

Charter Commission Final Report

August 29, 2022

To the voters of the Town of Lyman:

The Town of Lyman Charter Commission (hereinafter “Commission”) submits this final report of the draft municipal charter revisions that it intends to submit to the voters in November 2022. The Commission believes that the proposed charter will help the Town of Lyman manage the expectations of municipal officials and officers, as well as meet future challenges and changing needs of the community.

The voters of Lyman approved the establishment of a charter commission at our town election on June 8, 2021. Consistent with State law, six members were elected, and the Select Board appointed three members to serve on the Commission.

An initial organizational meeting was held on July 22, 2021, at which time the Commission elected Jessica Picard, Chair; Roger Hooper, Vice-Chair; and Amber Swett, Secretary-Treasurer. A public hearing was held on August 19, 2021, at which time the Charter Commission received input, opinions, and views from members of the public on the current municipal charter.

The Commission has met regularly to discuss, draft, and revise charter provisions. The Commission made every effort to be responsive to the will and suggestions of the community while remaining unbiased in their presentation of charter revisions for the voters to adopt.

Full text of the proposed revision is included at the end of this report. Strikeouts denote language removed and underlines denote language added.

Major differences between the current Town Charter and the Proposed Revision include:

- Made grammatical and numeric edits throughout to allow for continuity throughout the document.
- Changed the form of government to Select Board/Town Manager.
- Complete rewrite of Section 4 (four) to better define the organizational structure of committees, boards, and departments.
- Added Term limits for elected officials, Section 2.5.
- Added continuing education for Select Board Members, Section 3.4.2.
- Setting parameters for Select Board meeting agendas, Section 3.9.
- Revised ordinance review and adoption process, Section 3.15.
- Transitioned Fair Hearing Officer to Fair Hearing Board, Section 5.2.
- Rewrote and added more specifics to the Budget Committee process, Section 7.1.2.

The objective of the Commission was to look at many possible ideas and use them as the basis for developing the best working charter for the Town. The Commission has drafted a document that we feel will provide needed guidance and direction to municipal officers, officials, and the general public while being flexible and capable of adapting to changing needs as Lyman grows and evolves.

The Commission respectfully submits this final report and draft Charter Revision for consideration of the Town of Lyman Registered Voters at the November 8, 2022, gubernatorial election.

Respectfully Submitted,

David Alves David Alves

Michelle Feliccitti Michelle R. Feliccitti

Celeste Hatch Celeste Hatch

Donald Hernon Donald Hernon

Roger Hooper Roger Hooper

Margaret Macdonald Margaret Macdonald

Jessica Picard Jessica Picard

Judy St. Onge Judy St. Onge

Amber Swett Amber M. Swett

Gregory P. Braun
Milda A. Castner
Scott M. Edmunds
Casey A. Fournier
William J. Gallitto, III
Julia M. Keenan



Michael W. Macleod-Ball
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Sarah B. Neault
Durward W. Parkinson
Of Counsel
Barbara I. Belik

August 16, 2022

Lyman Charter Commission
Attn: Jessica M. Picard, Chair
11 South Waterboro Road
Lyman, ME 04002

Dear Members of the Commission:

In accordance with 30-A M.R.S. §2103(5)(D), I am writing to confirm, in my professional opinion as an attorney admitted to the bar in the state of Maine, that the proposed Charter (see attached Exhibit A) does not contain any provision prohibited by the United States Constitution, the Constitution of Maine, or the general laws.

This opinion does not guarantee any particular outcome should the proposed Charter, if enacted, be challenged in the courts because attorneys and judges do sometimes, of course, hold differing opinions on legal questions.

I commend the Commission for its hard work and dedication to this important task.

Very Truly Yours,

A handwritten signature in blue ink that reads "Durward W. Parkinson".

Durward W. Parkinson

dparkinson@bergenparkinson.com

DWP/etb
Enclosures

Lyman's Origins

In 1661, John Sanders, John Bush and Peter Turbat purchased a parcel of land from the Abenanki Sachem (or Chief) Sosowen and his son Fluellin, which included the land that is now Lyman. This land was originally settled as Swanfield in 1767. While no records were located establishing Swanfield, the deed confirming the purchase of a parcel of land between Wells and Cape Porpoise from Sosowen is recorded in the Massachusetts archives dated May 11, 1661.

At some point in time, a portion of Swanfield became known as Coxhall Plantation. On March 11, 1778, the Massachusetts General Court passed "An act incorporating the Plantation called Coxhall, in the County of York, into a Town by the name of Coxhall." Later, on April 24, 1780, the General Court passed an addition to the original act of 1778 to better define the Town's borders.

In 1802, the inhabitants of Coxhall petitioned the General Court to change the Town's name to Lyman in honor of Theodore Lyman. On February 26, 1803, the Massachusetts General Court approved "An act to change the name of the Town of Coxhall in the County of York".

"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that from the date of this Act, the name of the said Town of Coxhall shall cease, and the said town shall be henceforth called and known by the name of Lyman, and any law to the contrary notwithstanding."

Later, on the 16th of June 1803, "An act to Ascertain and Establish the bounds of the Town of Lyman, (Late Coxhall) in the County of York" was passed in another attempt to define Lyman's border. Disputes over the border of Lyman and its neighboring Towns would continue well into the early years of Maine's statehood.

Source: Massachusetts State Archive

Our Namesake

Lyman, Maine, is named for Theodore Lyman (1755-1839). Born in York, as a young man he was employed as a store clerk in Kennebunk by Waldo Emerson. In 1776, Lyman married Emerson's daughter Sarah. Upon Sarah's death in 1784, Lyman inherited the estate of his wife's family. He used these resources to go into shipping. After the American Revolution, he pursued trade in South America, Hawaii, Pacific Northwest, and the Far East. In 1806, one of Lyman's ships, the brig LYDIA was in the Columbia River when Lewis and Clark arrived at Fort Clatsup.

Lyman expressed his displeasure with the name Coxhall. With a provision of rum and a church bell, he persuaded the residents of Coxhall to change the name to Lyman.

Source: Lyman Historical Society.

Our Town Charter

The Town of Lyman has functioned under the concept of “Home Rule” since its beginnings and continues to do so to this day. As the Town has grown, the need for more defined rules for local government have become apparent. In 2011, a Commission was established to write a Charter for the administration of town government. The original Town Charter was approved by the inhabitants of Lyman on November 6, 2012. Members of the first Charter Commission were; Chairman Jeffrey Demers, Vice-Chair Joseph Wagner, Secretary Marie Nikel, Shirley Harrison, Selectman Edward Sanborn, Paula Perusse, Maurice St. Clair, Donald Beane, and Stephen Gray.

As with all governing documents, flexibility to change and modification are necessary. From time to time our governing documents require amending, updating, and modernizing. This is a hallmark of the American Constitution. This has proven necessary at all levels of government since the beginning of our Republic. Lyman is no different.

On November 5, 2013, the voters of the Town of Lyman approved a referendum proposal to establish a Town Manager/Select Board form of municipal government for Lyman.

On November 4, 2014, the voters of Lyman established a second Charter Commission to amend the Town Charter to call for a Town Manager/Select Board form of government. Members of the second Charter Commission were; Chair Donald Herson, Vice-Chair Leo Ruel, Secretary Marie Nikel, Selectman Edward Sanborn, Rodney Hammond, Shirley Harrison, Lee Schatz, William Single, and Alyce Swan. The proposed amendments to the Charter were presented to the voters of Lyman on June 7, 2016. While most of the amendments received a majority of favorable votes, the total number of votes cast did not meet the minimum percentage of the previous gubernatorial election. Without meeting the requirement of a minimum percentage, the amendments failed.

On November 3, 2020, the voters of Lyman approved a series of Charter amendments proposed by a Select Board initiative.

On June 8, 2021, the voters of Lyman established the Third Charter Commission. The members of this Commission were: Chair Jessica Picard, Vice-Chair Roger Hooper, Secretary Amber Swett, Selectman David Alves, Donald Herson, Judy St. Onge, Michelle Felicitti, Peggy MacDonald, and Celeste Hatch. The revisions proposed by this Commission, included a Town Manager/Select Board form of town government.

Source: Town Records.

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. We seek to emulate 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.

Henceforth, this Charter will refer to the Select Board as “the Board”, the Town of Lyman as “the Town”, and “Statute” will mean the Maine Revised Statutes annotated.

~~ARTICLE 1~~ 1.0 - GRANT OF POWERS TO THE TOWN

~~Section 101~~ 1.1 - 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~~ 1.2 - 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~~ – 2.0 - TOWN MEETINGS AND ELECTIONS

~~Section 201~~ 2.1 - Legislative Authority

~~2.1.1 Legislative Authority of the Selectmen Board. The legislative authority of the Town shall be vested in the Selectmen Board, except as otherwise stated in this Charter~~

The voters of the Town of Lyman, through the Town Meeting, are the legislative body of the Town, exercising all the home rule powers as granted through the Constitution and laws of the State of Maine. With an elected Select Board and an appointed "Town Manager" and

such other officials and employees as may be duly appointed pursuant to law, this Charter or ordinance.

2.1.2 - Legislative Authority of Town Meeting.

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

- a. Election of the following Town Officials: ~~Selectmen~~ Selectperson; RSU 57 School Board Directors, ~~and~~ Budget Committee Members, and Town Meeting Moderator.
- b. Ordinances proposed under the initiative and/or referendum power; any other business deemed advisable by the Board ~~Of Selectmen.~~
- c. The Town Meeting shall from the floor act on the following warrant articles:
 1. The various appropriation and expenditure articles that comprise the annual budget.
 2. Warrant articles submitted by initiative, petition, or referendum.
 3. Any other business deemed advisable by the Board ~~of Selectmen.~~

~~Section 202-2.2 - Town Meetings~~

2.2.1 - Procedure

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.

2.2.2 - Warrant Articles

The warrant shall contain in the form of articles those items enumerated in Section ~~201(2)~~ 2.1.2. Articles may be placed in the warrant of the Town Meeting by ~~majority~~ an affirmative vote of at least three (3) members 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, or as otherwise permitted under Title 30A MRS Section 2521.

Articles concerning appropriations shall contain the statement of fact in addition to other information contained in three (3) columns:

- a. one showing the appropriation for the current fiscal year.
- b. one showing the appropriation proposed by the Budget Committee.
- c. one showing the appropriation recommended by the ~~Selectmen~~ Board.

~~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~~ Board, 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~~ at least three (3) members of the ~~Selectmen~~ Board.

2.2.3 - Closing of the Warrant for Annual Town Meeting

Unless there is a unanimous vote of the Selectmen Board, 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.

2.2.4 - 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 electronic media ~~website~~ of the Town and in at least five conspicuous places at the Selectmen Board'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]~~ fourteen (14) days before Town Meeting.
- d. All public hearings and notifications thereof shall be held in accordance with State law.

2.2.5 - 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.

2.2.6 - 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.

2.2.7 - Annual Town Meeting

The annual Town Meeting shall be held during the week of the general election in June, ~~between the dates of March 1 and June 30~~. The specific ~~date, time and place~~ and time shall be decided by the Board of ~~Selectmen~~ and shall be announced in accordance with Section ~~202 Section 4~~ 2.2.4 of this Article. In extenuating circumstances, the Board may adjust the date of annual town meeting. 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.

2.2.8 - Call of Special Town Meeting

Special Town Meetings may be called by the Selectmen Board 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 203-2.3~~ – Elections

2.3.1 - Municipal Elections

The regular election for the members of the Board of ~~Selectmen~~, RSU 57 School Board of Directors, 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~~, RSU 57 School Board of Directors, and Budget Committee shall be for a period of three (3) years commencing ~~at the first regular meeting of their positions~~ at their date of oath of office.

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.

2.3.2 - 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.

2.3.3 - 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 in accordance with Maine Secretary of State policy guidelines.

2.3.4 - 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- 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.

2.3.5 - 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 204-2.4~~ - Vacancies in Elected Offices

The office of an elected official other than a member of the Board of ~~Selectmen~~ or an RSU 57 School Board 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 57 School Board 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 one hundred eighty (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 than six (6) months.

For the office of RSU 57 Director, vacancies shall be determined by 20-A M.R.S.A. § 1474.

2.5 - Term Limits

With the exception of the RSU 57 School Board Director, no elected official or officer shall serve more than two (2) consecutive three (3) year terms. After eighteen (18) months out of office, former elected officials may seek reelection.

ARTICLE 3 3.0 – BOARD MEMBERS OF SELECTMEN

~~Section 301~~ **3.1 - Number, Eligibility, Election and Terms**

3.1.1 - 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.

3.1.2 - Eligibility

Only a registered voter who maintains 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 a ~~selectman~~ Selectperson.

3.1.3 - Election and Terms

~~Selectmen~~ Board members shall be elected for a term of three (3) years on a staggered basis in accordance with the Town's operating fiscal year, commencing with his/her taking an oath of office and terminating with the swearing in of his/her replacement or by the vacating of the office. ~~and shall serve until their successor is elected and sworn in.~~ The regular election of ~~Selectmen~~ Board members shall be held at the annual Town Meeting each year.

~~Section 302~~ **3.2 - Compensation**

The compensation of ~~the selectmen~~ Board members shall be set within the Budget adopted at each annual Town Meeting. When an elected position becomes vacant, the former official shall be paid on a proration from the date of their oath or the date of last payment, whichever is most recent, to the date of termination, resignation, or removal from office.

~~Section 303~~ 3.3 - Chair/Vice-Chair

The ~~Chairman~~ Chair and the Vice-Chair ~~Chairman~~ of the Board of ~~Selectmen~~ shall be elected by an ~~majority~~ affirmative vote of at least three (3) members of the Board at the first regular meeting of the Board held in the new fiscal year following the annual Town Meeting.

The ~~Chairman~~ Chair shall preside at the meetings of the ~~Selectmen Board~~, 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~~ Chair, the Vice-Chair ~~chairman~~ shall exercise all the ~~responsibilities powers~~ of the ~~chairman~~ Chair. In the temporary absence of both the ~~chairman~~ Chair and Vice-Chair ~~Chairman~~, the next senior member shall exercise all the responsibilities of the ~~chairman~~ Chair.

The ~~chairman~~ Chair or the Vice-Chair ~~chairman~~ shall set the agenda for the ~~Selectman~~ Board's meeting. The agenda shall provide the opportunity for public comment.

~~Section 304~~ 3.4 – Powers Responsibilities 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.~~

3.4.1 - Municipal Officers

The Board of ~~Selectmen~~ shall constitute the municipal officers of the Town of Lyman. Their ~~responsibilities 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 ~~responsibilities powers~~ and duties of the ~~Selectman~~ Board shall be consistent with the “will of the people” and any regulations and ordinances voted upon at said Town Meetings or by referendum. ~~Selectmen~~ Selectpersons shall perform all duties required of municipal officers under the laws of this state and the provisions of this Charter.

3.4.2 - Continuing Education

- a. The Board Chair, with the assistance of the Town Manager, shall develop a continuing education program for all elected officials.
- b. This program shall consist of formal, informal, online, or other learning opportunities. It shall ensure that any training or education for elected officials as applicable by statute, rule, or recommendation is provided for.
- d. Topics for training shall include, but are not limited to:
 1. Municipal budgeting and finance
 2. Human resources and personnel management
 3. Emergency management and disaster planning
 4. Contents of the Lyman Town Charter
 5. MRS Title 30-A: Municipal Government
 6. Ethics/Implicit Bias
 7. Freedom of Access Act

~~Section 305~~ 3.5 – Enumeration of Powers Responsibilities

The Board of ~~Selectmen~~ shall have the following enumerated responsibilities ~~powers~~ in addition to those responsibilities ~~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:

- a. ~~exercise supervisory authority over the administrative officials of the Town; Appoint the Town Manager.~~
- b. ~~Appoint all employees and~~ members of all boards, ~~and~~ committees, and commissions except those required to be elected under this Charter or applicable law. The ~~Selectmen Board~~ shall ensure that all boards, committees, and commissions are established and operated in accordance with the provisions of this Charter and applicable law. ~~also have has 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.~~
- c. Serve as Overseers of the Poor, which function may be delegated in whole or in part to a qualified Town employee.
- d. With the exception of zoning ordinances and ordinances enacted by initiative, ~~make~~ propose and interpret ordinances as provided in this Charter.
- e. Designate warrant items.
- f. Award bids.
- g. Approve bills, invoices and sign payrolls.
- h. Adopt, review and amend a municipal personnel policy which will be made available to the public; ~~make temporary and full time appointments to paid and unpaid Town positions.~~
- i. Initiate the decennial revision of the Town Comprehensive Plan.
- j. Be the final authority regarding the ~~appointment and~~ removal of employees and volunteers; subject to the provisions of said personnel policy.
- k. Enforce municipal regulations and ordinances if their provisions so require.
- l. In the case of a Charter amendment, at least ~~2~~ two (2) weeks before the election, the municipal officers shall:
 1. Have the proposed amendment and any summary of the amendment prepared and printed with copies available to the voters in Town Hall.
 2. 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~~ available electronic media.
- m. In the case of a Charter revision, at least two (2) weeks before the election, the municipal officers shall:
 1. Have the final report of the Charter Commission printed with copies of the report available to the voters in Town Hall.
 2. Post the report in the same manner that proposed ordinances are posted at public places and on ~~the Town's website~~ available electronic media.

~~Section 306~~ 3.6 - Prohibitions

(a) 3.6.1 - Compensation

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

(b) 3.6.2 - Decision Procedure

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 an ~~majority~~ affirmative vote of at least three (3) members 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~~ 3.7 – Vacancies or Forfeiture of Office, Filling of Vacancies**3.7.1 - Vacancy**

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

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

(b) 3.7.2 - Forfeiture of Office

Persons shall forfeit the office of ~~selectman~~ Selectperson if they:

- a. Lack at any time any qualification for the office as prescribed by this Charter or by law.
- b. Intentionally violate any expressed provision of this Charter; or are convicted of a felony.
- c. Failure to take the required classes as prescribed by this Charter.

(e) 3.7.3 - Record of Attendance

Unexcused ~~failure~~ absence from to attend three (3) consecutive Board 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) 3.7.4 - Vacancies Extended Vacaney~~

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

~~Section 308~~ 3.8 – Induction of Selectmen Selectperson into Office

~~Selectmen~~ Selectperson-elect shall be sworn to the faithful discharge of their duties by ~~the Moderator or their deputy before adjournment of the Annual Town meeting~~ the Town Clerk, or any person authorized by statute to administer oaths, and shall serve their term for three (3) years or until their successor is elected and sworn into office.

~~Section 309~~ 3.9 – 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, when practicable. 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~~ Chair or by a majority at least three (3) members of the Board, and whenever practicable, upon no less than seven (7) days public notice.

Emergency meetings shall be called without regard to the aforementioned seven (7) day notice requirement by the ~~chairman~~ Chair, or a majority of the members, at least three (3) members of the Board, if there is an immediate threat to life, limb or property. Public notice shall be given as required by state statute.

The Board Chair shall ensure that agendas for all Select Board meetings are prepared, published, and posted at least forty-eight (48) hours prior to the start time of the meeting. Weekends and holidays are included as part of the forty-eight (48) hour period.

Once the agenda has been posted, changes shall only be made for extenuating circumstances. When a change is made to the agenda, the reason for the extenuation must be entered into the minutes.

No votes should be taken, nor decisions made, on any topics or items not on the agenda. Such items and topics should be tabled and placed on the agenda for a future meeting. This section does not apply to emergency meetings.

~~Section 310~~ 3.10 - Quorum

~~A majority~~ At least three (3) members of the Board of Selectmen shall constitute a quorum for the transaction of business; however, three (3) affirmative votes of the Board are required for binding or valid action.

~~Section 311~~ 3.11 - 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~~ Board shall direct the ~~secretary~~ Board Clerk 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 made public within five (5) working days after approval of the meeting minutes.

~~Unless unanimous, the votes of each Selectmen-Board member shall be recorded by individual name in the minutes. No action of the Board shall be binding or valid unless adopted by affirmative vote of at least three (3) members of the Board.~~

No ordinances, orders, rules, resolutions, contracts, appointments or other official actions shall be ~~finally~~ approved in executive session.

~~Section 312~~ **3.12 - Selectmen's Ordinances, Orders, and Resolutions**

~~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:~~

The Board shall act by ordinance, order, or resolve:

- a. Ordinance - 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 ordinance reflects the will of the people and is only valid and enacted when approved by the voters in accordance with the provisions of this Charter, Statutes, and the Constitution of the State of Maine.
- b. Order - An order is authority to perform a specified act conferred by the Board. Select Board orders may be enacted by the Board, in accordance with rules for such established by the Board, and with an affirmative vote of three (3) members of the Board.
- c. Resolution - A resolution, or 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~~, ceremonial acts and the administrative business of the Board. Select Board resolutions may be enacted by the Board, in accordance with rules for such established by the Board, and with an affirmative vote of three (3) member of the Board.

~~**3.12.1** those which adopt or amend an administrative code or establish, alter, or abolish any Town department, office, or agency;~~

~~**3.12.2** 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;~~

~~**3.12.3** 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 at least three (3) 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 3.13 - Emergency Ordinances

The Board may, by ~~majority vote of all of its~~ an affirmative vote of at least three (3) members, pass emergency ordinances, to take effect at the time indicated therein, to meet public emergencies effecting life, health, destruction of property, the public peace or civil disturbance. Such emergency ordinances shall contain a section in which the emergency is set forth and defined. At least three (3) members of the Board must support the declaration of such emergency. ~~by the Board shall be conclusive in as much as a majority of the at least three (3) members of the Board must 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, unless terminated sooner.

Section 314 3.14 - Independent Annual Audit

Prior to the end of each fiscal year, the Board shall hire 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~~ **3.15 - Ordinance Review and Adoption Process**

~~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 Selectperson when an ordinance has been in effect for four and a half years so that the Board may shall refer said ordinance to the Ordinance Review Committee for a five year review according to procedure.~~

- a. As discussed in Section 3.12(a), 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 ordinance reflects the will of the people and is only valid

and enacted when approved by the voters in accordance with the provisions of this Charter, Statutes, and the Constitution of the State of Maine.

3.15.1 - Codification and Review

- a. All ordinances will be codified by the Town Clerk. This codification will be available to the public in print and on the Town website electronic media.
- b. The effective dates of each new ordinance or revision to an ordinance shall be recorded in the codification.
- c. The Town Clerk will maintain a schedule of ordinance review and inform the Board, Town Manager and Ordinance Review Committee ~~notify the Board of Selectperson~~ when an ordinance has been in effect for four and a half (4-1/2) years. This schedule shall be updated annually.
- d. The Town Manager ~~so that the Board may~~ shall refer said applicable ordinances to the Ordinance Review Committee for a five (5) year review. ~~according to procedure.~~

3.15.2 - Ordinance Review Committee

- a. Established in Article 4 of this Charter, it shall conduct regular reviews of all Town Ordinances according to the schedule prepared by the Town Clerk.
- b. It shall solicit and consider input from elements of Town government that oversee or have interest in the purpose and function of the ordinance.
- c. It shall solicit and consider input from the general public. It shall develop methods to receive and disseminate input and public comment.
- d. It shall, with the assistance of the Town Manager, establish procedures and timelines for processing ordinance proposals.
- e. It shall draft or approve a draft, of any proposed new ordinance, modifications, revisions, or revocations of any existing ordinances.
- f. It shall ensure that any changes to ordinances have the utmost respect and consideration for property rights and that our ordinances are compliant with State and Federal laws and this Charter.

3.15.3 - Proposals for New, Modifications, or Revocation of any Ordinance

- a. Proposals for any new ordinance, revision or revocation to existing ordinance shall be processed in the following manner.
 1. Select Board Initiative. By a majority vote of the Board, it may present a proposal for any new, revisions, or revocation of Town ordinance to the Ordinance Review Committee. The Ordinance Review Committee will obtain seventy-five (75) registered voter signatures in support of the initiative to move the scheduling of three (3) public hearings on the proposed change.
 2. Planning Board Initiative. By a majority vote of the Planning Board, it may present a proposal for any new, revisions, or revocation of Town ordinance to the Ordinance Review Committee. The Ordinance Review Committee will obtain seventy-five (75) registered voter signatures in support of the initiative to move the scheduling of three (3) public hearings on the proposed change.
 3. Ordinance Review Committee Initiative. As part of its regular review of ordinances, it may present proposals for any new, revisions, or revocation of

Town ordinance. The Ordinance Review Committee will obtain seventy-five (75) registered voter signatures in support of the initiative to move the scheduling of three (3) public hearings on the proposed change.

In all three (3) scenarios, the final language will be sent to the Board and Legal Counsel for approval of final submission to get on the ballot in November.

4. Citizens' Initiative. Residents of Lyman or owners of a business based in Lyman, may by use of petition present a proposal for any new, revisions, or revocation of Town ordinance to the Ordinance Review Committee. Such petition must be signed by at least ten percent (10%) of registered voters that voted in the last Gubernatorial race. The Board will have no less than two (2) public hearings. Final language will be approved by Legal Counsel, then the Board shall, by the will of the people, put the proposed ordinance change to a Town vote in November.

3.15.4 - Hearings

- a. All proposed ordinances, modifications, or revocations must be presented to the voters at three (3) hearings, unless otherwise provided for in this section, no later than ten (10) days, and no earlier than one hundred eighty (180) days before a vote.
- b. Hearings must be held on varying dates and times.

3.15.5 - Adoption

- a. For a proposed new ordinance, modification, or revocation of an existing ordinance to become effective it must be approved by the voters in a referendum vote at the general election in November.

3.15.6 - 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).

~~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 Selectperson when an ordinance has been in effect for four and a half years so that the Board may shall refer said ordinance to the Ordinance Review Committee for a five-year review according to procedure.~~

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, Town Clerk, Road Commissioner, 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) iiiii – 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.~~

~~(g) Town Clerk—is responsible for the preparation and maintenance of official documents; supervision of elections; issuance of various licenses and permits; recording various documents; and preparation of reports. Work is performed in accordance with the Town Ordinances and State and Federal Laws. The Town Clerk shall exercise all powers and responsibilities conferred or imposed by law upon such respective office.~~

~~(h) Road Commissioner—is responsible for directing and coordinating the activities of the Road Department. Work involves the supervision of all staff involved in various activities, the~~

preparation and administration of the department budget, and the scheduling of departmental activities and projects. Work is performed with considerable independence, subject to review through observation, reports, and results achieved.

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 State 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.~~

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 4 4.0 – ADMINISTRATIVE OVERSIGHT ORGANIZATION

Section 401 4.1 - Town Manager

- a. The administration of the Town and Town employees shall be vested in the Town Manager.
- b. The Town Manager shall be hired as an employee of the Town by the Board. The Board shall negotiate an employment contract with the Town Manager. Said contract shall be reviewed for modification and renewal every three (3) years.
- c. Disciplinary matters involving the performance of the Town Manager shall follow all applicable procedures afforded to all other Town Employees, unless otherwise provided for in the contract.

- d. Termination of the Town Manager's employment shall follow all applicable procedures afforded to all other Town employees, unless otherwise provided for in the contract.
- e. Salary, benefits, and other incidentals shall be provided for in the contract. For any items that may not be covered in the contract, the personnel policy shall apply.

402 4.2 - Town Organization

402.1 4.2.1 - Elements of Town Government

- a. Town government shall be organized into elements of Departments, Offices, Boards, Committees, and Commissions. These elements are for the effective delegation of tasks and span of control to ensure efficient operation of Town government.
- b. Unless otherwise established by this Charter, ordinance, statute, interlocal agreement, or other directive, all elements of Town government are under the direct supervision, management, and control of the Town Manager.
- c. The Town Manager, with the assistance of each element leader, shall prepare and maintain a Town Organization document for approval by the Board. This document will outline the specific duties and responsibilities of each element of town government. The leader of each element will provide the Town Manager with a mission and vision statement, goals, organization chart, of the respective element.

402.2 4.2.2 - Departments

Town departments are established to execute general functions of Town government. Departments are typically supervised and led by a full or part-time employee and staffed with additional employees. Leading a department is the Department Head. Each department may be assigned as a liaison to various Town boards or committees.

- a. Municipal Services Department
 - 1. The department head for this department is the Town Clerk
- b. Buildings and Codes Department
 - 1. The department head for this department is the Code Enforcement Officer
 - 2. Liaison with the Planning Board and Zoning Board of Appeals
- c. Finance Department
 - 1. The department head for this department is the Treasurer
 - 2. Liaison with the Budget Committee
- d. Public Works Department
 - 1. The department head for this department is the Road Commissioner
 - 2. Liaison with the Building and Grounds Committee, Cemetery Committee
- e. Parks and Recreation Department
 - 1. The department head for this department is the Director of Parks and Recreation
 - 2. Liaison with the Parks & Rec Committee
- f. Waste Management Department
 - 1. The department head for this department is the Waste and Recycling Manager, (also known as the Lead Transfer Station Operator)
 - 2. Liaison with the Waste and Recycling Committee
- g. Fire Department

1. The department head for this department is the Fire Chief
2. Liaison with Fire Commission, Planning Board

402.3 4.2.3 – Offices

Offices are established to execute specific functions of Town government.

- a. Office of the Tax Collector
 1. Lead: Tax Collector
- b. Office of General Assistance
 1. Lead: Director of General Assistance
- c. Office of the Registrar of Voters
 1. Lead: Registrar of Voters
- d. Office of the Assessor
 1. Lead: Assessor
- e. Office of the Public Health
 1. Lead: Health Officer
- f. Office of Emergency Management
 1. Lead: Director of Emergency Management
- g. Office of the Constable
 1. Lead: Chief Constable

402.4 4.2.4 - Boards

Boards are established to oversee and execute functions of Town government or specific processes with Town government. Each board elects its own chair as its leader.

- a. Select Board (See Section 3)
- b. Planning Board
- c. Zoning Board of Appeals
- d. Fair Hearing Board (See Section 5.2)
- e. Regional School Unit 57 Board of Directors
- f. Assessment Review Board
- g. Ordinance Review (See Section 3.15.2)
- h. Budget

402.5 4.2.5 - Committees

Two types of committees may be established: Standing Committees and Ad Hoc Committees. For either type of committee, the Town Manager shall prepare a project statement to establish a committee. Each committee shall elect its own chair. The project statement shall indicate: the committee's purpose and function; its composition and number of members; the budget line for funding of the committee. For ad hoc committees, the project statement shall indicate the disestablishment date for the committee.

- a. Standing Committees are permanent and enduring with a general purpose and function. Establishment of Standing Committees must be done by ordinance or by Town Meeting warrant.
- b. Ad Hoc Committees are temporary and have specific tasks and deadlines. These committees may be established by the Board for a term of one (1) year. The ad hoc committee will be disestablished when its tasking is completed. The Board may extend the disestablishment date for up to one additional year, as it deems necessary.

These committees are established as Standing Committees.

- a. Cemetery Committee
- b. Building and Grounds Committee
- c. Conservation and Forestry Committee
- d. Recycling and Waste Committee
- e. Parks and Recreation Committee
- f. Information Technology Committee

402.6 4.2.6 - Commissions

Commissions are typically established for a specific purpose and task or to oversee a function of town government.

- a. Charter Commission. This Commission shall be established as necessary in compliance with Title 30-A, Chapter 111.
- b. Comprehensive Plan Commission. This commission shall be established as necessary in compliance with Title 30-A, Chapter 187.
- c. Fire Commission. This commission is established as necessary in compliance with the inter-local Agreement with the Town of Dayton.

402.7 4.2.7 - Changes to Elements of Town Government

Elements of Town government may be added or removed as necessary to improve, streamline or increase the efficiency of Town government. Elements may be removed or added through ordinance or Town meeting warrant.

403 4.3 - Human Resources and Appointment Authority

- a. The Town Manager shall hire and appoint all employees of the Town. The Board shall be informed of any changes in employment. The Town Manager shall ensure compliance with all applicable Federal and State labor laws, rules, regulation, and standard practices of municipal employment.
- b. The Town Manager shall ensure that all positions in Town government, in addition to those listed in this Charter, as required by law, statute, regulation, rule, ordinance, warrant, or policy are filled with qualified competent persons and that the Board is kept apprised of all vacancies and status of filling those vacancies.
- c. Municipal officials may select deputies as authorized by State law. Appointment of such deputies must be approved by the Town Manager.

403.1 4.3.1 - Personnel Policy

The Town Manager shall develop a Personnel Policy document for approval by the Board. The Personnel Policy outlines the Town's policies, procedures, and processes necessary to ensure efficient and fair management and supervision of all persons employed by the Town, whether full-time, part-time, per diem, temporary, seasonal, volunteer or any other status. This policy shall contain topics such as, but is not limited to:

- a. Recruiting and Hiring Process
- b. Employee conduct and expectations
- c. Categories of employment

- d. Defining full-time, part-time, temporary, volunteer, or seasonal or other categories of employment
- e. Probationary periods and requirements of probationary employees
- f. Disciplinary process to include engaging the Fair Hearing Board, suspension with or without pay, termination of employment
- g. Fringe Benefits
- h. Pay scales
- i. Annual personnel review procedures
- j. Promotion process and a process for merit raises in pay
- k. Grievance process
- l. Employee recognition program

This is not an all-inclusive list. Other topics may be added as needed. This personnel policy shall ensure the Town follows all Federal and State laws, rules, regulations, polices, and guidelines to ensure the concerns of the Town and our employees are given due process.

4.3.2 - Code of Ethics

The Town Manager shall develop a Code of Ethics document for approval by the Board. The Code of Ethics will outline the duty and responsibility that all Town appointed employees, elected officials, and volunteers will sign and agree to abide by for the duration of their tenure serving the Town. The Code of Ethics should be reviewed and reapproved annually to include updates of any appropriate or necessary addition, removal, or clarifying language.

At a minimum the Code of Ethics document should include sections that address the following:

- a. Reference to Statutes of the State of Maine that are made part of the Code of Ethics
- b. Respect and Civility of town employees, other board members, volunteers, and Town residents
- c. Respect of the responsibility of the day-to-day administration of the Town by the Town Manager
- d. Electronic Communication protocols, including social media, website, email, etc.
- e. Conflict of Interest as required by State law and reference to a table of consanguinity for degrees of separation protocol
- f. Use of Town Property
- g. Gifts and Favors
- h. Disclosure of Confidential Information
- i. Political activities
- j. Violations of Code of Ethics
- k. Separability

~~403.2~~ 4.3.3 - Job Description and Funding Sources

The Town Manager shall develop job descriptions for each job or employment position within Town government. Each job description shall contain the knowledge, skills and abilities required to successfully perform the tasks required. The budget line that funds this position shall be identified on the job description. The immediate supervisor for each job shall be listed on the job description.

~~403.3~~ 4.3.4 - Create, Consolidate, Discontinue Employment Positions

- a. The Board may establish new employment positions, discontinue positions, or consolidate positions as necessary to improve, streamline or increase the efficiency of Town government. Any changes to employee positions (additional, consolidation, or discontinue) must comply with the Personnel Policy, and be approved by an affirmative vote of three (3) members of the Board.
- b. To establish a new position; the funding source must be identified, wages/salary and benefits identified, and a job description prepared. This information is to be presented at a regular Board meeting ten (10) days prior to posting the position for applications. If the additional position was created by ordinance or town meeting warrant, then the presentation at a regular Board meeting and the ten (10) day requirements are waived.
- c. To consolidate positions; a consolidated job description must be prepared, salary/wage and benefit changes identified, effects on the positions' funding source identified, and any effects on current employees identified. This information is to be presented at a regular Board meeting ten (10) days prior to the consolidation being placed in effect.
- d. To remove a position, the reason for removing the position, its effect on its funding source, its effect on any current employees, will be presented at a regular Board meeting ten (10) days prior to removing the position.

ARTICLE 5 5.0 - BOARDS AND COMMITTEES

~~Section 501~~ 5.1 - General - Continuous Boards and Committees

5.1.1 - Appointments

To all boards and committees shall be made in a series of staggered or varied terms so that, to the extent possible, no board or committee shall be comprised of an entire slate of new members in any one (1) year. Applications shall be solicited from residents and current members of boards seeking appointment or reappointment.

5.1.2 – Vacancies

On any board or committees shall be filled by new appointments by the Board of ~~Selectmen~~ in accordance with current hiring policy. ~~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 and committee shall elect a Chairperson and a correspondence secretary from its own membership and shall adopt bylaws to govern itself, subject to approval by the Board of ~~Selectmen~~.

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

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

The Town Manager, with concurrence of the Board, At a minimum, the Board of Selectmen shall appoint members to the boards and committees as listed in Section 402-4.2. 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.

5.2 - Fair Hearing Board

- a. Established as a Town board under Section 4.2.4 of this Charter, the Fair Hearing Board is unique and specific in its purpose and function.
- b. Shall be comprised of three (3) members appointed by the Select Board.

5.2.1 - Purpose

This board exists to ensure that each person engaging in interactions with the Town is afforded due process in regard to the Town's policies and procedures. More specifically, this board will;

- a. Resolve, or make recommendations to resolve, any disputed decisions made in regard to general assistance.
- b. Moderate any pre-suspension or termination hearings of Town employees.
- c. Hear and resolve, or make recommendation to resolve, any complaints, grievances, or concerns, when no other process to address such matters, exists elsewhere in this Charter or other Town policy.

5.2.2 - Resolutions

Before any complaint, grievance or concern is brought before the Fair Hearing Board, all other avenues, internal to Town government, for addressing such matters must have been exhausted.

5.2.3 – Determination

For any and all complaints, grievances or concerns brought to the Fair Hearing Board, a preliminary review of the case will be conducted to determine if due process was or was not provided.

- a. If the Fair Hearing Board determines that due process was provided, it shall take no further action. It shall provide the complainant and the Board with an explanation of its determination.
- b. If the Fair Hearing Board determines that due process was not provided, it may either;
 1. Refer the matter to the proper source for resolution.
 2. Investigate the matter and report its results or recommendations to the Board.

5.2.4 - Legal Counsel

The Fair Hearing Board shall have unfettered access to the Town's Legal Counsel.

~~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 6 – PETITION INITIATIVE AND REFERENDUM

Section 701 6.1 – Form 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 percent (10%) 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 Maine State law.~~

Referendum

~~The voters of the Town shall have the power to approve or reject at the polls a referendum proposed 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 percent (10%) 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 6.1 - Form of Petitions and Referendum

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 2522) **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 percent (10%) 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~~, a registered voter in the State of 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~~ signer is a ~~resident~~ registered voter 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. "Shall an ordinance entitled ' ___ ' be enacted." ~~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~~ 6.2 - 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. The Registrar of Voters shall determine ~~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 thirty (30) days from

the date of the filing of such petition with the Town Clerk. Within thirty (30) 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 initiative 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 3.15 of this Charter.~~

~~Section 704 6.4 – 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 6.5 – 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 7.0 - BUSINESS AND FINANCIAL PROVISIONS

~~Section 801 7.1 - Authority~~

7.1.1 - Responsibility

~~The Board of Selectperson shall be responsible for the preparation and submission of the Annual and Special Budgets to be voted at Annual and Special Town Meetings.~~

7.1.2 - Budget Committee

The Budget Committee shall be established as provided by Article 4 of this Charter. The Budget Committee shall consist of six (6) registered voters of the Town, elected for three (3) year terms. This committee shall assist in the preparation of all municipal budgets. It shall review the Town's financial status each quarter during the fiscal year. It shall make quarterly reports to the Town Manager and the Board on the Town's financial status and compliance with budgeted targets.

~~Section 802 7.2 – Fiscal Year~~

~~The fiscal year of the Town government shall begin on the first (1st) day of July and shall end on the thirtieth (30th) day of June of the following year. Such fiscal year shall constitute the “budget” and “accounting” year as specified in this Charter.~~

Section 803 7.3 - Preparation and Submission of the Budget

The Town Manager shall consolidate budget input from the Town department heads and all elements of Town government. The Town Manager, in cooperation with the Budget Committee Chair, and Select Board Chair, shall coordinate and execute the budget preparation process.

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

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, 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 7.4 - 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)~~ fourteen (14) 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 at the beginning of the fiscal year.

~~Section 805~~ 7.5 - 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~~ Board shall be assessed upon the estates in Lyman and committed to the Tax Collector for collection.

~~Section 806~~ 7.6 - 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~~ Board 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~~ 7.7 - Purchasing and Sales Procedures

~~8.7.1~~ 7.7.1 – 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~~ Board reserves the right to accept or reject any or all bids”. Awards shall be made to the most responsible, qualified, 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 ~~Selectmen~~ may contractually require a bid bond and/or a performance bond.
- e. For purchases between \$5,000 and \$9,999, at least three (3) price quotes for comparable products must be ~~obtained~~ solicited prior to the purchase.

~~8.7.2~~ **7.7.2 - Sales**

Disposal of all surplus equipment valued over \$500 (five hundred) 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~~ available electronic media. If there are no bids, the Board may dispose of the surplus equipment as deemed necessary.

~~Section 808~~ **7.8 - Capital Program**

The Board of ~~Selectmen~~, in conjunction with department heads, shall prepare and submit a five (5) year capital program before January 1 to the Budget Committee at least sixty (60) days prior to the final date for submission of the budget. The capital program shall include:

- a. A clear general summary of its contents
- b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements
- c. 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~~ **8.0 – RECALL**

~~Section 901-9.1~~ **8.1 - Applicability**

Any elected municipal officer or official, to include the RSU 57 School Board Directors, may be recalled and removed from office by the registered voters of Lyman, as hereinafter provided.

~~Section 902-9.2~~ – 8.2 - Petitioner

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

- a. That the five (5) voters will constitute the petitioners committee
- b. The names and addresses of the five (5) voters
- c. The address to which all notices to the committee are to be sent
- d. That the five (5) voters will circulate the petitions and file them in the proper form with the Town 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 903-9.3~~ 8.3 - Petitions for Recall

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.

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

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.

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

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

All petition pages thereof shall be filed as one document.

~~Section 904-9.4~~ 8.4 - 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~~ Article 8, Section 903 8.3. 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 905-9.5~~ 8.5 - Call of the Recall Election

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.

The ~~Selectmen Board~~, 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 Board~~ may, at their discretion, provide for the holding of the recall election on the date of the regular municipal election.

In the event that the ~~Selectmen Board~~ 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 Board'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 906-9.6~~ **8.6 - Ballots for Recall Elections**

Unless the official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of ~~Selectmen~~, the ballots shall be printed and shall read, "SHALL _____ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space.

~~Section 907-9.7~~ **8.7 - 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 (2) years after such removal or resignation.

~~Article Ten 10.0~~ **9.0 - AMENDMENT AND REVISION**

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

~~1001-10.1~~ **9.1 - 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.

~~1003-10.2~~ 9.2 - Revision

Every ten (10) years starting at the time of enactment of this Charter, a Charter Commission is to be established in accordance with State statute. This Commission, 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.

10.3 9.3 – Substantive Change by Petition

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

9.4 - Percentage for Passage

The proposal must pass in accordance with the provisions of MRS Title 30-A, Subsection 2105 (4).

APPENDIX I
DEFINITIONS

Abstention - Formally decline to vote for or against a proposal or motion.

Ad hoc committee - A committee established for a special purpose, to be disbanded when the purpose is complete or no longer required.

Administration - For the purposes of this Charter, administration refers to the Town Manager and those under their direction.

Affidavit - A written and signed statement of fact, sworn under oath.

Annual Town Meeting - The regularly scheduled meeting of the voters of the Lyman for the election of members of the Select Board and the School Committee for RSU 57, the establishment of an annual budget and to address any other matters which should come before the voters.

Annual Report - A report published each year by the Select Board containing financial records and statements, reports of the activities of the various parts of the government, taxpayer records and other required or desired information.

Capital program - Investment in long-term or permanent assets.

Charter - A document defining the home rule powers of a municipality, granted by the Constitution and laws of the State of Maine.

Charter Amendment - Continues the original Charter with corrections for clarity or minor changes.

Charter Revision - Reexamines the Charter and recommends fundamental structural changes; requires the establishment of a Charter Commission.

Codification - The process of collecting or arranging the laws of a municipality into a permanent, identifiable record.

Comprehensive Plan - A long-range plan used to address a community's future growth.

Initiative Referenda - A citizen-led process to propose and vote on new laws.

Law - For this Charter, the word law means a Federal law or law of the State of Maine.

Minority Report - A separate report prepared by a group constituting or representing a numerical minority (as of a committee) if any members of a committee disagree.

Moderator - The individual elected to preside over a Town Meeting.

Municipal Officer – Select Board Member.

Municipal Official - An elected or appointed member of the government of the Town of Lyman.

Order - An order is authority to perform a specified act conferred by the Board.

Ordinance - An ordinance is legislative in nature and prescribes general, uniform, and permanent rules of conduct related to the corporate affairs of the Town.

Petition - A document requiring the submission of an issue to the voters. To be valid a petition must meet the requirements of law or this Charter.

Property Rights - The legal rights that entities have pertaining to real estate, resources, or creatures they own. The owners (entities) can be people, companies, charities, governments, trusts, et cetera. The government, and in particular the courts, are obligated to protect property rights and to help clarify ownership.

Quorum - The minimum number of members required to be present to constitute a legal body to conduct business.

Recuse - The voluntary withholding of a vote; e.g., to avoid a possible conflict of interest or the appearance thereof.

Resident - An individual who is qualified to register to vote in the Town of Lyman, according to State statute.

Resolution - A resolution, or 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.

Secret Ballot - A ballot bearing the names of all the candidates for public office or referendum question, handed to the voter at the polling station to be marked in secret. In the Town of Lyman, this includes the use of voting booths.

Shall - As used in this Charter, the word shall is used to state a requirement.

Special Town Meeting - A meeting of the voters of the Town of Lyman in addition to the Annual Town Meeting, called to address matters which require prompt attention.

Staggered terms - Terms of office which, for purposes of expiration, are arranged so that such terms shall expire in different years to provide continuity in the organization.

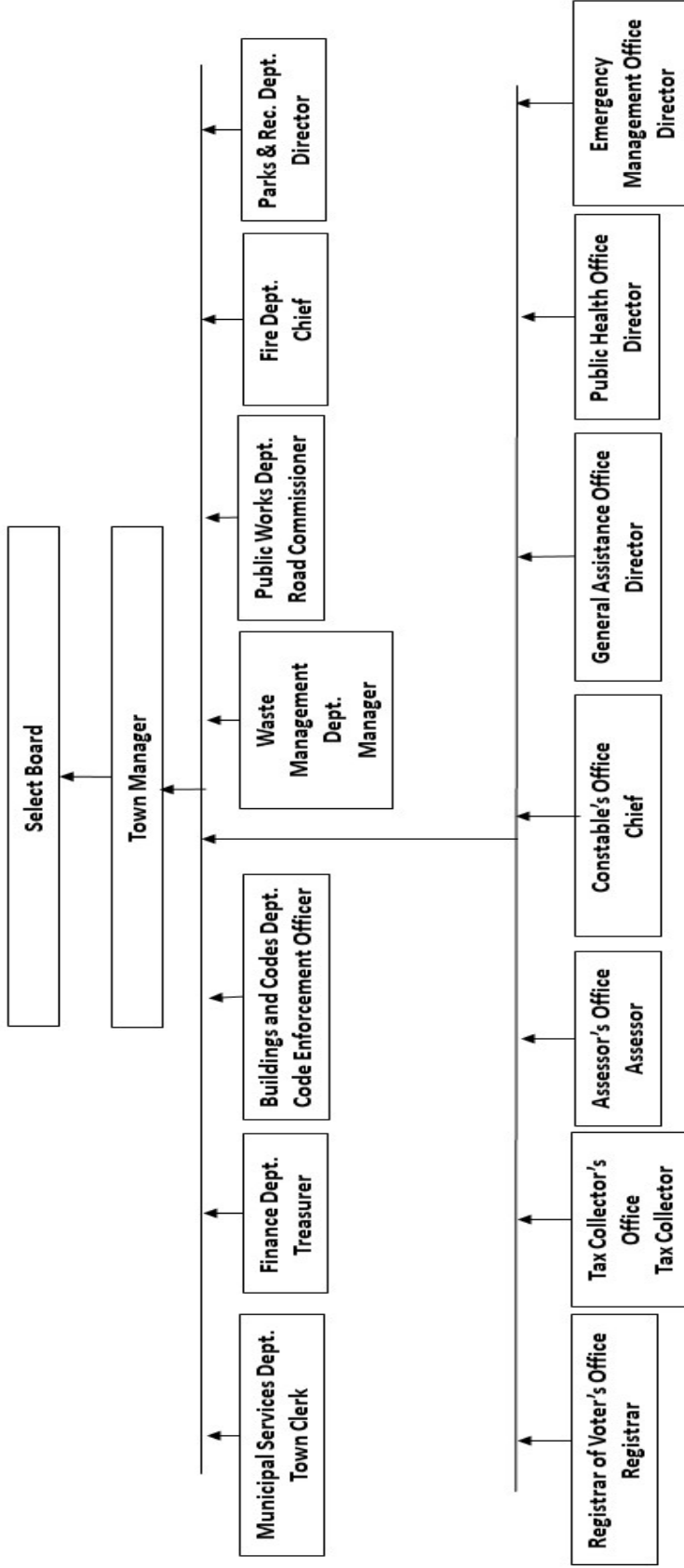
Standing committee - A committee that has been established by law or by ordinance for an ongoing period of time.

Town Manager - An official appointed to direct the administration of a town government.

Voter - A registered voter of the Town of Lyman.

Warrant - A Town Meeting Warrant is a document stating the time and place of a Town Meeting and the business to be acted on at the meeting which is approved by the signature of a majority of the Select Board members.

DRAFT



Article 4. Administrative Organization
 Section 4.1 Town Administration
 Subsection 4.1.1 Elements of Town Government
 Subsection 4.1.2 Departments
 Subsection 4.1.3 Offices

** Organization may be changed subject to Charter provisions.

Select Board

Town Manager

4.1.4 BOARDS

Budget Board

Liaison: Treasurer

Zoning Board of Appeals

Liaison: Codes Officer

Planning Board

Liaison: Codes Officer

Liaison: Fire Chief

Assessment Review Board

Liaison: Assessor

Ordinance Review Board

Fair Hearing Board

School Board***

***Established by statute.

4.1.5a STANDING COMMITTEES

Buildings & Grounds Committee

Liaison: Road Commissioner

Cemetery Committee

Liaison: Road Commissioner

Parks & Recreation Committee

Liaison: Park/Rec Director

Recycling & Waste Committee

Liaison: Recycling/Waste Manager

Information Technology Committee

Conservation & Forestry Committee

4.1.5b ADHOC COMMITTEES

Established as necessary by the Select Board.

4.1.6 COMMISSIONS

Fire Commission*

*Established by inter-local agreement.

Liaison: Fire Chief

Comprehensive Plan Commission**

Charter Commission**

**Established as required by statute or charter.

Article 4. Administrative Organization
 Section 4.1 Town Administration
 Subsection 4.1.1 Elements of Town Government
 Subsection 4.1.4, 5, 6 Boards, Committees & Commissions