

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. _Once the Town Meeting is abolished pursuant to this Section, the procedures and time periods established in this Charter for Special

Town Meeting or Annual Town Meeting shall apply to the regular or special budget referendum vote. The regular budget referendum vote shall be held on the second Tuesday in June of each year. 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. (amended 11/6/18)

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.