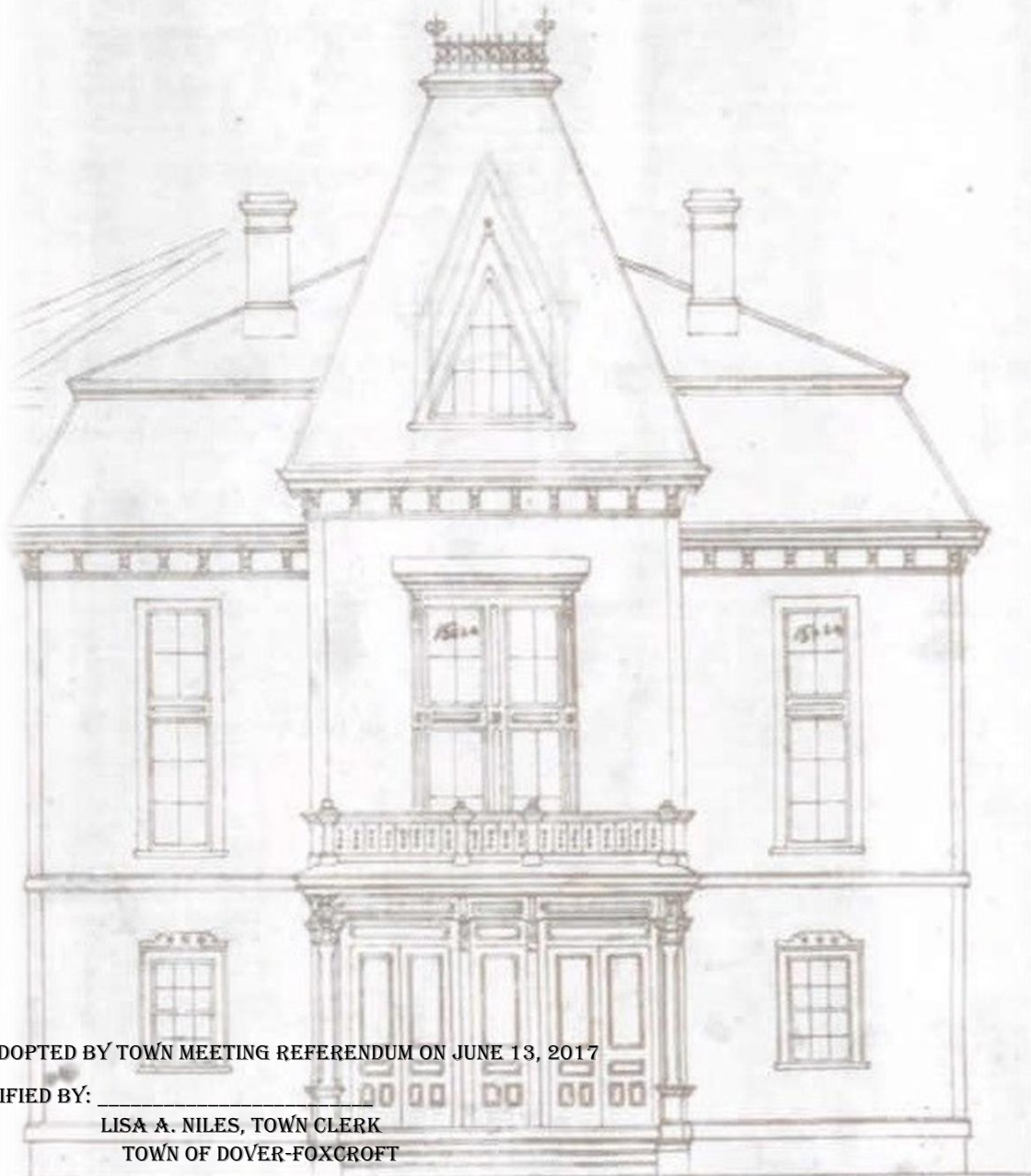


**TOWN OF DOVER FOXCROFT**

**MUNICIPAL CHARTER**

**ADOPTED: JUNE 13, 2017**



AS ADOPTED BY TOWN MEETING REFERENDUM ON JUNE 13, 2017

CERTIFIED BY: \_\_\_\_\_

LISA A. NILES, TOWN CLERK  
TOWN OF DOVER-FOXCROFT



**TOWN OF DOVER-FOXCROFT MUNICIPAL DRAFT CHARTER  
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## **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### **ARTICLE I. PRIOR CHARTER REPEALED; FORM OF TOWN GOVERNMENT**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and Special Laws 1939 Chapter 28, and Private and Special Laws 1953 Chapter 81, as subsequently amended, is hereby repealed.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. 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 no fewer than five (5) and no more than 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 members annually, 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 preceding two steps may be combined and done by joint meeting of the Board of Selectmen and the Budget Advisory Committee if agreed to by both bodies. 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. Warrant Establishes Appropriation.**

From the date of adoption of the budget, the amounts stated on the municipal warrant and adopted at town meeting 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.

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.

### **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. Capital Improvement Program; Allotments.**

Before the beginning of the budget year, the head of each office, department or agency shall submit to the Town Manager, a capital improvement program for the year, which shall show the requested allotments of appropriations for capital equipment, buildings, facilities and infrastructure. The Town Manager shall review the requested allotments in the light of the capital improvement 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 department 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 Administrative District Board of Trustees, Executive Committee for the Thompson Free Library and other elected offices 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, and an Election Deputy Warden 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 fourth Saturday starting at a time fixed by the Board of Selectmen. Special Town Meetings may be called by a vote 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.

Following the Annual Town Meeting a budget validation referendum shall be held on the municipal Election Day in June as provided for in Article III. At that time, voters are to be presented with a warrant article that reads in substance as follows: "Shall the municipal budget [insert budget number] adopted at the Annual Town Meeting in April be adopted". The budget validation article and such other matters the Board of Selectmen may place on the ballot shall be voted upon at the polls by Secret Ballot Referendum as well as absentee ballots. In the event the budget validation article does not pass, the Board of Selectmen shall call a special town meeting for the purpose of adopting a budget.

### **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;

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 selected by a vote of those present and eligible to vote at the meeting.

D. Any other measures requiring Town Meeting approval by law not otherwise addressed by this Charter.

Unless otherwise stated, 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 Form of Government.**

In addition to procedures currently prescribed by law, 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 form of government. 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 form of government for 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 no later than the Friday of the week following the annual election and shall choose by written ballot one (1) 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 shall have any other powers provided for by this Charter and general law, and be subject to the same duties in relation thereto or as otherwise provided by this Charter and general law.

The Board of Selectmen shall have the authority and be charged with the following non-exclusive powers and duties:

- 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.
- 11) Exercising legislative authority to adopt a moratorium and exercising the authority to renew a moratorium on the processing or issuance of development permits or licenses pursuant to Title 30-A Subpart 6-A Chapter 187 Subchapter 3 §4356. Prior to the adoption or renewal of a moratorium, the Board of Selectmen shall hold a public hearing noticed in the same manner and consistent with notice for a special town meeting.
- 12) Promulgating rules and regulations as it deems necessary, after a duly noticed public hearing, to effectuate the provisions of the Town's ordinances, including but not limited to its Land Use Ordinance.

Additionally, the Board of Selectmen may appoint deputy officials to perform the duties of municipal officials provided the deputy officials have the training and certifications required by law to perform said duty(s) including but not limited to nomination and confirmation of a deputy code enforcement officer. Appointments may be made following nomination by the Town Manager, consistent with the authority granted pursuant to Article 6 Section 2, and in a manner consistent with State law. Nothing in this provision shall be construed to abrogate the Town Manager's or Board of Selectmen's authority to appoint, supervise and control all other officials, subordinates, and assistants as set forth in the municipal charter and in State law.

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

The Selectmen shall meet regularly at least twice per month unless otherwise agreed and public notice given at least fourteen (14) days in advance of a change in the regular meeting schedule. 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. Nothing in this section shall be construed to prohibit the cancellation of a meeting due to inclement weather, lack of a quorum, or for any other reason determined by the Board of Selectmen chair and vice chair in consultation with the Town Manager. In the event of a meeting cancellation public notice shall be given as soon as practicable.

Participation at a meeting of the Board of Selectmen, including voting by a member of the Board of Selectmen by telephone or electronic device may be permitted provided that:

- a) policies and procedures are established by the Board of Selectmen;
- b) policies and procedures are reviewed and adopted annually by the Board of Selectmen and;
- c) a quorum for the meeting exists excluding the member attending by telephone or electronic device.

#### **Section 5. Other Town Officials.**

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 (3) 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.**

**The Town shall follow the Town manager plan as set forth in Title 30-A, Subchapter 2: Town Manager Plan, Sections 2631, et seq. as may be from time to time amended, except as may otherwise be inconsistent with this Charter.**

### **Section 1. Town Manager Qualifications. (30-A M.R.S. A. § 2632)**

#### **1. Selection by Board; professional qualification.**

The Selectmen shall choose the town manager solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of the duties of this office.

**2. Residency.** The town manager need not be a resident of the Town or State when appointed, but, while in office, may reside outside the Town only with the approval of the Board of Selectmen.

**3. Prohibited offices.** A town manager may not serve as moderator, selectman, assessor, member of the school committee, or any other office with statutory taxing authority over the town

### **Section 2. Term, compensation, removal, suspension (30-A M.R.S. A. § 2633)**

**1. Term.** The town manager shall hold office for an indefinite term unless otherwise specified by contract.

**2. Compensation.** The Selectmen shall determine the compensation of the town manager.

**3. Removal, suspension.** The Selectmen may remove or suspend the town manager for cause in accordance with the following procedures:

A. The Selectmen shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.



- B. Within twenty (20) days of receiving the resolution, the manager may reply in writing and request a public hearing.
- C. Upon request for a public hearing, the selectmen shall hold one at least 10 days but not more than thirty (30) days after the request is filed.
- D. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the Selectmen may adopt or reject the resolution of removal.
- E. The Selectmen may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

### **Section 3. Absence or disability of town manager (30-A M.R.S. A. § 2634)**

The town manager may designate a qualified administrative official of the town to perform the manager's duties during a temporary absence or disability, subject to confirmation by the Selectmen. If the town manager does not make this designation, the selectmen may appoint a town official to perform the manager's duties during the absence or disability and until the manager returns or the disability ceases.

### **Section 4. Powers and Duties of the Town Manager. (30-A M.R.S. A. § 2636)**

The town manager:

- 1. Executive and administrative officer.** Is the chief executive and administrative official of the town;
- 2. Administer offices.** Is responsible to the Selectmen for the administration of all departments and offices over which the selectmen have control;
- 3. Execute laws and ordinances.** Shall execute all laws and ordinances of the town;
- 4. Department head.** Shall serve in any office as the head of any department under the control of the Selectmen when directed by the Selectmen;
- 5. Appoint department heads.** Shall appoint, subject to confirmation by the Selectmen, supervise and control the heads of departments under the control of the Selectmen when the department is not headed by the town manager under subsection 4;
- 6. Appoint town officials.** Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to department head and report all appointments to the Board of Selectmen.

Those to be appointed, supervised and controlled subject to confirmation by the Board of Selectmen, include 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.

**7 Purchasing agent.** Shall act as purchasing agent for all departments, except the school department, provided that the Town or the Selectmen may require that all purchases greater than a designated amount must be submitted to sealed bid;

**8 Attend meetings of selectmen.** Shall attend all meetings of the Board of Selectmen, and the town manager may attend meetings when the manager's removal is being considered;

**9. Make recommendations.** Shall make recommendations to the Board of Selectmen for the more efficient operation of the town;

**10. Attend town meetings.** Shall attend all town meetings and hearings;

**11. Inform of financial condition.** Shall keep the Board of Selectmen and the residents of the town informed as to the town's financial condition;

**12. Collect data.** Shall collect data necessary to prepare the budget;

**13. Assist Residents.** Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and

**14. Remove appointments.** Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the Board of Selectmen.

In addition to the above statutory sections, the town manager shall also:

15. Make application for State, Federal, and other aid grants for the benefit of the Town, as approved by the Board of Selectmen.

16. Act as Superintendent of roads, streets, and buildings for the Town.

17. 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 5. Transitional provisions. (30-A M.R.S. A. § 2637)**

The Selectmen, by resolve, may provide for the orderly transition of the town government. These resolves may not infringe upon the rights of any official or employee of the town and may not be inconsistent with this subchapter

## **ARTICLE VII. OTHER TOWN OFFICIALS.**

### **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, 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 clerk may appoint, in writing, 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 at minimum by an interim appointment within thirty (30) days of the vacancy.

### **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. Registrar of Voters (21-A M.R.S. A. § 101)**

**1. Qualifications.** The registrar must be a citizen of the United States, a resident of the State and at least 18 years of age. The registrar may not be an employee of a party or a candidate or be an officer of a municipal, County or State party committee. In the electoral division in which the registrar is appointed, the registrar may not: A. Hold or be a candidate for any Federal, State or County office, B. Be a treasurer for a candidate; or C. Be a municipal officer as define by Title 30-A, section 2001.

**2. Appointment.** The Board of Selectmen shall appoint a qualified registrar of voters by January 1<sup>st</sup> of each odd-numbered year. The registrar shall serve for two (2) years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar. If the clerk is not appointed to serve as registrar, the clerk must be appointed by the registrar to serve as a deputy registrar and has the same authority as the registrar to make determinations of voter eligibility and to perform the duties of voter registration as provided in this Title.

## **Section 7. 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 8. 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, among other reasons, describe the manner in which Selectmen should treat one another, Town 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. Nothing herein shall limit the Town Code of Conduct from governing the conduct of any other portion of Town government including, but not limited to, Town officials and Town staff.

## **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 forty (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 forty (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 forty (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 one hundred eighty (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. If a regularly scheduled or anticipated payment is due to be paid prior to the next regular or special meeting of the Board of Selectmen, the treasurer in consultation with the town manager may make the payment in a timely manner and obtain the signatures from a majority of the Selectmen present at that next regular or special meeting.

### **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 Commission.**

The Board of Selectmen may determine that the revision of the Municipal Charter be considered or that adoption of a new Municipal Charter be considered and, by order, provide for the establishment of a Charter Commission to carry out that purpose at any time it may determine that establishing a Charter Commission is necessary or advantageous to the Town.



## 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** – The municipal officers of the Town of Dover-Foxcroft. Any reference to “Selectmen”, “Selectpersons”, “Select Board”, “Town Officers”, or similar terms and phrases shall mean the Board of Selectmen unless the context or stated intent means otherwise

**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-** The body or assembly empowered with authority to determine town matters.

**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 their 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 fifty (50) % plus one (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 (3) year term shall mean election or appointment of two (2) members in the first year, two (2) members in the second year, and one (1) 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 -** A municipal district established by the State of Maine. In the context of this document “Town” refers to The Town of Dover-Foxcroft

**Town Meeting-** A meeting of the Town’s voters for the purpose of voting. Pursuant to this Charter Town Meeting is the basic legislative assembly for determining matters of spending, enactment of most municipal ordinances, 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 forty-five (45) days before the election. Also, general law requires that a public hearing is held at least ten (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 cannot 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 (see municipal officer)



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

**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. A warrant is also a document issued by the treasurer and signed by a majority of the municipal officers signifying the approval of expenditures

*Editor's note: This Charter supersedes the provisions of the former charter adopted on June 12, 2007.*