

TOWN OF WATERBORO
20/20 Master Planning Committee

Governance Chapter



DECEMBER 2014

Introduction

When the 20/20 Master Planning Committee began revising the town's Comprehensive Plan in 2010 it became painfully apparent to committee members that there was often a lack of communication, collaboration, and sometimes even trust issues between some of the town's committees, elected officials, staff and other governmental entities. The committee also noted that common goals were often not widely understood and were sometimes not being approached cooperatively by some of the different entities. In fact, it was apparent that competition and/or animosity sometimes actually existed between some of the entities.

Because Waterboro now operates under a recently revised Town Charter and because the town now has a new Town Administrator with increased responsibilities and expanded duties, the committee requested that the Board of Selectmen and the Town Administrator contribute to the Governance Chapter of the Comprehensive Plan. The committee requested that the chapter both organizationally and operationally delineate how the Board of Selectmen and the Town Administrator envision the needs of Waterboro's citizens being most efficiently and effectively met. The 20/20 Master Planning Committee provided the Town Administrator and the Board of Selectmen with "bullet points" which suggested"

- Defining the changes in the revised Town Charter and Department flow of public communications inclusive of holding committees, boards, etc. to a standard of accountability, including timelines.
- Charging each committee with establishing and communicating their goals, mission statements and yearly achievements as well as developing their action plans/strategies, including timelines.
- Mandating a higher level of communication and cooperation amongst employees, departments, committees and other governmental/NGOs, such as (but not limited to) the State of Maine, County, RSU 57, Waterboro Water District, Lake Arrowhead Community, Waterboro Land Trust and others.
- Defining a detailed volunteer succession plan to recruit multiple dedicated volunteers for multiple tasks.
- Assessing and prioritizing facilities, programs, capital assets and future development plans on an annual basis is critically important.
- Establishing mandatory periodic joint meetings of all committees/boards that share (or could share) mutual goals and/or work plans.

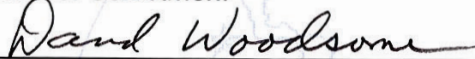
The document which the Town Administrator and the Board of Selectmen provided to the 20/20 Master Planning Committee is on pages 2-5.

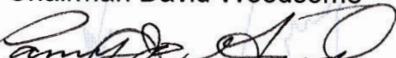
Town of Waterboro

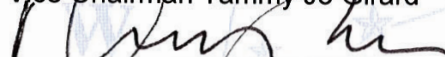
TO: 20/20 Master Planning Committee
FROM: Town Administrator and Board of Selectmen
DATE: December 3, 2014
RE: Governance Chapter for Comprehensive Plan

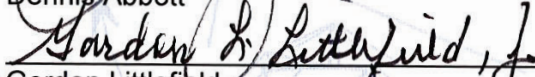
The Town Administrator and Board of Selectmen are pleased to submit for the **GOVERNANCE CHAPTER** of the Comprehensive Plan our organizational and operational concepts of how we envision that the revised Town Charter can be efficiently and effectively implemented to best serve the citizens of Waterboro.

Board of Selectmen:

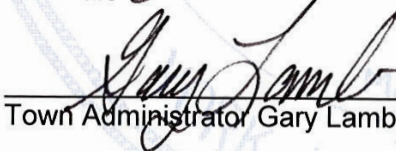

Chairman David Woodsome


Vice Chairman Tammy Jo Girard


Dennis Abbott


Gordon Littlefield


Jon Gale


Town Administrator Gary Lamb



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Town of Waterboro

Waterboro's Government

The citizens of Waterboro voted to change their form of government at the November 6, 2012 town election when a new town charter was approved. The new charter became effective July 1, 2013 and our government changed from a Town Administrator/Board of Selectmen/Town Meeting form of government to more of a Town Manager/Board of Selectmen/Town Meeting form of government (see attached charter in appendix A). Although the title of Town Administrator remained, this resulted in the newly created town manager's position assuming most of the operational decision-making authority and responsibilities that previously were handled by the Board of Selectmen. The Town Administrator also became the Town Clerk, Treasurer, Tax Collector and General Assistance administrator per the new charter. Incumbent staff in these positions became deputies but retained the same compensation and nearly all the same duties and daily responsibilities than before the government changed.

For a town of nearly 7,700 people, changing the form of government was a necessary and smart decision. It streamlined daily operations and financial decisions because a full time manager was now able to oversee and approve such matters rather than wait for a weekly Board of Selectmen meeting voting decision. Having to conduct weekly meetings under the old form of government was an added burden to the Board of Selectmen, and under the new charter, weekly meetings were no longer necessary to conduct routine business. Consequently, as of November 2013, the Board of Selectmen changed from weekly meetings to twice per month for regular voting meetings. This has allowed more time for informal workshops as needed during alternate weeks to discuss specific issues.

Another substantial change to Waterboro's governmental structure is the creation of a Public Works Director's position that formally began July 2014. The Public Works Director will oversee road maintenance and construction, winter operations, all public buildings, many tasks previously done by Recreation Department staff, and supervision of transfer station/solid waste operations.

One less visible but very important benefit to changing Waterboro's government is communication at all levels. Citizens can now get answers to questions more quickly from the Town Administrator rather than wait for a weekly selectmen's meeting. Staff and volunteer boards and committees also have greater access to decision making authority on a daily basis during working hours. This helps complete tasks sooner and lessens the burden on elected officials, some of whom have full time jobs. Our Planning Board, Water District, Fire Department, Public Works Department and Board of Selectmen all need to occasionally meet jointly to discuss and prioritize water, sewer, roads and other infrastructure. The Board of Selectmen will continue to conduct quarterly review meetings with department heads and individual committees as a way to maximize communication and coordination between elected officials and committees. Selectmen will also stay involved with and communicate as needed with the Twelve Town Group, Lake Arrowhead Community, Waterboro Water District, County Administrator and County Commissioners, Waterboro's three School Board members, neighboring town's Boards of Selectmen and Maine House and Senate officials. All committees and boards should report to the Board of Selectmen annually and should have specific mission statements, goals and procedures as necessary for their respective tasks. Presently, twenty two cents of every tax dollar raised goes to municipal services and 76 cents of every tax dollar goes to education. The Board of Selectmen and entire School Board should meet at least annually to have

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Town of Waterboro

face to face dialog about our educational system and how to make it more efficient and perhaps lessen the burden on taxpayers. These and other necessary board and committee interactions are only going to occur with greater citizen involvement.

Capital infrastructure is one area of our community that will need much more time and money over the next decade. We are gaining ground on our paving and road reconstruction but much remains to be done. Once we get Maine's DEP to complete subsurface water testing at the DPW garage's old tannery lagoon site, we will hopefully build a sand/salt shed there. Our central fire station needs additional space. The station was never designed for the coed residential staff we have now and we lack properly separated bathroom, locker and sleeping areas. Our police services consist of one 40 hour per week contract deputy who lives here in town. He does a good job but with so much drug and alcohol related crime throughout the county, he can barely attend to more serious crimes, never mind the constant complaints of speeding throughout town. As a community we need to discuss and decide whether we will add more contract deputies or pursue a full time police department. Our Public Safety Committee is looking into both options.

We have no public sewer and perhaps should look again at disposal methods and site selection options(see Comprehensive Plan Infrastructure Chapter for more information). With no major waterbody to receive post treatment sewage effluent, it appears we would either have a single treatment facility and spray application on the ground, or a large subsurface chamber septic system near each village center. Either way, it will be expensive and take up considerable land area so we should start planning for this while adequate undeveloped land still exists.

Our water district will also need major capital investment in both water capacity and distribution network. Presently the district only supplies water to 154 residential and commercial customers. The district serves South Waterboro village, Massabesic High School, Route 202 to East Waterboro and then West on Route 5 to Waterboro Elementary School. Much expansion will be needed in future years to serve major travel routes as well as neighborhood side streets.

Waterboro needs to develop a stronger sense of community and volunteerism, as evidenced by the loss of the 2014 Old Home Days because of too few volunteers. With a population of nearly 7,700, we should have more than 30-40 voters at our annual town meeting. Citizen involvement needs to increase as our government only works well when everyone does a little. You can help Waterboro grow by volunteering for our Economic Development Committee, Planning Board, Budget Committee, Public Safety Committee, joining the Waterboro Association of Businesses (WAB), running for local or legislative office and getting informed before attending and voting at our annual June Town Meeting. Business owners can help stimulate economic activity by joining WAB and perhaps helping them create the desire and manpower to help with even more community events. WAB could join a nearby Chamber of Commerce for a few years and perhaps help create our own Chamber of Commerce. Community spirit and town events don't all have to stop and start at town boundaries. How about a regional Massabesic Chamber of Commerce for all six RSU 57 towns? Have a fundraising booth at Acton or Fryeburg Fair, rotate monthly meetings between member towns and possibly share costs for future Chamber staff. More citizen involvement is essential to creating the government staffing, land use regulation and local economy we need to become the Town we all want 50 years from now.

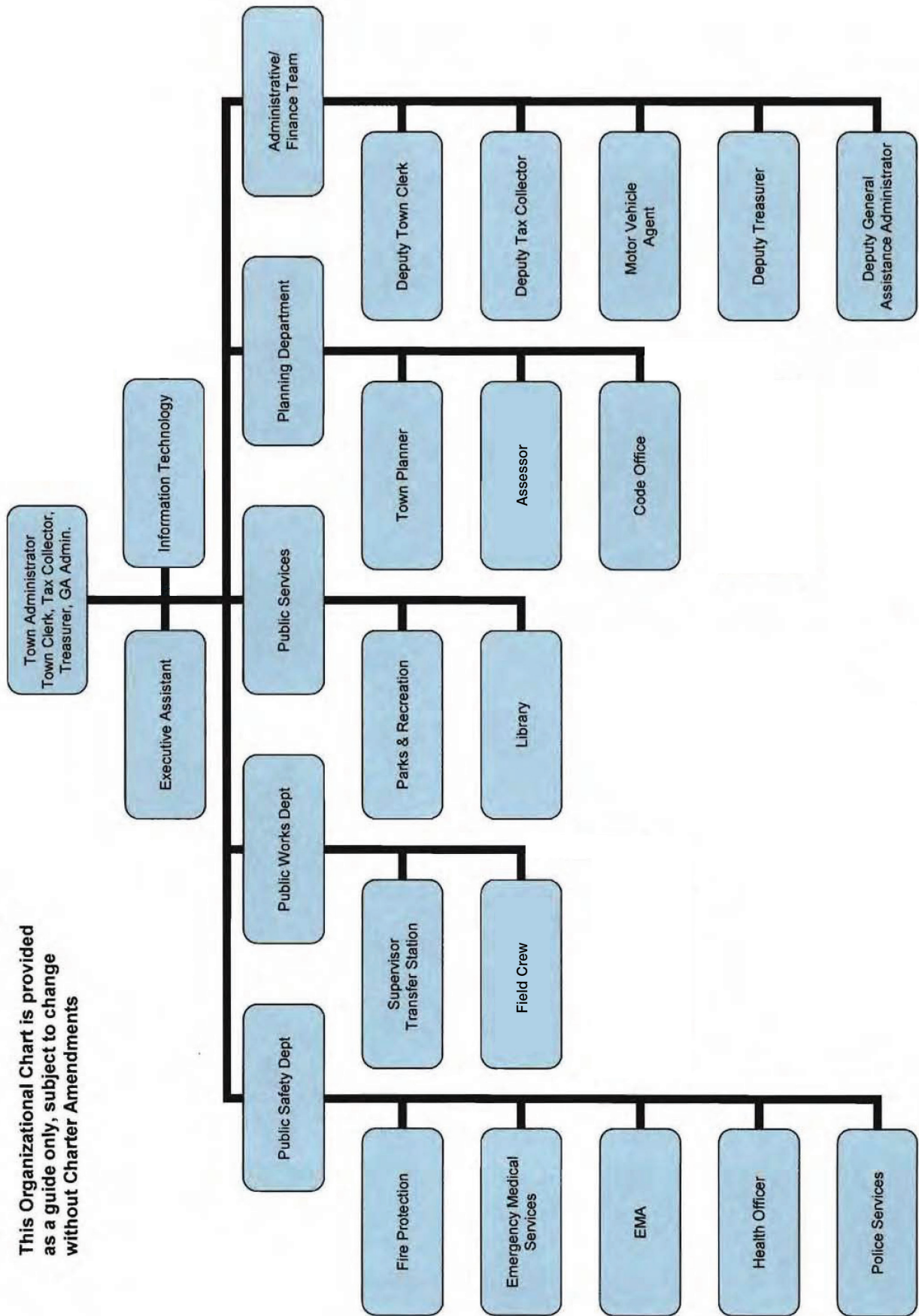
Respectfully submitted and reviewed by Waterboro Board of Selectmen and Town Administrator

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This Organizational Chart is provided
as a guide only, subject to change
without Charter Amendments



Conclusions and Recommendations

The 20/20 Master Planning Committee thanks Town Administrator Lamb and members of the Board of Selectmen for their contribution to this **Governance Chapter**. The 20/20 Master Planning Committee endorses the procedures that the Town Administrator and Selectmen outlined in their document. The 20/20 Master Planning Committee further recommends that the town implement Action Planning Strategies as follows:

1. Establish mandatory periodic meetings between the Board of Selectmen and each board, committee or entity and charge each of these groups with establishing and communicating their goals, mission statements, action plans/strategies and accomplishments, as well as timelines.
2. Establish mandatory periodic joint meetings of the Board of Selectmen and multiple boards, committees or entities that share (or should share) mutual goals and/or work plans.
3. Develop and implement a plan for getting more citizens involved on town boards, committees and events. Start with establishing a Department of Volunteerism which could be headed up by an unpaid Volunteer Coordinator.
4. Implement the appropriate provisions in Article 11 – The Town Meeting of the revised Charter to get more citizens to participate in conducting the Town’s business.
5. Explore the benefits of utilizing various forms of social media as a positive vehicle for both internal and community-wide communications.



WATERBORO TOWN HALL

Waterboro Town Charter

Board of Selectmen – Town Administrator
Town of Waterboro



- November 2002
- Adopted April 25, 2003
- Amended November 2, 2004
- Amended November 4, 2008
- Amended November 8, 2012 to be effective July 1, 2013

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This chart is provided as a guide only, subject to change without
Charter amendment

ARTICLE 1 – GRANT OF POWERS TO THE TOWN

Section 101 – Incorporation. The inhabitants of the Town of Waterboro, 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 Waterboro, Maine.

Section 102 – 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 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 bylaws, regulations and ordinances for municipal purposes, consistent 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 bylaws, regulations and ordinances shall provide.

The administration of all the fiscal and municipal affairs of said Town, with the government thereof, except the general management, care, conduct and control of the schools of said Town, which shall be vested in a Board of School Directors of Regional School Unit #57 and also except as otherwise provided by this charter, shall be and are vested in one body of five (5) members, which shall constitute and be called the Board of Selectmen, all of whom shall be inhabitants of said Town, and shall be sworn in the manner hereinafter prescribed.

The Municipal Officers are authorized to accept gifts to the municipality and expend the same and to make application for and execute any documents required for various grants from the State and/or Federal Governments, as well as individuals and private charities and foundations, and to accept any grants, if awarded, and authorize their expenditure for the purpose so specified.

The Town may acquire property within or without its corporate limits 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, maintain and control such property as its interests 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.

ARTICLE 2 – THE TOWN MEETING

Section 201 – Authority and Membership. The legislative authority of the Town shall be vested in the Board of 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. No quorum is necessary to convene a Town meeting for the election of the Moderator, for elections; a quorum of 25 is necessary to convene the business portion of the meeting, and shall stand for the remainder of the business meeting.

Section 202 – Annual Town Meeting. An Annual Town Meeting for the consideration of the budget and the transaction of other Town business which voters are authorized to vote upon shall be held on the Saturday proceeding the second Tuesday in the month of June starting at a time fixed by the Board. All actions taken at the Annual Town Meeting will take effect on July 1st following the meeting unless otherwise specified. The Warrant of the Annual Town Meeting shall be closed to the insertion of money and non-money Articles sixty (60) days prior to the Annual Town Meeting. The board will be allowed, with a unanimous vote, to add additional Articles to the warrant up to thirty (30) days prior to Town Meeting.

Section 203 – Call of Special Town Meeting. Special Town Meetings shall be called by majority vote of the board 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. The Warrant for Special Town Meetings will be closed in accordance with State law.

Section 204 – Warrant Articles. A Town Meeting is required for the following actions:

- a. The various appropriation and expenditure Articles that comprise the Annual Budget
- b. Approval of the issuance of bonds or notes except notes in anticipation of taxes to be paid within the fiscal year in which issued.
- c. Any other business deemed advisable by the Board of Selectmen.
- d. Warrant articles submitted by initiative petition.

Articles may be placed in the Warrant of the Town Meeting by majority vote of the Board, 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 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 Board.

The Town Meeting shall not increase the amount of any appropriation above the amount recommended by the Board and shall not increase the amount of any bond issue above the amount recommended by the Board.

If the voters fail to approve any budget warrant articles required by law, the Board shall call, as provided by law, for such further Town Meeting(s) as are required to address the same, provided that any such special Town Meeting shall be conducted solely as an open floor Town Meeting and not by referendum voting.

Section 205 – Secret Ballots. The regular election of the Board of Selectmen shall be held at that part of Town Meeting described in Section 301 hereof and shall be conducted by secret ballot. Additional secret ballot elections may be held at the same time for:

- a. Election of RSU #57 School Board Representatives and Water district Trustees, as well as Lake Arrowhead Directors if the Board authorizes the same.

- b. Ordinances proposed under the initiative and/or referendum power.
- c. Any other business deemed advisable by the Board of Selectmen

Section 206 – 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 secret ballot. The general laws of the State of Maine shall determine the manner for obtaining and casting absentee ballots.

Section 207 – Notification, Posting and Public Hearings.

- a. The complete warrant shall be posted in at least three conspicuous places fourteen (14) days before Town meeting and posted on the Town’s website twenty-one (21) days prior to Town Meeting.
- b. Copies of the Town Report and warrant for the Town Meeting shall be made available at the Town hall at least fourteen (14) days before Town Meeting.
- c. All public hearings and notifications thereof shall be held in accordance with State law.

Section 208 – 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 209 – Clerk of Town Meeting. The Town Clerk or Deputy shall be the Warden of the Town Meeting . She/he shall oversee the balloting and preserve as public records all proceedings of the Town Meeting votes.

Section 210 – 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.

Section 211 – Restrictions. At Town Meeting the voters are not authorized to vote on any matters that apply to appointments of officers, of members of commissions or of boards made by said Board of Selectmen, or to the appointment or designation of officers of the Board or to rules governing the procedure of the Board of Selectmen.

Section 212 – Method of Abolishing the Town Meeting. At any time, not less than fifteen percent (15%) of the registered voters of the Town may petition over their personal signatures for a referendum to vote upon the question abolishing the Town Meeting. The Board shall call such a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk. 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 abolition of the Town Meeting of the Town of Waterboro, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Board. The Board shall set the budget and final approval shall be by referendum vote of the registered voters of the Town. To reinstate Town Meeting, the process shall follow the same procedure as was done establishing referendum voting. If the referendum

process is adopted, approval of any appropriation in addition to or supplementary to the annual budget appropriation shall require an additional referendum, if such additional or supplemental appropriation exceeds a cumulative amount equal to one percent (1%) of the annual municipal budget as approved at the preceding Annual Town Meeting.

ARTICLE 3 – BOARD OF SELECTMEN

Section 301 – Number, Election & Term. The Board of Selectmen, herein after called the “Board”, shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town. Each member 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 the Selectmen shall be held on the second Tuesday of June each year, as part of the Annual Town Meeting

Section 302 – Qualifications. Members of the Board shall be registered voters of the Town and shall reside in the Town during their term of office. Members of the Board shall not hold any other compensated Town office or Town employment during their tenure of office. Except where authorized by law, no selectman shall hold any other Town office during the term for which he/she was elected to the Board of Selectmen.

Section 303 – Nominations. Nominations for the office of Board shall be made by nomination papers signed in the aggregate for each candidate by not less than twenty-five (25), nor greater than fifty (50), registered voters of the Town of Waterboro. All nomination papers must contain the full name and address of the candidate, must specify the office for which the candidate is to be nominated and the term for which the candidate seeks nomination.

Nomination papers for the nomination of candidates for any elective office in the Town of Waterboro shall be filed with the Town Clerk at least forty-five (45) days prior to the regular municipal election. Nomination papers shall be uniform and shall be made available by the Town Clerk ninety (90) days prior to the election.

Section 304 – Enumeration of Powers and Duties. Without limitation of the foregoing, the Board shall have power to:

- A.** Appoint the Town Administrator, Town Assessor, the members of the Planning Board, Zoning Board of Appeals, and the Board of Assessment Review which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; appoint a Town Attorney and Town Auditor who shall serve at the will of the Board; and appoint members to boards and committees created by this Charter and the Board. Appointments shall be made by procedures adopted through rules of the Board but all elected and appointed persons shall continue to serve until the expiration of their term or until their successor is duly elected, and/or appointed and/or qualified.
- B.** Remove for cause, after notice and hearing, in accordance with State law, the Town Administrator, Tax Assessor, members of the Planning Board, Board of Assessment Review, the Zoning Board of Appeals and members of all other Town boards, commissions and committees appointed by the Board. Said hearing may at either party’s request include sworn testimony and the opportunity for cross-examination of witnesses.

- C. Create by ordinance, change and abolish offices, departments, agencies and committees, other than the offices, departments and agencies established by the Charter. The Board 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 office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. The Board may, however, vest in the Town Administrator all or part of the duties of any office under this Charter.
- D. Make, alter and repeal ordinances, including the power to enact ordinances providing for the granting of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations consistent with law and upon payment by the licensee of such fees as the Board may establish in such ordinance
- E. Inquire into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs.
- F. Deal with the administrative service solely through the Town Administrator and neither the Board nor any member thereof shall give orders to any subordinates of the Town Administrator, either publicly or privately.
- G. Adopt an annual budget and recommend same to the Town Meeting for approval.
- H. Provide for an annual Audit.

Section 305 – Vacancies. 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 for the balance of the term. If called, the special election must be held within ninety (90) days from the next scheduled Selectmen’s meeting following the date that the vacancy occurred.

Section 306 – Compensation. Compensation for the Board shall be fixed each year at the Annual Town meeting and shall be voted upon as a separate article in the Warrant.

Section 307 – Induction of Selectmen into Office. Selectmen-elect shall be sworn to the faithful discharge of their duties by a notary public or by the Town Clerk at or before the next regular Board meeting, and shall serve for three (3) years until his/her successor is elected and inducted into office.

Section 308 – Board to Judge Qualifications of its Members. The Board shall be the judge of the election and qualifications of its members as prescribed in Article 3, Section 302 and for such purpose shall have power to subpoena witnesses and require production of records, but the decision of the Board in any such case shall be subject to review by the courts.

Section 309 – Forfeiture of Office. A Selectman shall forfeit office if, after notice and hearing, during the term of office three (3) members of the board determine the Selectman:

- A. Lacks at any time any qualifications for the office prescribed in this Charter, or
- B. Willfully violates any express prohibition of this Charter, or
- C. Is convicted of a crime for which the Selectman may be imprisoned for one year or longer, or
- D. Fails to attend three consecutive regular meetings of the Board without being excused for cause by the Board of Selectmen.

Said hearing may at either party's request include sworn testimony and the opportunity for cross examination of witnesses.

Section 310 – Meetings. The Board shall, at its first meeting or as soon thereafter as possible, establish by vote a regular place and time for holding its regular meetings, and shall meet regularly, except holidays, at least twice a month. The Board shall post, including electronic notification, an agenda at least by the Friday prior to the regularly scheduled Board meetings.

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

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, by giving public notice, including electronic notification.

A written public record of all meetings shall be kept and such record shall be a public record within five (5) working days. The Chairman, or a designee of the Chairman, or a majority vote of the Board shall set the agenda for the Board's meetings. All meetings shall be open to the public in accordance with the laws of the State of Maine.

Section 311 – Rules of Procedure; Journal. The Board shall determine its own rules of business. A record of the Boards proceedings shall be kept and the records shall be open to public inspection.

Section 312 – Chairperson. At the next meeting following the Annual Town Meeting the Board shall elect, by majority vote of the entire Board, one of its members for the ensuing year as Chair and the Board may fill, for the unexpired term, any vacancy in the Office of Chair that may occur. The Chair shall preside at the meetings of the Board, 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 regular administrative duties. The Chair shall be entitled to vote, and that vote shall be counted upon all matters and things as a vote of other members of the Board. The Board shall elect a Vice Chair from among its members to serve in the absence or disability of the chair.

Section 313 – Quorum. A majority of the Board shall constitute a quorum for the transaction of business.

Section 314 – Ordinances. The Board shall act by ordinance, order or resolve. In addition to other acts required by law or by specific provisions of the Charter to be done by ordinance, acts of the Board which shall be by ordinance are:

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 general circulation in Town, by posting in a public place and posting electronically. 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 law or within the ordinance, subject to the provisions of Article 8 of this Charter.

Emergency Ordinances can be passed by the majority vote of all the members of the Board, 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, posted electronically and such other places as the Board may designate, and a statement of the general subject matter shall be published in a newspaper having general circulation in the Town. No public hearing or notice thereof shall be required prior to the passage on an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted.

Section 315 – Independent Annual Audit. Within thirty (30) days of the start of each fiscal year, the Board shall designate an independent certified public accountant to serve as Town Auditor, who will conduct a quarterly review and provide the Town Administrator with a written report within 30 days of the end of each quarter and 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 the Final Auditor Report to the Board and the Town Administrator for their acceptance no later than November 15th of the current Fiscal Year. An extension may be granted by the Board for cause. Such accountant 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 4 – TOWN ADMINISTRATOR

Section 401 – Appointment; Qualifications. The Town Administrator shall be chosen by the Board of Selectmen solely on the basis of character and executive qualifications. No Selectman shall receive appointment to the office of Town Administrator. No member of the Board shall act in that capacity during or within one (1) year after, the expiration of his or her term. The Town Administrator shall be required to reside in the Town within one (1) year after appointment, unless this provision be waived by majority vote of the Board of Selectmen.

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 more than three (3) years and unless un-renewed shall be effective until the retirement, resignation or removal of the Administrator. 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 – Powers and Duties. The powers and duties of the Town Administrator shall be as follows:

- A.** The Town Administrator shall be Town Clerk, Tax Collector, Town Treasurer and Administrator of General Assistance. The Town Administrator shall have and exercise all powers and responsibilities conferred or imposed by law upon such respective offices.
- B.** The Town Administrator shall be responsible for the hiring, but not limited to, the following Department Heads: Fire Chief, Code Enforcement Officer, Parks & Recreation Director, Public Works Director, Town Planner and Librarian. Such hiring's shall be aided by and approved by the Board of Selectmen. The Administrator shall serve as the liaison between the Board and the personnel; act as Personnel Director for the Town; and evaluate and direct the Town's Staff.
- C.** The Town Administrator shall give bond for the faithful discharge of all duties to the Town of Waterboro in such sum as the Board shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Board. The premium on the bond shall be paid by the Town.
- D.** The Town Administrator shall be administrative head of the Town and shall be responsible to the Board for the administration of all departments assigned. The Administrator shall appoint, remove and fix the compensation of all Town officers or agents whose elections or appointments have not been otherwise provided for by this Charter. All such offices shall serve under the direction of the Town Administrator.
- E.** Prepare the proposed budget in conjunction with the Budget Committee, submit it to the Board and be responsible for its administration once adopted.
- F.** Prepare and submit to the Board, after the completion of the required annual fiscal audit, a complete report on the finances and administrative activities of the Town for the preceding year. The Administrator shall 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.
- G.** Attend the meetings of the Board. Keep the board advised of the financial condition and future needs of the Town and make such recommendations as may seem desirable. Prepare and provide supporting documents and information pertinent to agenda items where appropriate.
- H.** See that all laws, provisions of this Charter, acts of the Board's policies and ordinances governing the Town are faithfully administered. Provide all staff in all departments with clear and efficient operating procedures necessary to carry out Board policy mandates.
- I.** Act as purchasing agent for all departments of the Town, and submit to competitive bids any transaction in excess of an amount to be determined on an annual basis by the Board of Selectmen. The bidding process shall be defined in the Town's Purchasing Policy. All accounts for the purchase of supplies and materials and work performed for said Town shall bear the approval of the Town Administrator

- J. All committees/boards shall report to the Town Administrator who shall coordinate reporting by committees/boards to the Board thus ensuring that the Board are at all times apprised of committee activities.
- K. Attend meetings and conventions on behalf of the Town where appropriate. Serve as liaison between the Board and various public and private agencies/businesses and citizens of the Town.
- L. Perform such other duties as may be prescribed by this Charter or required by the Board, consistent with this Charter.

Section 403 – Compensation. The Town Administrator shall devote full time to said office. Her/his compensation shall be recommended by the Board 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 in the Town Hall and shall be provided with such clerical assistants as the Selectmen may decide. Benefits, holidays and personal time shall be determined by the Board and/or the Personnel Policy.

Section 404-Vacancy. During any vacancy in the office of the Town Administrator, and during the absence or disability of the Town Administrator, the Board shall designate a properly qualified person, not a member of the Board, to perform the duties of the Administrator and the Board shall fix the compensation. The Acting Administrator shall have the same powers and duties as those given to and imposed on the Town Administrator. Before entering upon the duties, the Acting Administrator shall give bond to the Town of Waterboro in a sum and with surety or sureties to be approved by the Board. The premium on said bond shall be paid by the Town.

Section 405 – Removal. The Town Administrator may be removed from office for cause only upon written notice and following a hearing before the Board of 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 – REGIONAL SCHOOL UNIT

Section 501 – The Management of Public Schools. The management of the public schools of the Town of Waterboro shall be vested in the Regional School Unit No. 57, in accordance with the statutes of the State of Maine.

Section 502 – Qualifications for the Board of School Directors. The members of the Board of School directors of Regional School Unit No. 57 (RSU #57), representing the Town of Waterboro, shall be registered voters of the Town and shall reside in the Town during their term

of office. A school board Director or the spouse of a School Board Director may not be an employee or a volunteer with primary responsibility for any programs or activities who report to and Administrator of RSU #57.

Section 503 – Nominations. Nominations of School Directors of RSU #57 shall be made by nomination papers signed in the aggregate from each candidate by not less than twenty-five (25), nor greater than fifty (50), registered voters of the Town of Waterboro. All nomination papers must contain the full name and address of the candidate and must specify the office for which the candidate is to be nominated and the term for which the candidate seeks nomination.

Nomination papers of candidates for any elective office in the Town of Waterboro shall be filed with the Town Clerk at least forty-five (45) days prior to the regular municipal election. Nomination papers shall be uniform and shall be made available by the Town Clerk ninety (90) days prior to the election.

Section 504 – Vacancies. The Board of Selectmen shall select an Interim RSU #57 Director to serve until the next annual municipal election. The Interim Director shall serve until a successor is elected and qualified to fill the unexpired term.

ARTICLE 6 – APPOINTED BOARDS

Section 601 – Composition. 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:

Section 602 – Budget Committee. There shall be a Budget Committee composed of five (5) members who shall be appointed by the Board of Selectmen. No other official or employee of the Town may be a member. The Budget Committee shall aid the Town Administrator in the creation of proposed budgets before submittal of the proposed budget to the Board of Selectmen. The Budget committee shall review and make recommendations on the annual operating budget and on the annual capital expenditures as proposed by the Board of Selectmen, Town Administrator, Town Officers and Department heads in determining recommended expenditures. Additional duties include to review and to make recommendations on supplemental appropriations and expenditures and other budgetary action whenever proposed by the Town Administrator and/or Board of Selectmen; and to make such other recommendations on fiscal matters as it may from time to time be deemed advisable by the Town Administrator and/or Board of Selectmen. The committee's authority shall be advisory only. Any recommendation on a matter requiring Town meeting shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the municipal officers or required by law. The Town Administrator and/or Board of Selectmen shall cooperate with and provide the Committee with such information as may be reasonably necessary and

available to enable it to carry out its functions. The Committee will hold meetings on an as needed basis.

Section 603 – Planning Board. There shall be a Planning Board composed of five (5) regular members and two (2) alternate members who shall be appointed by the Board of Selectmen. All members shall be voting members. The Planning Board shall maintain the Comprehensive Plan in a current state, make recommendations of changes in zoning ordinances, review subdivisions and conditional use applications and perform such duties as delegated by local ordinance or state law. The Board shall hold semi-monthly meetings..

Section 604 – Road Review Committee. There shall be a Road Review Committee composed of five (5) members who shall be appointed by the Board of Selectmen. The Road Review Committee shall serve in an advisory capacity to the Public Works Director and the Town Administrator in addressing the issues, maintenance and care of all Town owned roads. The Public Works Director shall not be a voting member of the Committee. The Road Commissioner shall serve in that capacity until his term expires. The Committee shall meet on a monthly basis.

Section 605 – Zoning Board of Appeals. There shall be a Zoning Board of Appeals composed of five (5) members who shall be appointed by the Board of Selectmen. The zoning Board of Appeals is established for the Town of Waterboro to receive, hear and decide appeals from interpretations of the Zoning Ordinance and decisions of the Code Enforcement officer, the Planning Board and/or the Board of Selectmen and all requests for variances within the limitations established by state law. The Board shall meet on an as needed basis.

Section 606 – Transfer Station/Recycling Committee. There shall be a Transfer Station/Recycling Committee composed of five (5) members who shall be appointed by the Board of Selectmen. The Transfer Station/Recycling Committee shall review and make recommendations to the Board of Selectmen on developing a plan to reduce the cost of disposing of waste, make recommendations on developing a plan for recycling and make recommendations on capital improvements. The Committee will review budget and recycling reports and meet with the Transfer Station manager to determine what plans and expenditures are in the community's best interest, than report to the Board of Selectmen. The Transfer Station manager shall not be a voting member of the Committee. The Committee shall meet on a monthly basis.

Section 607 – Conservation Commission. There shall be a Conservation Commission composed of five (5) members who shall be appointed by the Board of Selectmen. The Conservation Commission shall keep an index of all open areas within the Town, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the property protection, development or use of those open areas. The Commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements. The Commission shall meet a minimum of four (4) times a year on a quarterly basis.

Section 608 – Assessing Board of Review. There shall be an Assessing Board of Review composed of three (3) members who shall be appointed by the Board of Selectmen. The

Assessing Board of Review shall hear and decide appeals in regards to property tax valuations. The board shall meet on an as needed basis.

Section 609 – Fair Hearing Committee. There shall be a Fair Hearing Committee composed of three (3) members who shall be appointed by the Board of Selectmen. The Fair Hearing Committee shall hear and decide appeals in regards to general assistance complaints. The Committee shall meet on an as needed basis.

Section 610 – Boards & Committees. All boards and committees appointed and/or established by Town Charter and/or the Board of Selectmen will, at a minimum, follow these guidelines:

1. Appointments to be in a series of staggered or varied terms up to three (3) years, with the exception of the Planning Board which shall be five (5) year terms, so that no board/committee shall be comprised of an entire slate of new members in any one year.
2. Vacancies on any board/committee shall be filled by new appointments from the Board of Selectmen within thirty (30) 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.
3. Each board/committee shall elect a chairman from its membership. The Chairman shall preside at all meetings.
4. A Secretary shall be elected from its own membership or provided by the Town. The Secretary shall maintain a record of all proceedings including all correspondence, keep member attendance, and post/file agendas, meeting notices and minutes of the board/committee as required by Town Policies.
5. A quorum necessary to conduct business shall consist of at least a majority of the appointed members.
6. Each board/committee shall submit a written report of activities to the Town Administrator to be included in the Annual Town Report.
7. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. Board/committee members will be subject to mandatory, periodic training of the Maine Freedom of Access Act, commonly known as the Right to Know Law.

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

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 7 – MUNICIPAL ELECTIONS

Section 701 – Elections. The regular elections for the members of the Board of Selectmen and representatives to the RSU #57 Board of School Directors and other municipal officials as may be required, shall be held by secret ballot on the second (2nd) Tuesday in June. All such elections shall be conducted on a nonpartisan basis and without party designation.

Section 702 – Conduct of 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, conduct and management of elections, so far as they may be applicable, shall govern all elections, except as otherwise provided in this Charter.

Section 703 – 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 704 – Voting Places. The voting places for municipal elections shall be those which have been or may hereafter be established for State elections.

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, or that are otherwise unlawful.

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 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 the 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 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 address 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 _____.
 _____ 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 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.

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 thirty (30) days from the date of filing of such petition with the Town Clerk. Within thirty (30) days after such Public hearing, the Board 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 Chapter.

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.

Section 806 – Board of Selectmen not to Reenact or React. The Board of Selectmen shall not reenact ordinances, orders or resolutions rejected by voters at referendum elections for a period of at least one (1) year. The Board shall not modify or repeal ordinances adopted by voters at initiative elections for a period of at least one (1) year.

ARTICLE 9 – BUSINESS AND FINANCIAL PROVISIONS

Section 901 – Authority. The Town Administrator shall be responsible for the preparation and submission to the Board of Selectmen 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 (1st) day of July and shall end on the thirtieth (30th) day of June of the following year. Said fiscal year shall constitute the “budget” and “accounting” year as specified in this Charter. The term “budget year” shall mean the fiscal year for which any participating budget is adopted and in which it is administered.

Section 903 – Preparation and Submission of the Budget. The Town Administrator, with the aid of the Budget Committee, shall complete the Town’s annual budget for all departments (with the exception of the RSU #57 budget). The Town Administrator shall, at least ninety (90) days prior to the Annual Town Meeting, submit to the Board of Selectmen the Town budget for the ensuing fiscal year along with an accompanying explanatory budget message. The budget authority of the Board 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.

The budget shall be compiled from detailed information furnished by elected officials, administrative officers, department heads and boards/committees. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year. In organizing the budget, the Town Administrator shall utilize the most feasible combination of expenditure classifications by department, fund, organization, program, purpose or activity.

This budget message shall contain:

1. Exact statement of the financial condition of the Town which shall include but not be limited to a description and breakdown of bonded indebtedness and estimated funds to be borrowed in anticipation of tax receipts to meet the proposed budget.
2. An itemized statement of recommended appropriations for operating expenses and capital improvements with comparative statements in parallel columns of estimated year-to-date actual expenditures for the current fiscal year and actual expenditures for the three (3) preceding fiscal years. An increase or decrease in any item shall be indicated.

3. An itemized statement of estimated revenue from all sources, other than taxation, and a statement of taxes required, estimated mil rate, and comparative figures from the current and next preceding years.
4. Proposed capital expenditures during the ensuing fiscal year detailed by offices and departments when practicable and the proposed method of financing such expenditures.
5. Such other information as may be required by the Board.

Section 904 – Procedure to be Followed.

1. The proposed budget prepared by the Administrator shall be reviewed by the Board which shall approve the preliminary budget with or without amendments.
2. The complete Town budget as approved by the Board shall be printed and distributed, and the Board shall fix the time and place for holding a public hearing on the budget, and shall give public notice pursuant to State law.
3. The Board shall then review the budget and recommend it with or without amendment to the Annual Town Meeting. The reviewed budget shall be made available to the public at least fourteen (14) days prior to the Annual Town Meeting.
4. The Board 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.

Section 905 – 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 offices, departments and agencies and purposes therein named. Within the last three (3) months of the fiscal year, the Town Administrator may transfer, without Board approval, any unencumbered appropriations or portion thereof between general classifications of expenditures within a department, office or agency not to exceed an amount to be determined by the Board on an annual basis. Transfers in excess of this amount must be approved the Board.

If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the Town Administrator shall notify the Board of Selectmen whom 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.

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.

Section 906 – Budget Establishes Amount to be Raised by Property Tax: Certification to 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 tax for the purposes of the Town in the corresponding fiscal year. A copy of the budget as finally adopted shall be certified by the Board of Selectmen and filed with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding fiscal year.

Section 907 – Budget Summary. The Town Administrator shall provide a Budget Summary. At the head of the budget there shall appear a summary of the budget, which need not be

itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, it shall be itemized also by departments, offices and agencies and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

Section 908 – General Fund Balance Level and Restriction of Use.

Crisis Fund. The Town Treasurer shall maintain a Crisis fund which shall be separately invested in a proprietary account with interest to be retained therein. The Crisis fund shall be maintained at a level not less than one twelfth (1/12) of the approved appropriation for the municipal budget, the Town's portion of the RSU #57 local assessment, county tax and overlay.

At any time in the budget year the Board of Selectmen may, after notice from the Treasurer, call a Special Town Meeting for the purpose of making appropriations from the Crisis fund. The expenditures shall meet an essential municipal need to protect the public health, safety and welfare. The needs may be caused by severe economic decline, any natural disaster or sudden event outside the control of the Board. Said appropriations shall be adopted by a favorable vote of a Special Town Meeting. Said resolution shall specifically identify the public necessity and contain the precise use of the funds. The Article shall also contain a plan not to exceed a five (5) year period to restore the Crisis Fund to the prescribed level.

Whenever the Crisis Fund is less than the prescribed level, the Board shall be required to formulate a plan within ninety (90) days to restore the Crisis Fund to the prescribed level. The restoration of the Crisis Fund shall not exceed a five (5) year period.

Undesignated Fund Balance. Subject to Town Meeting approval, the Board may utilize the undesignated fund balance of the General Fund to reduce the tax commitment of any ensuing fiscal period.

Section 909 – Capital Program. The Town Administrator, in conjunction with the Budget Committee and department heads, shall prepare and submit a three (3) year Capital Program at least sixty (60) days prior to the final date for submission of the budget to the Board of Selectmen. 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 three (3) fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements.
3. Cost estimates, methods of financing and recommended time schedules for each such improvement.
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.

The Board of Selectman shall fix the time and place for 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 – RECALL

Section 1001 – Applicability. Any elected municipal or school director may be recalled and removed from office by the registered voters of Waterboro, as hereinafter provided.

Section 1002 – Petitions for Recall.

1. The petition for recall must contain only signatures of the registered voters of the Town of Waterboro, equal to ten percent (10%) of the number of votes cast in the last Gubernatorial Election but in all cases no less than ten.
2. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.
3. The petition shall state the name and office of the person whose removal is being sought, and a general statement of the reasons such removal is desired.
4. If recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought.
5. Each page of the petition shall provide a space for the voter's signature, address and printed name.
6. All petition pages thereof shall be filed as one document.

Section 1003 – Clerk's Certification. Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 3 of this article. Should the petition be found insufficient, the petition will be filed in the Clerk's office and the voter who filed the petition will be notified.

Section 1004 – Call the Recall Election.

1. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the officials whose removal is being sought of such action.
2. The Selectmen upon receipt of the certified petition shall within ten (10) days' time of receipt order an election by secret ballot, to be held not less than thirty (30) nor more than sixty (60) days thereafter, provided that a regular municipal election will not be held within ninety (90) days of receipt of the certified petition, in this case the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
3. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than thirty (30) days nor more than sixty (60) days following the Selectmen's failure or refusal to order the required election.

Section 1005 – Ballots for Recall Election. Unless the official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of

Selectmen, the ballots shall be printed and shall read “SHALL _____ BE RECALLED?” with the name of the official whose recall is being sought inserted in the blank space.

Section 1006 – Result of Election. In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records.

ARTICLE 11 – GENERAL PROVISIONS

Section 1101 – Oath of Office. Every officer of the Town shall, before entering upon duties of 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 statutes of the State of Maine, and will faithfully discharge the duties of the office of”.

Section 1102 – Subpoena Before Board of Selectmen. The clerks of the Supreme judicial and Superior Courts may issue a subpoena for witnesses to attend and produce books, documents and papers at any meeting of the Board for the Town of Waterboro at which a hearing is had in any matter regarding any alleged dereliction of duty by Town officers or employees. On complaint of failure to obey a subpoena filed with any Justice of either Court, if said Justice finds failure to obey such subpoena to be without reasonable excuse, the Justice shall impose a fine of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars.

Section 1103 – Ordinances Consistent Continue in Force. All ordinances of the Town of Waterboro in force at the time when this Charter takes effect, consistent with the provisions of this Charter shall continue in force until amended or repealed.

Section 1104 – Existing Contracts not Invalidated, Unless Inconsistent. All rights, actions, proceedings, prosecutions, and contracts of the Town or any of its departments, pending or unexecuted when this Charter goes into effect and consistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Section 1105 – Continuance of Present Administrative Officers. All persons holding administrative office at the time that this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office.

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 1106 – Expiration Term of Present Elected Officials and Applicability. The terms of the present elected municipal or school officials shall continue until the annual municipal elections of the year in which their terms were to have expired. All provisions of this Charter,

including the recall and forfeiture of office provisions, shall apply to elected municipal or school officials, including those in office at the time of adoption of this Charter.

Section 1107 – Charter Amendments. Amendments, modifications and revisions to this Charter may be made pursuant to the applicable provisions of State law. The following questions shall be put to the voters every ten (10) years from the effective date of this Charter, at the respective November election:

1. “Shall a Charter Commission be established for the purpose of revising the municipal Charter or establishing a new Charter?” The voters shall indicate “yes” or “no” on their ballot in a manner as instructed on the ballot.
2. “Indicate the six (6) candidates you wish to serve on the Commission.” The candidates shall be listed on the ballot alphabetically by last name. The voters shall indicate their selections in a manner indicated on the ballot.

Section 1108 – Referendum, Effective Date, Certification to Secretary of State. This Charter shall be placed before the voters at an election as determined by the Board of Selectmen, and warrants shall be issued for such elections in a manner now provided by law, notifying and warning the registered voters of said Town to meet and cast their ballots on the approval or rejection of the same.

The Town Clerk shall prepare the ballots pursuant to the laws of the State of Maine, on which the clerk shall reduce the subject matter to the following question:

“Shall the municipality approve the Charter revision recommended by the Charter Commission?”

The voters shall indicate “yes” or “no” in the manner instructed on the ballot.

Results of the election shall be duly certified by the municipal officers of the Town of Waterboro and such certification shall be filed with the Secretary of State.

Section 1109 – Recording. Pursuant to state law, within three (3) days of the results of the election being declared, certified copies are to be filed with the Secretary of State, the State Law and Reference Library and the Office of the Town Clerk. Additionally, certified copies shall be stored in the Town Library and the office of the Town Attorney. Electronic copies of the revised Charter shall also be kept in the Town Clerk’s office, the Town Library and the Town Attorney’s office. Electronic copies must be protected so that they may not be altered or changed.

Section 1110 – Short Title. This Charter shall be known and may be cited as the Board of Selectmen-Town Administrator Charter of the Town of Waterboro”. The Town Clerk shall cause it to be printed and made available to the public promptly.

Section 1111 – Severability Clause. If any portion of this Charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions hereof.

Section 1112 – Repealing Clause. All Acts and parts of Acts of the private and special laws of Maine relating to the Town of Waterboro, inconsistent with the provisions of this Charter, are repealed.

Section 1113 – 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 Board may deem advisable. The premium on all bonds is to be paid by the Town.

Section 1114 – Conflicts of Interest. An officer, official or employee of the Town who has 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 service 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. 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.