

Town of Arundel Municipal Charter

**Adopted November 6, 1990
Amended June 9, 1992
Amended June 14, 1994
Amended November 2, 2004
Amended November 8, 2005
Amended November 8, 2011**

ARUNDEL, MAINE
MUNICIPAL CHARTER
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Preamble

The voters of Arundel approved the establishment of a Charter Commission at a special town meeting in January of 1989. The purpose of the Commission was to present a new municipal charter. In April of 1989, six members were elected to serve on the Charter Commission and three were appointed by the Board of Selectmen. During the next four months, the Commission met with various state and municipal officials as well as a management consultant. Public hearings were held in an effort to gather ideas and input from the public. Many existing charters from other communities were also reviewed. The objective was to look at many possible ideas and use them as a basis for the best working charter for the Town. In August of 1989 the first rough draft was started. As prescribed by Statute, the Charter was presented to the Board of Selectmen in December of 1989. In February of 1990 the Charter was presented to the public at a public hearing. The Charter was then placed on the Warrant for the Annual Town Meeting in June of 1990, but due to an insufficient number of voters in attendance, it could not pass. The Charter was then placed on the November 1990 referendum ballot where it passed.

The Commission made every effort to be responsive to the will and suggestions of the community, while remaining creative and unbiased in their presentation of a charter for the voters to adopt. The Charter was written to provide the structure by which the Town's needs could be met. The Charter's main function is to set guidelines and expectations for elected and appointed officials to follow. The Charter also provides a means by which voters can measure local government performance and, if necessary, the means to change direction.

The Charter Commission of Arundel (1989) recommended retaining the Town Meeting form of government with a Town Manager/Administrator. The primary governing body will be retained as five Selectmen.

Henceforth, this Charter will refer to the Board of Selectmen as "the Board", the Town of Arundel as "the Town", and "Statute" will mean the Maine Revised Statutes Annotated.

The Charter Commission wishes to thank the voters of Arundel for allowing us to take part in establishing the initial Charter for the Town of Arundel. Subsequent Charter Review Committees, whose work is summarized in the addendum below, add their thanks as well. In particular, we appreciate the input of members of the community who took the time to attend our meetings and public hearings.

Addendum:

June 1992: Seven Charter revisions were proposed. Most were wording changes and clarifications of duties, all of which passed with a large majority of the vote. Question four, which would have changed the Town Clerk's position from elected to appointed, was narrowly defeated.

June 1994: Nine Charter revisions were proposed. Most were changes in the make up of various boards and committees; another redefined how to better handle Write-in Candidates. All amendments passed.

November 2004: Five Charter revisions were proposed. These were: to remove assessing duties from the Selectmen and add an Assessor to the Appointed Officers section; to change the Town Clerk's position from elected to appointed (effective July 2005); to remove the Charter Review Committee as a standing committee; and to create a Board of Assessment Review. The final amendment clarifies the appointed positions that may be held by elected officials. All amendments passed.

November 2011: The following Charter revisions were proposed: deletion of the Kennebunk River Committee and the Solid Waste Committee, addition of the position of Fire Chief, and the creation of an Economic Development Committee. The language for "Non-interference" re Board of Selectmen was revised and similar language was added for all boards and committees listed in the Charter. The process for recall of elected officials was rewritten to clarify that process. Descriptions of the composition and duties of the Budget Board were also clarified. The Arundel Fire-Rescue, Inc. description was amended to reflect the new town position of Fire Chief. Other, minor, proposed changes were for the purposes of clarification and/or adherence to Statute.

1.0 POWERS OF THE TOWN

1.1 INCORPORATION

The inhabitants of the Town, within the territorial limits established by law, shall continue to be a body corporate and politic under the name Town of Arundel.

1.2 FORM OF GOVERNMENT

The form of government provided by this Charter shall be Town Meeting/Board of Selectmen/Town Manager.

1.3 POWERS OF THE TOWN

The Town shall have all powers possible for a municipality to have under the constitution and laws of Maine. The powers of the Town under this Charter shall be construed liberally in favor of the Town, and no mention of particular powers in the Charter shall be construed to be exclusive or as limiting in any way the general powers of the Town.

1.4 INTERGOVERNMENTAL RELATIONS

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 any agencies thereof to the extent permitted by law.

2.0 ELECTED OFFICERS

The offices to be filled by the voters will be:

- a. Town Meeting Moderator (Section 3.0)
- b. Board of Selectmen (Section 4.0)
- c. School Board (Section 5.0)
- d. Budget Board (Section 10.3)

2.1 ELIGIBILITY

Any registered voter shall be eligible to hold any elective office, but a person holding one elective office shall not simultaneously hold any other elective town office. In any particular Town Election, no person shall be a candidate for more than one town office.

2.2 NOMINATION PROCEDURE

Except as otherwise provided, the number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall not be less than twenty-five (25) nor more than one hundred (100). Adjustment to be made in accordance with Title 30-A M.R.S.A. Section 2528. [Amended 11/8/05]

2.3 ELECTION

The annual election of town officials shall be held on the 2nd Tuesday in June each year (State Primary Election day), in conjunction with the annual town meeting, in accordance with Statute.

2.3.1 WRITE-IN CANDIDATES

Write-in candidates must receive a minimum of twenty-five (25) votes to be elected. If no candidate receives twenty-five (25) write-in votes, then a vacancy shall be declared. In the event of a vacancy, write-in candidates shall be given first consideration for the open position, which office or position shall be appointed by the Town Manager and confirmed by the Board of Selectmen pursuant to Section 6.2.g of this Charter. However, in the case of the Board of Selectmen, any such vacancy shall be filled by the Board of Selectmen without Town Manager participation. [Amended 6/14/94]

2.4 COMPENSATION

Elected town officials shall receive compensation as may be provided for that purpose by appropriation annually.

2.5 VACANCY OF OFFICE

The office of an elected official shall be vacant upon the death, resignation, non-acceptance, permanent disability, incompetence, or removal from office in any manner authorized by law or by this

Charter.

2.6 FORFEITURE OF OFFICE

An elected official may forfeit his office and be subject to the recall provisions in Section 14.3 if he:

- a. lacks, at any time during his tenure of office, any qualifications for the office prescribed by this Charter or by law;
- b. intentionally violates any expressed prohibition of this Charter;
- c. fails to fulfill the requirements of his office, including (but not limited to) failure to attend regular meetings or actively participate in the functioning of the board or committee [Amended 11/8/05]; or
- d. is convicted of a crime or offense which is reasonably related to his ability to serve as a municipal official/officer.

3.0 TOWN MEETING MODERATOR

3.1 At each Town Meeting, a Moderator shall be elected by secret ballot as prescribed by Statute.

4.0 SELECTMEN

4.1 ELIGIBILITY

Only registered voters of the Town shall be eligible to hold the office of Selectman. Selectmen shall reside in the Town.

No Selectman shall hold any other elected Town office, any Town position for which compensation is provided (under Section 9,) or any other full or permanent part time Town employment during the term for which he is elected to the Board. No former Selectman shall hold any compensated Town Office or be employed in any Town Department until one (1) year after the resignation or expiration of the term for which he was elected. No Selectman shall serve as a member of a Town Board (Sections 10.1, 10.2, 10.3, and 10.4). [Amended 11/2/04 and 11/8/11]

4.2 COMPOSITION AND TERM OF OFFICE

There shall be five (5) Selectmen elected for staggered terms of

three (3) years each.

4.3 COMPENSATION

Selectmen shall be compensated at a rate adopted by the Annual Town Meeting and shall receive reasonable expenses incurred in the course of their official duties as may be approved by a majority of the Board.

4.4 INDUCTION AND ORGANIZATIONAL MEETING

The members of the newly constituted Board shall meet within seven (7) days after their election 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 Statute to administer oaths;
- b. elect a Board Chairman, Vice-chairman, and Secretary; and
- c. establish time and place for regular Board meetings and give appropriate notice thereof to the public.

4.5 GENERAL POWERS AND DUTIES

The Board, as a body, shall exercise all administrative and executive powers of the Town, except as otherwise provided by this Charter or the Constitution and Laws of the State of Maine. A principal function of the Board is to establish and execute goals, policies, and strategies for the best interests of the Town.
[Amended 11/8/05]

4.6 MEETING PROCEDURE

The Board shall hold regular meetings, at least once a month, at a time determined at the organizational meeting. Special meetings may be held on the call of the Chairman upon no less than twelve (12) hours notice to each member. Emergency meetings of the Board may be called at any time by the Chairman or by any member of the Board. All meetings of the Board shall be open to the public, reserving to the Board the right to recess for the purpose of holding discussion in an executive session as permitted by Statute. Any final action taken by the Board shall be taken in public session. Selectmen shall keep minutes of their proceedings, which minutes shall be available to the public in the Town Office. Voting shall be by a show of hands or voice vote and shall be recorded in the minutes of the Board. All binding votes shall require that the majority of the Board members present

[a minimum of three (3)] vote in favor of the motion on the floor.
[Amended 11/8/05]

4.7 NON-INTERFERENCE

The Board or individual members of the Board, shall direct all inquiries, concerns, or complaints regarding the administration, delivery, and/or procurement of any Town or municipal services, any Town employee, Board or Committee, or individual members thereof, to the Town Manager. Neither the Board or individual members of the Board shall, either publicly or privately, instruct, order, direct, or make any demands of any Town official, officer, or employee, who is subordinate of the Town Manager regarding the delivery or procurement of Town services or with respect to their duties as a Town official, officer, or employee. [Amended 11/8/11]

4.8 FILLING OF VACANCIES

If a vacancy in the office of a Selectman occurs when there are more than ninety (90) days remaining before the next regular Town Meeting, the remaining Selectmen shall call a special Town Meeting for election to fill such vacancy. If the vacancy occurs when less than ninety (90) days remain before the next regular Town Meeting, the Selectmen may use their discretion as to whether a special Town Meeting is needed to fill such a vacancy. If at any time two or more vacancies occur at the same time on the Board, a special Town Meeting for election shall be held to fill such offices. In the event that all five (5) positions on the Board are vacant, the aforementioned Town Meeting shall be called by the Town Clerk.

4.9 ENUMERATION OF RESPONSIBILITIES

The power and duties of the Board shall include, but not be limited to the following:

- a. to be Overseers of the Poor; [Amended 11/2/04]
- b. to provide for an annual audit pursuant to Statute;
- c. to appoint the Town Manager;
- d. to confirm appointments of Town Officials, members to the boards, committees, agencies, and positions as provided by Statute and Charter;
- e. to propose to the Town Meeting the enactment or repeal of ordinances which require approval by a Town Meeting;

- f. to adopt, amend, or repeal those ordinances, regulations, and policies as permitted by Statute, which do not require approval by a Town Meeting; [Amended 11/8/11]
- g. to provide for the granting of licenses and permits for the conduct of any business in accordance with Statute;
- h. to recommend a budget and provide an up-to-date statement of accounts for the Annual Town Meeting;
- i. to oversee all activities within the Town government;
- j. to adopt purchase procedures providing for the delegations of purchasing authority, within defined categories and limits;
- k. to obtain professional services on behalf of the Town;
- l. to enact emergency regulations and ordinances as may be permitted by Statute; and
- m. to appoint ad hoc advisory or study committees as the need may arise and to charge them with specific duties.

5.0 SCHOOL BOARD

NOTE: Section 5.0 will apply only as needed. [Amended 11/8/11]

5.1 ELIGIBILITY

Only registered voters of the Town shall be eligible to hold the office of School Board Member. School Board Members shall reside in the Town.

5.2 COMPOSITION AND TERM OF OFFICE

There shall be five (5) School Board members, elected at large for staggered terms of three (3) years each.

5.3 COMPENSATION

The compensation of the Chairman and Members of the School Board shall be determined by the Town Manager with the approval of the Board.

5.4 DUTIES

The duties of the School Board shall be as provided by Statute.

5.5 FILLING OF VACANCIES

A vacancy on the School Board shall be filled within thirty (30) days by appointment according to Title 20-A M.R.S.A. Section 2305. The word "vacancy" applies also when no candidate is duly elected to fill the office. The appointed member shall serve until the next Annual Town Meeting, at which time the remainder of a vacated elected term shall be filled by election.

6.0 TOWN MANAGER

6.1 QUALIFICATIONS

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

The Town Manager must have:

- a. thorough knowledge of municipal management and community problems;
- b. thorough understanding of administrative organization, design, and evaluation;
- c. thorough knowledge of financial administration and the design of financial accounting and reporting systems;
- d. thorough knowledge of the theory and practice of public personnel administration;
- e. thorough knowledge of municipal government programs and decision-making process;
- f. a working knowledge of State and Federal programs;
- g. the ability to communicate effectively both orally and in writing;
- h. the ability to listen to others;
- i. conflict resolution skills;
- j. the ability to direct and supervise others and to delegate;
- k. the ability to organize and use time effectively;

- l. the ability to give and accept constructive criticism;**
- m. a goal-oriented approach and a self-starting drive to get things done, frequently through other people;**
- n. a positive and direct approach in striving to achieve results, but must, at times, be able to motivate others to act through persuasiveness and the generation of enthusiasm; and**
- o. the ability to act independently and creatively.**

6.2 POWERS AND DUTIES

The Town Manager shall:

- a. be the chief executive and administrative official of the Town;**
- b. be responsible to the Board for administration of all departments and offices over which the Board has control;**
- c. oversee the execution of all laws and ordinances of the town;**
- d. serve as Treasurer and Road Commissioner and in any office as the head of any department under the control of the Board when so directed by the Board;**
- e. appoint, subject to confirmation by the Board, and supervise the heads of departments when the department is not headed by the Town Manager under Section 6.2d, above;**
- f. have exclusive authority to remove, in accordance with the Town's Personnel Policy, any persons the Town Manager is authorized to appoint/hire and report all removals to the Board [Amended 11/8/05];**
- g. appoint, supervise, and control all town officials whom the Town Officers are required by law to appoint, except that the Town Manager may delegate this authority to a head of a department, and report all appointments to the Board for confirmation;**
- h. act as purchasing agent for all departments, except the School Department, provided that the Town or the Board shall require that all purchases greater than \$5000.00 shall be submitted to competitive bid, except that the Board may submit any purchase to competitive bid when deemed feasible [Amended 11/8/05];**
- i. attend all regular meetings of the Board [Amended**

6/9/92 and 11/8/05];

- j. make recommendations to the Board in regard to the efficient operation of the Town;
- k. keep the Board and the residents of the Town informed as to the financial condition of the Town;
- l. collect data necessary for the preparation of the budget;
- m. act as a resource, insofar as possible, for residents and taxpayers who have problems or concerns regarding community/municipal issues [Amended 11/8/05];
- n. make application for State, Federal, and other aid grants for the benefit of the Town, as approved by the Board; and
- o. perform such duties as may be prescribed by this Charter or Statute or required by the Board, not inconsistent with this Charter or Statute.

6.3 ABSENCE OF THE TOWN MANAGER

In the event of the Town Manager's extended absence, the Board shall appoint a qualified individual to perform the duties of the Town Manager until such time as the Town Manager returns. [Amended 11/8/05]

6.4 REMOVAL/RESIGNATION

In the case of resignation or removal from office, the Town Manager shall forfeit all duties and appointments held by that individual.

7.0 TOWN CLERK

7.1 QUALIFICATIONS

The Town Clerk shall fulfill qualifications for Maine State Certification within the first year of his appointment.

7.2 DUTIES

In addition to statutory duties, the Town Clerk shall keep available in the town office minutes of all town boards and committees for

public review. The Secretary of said boards and committees shall make this information available to the clerk promptly after each meeting. The Town Clerk shall also be responsible for additional general office functions deemed appropriate by the Town Manager. [Amended 6/9/92]

7.3 COMPENSATION

The Town shall provide for a salary to be paid to the Clerk as full compensation for the performance of his duties. [Amended 11/8/05]

7.4 GENERAL

7.4.1 The Town Clerk shall be appointed. [Amended 11/2/04]

7.4.2 The Town Clerk's place of business shall be in the municipal offices and at times agreed upon by the Board and the Town Manager.

7.4.3 The Town Manager shall appoint a Deputy Town Clerk and may appoint an Assistant Town Clerk from the existing office staff. The Deputy and/or Assistant will be responsible to the Town Clerk during performance of the duties for the Town Clerk. Primary responsibility of the Deputy and/or Assistant will remain, at all times, with the Town Manager. [Amended 11/8/05]

8.0 ASSESSOR [Amended 11/2/04]

8.1 QUALIFICATIONS

The Assessor shall hold or obtain a valid Maine Assessor's Certificate within one year of employment.

8.2 DUTIES

Appraising or assessing real and personal property for taxation within the Town, administration and maintenance of all records necessary to the administration of the assessing program.

8.3 COMPENSATION

The compensation of the Assessor shall be determined by the Town Manager with the approval of the Board.

9.0 APPOINTED OFFICERS/OFFICIALS

In addition to those provided for elsewhere in this Charter, the following officers/officials shall be appointed by the Town Manager subject to confirmation by the Board. Said appointments shall be acted upon within thirty (30) days following the Annual Town Meeting. Terms of office for appointed positions shall run concurrently with the fiscal year. [Amended 6/9/92] No elected Town Officer/Official shall hold appointed office under Section 9 in the Town unless the law or ordinance creating the appointed office so requires or allows. [Amended 11/8/05]

9.1 ANIMAL CONTROL OFFICER

9.1.1 QUALIFICATIONS

The Animal Control Officer shall have or obtain the required State Certification as per Title 7 M.R.S.A. Section 3947. [Amended 11/8/05]

9.1.2 DUTIES

The duties of the Animal Control Officer shall be according to Statute. He shall also perform such duties as may be directed by the Town Manager with the approval of the Board.

9.1.3 COMPENSATION

The compensation of the Animal Control Officer shall be determined by the Town Manager with the approval of the Board.

9.2 CIVIL EMERGENCY PREPAREDNESS DIRECTOR

9.2.1 QUALIFICATIONS

The Civil Emergency Preparedness Director shall have background and training in fire fighting and/or law enforcement. [Amended 11/8/05]

9.2.2 DUTIES

The duties of the Civil Emergency Preparedness Director shall be to act as liaison officer to appropriate inter-jurisdictional agencies to facilitate cooperation in the

work of disaster prevention, preparedness, response, and recovery. He shall also perform such duties as may be directed by the Town Manager with the approval of the Board. [Amended 11/8/05]

9.2.3 COMPENSATION

The compensation of the Civil Emergency Preparedness Director shall be determined by the Town Manager with the approval of the Board.

9.3 CODE ENFORCEMENT OFFICER

9.3.1 QUALIFICATIONS

The Code Enforcement Officer shall have or obtain all the required State Certification including Building Standards, Shore Land Zoning, Land Use and Subsurface Waste Water Certification within 1 year of employment.

9.3.2 DUTIES

The duties of the Code Enforcement Officer shall be prescribed by the Ordinances of the Town, Planning Board Regulations, State Plumbing Code, and Statute.

9.3.3 COMPENSATION

The compensation of the Code Enforcement Officer shall be determined by the Town Manager with the approval of the Board.

9.4 ELECTRICAL INSPECTOR

9.4.1 QUALIFICATIONS

The Electrical Inspector shall hold a valid Maine State Master's License or a Maine State Inspector's Certificate.

9.4.2 DUTIES

The Electrical Inspector's duties shall comply with the order of the State Electrical Inspector according to Statute and Town Ordinances.

9.4.3 COMPENSATION

The compensation of the Electrical Inspector shall be determined by the Town Manager with the approval of the Board.

9.5 FIRE CHIEF [Added 11/8/11]

9.5.1 QUALIFICATIONS

The Fire Chief shall be experienced in firefighting procedures and protocols, hold firefighter 1 and 2 certifications, and have experience in officer training and in the training and retention of firefighting and EMS personnel.

9.5.2 DUTIES

The duties of the Fire Chief shall be all duties associated with being the head administrative officer of the Arundel Fire-Rescue, Inc. The Fire Chief will be responsible to the Town Manager for the proper administration of all departmental affairs as outlined in the Town of Arundel Personnel Policy.

9.5.3 COMPENSATION

The compensation of the Fire Chief shall be determined by the Town Manager with the approval of the Board of Selectmen.

9.6 HEALTH OFFICER

9.6.1 QUALIFICATIONS

The Health Officer shall have background and training in Health Care. A minimum qualification of Licensed Practical Nurse (LPN) or Emergency Medical Technician – Basic is recommended. In the event no such person is available, then an appointment shall be made pursuant to Statute. [Amended 11/8/05]

9.6.2 DUTIES

The Health Officer shall be responsible for procedures and protocols regarding the prevention and suppression of diseases and all conditions dangerous to the public health as prescribed by Statute and Ordinances of the Town. [Amended 11/8/05]

9.6.3 COMPENSATION

The compensation of the Health Officer shall be determined

by the Town Manager with the approval of the Board.

9.7 PLUMBING INSPECTOR

9.7.1 QUALIFICATIONS

The Plumbing Inspector shall hold a valid Maine State Inspector's Certificate.

9.7.2 DUTIES

The duties of the Plumbing Inspector shall be in accordance to Statute and Ordinances of the Town.

9.7.3 COMPENSATION

The compensation of the Plumbing Inspector shall be determined by the Town Manager with the approval of the Board.

9.8 REGISTRAR OF VOTERS

9.8.1 QUALIFICATIONS

The Registrar of Voters must be a citizen of the United States, a resident of the State, and at least 18 years of age. The Registrar cannot hold or be a candidate for elective State or County office or hold a membership position in any party committee. The Registrar must attend training sessions approved by the Secretary of State's office at least once every two years. (Title 21-A M.R.S.A. Section 101) The Registrar shall be familiar with all Federal and State election laws. [Amended 11/8/05]

9.8.2 DUTIES

The duties of the Registrar of Voters shall be as provided for by Ordinances of the Town and by Statute.

9.8.3 COMPENSATION

The Town shall provide for compensation for performance of the duties of this office, perhaps as part of another office (such as Town Clerk) and the place of business and hours of same shall be agreed upon by the Board, Town Manager, and Registrar.

9.9 TAX COLLECTOR

9.9.1 QUALIFICATIONS

The Tax Collector shall seek to fulfill qualification for Maine State Certification within a three (3) year period. [Amended 11/8/05]

9.9.2 DUTIES

The Tax Collector shall perform the duties prescribed by Statute. The Tax Collector shall NOT also serve as Treasurer. These two offices must be filled by two separate individuals, although the Tax Collector could also serve as Town Clerk and/or Registrar of Voters. Conversely, the Treasurer could also serve as Town Clerk and/or Registrar of Voters. The Tax Collector shall appoint at least one Deputy Tax Collector with the consent of the Board.

9.9.3 COMPENSATION

The Town shall provide for a salary to be paid to the Tax Collector as full compensation for the performance of his duties. The Tax Collector's place of business shall be in the municipal offices and at times agreed upon by the Board, Town Manager, and Collector.

10.0 BOARDS AND COMMITTEES

Terms of office for appointed positions shall run concurrently with the fiscal year. [Amended 6/9/92]

10.0.1 NON-INTERFERENCE

No Board, Committee, or individual members thereof shall instruct, direct, or make demand on any Town employee without first securing the consent of the Town Manager. Further, all requests for Town information or data by any Board or Committee or individual members thereof shall be directed to the Town Manager for response. [Amended 11/8/11]

10.1 BOARD OF APPEALS

10.1.1 QUALIFICATIONS

Members shall have background and/or training in the responsibilities and duties of a Zoning Board of Appeals. [Amended 11/8/05]

10.1.2 COMPOSITION

The Board of Appeals shall consist of five (5) to seven (7) members with staggered three (3) year terms, appointed by the Town Manager with the approval of the Board. Members shall annually elect their Chairman, Vice-chairman, and Secretary. [Amended 11/8/05]

10.1.3 DUTIES

The duties of the Board of Appeals shall be as provided for in Title 30-A M.R.S.A. Section 2691 and Ordinances of the Town. The Chairman shall submit a written report of activities to the Municipal Officers to be included in the Annual Town Report.

10.2 BOARD OF ASSESSMENT REVIEW [Amended 11/2/04]

10.2.1 ELIGIBILITY

Members of this board shall be registered voters of the Town, although the board may consult with outside sources as they may deem necessary.

10.2.2 COMPOSITION

The Board of Assessment Review shall consist of three (3) members and two (2) alternates appointed by the Town Manager with the approval of the Board. Initially, terms are for one, two, and three years for the three members and one and two years for the alternates. Thereafter, the term of each member or alternate is three years. Members shall annually elect a Chairman, Vice-chairman, and a Secretary.

10.2.3 DUTIES

The duties and procedures are governed by Title 30-A M.S.R.A. Section 2526 subsection 6.

10.3 BUDGET BOARD

10.3.1 ELIGIBILITY

Members of this board shall be registered voters of the Town, although the board may consult with outside

sources as they may deem necessary. [Amended 6/14/94]

10.3.2 COMPOSITION

This board shall consist of seven (7) to nine (9) members, six (6) elected for staggered three (3) year terms and the remainder appointed for staggered three (3) year terms. In addition, up to two (2) alternates may be appointed for one (1) year terms. [Amended 6/14/94, 11/8/05, and 11/8/11]

10.3.3 DUTIES

The Town Manager shall call a meeting of the Budget Board within thirty (30) days following election for an organizational meeting to elect a Chairman, Vice-chairman, and Secretary

. Subsequent meetings shall be called by the Budget Board Chairman or at the request of the Town Manager/ Board of Selectmen at the appropriate time and shall be held publicly in accordance with the Freedom of Access Act [Title 1 M.R.S.A. Section 401 et seq].

The Board of Selectmen will present a budget to the Budget Board for its review at least five (5) months prior to the annual Town Meeting.

The Budget Board:

- a. shall consider any and all financial questions for the purpose of making reports and recommendations to the Town;**
- b. shall review all budget proposals submitted and make recommendations which will be included in the warrant for consideration at the annual or special Town Meeting;**
- c. may ask Department Heads or organizations requesting Town funds for information at Budget Board meetings during the budget review process; and**
- d. may, at the discretion of the Board of Selectmen and Town Manager, review any and all purchases by the**

Town and may assist in any budgetary matters as requested by the Town Officers.

The Budget Board:

- a. members shall be thoroughly briefed by the Board of Selectmen, Town Manager, and Department Heads regarding the financial structure of the Town and how expenditures and proposed appropriations affect the tax rate of the Town;
- b. members should have an understanding of how the various departments operate, what equipment is used, and how it is used;
- c. members should be aware of the long-range needs for major purchases and improvements;
- d. shall meet with the Board of Selectmen, Town Manager, and Department Heads to review the proposed annual budget;
- e. shall make recommendations to the annual Town Meeting concerning warrant articles which propose the appropriation of funds; and
- f. shall hold at least one meeting with any voters concerned with articles which are included in the warrant of the annual Town Meeting or upon the petition of voters, and which propose the appropriation of funds.

[Amended 11/8/11]

10.3.4 VACANCIES OF OFFICE

Any vacancy on the Budget Board shall be filled within thirty (30) days by appointment. The appointed member shall serve until the next Annual Town Meeting, at which time the remainder of a vacated elected term shall be filled by election.

10.4 PLANNING BOARD

10.4.1 ELIGIBILITY

Members of this board shall be registered voters of the Town, although the board may consult with outside sources as they deem necessary. [Amended 11/8/05]

10.4.2 COMPOSITION

The Planning Board shall consist of five (5) to seven (7) members with staggered three (3) year terms, appointed by the Town Manager with the approval of the Board. Members shall annually elect their Chairman, Vice-chairman, and Secretary. [Amended 6/14/94 and 11/8/05]

10.4.3 DUTIES

The duties of the Planning Board shall be as provided by Statute and Ordinance of the Town. The Planning Board shall submit a written report of activities to the Municipal Officers to be included in the Annual Town Report.

10.5 CEMETERY MAINTENANCE COMMITTEE

10.5.1 COMPOSITION

This committee shall consist of at least three (3) members with staggered three (3) year terms. The committee shall meet at least annually, within thirty (30) days of appointment, and elect from among its membership a Chairman, Vice-chairman, and Secretary.

10.5.2 DUTIES

The Cemetery Committee shall be responsible for delegating, within the limits of the cemetery budget, the duties of maintaining those cemeteries in Arundel which are not already maintained. This committee shall keep records of the cemeteries and generally assist in the responsibilities of budget and upkeep.

10.6 COMPREHENSIVE PLANNING COMMITTEE

10.6.1 ELIGIBILITY

Members of this committee shall be registered voters of the Town, although the committee may consult with outside sources as they deem necessary. [Amended 11/8/05]

10.6.2 TERM OF OFFICE

Committee members shall be appointed for three (3) year terms.

10.6.3 DUTIES

The committee members shall periodically fulfill those duties as prescribed by Statute.

10.7 ECONOMIC DEVELOPMENT COMMITTEE [Added 11/8/11]

10.7.1 ELIGIBILITY

Members of this committee shall be legal residents of the Town, operate/own a legal business in Arundel, and/or own property in Arundel.

10.7.2 COMPOSITION

This committee shall consist of five (5) to eleven (11) members with staggered three (3) year terms, appointed by the Town Manager with the approval of the Board of Selectmen. The committee shall select officers in accordance with their By-laws.

10.7.3 PURPOSE

The committee shall:

- a. foster the economic development of Arundel in a manner consistent with the character of the Town; and**
- b. provide advice and guidance regarding economic development issues as they relate to the economic well-being of the Town.**

10.8 RECREATION COMMITTEE

10.8.1 ELIGIBILITY

The members of this committee shall be registered voters of the Town, although the committee may consult with outside sources as they may deem necessary. [Amended 11/8/05]

10.8.2 COMPOSITION

The Arundel Recreation Committee shall consist of not less than five (5) active members with staggered three (3) year terms and shall be appointed by the Town Manager with approval by the Board. The Committee shall annually elect officers according to their by-laws.

10.8.3 PURPOSE

The purpose of the Arundel Recreation Committee is to develop and implement recreational programs for the Town of Arundel.

10.8.4 DUTIES

- a. The Committee shall submit to the Town Manager candidate(s) for the position of Director for approval by the Board. Town hiring and employment policies shall apply to this position.
- b. The Director is responsible for implementing the policies and programs established by the Committee.

10.9 ARUNDEL FIRE-RESCUE, INC.
[Amended 11/8/11]

10.9.1 PURPOSE

Arundel Fire-Rescue , Inc., as recognized by the Board, is an independent corporation of volunteers whose duties include:

- a. emergency services;
- b. fire prevention and control;
- c. community education; and
- d. participation in the selection and periodic evaluation of the Fire Chief.

10.9.2 PREROGATIVES

Arundel Fire-Rescue, Inc. is responsible for the selection, training, and organization of its own membership.

10.9.3 ORGANIZATION

Arundel Fire-Rescue, Inc. shall elect from its membership such officers as are provided for in its By-laws.

11.0 ANNUAL AND SPECIAL TOWN MEETINGS

11.1 An annual Town Meeting shall be held on the second Tuesday of June each year. This will coincide with any State election being held. All annual and special Town Meetings shall be duly called in accordance with the provisions of the Statutes.

11.2 A notification of any annual or special Town Meeting shall be provided to residents of the Town at least seven (7) days prior to that meeting. The warrant for the meeting will be made available to the public.

[Amended 11/8/11]

12.0 MUNICIPAL ELECTIONS AND TOWN MEETINGS

12.1 ELECTIONS

Regular elections for the Board, School Board, and Budget Board, except as otherwise provided herein for the filling of vacancies, shall be held at the annual Town Meeting. Nominations for these offices shall be in accordance with the general laws of the State of Maine and this Charter.

12.2 CONDUCT OF MUNICIPAL ELECTIONS AND TOWN MEETINGS

The provisions of Title 30-A M.R.S.A. Section 2528, et seq., relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of elected officials, and all other particulars relative to preparation for the conducting of and the management of Town Meetings, so far as they may be applicable, shall govern all municipal elections and Town Meetings.

13.0 ENACTMENT OF ORDINANCES

- 13.1** The Town may enact ordinances for all purposes authorized or permitted under the Constitution of Maine and Statute, including without limitation ordinances promoting the general welfare, preventing disease, providing for the public health and safety, and restricting the use of real property by zones as provided by the Statutes.
- 13.2** Proposed ordinances to be presented to the voters of the Town shall be written by or under the direction of the Board, except as provided by ordinance existing at the time of adoption of this Charter, in such fashion as they shall deem necessary and enacted by the Town in the following manner:
- 13.2.1** A proposed ordinance may be brought before a Town Meeting on the Warrant, either at the direction of the Board to include it, or by petition procedures duly established by the laws of the State, and any proposed amendment to the Ordinances of the Town shall be established and enacted in accordance with the provisions for such action as the same are set forth within the Ordinances of the Town, as the same shall be amended from time to time.
- 13.2.2** One copy of the proposed ordinance shall be certified by the Board to the Town Clerk as required by Ordinances or Statute to be preserved as a public record, and copies shall be made available for distribution to the voters by the Town Clerk as well as at the time of Town Meeting.
- 13.2.3** The subject matter of the proposed ordinance shall be reduced to the question, "*Shall an ordinance entitledbe enacted?*"; and shall be submitted to the Town Meeting for action as an article in the Warrant or as a question on a secret ballot.
- 13.2.4** To the extent authorized by Statute, the Board may, by majority vote, enact ordinances for the regulation of vehicular traffic and for the promotion of public safety on public ways as they deem necessary following proper posting in a local newspaper seven (7) days before the hearing is held.
- 13.2.5** Except as provided in Section 13.2.4, the provisions of this section shall not apply to ordinances which may be enacted by the Board.

14.0 GENERAL PROVISIONS

14.1 PERSONAL INTEREST

- 14.1.1** In accordance with Title 30-A M.R.S.A. Section 2605, any 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 services to the Town or who is a contractor supplying the Town with services or material shall make known the interest and shall refrain from voting upon or otherwise participating in his capacity as an officer or employee in making such sale or the making or performing of such contract.
- 14.1.2** Any official or employee who willfully conceals such financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position.
- 14.1.3** 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 render the contract or sale voidable by the Board.

14.2 HOLDING OTHER OFFICE

Neither Selectmen, School Board members, the Town Clerk, nor the Assessor shall hold appointed office in the Town, listed under Section 9.0, with the exception of members of the Fire Department, unless the law or ordinance creating the appointed office so requires or allows, i.e. Sections 9.8.2 and 9.9.2. If a member of the Budget Board is also a member of another board or committee (such as the Fire Department), during Budget Board deliberations, he shall refrain from discussion and voting on matters relating to same. [Amended 11/2/04]

14.3 RECALL OF ELECTED OFFICIALS [Amended 11/8/11]

Any elected official of the Town, with the exception of School Board members as noted in 30-A M.R.S.A. Section 2602, may be recalled and removed from elective office by the registered voters of the Town as herein provided. Recall is intended to be used when in the opinion of the number of voters herein specified, an elected official, acting as such, has caused a loss of confidence in

that official's judgment or ability to perform the duties and responsibilities of the office.

14.3.1

Petitions for recall:

- a. The petition for recall must contain only signatures of registered voters of the Town, equal to at least ten percent (10%) of the number of votes cast in the last Gubernatorial election, but in all cases no less than ten (10) signatures.
- b. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.
- c. 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.
- d. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- e. Each page of the petition shall provide a space for the voter's signature, printed name, and address.
- f. All petition pages thereof shall be filed as one document.

14.3.2

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 14.3.1 of this Charter. Should the petition be found insufficient, the petition shall be filed in the clerk's office and the voter who filed the petition shall be notified.

14.3.3

Calling the Recall Election:

- a. If the petition is certified by the Town Clerk to be sufficient, he shall submit the same with his certification to the Board of Selectmen at their next

regular meeting and shall notify the official or officials whose removal is being sought of such action.

- b. The selectmen, upon receipt of the certified petition, shall, within ten (10) days time of receipt, order an election by secret ballot, pursuant to 30-A M.R.S.A. Section 2528, 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.
- c. In the event that the Board of Selectmen fails or unreasonably refuses 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 Board of Selectmen's failure or refusal to order the required election.

14.3.4

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.

14.3.5

The incumbent official shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office for the remainder of the unexpired term, subject to subsequent recall only as provided in Section 14.3.6. If recalled in the voting, the official shall be deemed removed upon the certification of the voting results.

14.3.6

No recall petition shall be filed against an official within six (6) months after their election, nor, in the case of an official subjected to recall voting and not removed thereby, until at least six (6) months after that voting.

14.3.7

Any vacancy resulting from removal from office as a result of a recall vote shall be filled in accordance with the provisions contained in the Town Charter.

14.4 FORFEITURE OF OFFICE

An appointed official shall forfeit his office if he:

- a. lacks, at any time during his tenure of office, any eligibility or other qualifications for the office prescribed by this Charter or by law;
- b. intentionally violates any expressed prohibition of this Charter;
- c. fails to fulfill the requirements of his office, including (but not limited to) failure to attend regular meetings or actively participate in the functioning of the board or committee [Amended 11/8/05]; or
- d. is convicted of a crime or offense which is reasonably related to his ability to serve as a municipal official/officer.

14.5 REMOVAL OF APPOINTED OFFICIAL OR EMPLOYEE

- 14.5.1 Any official, department head, or employee appointed by the Town Manager may be removed by him at any time after written notice pursuant to the Town's Personnel Policy. The decision of the Town Manager shall be subject to appeal to the Board, provided such official, department head, or employee submits a written notice of appeal to the Board within thirty (30) days of notification of removal. [Amended 11/8/05]

14.6 SEVERABILITY [Amended 11/8/05]

- 14.6.1 If any portion of this Charter is held invalid or unconstitutional, this decision shall not affect the validity of the remaining portions thereof. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

- 14.6.2 If any provision of this Charter is held invalid by reason of any conflict with State or Federal law, the

provisions of the applicable State or Federal law shall automatically become incorporated in this Charter in place of the invalid Charter provision.

14.7 AMENDMENT [Amended 11/8/05]

14.7.1 This Charter may be revised or amended according to Title 30-A M.R.S.A. Section 2102, 2104, and 2105.

14.7.2 Amendments to this Charter may be initiated, framed, and proposed:

- a. by request of the Board to a Charter Review Committee* to be appointed by the Board; or
- b. by the registered voters of the Town, by petition, containing the full text of the proposed amendment and signed by registered voters of the Town equal in number to at least ten percent (20%) of the total number of the last gubernatorial election, or a minimum of fifty (50) signatures; or
- c. by the appointed Charter Review Committee*.

**NOTE: Although no standing Charter Review Committee exists within the Charter, the Home Rule Statute allows for the establishment of a Charter Review Committee in the event revisions/amendments to the Charter are requested by the voters or the Board. [Amended 11/2/04]*

A public hearing shall be held at least thirty (30) days prior to voting on the amendment(s).

14.8 AMENDMENT OF STATE STATUTES

14.8.1 Any reference herein to the Statutes of the State (M.R.S.A.) is made to those Statutes of the State in effect as of the effective date of this Charter, together with any amendments to said Statutes.

14.9 TRANSITION PROVISIONS

14.9.1 **ADMINISTRATIVE OFFICERS:** All elected and appointed positions shall continue in office and in the performance of their duties until the expiration of their term, or until their successor is duly elected or appointed in accordance with the provisions of this Charter.

- 14.9.2 EXISTING CONTRACTS:** 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 not inconsistent herewith, shall be enforced, continued, or completed in all respects as though begun or executed hereunder.
- 14.9.3 ORDINANCES:** All ordinances of the Town in force at the time this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

14.10 STATE AND MUNICIPAL LAWS

- 14.10.1** 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 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 thereof.
- 14.10.2** All meetings of any municipal boards or committees, whether regular, special, or emergency, shall be in accordance with Title 1 M.R.S.A. ss 406 Public Notice. [Amended 6/9/92]

14.11 EFFECTIVE DATE

- 14.11.1** The Charter shall be adopted at the conclusion of the Town Meeting whereat an affirmative vote for the enactment is received and shall become effective on the first day of the next succeeding municipal year, except that the new Charter provisions pertaining to elections shall take effect upon adoption.