Charter of the Town of North Yarmouth

Article I. Town Meeting and Elections

1. **Town Meeting**. Town meetings shall be held as provided below:

   a. The Select Board shall convene an annual Town Meeting on a Saturday in April of each year for the purpose of considering and adopting the budget and such other matters as appear on the meeting's warrant. The annual Town Meeting date shall be established by the Select Board not later than the preceding February 1st.

   b. Special Town Meetings may be called by the Select Board in accordance with state law or as specified in Article II 5 § c of this Charter.

   c. The moderator of any Town Meeting shall be elected at the beginning of such meeting.

2. **Elections.** An annual municipal election shall be held in June for the purpose of electing town officials and for voting on referendum questions and other secret ballot questions. Except as otherwise provided herein or in state law, the following offices shall be elected by secret ballot at the annual municipal election: Select Board & Overseers of the Poor; Yarmouth Water District Trustee; Directors of MSAD #51; Budget Committee; and Cemetery Commission. Other elections shall be held as provided by state law.

3. **Petitions.** The voters may petition the Select Board pursuant to state law, including, but not limited to, Title 30-A, Section 2522 and Title 30-A, Section 2528(5) as such provisions may be amended, superseded, or replaced from time to time. The manner, validity, and effect of such petitions are as determined by state law.

Article II. Select Board

1. **Select Board/Overseers of the Poor.** There shall be a Select Board/overseers of the poor consisting of five (5) members elected to staggered three (3) year terms. The terms of those elected to the Select Board shall expire on June 30th of their expiration year.

2. **Qualifications.** Select Board shall be registered voters of the town who maintain a permanent, principal residence in the town at all times during their term of office.

3. **Chair of Select Board**.
   At the first regular meeting of the Select Board on or after July 1st of a year, the Select Board shall elect a chair to serve until the following June 30th. In the event the chair ceases to serve as a selectperson, resigns as chair, or is otherwise unable to discharge his or her duties prior to the end of such term, the Select Board shall elect a new chair as soon as practicable. By an affirmative vote of not less than four members, the Select Board may vote to remove a chair prior to the expiration of their term and thereafter by an affirmative vote of no less than three members, elect a replacement.

   a. The chair or his or her designee shall have the following responsibilities:

      (i) Serve as the official spokesperson of the Select Board;

      (ii) Preside over all meetings of the Select Board;

      (iii) Establish the schedule and agendas of the Select Board; and

      (iv) Ensure that the Select Board develop and maintain bylaws.

4. Powers and Duties.

a. The Select Board shall hold regular meetings no less than monthly, and give notice of such meetings as required by law.

b. The Select Board may call special meetings as are necessary, and must give notice as required by law.

c. The Select Board may call emergency meetings as needed with notice as required by law, to meet public emergencies affecting life, health, property or the public peace.

d. The Select Board's compensation shall be determined by the annual Town Meeting.

e. The Select Board shall annually review and prioritize the goals and objectives for ad hoc committees.

f. The Select Board shall review and approve an annual town budget for inclusion in the annual Town Meeting warrants, as well as all other warrants required by law or necessary for the good management of the town.

g. The Select Board shall make appointments to boards, commissions and committees from time to time. In the case of elected positions described in Article IV below, the Select Board shall have the authority to appoint members to otherwise elected committee positions in the event of removal, disability, or resignation and in the event no qualified candidate is elected on a secret ballot. Such appointments shall be for the unexpired term of such position.

h. The Select Board shall appoint the Town Assessor, who shall be licensed as a certified Maine assessor and appointed by the Select Board to a term of one (1) year. The term of the appointed assessor shall expire on June 30th. In addition to the duties provided by law, the assessor shall maintain the town's tax maps. Compensation shall be fixed by the Select Board and in addition, the assessor shall receive the actual and necessary expenses incurred in the performance of the assessor's duties.

i. The Select Board may, after a public hearing:

(i) Amend ordinances in order to correct typographical or editorial errors, inaccurate statutory references, or changes to forms prescribed by the town

(ii) Except as otherwise provided herein, and except for ordinances within the exclusive authority of the Select Board to enact, all ordinances and other ordinance amendments shall be enacted by Town Meeting.

j. The Select Board shall deal with town employees solely through the Town Manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the Select Board from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

5. Forfeiture of Office, Prohibitions Vacancies. The office of a selectperson shall become vacant upon death, resignation, non-acceptance, removal from office in any manner designated by law, or by forfeiture of office.

a. Forfeitures. A selectperson shall forfeit office if he or she lacks at any time during their term of office:

(i) any qualification of the office as described by this charter or by law.

(i) is convicted of a felony.

(ii) is found, by affirmative vote of at least three Select Board, to have violated the conflict of interest provisions of this charter.

(iii) has failed to attend three (3) consecutive meetings of the Select Board without being excused for due cause by the chair.

b. Prohibitions. Except where otherwise authorized by law no selectperson shall be a town employee or serve on an elected or appointed board, commission or committee established under Article IV, Sections 1 and 2 of this charter during the term for which they were elected to the Select Board; provided, however, that service as a per diem or similar status membership in the town fire and rescue department, shall not be grounds for disqualification from holding office as a selectperson.

c. Vacancies. If a seat on the Select Board becomes vacant more than six (6) months prior to the next regular election, the Select Board shall vote to hold a special election and approve a warrant related thereto no more than sixty (60) days from the date the vacancy occurred to fill the unexpired term. Nomination papers must be filed with the Clerk during regular business hours by no later the 45th day prior to the election day. If the vacancy occurs less than six (6) months prior to the next election, the Select Board may hold a special election.

Article III. Town Manager

1. **Town Manager Established; Role**. Except as granted to the Town Manager herein, the administrative and executive functions of the town shall be reserved to the Select Board.

2. **Qualifications and Requirements**. The Town Manager shall be chosen by the Select Board on the basis of his or her executive and administrative qualifications, his or her technical knowledge of municipal administration, and his or her integrity of character.

   a. 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 Select Board.

   b. The Town Manager may not serve as any elected town official, assessor, or member of any board, commission or committee established under Article IV, Sections 1 or 2.

3. **Roles and Responsibilities**. The roles and responsibilities of the Town Manager shall include the following:

   a. Act as the chief executive and administrative officer of the town.

   b. Act as purchasing agent for all departments of the town and to put out to competitive bids any transactions of such minimum dollar amount as established by the Select Board as the fiscal policy of the town from time to time.

   c. Attend the regular meetings of the Select Board, all Town Meetings and public hearings of the town or Select Board.

   d. Make recommendations, including orders or ordinance changes for adoption as the Town Manager may deem expedient for the efficient operation of the town.

e. Be responsible to the Select Board for the administration of all departments and offices of the town and to keep the Select Board advised as to the business, operations, and needs of the town.

f. Execute all laws and ordinances of the town.

g. Appoint, subject to confirmation by the Select Board, supervise and manage the heads of departments and other town officials, except as otherwise designated. Subject to ratification in the town's budget, town department heads and other officials may include, but are not limited to the Town Clerk, Town Treasurer, Tax Collector, Registrar of Voters, Code Enforcement Officer, General Assistance Administrator, Road Commissioner, Director of Emergency Preparedness, Animal Control Officer, Health Officer, Electrical Inspector, Building Inspector, Plumbing Inspector, and Fire Chief.

h. Notwithstanding subsection g, the Town Manager may serve, with the permission of the Select Board, as the head of one or more departments, offices, or agencies, or may appoint one person as the head of two or more of them.

i. Exercise administrative control over all departments created herein or that may be created hereafter either by general law or ordinance, including but not limited to all matters of hiring, firing, and employee discipline.

j. Have exclusive authority to remove for cause, after notice and hearing, all persons whom the Town Manager is authorized to appoint and report all removals to the Select Board.

k. Unless otherwise provided by town ordinance or this charter, the Town Manager shall appoint, supervise and manage all town officials whom the Select Board are required by law to appoint; and appoint, supervise and manage all other officials, subordinates and assistants, except that the Town Manager may delegate this authority to a department head and report all appointments to the Select Board. The Town Manager shall not appoint or supervise any members of boards, commissions, committees and the assessor whether elected or appointed by the Select Board, with respect to the performance of those duties.

l. Be liaison and resource person for all town boards and committees, and to attend public hearings and meetings when appropriate. The Town Manager shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

m. Keep the Select Board and the residents of the town informed as to the town's financial condition.

n. Collect data necessary to prepare the budget, and prepare a preliminary budget to present to the Select Board and the Budget Committee.

4. Compensation. The Select Board shall determine the compensation of the Town Manager, which shall be included in the annual budget approved at Town Meeting.

5. Removal, Suspension, and Disability.

a. Removal and Suspension. The Select Board may remove or suspend the Town Manager for cause in accordance with the following procedures.

(i) The Select Board shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal or suspension. A copy of that resolution shall be

delivered to the Town Manager within ten (10) days of filing. Within twenty (20) days of receiving the resolution, the Town Manager may reply in writing and request a public hearing.

(ii) Upon request for a public hearing, the Select Board shall hold one at least ten (10) days but not more than thirty (30) days after the request is filed. After the public hearing or at the expiration of the time permitted the Town Manager to request the public hearing, if no such request is made, the Select Board may adopt or reject the resolution of removal or suspension.

(iii) The Select Board may suspend the Town Manager from duty in the preliminary resolution, but the Town Manager's salary may not be affected until the final resolution of removal has been adopted. In the case of such suspension, the Select Board may appoint an acting Town Manager to serve at the pleasure of the Select Board for not more than ninety (90) days.

(iv) The action of the Select Board in removing the Town Manager shall be final, and shall be by majority vote of the Select Board.

b. Disability or Absence. The Town Manager may designate a qualified administrative official of the town to perform the Town Manager's duties during a temporary absence or disability, subject to confirmation by the Select Board. If the Town Manager does not make this designation, the Select Board may appoint a town official to perform the Town Manager's duties during the absence or disability and until the Town Manager returns or the disability ceases.

6. Regional Cooperation. The town may not jointly engage or cost share the Town Manager, except as approved by Town Meeting.

Article IV. Elected and Appointed Boards, Commissions, Committees, and Officials

1. Elected Boards, Commissions, Committees, and Officials. The following positions shall be elected by secret ballot:

a. MSAD Directors. There shall be MSAD Directors, whose number, length of terms, powers and duties shall be a prescribed under the terms of the certificate of organization for the MSAD and who if more than one is provided for, shall be elected to staggered terms. The terms of those elected to serve as directors shall expire on June 30th of their expiration year.

b. Budget Committee. There shall be a Budget Committee consisting of seven (7) members elected to staggered three (3) year terms. The terms of those elected to the Budget Committee shall expire on June 30th of their expiration year. Members shall elect a chair and a secretary. The Budget Committee shall have the following duties and responsibilities:

(i) The Budget Committee shall meet in conjunction or apart from the Select Board to hear and review the Town Manager's proposed budget.

(ii) The Budget Committee shall meet to make comments and/or recommendations on said budget, either separately or jointly with the Select Board for the annual town warrant.

(iii) The Budget Committee shall attend the annual Town Meeting to answer questions about said recommendations.

(iv) The Budget Committee's recommendations in all regards will be strictly advisory in nature and shall not be binding upon the Select Board.

c. Yarmouth Water District Trustee. There shall be one elected (1) Yarmouth Water District trustee. The terms, powers, and duties as prescribed by the Private and Special Legislation dealing with the Yarmouth Water District shall apply. The term of the elected trustee shall expire on June 30th of the expiration year.

d. Cemetery Commission. There shall be a cemetery commission consisting of five (5) members elected to staggered five (5) year terms. The cemetery commission shall have responsibility for approving expenditure of trust funds for the care and maintenance of the cemeteries and set such other policies necessary for the respectful care and maintenance of town cemeteries.

2. Appointed Boards, Commissions, Committees and Officials. The following boards, commissions, committees and officials shall be appointed by the Select Board.

a. Board of Assessment Review. There shall be a Board of Assessment Review consisting of three (3) members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Board of Assessment Review shall expire on June 30th of the expiration year. The Board of Assessment Review shall elect from their membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year.

b. Planning Board. There shall be a Planning Board consisting of five (5) regular members and two (2) alternate members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the planning board shall expire on June 30th of the expiration year. The members of the Planning Board shall elect from their membership a chair and a secretary annually at its first regular meeting occurring on or after July 1st of each year. Other than for purposes of electing the chair and secretary, an alternate may only vote in the absence of a regular member. The Planning Board shall execute such duties as prescribed in the ordinances of the town and by state law.

c. Zoning Board of Appeals. There shall be a Zoning Board of Appeals consisting of five (5) regular members and two (2) alternate members. These members shall be appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Zoning Board of Appeals shall expire on June 30th of their expiration year. The members of the Zoning Board of Appeals shall elect from their membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year. Other than for purposes of electing the chair and secretary, an alternate may vote only in the absence of a regular member. The Zoning Board of Appeals shall execute such duties as prescribed in the ordinances of the town and by state law.

d. Parks & Recreation Committee. There shall be a Parks & Recreation Committee consisting of five (5) members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Parks & Recreation Committee shall expire on June 30th of their expiration year. The Recreation Committee shall elect from its membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year.

(i) The Parks & Recreation Committee shall advise the town and municipal officers on matters of parks and recreation and supervise any parks and recreation programs by the town.

(ii) The Parks & Recreation Committee shall oversee any town property designated as a parks and recreation area by the Select Board and make recommendations to the Select Board regarding its use.

e. Shellfish Conservation Commission. There shall be a Shellfish Conservation Commission consisting of three (3) members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Shellfish Conservation Commission shall expire on June 30th of their expiration

year. Members of the Shellfish Conservation Commission shall have the powers and duties as prescribed by the Private and Special Legislation dealing with the Shellfish Conservation Commission and as prescribed in the Town of Yarmouth's Shellfish Conservation Ordinance as may be amended, superseded, or replaced from time to time.

f. Economic Development & Sustainability Committee. There shall be an Economic Development & Sustainability Committee consisting of seven (7) regular members and one (1) alternate member appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Economic Development & Sustainability Committee shall expire on June 30th of the expiration year. The members of the Economic Development & Sustainability Committee shall elect from their membership a chair and a secretary annually at its first regular meeting occurring on or after July 1st of each year. Other than for purposes of electing the chair and secretary, an alternate may only vote in the absence of a regular member. The Economic Development & Sustainability Committee shall execute such duties as prescribed in the town comprehensive plan, strategic development plan, and charge of responsibilities established by the Select Board.

g. North Yarmouth School Fund. There shall be a North Yarmouth School Fund consisting of nine (9) trustees appointed by the Select Board to staggered five (5) year terms. Recommendations for trustee appointment(s) shall be petitioned and provided by the trustees to the Select Board. The terms of those appointed to the North Yarmouth School Fund shall expire on June 30th of the expiration year. The trustees of the North Yarmouth School Fund shall elect from their trusteeship a chair and a secretary annually at its first regular meeting occurring on or after July 1st of each year. The North Yarmouth School Fund shall execute such duties as prescribed in the North Yarmouth School Fund bylaws and the charge of responsibilities established by the Select Board.

h. Wescustogo Hall Committee. The Select Board shall appoint a five (5) member committee for the purpose of overseeing the use, maintenance, and rules pertaining to the property as well as keeping the intent of the April 7, 1997, agreement (warrant Article 6) to staggered three (3) year terms; two (2) of the five (5) members shall be selectpersons. The provision of this committee will be reviewed following the year 2025 in which a vote of the Townspeople may find it is no longer validating.

i. Other Officials. The Select Board shall appoint such other officials to regional bodies as may be required from time to time to serve on such regional bodies required or permitted by law, agreement or otherwise.

3. Ad Hoc Committees. Any committee not otherwise mentioned in this charter shall be an ad hoc committee. Ad hoc committees are such committees as are necessary to the efficient functioning of the town. The Select Board may, at its discretion, create or eliminate such ad hoc committees as it desires, subject to the following:

a. The Select Board shall annually review and deliver to each Ad hoc committee a written charge.

b. The Select Board shall appoint members in such numbers as are required.

c. Each ad hoc committee shall be established for a minimum of six (6) months or up to a maximum of two (2) years; however, the Select Board may extend the establishment of any ad hoc committee for additional terms. Each such term shall be up to two (2) years or as deemed necessary by the Select Board.

d. Each of the ad hoc committees shall elect from their membership a chair and a secretary at its first regular meeting.

e. The chair shall keep the Select Board and Town Manager regularly apprised of the ad hoc committee's progress.

4. Other Duties.

a. In addition to the duties and responsibilities set forth herein or by law, each board, commission, committee or individual official established pursuant to this Article IV shall prepare an annual report, which shall be due on such date and contain such information as directed by the chair of the Select Board.

b. Each board, commission or committee established pursuant to this Article IV may adopt, amend, or repeal bylaws from time to time as necessary and appropriate for its efficient operation. All current bylaws shall be maintained by the town and made available for public review.

Article V. General Provisions

1. Amendments. This charter may be amended or revised under Title 30-A, Sections 2101 through 2109.

2. Effective Date. This charter is effective on July 1, 2013.

3. Transition Provisions.

a. All elected and appointed persons not otherwise addressed in this Article V, Section 3 shall continue to serve until the expiration of their term or until their successor is duly elected or appointed hereunder.

b. The prohibition on serving as a Selectperson pursuant to Article II, Section 5(b) shall apply to all selectmen as of the effective date of the charter. Should the prohibition create a conflict for any

Selectperson elected prior to the effective date, that Selectperson's seat becomes vacant as of the effective date of the charter unless the Selectperson eliminates the conflict before the effective date.

c. In order to reduce the number of Budget Committee members from nine (9) to seven (7), there will be two (2) seats available for election in June 2014 and two (2) seats for election in June 2015.

d. The Conservation Commission shall be disbanded as of the effective date of this charter. Any funds or other property held by or in the name of the Conservation Commission shall be deemed transferred to the Town. The Select Board shall perform or delegate any duties or obligations of the Conservation Commission subsequent to the effective date of this Charter.

e. Any committees in existence at the time of the enactment of the charter not specifically identified in the charter shall become ad hoc committees described in Article IV, Section 3. By September 30, 2013, the Select Board shall have the option to review these committees and deliver the charge to the committee. Otherwise such committees shall be disbanded automatically as of September 30, 2013.

f. The Select Board shall appoint an interim Town Manager to serve until such time as the Select Board has selected someone to serve as Town Manager.

4. Conflicts of Interest. Any official, officer or employee of the town who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation or ownership interest in a business entity, in any contract with the town, or in the sale of any land, material, supplies or services to the town or to a contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an official, officer or employee in making such sale or otherwise in the making or performing of such contract.

Any official, officer or employee who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the express or implied knowledge of the person or business entity contracted with or making a sale to the town shall, at the option of the town, render the contract or sale voidable.

In all proceedings before the town, every municipal official shall attempt to avoid the appearance of a conflict of interest by disclosure or abstention.

5. **Liberal Construction**. The powers of the town under this charter shall be construed liberally, and the specific mention of particular powers of the charter shall not be construed as limiting in any way the general power of these articles.

6. **Repealer**. All Acts or parts of Acts inconsistent herewith insofar as they relate to the town are hereby repealed.

7. **Invalidity**. If any portion of the charter shall be held invalid or unconstitutional, such portion will not affect the validity of the remaining portions thereof.

8. **Applicable Law**. Except as otherwise providing in this Charter, the Town of North Yarmouth operates under the laws of the State of Maine.