

6-12-2007

# Town of Dover-Foxcroft Municipal Charter

Dover-Foxcroft (Me.). Charter Commission

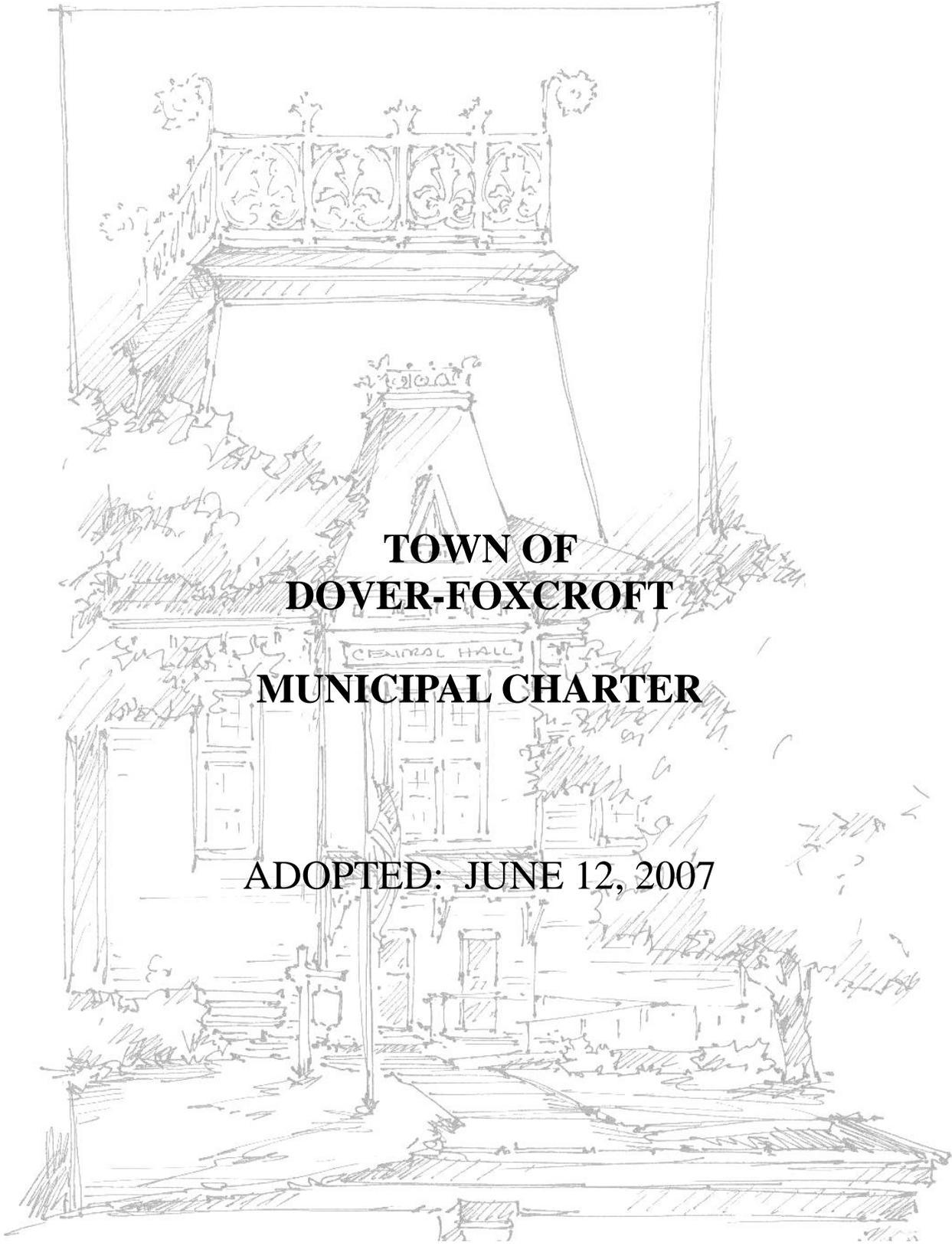
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**TOWN OF  
DOVER-FOXCROFT  
MUNICIPAL CHARTER**

**ADOPTED: JUNE 12, 2007**

## **REPORT OF THE DOVER-FOXCROFT CHARTER COMMISSION**

On June 13, 2006 the Dover-Foxcroft citizens voted 561 to 405 in favor of establishing a Charter Commission and at the same time elected six (6) members to serve on that Commission along with three (3) members to be appointed by the Board of Selectmen. Their mission was to revisit the current Charter that was first established in 1937 and to decide if a new municipal Charter was needed to meet the current and future needs of the Town.

An organizational meeting was held July 11, 2006 with the election of officers and the review of the existing Charter began shortly after with the first public hearing held on August 9, 2006. Although this hearing was only attended by roughly 10 citizens, the Commission was presented with a lot of input from the public as to what issues the Commission should address in the review process. Throughout the process of the Charter Commission meetings, all public comment was collected and reviewed for consideration for the Charter.

The Commission began its work with a presentation by The Maine Municipal Association on a comparison of Town charters, the various kinds of local government structure and the overall purpose of a charter. Copies of existing charters from other Towns were shared for review, as well as a crosswalk describing the key components of a charter and which Towns had such language.

The consensus of the Charter Commission was that after reviewing the current Charter, changes were needed and the draft of a new Charter began.

The Charter Commission held seventeen meetings after August 2006 including a second public hearing on March 7, 2007. On this date, the draft of the proposed new Charter was reviewed and additional public comments received and considered. Each of the Charter Commission Meetings had a scheduled open session as part of the agenda; comments from the public were encouraged at these points in each meeting and also often throughout our deliberations as a Commission with those who were in attendance.

After many drafts and redrafts using language from other Town Charters that were already working, a new Charter for Dover-Foxcroft was finally drafted. This final draft is the product of the process as listed above and represents some of the thoughts and ideas of the Commission members as well as those of the public.

The Charter Commission views this Charter as the blueprint for governing this community and still keeping what most citizens wanted -- such as the traditional Town meeting, the secret ballot, referendum voting, absentee balloting, provide voter opportunity to amend articles, removing barriers from economic opportunity, ensuring and enhancing voter participation opportunities and to be oriented toward the future.

Safeguards were also established to address procedures related to codes of conduct and ethics including conflict of interest, recall of elected officials, removal from office and bonding of those entrusted with Town monies.

The Town clerk and Town treasurer positions will be hired positions rather than elected to ensure that only highly qualified people will be eligible for these very important positions.

A new budget process was inserted along with establishing a two-part Town meeting, with the first part to fall on a Saturday and the second part to be referendum voting on all warrant articles.

Some of the other issues reviewed were felt by the Charter Commission to be more appropriately addressed by ordinances, policies and procedures and general practices rather than by Charter. We have accordingly forwarded all of these items to the Town Manager for his disposition in conjunction with the appropriate Town committee.

The Charter Commission believes, after due consideration, that it has proposed a new Charter that adopts the desires and beliefs of a majority of the citizens of this Town and will serve this Town well for many years to come. All the members of the Charter Commission are unanimous in supporting this new Charter with no dissension.

The members of the Charter Commission are grateful to the citizens of this community for the trust placed in them. Our hope is that we have succeeded in that responsibility. We, as a Commission take great pride in this community and have enjoyed our work. We would like to thank the people of Dover-Foxcroft for giving us this opportunity to serve them.

Respectfully submitted,  
Dover-Foxcroft Charter Commission

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Thomas Brown, Chairman

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Charles Merrill, Vice Chairman

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Robin Merrill, Secretary

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Eric Annis

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Jane Conroy

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David Perkins

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Robert Stutzman

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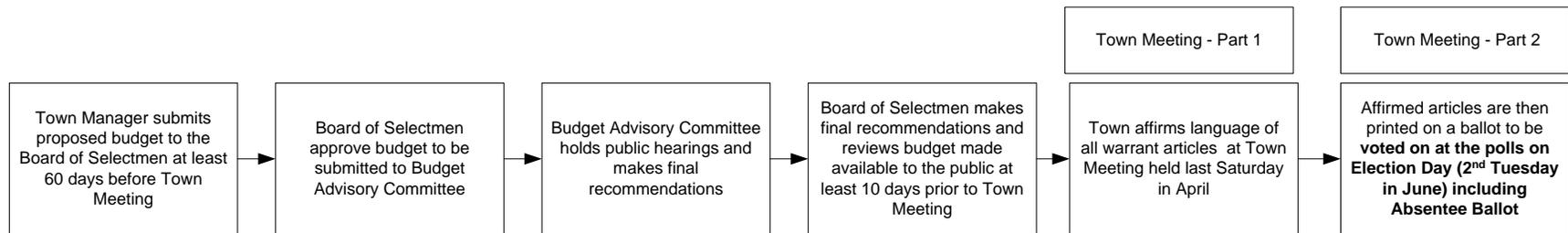


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Susan Mackey-Andrews

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Dan Philbrick



The above Flow Chart illustrates the sequence of activities with respect to the development of the Town Budget through the collaborative efforts of the Town Manager, the Board of Selectmen, the Budget Advisory Committee and the voters.



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## TOWN OF DOVER-FOXCROFT MUNICIPAL CHARTER PREAMBLE

The Town of Dover-Foxcroft is comprised of the former Towns of Dover and Foxcroft and a section of land north of the Piscataquis River that was once a part of the Town of Sangerville. Dover was incorporated in 1822 and Foxcroft in 1812. By an act of Legislature approved March 23, 1915, the union of the two Towns was authorized and became effective March 1, 1922. To celebrate this union a mock wedding service written by Mr. and Mrs. Willis Parsons took place on that date:

Mock Wedding Service  
March 1, 1922

by Mr. and Mrs. Willis Parsons

“Dover and Foxcroft, your intentions of a happy union have been properly regarded and show a laudable purpose, guided by such inspiration of the present and hope for the future, as could never exist without such union. Who gives this bride away?”

“I do.”

“As a further manifestation of such intention to be forever united in a most sacred pact, you will please join right hands. Foxcroft, do you take this beautiful queen of Dover, emblematic of the highest type of true womanhood and civic life, to be your legally constituted associate in all that makes for good citizenship and civic righteousness, thereby promising to cherish, honor, and protect her and be unto her a true and faithful companion so long as you both shall live?”

“I do.”

“Inasmuch as you have entered in this holy union by your mutual promises, I now pronounce you ONE, jointed by a sacred bond of union, according to the law and constitution of the state. Whom the people in their sovereign capacity have joined together, let no man put asunder. You are now one in all the duties and aspirations of life. In union there is strength, and may your future be crowned with glorious achievement, as side by side, with a singleness of purpose you toil valiantly for the welfare of this community, the prosperity of the new Town, and happiness of all the inhabitants thereof. May you take your place in the front rank of loyal, wide awake municipalities which face forward in this glorious Commonwealth of ours, the best state in the Union. May prosperity and heaven’s richest blessings rest upon you.”



## TOWN CHARTER

### ARTICLE I. PRIOR CHARTER REPEALED; FORM OF TOWN GOVERNMENT

#### Section 1. Repeal of Prior Charter.

The existing Town Charter of the Town of Dover-Foxcroft as enacted by Private and Special Laws 1938 Chapter 57, Private and Special Laws 1939 Chapter 28, and Private and Special Laws 1953 Chapter 81, as subsequently amended, is hereby repealed. The repeal shall take effect as of the effective date of this Charter as provided in Article XI below.

#### Section 2. Form of Town Government.

After the effective date of this Charter as provided in Article XI below, the municipal government of the Town of Dover-Foxcroft shall continue to be vested in a Town Meeting, Board of Selectmen and Town Manager, as further provided and modified herein.

### ARTICLE II. TOWN MEETING DATES, MUNICIPAL ELECTION AND BUDGET PROCESS.

#### Section 1. Fiscal Year.

The fiscal year of the Town government shall begin the first (1st) day of July and shall end on the thirtieth (30th) day of June of each year. Said fiscal year shall constitute the budget and accounting year as used in this Charter. The term “budget year” shall mean the fiscal year for which any participating budget is adopted and in which it is administered.

#### Section 2. Budget Advisory Committee.

The Town shall have a Budget Advisory Committee consisting of nine (9) registered voters of the Town. No member of the Committee shall be an officer or employee of the Town. The Board of Selectmen shall appoint annually three (3) members, each of whom shall serve three (3) year terms expiring on the June 30<sup>th</sup> following the third annual Town Meeting from the time of their appointment. Terms in effect at the time of the adoption of this Section shall expire on June 30<sup>th</sup> of the same calendar year during which the terms was originally scheduled to expire. The Board of Selectmen may choose to appoint alternates to this Committee to ensure appropriate representation at all Committee meetings. Any vacancy on the Committee shall be filled by the Board, and the member so appointed shall serve for the unexpired term of his or her predecessor. If any member of the Committee shall cease to be a resident of Dover-Foxcroft or shall become an officer or employee of the Town, he or she shall forthwith cease to be a member of the Committee.

#### Section 3. Preparation and Submission of the Budget.

The Town Manager will submit requested appropriations to each committee for the specific department who will then approve or amend requested amounts. The Town Manager, at least sixty (60) days prior to the annual Town meeting, shall submit to the Board of Selectmen a budget and an explanatory budget message. The budget will then be submitted to the Budget Advisory Committee for review. The Budget Advisory Committee will then review the budget,



hold a final public hearing on the budget, and either recommend or not recommend the requested amounts and make any other appropriate, agreed upon written recommendations to the Board of Selectmen. The reviewed budget will then be returned to the Board of Selectmen for final recommendations. The budget authority of the Board of Selectmen shall be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the Town.

This budget message shall contain:

- A. Exact statement of the financial condition of the Town which shall include but not be limited to a description and breakdown of bonded indebtedness and estimated funds to be borrowed in anticipation of tax receipts to meet the proposed budget.
- B. An itemized statement of recommended appropriations for operating expenses and capital improvements with comparative statements in parallel columns of estimated and year-to-date actual expenditures for the current fiscal year and actual expenditures for the three (3) preceding fiscal years. An increase or decrease in any item shall be indicated.
- C. An itemized statement of estimated revenue from all sources, other than taxation, and a statement of taxes required, estimated mil rate, and comparative figures from the current and next preceding years.
- D. Such other information as may be required by the Board of Selectmen.

**Section 4. Procedure to be Followed.**

- A. The proposed budget prepared by the Town Manager shall be reviewed by the Board of Selectmen which shall approve the preliminary budget with or without amendments.
- B. The complete Town budget as approved by the Board of Selectmen shall be printed and distributed, and the Board of Selectmen shall fix the time and place for holding a public hearing on the budget, and shall give public notice pursuant to general law.
- C. The Board of Selectmen shall then review the budget and recommend it with or without amendment to the annual Town Meeting. The reviewed budget shall be made available to the public at least ten (10) calendar days prior to the annual Town Meeting.

**Section 5. Budget Establishes Appropriation.**

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several offices, departments and agencies and purposes therein named. The budget for all departments shall include all proposed expenditures. The Board of Selectmen shall make a gross appropriation for each department, office and agency for the ensuing year.



**A. Exceptions:**

1. If there is a period between the beginning of the fiscal year and the appropriation of funds, the Board of Selectmen may authorize expenditures for proposed departmental expenses chargeable to the appropriations for the year when made in amounts sufficient to cover the necessary expenses of the various departments, offices, and agencies not to exceed the prior fiscal year's budget amount
2. Following the close of the fiscal year, the Board of Selectmen may also continue unexpended balances in capital accounts.
3. Within the last three (3) months of the fiscal year the Town Manager may transfer, without Board of Selectmen approval, any unencumbered appropriations or portion thereof between general classifications of expenditures within a department, office or agency not to exceed an amount to be determined by the Board of Selectmen on an annual basis. Transfers in excess of this amount must be approved by Town Meeting.

**Section 6. Budget Establishes Amount to be Raised by Property Tax; Certification to Town Assessor.**

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of tax for the purposes of the Town in the corresponding fiscal year. A copy of the budget as finally adopted shall be certified by the Town Manager and filed with the Town Assessors, whose duty it shall be to set the mil rate for the corresponding fiscal year, including overlay as allowed by general law

**Section 7. Budget Summary.**

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax. It shall be itemized also by departments, offices and agencies and kinds of expenditures, in such manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

**Section 8. Work Program; Allotments.**

Before the beginning of the budget year, the head of each office, department or agency shall submit to the Town Manager, a work program for the year, which shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

**ARTICLE III. MUNICIPAL ELECTIONS.**

**Section 1. Elections.**

The regular elections for the choice of members of the Board of Selectmen, representatives to the Board of School Directors, and representative to the Hospital Board of Directors shall be held on



the second (2nd) Tuesday in June. All such elections shall be conducted on a nonpartisan basis and without party designation.

### **Section 2. Conduct of Elections.**

The provisions of the statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conduct and management of elections, so far as they may be applicable, shall govern all elections, except as otherwise provided in this Charter.

### **Section 3. Voting Places.**

The voting places for municipal elections shall be those which have been or may hereafter be established for State elections.

### **Section 4. Election Officials.**

The Board of Selectmen shall annually, appoint an Election Warden, an Election Deputy Warden and a pool of election clerks, for each voting place.

## **ARTICLE IV. ANNUAL AND SPECIAL TOWN MEETING.**

### **Section 1. Annual and Special 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 in the month of April on the last Saturday starting at a time fixed by the Board of Selectmen. Special Town Meetings may be called by a majority of the Board of Selectmen. All registered voters of the Town are eligible to vote at annual or special Town Meetings. All voting during Town Meeting shall be done by simple show of hands unless a paper ballot is warranted by a vote of those present at the meeting.

The first part of Town Meeting shall be held as prescribed above. The first part of the Town Meeting may amend warrant articles as provided by general law. Warrant articles affirmed by voters at the first half of Town Meeting shall be placed on the ballot for referendum voting at the second part of Town Meeting to be held on the municipal Election Day in June as provided for in Article III. Town Meeting shall then be recessed, to be reconvened on said municipal Election Day. At that time, the warrant articles shall be voted upon at the polls by Secret Ballot Referendum as well as absentee ballots.

### **Section 2. When Action by Town Meeting Required.**

A Town Meeting is required for the following actions:

A. Approval of the annual budget;

B. Approval of any appropriation in addition to or supplementary to the annual budget appropriation, if such additional or supplemental appropriation exceeds a cumulative amount equal to one (1) percent of the annual municipal budget as approved at the preceding Annual Town Meeting;



C. Approval of the issuance of bonds or notes, except revenue anticipations notes, grant anticipation notes or bond anticipation notes as provided by general law;

To meet a public emergency affecting life, health, property or the public peace, or to take advantage of economic development opportunities, the Board of Selectmen shall have the authority to call a Special Town Meeting. All registered voters of the Town are eligible to vote at Special Town Meetings. All voting shall be done by simple show of hands unless a paper ballot is warranted by a vote of those present at the meeting.

All actions by Town Meeting shall become effective immediately upon final approval, including referendum approvals under Section 1 above, when required.

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

### **Section 3. 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 of Selectmen or to rules governing the procedure of the Board of Selectmen.

### **Section 4. 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 of Selectmen 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 Dover-Foxcroft, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Board of Selectmen.

## **ARTICLE V. BOARD OF SELECTMEN.**

### **Section 1. Terms.**

Selectmen elected to or holding office on the date of ratification of this Charter shall continue to hold office for the balance of the terms to which they have been elected. At each annual meeting following ratification of this Charter only the necessary number of members of the Board shall be elected as may be required to maintain the full number of seven (7). The Board of Selectmen may call special municipal elections to fill vacancies as provided by general law. Those elected to fill interim vacancies shall serve only for the unexpired term of their predecessors, others for a term of three (3) years.



## **Section 2. Organization of Selectmen.**

The Selectmen elected as herein provided shall meet within seven (7) days after each annual election and shall choose by written ballot one of their number to be chairman; a certificate of such choice of chairman with the appointment of the secretary, signed by all the Selectmen, shall be recorded by the Town Clerk in the records of said Town, and thereafter records shall be kept of all meetings of said Selectmen. Said records shall be deemed public records and shall be open at all times to any citizen of said Town.

## **Section 3. Selectmen Powers.**

Said Selectmen, elected as herein provided, shall serve as overseers of the poor, road commissioner or road commissioners as provided for by general statute. They shall have the same powers in relation to the poor of said Town and repairs of bridges, roads, and sidewalks of said Town, that the overseers or overseer of the poor, road commissioner or commissioners, and municipal officers and officials have under general statute, and be subject to the same duties in relation thereto or as otherwise provided by general law.

The Board of Selectmen shall be charged with:

- 1) Authorizing the tax collector or treasurer to accept pre-payments of taxes not yet committed pursuant to general law.
- 2) Setting the interest rates to be paid by the Town on abated taxes pursuant to general law.
- 3) Selling and disposing of its cemetery lots and any real estate acquired by the foreclosure of mortgage for non-payment of taxes or sewer charges on such terms as they deem advisable and execute and deliver proper deeds therefor on behalf of the Town pursuant to general law.
- 4) Selling and disposing of Town-owned real estate not described in the preceding article in accordance with the procedures specified in the policy entitled "Policy for the Conveyance of Town-Owned Real Estate" as may be amended from time to time by the Town Meeting.
- 5) Accepting gifts of money, including property easements, whether conditional, unconditional or in trust, to the Board of Selectmen on behalf of the Town according to general law.
- 6) Selling and/or disposing of any Town owned, low value (or valueless) excess, surplus, or broken or irreparable personal property.
- 7) Making final determination regarding the closing of roads to winter maintenance pursuant to general law.
- 8) Approving and submitting Federal and/or state grant applications (e.g., Community Development Block Grant) and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as is necessary and reasonable to implement such program(s).
- 9) Assessing the charges and setting the due date for sewer use charges to become due and payable; and to establish an interest rate on unpaid sewer use charges and effective date of initiation for collection purposes.
- 10) Setting the date when property tax payments are due and payable and to determine an interest rate up to the maximum allowed pursuant to general law.



#### **Section 4. Selectmen Meetings.**

The Selectmen shall meet regularly at least twice per month unless otherwise agreed during their term of office at such time as they may designate at their organization meeting, provided for in this Charter. A majority of said Selectmen shall constitute a quorum for the transaction of business. Special meetings of said Selectmen may be called by the chairman of said Selectmen or by a majority of all the members of said Selectmen. Notice of said special meeting shall be served upon or left at the usual dwelling place of each Selectman and the Town Manager.

#### **Section 5. Other Town Officers.**

Other Town officials and committees not hereinbefore provided for, including directors of Hospital Administrative District for an unexpired term, shall be appointed by the Board of Selectmen.

#### **Section 6. School Board.**

At each annual meeting only the necessary number of directors or members of the committee shall be elected as may be required to maintain the full number authorized; those elected to fill interim vacancies to serve only for the unexpired term of their predecessors, others for a term of three years. Vacancies may be temporarily filled prior to the annual election as provided by general law. The directors or school committee members, elected as herein provided, shall have the same powers in relation to the schools of said Town as now or hereafter provided by general law and shall be subject to the same duties in relation thereto.

### **ARTICLE VI. TOWN MANAGER.**

#### **Section 1. Town Manager Qualifications.**

The Town Manager shall be chosen by the Board of Selectmen on the basis of administrative qualifications and experience.

The Town Manager shall receive for his services a rate of compensation to be fixed by the Selectmen and actual and necessary expenses incurred in the performance of his duties.

#### **Section 2. Powers and Duties of the Town Manager.**

The Town Manager shall:

1. Be the chief administrative official of the Town;
2. Be responsible to the Board of Selectmen for the supervision and administration of all departments and offices over which the Board has control;
3. Implement all laws and ordinances of the Town;
4. Serve as head of any department under the control of the Board of Selectmen, when so directed by the Board;
5. Nominate, subject to confirmation by the Board of Selectmen, and supervise the following officials: Tax Collector, Treasurer, Clerk, Police Chief, Fire Chief, Registrar of Voters, Sealer of Weights & Measures, Plumbing Inspector, Building Inspector, Health Official, Code Enforcement Officer, Emergency Management Services Director,



Forest Fire Warden, Constables, Animal Control Officer, Planning Board Members, Board of Appeals Members, Welfare Director, Budget Advisory Members, the heads of any other departments created by the Board of Selectmen or the Town Manager. The offices of Tax Collector and Treasurer cannot be held by the same person. The Town Manager shall also appoint, supervise, and control all other officials, subordinates and assistants, and except that the Town Manager may delegate this authority to the appropriate department head, and report all appointments to the Board of Selectmen.

6. Have exclusive authority to remove for cause, after notice and hearing, any persons whom the Town Manager is authorized to appoint, and report all such removals to the Board of Selectmen.
7. Act as the purchasing agent for all Town departments, boards or commissions, provided that the Town Meeting or Board of Selectmen may adopt ordinances or policies requiring use of specified purchasing procedures, including competitive bids, for categories of purchases to be defined in the ordinance or policy concerned.
8. Attend all meetings of the Board of Selectmen.
9. Attend all annual and special Town meetings, and hearings of the Town which are initiated by the Town Manager or as required by the Board of Selectmen.
10. Keep the Board of Selectmen and the residents informed as to the financial condition of the Town.
11. Make recommendations to the Board of Selectmen for the more efficient operations of the Town.
12. Make application for State, Federal, and other aid grants for the benefit of the Town, as approved by the Board of Selectmen.
13. Act as Superintendent of roads, streets, and buildings for the Town.
14. Perform such other duties as may be prescribed by this Charter, required by the Board of Selectmen, not inconsistent with this Charter, or as otherwise governed by general law.

### **Section 3. Appointment and Removal of Town Manager.**

The Board of Selectmen shall appoint a Town Manager, either for an indefinite term or for a term by written contract of not less than one (1) year or more than three (3) years, who shall have the powers and perform the duties provided in the Charter. The Town Manager may reside outside of the Town only upon the approval of the Board of Selectmen.

The Board of Selectmen may, for cause, remove the Town Manager by an affirmative vote of not less than five (5) of its members. At least thirty (30) days before such removal shall become effective, the Board of Selectmen shall, by an affirmative vote of not less than five (5) 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 twenty (20) days and not later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Board of Selectmen by an affirmative vote of not less than five (5) of its members may adopt a final resolution of removal. By the preliminary resolution, the Board of Selectmen 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 Board of Selectmen 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.

The Board of Selectmen may appoint a Deputy Town Manager to serve during the absence or disability of the Town Manager.

## **ARTICLE VII. OTHER TOWN OFFICERS.**

### **Section 1. Appointment and Removal of Town Clerk.**

The Town Manager shall nominate a qualified individual who shall have the title Town Clerk, shall act in accordance with general laws for municipal clerks, shall keep a public record of all proceedings of the Town, maintain a current checklist of eligible voters, shall keep a log of the number of registered voters who attended Annual Town Meetings and maintain a record of currently applicable legislative action affecting the Town.

### **Section 2. Appointment of Deputy Clerks and/or Assistant Clerks.**

The Town Manager may appoint, in writing and with the recommendation of the Town Clerk, qualified Deputy Clerks and/or Assistant Clerks.

### **Section 3. Appointment of Town Treasurer.**

The Town Manager shall nominate an official of the Town who shall have the title of Town Treasurer. The Town Treasurer shall act in accordance with general law for municipal treasurers and shall sign all checks, bonds, and other financial transactions of the Town. A vacancy in the office of Treasurer shall be filled within thirty (30) days by appointment.

### **Section 4. Appointment of Deputy Treasurer.**

The Town Treasurer may appoint, in writing and with the approval of the Town Manager, a qualified Deputy Town Treasurer as provided in general laws.

### **Section 5. Removal of Town Clerk or Treasurer.**

The Town Manager, with an affirmative vote from the Board of Selectmen of not less than five (5) of its members, may remove the Town Clerk or the Town Treasurer for cause. A pre-termination hearing shall be conducted with the Town Clerk or the Town Treasurer by the Town Manager. At least thirty (30) calendar days before such removal shall become effective, the Board shall, by a majority vote of all its members, adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Town Clerk or the Town Treasurer may reply in writing or may request a public hearing to be held within ten (10) business days after the filing of such request. After such public hearing, if one is requested and after full consideration, the Board by an affirmative vote of not less than five (5) of its Members, may adopt a final resolution of removal.

### **Section 6. Swearing in Officers and Officials.**

Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him/her to the Constitution and the general 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. Compensation.**

When not otherwise provided herein or by general law, the compensation and fees of officials of said Town shall be fixed by the Board of Selectmen as part of the budgetary process.

## **ARTICLE VIII. CODE OF CONDUCT.**

### **Section 1. Code of Ethics.**

Pursuant to general law, it is the policy of the Town of Dover-Foxcroft that the proper operation of democratic government requires that public officers and officials and members of all boards, commissions and committees be independent, impartial, and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government.

The citizens and businesses of Dover-Foxcroft are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

1. public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
2. public officials be independent, impartial and fair in their judgment and actions;
3. public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Board of Selectmen of Dover-Foxcroft shall adopt a Code of Ethics for Town elected and appointed officials, including boards, commissions and committees, to assure public confidence in the integrity of local government and its effective and fair operations. The Board of Selectmen will participate in an annual orientation and training on the Town's Code of Ethics requirements.

### **Section 2. Code of Conduct.**

The Town Code of Conduct shall be designed to describe the manner in which Selectmen should treat one another, city staff, constituents, and others they come into contact with in representing the Town. The Board of Selectmen will participate in an annual orientation and training on the Town's Code of Conduct requirements.

## **ARTICLE IX. RECALL OF ELECTED OFFICERS.**

### **Section 1. Procedures for Recall.**

Any five (5) qualified voters may begin at any time proceedings to recall a member of the Selectmen or other elected municipal officer by a request in writing to the Town Clerk for appropriate petition blanks. These voters shall be referred to as the Recall Committee. Within ten (10) days of the Recall Committee's request, the Clerk must provide the Recall Committee



with petition blanks for such removal, which must be dated, issued with the Clerk's signature and official seal, and which shall contain a statement of the reason or reasons for recall and the names of the Recall Committee. Each petition shall be limited to the recall of a single individual. The Clerk must retain a copy of the petition in a record book available for public inspection.

The Recall Committee shall have forty-five (45) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by at least 40% of the number of votes cast in the Town at the last gubernatorial election. The petition may be circulated by any number of registered voters of the Town, but the recall petitions must be submitted together as one petition to the Town Clerk.

Within ten (10) days after the circulation period ends, the Town Clerk shall certify to the Town Manager and Selectmen as to whether the petition has been signed by not less than 40% of the number of votes cast in Dover-Foxcroft at the last gubernatorial election sign the petition. If the Town Clerk cannot certify that at least 40% of the signatures were certifiable, the petition shall have no further force or effect, and no new petition action for recall of the same person can be initiated until 180 days from the end of the previous filing period.

Upon receipt of certification from the Clerk, the Selectmen shall, at its next regularly scheduled meeting, order a removal election to be held not less than thirty (30) or more than sixty (60) days from the date of the meeting.

The form of the ballot at the recall election shall be "Shall [elected municipal officer shown on petition] be recalled?" If a majority of those voting vote in favor of recalling that elected officer, that officer is removed. Any elected officer against whom recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.

If an officer is recalled or resigns pursuant to the foregoing process in this Charter or as otherwise provided by general law, the vacancy shall be filled in the manner provided.

## **ARTICLE X. ORDERS ISSUED AND SIGNED BY SELECTMEN.**

### **Section 1. Warrant.**

No money shall be paid out of the Town treasury except by warrant issued and signed by a majority of the selectmen and presented to the treasurer of said Town at the time of payment.

### **Section 2. Bonds Required of Those Entrusted with Money.**

The selectmen of said Town shall require a bond with sufficient surety or sureties, satisfactory to said selectmen, from all persons trusted with the collection, custody or disbursement of any monies of the Town. The Town shall pay the premium for the bond for Town employees.



**Section 3. Other Town Officers, Officials and Provisions.**

Any other Town officers and officials and any other requirements for conducting the affairs of the Town, not specifically provided for herein, shall be continued in the same manner as are now or may hereafter be provided for under the general statutes, and all by-laws and ordinances which shall be in effect at the time this act shall be ratified shall not be affected by the provisions hereof unless inconsistent herewith.

**Section 4. Inconsistent acts repealed.**

All existing ordinances or parts of ordinances and other local legislative acts and policies, to the extent that the same are inconsistent with provisions of this Charter, shall be deemed to be repealed as of the date of ratification of this Charter; provided, however that such ordinances, parts of ordinances, other acts and policies shall be deemed to remain in effect with respect to any claim, court proceeding, permit proceeding or municipal enforcement action that is pending as of the date of ratification of this Charter.

All other ordinances, parts of ordinances and other local legislative acts and policies, not inconsistent with the provisions of this Charter, shall continue to remain in force following ratification of this Charter, unless they are subsequently repealed or amended.

All persons holding appointed or elective office of the Town of Dover-Foxcroft as of the date of ratification of this Charter shall continue to hold such office for the balance of the term to which they have been appointed or elected, except in the event of resignation, dismissal or removal as provided by this Charter or general law.

**ARTICLE XI. RATIFICATION OF ACT NECESSARY.**

This Charter shall become adopted at the beginning of the fiscal year after an affirmative vote by said Town of Dover-Foxcroft, by referendum vote called by a warrant containing an article for the purpose. The ratification of this Charter replaces the previous document.

**Section 1. Separability.**

If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. 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.

**Section 2. Charter Review Commission.**

The Board of Selectmen shall provide for the election of a Charter Review Commission every ten (10) years for the purpose of reviewing and recommending updates to this Charter. In the event a Commission shall have been elected within any ten (10) year period, a new ten (10) year period shall commence from the date of the dissolution of said Commission.



## **DRAFT CHARTER GLOSSARY**

Provided by the Charter Commission for information only. This Glossary does not form part of the proposed Charter.

**Affirm-** in law, to make a declaration for the record without an oath; declare positively

**Annual Town Meeting** – The regularly scheduled Town meeting for purposes of voting on the annual business of the Town including the annual budget and the election of municipal officials

**Article-** refers to an item appearing on the warrant to be acted upon by the voters

**Assessor Board of Selectmen**

**Assessor's Agent** An Assessor certified by the State of Maine

**Boards** Decision-making or administrative bodies of the Town, such as Board of Selectmen, Planning Board, and Board of Appeals

**Board of Selectmen Meeting** – A type of public meeting during which the Board of Selectmen may vote and take official action

**Budget Year** is same as fiscal year July 1 through June 30th

**Capital Expenditure/Program** Investment in long-term or permanent assets

**Charter** A document defining the home rule powers of the Town, granted to the municipalities by the Constitution and laws of the State of Maine

**Comprehensive Plan** A community development plan for the continuing development of the municipality. The plan includes maps, charts, and textual matter. The basic comprehensive plan has the following elements: a statement of objectives; a plan for land use; a plan for community facilities and utilities; and a map indicating the relationship of the proposed developments to areas in the municipality. The comprehensive plan includes the data and information as set forth in Title 30-A M.R.S.A. §4326

**Ensuing Year** The fiscal year subsequent to the current fiscal year

**Fiscal Year** The year with reference to accounting for finances and financial matters

**General Law** As outlined by M.R.S.A. Maine Revised Statutes

**Legislative Body** Registered voters of the Town



**Non-budgetary item** - A warrant article which proposes an action other than the appropriation or use of funds

**Moderator** The presiding official at a Town Meeting

**MRSA** Maine Revised Statutes Annotated

**Municipality** Town of Dover-Foxcroft

**Municipal Officers** Board of Selectmen

**Municipal Official** Any elected or appointed member of municipal government

**Municipal Year** Town's fiscal year

**Overseers of the Poor** Board of Selectmen acting as Overseers of the Poor

**Ordinance** Legislation enacted by Town meeting or by the municipal officers where authorized by statute

**Petition** Document with sufficient signatures by statute that requires submission of an issue to the voters of the Town

**Public Hearing** A public informational meeting called by the municipal officers (or other authorized Town board like the planning board or board of appeals) during which public comment is invited. A public hearing can be called for virtually any subject matter and the notice requirements vary depending upon applicable general laws or local ordinances

**Public Meeting** Any meeting of a body of three or more municipal officials during which public business is transacted. Public meetings are generally open for public attendance unless the meeting is adjourned to executive session under qualifying circumstances

Public participation and discussion during a public meeting may be provided for by one or more of the following: a public hearing scheduled during the meeting; the presence of an open session item on the agenda; or other provision within the meeting allowing for public participation

**Quorum** A minimum number of members to constitute a legal body to conduct business.

**Resident** A person occupying a residence within the Town with intent to make that place his permanent home

**Resolution** A formal expression of intention or opinion made by vote of a Town board or committee, or Town meeting



**Secret ballot** A method of voting by ballot, as described and regulated in 30-A M.R.S.A. Sec. 2528

**Simple Majority Vote** is 50% plus 1 of those present and voting

**Standing Committee** A committee which has been established by law or by ordinance for an on-going period of time

**Staggered Terms** Terms of office which are arranged so that such terms shall expire in different years; the purpose of staggered terms being continuity of office. Except as otherwise stated in this Charter, a staggered three year term shall mean election or appointment of two members in the first year, two members in the second year, and one member in the third year of each three-year interval

**Special Town Meeting** Any Town meeting other than the regularly scheduled annual Town meeting

**Surety** A guarantee of performance, payment or other obligation

**Town** The Town of Dover-Foxcroft

**Town Meeting** A meeting of the Town's voters for the purpose of voting. Town Meeting is the basic legislative assembly for determining matters of spending, ordinance enactment, and electing municipal officials.

Traditional format – Voting is done at an open meeting and may be done by voice, show of hands, or written ballot. Those present and voting at the meeting determine the outcome of the vote. The warrant specifying the business to be voted upon must be posted at least 7 days in advance of the meeting.

Referendum format – Voting is done by secret ballot, at the polls. Referendum ballot preparation must adhere to a time line pertaining to the filing of ballot questions and/or nomination papers. The filing is required at least 45 days before the election. Also, general law requires that a public hearing is held at least 10 days prior to any municipal referendum vote. This hearing is to inform voters as to the questions as they will appear on the referendum ballot and to invite public comment on the ballot. This hearing is informational and the ballot can not be changed as a result of this hearing.

**Town officer** As defined in 30-A M.R.S.A. Sec. 2001(10): The Selectmen or Councilors of a Town

**Town official** As defined in 30-A M.R.S.A. Sec. 2001(11): Any elected or appointed member of a municipal government



**Qualified Voter** any person qualified and registered to vote under the law in the Town of Dover-Foxcroft

**Warrant** is foremost a notice and warning to the voters of the items or articles of business that are proposed for the meeting, and that if they stay away on a Town meeting or election day they will forego their opportunity to participate in voting (except to the extent that one can vote by absentee ballot in the secret ballot Town) in the discussion of the business matters listed, possibly to their detriment.