8. Enforce municipal regulations and ordinances.
9. Prepare mission statements for boards and committees that prioritize the goals and objectives for said boards and committees.
10. Appoint, remove and supervise the Town Administrator.

### Section 306 – Prohibitions

Except where authorized by law no selectman shall hold any other Town office during the term for which (s)he was elected to the Board of Selectmen.

### Section 307 – Vacancies, Forfeiture of Office, Filling of Vacancies

#### 307.1 – Vacancies.

The office of selectman shall become vacant upon his/her resignation, death, removal from office in any manner authorized by law, or forfeiture of his/her office.

#### 307.2 – Forfeiture of Office

A selectman shall forfeit his/her office if (s)he:

1. Lacks at any time during the term of office any qualification(s) of the office prescribed by this Charter or by law.
2. Is convicted of a felony.

## Town of Waterboro Charter

### **307.3 – Filling of Vacancies**

If a seat on the Board of Selectmen becomes vacant more than six (6) months prior to the next regular election, the Board shall call a special election to fill the unexpired term within ninety (90) days from the date that the vacancy occurred. If a seat on the Board becomes vacant less than six (6) months prior to the next regular election, the Board may call a special election. If called, the special election must be held ninety (90) days from the next scheduled selectmen's meeting following the date that the vacancy occurred.

### **Section 308 – Induction of Selectmen into Office**

At the first regular meeting of the Board of Selectmen for the new fiscal year, the Selectman-elect shall be sworn to the faithful discharge of his/her duties by the Town Clerk or by a Justice of the Peace. The term shall begin July 1. If the Selectman-elect has been elected to fill a vacant seat on the Board, then at the first regular meeting of the Board of Selectmen after the election he/she shall be sworn to the faithful discharge of his/her duties by the Town Clerk or by a Justice of the Peace. The Selectman-elect shall take office immediately and serve the remainder of the term.

### **Section 309 – Regular Meetings**

The Board of Selectmen shall meet regularly, except holidays, at such times and places as the Board may prescribe by rule, and at least twice a month. All regular meetings shall be open to the public in accordance with the laws of the State of Maine.

Special meetings may be held on the call of the chairman or a majority of the members, and whenever practicable, upon no less than seven (7) days public notice.

Emergency meetings may be called by the chairman, or a majority of the members, as needed and without regard to the aforementioned 7-day notice requirement.

### **Section 310 – Quorum**

A majority of the Board of Selectmen shall constitute a quorum for the transaction of business. No action of the Board of Selectmen, including but not limited to appointments to and removals from town offices or warrants shall be valid or binding unless adopted by the affirmative vote of the majority of the Board.

### **Section 311 – Rules and Procedures**

The Board of Selectmen shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The selectmen shall direct the secretary to give notice of special Board meetings to its members and to the public in accordance with state statutes, and shall keep a record of the proceedings of each regular and/or special meeting and such records shall be public record within five (5) working days.

### **Section 312 – Ordinances**

The Board shall act by ordinance, order or resolve. In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, acts of the Board which shall be by ordinance are:

## **Town of Waterboro Charter**

1. Those which adopt or amend an administrative code or establish, alter, or abolish any town department, office or agency.
2. Those which provide for a fine or establish a rule or regulations by which a fine is imposed except for those ordinances adopted by Town Meeting.
3. Those which amend or repeal any ordinance previously adopted, except as otherwise provided in Article 8 of this Charter with respect to repeal of ordinances reconsidered under the referendum power, which such ordinances if reconsidered, may not be reenacted in the same or substantially the same form for a year thereafter.

Before any ordinance shall be passed at least one public hearing shall be held by the Board, notice of which shall be given at least seven (7) days in advance by publication in a newspaper having a general circulation in town and by posting a notice in a public place. The "yeas" and "nays" shall be taken on the passage of all ordinances and entered on the record of the proceedings of the Board. Every ordinance shall require on passage the affirmative vote of a majority of the members of the Board. Such ordinance shall be effective thirty (30) days after such passage unless otherwise stated by state law or within the ordinance, subject to the provisions of Article 8 of this Charter.

### **Section 313 – Emergency Ordinances**

The Board may, by majority vote of all of its members, pass emergency ordinances, to take effect at the time indicated therein, to meet public emergencies affecting life, health, property or the public peace. Such emergency ordinances shall contain a section in which the emergency is set forth and defined. The declaration of such emergency by the Board shall be conclusive in as much as a majority of the members of the Board support such emergency ordinance. Within five (5) days after passage, such ordinance shall be posted at the Town Hall and such other places as the Board may designate, and a statement of the general subject matter shall be published in a newspaper or newspapers having general circulation in the Town. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the 91<sup>st</sup> day following the date on which it was adopted.

### **Section 314 – Independent Annual Audit**

Prior to the end of each fiscal year, the Board shall designate the State Department of Audit or certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit their report to the Board. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Treasurer (Department of Finance) and any separate or subordinate accounts kept by any other office, department, or agency of the Town government.

## **ARTICLE 4 – TOWN ADMINISTRATOR (ADMINISTRATIVE ASSISTANT TO THE SELECTMEN)**

### **Section 401 – Term and Appointment**

The office of Town Administrator is hereby created. This office is responsible for assisting the Board of Selectmen in managing Town affairs in accordance with Municipal Ordinances and the laws of the State of Maine and of the United States.

## Town of Waterboro Charter

The Town Administrator shall be appointed by a majority vote of the members of the Board of Selectmen. Such appointment shall be for a term of no longer than three (3) years and unless un-renewed shall be effective until the retirement, resignation, or removal of the administrator. The Hiring Panel will assist the Board of Selectmen in the interview and hiring process for the Town Administrator as outlined in Article 6 of this Charter. The Administrator shall be subject to an annual review and evaluation by the Board of Selectmen in accordance with the Town's personnel policy.

### Section 402 – Qualifications, Powers and Duties

The Town Administrator shall be selected on the basis of her/his executive and administrative qualifications, technical knowledge of municipal administration, and integrity of character. The Administrator shall be the assistant to the Board of Selectmen and shall execute the policies and procedures put forth by the Board of Selectmen and the Town Meeting. The Administrator shall act in such capacity as the Board of Selectmen may direct in municipal, state, federal and other policy issues affecting the Town. It is the role of the Town Administrator to exercise administrative control over all departments currently in existence, created herein, or that may be created hereafter either by general law or ordinance.

The Administrator's powers and duties where not otherwise herein provided, shall be as follows:

1. Responsible for the annual consolidation of a proposed budget in conjunction with the Board of Selectmen and the Finance Committee and the administration of the budget once adopted.
2. Carry out the directives of the Board of Selectmen and prepare reports and written recommendations as part of these activities.
3. Attend meetings of the Board of Selectmen and prepare and provide supporting documents and information pertinent to agenda items where appropriate.
4. Serve as the liaison between the Board of Selectmen and the personnel. Act as Personnel Director for the Town; assist the Board of Selectmen and the Hiring Panel with the hiring process if needed; evaluate and direct the Town's staff.
5. Implement all Board of Selectmen's policy decisions and provide all staff in all departments with clear and efficient operating procedures necessary to carry out Board policy mandates.
6. Serve as the purchasing agent for the Town.
7. Attend meetings and conventions on behalf of the Town where appropriate.
8. Serve as liaison between the Board of Selectmen and various public and private agencies and businesses and citizens of the Town.
9. Coordinate reporting by committees to the Board of Selectmen thus ensuring that the Selectmen are at all times apprised of committee activities.
10. Perform such other duties as may be directed by the Board of Selectmen or this Charter.

### Section 403 – Compensation

The Town Administrator shall devote full time to said office. Her/his compensation shall be recommended by the Board of Selectmen and ratified by Town Meeting; in addition, (s)he shall receive the actual and necessary funding for expenses incurred in the performance of duties. (S)he shall maintain an office at the Town Hall and shall be provided with such clerical assistants as the Selectmen may decide. Benefits, holidays, personal time shall be determined by the Board of Selectmen and/or the personnel policy.

## Town of Waterboro Charter

### Section 404 – Removal from Office

The Town Administrator may be removed from office for cause only upon written notice and following a hearing before the Selectmen. At least thirty (30) days before the proposed removal of the Town Administrator, the Selectmen shall adopt a resolution stating the Board's intention to remove the Administrator and the reasons therefore. A copy of such resolution shall be served immediately upon the Town Administrator who may within ten (10) days request a public hearing. The Town Administrator shall not be removed until such public hearing has been held. Upon passage of such resolution, the Selectmen may suspend the Town Administrator from duty, but normal pay shall continue until final removal. In the case of such suspension, the Selectmen may appoint an acting Town Administrator. The action of the Selectmen in removing the Town Administrator shall be final and shall be by majority vote of the members of the Board of Selectmen.

## ARTICLE 5 – ADMINISTRATIVE OFFICERS AND APPOINTED BOARDS

### Section 501 – Administrative Officers

In addition to the employee appointment provisions enumerated in Article 3 of this document, the Board of Selectmen shall also make the following appointments which may be held by one or more persons at the discretion of the Selectmen. The Hiring Panel (see Article 6) shall assist the Board of Selectmen in the interview and hiring process for these appointments:

Appointment of Tax Collector: The Board of Selectmen shall appoint an official of the Town who shall have the title of Tax Collector. The Town Tax Collector shall act in accordance with State statute for municipal tax collectors and shall collect taxes due from the Town of Waterboro and perform other duties as assigned or deemed necessary. The office of Tax Collector shall become vacant upon resignation, death, disability, or removal from office. A vacancy in the office of Tax Collector shall be filled within thirty (30) calendar days by appointment of the Board of Selectmen. The function of the Tax Collector shall be performed by the Deputy Tax Collector or the Town Administrator during a vacancy of the office of Tax Collector.

Removal of Tax Collector: The Board may remove the Tax Collector for cause by an affirmative vote of a majority of the Board. A pre-termination hearing shall be conducted with the Tax Collector by the Town Administrator. At least thirty (30) calendar days before such removal shall become effective, the Board shall adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Tax Collector may reply in writing or may request a public hearing within ten (10) business days. If such public hearing is requested, it shall be held no earlier than twenty (20) and no later than thirty (30) days after the filing of such request. After such response from the Tax Collector, or public hearing if requested, the Board of Selectmen may adopt a final resolution of removal by an affirmative majority vote of the Board. By the preliminary resolution the Board may suspend the Tax Collector from duty, but the regular salary of the Tax Collector shall continue to be paid during the period of suspension. The Tax Collector shall cease the performance of all duties upon a vote of final resolution of removal.

Deputy Tax Collector: A qualified Deputy Tax Collector may be appointed by the Tax Collector with the approval of the Board of Selectmen. The role of the Deputy Tax Collector is to perform duties as assigned by the Tax Collector and/or the Town Administrator.

Appointment of Town Clerk: The Board of Selectmen shall appoint a qualified individual who shall have the title of Town Clerk. The Town Clerk shall act in accordance with the State statutes for municipal clerks, shall

## Town of Waterboro Charter

keep a public record of all proceedings of the Town, maintain a current checklist of all eligible voters, shall keep a log of the number of registered voters who attend Annual Town Meetings and maintain a record of currently applicable legislative action affecting the Town. The Town Clerk shall also perform other duties as assigned or deemed necessary. The office of Town Clerk shall become vacant upon death, resignation, disability, or removal from office. A vacancy in the office of Town Clerk shall be filled within thirty (30) calendar days by appointment of the Board of Selectmen. The function of the Town Clerk shall be performed by the Deputy Clerk or the Town Administrator during a vacancy of the office of Town Clerk.

Removal of Town Clerk: The Board of Selectmen may remove the Town Clerk for cause by an affirmative vote of a majority of the Board. A pre-termination hearing shall be conducted with the Town Clerk by the Town Administrator. At least thirty (30) calendar days before such removal shall become effective, the Board shall adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Town Clerk may reply in writing or may request a public hearing within ten (10) business days. If such public hearing is requested, it shall be held no earlier than twenty (20) and no later than thirty (30) days after the filing of such request. After such response from the Town Clerk, or public hearing if requested, the Board of Selectmen may adopt a final resolution of removal by an affirmative majority vote of the Board. By the preliminary resolution the Board may suspend the Town Clerk from duty, but the regular salary of the Town Clerk shall continue to be paid during the period of suspension. The Town Clerk shall cease the performance of all duties upon a vote of final resolution of removal.

Deputy Town Clerk: The Town Clerk may appoint a qualified Deputy Town Clerk with the approval of the Board of Selectmen. The role of the Deputy Town Clerk is to perform duties as assigned by the Town Clerk and/or the Town Administrator.

Appointment of Treasurer: The Board of Selectmen shall appoint an official of the Town who shall have the title of Town Treasurer. The Treasurer shall act in accordance with the State statute for municipal treasurers and shall sign all checks, bonds, and other financial transactions of the Town. The Treasurer shall also perform other duties as assigned or deemed necessary. The office of Treasurer shall become vacant upon resignation, death, disability, or removal from office. A vacancy in the office of Treasurer shall be filled within thirty (30) calendar days by appointment of the Board of Selectmen. The function of the Treasurer shall be performed by the Deputy Treasurer or the Town Administrator during a vacancy of said office.

Removal of Treasurer: The Board may remove the Treasurer for cause by an affirmative vote of a majority of the Board. A pre-termination hearing shall be conducted with the Treasurer by the Town Administrator. At least thirty (30) calendar days before such removal shall become effective, the Board shall adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Treasurer may reply in writing or may request a public hearing within ten (10) business days. If such public hearing is requested, it shall be held no earlier than twenty (20) and no later than thirty (30) days after the filing of such request. After such response from the Treasurer, or public hearing if requested, the Board of Selectmen may adopt a final resolution of removal by an affirmative majority vote of the Board. By the preliminary resolution the Board may suspend the Treasurer from duty, but the regular salary of the Treasurer shall continue to be paid during the period of suspension. The Treasurer shall cease the performance of all duties upon a vote of final resolution of removal.

Deputy Treasurer: A qualified Deputy Treasurer may be appointed by the Treasurer with the approval of the Board of Selectmen. The role of the Deputy Treasurer is to perform duties as assigned by the Treasurer and/or the Town Administrator.

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Compensation. Compensation for all of the appointments listed above shall be recommended by the Board of Selectmen and ratified by Town Meeting. Benefits, holidays, personal time shall be determined by the Board of Selectmen and/or the personnel policy.

### Section 502 – Appointed Boards

The Town of Waterboro maintains a number of boards and committees, all of which play a vital role in the efficient operations of the Town. The Board of Selectmen shall appoint any Boards as required by State statutes, municipal ordinance, or as deemed necessary by the Board. Members of said boards shall be registered voters and residents of the Town. As a minimum requirement, the following Boards shall be appointed:

Hiring Panel See Article 6 of this Charter

Finance Committee five year term; 7 members

The Finance Committee shall make recommendation to the town on proposed expenditures and aid the Board of Selectmen, Town Officers and Department Heads in determining recommended expenditures. Members will abide by the mandates established in MRSA Title 30-A. Timely reviews of revenues and expenditures will be made and presented to the Board of Selectmen throughout the fiscal year. The Committee shall make recommendations to the Town before the annual Town Meeting.

Planning Board five year term; 7 members

There shall be a Planning Board with five regular members and two alternate members; all members shall be voting members. The Chairman shall submit a written report of activities to the municipal officers to be included in the Annual Town Report. The Planning Board shall maintain the Comprehensive Plan in a current state; make recommendations for changes in zoning ordinances; review subdivisions and conditional use applications; and perform such duties as delegated by local ordinance or state law.

Road Review Committee three year term; 7 members

The Road Review Committee shall serve in an advisory capacity to the Road Commissioner and the Board of Selectmen in addressing the issues, maintenance and care of all town-owned roads.

Zoning Board of Appeals five year term; 7 members

The Chairman shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

Assessing Board of Review three year term; 3 members

The assessing board of review shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

Fair Hearing Committee one year term; 3 members

The fair hearing committee shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

Public Safety Committee five year term, 9 members

The public safety committee shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

Appointments to all Boards shall be made in a series of staggered or varied terms so that no Board shall be comprised of an entire slate of new members in any one year. Vacancies on any Board shall be filled by new appointments from the Board of Selectmen within 30 (thirty) days from the time of said vacancy, or as soon as an appropriate replacement can be found to serve the remainder of the unexpired term.

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Each Board shall elect a Chairman and a correspondence Secretary from its own membership and shall adopt by-laws to govern itself, subject to approval by the Selectmen.

Mission statements for each Board shall be prepared by the Board of Selectmen and the Town Administrator. The statements shall prioritize the goals and objectives of each board and shall be reviewed annually by the Board of Selectmen and the Administrator.

Duties of all of the above shall be determined by their specific job descriptions as prescribed in said mission statement, this Charter, or Maine Law.

### ARTICLE 6 – HIRING PANEL

#### Section 601 – Composition

There shall be a hiring panel composed of a minimum of six (6) registered voters who reside in the Town and the entire Board of Selectmen. The six (6) registered voters shall be appointed to the panel by majority vote of the Board of Selectmen. Members of the hiring panel should have skills and background in personnel matters and hiring practices. The hiring panel shall respect the laws of confidentiality pursuant to state and federal municipal laws and guidelines.

In case of vacancy caused by forfeiture of office, resignation, death, removal from the town, or removal from the panel, the selectmen shall appoint a new member to fill such vacancy within a six (6) week period.

#### Section 602 – Powers and Duties

The hiring panel will assist the selectmen in the interview and hiring process for all permanent department head positions performed under the direction of the Board of Selectmen. The panel may be called upon by the selectmen for other hiring situations on an as-needed basis.

The panel shall act in an advisory capacity to the selectmen. It is not intended for the panel to participate in day-to-day employee based issues of the town and it shall have no function in regard to employee removal, non-renewal, or termination.

#### Section 603 – Procedures

The hiring panel shall keep record of its proceedings and shall determine and enforce its own rules relating to procedure, misconduct and forfeiture of office.

### ARTICLE 7 – NOMINATIONS AND ELECTIONS

#### Section 701 – Municipal Elections

The regular election for the members of the Board of Selectmen, Road Commissioner, SAD 57 Board of Directors, and other municipal officials as may be required shall be held by secret ballot on the Friday before the Annual Town Meeting. The term of office for the Board of Selectmen, the Road Commissioner, and the SAD 57 Board of Directors shall be for a period of three (3) years. The Board of Selectmen and the SAD 57 Board of Directors shall be elected in a series of staggered or varied terms.

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Provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars respective 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 702 – Nominations**

Candidates for election to any elective office whose names appear on a written ballot must be nominated by petition. Any registered voter of the Town may be nominated for election by a petition signed by registered voters of the Town. The use of nomination papers shall be in accordance with the State statutes governing Town elections.

### **Section 703 – Voting Places**

The voting places established for state elections shall be established for municipal elections.

### **Section 704 – Election Officials**

The Board of Selectmen shall annually appoint a warden and a clerk, in addition to the regular ballot clerks, for each voting place. Such appointments must be made at least ten (10) days prior to any elections.

### **Section 705 – Vacancies in Elected Offices**

The office of an elected official other than a member of the Board of Selectmen shall become vacant when:

There are insufficient votes to elect a person to that office  
Upon the resignation, death, or removal from office in a manner authorized by law  
Upon forfeiture of office.

An elected official shall forfeit such office if (s)he lacks at any time during the term of office any qualifications for the office described by this Charter or by law, or if (s)he is convicted of a felony.

If a vacancy shall occur in an elective office other than a member of the Board of Selectmen, the Board of Selectmen shall call a special town meeting within ninety (90) days of such vacancy for the purpose of electing a qualified person to fill the vacancy for the balance of the unexpired term.

## **ARTICLE 8 – INITIATIVE AND REFERENDUM**

### **Section 801 – Power of Initiative and Referendum**

#### Initiative

Any initiative ordinance shall be submitted to the Board of Selectmen by a petition signed by registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Waterboro in the last gubernatorial election. Ordinances may not be initiated regarding personnel appointments and removals or regulating the internal procedure of the Selectmen as established herein.

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Referendum

Pursuant to the above Initiative provisions, the voters of the Town shall have the power to approve or reject at the polls an ordinance passed by the Board of Selectmen, such power being known as referendum. Ordinances may also be submitted by the Board of Selectmen for a referendum vote. Within thirty (30) days after the enactment by the Board of Selectmen of any ordinance which is subject to a referendum, a petition signed by registered voters equal in number to at least ten (10) percent of the ballots cast in the Town of Waterboro in the last gubernatorial election may be filed with the Town Clerk requesting that such ordinance be either repealed or submitted to vote of the voters.

**Section 802 – Form of Petitions**

The petitions used to invoke the initiative and referendum shall be substantially in the following form:

Petition to the Town of Waterboro Board of Selectmen for the Submission to the People of the Question: Shall the proposed ordinance, a copy of which is hereto attached, be adopted?

We, the undersigned, under oath, depose and say that we are registered voters of the Town of Waterboro, residing respectively at the addresses placed opposite our names, and we hereby petition the Board of Selectmen to submit the foregoing question to the voters of the Town of Waterboro.

Names                      Street and Number                      Date  
(List of names)

Name \_\_\_\_\_ Street and Number \_\_\_\_\_ being duly sworn deposes and says that (s)he is the circulator of the foregoing petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in her/his presence and are the signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_ Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ (Justice of the Peace or Notary Public)

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Waterboro hereby ordains...". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

**Section 803 – Filing, Examination and Certification of Petitions**

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the Town Clerk as one instrument. Within thirty (30) days after a petition is filed, the Town Clerk shall determine whether each petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing the examination of the petition, the Town Clerk shall certify the result thereof to the Board of Selectmen at their next regular meeting. If the petition is certified to be insufficient, the Town Clerk shall set forth in the certificate the particulars in which it is defective and shall at once notify the circulator of the petition as to the findings.

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When a petition comprising initiative or referendum has been certified as sufficient by the Town Clerk, the Board of Selectmen shall call a public hearing within 30 (thirty) days from the date of the filing of such petition with the Town Clerk. Within 30 (thirty) days after such public hearing, the Board of Selectmen shall call a Special Town Meeting, or shall schedule for the next Annual Town Meeting for the purpose of submitting to an initiative vote the question of adopting such an ordinance. The ordinance shall take effect immediately provided a majority of those voting thereon shall have voted in the affirmative.

In the event that the proposed ordinance does not require a Town Meeting vote to be effective, the ordinance may be enacted by a majority vote in the affirmative by the Board of Selectmen. Such ordinance shall take effect in the same manner as those prescribed in Article 3, Section 312 of this Charter.

### **Section 804 – Legal Review**

Any and all proposed ordinances shall be examined by an attorney for the Town before being submitted to the voters. The 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 clarity and precision in its phraseology. The attorney shall not materially change the meaning and intent of the ordinance; however, (s)he shall give an opinion as to its validity.

### **Section 805 – Publication of Ordinances**

Initiative and referendum ordinances adopted and approved by the voters shall be published as in the case of other ordinances.

## **ARTICLE 9 – BUSINESS AND FINANCIAL PROVISIONS**

### **Section 901 – Authority**

The Board of Selectmen shall be responsible for the preparation and submission of the annual and special budgets to be voted at Annual and Special Town Meetings.

### **Section 902 – Fiscal Year**

The fiscal year of the Town government shall begin on the first day of July and shall end on the thirtieth day of June of the following year. Such fiscal year shall constitute the “budget” and “accounting” year as specified in this Charter.

### **Section 903 – Preparation and Submission of the Budget**

One hundred twenty (120) days prior to the Annual Town Meeting the Board of Selectmen shall complete and submit to the Finance Committee the Town budget for all departments (with the exception of the SAD #57 budget) for the ensuing fiscal year along with an accompanying explanatory budget message.

The budget shall be compiled from detailed information furnished by elected officials, administrative officers, department heads and boards and committees. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or by this charter, shall be in such form as the Board of Selectmen deems desirable. In organizing the budget, the Board of Selectmen shall utilize the most feasible combination of expenditure classifications by fund, organization, program, purpose,

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or activity. It shall begin with a clear general summary of the contents and shall show in detail all estimated revenues indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year. Comparative figures for actual and budgeted revenues and expenditures of the preceding fiscal year shall also be reflected. An increase or decrease in any item shall be indicated. The budget shall contain:

1. A statement of the financial condition of the Town
2. An itemized statement of proposed expenditures for current operations during the ensuing fiscal year, detailed by offices and departments in terms of their respective work programs and the method of financing such expenditures
3. An itemized statement of estimated revenue from all sources other than taxation and a statement of taxes required
4. Proposed capital expenditures during the ensuing fiscal year detailed by offices and departments when practicable and the proposed method of financing such expenditures

The proposed budget shall be reviewed by the Finance Committee which shall make recommendations to the Board of Selectmen.

### **Section 904 – Budget Establishes Appropriations**

The Board of Selectmen shall publish an Annual Town Report. Additionally, the general summary of the proposed budget shall be available to the public seven (7) days prior to the Annual Town Meeting. The Annual Town Meeting shall adopt the budget.

From the date of adoption of the budget, the amounts stated therein as proposed appropriations shall be and become appropriated to the several offices, departments, and purposes therein named.

### **Section 905 – Budget Establishes Amount to be Raised by Property Tax**

From the date of the adoption of the budget the amount 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 tax year. A copy of the budget as finally adopted shall be certified by the Board of Selectmen, whose duty it shall be to levy such taxes for the corresponding tax year.

### **Section 906 – Transfer of Appropriation**

The Board of Selectmen shall, in Article form, list those accounts which should lapse at the end of each fiscal year in the Annual Town Meeting Warrant; such funds shall be placed in the surplus account. Within the last three (3) months of the fiscal year, the Selectmen also may by order transfer any unencumbered appropriation balance or portion thereof between any general office or department.

If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the Board of Selectmen shall take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose may call a Special Town Meeting and/or by order reduce any department's expenditures.

No appropriation for debt service may be reduced or transferred. Except in the case of insufficient revenues, no appropriation may be reduced below any amount of the unencumbered balance thereof. The reduction and transfer of appropriation authorized by this section may be made effective immediately upon adoption.

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### **Section 907 - Capital Program**

The Board of Selectmen, in conjunction with the Town Administrator and department heads, shall prepare and submit a five-year capital program at least sixty (60) days prior to the final date for submission of the budget to the Finance Committee. The capital program shall include:

A clear general summary of its contents;

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 necessities for such improvements;

Cost estimates, method of financing, and recommended time schedules for each such improvement;

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.

The proposed capital program shall be reviewed by the Finance Committee which shall approve it with or without amendments. The Board of Selectmen shall fix the time and place for a holding a public hearing on the capital program and shall give public notice of such hearing. The Board of Selectmen shall adopt the capital program with or without amendments after such public hearing.

## **ARTICLE 10 – GENERAL PROVISIONS**

### **Section 1001 – Repealing Clause**

All acts and parts of acts of the private and special laws of Maine specifically relating to the Town of Waterboro inconsistent with the provisions of this Charter are repealed.

### **Section 1002 – Separability Clause**

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

### **Section 1003 – Short Title**

This Charter shall be known and may be cited as the “Town Meeting-Board of Selectmen Charter of the Town of Waterboro”. The clerk shall cause it to be printed and made available to the public promptly.

### **Section 1004 – Existing Contracts not Invalidated**

All rights, actions, proceedings, prosecutions and contracts of the Town, pending or unexecuted when this Charter goes into effect, shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

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### Section 1005 – Oath of Office

Every officer of the Town shall, before entering upon the duties of his/her 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 Waterboro, and will faithfully discharge the duties of the office of. ....”

### Section 1006 – Ordinances Not Inconsistent Continue in Force

All ordinances of the Town of Waterboro in force at the time when this Charter takes effect, not inconsistent with the provisions of the Charter, shall continue in force until amended or repealed.

### Section 1007 – Continuance of Present Administrative Officers

All persons holding administrative office or employment at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office or position.

All elected and appointed persons shall continue to serve until the expiration of their term or until their successor is duly elected or appointed hereunder.

### Section 1008 – Bonds of Officers

All officials required by State Law to post bonds shall do so in accordance with State Law. The Board of Selectmen may require a bond from a surety company approved by them from such other officials as the Selectmen may deem advisable. The premium on all bonds is to be paid by the Town.

### Section 1009 – Conflicts of Interest

Any officer, official or employee of the Town who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the Town, or in the sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an official, officer, or employee in making of such sale or in the making or performance of such contract. This provision shall not pertain to the Road Commissioner and his/her timely performance and completion of duties and such other contracts as approved by the Selectmen following full disclosure of said conflict. There shall be a separate warrant for any payment for any materials and/or services rendered by a Selectman as an employee and/or contractor of the Town which that Selectman shall not sign.

Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the Town shall, at the option of the Town, render the contract or sale voidable.

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### Section 1010 – Periodic Charter Review

At least once every ten (10) years the Board of Selectmen shall, on its own motion and without requiring a petition, create a Charter Review Commission in the manner prescribed by the Home Rule statute, 30-A MRSA, Section 2102 et seq.

## ARTICLE 11 – AMENDMENT PROVISIONS

### Section 1101 – Charter Amendment

This Charter may be amended and/or revised pursuant to Title 30-A MRSA, Section 2101 et seq., as it may be amended.

#### **Effective Date.**

This Charter shall become effective July 1, 2003.