



NEW GLOUCESTER CHARTER

Adopted November 8, 2022

Town Clerk's Certification of Charter Adoption (30-A M.R.S. § 2106)

I, Bradley A. Plante, being the duly appointed Interim Town Clerk for the Town of New Gloucester, Maine, do hereby certify that the document to which I have affixed this certificate is a true copy of the "Charter of the Town of New Gloucester", which was adopted at the Town Election held on November 8, 2022.

Dated: November 9, 2022



Bradley A. Plante, Interim Town Clerk

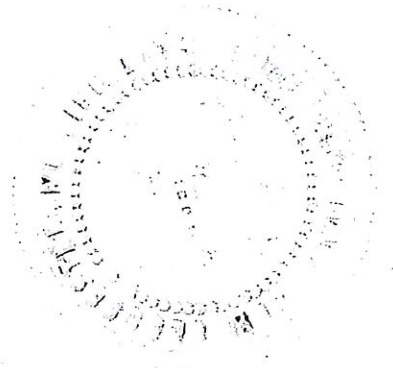


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PREAMBLE

We the people of the Town of New Gloucester, under the Constitution and laws of the State of Maine, in order to secure the benefits of local self-government and to provide for an honest and accountable Select Board-Town Meeting-Town Manager form of government, adopt this Charter and confer upon the Town the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of democracy, professional management, leadership, public engagement, and civic cooperation.

ARTICLE I
POWERS OF THE TOWN

Section 1.1 – Incorporation. The Town of New Gloucester was incorporated as a municipality by an act of the Commonwealth of Massachusetts in 1774. The inhabitants of the Town of New Gloucester, within the limits now established or as hereafter lawfully established, shall continue to be a municipal corporation, by the name of the Town of New Gloucester, Maine.

Section 1.2 – Powers. The Town shall have all the rights, immunities, powers, and privileges possible for a municipality under the Constitution and laws of the State of Maine as completely as though they were specifically enumerated in this Charter. The Town shall be subject to all the duties, liabilities, and obligations herein or otherwise incumbent upon such municipal corporations.

Section 1.3 – Construction. The powers under this Charter shall be construed liberally in favor of the Town. The absence, declaration, or partial declaration of a particular power in this Charter shall not be construed to exclude or limit in any way the general powers granted in this Article.

Section 1.4 – Town Government Structure. Except as otherwise provided in this Charter, the legislative body of New Gloucester shall be the registered voters of the Town. The executive body of the Town shall be the elected Select Board, which shall oversee the administration of the Town carried out by an appointed Town Manager and such other officials and employees as may be duly appointed pursuant to law, this Charter, or ordinance. Management of the public schools shall be vested in an elected Board of School Directors for the Maine School Administrative District No. 15. A New Gloucester Water District (Water District) is overseen by an elected Board of Trustees.

Section 1.5 – Intergovernmental Relations. The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any governmental entity of the United States, any one or more states, or any one or more municipalities, to the extent permitted by law.

ARTICLE II
TOWN MEETING

Section 2.1 – Authority; Membership. Except as otherwise provided in this Charter, the legislative authority of the Town shall be vested in Town Meeting, which shall consist of the registered voters of the Town. “Town Meeting” refers to Annual Town Meeting and any Special Town Meeting.

Section 2.2 – Powers and Duties. Except as otherwise provided in this Charter, Town Meeting shall have the power to consider and adopt the budget and transact other Town business.

Section 2.3 – Town Meeting.

- a. **Timing of Annual Town Meeting; Manner of Calling.** The Annual Town Meeting shall be held on a date established annually by the Select Board. Except as otherwise provided in this Charter or hereafter by ordinance, Town Meeting shall be called in

accordance with 30-A M.R.S. § 2521, as amended, or by citizen petition, and shall be warranted in accordance with 30-A M.R.S. § 2523, as amended.

- b. **Manner of Conducting.** Unless otherwise provided in this Charter or hereafter by ordinance, Town Meeting shall be conducted in accordance with 30-A M.R.S. § 2524, as amended. There shall be written minutes with a record of attendance denoting the number of Town registered voters attending, which shall be the official public record of Town Meetings. Articles may be placed on the warrant by vote of the Select Board or by written petition of registered voters in accordance with 30-A M.R.S. § 2522, as amended.
- c. **Budget.** Town Meeting shall vote on the Annual Budget, as derived pursuant to Article V, and shall vote on any appropriation in addition or supplementary to the Annual Budget appropriation, except as otherwise provided in this Charter.
 1. **Form of Budget Warrant Articles.** Budget warrant articles may, as determined by the Select Board, include multiple related accounts. Select Board recommendations and, as applicable, Finance Committee recommendations shall be displayed in the warrant. The higher of the two amounts shall be listed in the body of the article.
 2. **Adjustments to the Article.** Town Meeting may lower the amount of any account to be raised and appropriated, with the total amount for the article adjusted accordingly. Town Meeting shall not increase the amount to be raised and appropriated above the amount stated in the article.
 3. **Adoption.** If passed, the Annual Budget is adopted immediately upon adjournment of the meeting, and the amounts approved shall be appropriated in gross as provided.
 4. **Exceeding Amount Appropriated.** Except as otherwise provided in this Charter, and, as applicable, the general laws of the State of Maine, individual accounts may not be exceeded without legislative approval and pursuant to Article III, Section 3.3, Subsection g.
 5. **When a Budget Article Fails.** If a budget article for an existing department fails or is not appropriated funding at Annual Town Meeting, a Special Town Meeting shall be convened to consider the issue within 60 days. If that Special Town Meeting does not occur until after the start of the new fiscal year, the respective department may continue operating at a prorated amount of the previous fiscal year's standard operating budget for that department, with the Town Manager approving any and all expenditures, and such temporary funding shall terminate at the adjournment of that Special Town Meeting.
- d. **Capital Expenditures.** Warrant articles for capital expenditures shall be for the total (gross) cost of the expenditure. ("Capital expenditure" refers to any funds used to acquire, upgrade, or maintain physical assets, such as property, plants, buildings, technology, or equipment.) Any trade amount or sale revenue received shall go back into the respective capital reserve account or into the Undesignated Fund Balance if no respective reserve account exists. Town Meeting may reduce but cannot increase any capital expenditure above the amount that is written in the body of the article. A single gross capital expenditure of \$625,000 or more shall be placed on the warrant solely for the purpose of validation by majority vote under Article II, Section 2.3, Subsection f.

- e. **Bonding; Borrowing; Leasing.** Town Meeting cannot increase the amount of any bond, note, other form of borrowing, or lease above the highest amount recommended at Town Meeting.
- f. **Validation and Ballot Vote.** The following items shall be placed on the warrant solely for the purpose of validation by majority vote at Town Meeting; if the article is not validated, it fails; if the article is validated, it shall be voted on by ballot within 75 days at the next general or special election, with a majority vote required for passage:
 - 1. All bonds, notes, other form of borrowing, leases, and any single gross capital expenditure of \$625,000 or more.
 - 2. Ordinances, amendments to ordinances, repeal of ordinances, and resolutions, except as otherwise provided in this Charter.

Section 2.4 – Effective Date of Actions at Town Meeting. Actions at Town Meeting shall be effective immediately upon adjournment, except that the Annual Budget shall take effect on July 1 with amounts approved appropriated in gross, unless otherwise provided in the respective warrant article, in this Charter, or pursuant to Town ordinance.

ARTICLE III SELECT BOARD

Section 3.1 – Composition; Eligibility; Election; Terms.

- a. **Composition.** The Select Board shall have five Members, each elected by the registered voters of the Town pursuant to Article XI.
- b. **Eligibility.** Except as otherwise provided in this Charter, an individual is eligible to run for and hold the office of Select Board Member only if the individual:
 - 1. Is a registered voter of the Town;
 - 2. Has maintained a place of principal residence in the Town for at least one year before submitting nomination papers to run for the Select Board; and
 - 3. Maintains a place of principal residence in the Town while running for and serving as a Select Board Member.
- c. **Election and Terms.** Each Select Board Member shall be elected to a term of three years at the general election on the second Tuesday of June, and may serve up to three full consecutive terms, after which the individual cannot serve as a Select Board Member until the passage of at least two years from the end of the third term. No more than two Members shall be elected to fill expired terms in any one year, except as may be required in circumstances where one or more seats are forfeited or vacated in a year.

Section 3.2 – Compensation; Expenses.

- a. **Compensation.** Each Select Board Member shall be paid an annual stipend to be set each year in the Annual Budget for approval at the Annual Town Meeting.
- b. **Expenses.** Each Select Board Member may receive reimbursement for actual and authorized expenses incurred in the course of fulfilling duties and functions pursuant to the office of Select Board.

Section 3.3 – Powers and Duties. The Select Board is the executive body that establishes and interprets the policies of the Town, shall have all the powers and authority given to, and perform all duties required of, Municipal Officers, Assessors, and Overseers under the general laws of the

State of Maine, with ultimate administrative oversight and responsibility for the Town, shall work with and address administrative services through the Town Manager, and shall act as a body, not as individuals. Consistent with the provisions of this Charter, the Select Board Members shall be the Municipal Officers, Assessors, and Overseers of the Town. Without limiting the aforementioned powers, authority, and duties, the Select Board shall have the power and responsibility to:

a. Appoint:

1. The following municipal officials:
 - A. Town Manager, pursuant to Article IV, Section 4.1;
 - B. Town Clerk;
 - C. Treasurer;
 - D. Tax Collector;
 - E. Road Commissioner;
 - F. Freedom of Access Act (FOAA) Officer;
 - G. At least two Fence Viewers;
 - H. Registrar of Voters;
 - I. General Assistance Administrator;
 - J. Election Clerks; and
 - K. Other municipal officials as needed and not appointed by the Town Manager;
 2. Town Attorney;
 3. Members of boards and committees pursuant to Article IX; and
 4. Other positions as may be provided in this Charter or by ordinance.
- b. Make grammatical, typographical, or other clerical corrections or updates, including updating statutory references, to any ordinance following a public hearing.
- c. Adopt, periodically review, amend as needed, and abide by the *Code of Ethics Policy* and *Bylaws for Boards and Committees*, unless otherwise provided by this Charter, ordinance, or other law; adopt other policies, procedures, and resolutions, as deemed necessary or required by applicable law; and provide for review of the Comprehensive Plan at least every 10 years.
- d. Execute or provide for the execution of contracts; sell and dispose of surplus Town-owned personal or real property on such terms and conditions as the Select Board determines to be in the best interest of the Town, and deposit proceeds from such sales in the corresponding capital reserve account or accounts or the Undesignated Fund Balance; convey or authorize the conveyance of any real property acquired by the Town for non-payment of taxes on such terms as the Select Board deems advisable in accordance with the general laws of the State of Maine; and authorize the extension of leases of Town-owned property.
- e. Accept gifts of money to the Town and appropriate and expend the funds for such public purposes as the Select Board deems in the interest of the Town or for the legal purposes for which a conditional gift was made and in accordance with any conditions imposed by the donor, and accept gifts of personal property to the Town and use the property for such public purposes as the Select Board deems in the interest of the Town or in the legal manner specified by the donor for conditional gifts and in accordance with any conditions imposed by the donor, provided that any monetary or other obligation associated with the gift shall be authorized by Town Meeting. The public must be given proper notice,

- including notice of any conditions that may apply, and financial considerations that may occur, before or after acceptance by the Select Board.
- f. Accept, on behalf of the Town, state and federal grants and grants from other entities for municipal purposes, including, when necessary, the authority to sign the grant contract and accept the conditions that accompany grant funds, and appropriate and expend grant funds and matching funds required for the authorized purposes, provided that Town Meeting has authorized any monetary or other obligation associated with the acceptance of the grant funds, including the appropriation of monies for matching funds. The public must be given proper notice, including notice of any conditions that may apply, and financial considerations that may occur, before or after acceptance by the Select Board.
 - g. Accept and disburse any or all State and Federal revenue funds during each fiscal year, as may be required; authorize emergency individual account overdrafts, which must then be approved at Town Meeting; authorize the Town Clerk or Treasurer to accept revenue in excess of amounts budgeted on behalf of the Town; and return unexpended capital improvement funds to their corresponding capital reserve account or accounts.
 - h. Provide for the terms by which taxes shall become due and payable, and set an interest rate for late payments up to the maximum rate authorized under 36 M.R.S. § 505(4), as amended, and set the minimum interest rate per annum on abated taxes or overpayments under 36 M.R.S. § 506-A, as amended; and authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed, pursuant to 36 M.R.S. § 506, as amended.

Section 3.4 – Procedure.

- a. **Induction of Select Board Members into Office.** Select Board Members shall take office immediately after being sworn in.
- b. **Meetings.**
 - 1. **Initial Meeting after Election.** The Select Board shall convene within 14 days after the general election to elect a Board Chair and Vice Chair, who may be removed pursuant to a policy adopted by the Select Board; appoint a secretary or recorder, who may not be a Select Board Member, to record minutes; make confirmations or appointments; and conduct other business as necessary.
 - 2. **Regular and Special Meetings.** All Select Board meetings shall be open and accessible to the public, except that the Select Board may recess for executive session for any reason permitted under 1 M.R.S. § 405, as amended. There shall be at least one opportunity for public comment at every meeting, except during executive sessions or workshops.
 - 3. **Emergency Meetings.** An emergency meeting may be called and conducted pursuant to the *Bylaws for Boards and Committees*.
- c. **Rules and Order.** The Select Board shall determine its own rules and order of business in its bylaws and shall provide for keeping a record of its proceedings, which shall be made publicly available and maintained for public record. The Select Board may act only by majority of the entire Select Board unless otherwise provided by this Charter or law.
- d. **Conflict of Interest and Recusal.** A conflict of interest must be stated before consideration of the item with which a Member may have a conflict. The conflicted Member shall be recused from considering the item, shall leave the dais during consideration of the item, and shall not vote on the item under consideration. If a conflict

appears to exist and the Member refuses to recuse voluntarily, the non-conflicted Select Board Members may vote on whether the Member shall be recused. The following shall constitute a valid conflict of interest and the Select Board may, by policy, establish grounds for a conflict of interest additional to those listed:

1. **Business Interest.** If a Member (1) is an officer, director, partner, associate, employee, or stockholder of a private corporation, business, or other economic entity that is the subject of the issue before the Select Board, and (2) is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity of the subject of the issue before the Select Board.
2. **Personal Financial Interest.** If, by reason of the Member's personal financial interest, the Member is placed in a situation of temptation to serve the Member's own pecuniary interest to the prejudice of the issue before the Select Board.
3. **Appearance of Impropriety.** If a Member's participation in the issue before the Select Board may result in the appearance of impropriety and therefore jeopardize the public's confidence in the Select Board's work.

Section 3.5 – Prohibitions. In addition to those prohibitions provided elsewhere in this Charter, by ordinance, or other law, the following shall be prohibited:

- a. **Holding Other Office.** Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Agreement Act, Title 30-A, Chapter 115, as amended, no person shall, while serving as a Select Board Member, hold any other Town office or Town employment, serve as an independent contractor for the Town, or be an appointed municipal official under Article III, Section 3.3, Subsection a.1, or Article IV, Section 4.3. When interpreting this section, "independent contractor" shall have the same definition as contained in 39-A M.R.S. § 102(13-A), as amended.
- b. **Limitations of Board Action.** Individual Select Board Members shall have no independent authority to act on behalf of the Select Board or the Town, except as may be expressly provided in this Charter, by ordinance, by Town Meeting, by order of the Select Board authorizing specific functions by one or more Members on its behalf, or as required under the law.
- c. **Interference with Town Administration.** Neither the Select Board nor its Members have authority over Town employees (other than the Town Manager as determined by contract), except through the Town Manager, and neither the Select Board nor its Members shall give orders to any subordinates of the Town Manager, either publicly or privately.

Section 3.6 – Vacancies; Forfeiture of Office.

- a. **Vacancies.** The office of any Select Board Member shall become vacant upon nonacceptance, acceptance of resignation, death, permanent legal incompetency, forfeiture of office, failure of the municipality to elect a person to the office, voter-initiated recall pursuant to Article XII, or otherwise by operation of law.
- b. **Forfeiture of Office.** A Select Board Member in the Town shall forfeit the office if the individual:
 1. Lacks at any time during the term of office any qualification for the office required by this Charter or by law;

2. Violates any express prohibition of this Charter; or
 3. Is convicted of a crime that is related to and inhibits the ability to serve.
- c. **Filling of Vacancies.** If a seat on the Select Board becomes vacant more than 120 days before the next general or special election, the Select Board shall—within 30 days of the effective date of the vacancy—call a special election to fill the unexpired term. If at any time the membership of the Select Board is reduced below the number required for a quorum, a majority of the remaining Select Board Members shall call a Special Town Meeting to fill the vacancies until the next general or special election. If no Select Board Member remains, a notary public may call a Town Meeting on petition of three registered voters. An individual who fills a vacancy shall serve only until succeeded by a person duly elected to fill the vacancy at a general or special election.

Section 3.7 – Judge of Qualifications; Hearing. The Select Board shall be the judge of the election and qualifications of its Members under this Charter and the judge of the grounds for forfeiture of office and for that purpose shall have the power to provide for compulsory attendance of witnesses, the administering of oaths, and the compulsory production of evidence. A Select Board Member charged in writing with conduct constituting grounds for forfeiture of office is entitled to a hearing on demand made within 10 days of receipt of notice of forfeiture. Notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least seven days in advance of the hearing. Decisions made by the Select Board, after such hearing if any, shall be subject to review by a court of competent jurisdiction.

Section 3.8 – Administrative Code. The Select Board shall provide for the prompt preparation and publication of an Administrative Code and for its regular maintenance, update, and revision. The Administrative Code shall be a general codification of all Town ordinances, policies, and this Charter and shall be made available to and accessible by the public.

ARTICLE IV TOWN MANAGER

Section 4.1 – Appointment; Qualifications; Compensation. The Select Board shall appoint a Town Manager for a definite term by contract and fix the Town Manager's compensation. Such appointment shall be on the basis of executive and administrative qualifications and character. At the time of appointment, the Town Manager need not be a resident of the Town of New Gloucester or the State of Maine. During tenure of office, the Town Manager may reside outside the Town only by contractual agreement. No Select Board Member may receive appointment to the office of Town Manager while serving on the Select Board, nor within one year after the expiration of the Select Board Member's term.

Section 4.2 – Powers and Duties of the Town Manager. Subject to provisions of this Charter, the Town Manager shall have all the powers, authority, and duties of a Town Manager under the general laws of the State of Maine. Without limiting the aforementioned powers, authority, and duties, the Town Manager shall have the power and responsibility to:

- a. Serve as the chief administrative officer of the Town and the head of and direct the administrative branch of Town government; and be responsible to the Select Board for the proper administration of all affairs of the Town.

- b. Appoint, remove, and fix the compensation of all municipal officials, agents, and personnel whose election or appointment has not otherwise been provided by this Charter or Town Meeting.
- c. Prepare and submit the Annual Budget of the Town, the annual capital improvement request, and the annual financial and administrative reports to the Select Board; be responsible for the administration of the Annual Budget and capital improvement plan after their adoption; and prepare and submit a Town report to the Select Board at the end of the fiscal year and cause such annual Town report to be published and made available to the public promptly after the close of the fiscal year.
- d. Faithfully execute any and all pertinent laws, Town ordinances, Town regulations, provisions of this Charter, and lawful acts of the Select Board; and prepare and maintain the Administrative Code as directed by the Select Board and consistent with Article III, Section 3.8.

Section 4.3 – Administrative Appointments. The Town Manager shall appoint, have discretion to remove, and fix the compensation of all department heads and all personnel within departments, offices, and agencies under the direction and supervision of the Town Manager. Neither the Select Board, nor any of its Members, shall direct or request that any person be appointed to or removed from office by the Town Manager or by any of the Town Manager’s subordinates. The Town Manager’s appointment of the following municipal officials shall be subject to confirmation by the Select Board:

- a. Code Enforcement Officer;
- b. Plumbing Inspector;
- c. Animal Control Officer;
- d. Civil Emergency Preparedness Director; and
- e. Health Officer.

Section 4.4 – Vacancy in the Office of Town Manager. During any vacancy in the office of Town Manager, and during the absence or disability of the Town Manager, the Select Board shall promptly designate a properly qualified person, not a Select Board Member, to perform the duties of the Town Manager. The Select Board shall fix that person’s compensation. While so acting, this person shall have the same powers and duties as those given to and imposed on the Town Manager, except as the Select Board may otherwise determine.

Section 4.5 – Removal. The Select Board may remove the Town Manager for cause, by vote of the Select Board, unless the Select Board has negotiated different termination or severance provisions into a contract with the Town Manager. The Select Board must adhere to the following removal procedure:

- a. The Select Board shall file a written preliminary resolution with the Town Clerk stating the specific reasons for the proposed removal. A copy of that resolution must be delivered to the Town Manager within 10 days of filing.
- b. Within 20 days of receiving the resolution, the Town Manager may reply in writing and request a hearing.
- c. Upon request for a hearing, the Select Board shall hold a hearing at least 10 days but not more than 30 days after the request is filed.

- d. After the hearing, or at the expiration of the time permitted the Town Manager to request the hearing if no such request is made, the Select Board may adopt or reject the resolution of removal. If removal is not approved, the Select Board may continue to negotiate with the Town Manager to terminate the Town Manager's employment by the Town on terms beneficial to both parties.
- e. The Select Board may suspend the Town Manager from duty in the preliminary resolution, but the Town Manager's salary may not be affected until the final resolution of removal has been adopted. If removal is approved, the Select Board shall then determine if any severance benefits are due the Town Manager.

ARTICLE V BUDGET

Section 5.1 – Fiscal Year. The fiscal year of the Town shall begin on the first day of July and end on the last day of June.

Section 5.2 – Annual Budget; Budget Message. The Town shall use a gross budgeting system with total expenses and total revenues. The budget shall provide a financial plan of all Town activities for the ensuing fiscal year, which shall be known as the "Annual Budget," and, except as required by this Charter, shall be in a form that the Town Manager determines. In preparing the Annual Budget, the Town Manager shall use the most feasible combination of expenditure classification. The Town Manager shall prepare a budget message, which shall include, but not be limited to:

- a. Clear general summary of its contents;
- b. Exact statement of the financial condition of the Town, along with an explanation of the budget in fiscal terms and in terms of programs for the ensuing fiscal year;
- c. Description of the important features of the budget;
- d. Description of and explanation for any major changes from the current fiscal year, including but not limited to expenditures, revenues, and financial policies adopted by the Select Board;
- e. Summary of the Town's debt positions, including, as applicable, estimated funds to be borrowed in anticipation of tax receipts to meet the proposed Annual Budget; and
- f. Any other material as the Town Manger deems appropriate or as requested by the Select Board.

Section 5.3 – Budget Preparation and Submission. On receipt of the budget parameters from the Select Board, if provided, the Town Manager shall prepare the Town's Annual Budget from detailed information furnished by administrative officials, department heads, boards, and committees. The Town Manager shall, at least 100 days before the Annual Town Meeting, submit to the Select Board the Annual Budget for the ensuing fiscal year along with an accompanying explanatory budget message. The Annual Budget shall include but not be limited to:

- a. Recommended appropriations for operating expenses and capital improvements and anticipated revenues for the ensuing fiscal year;
- b. Appropriations and expenditures for all accounts from the previous two fiscal years, for the current fiscal year, and year-to-date;

- c. Estimated and actual revenues received for all accounts for the previous two fiscal years, for the current fiscal year, and year-to-date;
- d. Projected revenues, expenditures, and tax rates for the two years following the ensuing fiscal year;
- e. Capital reserves and capital improvements requested and ranked by the Capital Improvement Plan Committee, pursuant to the Capital Improvement Plan process set forth in the Comprehensive Plan or by policy or ordinance;
- f. Tax rates for the previous two fiscal years, the current tax rate, and the projected tax rate; and
- g. Such other information as the Select Board may require.

Section 5.4 – Undesignated Fund Balance. In preparing the Annual Budget, the Town Manager and Select Board may recommend using funds from the Undesignated Fund Balance to offset taxes and fund capital items. However, the Undesignated Fund Balance shall always be a minimum of 25% of Town operating expenses, meaning the total projected expenses of the Town, which include School District appropriations, County appropriations, and debt service, for the entire fiscal year under consideration, as determined on July 1, except under extraordinary circumstances as determined by action of Town Meeting at the recommendation of the Select Board in consultation with the Town Manager. The Select Board may deem a higher Undesignated Fund Balance is needed based on future projections at the time of consideration. (An Undesignated Fund Balance of 25% is based on regular economic times.)

Section 5.5 – Overlay. Overlay shall be used solely for the purpose of avoiding fractions in the assessment. It shall not be used to generate surplus revenue or be treated as a budget account from which money can be appropriated separately. Though the maximum amount of the overlay is 5% under 36 M.R.S. § 710, as amended, it shall be assessed at the minimum amount necessary to round off the assessment. Revenue generated by the overlay shall be part of, and any appropriation of the overlay shall come from, the Town's Undesignated Fund Balance. In preparing the Annual Budget, the Town Manager and Select Board shall use \$5,000 as a placeholder for the overlay.

Section 5.6 – Budget Review Process.

- a. The proposed Annual Budget prepared by the Town Manager shall be reviewed by the Select Board, which shall approve the document, with or without amendments, as the preliminary Annual Budget.
- b. The Finance Committee shall review the preliminary Annual Budget and, using independent judgment, make separate preliminary recommendations on all expense and revenue accounts. The Finance Committee shall have a minimum of 21 calendar days to complete its review and make any final recommendations on the Annual Budget to the Select Board.

Section 5.7 – Public Hearing. The Finance Committee, after making preliminary recommendations, shall hold a public hearing to take comment and answer questions on all expense and revenue accounts.

Section 5.8 – Budget Finalization. After the public hearing, the Finance Committee shall make final recommendations to the Select Board for the Town Meeting warrant. The Select Board shall finalize the proposed Annual Budget for Town Meeting after receiving Finance Committee recommendations. This process shall be completed at least 30 days before Annual Town Meeting. The proposed Annual Budget, with the separate recommendations of the Finance Committee and the Select Board, shall be presented to the Town for consideration at the Annual Town Meeting.

ARTICLE VI
TAX ADMINISTRATION

Section 6.1 – Tax Assessor. The Select Board shall serve as the Assessors. The Assessors shall appoint an Assessors’ agent for a term not exceeding five years, which may be renewed for additional terms of five years or less at the discretion of the Assessors. The Assessors’ agent shall be certified by the State Tax Assessor as a Certified Maine Assessor. The Assessors’ agent shall exercise all powers allowed and be subject to the duties and liabilities under the general laws of the State of Maine.

Section 6.2 – Board of Assessment Review. Tax abatement decisions of the Assessors may be appealed to the Cumberland County Board of Assessment Review or any successor entity.

ARTICLE VII
ORDINANCES

Section 7.1 – Ordinances in General

- a. **Form.** Every proposed ordinance shall be introduced in writing in the form required for final adoption. The enacting clause shall be, “The Town of New Gloucester hereby ordains” Any ordinance that repeals or amends provisions of an existing ordinance shall set out in full the ordinance sections or subsections to be repealed or amended and shall clearly indicate matter to be omitted and new matter. Any ordinance that repeals an existing ordinance in its entirety need not include the provisions of the existing ordinance.
- b. **Procedure for Non-Land Use Ordinances.**
 1. An ordinance, amendment to an ordinance, or repeal of an ordinance (which shall all be referred to as “ordinance” for purposes of this subsection) may be initiated by vote of the Select Board or by written request to the Select Board followed by vote of the Select Board. Once the ordinance is drafted, the Select Board shall seek legal review of the ordinance.
 2. At least 14 days before a public hearing and first reading of the ordinance and again 7 days prior, the ordinance or a summary shall be posted in the Town Office and on the Town website and published in a newspaper of general circulation in the Town; then, there shall be a public hearing and first reading.
 3. After the public hearing and first reading, the Select Board shall vote on whether to move the ordinance to a second reading with or without amendments. If it is moved forward, the proposed ordinance or a summary shall be posted in the Town Office and on the Town website for at least 7 days before the next meeting and second reading, which shall occur within 21 days of the first reading.

4. After the second reading, the Select Board shall vote at that meeting on whether to send the ordinance to Town Meeting for validation, further amend the ordinance, send the ordinance to another board or committee for further review, or not move forward with the ordinance.
5. If the ordinance is sent to another board or committee, that body shall detail in a written memorandum to the Select Board its input, recommendations, or position within 21 days following the second reading. If the ordinance is substantively amended, the proposed ordinance or a summary shall be posted in the Town Office and on the Town website for at least 7 days before the next regular meeting of the Select Board, which shall occur within 21 days of the board or committee submitting its memorandum or within 21 days of the meeting at which the Select Board amended the ordinance, whichever is later. At the subsequent meeting, the Select Board shall vote on whether to send the ordinance to Town Meeting for validation. If the ordinance is further amended at that Select Board meeting as to any matter of substance, as determined by the Select Board, the Select Board cannot approve sending it to Town Meeting until the ordinance or its amended sections have again been posted in the Town Office and on the Town website for at least 7 days before the next regular meeting of the Select Board, which shall occur within 21 days of the previous Select Board meeting. This process shall repeat until no further substantive changes are made to the ordinance.
6. After being approved for validation at Town Meeting, the ordinance shall follow the procedure for Town Meeting validation and ballot vote at a general or special election pursuant to Article II, Section 2.3, Subsection f. As soon as practicable after the voters of the Town have adopted the ordinance, it or a summary together with notice of its adoption shall be published in a newspaper of general circulation in the Town, posted in the Town Office and on the Town website, and integrated into the Administrative Code.
7. Unless otherwise prescribed by this Charter, by the ordinance itself, or by other law, an ordinance shall become effective immediately upon adoption by ballot vote.

Section 7.2 – Land Use Ordinances

- a. **Form.** The provisions of Article VII, Section 7.1, Subsection a, shall apply to land use ordinances.
- b. **Procedure for Land Use Ordinances.** The procedure for amendment of land use ordinances shall be pursuant to the Town of New Gloucester Zoning Ordinance, as amended, and consistent with Article II, Section 2.3, Subsection f.

Section 7.3 – Temporary Emergency Ordinances.

- a. **Form.** The provisions of Article VII, Section 7.1, Subsection a, shall apply to temporary emergency ordinances, subject to the provisions of this Section.
- b. **Procedure for Temporary Emergency Ordinances.**
 1. A temporary emergency ordinance may be enacted only when there is a public emergency substantially and adversely impacting or threatening a significant number of Town residents' lives, health, or property, or the public peace.

2. If the Select Board reasonably determines there to be such an emergency, it may adopt a temporary emergency ordinance tailored as narrowly as possible to address solely the emergency at hand.
3. A temporary emergency ordinance shall be plainly designated as a temporary emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
4. A temporary emergency ordinance may be adopted with or without amendment or rejected at the Select Board meeting at which it is introduced. Adoption shall require the affirmative vote of at least 80% of the entire Select Board.
5. After its adoption, the ordinance shall be published as prescribed for other adopted ordinances.
6. A temporary emergency ordinance shall become effective immediately upon adoption or at such later time as the ordinance may specify.
7. The Select Board shall cause a Town Meeting to be convened to consider the temporary emergency ordinance as soon as practicable after its adoption but no later than 30 days after its adoption.
8. Every emergency ordinance shall automatically stand repealed as of the 31st day following the date on which it was adopted if, by that time, it has not been enacted by Town Meeting.
9. A temporary emergency ordinance that Town Meeting fails to enact may not be re-enacted by the Select Board pursuant to this Section unless the Select Board has been given such authority at Town Meeting or under other law, or until at least 180 days from the date Town Meeting failed to enact it.
10. Unless the temporary emergency ordinance has been enacted at Town Meeting, the Select Board may repeal it by adoption of a repealing ordinance in the same manner specified in this Section for adoption of a temporary emergency ordinance.

Section 7.4 – Ordinance by Petition. An ordinance may also be proposed by citizen petition pursuant to Article VIII.

ARTICLE VIII CITIZEN PETITION

Section 8.1 – General Authority. The registered voters of the Town shall have the power to petition for ordinances or resolutions, including amendments to existing ordinances, and for the repeal of any adopted ordinance.

Section 8.2 – Commencement of Proceedings; Petitioners’ Committee; Affidavit. Any five registered voters of the Town may commence proceedings to propose an ordinance or a resolution or to amend or repeal an adopted ordinance by filing with the Town Clerk an affidavit stating that they will constitute the Petitioners’ Committee and be responsible for providing for the circulation of the petition and filing it in proper form, stating their names and street addresses, specifying the mailing address to which all notices to the Petitioners’ Committee are to be sent, and setting out in full, or attaching the complete text of, the proposed ordinance or amendment, the ordinance sought to be repealed, or the resolution. Promptly after the affidavit of

the Petitioners' Committee is filed, the Clerk shall issue the appropriate blank petition forms to the Petitioners' Committee.

Section 8.3 – Content of Petitions.

- a. **Number of Signatures.** Petitions must be signed by registered voters of the Town at least equal in number to 10% of the number of votes cast in the Town at the last gubernatorial election but in no case shall there be fewer than 25 valid signatures.
- b. **Form and Content.** All blank papers of a petition shall be provided by the Town Clerk. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed to be enacted or sought to be repealed or the resolution.
- c. **Affidavit of Circulator.** Each petition shall have attached to it when filed a completed affidavit, which the Clerk shall confirm. The circulator shall attest in the affidavit that the circulator personally circulated the paper, the number of signatures thereon, that each signature was affixed in the circulator's presence, that the circulator believes it to be the genuine signature of the person whose name it purports to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be repealed or the resolution. At any time before the issuance of the Clerk's certificate, a signer may have their name removed from the petition by filing with the Clerk a signed written request.

Section 8.4 – Procedure after Filing.

- a. **Certificate of Clerk; Amendment.** Within 20 business days after the petition has been filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Clerk shall promptly send a copy of the certificate to the Petitioners' Committee by certified mail. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intention to amend it with the Clerk within three business days after receiving the copy of the Clerk's certificate and files a supplementary petition on additional papers within 10 business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of this Article. Within five business days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by certified mail as in the case of an original petition. If a petition or amended petition is certified as sufficient, or if a petition or amended petition is certified as insufficient and the Petitioners' Committee does not elect to amend within the time required, the Clerk shall promptly present the certificate to the Select Board and the certificate shall then be a final determination as to the sufficiency or insufficiency of the petition, as the case may be. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.
- b. **Select Board Proposal.** Nothing in this Article shall prohibit the Select Board, pursuant to Article VII, from placing a proposed ordinance, repeal of an ordinance, or resolution on a warrant for Town Meeting.
- c. **New Petition.** A final determination of insufficiency, even if sustained upon judicial review, shall not prevent the filing of a new petition for the same purpose, provided that the new petition is filed within the time limits required in the case of an original petition.

Section 8.5 – Action on Petitions.

- a. **Action by Select Board.** When a petition filed under this Article VIII has been finally determined to be sufficient, the Select Board shall set a date for a Town Meeting to consider the petition to be held not later than 60 days after such determination, provided that the next Annual Town Meeting is not scheduled to occur within 90 days, in which case the petition shall be considered at the Annual Town Meeting, in accordance with Article II, Section 2.3, Subsection f. If a majority of the registered voters at the Town Meeting vote to validate the proposed ordinance, repeal of an ordinance, or resolution, the item shall be placed on the ballot at the next Town election. If Town Meeting fails to validate the item, it shall not be placed on the ballot at the next Town election, ending the process.
- b. **Withdrawal of Petitions.** A petition may be withdrawn at any time prior to a final determination of sufficiency of the petition by filing with the Clerk a request for withdrawal signed by at least two-thirds of the Petitioners' Committee. Upon the filing of a request to withdraw the petition, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 8.6 – Submission to Voters. At least one copy of the proposed ordinance, ordinance proposed to be repealed, or resolution shall be made available at the polls. A proposed ordinance, amendment to an ordinance, or resolution to be voted on shall be presented for voting by ballot title, which may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall an [ORDINANCE / RESOLUTION] entitled [INSERT TITLE] be [ENACTED / APPROVED]?" If a majority vote in favor, it shall be considered adopted upon certification of the election results. In the case of a petition to repeal an adopted ordinance, the ballot question shall be: "Shall the ordinance entitled [INSERT TITLE] be repealed?" If a majority of the voters vote in favor of repeal, it shall be considered repealed upon certification of the election results.

ARTICLE IX
BOARDS AND COMMITTEES

Section 9.1 – Composition; Terms; Eligibility; Duties.

- a. **Applicability.** This Article applies only to those boards and committees with non-elected members.
- b. **Establishment; Dissolution; Charge; Terms.** The Select Board may establish boards and committees for the handling of Town affairs or as called for in the New Gloucester Comprehensive Plan, as needed, and may assign Select Board Members to serve as non-voting liaisons to committees, and may dissolve boards and committees, except those required in this Charter or by applicable law. Consistent with the law, the Select Board shall determine the charge of each board and committee, which shall be recorded and posted at the Town Office and on the Town website and otherwise made available to the public. A board or committee member shall be appointed to serve a three-year staggered term, which shall begin on July 1, unless otherwise provided by the Select Board. A board or committee member may be considered for reappointment.
- c. **Eligibility.** A board or committee member must be a resident of New Gloucester, at least 18 years old, and a U.S. citizen. However, the Select Board may waive any or all these

requirements for a member of any board or committee other than the Planning Board, Board of Appeals, Finance Committee, Capital Improvement Plan Committee, and Land Management Planning Committee. To waive the requirement that the individual be at least 18 years old, a legal guardian of the underage individual must grant permission.

d. Appointment. The Select Board shall adopt, periodically review, and, as needed, amend a fair and transparent application and appointment policy.

e. Requirements and Restrictions.

1. Every board and committee shall conduct business pursuant to the Town of New Gloucester *Bylaws for Boards and Committees*.
2. Members of all Boards and Committees shall comply with the Town of New Gloucester *Code of Ethics Policy*.
3. All meetings shall be open and accessible to the public.
4. No board or committee shall have more than two members from the same immediate family. For purposes of this provision, "immediate family" shall mean spouse, mother, father, child, or sibling, whether by blood, adoption, marriage, or domestic partnership.

Section 9.2 – Planning Board and Board of Appeals. There shall be a Planning Board and a Board of Appeals, as established and defined in Town ordinance, and subject to the provisions of this Charter. No Select Board Member may serve on the Planning Board or Board of Appeals. No spouse of a Select Board Member may serve on the Board of Appeals. Members of the Planning Board may be removed pursuant to "An Ordinance to Amend the Composition of the New Gloucester Planning Board," as amended. Members of the Board of Appeals may be removed only for cause according to the following procedure:

- a. The Select Board shall adopt a written preliminary resolution stating the specific reasons for the proposed removal.
- b. A copy of the resolution must be delivered to the person to be removed within 10 days of adoption.
- c. Within 20 days of receiving the resolution, the person to be removed may reply in writing and may request a hearing, which shall be held at least 10 days but not more than 30 days after the filing of such request.
- d. After a hearing, if one is requested, and after full consideration, the person may be removed only by unanimous vote of the entire Select Board.

Section 9.3 – Finance Committee. There shall be a Finance Committee consisting of nine members and up to two Select Board Member voting liaisons, notwithstanding Article IX, Section 9.1, Subsection b. The Finance Committee shall appoint annually one Finance Committee representative to the Capital Improvement Plan Committee pursuant to Article IX, Section 9.4, Subsection c.

Section 9.4 – Capital Improvement Plan Committee. There shall be a Capital Improvement Plan Committee consisting of seven members as follows:

- a. 1 Select Board Member who represents the Select Board and is appointed annually by the Select Board.
- b. 4 New Gloucester registered voters appointed to staggered three-year terms by the Select Board.

- c. 1 Finance Committee representative appointed annually by the Finance Committee.
- d. 1 Representative from the Planning Board appointed annually by the Planning Board.

ARTICLE X
SCHOOL BOARD

Section 10.1 – Management of Public Schools. The management of the public schools of the Town of New Gloucester shall be vested in the Maine School Administrative District No. 15 (MSAD 15), in accordance with the general laws of the State of Maine. The Members of the Board of School Directors of MSAD 15 (School Board) who are elected to represent New Gloucester are accountable to the citizens of New Gloucester to provide a high-quality education to the children of the Town in a careful and financially responsible manner.

Section 10.2 – Qualifications for the School Board. The Members of the School Board shall be registered voters of the Town, shall have maintained a place of principal residence in the Town for at least one year before submitting nomination papers, and shall reside in the Town during their term of office. A School Board Member or their spouse may not be (1) an MSAD 15 employee or (2) a volunteer who reports directly to an administrator of MSAD 15 and who has primary responsibility for any school programs or activities.

Section 10.3 – Nominations. The nominations process for School Board Members shall be as provided in Article XI, Section 11.2.

Section 10.4 – Election and Terms. School Board Members shall be elected at a general election and serve staggered three-year terms. School Board terms begin after having been duly sworn in and end on June 30. A School Board Member shall serve until a successor is elected and qualified.

Section 10.5 – Vacancies. If a vacancy occurs in accordance with 20-A M.R.S. § 1254, as amended, the Select Board shall appoint an Interim School Board Member to serve until the next annual municipal election. The Interim School Board Member shall serve until a successor is elected and qualified to complete the unexpired term.

Section 10.6 – Forfeiture of Office. A Member of the School Board shall forfeit office as provided in Article III, Section 3.6, Subsection b.

ARTICLE XI
MUNICIPAL ELECTIONS

Section 11.1 – Election Day. The general election for the choice of members of the Select Board, School Board, and Water District Board of Trustees shall be held on the second Tuesday in June, except as otherwise may be determined under the general laws of the State of Maine. All such elections shall be conducted on a nonpartisan basis and without party designation. Additional elections may be held as needed, consistent with the general laws of the State of Maine.

Section 11.2 – Nomination by Petition. Any registered voter of the Town may be nominated for an elected Town office in accordance with 30-A M.R.S. § 2528, as amended.

Section 11.3 – Filing and Acceptance. All separate papers comprising nomination papers shall be assembled and filed in accordance with 30-A M.R.S. § 2528, as amended.

Section 11.4 – Certification of Validity. Within 10 business days after the filing of nomination papers, the Clerk shall notify the candidate and the petition circulator whether the petition satisfies the requirements of this Article. The Clerk shall keep on file for at least six months each petition found to be valid.

Section 11.5 – Order of Names on the Ballot. Where two or more candidates have been nominated for any office, the names of such candidates shall appear on the ballot in alphabetical order, last name first.

Section 11.6 – Conduct of Municipal Elections. The provisions of the general laws of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers, and all other particulars related to preparing for, conducting, and managing elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

Section 11.7 – Voting Places. The voting places for municipal elections shall be those that have been established for state elections or other locations as may be determined by the Select Board.

Section 11.8 – Election Officials. Election officials shall be governed by 21-A M.R.S. §§ 501, 503-A, as amended.

Section 11.9 – Determination of Election Results. Each voter shall be entitled to vote for as many at-large candidates as there are vacancies to be filled. Elections shall be determined by plurality vote. Any recount for an election of office shall be conducted pursuant to 30-A M.R.S. § 2531-B, as amended. Any recount for a referendum or citizen-initiated ballot question shall be conducted pursuant to 30-A M.R.S. § 2532, as amended, governing referendum recount procedure.

Section 11.10 – Swearing in of Officials. Every individual elected to a Town office shall be sworn to the faithful discharge of the duties incumbent upon the individual according to the Charter and ordinances of the Town of New Gloucester and shall be sworn to support the Constitution of the United States of America and the laws thereof and the Constitution of the State of Maine and the laws thereof. The candidate-elect is to take office immediately after being sworn in.

ARTICLE XII RECALL

Section 12.1 – General Authority. Any Select Board Member, School Board Member, or Water District Trustee may be recalled and removed from elected office by the voters of the Town.

Section 12.2 – Commencement of Proceedings.

- a. Any five registered voters of the Town may initiate the recall procedure by filing with the Town Clerk an affidavit stating that they will constitute the Recall Committee and be responsible for providing for the circulation of the recall petition and filing it in proper form, stating their names and street addresses, and specifying the mailing address to which all notices to the Recall Committee are to be sent. Promptly after the affidavit of the Recall Committee is filed, the Clerk shall issue the appropriate blank recall petition forms to the Recall Committee. To initiate the recall procedure for Water District Trustees, the five registered voters must all reside in the geographic area specified in the Water District's charter.
- b. The written request shall include the name of the Select Board Member, School Board Member, or Water District Trustee whose removal is sought and a clear statement detailing the reason or reasons for the recall, which must include one or more of the following:
 1. Gross neglect of fiduciary responsibility.
 2. Repeated or egregious violations of this Charter.
 3. Repeated or egregious violations of relevant general laws of the State of Maine or federal law.
 4. Repeated or egregious violations of the code of ethics, which for Select Board Members and Water District Trustees is the Town of New Gloucester *Code of Ethics Policy*, and for School Board Members is the MSAD 15 code of ethics.

Section 12.3 – Content of Recall Petitions.

- a. Each petition shall be limited to the recall of a single individual; however, the Recall Committee may request, circulate, and file more than one petition at the same time.
- b. The recall petition shall contain the name of the elected official whose removal is sought, their office, the date they entered office, the date their current term expires, the reason or reasons for recall pursuant to this Article and the names of the Recall Committee members.
- c. Recall petitions must be signed by registered voters of the Town at least equal in number to 10% of the number of votes cast in the Town at the last gubernatorial election, but in no case shall there be fewer than 25 valid signatures, or, in the case of recall of a Water District Trustee, no fewer than 10 valid signatures. For a recall petition for a Water District Trustee, all signatures must be from registered voters residing within the geographic area specified in the Water District's charter.

Section 12.4 – Procedure for Filing.

- a. The Recall Committee shall have 45 days from the date the forms are provided to the Recall Committee to cause the petitions to be signed. The signature of each such registered voter shall be accompanied by their printed name and Town residential address.
- b. When filed, the petition shall have attached an affidavit executed by the circulator, and confirmed by the Clerk, attesting to the following:
 1. The circulator personally circulated the form;
 2. The number of signatures on the form;
 3. All signatures were signed in the circulator's presence;

4. The circulator believes each signature to be the genuine signature of the person whose name it purports to be; and
 5. Each signer had an opportunity to read the full text of the petition before signing.
- c. At any time prior to the issuance of the Clerk's certificate under Article XII, Section 12.5, Subsection a, a signer may have their name removed from the petition by filing with the Clerk a signed written request.

Section 12.5 – Procedure after Filing.

- a. Within 10 business days after the petition has been filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. Defects can relate only to signatures. The Clerk shall promptly send a copy of the certificate to the Recall Committee by certified mail. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the Recall Committee files a notice of intention to amend it with the Clerk within three business days after receiving the copy of the Clerk's certificate and files a supplementary petition on additional papers within 10 business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of this Article. Within five business days after the supplementary petition is filed, the Clerk shall complete a certificate as to the sufficiency of the supplementary petition as amended and promptly send a copy of such certificate to the Recall Committee by certified mail as in the case of an original petition. If a petition or supplementary petition is certified as sufficient, or if a petition or supplementary petition is certified as insufficient, the Clerk shall promptly present the certificate to the Select Board at its next regular meeting, and the certificate shall then be a final determination as to the sufficiency or insufficiency of the petition, as the case may be. After the final finding of insufficiency, a new petition to recall the same individual for the grounds set forth in the initial recall petition shall not be allowed.
- b. If the official sought to be recalled so requests, the Select Board shall make provisions for a hearing on the matter to take place not less than seven days before the election at which the recall petition shall appear on the ballot.
- c. The Select Board shall order an election to be held within 75 days after the hearing or, if the Select Board refuses, it shall be called by the Town Clerk; provided, however, that if any regular election is to occur in the Town within 90 calendar days after the receipt of the certificate by the Select Board, no special election shall be called and the question shall be submitted at the regular election.

Section 12.6 – Action on Petition. A recall petition to be voted on shall be presented for voting by ballot title, which shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall [NAME OF PERSON TO BE RECALLED] be recalled from the office of [SELECT BOARD / SCHOOL BOARD / WATER DISTRICT BOARD OF TRUSTEES]?" If a majority of the voters vote in favor of recall, the individual shall be recalled upon certification of the election results. Any individual against whom the recall proceedings have been initiated may continue to hold office until recalled. A recalled individual may not be appointed to serve the balance of the unexpired term and may not run as a candidate in a special or regular election to fill the balance of the unexpired term. A recalled individual may seek election to a full term to the same or any other office at any election after the date of recall. If not recalled, the individual shall continue in

office for the remainder of the unexpired term, subject to subsequent recall only as provided in this Article. No recall petition shall be filed against any individual within six months after such individual takes office, nor, in the case of an individual subjected to recall election and not removed thereby, until at least six months after the recall election.

ARTICLE XIII CHARTER REVIEW, REVISION, AND AMENDMENT

Section 13.1 – Regular Charter Review. Unless a charter commission is established earlier, five years after the effective date of this Charter, the Select Board shall provide for the establishment of a charter commission under 30-A M.R.S. §§ 2102(1), 2103, as amended, to review the Charter and determine whether to recommend revisions. At least every 10 years thereafter, the Select Board shall establish a committee to review the Charter and determine whether a charter commission shall be established to revise or amend the Charter. The committee shall consist of five members appointed by the Select Board. In addition to the five-member committee, a member of the Select Board shall serve as a non-voting advisory member. If the proposed changes are amendments, the Select Board shall review them and, after a public hearing, determine which ones, and in what form, will be referred to the voters, pursuant to 30-A M.R.S. § 2104(1), (6), as amended. If the proposed changes constitute a revision of the Charter, the Select Board shall review them. If, after a public hearing, the Select Board determines the Charter should be revised, it shall provide for the establishment of a charter commission under 30-A M.R.S. §§ 2102(1), 2103, as amended.

Section 13.2 – Charter Revision or Amendment. The Charter may be revised pursuant to 30-A M.R.S. §§ 2102, 2103, as amended. The Charter may be amended pursuant to 30-A M.R.S. § 2104, as amended.

Section 13.3 – Notation and Codification. Any and all revisions and amendments to the Charter shall be duly noted in the Charter, to include the date that the change occurred and the effective date of the change, and shall be promptly codified in the Administrative Code.

ARTICLE XIV GENERAL PROVISIONS

Section 14.1 – Individual Rights. Nothing in this Charter shall be construed to diminish any individual's rights granted by the Constitution of the United States or the laws thereof or by the Constitution of the State of Maine or the laws thereof.

Section 14.2 – Oath of Office. Every Select Board Member, appointed official, board member, committee member, and employee of the Town shall, before entering upon the duties of that office, take and subscribe to the following oath or affirmation, which shall be filed and kept in the office of the Town Clerk: "I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Maine and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of New Gloucester and will faithfully discharge the duties of the office of _____, so help me God." This oath shall remain in effect for the term of office, or as otherwise mandated by the general laws of the State of Maine.

Section 14.3 – Public Engagement. Public engagement shall be an integral part of Town governance. Town government and its meetings and processes shall be open, inclusive, and accessible, and shall provide for, encourage, and strengthen public engagement.

Section 14.4 – Preemption. This Charter shall preempt all ordinances, regulations, resolutions, and policies of the Town of New Gloucester. All Town of New Gloucester ordinances, regulations, and policies, or portions of ordinances, regulations, and policies, unless otherwise designated in the ordinances, regulations, or policies, in force when this Charter takes effect shall, consistent with this Charter, remain in force unless amended or repealed. All Town ordinances, regulations, and policies, or portions of ordinances, regulations, and policies that are inconsistent with this Charter and are in force when this Charter takes effect shall stand repealed.

Section 14.5 – Existing Contracts Continue in Force. All rights, actions, proceedings, prosecutions, and contracts of the Town or any of its departments, pending or executed when this Charter takes effect, shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

Section 14.6 – Prohibitions. No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any Town position or appointive Town administrative office because of race, ethnicity, sex, gender, sexual orientation, age, disability, religion, ancestry, country of origin, or political affiliation. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, promotion, or proposed promotion to, or any advantage in, a position in Town government. No elected or appointed official or employee of the Town shall solicit or accept any valuable consideration from any person as an inducement to confer a special advantage upon that person in their dealing with the Town. No officer, official, or employee of the Town shall solicit any contributions or services not relating to their employment from any Town employee whose compensation, tenure, job security, or other employment benefits are subject to the control or influence of the solicitor.

Section 14.7 – Continuation of Current Administrative Officers and Employees. All persons holding administrative office or who are employees of the Town at the time this Charter takes effect may continue in the respective position and the performance of their duties.

Section 14.8 – Expiration Term of Present Elected Officials. The terms of the present elected Select Board Members, School Board Members, and Water District Trustees shall continue until the annual municipal elections of the year in which their terms were to have expired. Term limits under Article III, Subsection 3.1, Subsection c, shall not apply to the Select Board Members until the first election following the effective date of this Charter. All other provisions of this Charter, including the recall and forfeiture of office provisions, shall apply to elected Select Board Members, School Board Members, and Water District Trustees, including those in office at the time this Charter takes effect.

Section 14.9 – Boards and Committees Continue to Function. All Town boards and committees in existence as of the effective date of this Charter shall continue to function unless and until amended or dissolved at the discretion of the Select Board.

Section 14.10 – Review of Existing Ordinances, Policies, and Contracts. Within 12 months of passage of this Charter or as soon as practicable thereafter, the Select Board shall provide for a review of all Town ordinances, policies, and contracts for consistency with this Charter and shall cause any and all actions necessary to make inconsistent ordinances, policies, and contracts, or inconsistent parts of ordinances, policies, and contracts, consistent with this Charter.

Section 14.11 – References to the Board of Selectmen in Existing Ordinances. Until such references can be updated, any references in existing Town ordinances, policies, contracts, and other documents to the “Selectmen,” “Board of Selectmen,” or the “Board of Selectmen, Assessors, and Overseers of the Poor” shall have the same force and effect as if referencing the “Select Board,” “Select Board Members,” “Members of the Select Board,” “Municipal Officers,” or “Select Board, Assessors, and Overseers.”

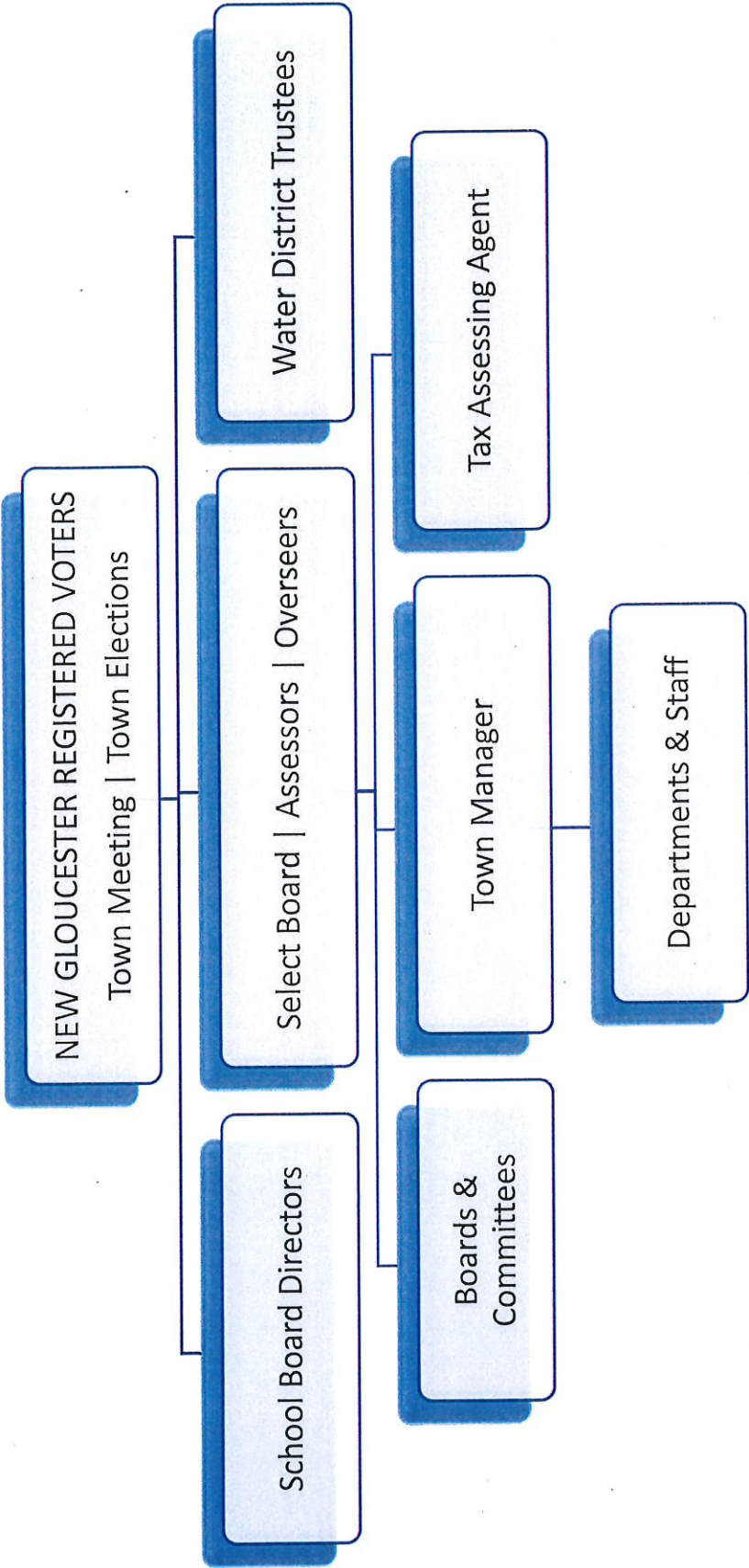
Section 14.12 – Short Title. This Charter shall be known as “The Charter of the Town of New Gloucester” and may be referred to as “The Charter.”

Section 14.13 – Recording Results. Charter approval, revision, or amendment shall be recorded pursuant to 30-A M.R.S. § 2106, as amended. Certified copies shall be stored in the Town Library and the Office of the Town Attorney, if any. Electronic copies of the Charter shall be kept in the Town Clerk’s office, the Town Library, and the Town Attorney’s Office, if any. Electronic copies must be protected so that they may not be altered or changed. This Charter shall be made publicly available on the Town website.

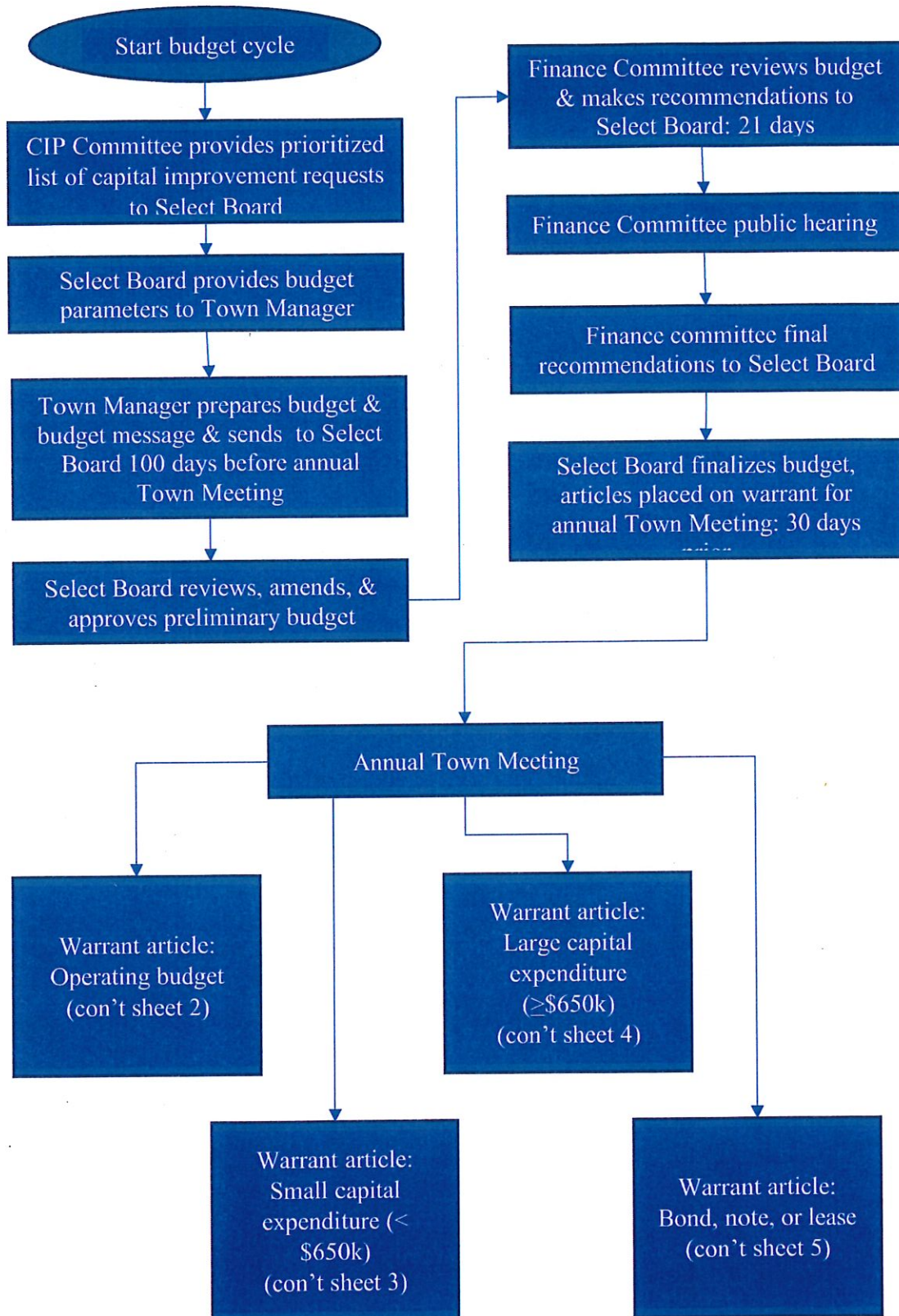
Section 14.14 – Effective Date. Pursuant to 30-A M.R.S. § 2105(4), as amended, the initial approval of this Charter, Charter revisions, and Charter modifications shall take effect on the first day of the next succeeding municipal year following the election when approved by the voters, except that the same shall take effect immediately for the purpose of conducting any elections required by new provisions, if any. Charter amendments shall take effect pursuant to 30-A M.R.S. § 2105(4)(B), as amended.

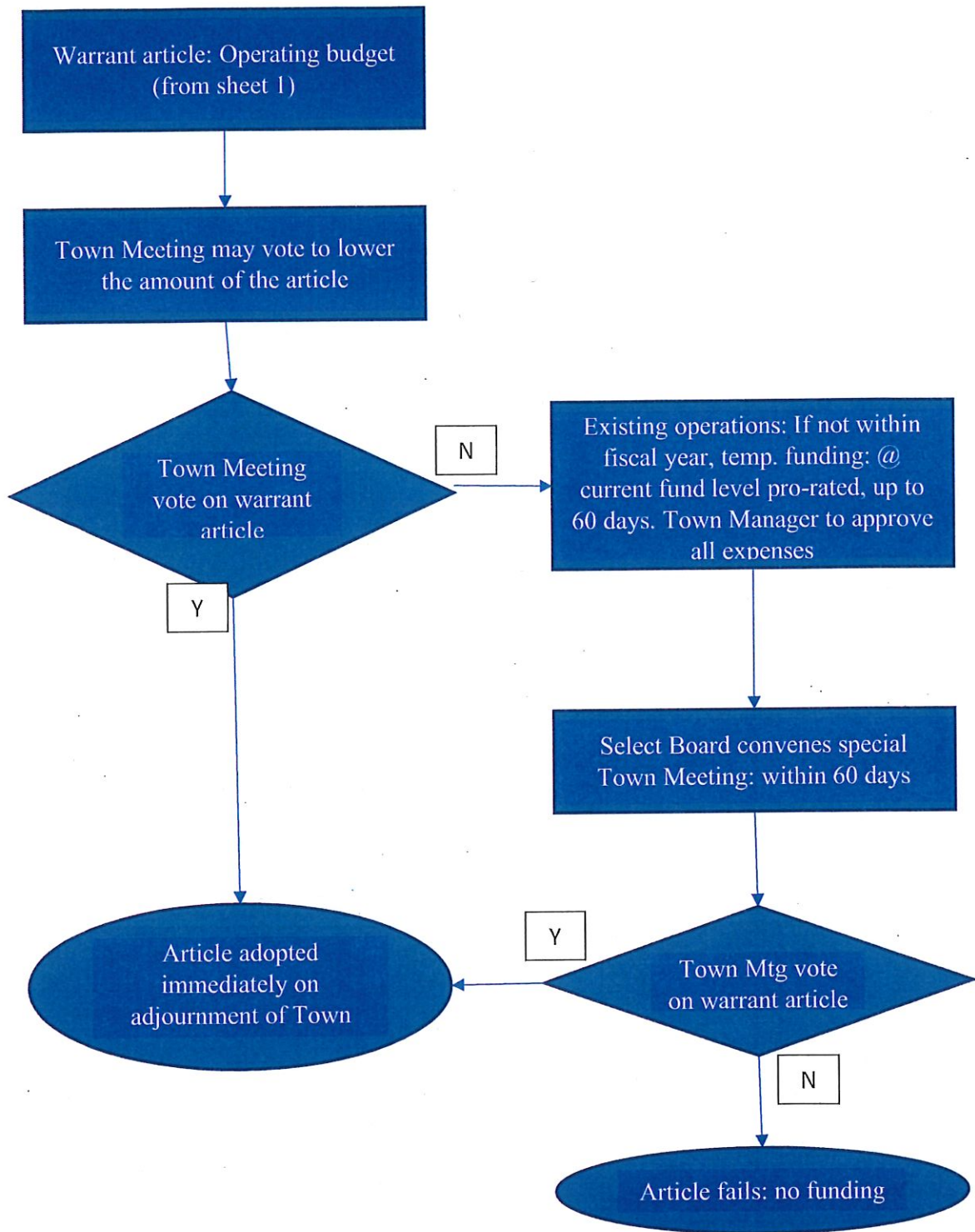
Section 14.15 – Severability Clause. If any provision of this Charter is held invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. If the application of the Charter or any of its provisions to any person or circumstance is held invalid by a court of competent jurisdiction, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

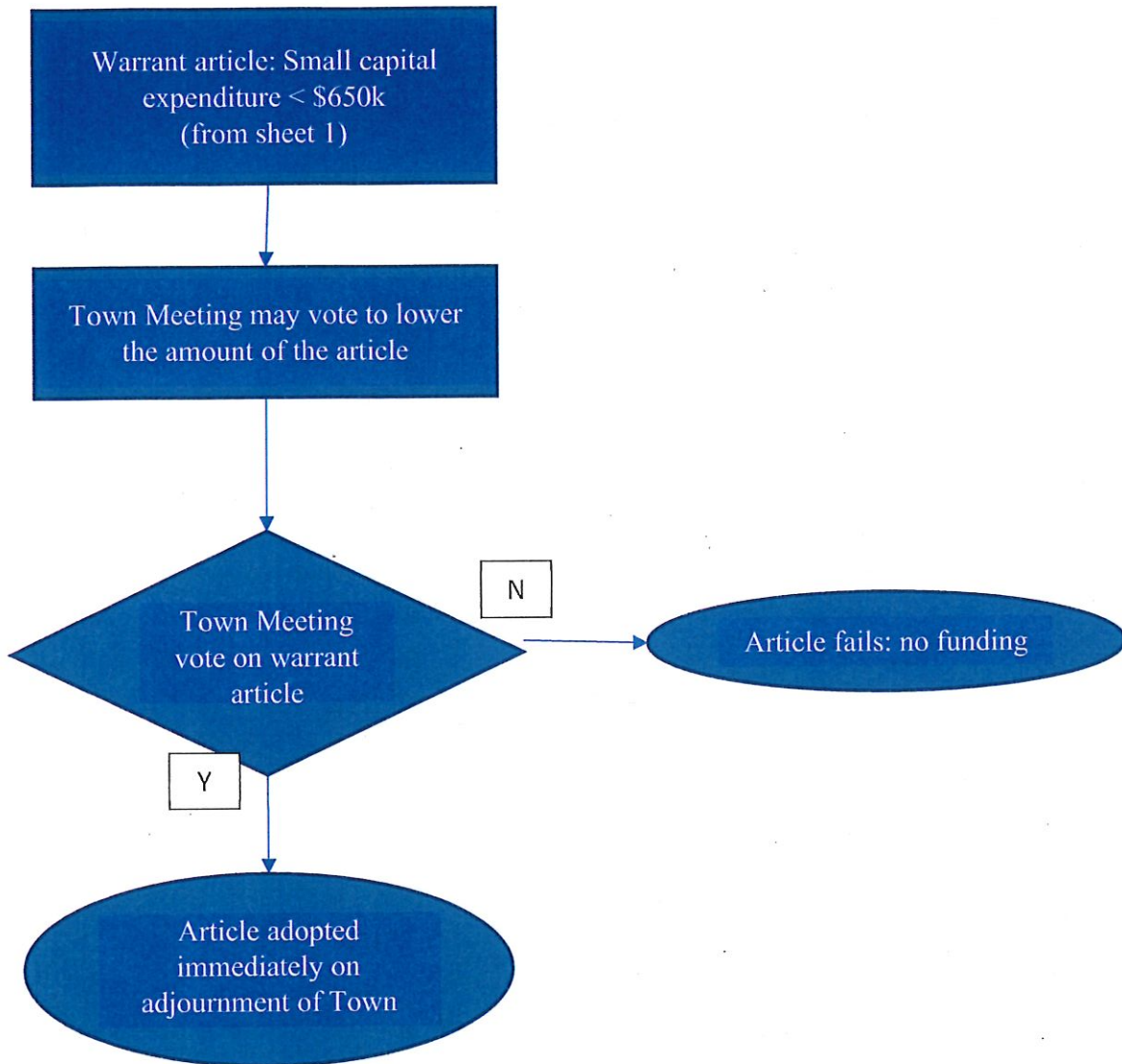
APPENDIX A
**NEW GLOUCESTER GOVERNMENT
STRUCTURE**

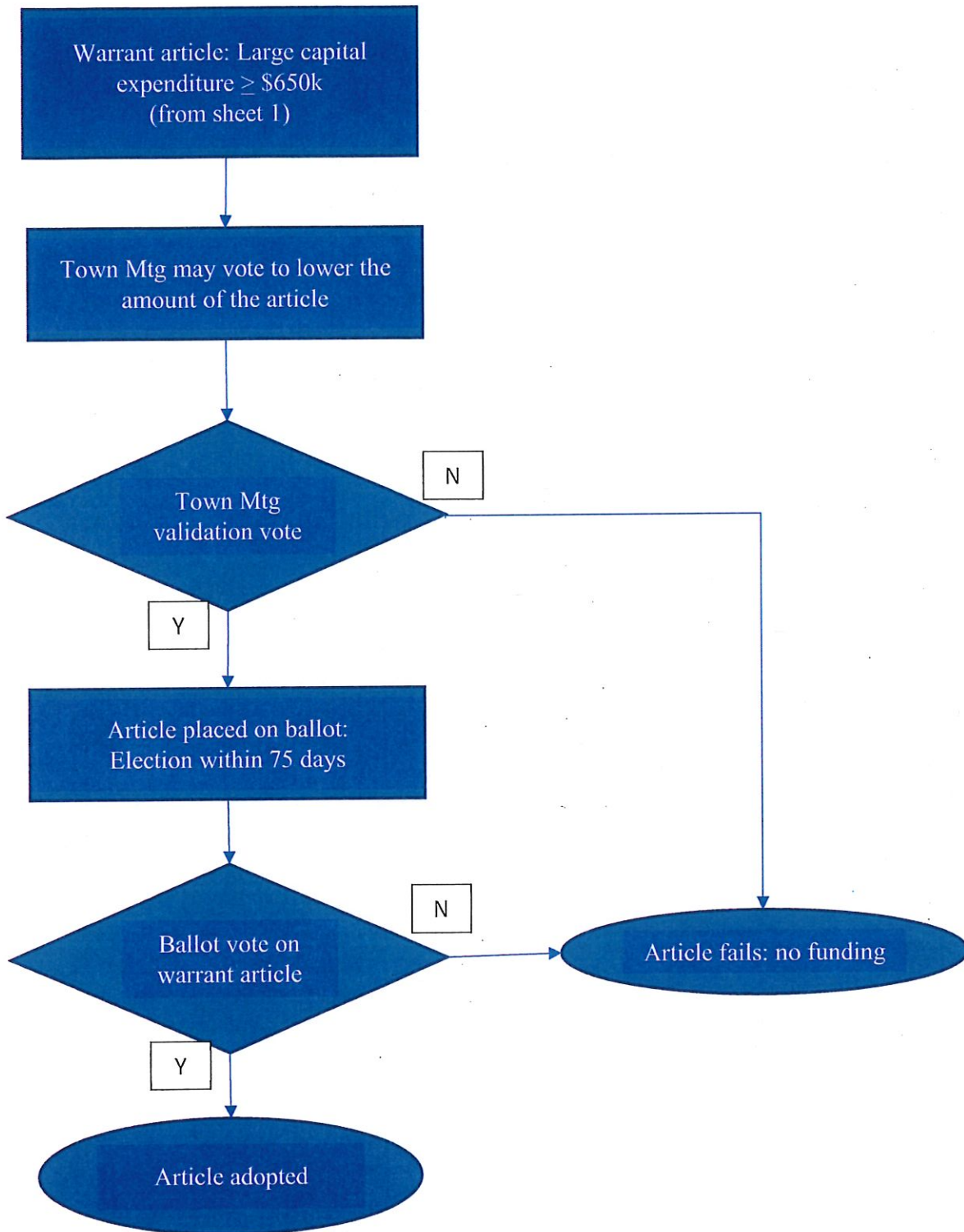


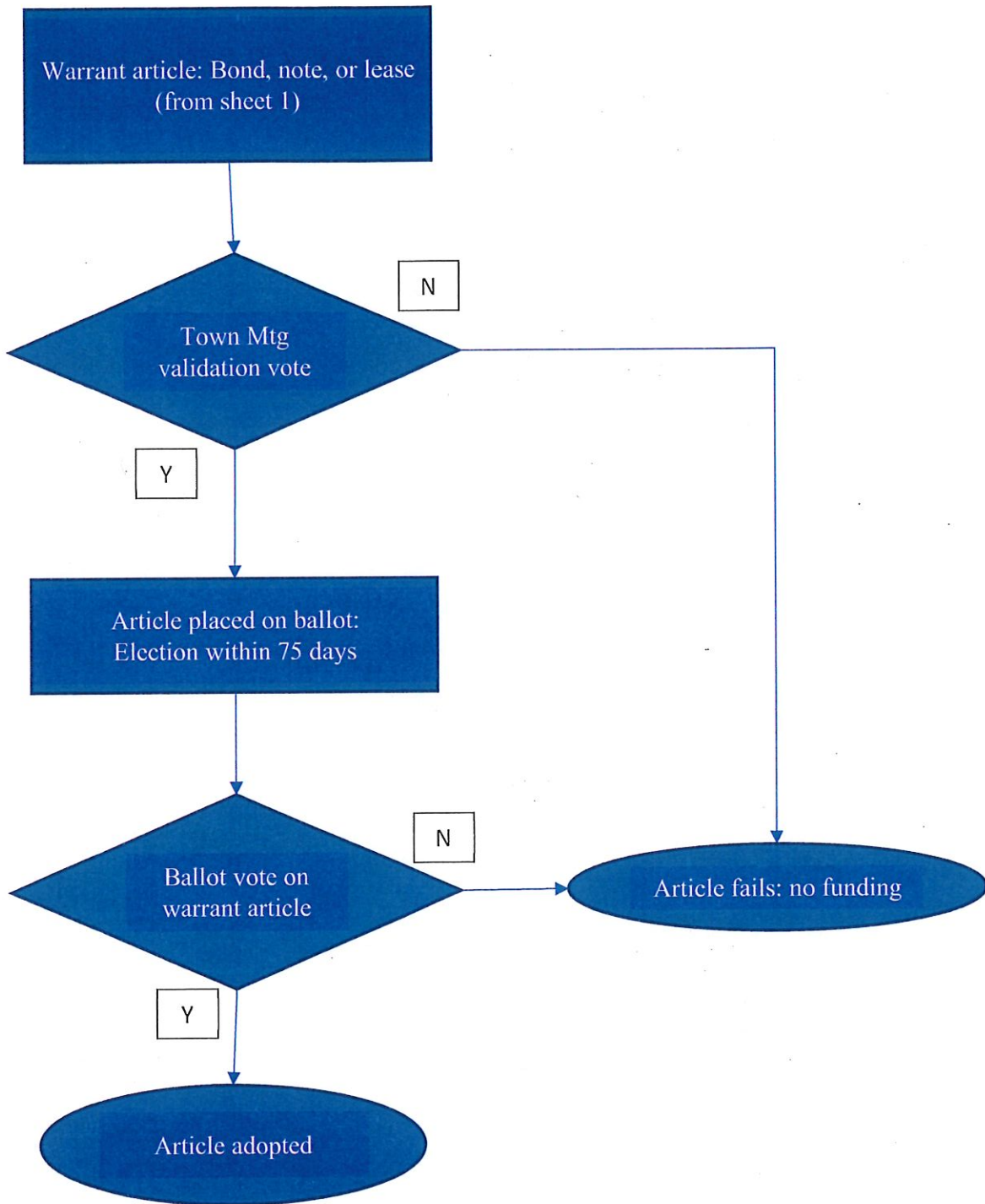
APPENDIX B
BUDGET FLOWCHART





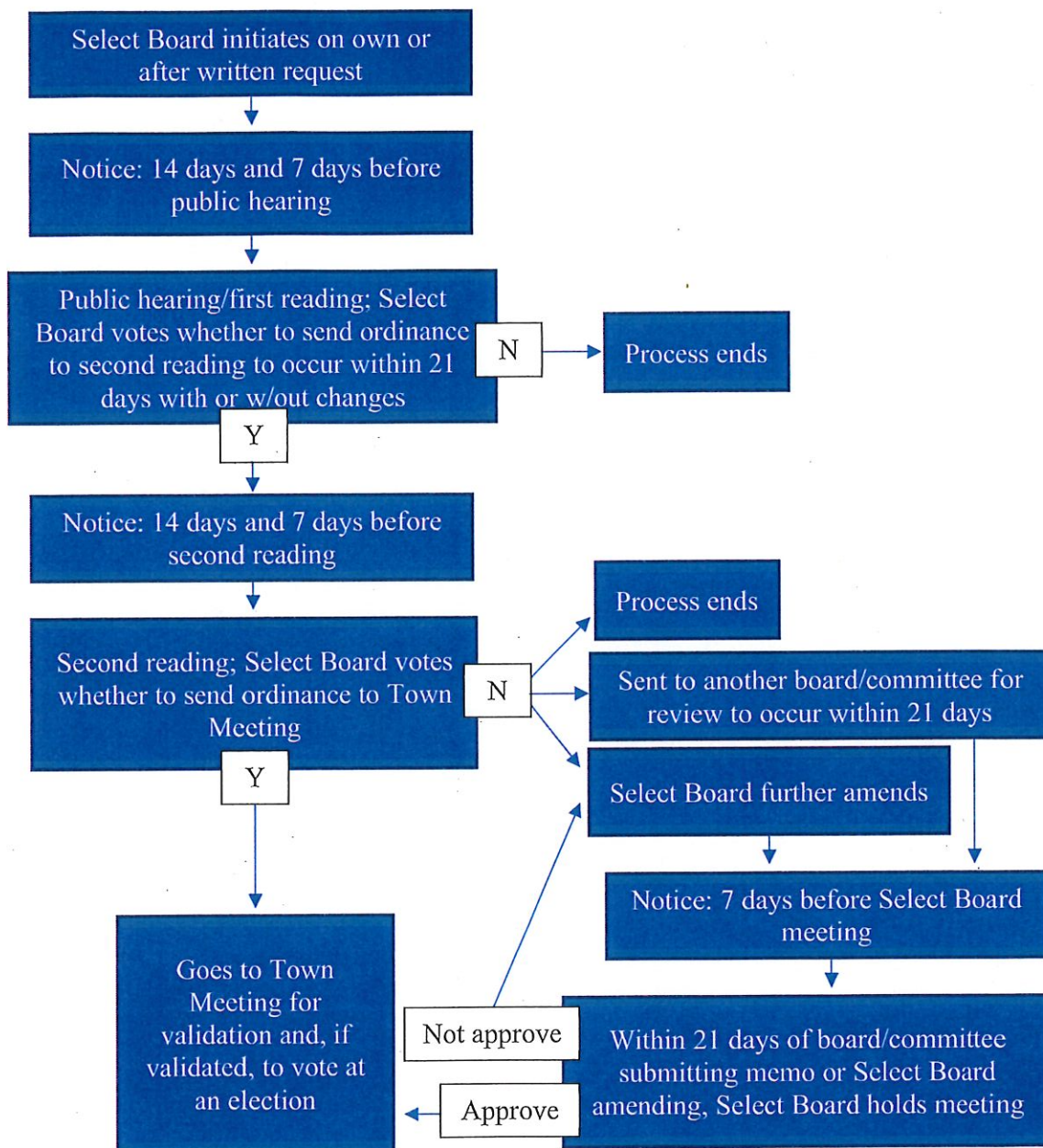




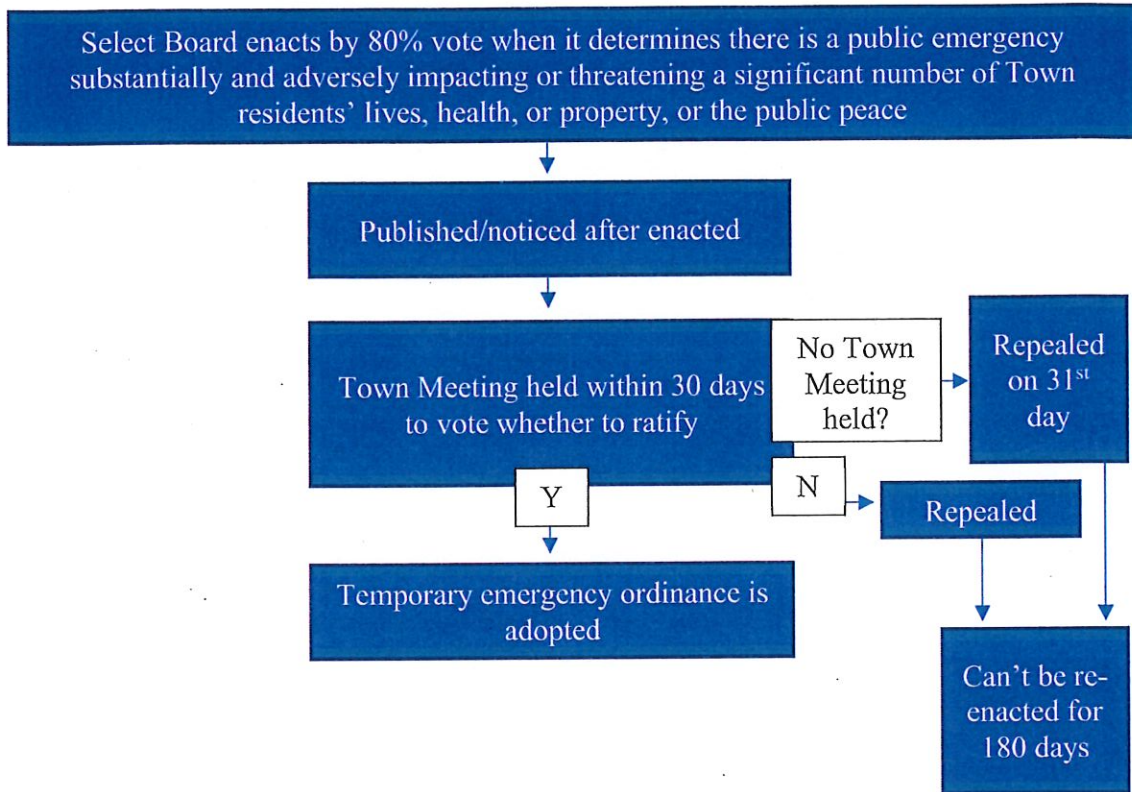


APPENDIX C
ORDINANCES FLOWCHART

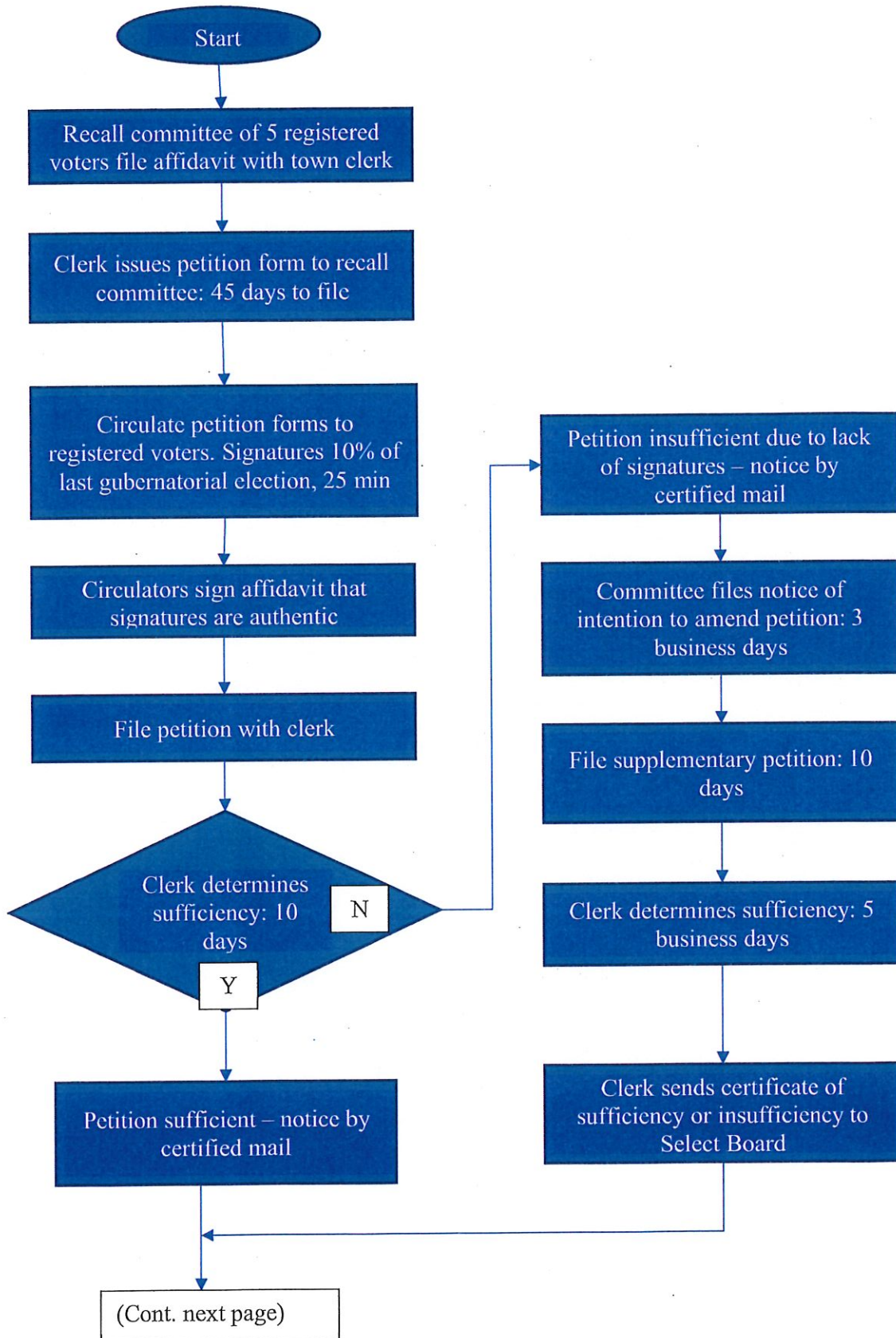
NON-LAND USE ORDINANCES

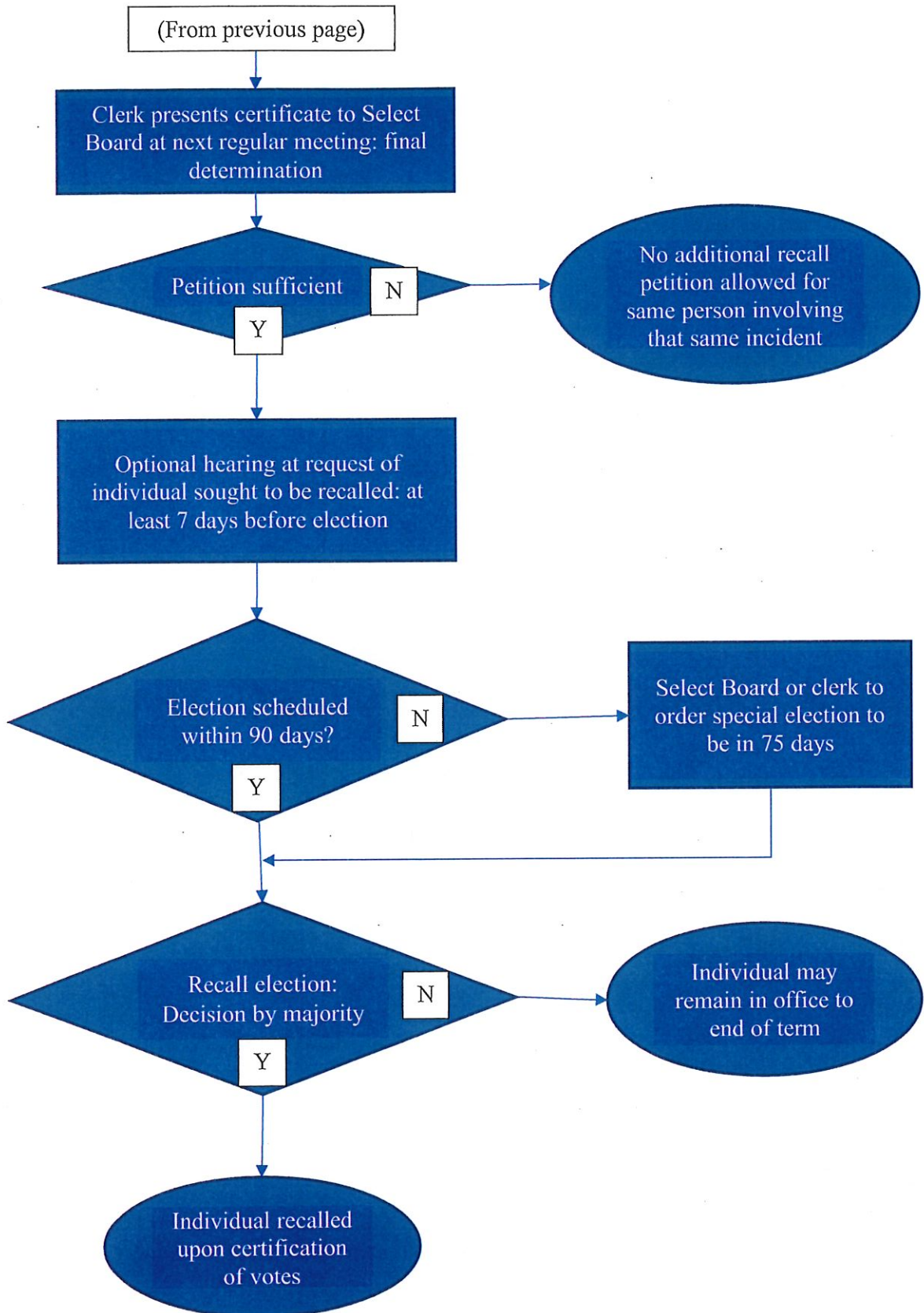


TEMPORARY EMERGENCY ORDINANCES



APPENDIX D
RECALL FLOWCHART





APPENDIX E
CITIZEN PETITION FLOWCHART

