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## **ARTICLE I. POWERS OF THE TOWN OF BUXTON**

### **Section 1.01 Incorporation**

The Inhabitants of the Town of Buxton, Maine, 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 Town of Buxton, Maine.

### **Section 1.02 General Grant And Exercise Of Power**

The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon the Town as a municipal corporation under the Constitution and Laws of Maine. The powers of the Town under this Charter shall be construed liberally in favor of the Town to the end that the Town shall have all the powers necessary or convenient for the conduct of its municipal affairs, and failure to mention any particular powers in the Charter shall not be construed to exclude or limit in any way the general power stated in this article.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof; or of the United States or agencies thereof to the extent permitted by law.

### **Section 1.03 Separability**

If any provision of this Charter is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Charter.

## **ARTICLE II. SELECT BOARD**

### **Section 2.01 Composition, Terms, and Eligibility**

The Select Board shall be composed of five members, each of whom shall be elected by the registered voters of the Town by secret ballot to serve three year staggered terms. At each regular municipal election, Board members shall be elected to fill those positions that have become vacant. Only registered voters of the Town shall be eligible to hold the office of Select Board Member (Title 30-A MRSA 2526(3)) Select Board Members shall physically reside within the limits of the Town during their term of office. A Select Board Member's term of office shall end at the close of the Annual Town Meeting.

### **Section 2.02 Compensation of the Board**

The rate of compensation for the Select Board Members shall be established by an Article in the Town Warrant at the annual town meeting. Members shall be paid for

time served and shall receive their actual and authorized expenses incurred in the performance of their duties of office.

### **Section 2.03 Induction and Organizational Meetings**

The members of the newly constituted Board shall meet as soon as practical after the Annual Town Meeting, and they shall organize to the extent possible as follows:

- (a) To be sworn to the faithful discharge of their duties by any person authorized by State Law to administer oaths.
- (b) The Board shall elect from among its members a Chairman and Vice-Chairman. The Chairman shall preside at meetings of the Board and shall be recognized as head of the Town government for all ceremonial purposes. The Chairman shall call special meetings of the Board when such meetings are warranted or called by a majority of the Board. The Vice-Chairman shall act in the absence or disability of the Chairman.
- (c) Appoint an employee of the town to attend and take minutes at Select Board meetings.

### **Section 2.04 Regular and Special Meetings**

- (a) The Select Board shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings and shall meet regularly, at least once a week. It shall also provide a method for calling a special meeting and notice shall be posted for such special meetings in at least 5 (five) conspicuous places spread throughout town. All meetings of the Select Board shall be open to the public. In the event of an emergency meeting, notice shall be made in accordance with the general laws of the State of Maine, and notice shall be posted for such emergency meetings in at least 5 (five) conspicuous places spread throughout town whenever practical.
- (b) All meetings shall be public; however, the Select Board may recess for the purposes of discussing in a closed or Executive Session any matter which is an allowable topic for Executive Sessions under the laws of State of Maine (Title 1 MRSA 405(6)). No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official actions shall be finally approved in Executive Session (Title 1 MRSA 405 (2)).
- (c) Rules and Record: The Select Board shall determine its own rules and order of business and shall provide for keeping a record of its procedures, including the minutes and a video tape which will be made available to the public upon request. The records shall be considered a public record.

- (d) Voting: The votes of each member shall be recorded in the minutes. A majority of the Board shall constitute a quorum. No action of the Board shall be binding or valid unless adopted by affirmative vote of at least three members of the Board.

## **Section 2.05 General Powers and Duties of The Select Board**

The Select Board shall have the following enumerated powers in addition to those powers granted by law or granted to the Board at a Regular or Special Town Meeting or elsewhere provided in this Charter.

- (a) To appoint and remove the Town Manager and the Town Attorney. All appointments shall be in writing and signed by the Select Board. No appointee shall be removed without just cause and after notice and hearing. All nominations of Town officials by the Town Manager under Sec. 3.02 must be confirmed by the Select Board.
- (b) The Select Board shall appoint, in writing and signed by a majority of the Select Board, all members of the following Boards, Committees and Commissions;
- Board of Appeals
  - Cemetery Committee
  - Keep the Heat on Committee
  - Newsletter Committee
  - Saco River Corridor Commission
  - Solid Waste Committee
  - Toy Box Committee

The Select Board also have the right to initiate Boards, Committees or Commissions as they deem necessary for town affairs; and to terminate any such Board, Committee or Commission so created or existing and not required by applicable law, ordinance, or the provisions of this Charter.

- (c) The Select Board shall serve as Overseers of the Poor, which function may be delegated in whole or in part to a qualified town employee.
- (d) The Select Board shall serve as Assessors of the Town. The Select Board may appoint, as required, a Certified Municipal Assessor to provide assistance to the Board, under contract or annual retainer.
- (e) Limitations of Board Action. The Select Board shall act as a unit settling all questions by formal vote in an authorized meeting. Members must not act individually unless some duty has been delegated to a member or members by a majority vote of the Select Board. A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Select Board's meetings.

## **Section 2.06 Prohibitions**

(a) No Select Board Member or his/her family member shall hold any other compensated Town office or be employed by the Town, during the term for which he/she was elected to the Select Board. An individual may not be hired as a Town employee if his/her family member is a Select Board Member. For this purpose family member means a spouse, brother, sister, parent, son, daughter, corresponding in-law, or permanent resident of the same household. No former Select Board Member shall hold any compensated Town office or be employed in any Town department until one (1) year after resignation or expiration of the term for which he/she was elected. No elected Town official shall hold appointed office in the Town unless the law or ordinance creating the appointed office so requires or allows; provided that this shall not prohibit an elected Town official from serving on a Town board or committee in an ex officio capacity. Whenever the term "Town official" is used in this Charter, it shall be interpreted to mean any elected or appointed Town officer, appointee or employee, unless otherwise required by law, or the context in which the term appears compels a contrary interpretation.

The restrictions in this section shall apply not only on a prospective basis, but shall also apply to incumbent Select Board Member.

(b) The Select Board shall be subject to the provision of Article VII.

## **Section 2.07 Vacancy or Forfeiture of Office**

(a) Vacancy. The office of any Select Board Member shall become vacant upon non-acceptance, resignation, death, recall, legally judged incompetence, failure to qualify for the office, forfeiture of office or failure of the municipality to elect a person to the office.

(b) Forfeiture of Office. A person shall forfeit the office of Select Board Member if he/she:

- (1) lacks at any time any qualification for the office prescribed by this Charter or by law;
- (2) intentionally violates any expressed prohibition of this Charter; or
- (3) is convicted of a crime or offense punishable by a term of imprisonment for more than six months.

(c) Record of Attendance. Failure to attend meetings shall not be grounds for forfeiture of office. A record of attendance and tardiness of Board

members at all regular and special meetings shall be kept in the minutes of meetings.

- (c) Vacancies. If a seat in the Select Board becomes vacant more than 90 Days prior to the next regular election, the Select Board shall call a special election to fill the unexpired term.

### **Section 2.08 Enumeration of Powers**

The Select Board shall have the following additional powers and duties:

- (a) To set the pay of the officers, officials and employees of the Town who receive compensation after giving consideration to any recommendation made by the Town Manager.
- (b) To oversee, monitor and account for the appropriations; warrants authorizing all disbursements of Town funds must be signed by (a) the Town Manager and (b) one or more Members of the Select Board. The Select Board, by a concurring vote of at least a majority of all its members, plus one, may vote to authorize additional appropriations(s) for the then-current operating budget to be funded from either (a) unanticipated revenues or (b) from the Town's undesignated fund balance ("surplus") for any emergency affecting the public health, safety or welfare. The sum of any or all such appropriation(s) in any single fiscal year may not exceed one-half (1/2) of 1% of the municipal operating budget (exclusive of the school budget) for the then-current budget year. Any such vote of the Select Board shall be supported by written findings identifying the emergency;
- (c) To prepare, or provide for the preparation of, and to make available for general distribution, the warrant for the Annual and Special Town Meetings and Annual Town Report.
- (d) To enact ordinances as authorized by the laws of the State of Maine.
- (e) To authorize all actions for the enforcement of ordinances to be brought in the name of the Town.
- (f) To provide for the annual audit required by Sec. 5.09
- (g) To require, as deemed necessary, a bond from a surety company for all persons trusted with the collection, custody, or disbursement of any of the monies of the Town. The premiums on said bonds shall be paid by the Town.
- (h) To enter into and execute contracts on behalf of the Town concerning matters authorized by this Charter, Town Meetings, or State statutes, except as otherwise delegated to the Town Manager.
- (i) To authorize legal activity on behalf of the Town.
- (j) To approve and adopt administrative and personnel policies including, without limitation, rules and regulations governing the internal functioning of the Select Board except as otherwise provided in the Charter; provided that such rules and regulations shall require that each Select Board Member shall within one year of his or her election be required, for each term, to attend at least one Select Board Member-approved training session for elected officials. The Select Board shall adopt and have available for public inspection a set of written procedural rules

governing the conduct of their meetings. Among other matters, except as may otherwise be provided by law, the rules shall provide that the public shall have the right to be heard on all items on the Board's meeting agenda.

### **Section 2.09 Appointment and Removal of Town Manager**

- (a) The Select Board shall appoint a Town Manager by written contract for a term of 1 year, who shall have the powers and perform the duties provided in Section 3.02 of this Charter.
- (b) The Select Board may, for just cause, remove the Town Manager by an affirmative vote of a majority of its members. At least 30 days before such removal shall become effective, the Select Board shall, by an affirmative vote of its members, adopt a preliminary resolution explicitly stating the specific reasons for removal. The Town Manager may reply in writing or may waive a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Select Board by an affirmative vote of a majority of its members may adopt a final resolution of removal. By the preliminary resolution, the Select Board may suspend the Town Manager from duty, but the regular salary of the Town Manager shall continue to be paid during the period of suspension. If removal is voted, the Select Board shall cause to be paid to the Town Manager forthwith any unpaid balance of salary for the next 30 days as severance pay: The Town Manager shall cease the performance of all duties upon a vote of final resolution of removal.
- (c) The Select Board may appoint an acting Town Manager to serve during the absence or disability of the Town Manager.

### **Section 2.10 Interference with Administration**

Except for the purpose of inquiry, and except as the Town Manager may authorize in writing, Select Board Members shall not give orders, directly or indirectly, to Town employees concerning matters that are within the responsibilities of the Town Manager as described in Section 3.02 of this Charter.

## **ARTICLE III TOWN MANAGER**

### **Section 3.01 Qualifications**

The Town Manager shall be chosen by the Select Board on the basis of character and executive and administrative qualifications with special consideration to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth.

### **Section 3.02 Powers and Duties of the Town Manager**



The Town Manager shall:

- (a) Be the chief administrative official of the Town.
- (b) Be responsible to the Select Board for the supervision and administration of all departments and offices for which the Board confirms the appointment of the department head or director.
- (c) Implement all laws and ordinances of the Town.
- (d) Serve as the head of any department for which the Select Board appoints the department head or director when so directed by the Board.
- (e) Nominate, subject to confirmation by the Select Board, supervise and control the following Town officials:

- Code Enforcement Officer
- Emergency Management Director
- Fire & Rescue Chief
- Motor Vehicle Registration Agent
- Police & Dispatch Chief
- Public Works Director
- Recreation Director
- Solid Waste & Recycling Manager
- Tax Collector
- Town Clerk
- Town Treasurer
- Buxton Representative to Saco River Cable Committee
- And

The heads of any other departments created by the Select Board or the Town Manager. The Town Manager shall also appoint, supervise and control all other officials, subordinates and assistants, except the Town Manager may delegate to the appropriate department head, and report all appointments to the Select Board.

- (f) Have exclusive authority to remove for just cause, after notice and hearing, any persons whom the Town Manager is authorized to appoint, and report all such removals to the Select Board.
- (g) Act as the purchasing agent for all Town departments, boards, or commissions, provided that the Town or the Select Board may require that all purchases of a designated amount be submitted to competitive bid; and except that the Select Board may submit any purchase to competitive bid when deemed feasible.
- (h) Attend all meetings of the Select Board unless excused by the Board.

- (i) Attend all Annual and Special Town Meetings, and hearings of the Town which are initiated by the Town Manager or as required by the Select Board.
- (j) Keep the Select Board and the residents informed as to the financial condition of the Town.
- (k) Make recommendations to the Select Board for the more efficient operations of the Town.
- (l) Make application for State, Federal, and other aid grants for the benefit of the Town, as approved by the Select Board.
- (m) Perform such other duties as may be prescribed by this Charter or required by the Select Board, not inconsistent with this Charter.

### **Section 3.03 Prohibitions**

No person who is a family member of the Town Manager shall be employed by the Town. For this purpose family member means a spouse, brother, sister, parent, son, daughter, corresponding in-law, or permanent resident of the same household.

## **ARTICLE IV. ADMINISTRATIVE ORGANIZATION**

### **Section 4.01 Appointed Positions**

- (a) Health Officer: A Health Officer, who shall be responsible for the prevention and suppression of diseases and all conditions dangerous to the public health, shall be appointed by the Select Board for a three year term with compensation, if any, to be determined by the Annual Town Meeting.
- (b) Board of Appeals: There shall be a Board of Appeals consisting of five (5) voting members with staggered three year terms. The Board of Appeals shall be appointed by the Select Board. Voting members shall elect their chairman and secretary. A majority of the Board of Appeals shall constitute a quorum. No action of the Board of Appeals shall be binding or valid unless adopted by a majority of all Board members then holding office. The Board of Appeals shall have the power and authority set forth under Maine law and, in addition, any other powers or authority set forth in any zoning ordinance or other ordinances adopted by the legislative body of the town. The chairman shall submit a written report of activities to the municipal officers to be included in the annual Town Report. No Member of the Board of Appeals shall simultaneously be a member of the Planning Board.

- (c) CEO: There shall be a Code Enforcement Officer (CEO) appointed to enforce the regulations and ordinances of this municipality and the State of Maine where applicable. Including but not limited to building, land use, and plumbing codes. The appointment shall be made each year commencing on May 1, and ending on April 30. The CEO shall operate under the supervision of the Town Manager.
- (d) Assistant CEO: There shall be one (1) or more Assistant CEO's appointed by the Town Manager as needed, to fill in and assist the CEO. The Assistant CEO shall have the same enforcement powers as the CEO. The assistant(s) appointment shall be made each year commencing on May 1 and ending on April 30. The assistant(s) shall operate under the direction of the CEO and the Town Manager.
- (e) Treasurer: The Treasurer shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (f) Public Works Director: The Public Works Director shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (g) Fire & Rescue Chief: The Fire & Rescue Chief shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (h) Police Chief: The Police Chief shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (i) Recreation Director: The Recreation Director shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (j) Solid Waste Manager: The Solid Waste Manager shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (k) Welfare Director: The Welfare Director shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (l) Emergency Management Director: The Emergency Management Director shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.

- (m) Town Clerk: The Town Clerk shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.
- (n) Tax Collector: The Tax Collector shall perform all duties required to complete all statutory requirements as well as any other duties included in a written job description.

#### **Section 4.02 Elected Positions**

- (a) Elected Positions: A candidate for elected office must be a registered voter of the Town of Buxton. Residency status must be maintained for the duration of the term. To be considered a valid write-in candidate, a person must file a declaration of write-in candidacy with the Town of Buxton, on a form approved by the Town Clerk, on or before 5 p.m. on the 3<sup>rd</sup> business day prior to the election. The candidate must meet all the other qualifications for that office. The elected positions and compensation for such positions shall be determined at the Annual Town Meeting.
- (b) Vacancies occurring during a regular term shall be filled by appointment by the Select Board when there is more than 90 days until the next scheduled election, with the exception of any board committee or commission governed by an adopted ordinance shall not be subject to this section. All vacancies shall be posted in 5 (five) local stores and shall allow at least 7 (seven) days thereafter before a list of candidates is formed. The successful candidate shall serve until the next scheduled election at which time the voters of the Town shall elect, by secret ballot, a person to assume the remainder of the unexpired term.
- (c) Elected positions of the Town shall include:
  1. Moderator: A Moderator to preside at the Annual Town Meeting shall be chosen by written ballot. Moderators for Special Meetings shall be chosen and elected at each Special Meeting by written ballot. Moderators shall govern each meeting using Roberts Rules of Order and the Maine Moderators Manual.
  2. Planning Board: There shall be a Planning Board consisting of seven (7) members with staggered three (3) year terms, who shall be elected by secret ballot. The members shall elect their chairman, vice chairman, treasurer, and secretary. The Planning Board shall review the comprehensive plan every 5 (five) years to assure that the comprehensive plan meets current needs and the requirements of the community, and may call for a comprehensive plan review committee to be formed, if necessary. The Planning Board shall

evaluate and prepare amendments for zoning ordinances, and review subdivisions in accordance with Maine law. A majority of the Planning Board shall constitute a quorum. No action of the Planning Board shall be binding or valid unless adopted by a majority of all Board members then holding office. The Planning Board shall have the power and authority set forth under Maine law and, in addition, any other powers or authority set forth in the zoning ordinance or other ordinances adopted by the legislative body of the Town. The Chairman shall submit a written report of activities to the municipal officers to be included in the Annual Town Report. When there is a permanent vacancy, the municipal officers shall within sixty (60) days of its occurrence appoint a person to serve until the next annual municipal election, following the standards for filling a vacancy in elected positions.

3. Directors of School Administrative District #6: The number of directors and terms shall be determined pursuant to State Statutes.
4. Budget Committee: The Budget Committee shall be made up of Seven (7) elected members, serving three (3) year staggered terms and shall be elected by secret ballot. *(Amended: June 10, 2008)*

#### **Section 4.03 Removal – Appointed Positions**

After notice and hearing, and upon a majority vote of the Select Board, the Select Board may dismiss any appointee of a board or commission appointed by the Select Board for cause, after notice and hearing as required by State law. Failure to attend three (3) consecutive regularly scheduled meetings may be considered cause for removal by the Select Board.

#### **Section 4.04 Removal – Elected Positions**

Any elected member of any Town board, committee, or commission, pursuant to state statutes, may be removed from membership at the discretion of the Select Board if that person has missed three (3) consecutive regularly scheduled meetings of the member's board, committee or commission. Any member removed may be replaced by an alternate appointed by the Select Board, to fill out the unexpired term or until the next scheduled secret ballot election whichever comes first.

#### **Section 4.05 Bonds**

All officials required by State law to post bonds shall do so in accordance with State law, in an amount determined by the Select Board. In addition, the Select Board shall require a bond by a reputable surety company, or other acceptable sureties satisfactory to the Board, from all persons trusted with the collection, custody or disbursement of any monies of the Town, or as otherwise deemed necessary by the

Select Board. The Town, however, shall pay the costs of providing such bonds.

## **ARTICLE V. FINANCIAL PROCEDURES**

### **Part A Budget**

#### **Section 5.01 Fiscal Year**

The fiscal year of the Town shall be established as July 1 to the ensuing June 30<sup>th</sup>.

#### **Section 5.02 Budget**

The budget shall provide a complete financial plan of all Town administration funds, and activities for the upcoming fiscal year, and, except as required by this Charter or law, shall be in such form as the Select Board and Budget Committee may require. The budget, shall be formed in the most practical combination of expenditure classification by fund, organization unit, program, purpose or activities and objectives. It shall show in detail all estimated income, and all proposed expenditures, including debt service, for the current fiscal year, and shall be arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections as follows:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by office, departments and agencies in terms of their respective work programs, and the method of financing such expenditures; and
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies along with the proposed method of financing each such capital expenditure when practical.
- (c) For information only, the budget shall separately provide such information as is then available regarding the York County Tax and S.A.D. #6 assessment.

#### **Section 5.03 Budget Process**

- (a) Not later than 120 days before the Annual Town Meeting, the Town Manager shall submit, to the Select Board and Budget Committee, his/her recommendations and a proposed budget for the ensuing fiscal year.
- (b) The Select Board shall review the proposed budget and prepare a final draft for consideration in a joint meeting with the Budget Committee.

- (c) The Budget Committee shall, at a minimum, meet together with the Select Board, to review the draft budget in a joint session. The Budget Committee may make recommendations and present a message to the Annual Town Meeting. The failure of the Budget Board to make a recommendation on any particular budget article(s) shall not prevent the Annual Town Meeting from acting on the same. The Select Board shall prepare the final budget to be submitted to the Annual Town Meeting.
- (d) The Select Board shall hold at least two public informational meetings on the budget, the first of which shall be noticed and conducted as a public hearing and held no less than 90 days before the Annual Town Meeting vote and in time for the Budget Committee and the Select Board to take into account comments from the public hearing before finalizing the Annual Town Meeting warrant, and the second of which shall be held no more than 20 days and at least 7 days before the Annual Town Meeting.
- (e) Each budget article presented to the Town Meeting shall set forth a specific sum to be raised or appropriated for a specific purpose, such sum to be the greater of the amounts recommended by the Select Board or the Budget Committee. Each such article shall contain the total money appropriated for the current year and be accompanied by recommendations as to the amount from the Select Board and the Budget Committee, which recommendations shall be printed in the Warrant. The sum raised or appropriated shall be determined by the vote of the Town Meeting but shall not exceed the sum set forth in the article.

#### **Section 5.04 Public Records**

- (a) Available to Public. Copies of the yearly budget shall be public record and shall also be made available to the public through the Annual Town Report.

### **Part B Operating Procedures**

#### **Section 5.05 Town Monies**

- (a) Town Clerk Fees: Any and all fees accruing to the Town Clerk shall accrue directly to the Town.
- (b) Acceptance of Monies: The Legislative Body shall vote to accept all monies received by the Town from outside sources, including but not limited to: Federal, State or other Governmental Bodies, and private or public sources.

## Section 5.06 Bid, Purchasing and Sales Procedures

**Purchasing:** Except in emergency situations as determined by the Select Board, in those cases where the scope of work or services to be performed for the Town shall require an expenditure of \$5,000.00 or more, the following guidelines shall be followed:  
*(Amended: Nov. 4, 2003)*

- (a) A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up. Notices shall be mailed to prior and appropriate bidders notifying them of the current bid request.
- (b) Requests for bids shall be advertised in the local papers early enough to give bidders sufficient time to prepare bids. Such advertisements should include the statement that “the Town Manager reserves the right to accept or reject any or all bids.” Awards shall be made to the lowest, responsible and responsive bidder.
- (c) The manner in which the bids are to be submitted, when they shall be due in the town office, and when the bids are to be publicly opened shall be clearly stated in the ad.
- (d) For purchases between \$2,000.00 and \$4,999.00, at least three (3) price quotes for comparable products must be obtained prior to purchase.  
*(Amended: Nov. 4, 2003)*

### **Sales:**

Disposal of all surplus equipment shall be the result of acceptance of the highest bid by a sealed bid process established by the Select Board, who reserve the right to reject all bids.

## Section 5.07 Budget Amendments After Adoption

- (a) **Modification of Appropriations:** If at any time during the fiscal year it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the Select Board without delay, indicating the estimated amount of the deficit. The Select Board shall then take any further action as it deems necessary to prevent or minimize any deficit.
- (b) **Transfer of Appropriations:** The Select Board must call a Special Town Meeting to consider and vote on the transfer of part or all of any unencumbered appropriations balance from one appropriation to another. The Select Board may make intradepartmental transfers to reconcile revenue and expense accounts, said funds to be transferred only for the



use of revenue shortfalls or emergency spending as determined by the Select Board. All other transfers unless allowed under State Statutes must go to Town Meeting.

### **Section 5.08 Lapse of Appropriations**

General fund appropriations, except Federal Revenue Sharing funds or an appropriation for a capital expenditure, or such accounts the Select Board may deem necessary, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law. Such funds shall be transferred to a surplus account. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

### **Section 5.09 Annual Post-Audit**

The Select Board shall each year obtain the services of the Maine State Department of Audit or a qualified public accountant for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law. The Auditor's Report shall be published in the annual Town Report.

## **ARTICLE VI. TOWN MEETINGS AND ELECTIONS**

### **Section 6.01 Annual Town Meeting**

Annual Town Meetings shall be held each year, during the month of June. At such time a Moderator shall be elected by written ballot. Election of officers and other secret ballot articles shall be voted on the second Tuesday of June immediately after the election of the moderator. Consideration of the remaining articles shall commence on the following Saturday. Any reference to the close of the Town Meeting shall mean the final adjournment of the meeting. As the legislative body of the Town, the Town Meeting shall have the final authority for the enactment of ordinances, budgets and other legislation of the Town.

### **Section 6.02 Election of Officers and Other Matters to be Determined by Secret Ballot**

Except for the Moderator, who shall be elected by written ballot at the beginning of each Annual Town Meeting and Special Town Meeting, the election of officers shall be by secret ballot in accordance with applicable provisions of Maine law. Such applicable provisions of Maine law shall also govern other articles required to be determined by secret ballot by this Charter or applicable law, or which are to be determined by secret ballot by order of the Select Board or by petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election, but in no case less than 10, provided such order or petition is timely filed in accordance with such applicable provisions of Maine law.

A warrant article approved by secret ballot referendum vote may only be

amended or repealed by secret ballot referendum vote. (*Amendment: June 10, 2008*)

### **Section 6.03 Special Town Meetings**

Special Town Meetings shall be called in accordance with Maine law.

### **Section 6.04 General and Administrative Ordinances**

- (a) Ordinances: All ordinances, except those which under State law may be adopted by the municipal officers, shall be adopted by the legislative body of the Town, which shall be the Town Meeting. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective after adoption unless otherwise specified therein.
- (b) Articles for the Warrant
  - (1) The Select Board, on their own initiative, may by majority vote place on the warrant any article relating to the welfare of the municipality. All non-budgetary articles for inclusion in the warrant under this sub-section, with the exception of articles that appear in the warrant on a yearly basis, must be announced at a public meeting at least 7 days prior to the signing of the warrant. (*Amended: June 10, 2008*)
  - (2) The Planning Board, by their own initiative, may by majority vote place on the warrant any article relating to land use ordinances. The Select Board shall consider the recommendation of the Planning Board for placement and voting method of articles.
- (c) Petitions for Articles in the Town Meeting Warrant: Any qualified voter may request the Select Board to place an article in the Town Meeting Warrant and shall present in written form the substance of the article. If the request is denied by the Board, on the written petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election, but in no case less than ten, the municipal officers shall insert the article in the next town meeting warrant issued. If the intent is to secure a secret ballot vote, the petition shall so state otherwise the Select Board can choose to place the article on the open Town Meeting or by secret ballot referendum. (*Amended: Nov. 5, 2002*)
- (d) Warrant Articles: All articles for inclusion on the Town Meeting Warrant must be clearly worded and have a distinct single subject and shall be written so that an affirmative vote is in favor of the article.
- (e) Life Expectancy of Articles: All non-ordinance articles shall have a stated life expectancy.

## **Section 6.05 Authentication and Recording of Ordinances**

All ordinances and resolutions adopted by the Board shall be authenticated by the signatures of the Board and recorded in full by the Town Clerk in a properly indexed book kept for that purpose, the original or a copy of which shall be accessible to the public.

## **Section 6.06 Zoning Ordinance**

All Land Use Ordinances lawfully adopted prior to the adoption of this Charter shall remain in effect until amended or repealed in accordance with the Buxton Zoning Ordinance, this Charter and the laws of the State of Maine.

## **ARTICLE VII. GENERAL PROVISIONS**

### **Section 7.01 Initiative and Referendum**

Nothing in this Charter shall be construed to diminish any rights of initiative and referendum granted by Maine law.

### **Section 7.02 Charter Amendments**

- (a) Amendments to the Charter may be initiated either by the municipal officers, or by petition of the voters of the Town pursuant to Maine law. All amendments shall be acted upon by referendum vote.
- (b) Charter amendments adopted by the voters take effect on the date determined by the Municipal Officers, but not later than the first day of the next municipal year, as set forth in Title 30-A M.R.S.A., Section 2105(4).
- (c) No proposed change to this Charter, which has been unfavorably acted upon, shall be re-considered on its merits by the legislative body within one (1) year after the date of such unfavorable action.

### **Section 7.03 Elected or Appointed Officers**

Any officer shall serve for his/her prescribed term or until his/her successor is elected or appointed whichever occurs first, except as provided in Section 4.02 or Article VIII.

### **Section 7.04 Swearing in Officers**

Every town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him/her according to the Constitution and laws of the State of

Maine and the Charter and ordinances of the Town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

### **Section 7.05 Conflict of Interest**

- (a) Any official or employee 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 shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an official or employee in the making of such sales or in the making or performance of such contract. Violation of this section, with knowledge expressed or implied by the person or corporation contracting with or making a sale to the Town, shall render the contract or sale voidable by the Select Board. Official means any elected or appointed member of a municipality, quasi-municipal corporation, board, commission or committee. Employee means any person, employed by the Town of Buxton, either full-time or part-time.
- (b) No Municipal official or Town employee nor the spouse of either of the aforementioned shall knowingly act as agent for the purpose of contracting sales or employment for or to the municipality during the official or employee's term of service and for a period of up to one year after termination of service to the municipality.
- (c) If it is found that there is reasonable cause to believe that an official or employee has failed to disclose an actual or possible financial or special interest, other than an interest held by the public generally, that official or employee shall be informed of such belief and afforded an opportunity to disclose the interest. If, after hearing the response, it is determined by such individual's remaining fellow Town officials or employees that the official or employee did fail to disclose an actual or possible financial or special interest, appropriate and corrective action shall be taken, including, without limitation, a vote of censure. In all such instances, a written report shall be forwarded to the Select Board or Town Manager as applicable, indicating the nature of the conflict, the official's or employee's position and its resolution by his or her fellow Town officials or employees; provided, however, only the Select Board or Town Manager as applicable may remove a Town official or Town employee in such an instance and only after first providing the official or employee with appropriate notice and an opportunity to be heard.
- (d) Any person found in violation of this section, or any ordinance enacted pursuant to this section, by a court of competent jurisdiction, shall immediately forfeit his/her office or position and shall be ineligible for the period of five (5) years thereafter to hold any town office or employment.

### **Section 7.06 Public Comment**

Every Town Board and Committee shall allow public comment at its meetings, including workshops, other than executive session conducted pursuant to 1 MRSA Section 405. Boards and Committees may make rules for limiting comment so as to avoid disruption of their proceedings and so as to limit the time allowed for comment.

### **Section 7.07 Prohibitions**

- (a) No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any Town employment or appointive position because of race, gender, color, ethnic origin, age, physical handicap, military status, or political or religious opinions or affiliations unless related to bona fide occupational qualifications.
- (b) No elected or appointed Town official shall, to the detriment of the Town, disclose confidential information concerning the property, government or affairs of the Town; nor shall he/she use such information to advance the financial or private interest of him/herself or others. For purposes of this Section, the term “confidential information” shall mean any information, oral or written, which comes to the attention of, or is available to, such Town official only because of his or her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of a collective body of the Town called pursuant to 1 M.R.S.A. §§ 405 et seq. shall be considered within the constraints of this Section, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.
- (c) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made hereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (d) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal services.
- (e) No person who holds a compensated Town position shall solicit any assessments, contributions, or service for any political party from any employee in the municipal service.
- (f) Nothing herein contained shall affect the right of any person to hold membership in, or support, a political party, to vote as he chooses, to express privately and publicly his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

- (g) No Select Board, other Boards, Committees or Commissions or Town Manager shall adopt policies that are contradictory to this Charter or tend to circumvent its stated purpose.
- (h) Any person found in violation of this section, or any ordinance enacted pursuant to this section, by a court of competent jurisdiction, shall immediately forfeit his/her office or position and shall be ineligible for the period of five (5) years thereafter to hold any town office or employment.

## **ARTICLE VIII. RECALL PROVISIONS**

- (a) Any elected official of the town of Buxton may be recalled pursuant to state statutes and removed from office by the registered voters as herein provided
- (b) Any resident of the town wishing to circulate a recall petition can do so by gathering signatures equal to 10% of the votes cast in the last Gubernatorial election. This petition is only used to give notice to the town that a recall election may be undertaken. This petition must have the name of the person being petitioned for recall and must also have a statement as to the reasons for recall. This petition shall be filed with the town clerk, who shall within five (5) working days check the validity of those signatures gathered. In cases where more than one official is being petitioned for recall, there shall be separate petitions for each official and each such petition must have the required amount of signatures to be valid.
- (c) Before any recall election petitions can be obtained, any 5 voters of the municipality must file an affidavit with the municipal clerk stating:
  - (1) that the 5 voters will constitute the petitioners committee;
  - (2) the names and addresses of the 5 voters;
  - (3) the address to which all notices to the committee are to be sent
  - (4) that the 5 voters will circulate the petitions and file them in the proper form with the clerk

Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee. The committee may, if they desire, have additional persons circulate these petitions for signatures. Each recall election petition must state the name of the person and office in question and the petitioners' reasons for recall.

- (d) In order for the recall election petition or petitions to be effective, each (petition for recall) must be signed by 10% of the registered voters of Buxton. To every signature there shall be a space provided to state the

place of residence of the signer, giving street or other description sufficient to identify place of residence and a space for the signer to print his/her name. The Clerk shall note the date petitions were issued and notify the petition committee that the petitions must be filed within 60 days of issue with the required amount of signatures or they are void.

- (e) Within twenty days after the petitions are filed. The clerk shall ascertain whether or not the petition or petitions is/are signed by the required number of qualified voters and shall attach thereto his/her certificate showing the results of such examination.
- (f) Upon examination of the petitions, the town clerk shall certify the validity of the petition/s. If found to be sufficient, he or she shall submit the same with his or her certificate to the Select Board at its meeting and shall notify the official/s whose removal is/are being sought of such action.
- (g) The Select Board, within 5 business days of the receipt of the Town Clerk's certification, shall order an election to be held not less than 30 nor more than 60 calendar days thereafter, unless a regular municipal election is to occur within 90 calendar days. The recall election shall be held at that time, but no later.
- (h) Should the Select Board fail or refuse to order an election as herein provided, such election may be called by a Notary Public in the county by written petition of a number of voters equal to 10% of the number of votes cast in the Town at the last gubernatorial election, but in no case less than 10.
- (i) The Select Board shall hold a Public Hearing not less than 7 days nor more than 21 days from the receipt of a written request of the officer or official(s) being recalled. At said hearing which shall be presided over by a moderator, the petitioners and the officer or official whose recall is sought shall be provided the opportunity to present reasons for or against recall.
- (j) The incumbent/s shall continue to perform the duties of office until the recall election process is completed. If not then recalled, he/she shall continue in office for the remainder of his/her unexpired term.
- (k) In the event of a successful recall election, nominations for candidates shall be sought in the same manner as for any municipal election and in accordance with state and municipal election laws.
- (l) No person, who has been recalled from office or who has resigned from office while recall proceedings are pending, on that person, shall be appointed or hired to any town office or board, commission or committee

within two years after such removal or resignation.

- (m) Disbursement Ordinance shall be used in the case of multiple vacancies of the Select Board, where business could otherwise not be conducted.

## **ARTICLE IX. TRANSITIONAL PROVISIONS**

### **Section 9.01 Effective Date**

This Charter shall take effect on the first day of the next succeeding municipal year as set forth in Title 30-A M.S.R.A., Section 2105(4).

### **Section 9.02 Ordinances**

All existing codes, ordinances, and policies will remain in effect until altered, amended, or repealed except where these codes, ordinances, and policies are inconsistent with this Charter.

### **Section 9.03 Officers, Employees and Board Members**

- (a) Continuation of Office or Employment.
  - (1) Except as specifically provided by this Charter, if at the time this Charter takes full effect any appointed official or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he/she vacate the office or position.
  - (2) All elected officials and established Boards and Committees not inconsistent with this Charter shall continue in effect until changed by the legislative body or the Select Board's action, and the incumbent members shall serve their appointed terms or until replaced.

### **Section 9.04 Departments, Offices and Agencies**

- (a) If a department, office or agency is abolished by or under this Charter, the powers and duties given it by law shall be transferred to the Town department, office or agency designated in this Charter, or if the Charter makes no provision, designated by the Board.
- (b) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict



arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the Select Board in accordance with this Charter.

#### **Section 9.05 Pending Matters**

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this Charter.

#### **Section 9.06 State and Municipal Laws**

All town ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this Town or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

#### **Section 9.07 Charter Review Committee**

The Select Board shall provide for the appointment of a Charter Review Committee every seven years for the purpose of reviewing and recommending updates to this Charter. In the event a Committee shall have been appointed within any seven (7) year period, a new seven (7) year period shall commence from the date of the dissolution of said Committee.