



# MUNICIPAL CHARTER

Adopted November 6, 2012

Amended November 3, 2020

Revised November 8, 2022

Amended November 5, 2024

## **Charter Commission Members** 2022

Jessica Picard	Chair
Roger Hooper	Vice Chair
Amber Swett	Secretary
David Alves	
Donald Herson	
Judy St. Onge	
Michelle Felicitti	
Peggy MacDonald	
Celeste Hatch	

Attest: Susan Bellerose  
Susan Bellerose, Town Clerk

Date: November 6, 2024

Attest: A true copy of an ordinance entitled "Town of Lyman Municipal Charter", as amended after changes approved at the November 5, 2024 Special Town Meeting.

Susan Bellerose, Lyman Town Clerk



Lyman, Maine  
Municipal Charter  
Table of Contents

Article	Title	Page
	Lyman's Origins	1
	Our Town Charter	2
	Preamble	3
<b>1</b>	<b>GRANT OF POWERS TO TOWN</b>	<b>3</b>
1.1	Construction	3
1.2	Separability	3
<b>2</b>	<b>TOWN MEETINGS &amp; ELECTIONS</b>	<b>3</b>
2.1	Legislative Authority	3
2.1.2	Legislative Authority of Town Meeting	4
2.2	Town Meetings	4
2.2.1	Procedure	4
2.2.2	Warrant Articles	4
2.2.3	Closing of the Warrant for Annual Town Meeting	5
2.2.4	Notification, Posting & Public Hearings	5
2.2.5	Moderator	5
2.2.6	Town Clerk	5
2.2.7	Annual Town Meeting	5
2.2.8	Call of Special Town Meeting	5
2.3	Elections	6
2.3.1	Municipal Elections	6
2.3.2	Nominations	6
2.3.3	Voting Places	6
2.3.4	Election Officials	6
2.3.5	Absentee Ballots	6
2.4	Vacancies in Elected Officials	6
2.5	Term Limits	7
<b>3</b>	<b>BOARD MEMBERS</b>	<b>7</b>
3.1	Number, Eligibility, Election & Terms	7
3.1.1	Number	7
3.1.2	Eligibility	7

Article	Title	Page
3.1.3	Election & Terms	7
3.2	Compensation	7
3.3	Chair/ Vice Chair	7
3.4	Responsibilities & Duties	8
3.4.1	Municipal Officers	8
3.4.2	Continuing Education	8
3.5	Enumeration of Responsibilities	8
3.6	Prohibitions	9
3.6.1	Compensation	9
3.6.2	Decision Procedure	9
3.7	Vacancies or Forfeiture of Office, Filling of Vacancies	9
3.7.1	Vacancy	9
3.7.2	Forfeiture of office	10
3.7.3	Record of Attendance	10
3.8	Induction of Selectperson into Office	10
3.9	Meetings	10
3.10	Quorum	10
3.11	Rules & Procedures	11
3.12	Ordinances, Order & Resolutions	11
3.13	Emergency Ordinances	11
3.14	Independent Annual Audit	12
3.15	Ordinance Review & Adoption Process	12
3.15.1	Codification & Review	12
3.15.2	Ordinance Review Committee	12
3.15.3	Proposals for New, Modifications, or Revocation of any Ordinance	13
3.15.4	Hearings	13
3.15.5	Adoption	13
3.15.6	Legal Review	13
<b>4</b>	<b>ADMINISTRATIVE ORGANIZATION</b>	<b>14</b>
4.1	Town Manager	14
4.2	Town Organization	14
4.2.1	Elements of Town Government	14
4.2.2	Departments	14
4.2.3	Offices	15
4.2.4	Boards	15
4.2.5	Committees	16
4.2.6	Commissions	16

Article	Title	Page
4.2.7	Changes to Elements of Government	16
4.3	Human Resources & Appointment Authority	16
4.3.1	Personnel Policy	17
4.3.2	Code of Ethics	17
4.3.3	Job Description & Funding Sources	18
4.3.4	Create, Consolidate, Discontinue Employment Positions	18
<b>5</b>	<b>BOARDS &amp; COMMITTEES</b>	18
5.1	General – Continuous Boards & Committees	18
5.1.1	Appointments	18
5.1.2	Vacancies	18
5.2	Fair Hearing Board	19
5.2.1	Purpose	19
5.2.2	Resolutions	19
5.2.3	Determination	19
5.2.4	Legal Counsel	19
<b>6</b>	<b>PETITION &amp; REFERENDUM</b>	19
6.1	Form of Petitions & Referendums	19
6.2	Filing, Examination & Certification of Petitions	20
<b>7</b>	<b>BUSINESS &amp; FINANCIAL PROVISIONS</b>	21
7.1	Authority	21
7.1.1	Responsibility	21
7.1.2	Budget Committee	21
7.2	Fiscal Year	21
7.3	Preparation & Submission of Budget	21
7.4	Budget Establishes Appropriations	22
7.5	Establishment of Property Tax	22
7.6	Transfer of Appropriation	22
7.7	Purchasing & Sales Procedure	23
7.7.1	Purchasing	23
7.7.2	Sales	23
7.8	Capital Program	23
<b>8</b>	<b>RECALL</b>	24
8.1	Applicability	24
8.2	Petitioner	24
8.3	Petitions for Recall	24
8.4	Town Clerk’s Certification	25
8.5	Call of the Recall Election	25

Article	Title	Page
8.6	Ballots for Recall Elections	25
8.7	Result of Election	25
<b>9</b>	<b>AMENDMENT &amp; REVISION</b>	25
9.1	Amendment	25
9.2	Revision	26
9.3	Substantive Change by Petition	26
9.4	Percentage for Passage	26
	<b>APPENDIX I</b>	26
	<b>DEFINITIONS</b>	26
	<b>FLOW CHART 1</b> (Employees)	29
	<b>FLOW CHART 2</b> (Boards/ Committees)	30

## 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 16<sup>th</sup> 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 Heron, 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 Heron, Judy St. Onge, Michelle Feliccitti, 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.

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.

## **1.0 - GRANT OF POWERS TO THE TOWN**

### **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.

### **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.

## **2.0 - TOWN MEETINGS AND ELECTIONS**

### **2.1 - Legislative Authority**

#### **2.1.1**

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 ballot act on the following:

- a. Election of the following Town Officials: Selectperson; RSU 57 School Board Directors, 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
- 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

## **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 2.1.2. Articles may be placed in the warrant of the Town Meeting by an affirmative vote of at least three (3) members of the Board, 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 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 Board.

For initiated referenda, the municipal officers will determine the wording and order of the articles. In secret ballot articles, in the event of an unresolved difference in the amounts proposed by the Budget Committee and the 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 at least three (3) members of the Board.

### **2.2.3 - Closing of the Warrant for Annual Town Meeting**

Unless there is a unanimous vote of the 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 of the Town and in at least five conspicuous places at the 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 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. The specific place and time shall be decided by the Board and shall be announced in accordance with Section 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 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 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.

## **2.3 – Elections**

### **2.3.1 - Municipal Elections**

The regular election for the members of the Board, RSU 57 School Board 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, RSU 57 School Board Directors, and Budget Committee shall be for a period of three (3) years commencing 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.

## **2.4 - Vacancies in Elected Offices**

The office of an elected official other than a member of the Board 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.

If a vacancy shall occur in an elective office other than a member of the Board or an RSU 57 School Board Director, the Board 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 shall hold a special election. A qualified person may be temporarily appointed by the Board 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.

## **3.0 – BOARD MEMBERS**

### **3.1 - Number, Eligibility, Election and Terms**

#### **3.1.1 - Number**

There shall be a Board 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 Selectperson.

#### **3.1.3 - Election and Terms**

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. The regular election of Board members shall be held at the annual Town Meeting each year.

### **3.2 - Compensation**

The compensation of 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.

### **3.3 - Chair/Vice-Chair**

The Chair and the Vice-Chair of the Board shall be elected by an affirmative vote of at least three (3) members of the Board at the first regular meeting following the annual Town Meeting.

The Chair shall preside at the meetings of the 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 Chair, the Vice-Chair shall exercise all the responsibilities of the Chair. In the temporary absence of both the Chair and Vice-Chair the next senior member shall exercise all the responsibilities of the Chair.

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

### **3.4 –Responsibilities and Duties**

#### **3.4.1 - Municipal Officers**

The Board shall constitute the municipal officers of the Town. Their responsibilities 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 and duties of the Board shall be consistent with the “will of the people” and any regulations and ordinances voted upon at said Town Meetings or by referendum. 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

### **3.5 – Enumeration of Responsibilities**

The Board shall have the following enumerated responsibilities in addition to those responsibilities 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 shall:

- a. Appoint the Town Manager.
- b. Appoint members of all boards, committees, and commissions except those required to be elected under this Charter or applicable law. The Board shall ensure that all boards, committees, and commissions are established and operated in accordance with the provisions of this Charter and applicable law.
- 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, 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;
- i. Initiate the decennial revision of the Town Comprehensive Plan.
- j. Be the final authority regarding the 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 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 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 available electronic media.

### **3.6- Prohibitions**

#### **3.6.1 - Compensation**

No Selectperson during their term of office shall receive direct or indirect personal compensation for employment with the Town other than their compensation as Selectperson.

#### **3.6.2 - Decision Procedure**

The Board 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 affirmative vote of at least three (3) members of the Board. A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Board meetings.

### **3.7 – Vacancies or Forfeiture of Office, Filling of Vacancies**

#### **3.7.1 - Vacancy**

The office of any 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 becomes vacant more than ninety (90) days prior to the next annual Town Meeting election, the Board shall call a special election to fill the unexpired term.

### **3.7.2 - Forfeiture of Office**

Persons shall forfeit the office of 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.

### **3.7.3 - Record of Attendance**

Unexcused absence from three (3) consecutive Board meetings shall be grounds for forfeiture of office. Upon exceeding this time frame the sitting Board shall determine the seat vacant and shall immediately start the process to fill that vacancy.

### **3.8 – Induction of Selectperson into Office**

Selectperson-elect shall be sworn to the faithful discharge of their duties by 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.

### **3.9 – Meetings**

The Board 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 Chair or by 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 Chair, or 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.

### **3.10 - Quorum**

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



### **3.11 - Rules and Procedures**

The Board 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 Board shall direct the 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 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 approved in executive session.

### **3.12 - Ordinances, Orders, and Resolutions**

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 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.

### **3.13 - Emergency Ordinances**

The Board may, by 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 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. 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.

### **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.

### **3.15 - Ordinance Review and Adoption Process**

- 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 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 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 shall refer applicable ordinances to the Ordinance Review Committee for a five (5) year review.

#### **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).

## **4.0 – ADMINISTRATIVE ORGANIZATION**

### **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.

### **4.2 - Town Organization**

#### **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.

#### **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

#### **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

#### **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. Ordinance Review (See Section 3.15.2)
- g. Budget

#### **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

#### **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.

#### **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.

#### **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.

#### **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

### **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.

### **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.

## **5.0 - BOARDS AND COMMITTEES**

### **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 in accordance with current hiring policy. 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

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



Duties of all 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, shall appoint members to the boards and committees as listed in Section 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.

## **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 – PETITION AND REFERENDUM**

### **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, hereby request that you place the following article before the voters for their consideration at:

an open town meeting (Section 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} 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 signer is a 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." 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.

### **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 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 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 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 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.

## **7.0 - BUSINESS AND FINANCIAL PROVISIONS**

### **7.1 - Authority**

#### **7.1.1 - Responsibility**

The Board 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.

### **7.2 – Fiscal Year**

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

### **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.

Sixty (60) days prior to the Annual Town Meeting the Board shall complete the Town budget for all departments (with the exception of the RSU 57 budget) for the ensuing fiscal year.

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 deems desirable. In organizing the budget, the Board 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

#### **7.4 - Budget Establishes Appropriations**

The Board shall publish an Annual Town Report. Additionally, the general summary of the proposed budget shall be available to the public fourteen (14) days prior to the Annual Town Meeting. The Annual Town Meeting shall adopt the budget.

The amounts stated as proposed appropriations shall become available to the offices, departments, and purposes named at the beginning of the fiscal year.

#### **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 Board shall be assessed upon the estates in Lyman and committed to the Tax Collector for collection.

#### **7.6 - Transfer of Appropriation**

The Board 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 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 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.

## **7.7 - Purchasing and Sales Procedures**

### **7.7.1 – Purchasing**

Except in matters pertaining to normal road maintenance or in emergency situations as determined by the Board 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 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 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 solicited prior to the purchase.

### **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 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 available electronic media. If there are no bids, the Board may dispose of the surplus equipment as deemed necessary.

## **7.8 - Capital Program**

The Board, in conjunction with department heads, shall prepare and submit a five (5) year capital program before January 1 to the Budget Committee. 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 shall fix the time and place for a public hearing on the capital program and shall give public notice of such hearing. The Board shall adopt the capital program with or without amendments after such public hearing.

## **8.0 – RECALL**

### **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.

### **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.

### **8.3 - Petitions for Recall**

The petition for recall must contain only signatures of the registered voters of the Town, 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 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.

#### **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 Article 8, Section 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.

#### **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 at their next regularly scheduled meeting and shall notify the official(s) whose removal is being sought of such action.

The 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 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 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 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.

#### **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, 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.

#### **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.

### **9.0 - AMENDMENT AND REVISION**

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

#### **9.1 - Amendment**

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

- a. An action of the Board 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.

### **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.

### **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.

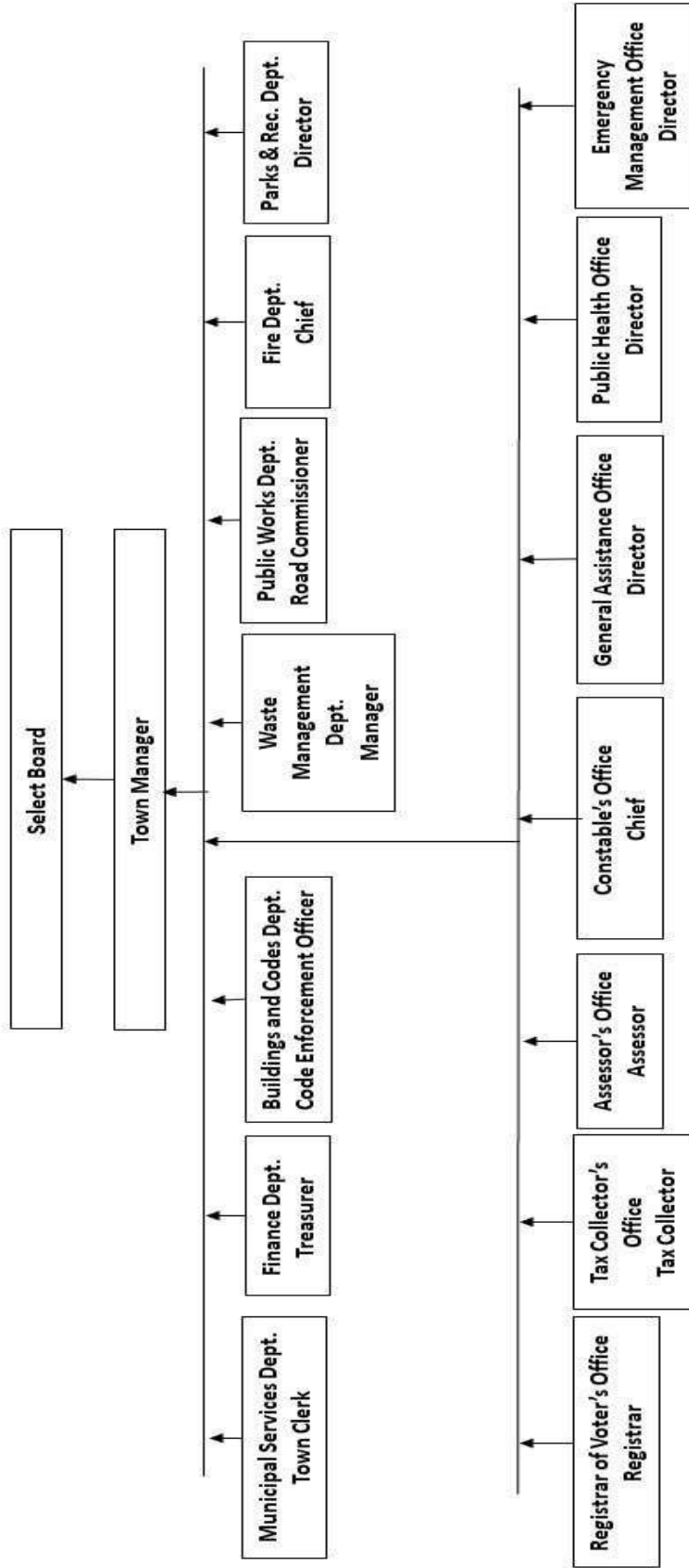
**Staggered terms** - Terms of office which, for purposes of expiration, are arranged so that such terms shall expire in different years to provide continuity in the organization.

**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.



Article 4. Administrative Organization  
 Section 4.1 Town Administration  
 Subsection 4.1.1 Elements of Town Government  
 Subsection 4.1.1.2 Departments  
 Subsection 4.1.1.3 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











