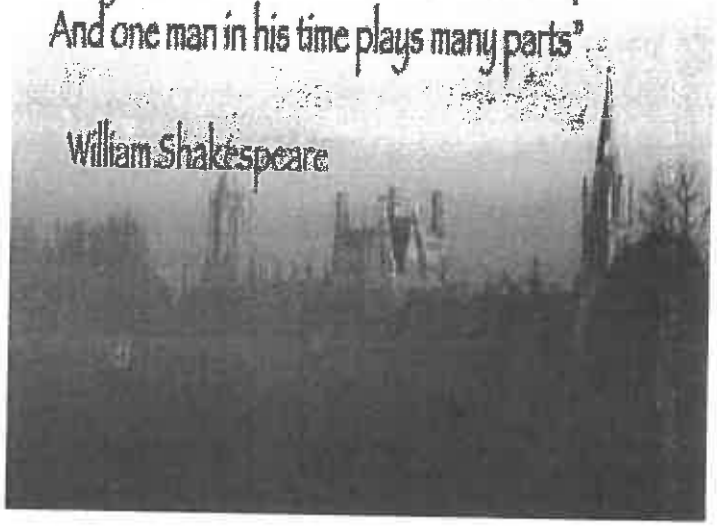
TOWN OF LYMAN
SEAL
1780
MAINE

adopted Nov. 6, 2012

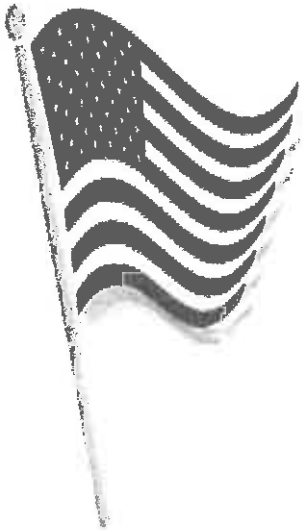
Municipal Charter

Town of Lyman



Charter Commission Members

Jeff Demers	Chairman
Joe Wagner	Vice-Chairman
Marie Nikel	Secretary
Shirley Harrison	
Ed Sanborn	
Paula Perusse	
Maurice St. Clair	
Don Beane	
Stephen Gray	



LYMAN, MAINE

MUNICIPAL CHARTER

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September 12, 2012

PREAMBLE

We the residents of Lyman do hereby establish and ordain this municipal charter for the purpose of fostering and preserving a sense of community and creating a shared responsibility of self-government. This charter provides an organizational structure and general operational guidelines for our town government based upon the principles of integrity, transparency and citizen participation.

In this endeavor we acknowledge and take inspiration from the history of our town. First called Swanfield in 1767, the town of Coxhall was formally incorporated in 1780 and renamed Lyman in 1803. We still value today the natural beauty of the woodlands, farmland and waters the first settlers saw upon their arrival centuries ago. The personal qualities of vision, goodwill to others and endurance those settlers brought with them; we seek to emulate.

This charter also embraces the freedoms and principles contained in the United States Constitution and the Maine State Constitution along with the revered principle of Home Rule.

ARTICLE 1 - GRANT OF POWERS TO THE TOWN

Section 101 - Construction

The town may exercise any of its powers to perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more federal or state civil divisions or agencies and in accordance with the Interlocal Cooperation Act (30-A M.R.S.A. Sections 2201-2208) or any other statutory provisions, when applicable.

Section 102 - Separability

If any provision of this charter is held finally to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of any remaining provisions of this charter.

ARTICLE 2 – TOWN MEETINGS AND ELECTIONS

Section 201 – Legislative Authority

1. Legislative Authority of the Selectmen. The legislative authority of the Town shall be vested in the Selectmen, except as otherwise stated in this Charter.

2. Legislative Authority of Town Meeting.

   a. The Town Meeting shall by secret ballot act on the following:

      i) election of the following Town Officials: Selectmen; Town Clerk, Road Commissioner; RSU 57 School Board Directors, and Budget Committee Members

      ii) ordinances proposed under the initiative and/or referendum power

      iii) any other business deemed advisable by the Board of Selectmen

   b. The Town Meeting shall from the floor act on the following Warrant Articles:

      i) the various appropriation and expenditure Articles that comprise the Annual Budget

      ii) warrant articles submitted by initiative, petition or referendum

      iii) any other business deemed advisable by the Board of Selectmen

Section 202 – Town Meetings

1. All registered voters of the Town shall be members of the Town Meeting and shall be eligible to vote on matters that come before it. A quorum for the purpose of the election of the annual Town Meeting Moderator shall be a minimum of five [5] registered voters. A quorum to conduct business at the annual Town Meeting shall be a minimum of forty [40] registered voters. The quorum shall stand for the remainder of the business Meeting. If a quorum sufficient to conduct business does not exist, the Town Meeting Moderator shall adjourn the meeting to reconvene the second Saturday from the time of the original date of the Meeting.

2. Warrant Articles. The warrant shall contain in the form of Articles those items enumerated in Section 201(2). Articles may be placed in the Warrant of the Town Meeting by majority vote of the Board of Selectmen, or by petition of registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Lyman in its last gubernatorial election. Articles concerning appropriations shall contain the Statement of Fact in addition to other information contained in three (3) columns: one showing the appropriation for the current fiscal year, one showing the appropriation proposed by the Budget Committee, and one showing the appropriation recommended by the Selectmen. Except for initiated referenda, the municipal officers will determine the wording and order of the articles. Except in secret ballot articles, in the event of an unresolved difference in

the amounts proposed by the Budget Committee and the Selectmen, no amount will be inserted in the article and the amount will be determined by popular vote amendment at the Town Meeting. The Warrant shall be signed by a majority of the Selectmen.

3. Closing of the Warrant for Annual Town Meeting. Unless there is a unanimous vote of the Selectmen, no money Articles shall be inserted into the warrant later than forty-five (45) days prior to the Annual Town Meeting and no non-money Articles shall be inserted into the warrant later than thirty (30) days prior to the Annual Town Meeting.

4. Notification, Posting and Public Hearings.

   a. The warrant for Town Meeting will be posted in accordance with state law.

   b. The complete warrant shall be posted on the website of the Town and at least five conspicuous places at the Selectmen's discretion at least seven [7] days before Town Meeting.

   c. Copies of the Town Report and warrant for the Town Meeting shall be made available at the Town Hall at least seven [7] days before Town Meeting.

   d. All public hearings and notifications thereof shall be held in accordance with State law.

5. Moderator

   a. Election of the Moderator. The election and duties of the Moderator as Supervisor of the Meeting shall be done in accordance with the guidelines provided in the Maine Moderator's Manual published by the Maine Municipal Association as it may be amended.

   b. Procedure and Conduct of Town Meeting. Except as limited by the Constitution and Laws of the State of Maine and provisions of this Charter, rules governing the procedure and conduct of the Town Meeting shall be in accordance with the guidelines provided by the Maine Moderator's Manual published by the Maine Municipal Association as it may be amended.

6. Town Clerk. The Town Clerk shall perform the duties required by law, including overseeing the balloting and preserving as public records all proceedings of the Town Meeting votes. If the Clerk and Deputy are absent, the Moderator shall appoint and swear in a temporary Clerk.

7. Annual Town Meeting. The Annual Town Meeting shall be held between the dates of March 1 and June 30. The specific date, time and place shall be decided by the

Board of Selectmen and shall be announced in accordance with Section 202 section 4 of this Article. The first article of the annual Town Meeting will be the election of the Moderator. The next order of business will be for the Registrar of Voters to certify that a quorum is present for the Town Meeting.

8. Call of Special Town Meeting. Special Town Meetings may be called by the Selectmen or by a petition containing signatures of registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Lyman in its last gubernatorial election in accordance with State statutes. A minimum of 15 registered voters shall constitute a quorum for a special town meeting.

Section 203 – Elections

1. Municipal Elections. The regular election for the members of the Board of Selectmen, Road Commissioner, RSU 57 Board of Directors, Town Clerk and Budget Committee and other municipal officials as may be required shall be held by secret ballot within seven (7) business days before Annual Town Meeting. The term of office for the Board of Selectmen, the Road Commissioner, RSU 57 Board of Directors, Town Clerk and Budget Committee shall be for a period of three (3) years commencing at the first regular meeting of their positions.

   Provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

2. Nominations. Candidates for election to any elective office, whose names appear on a written ballot, must be nominated by petition. All nomination petitions must be signed by registered voters of the Town. The use of nomination papers shall be in accordance with the State statutes governing Town elections.

3. Voting Places. The voting places established for State elections shall be the same for municipal elections. The Board of Selectmen shall determine the location of voting places.

4. Election Officials. In federal and state elections, the election officials shall consist of a warden and election clerks appointed pursuant to 21-A M.R.S.A. §§ 501 – 505. In Town elections, the election officials shall consist of a moderator elected pursuant to 30-A M.R.S.A. §§ 2524 and 2525, ballot clerks appointed pursuant to 30-A M.R.S.A. § 2528(8) and the Town Clerk. All election officials shall have the duties prescribed by state law.

5. Absentee Ballots. Absentee ballots may be cast at all Annual and Special Town Meetings for the election of Town Officers and articles to be voted on by secret ballot. The general laws of the State of Maine shall determine the manner for obtaining and casting absentee ballots.

Section 204 – Vacancies in Elected Offices

The office of an elected official other than a member of the Board of Selectmen or an RSU Director shall become vacant upon the resignation, death, or removal from office in a manner authorized by law or upon forfeiture of office.

Elected officials shall forfeit their office if they lack any qualifications for the office as described by law, by this Charter and by the personnel criteria, or if they are convicted of a felony at any time during their term of office. In the event of time constraints, the Board of Selectmen may temporarily waive qualification criteria that are not statutory.

If a vacancy shall occur in an elective office other than a member of the Board of Selectmen or an RSU Director, the Board of Selectmen shall call a special election within ninety (90) days of such vacancy for the purpose of electing a qualified person to fill the vacancy for the balance of the unexpired term. If, for any unseen reason, a vacancy occurs within the first 180 days of the fiscal year, the Board of Selectmen shall hold a special election. A qualified person may be temporarily appointed by the Board of Selectmen for a period of no longer then six (6) months.

For the office of RSU Director, vacancies shall be determined by 20-A M.R.S.A. § 1474.

ARTICLE 3 – BOARD OF SELECTMEN

Section 301 – Number, Eligibility, Election and Terms

(a) Number. There shall be a board of selectmen composed of five (5) members who Shall be elected by the registered voters of the town-at-large.

(b) Eligibility. Only registered voters who maintain a permanent, principal residence in the town [at all times during their term] and who has resided as a permanent resident in the Town for the previous year shall be eligible to hold office as selectman.

(c) Election and terms. Selectmen shall be elected for a term of three (3) years on a staggered basis in accordance with the Town's operating fiscal year, and shall serve until their successor is elected and sworn in. The regular election of selectman shall be held at the annual town meeting each year.

Section 302 – Compensation

The compensation of the selectmen shall be set within the Budget adopted at each annual town meeting.

Section 303 – Chairman/Vice-Chairman

The chairman and the vice-chairman of the Board of Selectmen shall be elected by a majority vote of the Board at the first regular meeting of the Board held in the new fiscal year.

The chairman shall preside at the meetings of the selectmen, and shall be recognized as head of the town government for all ceremonial purposes and by the governor for purposes of military law, but they shall have no extra administrative duties. In the temporary absence or disability of the chairman, the vice-chairman shall exercise all the powers of the chairman.

The chairman or the vice-chairman shall set the agenda for the selectmen's meeting. The agenda shall provide the opportunity for public comment.

Section 304 – Powers and Duties

Except as otherwise provided by law or this Charter, all powers of the town shall be Vested in the Board of Selectmen, which shall be the general legislative body of the Town.

The Board of Selectmen shall constitute the municipal officers of the Town of Lyman. Their powers shall be those vested in town government. The decisions and actions of the Board shall not be contrary to any vote of the Lyman Annual Town Meeting and any other Special Town Meeting, and the powers and duties of the Selectmen shall be consistent with the "will of the people" and any regulations and ordinances voted upon at said Town Meetings or by referendum. Selectmen shall perform all duties required of municipal officers under the laws of this State and the provisions of this Charter.

Section 305 – Enumeration of Powers

The Board of Selectmen shall have the following enumerated powers in addition to those powers granted by law or granted to the Board at Regular or Special Town Meeting or elsewhere provided in this Charter.

Without limitation of the foregoing, the Board of Selectmen shall:

1. exercise supervisory authority over the administrative officials of the Town

2. appoint all employees and members of all Boards and Committees, except those required to be elected under this Charter or applicable law. The Selectmen also have the right to initiate Boards or Committees as they deem necessary for Town affairs and to terminate any such Board or Committee so created or existing on the effective date of this Charter and not required by applicable law, ordinance, or the provisions of the Charter.

3. serve as Overseers of the Poor, which function may be delegated in whole or in part to a qualified Town employee

4. with the exception of zoning ordinances and ordinances enacted by initiative, make and interpret ordinances as provided in this Charter

5. designate warrant items

6. award bids

7. approve bills and sign payroll

8. adopt, review and amend a municipal personnel policy which will be made available to the public
9. make temporary and full time appointments to paid and unpaid Town positions

10. initiate the decennial revision of the Town Comprehensive Plan

11. be the final authority regarding the appointment and removal of employees (and volunteers), subject to the provisions of said personnel policy

12. enforce municipal regulations and ordinances if their provisions so require

13. In the case of a charter amendment, at least 2 weeks before the election, the municipal officers shall:

(a) have the proposed amendment and any summary of the amendment prepared and printed with copies available to the voters in Town Hall and
(b) post the amendment and any summary of that amendment in the same manner that proposed ordinances are posted at public places and on the Town's website.

In the case of a charter revision, at least 2 weeks before the election, the municipal officers shall:

(a) have the final report of the charter commission printed with copies of the report available to the voters in Town Hall and
(b) post the report in the same manner that proposed ordinances are posted at public places and on the Town's website.

Section 306 – Prohibitions

(a) Excepting those members of the Board of Selectmen during their term existing at the time of the formal adoption of this Charter, no Selectmen during their term of office shall receive direct or indirect personal compensation for employment with the Town other than their compensation as Selectmen.

(b) The Board of Selectmen shall act as a body settling all questions by formal vote in a properly noticed meeting. Members must not act individually unless some duty had been delegated to a member or members by a majority vote of the Board of Selectmen. A formal minority report may be issued by board members in the minority, which shall be recorded in the minutes of the Board of Selectmen meetings.

Section 307 – Vacancies or Forfeiture of Office, Filling of Vacancies

(a) Vacancy. The office of any Selectman shall become vacant upon non-acceptance, resignation, death, recall, legally judged incompetence, failure to qualify for the office, permanent disability, removal from office, or forfeiture of office or failure of the municipality to elect a person to the office.

(b) Forfeiture of Office. Persons shall forfeit the office of Selectman if they:

(1) lack at any time any qualification for the office as prescribed by this Charter or by law;

(2) intentionally violate any expressed provision of this Charter; or

(3) are convicted of a felony

(c) Record of Attendance. Unexcused failure to attend meetings shall not be grounds for forfeiture of office up until forty-five (45) consecutive days of absence. Upon exceeding this time frame the sitting Board of Selectmen shall determine the seat vacant and shall immediately start the election process to fill that vacancy.

(d) Vacancies. If a seat on the Board of Selectmen becomes vacant more than ninety (90) days prior to the next regular election, the Board of Selectmen shall call a special election to fill the unexpired term.

Section 308 – Induction of Selectmen into Office

Selectmen-elect shall be sworn to the faithful discharge of their duties by the Moderator or their deputy before adjournment of the Annual Town meeting and shall serve for three years until their successor is elected and sworn into office.

Section 309 – Meetings

The Board of Selectmen shall meet regularly, except holidays, at such times and places as the Board may specify by rule, and at least twice a month. All meetings, excepting those in executive session, which shall commence in public session, shall be open to the public in accordance with the laws of the State of Maine.

Special meetings may be called by the chairman or a majority of the members,
And whenever practicable, upon no less than seven (7) days public notice.

Emergency meetings shall be called without regard to the aforementioned 7-day notice requirement by the chairman, or a majority of the members, if there is an immediate threat to life, limb or property Public notice shall be given as required by state statue.

Section 310 – Quorum

A majority of the Board of Selectmen shall constitute a quorum for the transaction of Business.

Section 311 – Rules and Procedures

The Board of Selectmen shall provide for keeping a record of its proceedings and shall Determine its own rules of procedure and make lawful regulations for enforcing the same.

The Selectmen shall direct the secretary to give notice of special Board meetings to its members and to the public in accordance with state statutes, and shall keep a record of The proceedings of each regular and/or special meeting and such records shall be public record within five (5) working days.

The votes of each Selectman shall be recorded in the minutes. No action of the Board shall be binding or valid unless adopted by affirmative vote of at least three Members of the Board.

No ordinances, orders, rules, resolutions, contracts, appointments or other official actions shall be finally approved in Executive Session.

Section 312 – Selectmen's Ordinances

The Board shall act by ordinance, order or resolve. An ordinance is legislative in nature and prescribes general, uniform and permanent rules of conduct related to the corporate affairs of the Town of Lyman. An order is authority to perform a specified act conferred by the Board. A resolve is an action less formal or solemn than an ordinance and is appropriate for most other actions of the Board that are not required to be performed by ordinance. A resolve is appropriate for ministerial acts and the administrative business of the Board. In addition to other acts required by Law or by specific provisions of this Charter to be done by ordinance, acts of the Board which shall be by ordinance are:

1. those which adopt or amend an administrative code or establish, alter, or abolish any town department, office or agency.

2. those which provide for a fine or establish a rule or regulations by which a fine is imposed except for those ordinances adopted by Town Meeting.

3. those which amend or repeal any ordinance previously adopted, except as otherwise provided in Article 7 of this Charter with respect to repeal of ordinances reconsidered under the referendum power, which such ordinances if reconsidered, may not be reenacted in the same or substantially the same form for a year thereafter. Unless the law requires otherwise, before any ordinance shall be passed at least one public hearing shall be held by the Board, notice of which shall be given at least seven (7) days in advance by publication in a newspaper having a general circulation in town and by posting a notice in a public place.

The "yeas" and "nays" shall be taken on the passage of all ordinances and entered on the record of the proceedings of the Board. Every ordinance shall require on passage the affirmative vote of a majority of the members of the Board. Such ordinance shall be effective thirty (30) days after such passage unless otherwise stated by state law or within the ordinance, subject to the provisions of Article 7 of this Charter.

Section 313 – Emergency Ordinances

The Board may, by majority vote of all of its members, pass emergency ordinances, to Take effect at the time indicated therein, to meet public emergencies affecting life, health, property or the public peace. Such emergency ordinances shall contain a section in which the emergency is set forth and defined. The declaration of such emergency by the Board shall be conclusive in as much as a majority of the members of the Board support such emergency ordinance. Within five (5) days after passage, such ordinance shall be posted at the Town Hall and such other places as the Board may designate, and a statement of the general subject matter shall be published in a newspaper or newspapers having general circulation in the Town. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted.

Section 314 – Independent Annual Audit

Prior to the end of each fiscal year, the Board shall a qualified auditor or certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town Government and shall submit their report to the Board. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by the Treasurer and any separate or subordinate accounts kept by any other office, department, or agency of the Town government.

Section 315 Ordinance Review

All ordinances will be codified by the Town Clerk. This codification will be available to the public in print and on the Town website. The effective dates of each new ordinance or revision to an ordinance shall be recorded in the codification. The Town Clerk will notify the Board of Selectmen when an ordinance has been in effect for four and a half years so that the Board may refer said ordinance to the Ordinance Review Committee for a five year review.

ARTICLE 4 – ADMINISTRATION OVERSIGHT

Section 401 – Town Administration

The administration of the Town will be vested in the Board of Selectmen. The Vice-Chair of the Board will provide administrative oversight [liaison] for the town and the town employees. The Board will work together with all Town employees to ensure efficient and effective Town administration.

Section 402 - Appointment Authority

The following officials and boards shall be appointed by the Board of Selectmen:

(a) i - full time positions - Assessor, Building Inspector/Code Enforcement Officer/911 Addressing Officer/Plumbing Inspector, Fire Chief and Fire Department Personnel, Secretary to the Board, Tax Collector, Transfer Station Operator, Treasurer;

(a) ii - the Deputy positions for Tax Collector, Town Clerk, and Treasurer shall be appointed by their respective officials

(a) iii - part time positions - Animal Control Officer, Eco Maine Representative, Electrical Inspector, Emergency Management Director, Fair Hearing Officer, Fire Department Personnel, Health Officer, Parks and Recreation Director, Registrar of Voters, Welfare Director;

(a) iiii - boards and committees - Board of Assessment Review, Building and Maintenance Committee, Conservation Committee, Fire Commissioners, Forestry Committee, Hiring Committee, Horace Cousens Scholarship Committee, Ordinance Review Committee, Planning Board, Recycling and Waste Committee and the Zoning Board of Appeals.

The Board of Selectmen shall appoint other boards, commissions, personnel or committees created by the Board pursuant to Section 305. The Board of Selectmen shall also appoint other such officers and boards as may exist from time to time when appointment is permitted by State or Federal law or Town ordinance. The Board, for the purpose of cross-training and coverage support, may, where appropriate and where not prohibited by law, vest in Town employees all or part of the duties of any office.

(b) No municipal officer may be appointed to any paid position of the Town, which was created or the compensation of which was increased by the action of the municipal officials, during the term for which they were elected or for one year thereafter.

(c) The Board of Selectman shall have the discretion to convert a part time position to a full time position without the necessity of having to amend this Charter.

Section 403 - Appointed Positions - Full Time

[Full job descriptions for Town employees will be maintained by the Board of Selectmen.]

(a) Assessor - The Assessor will be responsible for the establishment and maintenance of fair and equitable values for all real estate and personal property in the Town. The Assessor shall perform these duties through discovery, visitation, data collection, and computer analysis of properties. The Assessor shall be certified by the State of Maine and shall maintain that certification.

(b) Building Inspector/Code Enforcement Officer/911 Addressing Officer/Plumbing Inspector - This officer shall be responsible for all areas of municipal inspection and code enforcement. Through direct inspection the officer shall interpret and apply all State and municipal regulations regarding septic and water sanitation issues. This officer shall be responsible for the assignment of physical addresses for properties within the Town to ensure the accurate dispatch of first response services. This officer shall be certified for such duties, to include 80K requirements, by the State of Maine and shall maintain that certification.

(c) Secretary to the Board - The Secretary to the Board shall provide direct administrative support services to the Board. The Secretary to the Board shall possess requisite office management and computer skills and necessary knowledge of accounting and insurance principles. The Secretary to the Board shall demonstrate the ability to work respectfully with the public.

(d) Tax Collector - The Tax Collector shall perform the administrative and fiscal work of collecting and recording real estate, personal property and excise tax payments and all other State and municipal levies as provided by law. The Tax Collector shall be certified by the Tax Collector Treasurer Association and shall maintain that certification.

(e) Transfer Station Operator - The Transfer Station Operator shall oversee the overall operation of the Town solid waste facility and the Town recycling program. The Transfer Station Operator shall demonstrate an ability to interact with the public in a respectful and positive manner and shall maintain all requisite written Transfer Station records.

(f) Treasurer - The Treasurer shall maintain all necessary financial records for the Town. This officer shall possess all requisite accounting, financial and computer skills for the accurate and reliable maintenance of all Town financial records and reports. The Treasurer shall be State certified and shall maintain this certification. The Treasurer shall act in accordance with the State statute for municipal treasurers and shall sign all checks, bonds, and other financial transactions of the Town. The Treasurer shall also perform other duties as assigned or deemed necessary by the Board of Selectmen.

Section 404 - Appointive Positions - Part Time

[Full job descriptions for Town employees will be maintained by the Board of Selectmen.]

(a) Animal Control Officer - This officer shall oversee and enforce all ordinances that deal with animals and shall acquire and maintain the requisite State certification.

(b) Deputy Registrar of Voters - This officer shall be familiar with all Federal and State election laws and shall assist the Registrar of Voters.

(c) Deputy Tax Collector - The Deputy Tax Collector shall provide direct assistance to the Town Tax Collector in the administrative and fiscal work of collecting and recording real estate, personal property and excise tax payments and all other State and municipal levies as provided by law

(d) Deputy Town Clerk - The Deputy Town Clerk shall provide direct assistance at the discretion of the Town Clerk in the administration of elections, the maintenance of town records, the registration of licenses and in the performance of all other duties of that office.

(e) Deputy Treasurer - The Deputy Treasurer shall provide direct assistance to the Town Treasurer in the maintenance of all necessary financial records for the Town. The Deputy Treasurer shall act in accordance with the State statute for municipal treasurers and shall, in the absence of the Treasurer sign all checks, bonds, and other financial transactions of the Town.

(f) Eco Maine Representative - This officer shall be responsible for representing the Town in all matters pertaining to the Eco Maine Board of Directors concerning solid waste and recyclables.

(g) Electrical Inspector - This officer shall hold a valid Maine State master's License or a Maine State Inspector's Certificate and shall comply with the order of the State Electrical Inspector according to Statue and Town Ordinances.

(h) Emergency Management Director - This officer shall act as liaison officer to appropriate inter-jurisdictional agencies to facilitate cooperation in the work of disaster prevention, preparedness, response, and recovery.

(i) Fair Hearing Officer - This officer shall be responsible for the resolution of any disputed decision made by the Welfare Director and shall moderate pre-suspension/termination hearings of Town employees. If not available or if a conflict of interest exists then the Chairman of the Hiring Committee will moderate the hearing.

(j) General Assistance Administrator - This officer shall administer Federal and State social support programs under the direction of the Board of Selectmen.

(k) Health Officer - The Health Officer shall be responsible for the prevention and suppression of diseases and all conditions dangerous to public health.

(l) Parks and Recreation Director - This officer shall develop and implement recreational programs for the Town.

(m) Planning Board Clerk - This officer shall provide administrative support to the Planning Board.

(n) Registrar of Voters - This officer shall be familiar with all Federal and State election laws and shall attend training sessions approved by the Secretary of State's office at least once every two years.

(o) Zoning Board of Appeals Clerk - This officer shall provide administrative support to the Zoning Board of Appeals.

ORGANIZATIONAL CHART TOWN OF LYMAN , MAINE

TOWN MEETING

ROAD** COMMISSIONER	BUDGET** COMMITTEE	SELECTPERSONS** OVERSEERS OF POOR	TOWN** CLERK	RSU 57** DIRECTORS

Animal Control Officer
Assessor
Board of Assessment Review
Building and Maintenance Committee
Building Inspector /CEO/Plumbing Inspector
Conservation Committee
ECO Maine Representative
Electrical Inspector
Emergency Management director
Fair Hearing Officer
Fire Commissioners----Fire Chief
Forestry Committee
General Assistance Administrator
Health Officer
Hiring Committee
Horace Cousens Scholarship Committee

Ordinance Review Committee
Parks and Recreation Director
Planning Board *
Planning Board Clerk
Public Access Officer
Recycling and Waste Committee
Registrar of Voters
Registrar of Voters Deputy
Tax Collector
Tax Collector Deputy ***
Town Clerk Deputy ***
Treasurer
Treasurer Deputy ***
Transfer Station Operator
Zoning Board of Appeals
Zoning Board of Appeals Clerk
911 Addressing Officer

** = ELECTED POSITIONS

***= Selected by their Supervisor as approved by the Selectmen

Section 405 - Suspension or Removal

Pursuant to the Town's personnel policies, any non-probationary Town employee may be suspended or removed from office for cause by an affirmative vote of a majority of the Board of Selectmen. Prior to suspension or termination, a hearing shall be conducted to determine whether suspension or removal, or neither, is appropriate, followed by the due process hearing in accordance with the Town personnel policy if suspension or removal is found to be appropriate. The pre-suspension/termination hearing shall be conducted by the Fair Hearing Officer, or, in that person's absence, the chair of the Hiring Committee. The person conducting the pre-suspension/termination hearing will not be a decision-maker at the due process hearing.

The employee shall be given a letter by the person conducting the pre-suspension/termination hearing indicating the cause for suspension or removal, and shall be given an opportunity to respond in person or in writing, with or without assistance of counsel. If it is determined that suspension or removal is appropriate, the due process hearing shall be conducted by the Board of Selectmen.

At the due process hearing, the person recommending suspension or removal shall present the facts to the Board of Selectmen, and the employee shall have the right to present his or her evidence on the recommendation. The Board of Selectmen shall issue a written decision on the recommendation. When the written decision becomes final, it is a public record, but all other documents and records related to the pre-suspension/termination hearing, the recommendation and the due process hearing remain confidential. An employee may be suspended with pay during the pendency of the due process hearing.

ARTICLE 5 - BOARDS AND COMMITTEES

Section 501 - General - Continuous Boards and Committees

Appointments to all Boards shall be made in a series of staggered or varied terms so that no Board shall be comprised of an entire slate of new members in any one year.

Vacancies on any Board shall be filled by new appointments by the Board of Selectmen within 30 (thirty) days from the time of said vacancy, or as soon as an Appropriate replacement can be found to serve the remainder of the unexpired term.

Each Board shall elect a Chairman and a correspondence Secretary from its own Membership and shall adopt by-laws to govern itself, subject to approval by the Board of Selectmen.

Mission statements shall be developed by each Board and shall be approved by the Board of Selectmen. The statements shall prioritize the goals and objectives of each board and shall be reviewed annually by the Board of Selectmen.

Duties of all of the following boards and committees shall be determined by their specific job descriptions as prescribed in said mission statement, this Charter, or Maine Law.

At a minimum, the Board of Selectmen shall appoint members to the boards and committees as listed in Section 402. All appointees must be registered voters and residents of the Town. All Boards and Committees are to submit upon request written monthly status reports to the Board of Selectmen.

ARTICLE 6 - HIRING COMMITTEE

Section 601 – Composition

There shall be a Hiring Committee composed of a minimum of Six (6) registered voters who reside in the Town and the entire Board of Selectmen. The Six (6) registered voters shall be appointed to the Committee by majority vote of the Board of Selectmen. Members of the Hiring Committee should have skills and background in personnel matters and hiring practices. The Hiring Committee shall respect the laws of confidentiality pursuant to state and federal municipal laws and guidelines.

ARTICLE 7 - INITIATIVE AND REFERENDUM

Section 701 – Power of Initiative and Referendum

Initiative

Any initiative ordinance shall be submitted to the Board of Selectmen by a petition signed by registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Lyman in the last gubernatorial election. Ordinances may not be initiated regarding personnel appointments or ordinances that must be enacted by the municipal officers under state law.

Referendum

The Voters of the Town shall have the power to approve or reject at the polls an ordinance passed by the Board of Selectmen, such power being known as a referendum. Ordinances may also be submitted by the Board of Selectmen for a referendum vote. Within thirty (30) days after the enactment by the Board of Selectmen of any ordinance which is subject to a referendum, a petition signed by registered voters equal in number to at least ten (10) percent of the ballots cast in the Town of Lyman in the last gubernatorial election may be filed with the Town Clerk requesting that such ordinance be either repealed or submitted to a referendum vote.

Section 702 – Form of Petitions

The petitions used to invoke the initiative and referendum shall be substantially in the following form:

> To the Municipal Officers of the Town of Lyman, Maine:
>
> We, the undersigned voters of the Town of Lyman, Maine, qualified to vote in all town affairs, herby request that you place the following article before the voters for their consideration at:
>
> (____) an open town meeting (Section 2552) **OR**
>
> (____) a secret ballot referendum (Section 2528{5})
>
> The circulator must check one of the above options in the presence of the Town Clerk before circulating this petition.
>
> This petition must be signed by not fewer than [ten (10) percent of the ballots cast by registered voters in the Town of Lyman in the last gubernatorial election]. Although by law a petition for a vote on a particular article should be addressed to the Municipal Officers and filed with the Town Clerk and the Clerk will promptly bring it to the attention of the Municipal Officers.

Columns on the petition should then list Signature {full name}, Street Name and Number {actual residence, not mailing address}and Full Name Printed.

The Circulator's Certificate form should read:

I, {Name} of Lyman, Maine, hereby swear or affirm that I personally circulated this form, that all of the signatures of this petition were made in my presence, that to the best of my knowledge and belief each signature is the signature of the person whose name it purports to be, that each signer has signed no more than one petition, that each signer had an opportunity to read the petition before signing and each petitioner is a resident of the Town of Lyman, Maine.

The Circulator's Certificate is to be signed by the circulator and notarized.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Lyman hereby enacts….". Any ordinance which repeals or amends an existing ordinance shall indicate in full the ordinance sections or subsections to be repealed or amended, and shall indicate wording to be omitted by enclosing it in brackets or by strikeout type, and indicate new wording by underscoring or by italics. The date of the amendment must be indicated.

Section 703 – Filing, Examination and Certification of Petitions

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the Town Clerk as one instrument. Within thirty (30) days after a petition is filed, the Town Clerk shall determine whether each petition has a proper statement of the circulator, and whether the petition is signed by a sufficient number of qualified voters. After completing the examination of the petition, the Town Clerk shall certify the result thereof to the Board of Selectmen at their next regular meeting. If the petition is certified to be insufficient, the Town Clerk shall set forth in the certificate the particulars in which it is defective and shall at once notify the circulator of the petition as to the findings.

When a petition comprising initiative or referendum has been certified as sufficient by the Town Clerk, the Board of Selectmen shall call a public hearing within 30 (thirty) days from the date of the filing of such petition with the Town Clerk. Within 30 (thirty) days after such public hearing, the Board of Selectmen shall call a Special Town Meeting or secret ballot initiative for the purpose of submitting to an initiative vote the question of adopting such an ordinance. The ordinance shall take effect immediately provided a majority of those voting thereon shall have voted in the affirmative.

An initiated ordinance may be enacted by affirmative vote of the Board of Selectmen within the timeframe for calling a public hearing, in which case a special town meeting or secret ballot election need not be called. Such ordinance shall take effect in the same manner as prescribed in Article 3, Section 312 of this Charter.

Section 704 – Legal Review

Any and all proposed ordinances shall be examined by an attorney for the Town before being submitted by the Town official(s) to the voters. The Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clarity and precision in its phraseology. The attorney shall not materially change the meaning and intent of the ordinance; however, they shall give an opinion as to its validity to the appropriate Town official(s).

Section 705 – Publication of Ordinances

Initiative and referendum ordinances adopted and approved by the voters shall be published as in the case of other ordinances.

ARTICLE 8 - BUSINESS AND FINANCIAL PROVISIONS

Section 801 – Authority

The Board of Selectmen shall be responsible for the preparation and submission of the annual and special budgets to be voted at Annual and Special Town Meetings.

Section 802 – Fiscal Year

The fiscal year of the Town government shall begin on the first day of July and shall end on the thirtieth day of June of the following year. Such fiscal year shall constitute the "budget" and "accounting" year as specified in this Charter.

Section 803 – Preparation and Submission of the Budget

Sixty (60) days prior to the Annual Town Meeting the Board of Selectmen with the assistance of the Budget Committee shall complete the Town budget for all departments (with the exception of the RSU #57 budget) for the ensuing fiscal year along with an accompanying explanatory budget message.

The budget shall be compiled from detailed information furnished by elected officials, administrative officers, department heads and boards and committees. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or by this charter, shall be in such form as the Board of Selectmen deems desirable. In organizing the budget, the Board of Selectmen shall utilize the most feasible combination of expenditure classifications by fund, organization, program, purpose, or activity. It shall begin with a clear general summary of the contents and shall show in detail all estimated revenues indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year. Comparative figures for actual and budgeted revenues and expenditures of the preceding fiscal year shall also be reflected. An increase or decrease in any item shall be indicated.

The budget shall contain:

1. A statement of the financial condition of the Town
2. An itemized statement of proposed expenditures for current operations during the ensuing fiscal year, detailed by offices and departments in terms of their respective work programs and the method of financing such expenditures
3. An itemized statement of estimated revenue from all sources other than taxation and a statement of taxes required
4. Proposed capital expenditures during the ensuing fiscal year detailed by offices and departments when practicable and the proposed method of financing such expenditures
5. A three- and and a five-year forecast.

The proposed budget shall be reviewed by the Budget Committee which shall make recommendations to the Board of Selectmen.

Section 804 - Budget Establishes Appropriations

The Board of Selectmen shall publish an Annual Town Report. Additionally, the general summary of the proposed budget shall be available to the public seven (7) days prior to the Annual Town Meeting. The Annual Town Meeting shall adopt the budget.

From the date of adoption of the budget, the amounts stated therein as proposed appropriations shall be become available to the offices, departments, and purposes named.

Section 805 - Establishment of Property Tax

From the date of the adoption of the budget the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. The municipal taxes and any state or county taxes including the overlay as determined by the Selectmen shall be assessed upon the estates in Lyman and committed to the Tax Collector for collection.

Section 806 - Transfer of Appropriation

The Board of Selectmen shall, in Article form, list those accounts which, at the Board's discretion, should lapse at the end of each fiscal year in the Annual Town Meeting Warrant; lapsed funds shall be placed in the surplus account. Within the last three (3) months of the fiscal year, the Selectmen may, in article form, request that any unencumbered fund balances be carried over to the same account for the subsequent fiscal year.

If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the Board of Selectmen shall take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose may call a Special Town Meeting and/or by order reduce any department's expenditures.

Unless legally re-negotiated, no appropriation for debt service may be reduced or transferred. Except in the case of insufficient revenues, no appropriation may be reduced below any amount of the unencumbered balance thereof. The reduction and transfer of appropriation authorized by this section may be made effective immediately upon adoption.

Section 807 - Purchasing and Sales Procedures

Purchasing: Except in matters pertaining to normal road maintenance or in emergency situations as determined by the Board of Selectmen, in those cases where the scope of work or services to be performed for the Town shall require an expected expenditure of $10,000 or more, the following guidelines shall be followed:

(a) A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up. Notices shall be mailed to prior and appropriate bidders, notifying them of the current bid request.

(b) Requests for bids shall be advertised in the local papers early enough to give bidders sufficient time to prepare bids. Such advertisements should include the statement that, "the Selectmen reserve the right to accept or reject any or all bids". Awards shall be made to the most responsible and responsive bidder.

(c) The manner in which the bids are to be submitted, when they shall be due in the town office, and when the bids are to be publicly opened shall be clearly stated in the ad.

(d) The Board of Selectman may contractually require a bid bond and a performance bond

For purchases between $5,000 and $9,999, at least three (3) price quotes for comparable products must be obtained prior to the purchase.

Sales: Disposal of all surplus equipment shall be the result of acceptance of the highest bid by a sealed bid process established by the Board of Selectmen, who reserve the right to reject all bids. Advertisements for the disposition of surplus Town equipment shall be posted at the normal locations in Town and on the Town's website.

Section 808 - Capital Program

The Board of Selectmen, in conjunction with department heads, shall prepare and submit a five-year capital program at least sixty (60) days prior to the final date for submission of the budget to the Budget Committee. The capital program shall include:

A clear general summary of its contents

A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements;

Cost estimates, method of financing, and recommended time schedules for each such improvement;

The estimated annual cost of operating and maintaining the facilities to be constructed or acquired

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

The proposed capital program shall be reviewed by the Budget Committee which shall approve it with or without amendments. The Board of Selectmen shall fix the time and place for a holding a public hearing on the capital program and shall give public notice of such hearing. The Board of Selectmen shall adopt the capital program with or without amendments after such public hearing.

ARTICLE 9 - RECALL

Section 901 - Applicability

Any elected municipal may be recalled and removed from office by the registered voters of Lyman, as hereinafter provided.

Section 902 - Petitioner

Before any recall election petitions can be obtained, any 5 voters of the Town must file an affidavit with the Town Clerk stating:

(1) that the 5 voters will constitute the petitioners committee
(2) the names and addresses of the 5 voters
(3) the address to which all notices to the committee are to be sent
(4) that the 5 voters will circulate the petitions and file them in the proper form with the clerk

Promptly after the affidavit is filed, the Town Clerk shall issue petition blanks to the committee. The committee may, if they desire, have additional persons circulate these petitions for signatures.

Section 903 - Petitions for Recall

1. The petition for recall must contain only signatures of the registered voters of the town of Lyman, equal to at least ten percent (10%) of the number of votes cast in Lyman in the last Gubernatorial election.

2. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition.

3. The petition shall state the name and office of the person whose removal is being sought along with the specific reasons such removal is desired.

4. If recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought.

5. Each page of the petition shall provide a space for the voter's signature, address and printed name.

6. All petition pages thereof shall be filed as one document.

Section 904 - Town Clerk's Certification

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in in Section 903. Should the petition be found insufficient, the petition will be filed in the Town Clerk's office and the voter who filed the petition will be promptly notified.

Section 905 - Call of the Recall Election

1. If the petition is certified as sufficient, the Town Clerk will submit the same with the certification to the Board of Selectmen at their next regularly scheduled meeting and shall notify the official(s) whose removal is being sought of such action.

2. The Selectmen, upon receipt of the certified petition shall within ten (10) days order an election by secret ballot. This will be held not less than forty-five (45) nor more than sixty (60) days. If a regular municipal election will be held within ninety (90) days of receipt of the certified petition, the Selectmen may, at their discretion, provide for the holding of the recall election on the date of the regular municipal election.

3. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than forty-five (45) days nor more than sixty (60) days following the Selectmen's failure or refusal to order the required election. If a regular municipal election will be held within ninety (90) days of receipt of the certified petition, at the Town Clerk's discretion, the holding of the recall election may be scheduled on the date of the regular municipal election

Section 906 - Ballots for Recall Elections

Unless the official or officials whose removal is being sought have resigned within ten days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read, "SHALL _____ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space.

Section 907 - Result of Election

In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records subject to inspection and/or recount.

No person, who has been recalled from office or who has resigned from office while recall proceedings are pending, on that person, shall be appointed or hired to any town office or board, commission or committee within two years after such removal or resignation.

Article Ten - AMENDMENT AND REVISION

1001 - This Charter may be revised or amended in accordance with applicable State law.

1002 - Amendment: Amendments to this Charter may be initiated, framed and proposed either by:

a. an action of the Board of Selectmen or
b. the registered voters of the Town, by petition, which would contain the full text of the proposed amendment and be signed by registered voters of the Town equal in number to at least twenty percent (20%) of the total number of votes cast by the Town in the last gubernatorial election

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

1003 - Revision - Every ten [10] years starting at the time of enactment of this Charter, a Charter Review Committee is to be established in accordance with State statute. This Committee, upon careful examination of the entire Charter, may propose substantive changes to the basic form and structure of Town Government as specified in the Charter.

If a petition-initiated change to the Charter proposes substantive changes to the basic form and structure of town Government [a revision] as specified by the Charter, a Charter Commission is to be established in accordance with State statute to review and formally propose the revision.