Eliot Maine Charter Commission
1333 State Road
Eliot, Maine 03903

April 23, 2014

Maine Municipal Association
Legal Services Department
60 Community Drive
Augusta, Maine 04330-9486

Dear Sir or Madam,

The Town of Eliot currently has a sitting Charter Commission. Of the many areas being considered for inclusion is the staffing of the Board of Appeals (BOA). Currently we are reviewing the merits of a BOA appointed by the Select Board versus elected by Eliot Voters.

Would you please provide us information / recommendations concerning the advantages / disadvantages of elected versus appointed members?

You can send your reply via letter form to me at crankie@eliotmaine.org or to the above address.

Sincerely,

Charles L. Rankie Jr.
Chair

Cc: Commission Members

Eliot Maine Charter Commission
1333 State Road
Eliot, Maine 03903

April 23, 2014

Maine Municipal Association
Legal Services Department
60 Community Drive
Augusta, Maine 04330-9486

Dear Sir or Madam,

The Town of Eliot currently has a sitting Charter Commission. Of the many areas being considered for inclusion is the staffing of the Planning Board (PB). Currently we are reviewing the merits of a PB appointed by the Select Board versus elected by Eliot Voters.

Would you please provide us information / recommendations concerning the advantages / disadvantages of elected versus appointed members?

You can send your reply via letter form to me at crankie@eliotme.org or to the above address.

Sincerely,

Charles L. Rankie Jr.
Chair

Cc: Commission Members

4-23-14
attachment

Chuck,

I have been fighting the flu since Monday (my wife was sick as a horse all weekend). I am afraid it caught me today. I came in late (sick) and have barely made it through our conference call.

You all don't need to be infected. I won't be able to attend.

In an effort to help your discussion though, the Poland Charter was a new-to-the-town charter and it was adopted in 2009 (passed easily). It was thoroughly vetted and by our Charter Commission and a specialized attorney (Bryan Dench). That Charter would reveal what we (Poland-ites) determined to be the key features of a Charter that must be addressed. Just the Table of Contents alone should be looked at for what I would have said to the ECC as being critical items to be addressed.

Frankly, the Poland document with a "find and replace" function – changing Town names, would be a very strong basis for an entire document to review. I'm not sure the one ECC started with is nearly as strong as others out there, including Poland's.

My two cents.

Dana

POLAND
TOWN CHARTER

Submitted by the Poland Charter Commission on September 29, 2008
Adopted by Voters November 4, 2008
Effective July 1, 2009
Revisions Adopted by Voters November 3, 2009

POLAND CHARTER COMMISSION

Ernest A. Ray, Chairman
Norman J. Beauparlant, Vice Chairman
William D. Eldridge, Secretary
Paul I. Harrison, Vice Chairman
Nancy L. Fraser
Lois A. Snowe-Mello
John G. Merrill, Sr.
Patricia A. Nash
James Porter

Charter of the Town of Poland
Table of Contents

ARTICLE I **Grant of Powers to the Town**	1.1 Incorporation 1.2 Powers and Duties 1.3 Construction 1.4 Intergovernmental Relations 1.5 Amending the Charter 1.6 Periodic Review
ARTICLE II **Board of Selectpersons**	2.1 Composition, Eligibility, Election and Terms 2.2 General Powers and Duties 2.3 Compensation 2.4 Chair 2.5 Secretary to the Board of Selectpersons 2.6 Proceedings of the Board of Selectpersons 2.7 Investigations and Subpoena Power 2.8 Emergency Ordinances 2.9 Prohibitions 2.10 Vacancies; Forfeiture of Office; Filling of Vacancies 2.11 Judge of Qualifications
ARTICLE III **Town Manager**	3.1 Appointment; Qualifications; Compensation 3.2 Powers and Duties of the Town Manager 3.3 Removal 3.4 Absence of Town Manager; Vacancy
ARTICLE IV **School Department**	4.1 School Committee; Qualifications; Election & Term 4.2 Powers and Duties 4.3 Salary 4.4 Chair 4.5 Vacancy; Forfeiture of Office; Filling of Vacancies
ARTICLE V **Administrative Organization and Departments**	**Part 1. General Administration** 5.1.1 Creation of Departments 5.1.2 Direction by Manager **Part 2. Personnel Administration** 5.2.1 Merit Principle 5.2.2 Personnel Director 5.2.3 Personnel Rules **Part 3. Tax Administration** 5.3.1 Tax Assessor 5.3.2 Board of Assessment Review **Part 4. Town Clerk** 5.4.1 Town Clerk **Part 5. Other Boards and Agencies** 5.5.1 Planning Board 5.5.2 Board of Appeals 5.5.3 Budget Committee 5.5.4 Conservation Commission 5.5.5 Appointments Generally **Part 6. Vacancies** 5.6 Vacancy; Forfeiture of Office; Filling of Vacancies
ARTICLE VI **Financial Provisions**	6.1 Fiscal Year 6.2 Submission of Budgets 6.3 Budgets 6.4 Major Appropriations 6.5 Budget Establishes Appropriations 6.6 Amendments after Adoption 6.7 Lapse of Appropriation 6.8 Audit 6.9 Capital Program 6.10 Bond Issues 6.11 Excise Tax Money 6.12 Grants

ARTICLE VII **Town Meeting**	7.1 Authority and Membership 7.2 Annual Town Meeting 7.3 Notification, Posting and Public Hearings 7.4 Moderator 7.5 Clerk of the Town Meeting 7.6 Warrant Articles 7.7 Closing of the Warrant for Annual Town Meeting. 7.8 Legislative Authority of Town Meeting 7.9 Special Town Meetings
ARTICLE VIII – Nominations and Elections	8.1 Municipal Elections 8.2 Nomination by Petition 8.3 Voting Place 8.4 Order of Names on the Ballot 8.5 Determination of Election Results 8.6 Voting Machines
ARTICLE IX –Special Town Meeting and Recall	**Part 1. General Provisions** 9.1.1 General Authority **Part 2. Petitions on Ordinances** 9.2.1 Commencement of Proceedings; Petitioners' Committee; Affidavit 9.2.2 Content of Petitions; Time for Filing 9.2.3 Procedure after Filing 9.2.4 Special Town Meeting Petitions; Suspension of Effect of Adopted Ordinance 9.2.5 Action on Petitions 9.2.6 Results of Special Town Meeting **Part 3. Recall** 9.3.1 Recall **Part 4. Petitions on Budget Appropriations or Articles** 9.4.1 Commencement of Proceedings; Petitioner's Committee Affidavit 9.4.2 Content of Petitions; Time for Filing 9.4.3 Procedure after Filing 9.4.4 Special Town Meeting Petitions; Suspension of Effect of Budget Articles 9.4.5 Action on Petitions 9.4.6 Results of Special Town Meeting
ARTICLE X – General Provisions	10.1 Terms of Elected Officials 10.2 Oath of Office 10.3 Conflicts of Interest 10.4 Disqualification by Familial Interest 10.5 Prohibited Activities 10.6 Separability 10.7 Repealing Clause 10.8 Short Title 10.9 Petition for Elimination of the Town Meeting
ARTICLE XI – Transitional Provisions	11.1 Effective Date 11.2 Board of Selectpersons; 11.3 School Committee 11.4 Budget Committee 11.5 Budget 11.6 Town Manager 11.7 Existing Ordinances 11.8 Existing Officers and Employees 11.9 Existing Contracts and/or Obligations 11.10 Transitional Ordinances

ARTICLE I
GRANT OF POWERS TO THE TOWN

1.1 Incorporation. The inhabitants of the Town of Poland, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Poland.

1.2 Powers and Duties. The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town as a municipal corporation, or the inhabitants or municipal authorities thereof. It may enact bylaws, regulations and ordinances not inconsistent with the Constitution and laws of the State of Maine ("the general law"), and impose penalties for the breach thereof, to be recovered for such uses as said bylaws, regulations and ordinances shall provide. The Town with the approval of the legislative body may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

1.3 Construction. In this Charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers that the Town would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to the general law.

1.4 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 one or more municipalities, states or civil divisions or agencies thereof, or of the United States or any agency thereof.

1.5 Amending the Charter. Amendments, modifications, and revisions to this Charter shall be made pursuant to applicable provisions of the general law.

1.6 Periodic Review. The Board of Selectpersons or its designees will review this Charter at least every ten (10) years unless the Board of Selectpersons makes a determination that earlier review is necessary.

ARTICLE II
BOARD OF SELECTPERSONS

2.1 Composition, Eligibility, Election and Terms

a. **Composition.** There shall be a Board of Selectpersons of five (5) members. The registered voters of the Town shall elect each member of the Board of Selectpersons.

b. **Eligibility.** Only qualified voters of the Town who reside in the Town shall be eligible to be nominated, to be elected, and to hold the office of Selectperson, and each Selectperson shall be sworn in the manner hereinafter prescribed. Selectpersons shall establish such residence no later than the earliest date on which nomination petitions for the office may be circulated.

c. **Election, Terms.** Selectpersons shall be elected to serve staggered three-year terms as provided for in Articles VIII and X, and the transitional provisions provided for in Article XI.

d. **Term limits.** Selectpersons shall serve no more than two (2) consecutive three (3) year terms. Service as an appointed member of the Board to fill a vacant position shall not count toward the maximum period of consecutive service stated in the preceding sentence. After an absence of one year, a person may run for and hold the office of Selectperson again.

2.2 General Powers and Duties. Subject to the provisions of this Charter, the Board of Selectpersons shall constitute the municipal officers of the Town, shall provide for the exercise of all powers and for the performance and administration of all the fiscal, prudential and municipal affairs of the Town, and shall have the powers and duties given to Board of Selectpersons and municipal officers under the general laws of the State of Maine, and such additional powers and duties as may be authorized by this Charter, by ordinance, or by vote of the Town Meeting. Except as otherwise provided for in this Charter and except in cases where the Board of

Selectpersons is expressly authorized to enact and amend ordinances under the general law, all the legislative powers of the Town shall be vested in the Town Meeting, and the Town Meeting shall be and constitute the legislative body of the Town as that term is used in the general law. Notwithstanding the foregoing, the Board of Selectpersons shall have the authority to do the following unless otherwise provided for by the general law:

a. To pay outstanding balances and overdrafts for the fiscal year out of the surplus account or any surplus funds, and to decide what to carry over at fiscal year-end;

b. To sell and dispose of any real estate acquired by the Town for non-payment of the taxes, thereon, on such terms as it deems advisable and to execute and deliver quitclaim deeds for such, unless prohibited by law;

c. To dispose of any Town-owned personal property by competitive bid only, unless doing so is prohibited by law; and

d. To permit taxpayers to establish and implement tax payment arrangements and terms deemed by the Board of Selectpersons to be in the public interest in their sole discretion, both as prepayment and late-payment; provided that taxpayers paying taxes after scheduled due dates must be assessed and pay reasonable late-payment charges, interest and other costs, as determined by the Board of Selectpersons in their sole discretion.

The Board of Selectpersons is and shall act as a body, not as individuals, and except as may be expressly provided in this Charter or by order of the Board authorizing specific functions by one or more Selectpersons on its behalf, individual Selectpersons have no independent authority to act outside of official sessions of the Board.

2.3 Compensation. The annual salary of Selectpersons shall be established by the Town Meeting, but no ordinance increasing or decreasing the salary of members of the Board of Selectpersons shall become effective until the commencement of the next fiscal year.

2.4 Chair.

a. **Election and Term.** At the first meeting of the Board of Selectpersons held after each regular election, or as soon thereafter as practicable, it shall elect, by a majority vote of the entire Board of Selectpersons, one of its members as Chair and one of its members as Vice-Chair for the ensuing year, and the Board of Selectpersons shall fill, for an unexpired term, any vacancy in the office of Chair or Vice-Chair that may occur. The Chair shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but the Chair shall have no regular administrative duties. In the temporary absence or disability of the Chair, the Vice-Chair shall exercise all the powers of the Chair during such temporary absence or disability of the Chair. It shall be the duty of the Chair to: (1) preside at all meetings of the Board of Selectpersons; (2) develop, after consultation with the Town Manager, the agenda for Board of Selectpersons meetings, provided that no Selectpersons shall be denied the right to place an item on the agenda; and, (3) after consultation with the Board of Selectpersons, represent the Board of Selectpersons in all dealings with the Town Manager and with all statutory and advisory boards, commissions and committees in person or by delegation.

b. **Term Limit.** No member of the Board of Selectpersons shall be eligible for election as Chair or Vice-Chair for more than two (2) consecutive one-year terms. For purposes of this Section, election to an unexpired term of less than six (6) months shall not be considered a term.

c. **Removal.** The Board of Selectpersons may remove the Chair by a vote of three (3) Selectpersons, after public notice, notice in writing to the Chair, and a hearing conducted in open session. The Chair may elect to waive the requirements for public notice and/or a hearing conducted in open session.

2.5 Secretary to the Board of Selectpersons. In addition to the statutory duties of the Town Clerk, the Town Clerk or the Town Clerk's designee shall act as Secretary of the Board of Selectpersons and shall make and maintain a public record of all proceedings of the Board of Selectpersons, including all votes, and shall perform such other duties as may be assigned to him or her by this Charter or the Board of Selectpersons. In the absence of the Clerk, the Town Manager may delegate any of said duties to one or more subordinates.

2.6 Proceedings of the Board of Selectpersons.

a. **Meetings**. The Board of Selectpersons shall meet regularly at least once each month at such times and places as the Board of Selectpersons may prescribe. Special meetings may be held on the call of the Chair or of three (3) or more members of the Board of Selectpersons by causing notification to be given in hand or left at the usual dwelling place of each Selectpersons. If practicable, such notice shall be given not less than forty-eight (48) hours before the special meeting. No business may be conducted other than as specified in said notice.

b. **Emergency Meetings.** Emergency meetings may be called at the discretion of the Chairperson or upon request of a majority of the Board of Selectpersons, provided, however, that notice thereof shall be given to each member of the board and to the local media by the same fastest means possible and that no business may be conducted other than as specified in said notice.

c. **Rules.** The Board of Selectpersons shall determine its own rules of procedure and order of business consistent with this Charter, and may adopt, amend, and replace formal rules of procedure. In the absence of other rules the Board may, but need not, consult Robert's Rules of Order, the Maine Moderator's Manual, or another recognized manual of parliamentary procedure.

d. **Voting.** Voting shall be by show of hands except that a vote recording the yeas and nays of the Selectpersons shall be taken upon the request of any Selectpersons. A majority of the members of the Board of Selectpersons shall constitute a quorum, and no vote shall be taken in the absence of a quorum. No action of the Board of Selectpersons shall be binding or valid unless adopted by three (3) or more affirmative votes.

2.7 Investigations and Subpoena Power. The Board of Selectpersons may make investigations into the affairs of the Town and the conduct of any Town department, office or agency and for this purpose may establish by rule a hearing procedure that includes the issuance of subpoenas to compel the attendance of witnesses and the production of evidence, the administering of oaths, the taking of testimony, and other procedures. The Board of Selectpersons or its designee may apply to the Superior Court in Androscoggin County to have punished for contempt any witness who refuses to obey a subpoena, to be sworn in or testify, or is guilty of any contempt after a summons to appear. The Town Meeting, at the request of the Board of Selectpersons, may establish by ordinance a hearing procedure.

2.8 Emergency Ordinances. The Board of Selectpersons shall have the power to enact emergency ordinances to meet a public emergency affecting life, health, property, or the public peace. An emergency ordinance shall be plainly designated as such and shall contain a statement that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted at the meeting at which it is introduced without a second reading upon affirmative vote of at least three (3) members of the Board of Selectpersons. It shall become effective at the time of adoption or at such other time as the Board of Selectpersons may specify. An emergency ordinance may be repealed by the adoption of a repealing ordinance in the same manner as the Board of Selectpersons originally adopted the emergency ordinance. Every emergency ordinance shall stand repealed as of the ninety-first day following the date on which it was adopted; but, this shall not prevent extension of or reenactment of the ordinance in the manner specified in this section, if the emergency still exists, and shall not affect the validity of actions taken in reliance on said ordinance during its effective period. Every emergency ordinance may also be reconsidered and repealed at a special or annual Town Meeting, and if an emergency ordinance is repealed at a special or annual Town Meeting it shall not be reenacted by the Board of Selectpersons for a period of at least six months from the date of repeal.

2.9 Prohibitions.

a. **Holding Other Office.** Except pursuant to an agreement under the Interlocal Cooperation Act, no Selectperson shall hold any other Town office or employment by the Town while holding the office of Selectperson, and no former Selectperson shall hold any compensated appointive Town office or Town employment until one year after leaving office of Selectperson.

b. **Appointments and Removals.** The Town Manager's appointments and removals of the offices and positions listed in Section 5.1.2 of this Charter shall be subject to confirmation by the Board of Selectpersons. Except as provided herein, neither the Board of Selectpersons nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officers or employees within the jurisdiction of the Town Manager or his or her subordinates, but the Board of Selectpersons acting as a body in lawful session may express its views and fully and freely discuss with

the Manager anything pertaining to the appointment and removal of such officers and employees. When appropriate such discussions shall be held in executive session.

c. **Interference with Administration**. Except for the purpose of inquiries and investigations under Section 2.7, the Board of Selectpersons or its members shall deal with the Town officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Board of Selectpersons nor its members shall give orders to any such officer or employee, either publicly or privately.

2.10 Vacancies; Forfeiture of Office; Filling of Vacancies.

a. Vacancies. The office of Selectpersons shall become vacant upon a Selectperson's non-acceptance, death, resignation, failure to qualify for the office within ten days after written demand of the Board of Selectpersons, forfeiture of office, or failure of the municipality to elect a person to the office.

b. Forfeiture of Office. A Selectperson shall forfeit the office if the Selectperson (1) lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of any crime or offense which is reasonably related to his or her ability to serve as Selectperson, or (4) fails to attend three (3) consecutive regular meetings of the Board of Selectpersons without being excused by the Board of Selectpersons. If a Selectperson is convicted of a crime or offense which is reasonably related to his or her ability to serve as Selectperson, he or she shall not be eligible to run for the office of Selectperson for a period of three (3) years beyond the later of the date of conviction or the expiration of his or her period of incarceration or probation.

c. Filling of Vacancies. If a seat on the Board of Selectpersons becomes vacant more than six (6) months prior to the next regular Town election, the vacancy shall be filled for the unexpired term by a special election held within sixty (60) days from the date the vacancy occurred. If a seat on the Board of Selectpersons becomes vacant within six (6) months prior to the next regular Town election, the Board of Selectpersons shall appoint a qualified person to fill the vacancy until the next regular Town election.

2.11 Judge of Qualifications. The Board of Selectpersons shall be the judge of the election and qualifications of all officers elected by the voters under this Charter and of the grounds for forfeiture of their office and for that purpose shall have the power to issue subpoenas to compel the attendance of witnesses and the production of evidence as provided for in Section 2.7 of this Charter. An officer charged with conduct constituting grounds for forfeiture of office shall be entitled to a hearing conducted in open session if the officer requests one in writing within five (5) days after the officer is given notice that the Board of Selectpersons will examine the question, and notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least seven (7) days in advance of the hearing.

ARTICLE III
TOWN MANAGER

3.1 Appointment; Qualifications; Compensation. The Board of Selectpersons shall appoint a Town Manager for a definite term by contract and fix his or her compensation. The Manager shall be appointed solely on the basis of character and executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of office as hereafter set forth. The Manager need not be a resident of the Town or State at the time of appointment but may reside outside the Town of Poland while in office only with the approval of the Board of Selectpersons.

3.2 Powers and Duties of the Town Manager. The Town Manager shall be the chief administrative officer of the Town and the head of the administrative branch of the Town government. The Manager shall be responsible to the Board of Selectpersons for the proper administration of all affairs of the Town. Subject to the provisions of this Charter, the Manager shall have all of the powers and authority of a town manager under the general law, and without limiting the generality of the foregoing, the following powers and duties:

a. Subject to the provisions of Section 2.9(b) requiring confirmation by the Board of Selectpersons for certain appointments, the Manager shall appoint, prescribe the duties of, supervise, and, when necessary for the good of the Town, suspend or remove all town employees and appointive

administrative officers. The Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

b. The Manager shall direct and supervise the administration of all departments, offices and agencies of the Town except as otherwise provided by this Charter or by the general law.

c. The Manager shall attend all meetings of the Board of Selectpersons except when his or her attendance is excused by the Board of Selectpersons, and except when his or her removal is being considered, and shall have the right to take part in discussion but may not vote.

d. The Manager shall see that all laws, provisions of the Charter, Town ordinances, and acts of the Board of Selectpersons, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

e. The Manager shall prepare and submit the annual Municipal Budget, the annual capital program and annual financial and administrative reports to the Board of Selectpersons and be responsible for the administration of the annual Municipal Budget and capital program after their adoption.

f. The Manager shall act as purchasing agent for all departments of the Town, except the School Department.

g. The Manager shall prepare and submit to the Board of Selectpersons such reports and shall perform such duties as the Board of Selectpersons may require and shall make such recommendations to the Board of Selectpersons concerning the affairs of the Town as he or she deems desirable or as the Board of Selectpersons may request.

h. The Manager shall act as the Town representative for grant applications, both public and private, and shall actively pursue grants involving money, equipment, and other awards, that can benefit the Town.

3.3 Removal. The Board of Selectpersons may remove the Manager from office in accordance with the following procedures:

a. The Board of Selectpersons shall adopt by affirmative vote of a majority of all its members a preliminary resolution, which shall state the reasons for removal and may suspend the Manager from duty for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered to the Manager within five (5) days of the vote.

b. Within five (5) days after the delivery of a copy of the resolution, the Manager may file with the Board of Selectpersons a written request for a hearing conducted in open session. Unless otherwise agreed, the hearing shall be held at a Board of Selectpersons' meeting not earlier than ten (10) nor later than twenty (20) days after the request is filed. The Manager may file with the Board of Selectpersons a written reply not later than five (5) days before the hearing.

c. The Board of Selectpersons may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after ten (10) days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a hearing conducted in open session, or at any time after the hearing conducted in open session, if one has been requested.

d. The Manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

3.4 Absence of Town Manager; Vacancy. In any case involving the Manager's absence or disability for a period which is reasonably expected to be twenty-one (21) days or less, the Manager shall designate in writing, subject to the approval of the Board of Selectpersons, a qualified administrative officer of the Town to exercise the powers and perform the duties of the Manager as acting Town Manager during such absence or disability and shall file said designation with the Town Clerk. During such absence or disability, the Board of Selectpersons may revoke such designation at any time and appoint another qualified person other than a member of the Board of Selectpersons, to serve until the Manager shall return or his or her disability shall cease. In any case in which the absence or disability is reasonably expected to exceed twenty-one (21) days,

or in the event the Office of Town Manager becomes vacant by death, resignation, removal or otherwise, the Board of Selectpersons shall appoint the acting Town Manager.

ARTICLE IV
SCHOOL DEPARTMENT

4.1 School Committee; Qualifications; Election & Term. There shall be a School Committee of five (5) members nominated and elected by the qualified voters of the Town as provided in Article VIII. Only qualified voters of the Town shall be eligible to be nominated, to be elected, and to hold the office of School Committee member. School Committee members shall be elected at regular municipal elections and shall serve staggered three-year terms as provided for in Articles VIII and X, and the transitional provisions in Article XI.

4.2 Powers and Duties. The School Committee shall have all the powers and duties prescribed for superintending school committees by the general laws. The School Committee shall direct the operations of the School Department of the Town and for financial purposes shall be governed by Article VI. Subject to the general law, and the limitations set forth in this Charter, the School Committee shall have the authority to authorize the expenditures of grants, gifts, devises, bequests, any additional State money over and above the amounts anticipated as revenues in the approved School Budget, unexpended balances, tuition receipts, local appropriations, state subsidies, and any other receipts for the support of schools, which may be available through State allocation funds to support education.

4.3 Salary. The compensation of the School Committee shall be established by Town Meeting.

4.4 Chair.

a. **Election and Term**. At the first meeting of the School Committee held after each regular election, or as soon thereafter as practicable, the School Committee shall elect, by a majority vote of the entire Committee, one of its members as Chair for the ensuing year, and the School Committee shall fill for an unexpired term any vacancy in the office of Chair that may occur. The Chair shall preside at all meetings of the School Committee and may vote on any matter to come before the Committee.

b. **Term Limits.** No member of the School Committee shall be eligible for election as Chair for more than two consecutive one-year terms. For purposes of this Section, election to an unexpired term of less than six (6) months shall not be considered a term.

c. **Removal.** The members of the School Committee may remove the Chair by a vote of three (3) members, after public notice, notice in writing to the Chair, and a hearing in open session. The Chair may elect to waive the requirements for public notice, a hearing in open session, or both.

4.5 Vacancy; Forfeiture of Office; Filling of Vacancies. The office of School Committee member shall be deemed vacant or forfeited for the same reasons that the office of Selectperson shall be deemed vacant or forfeited as provided in Section 2.10. If any vacancy shall occur, the vacancy shall be filled until the next regular election by appointment of the remaining members of the School Committee. At the next regular election, a new member of the School Committee shall be elected to serve for the remainder of the term, if any, of the member whose office became vacant or was forfeited.

4.6 Changes in the Law Concerning the Organization and Operation of Schools. In the event Sections 4.1 through and including 4.5 above are superseded by the provisions of Part XXXX of Chapter 240 of the Public Laws of 2007 or other change in the law concerning the organization and operation of public schools enacted by the Legislature, the Town of Poland shall provide for educational services and administration in accordance with the controlling provisions of Title 20-A and Title 30-A of the Maine Revised Statutes and any agreements and plans filed with and approved by the commissioner of education.

ARTICLE V
ADMINISTRATIVE ORGANIZATION
AND DEPARTMENTS

PART 1. GENERAL ADMINISTRATION.

5.1.1 Creation of Departments. The Board of Selectpersons may establish Town departments, offices, boards, or agencies in addition to those created by this Charter, by state law, or by an ordinance, and may prescribe the functions of all departments, offices, boards, and agencies, except that no function assigned by this Charter, by state law, or by ordinance to a particular department, office, board, or agency may be discontinued or assigned to any other.

5.1.2 Direction by Manager. All departments, offices and agencies under the direction and supervision of the Town Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Town Manager. All department heads shall be appointed by the Town Manager, and the Manager's appointment of the following administrative officers and positions shall be subject to confirmation by the Board of Selectpersons:

- **a.** Animal Control Officer
- **b.** Building Inspector
- **c.** Code Enforcement Officer
- **d.** Emergency Management Director
- **e.** Fire/Rescue Chief
- **f.** Health Officer
- **g.** Local Sealer of Weights and Measures
- **h.** Plumbing Inspector
- **i.** Road Commissioner/Road Foreman
- **j.** Electrical Inspector
- **k.** Tax Collector
- **l.** Town Clerk/Voter Registrar/Deputies
- **m.** Treasurer

With the consent of the Board of Selectpersons, the Town Manager may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more of them.

PART 2. PERSONNEL ADMINISTRATION.

5.2.1 Merit Principle. All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination, performance, or other evidence of competence.

5.2.2 Personnel Director. The Town Manager or his or her appointee shall be the Personnel Director, and the Personnel Director shall administer the personnel system of the Town, with the exception of the School Department.

5.2.3 Personnel Rules. The Personnel Director shall prepare personnel rules not inconsistent with existing labor contracts. An administrative code of proposed personnel rules shall be submitted to the Board of Selectpersons no later than two (2) years after the effective date of this Charter. The Board of Selectpersons may adopt the proposed rules with or without amendment. These rules shall provide for:

- **a.** The classification of all Town positions, based on the duties, authority or responsibility of each position, with adequate provision for reclassification of any position by the Town whenever warranted by changed circumstances;

- **b.** A pay plan for all Town positions.

- **c.** Methods for determining the merit and fitness of candidates for appointment or promotion, or demotion or dismissal;

- **d.** Policies and procedures regulating reduction in force and removal of employees;

- **e.** Policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions deemed necessary, if any, for presentation of charges, hearing rights and appeals;

- **f.** The hours of work, attendance regulations and provisions for sick and vacation leaves;

g. Policies and procedures governing persons holding provisional appointments; and,

h. Other practices and procedures for the administration of the Town personnel system.

PART 3. TAX ADMINISTRATION.

5.3.1 Tax Assessor. Unless otherwise provided by ordinance, the Board of Selectpersons shall act as the Assessors for the Town.

5.3.2 Board of Assessment Review. The Town may by ordinance create a Board of Assessment Review as provided by the general law.

PART 4. TOWN CLERK.

5.4.1 Town Clerk. There shall be a Town Clerk appointed pursuant to Section 5.1.2. He or she shall perform all duties and responsibilities provided for municipal clerks under the general law, under this Charter, and such other duties as the Town Manager may require.

PART 5. OTHER BOARDS AND AGENCIES.

5.5.1 Planning Board. There shall be a Planning Board consisting of five (5) members, serving staggered terms of three (3) years, appointed by the Board of Selectpersons. Each Planning Board member shall be a qualified voter of the Town. The Planning Board shall annually elect one (1) of its members as its Chair. No member may be elected to more than two (2) consecutive terms as Chair. The Board of Selectpersons may, but need not, provide for the appointment of two (2) associate members of the Planning Board. The Planning Board shall have such powers and perform such duties as are provided by the general law, this Charter, or ordinances duly adopted by the Town. Among other things, the Planning Board shall be responsible for evaluating and updating the Town's comprehensive plan, and shall annually review the capital program as provided for in Article VI.

5.5.2 Board of Appeals. Pursuant to the provisions of the general law, there shall be a Board of Appeals consisting of five (5) members serving staggered three (3) year terms, appointed by the Board of Selectpersons. Each Board of Appeals member shall be a qualified voter of the Town. The Board of Appeals shall meet at least annually, and shall elect annually a Chair and a Secretary from its membership. No member may be elected to serve more than two (2) consecutive years as Chair. The Board of Selectpersons may, but need not, also appoint two (2) associate members to the Board of Appeals. The Board of Appeals shall have such powers and perform such duties as provided by the general law, this Charter, and the ordinances duly adopted by the Town. The Board of Appeals shall hear and review appeals of decisions of the Planning Board, which shall be reviewable only with respect to alleged errors of law in the application or interpretation of the ordinances, and the Code Enforcement Officer. The Board of Appeals shall also serve as the Fair Hearing Authority in cases of general assistance appeals under 22 M.R.S.A. Chapter 1161, as may be amended from time to time.

5.5.3 Budget Committee. There shall be a seven-member Budget Committee, four (4) elected by the registered voters of the Town and three (3) appointed by the Board of Selectpersons, to staggered three-year terms, pursuant to Articles VIII, X, and XI of this Charter. The Budget Committee shall meet at least annually, and shall elect annually a Chair from its membership. The Budget Committee shall review all budgets submitted in accordance with Article VI of this Charter and budget amendments after adoption proposed in accordance with Section 6.6 of this Charter and shall make recommendations to the Board of Selectpersons thereon. The lack of such review or making of recommendations shall not be cause for delay of Board of Selectpersons procedures, nor affect the validity of the adoption of the Annual Budget, any amendment thereto, or any budget article or appropriation properly adopted under this Charter.

5.5.4 Conservation Commission. The Board of Selectpersons, as provided by general law, may appoint a Conservation Commission.

5.5.5 Ricker Memorial Library. The Ricker Memorial Library shall be considered a department of the town administration subject to the general supervision and oversight of the board of trustees elected according to Article VIII, who shall select and appoint the librarian and other employees subject to the general personnel rules of the town adopted according to Part 2 above.

5.5.6 Appointments Generally. Except if prohibited by the general law or this Charter, any qualified voter of

the Town may be nominated for, or be appointed to, only one Town board.

PART 6. VACANCIES.

5.6 Vacancy; Forfeiture of Office; Filling of Vacancies. Positions and Offices on the Planning Board, Board of Appeals, Conservation Commission, and Budget Committee shall be deemed vacant or forfeited for the same reasons that the office of Selectperson shall be deemed vacant or forfeited as provided in Section 2.10. If any vacancy shall occur on any of said multiple member bodies established under this Article, the vacancy shall be filled by the Board of Selectpersons, provided that any vacancy in the position of an elected Budget Committee member shall be filled only until the next regular election, at which time a new elected member of the Budget Committee shall be elected to serve for the remainder of the term.

ARTICLE VI
FINANCIAL PROVISIONS

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

6.2 Submissions of Budgets. An "Annual Budget," composed of the Municipal Budget, defined below, and the School Budget, defined below, shall be prepared, amended, and modified in accordance with the provisions of this Article.

a. Submission of Municipal Budget; Budget Messages. On or before the fifteenth day of February each year, the Town Manager shall submit to the Board of Selectpersons line item budgets for the Town's administrative departments both in fiscal terms and in terms of programs for the ensuing fiscal year, which budgets shall constitute and be known as the "Municipal Budget." The Municipal Budget shall outline the proposed financial policies for the Town for the ensuing fiscal year, describe the important features of the respective budgets, indicate any major changes from the current year with respect to financial policies, expenditures, and revenues, and the reasons for the same, summarize the debt position of the Town, and include such other information as the Town Manager believes to be desirable.

b. Submission of School Budget; Budget Messages. On or before the first day of March each year, the School Committee shall submit to the Board of Selectpersons line item budgets for the ensuing fiscal year for the operation of the School Department, which budgets shall constitute and be known as the "School Budget." The School Budget messages accompanying the budgets shall explain the respective School Budget both in fiscal terms and in terms of programs. The School Budget shall outline the proposed financial policies for the School Department for the ensuing fiscal year, describe the important features of the School Budget, indicate any major changes from the current year with respect to financial policies, expenditures, and revenues, and the reasons for the same, summarize the debt position of the School Department, and include such other information as the School Committee believes to be desirable or that the Town Manager may request in order to carry out the Town Manager's responsibilities as Treasurer and chief fiscal officer of the Town.

6.3 Budgets. The Municipal Budget and School Budget shall provide financial plans for Town and School Department funds and activities for the ensuing fiscal year, and except as required by this Charter, shall be in such form as the Town Manager and School Committee shall deem advisable. In organizing their respective budgets, the Town Manager and the School Committee shall use the most feasible combination of expenditure classification by fund, organizational unit, program, and purpose. The Municipal Budget and School Budget shall both begin with a clear general summary of their respective contents; shall show in detail all estimated income, shall indicate the proposed property tax levy, and shall set forth all proposed appropriations and expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to reflect comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income, appropriations, and expenditures for the preceding fiscal year. Without limiting the foregoing, the Municipal Budget and the School Budget shall state separately:

a. Proposed expenditures for current operations during the ensuing fiscal year detailed by offices, departments or agencies in terms of their respective work programs and the method of financing such expenditures; and

b. Proposed capital expenditures for the ensuing fiscal year detailed by offices, departments, or agencies, when practicable, and stating the proposed method of financing each such capital expenditure.

6.4 Major Appropriations. No action by any municipal department or board making or authorizing a lease or other contractual obligation, excluding collective bargaining agreements, for a term of longer than twelve months or requiring an expenditure of Town funds in excess of fifty thousand dollars ($50,000.00) shall be effective unless and until said action is first approved or subsequently ratified by the qualified voters in an article presented for consideration at Town Meeting.

6.5 Budget Establishes Appropriations. The Town Meeting shall adopt the Annual Budget. From the date of the adoption of the Annual Budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several offices, departments and agencies for purposes therein named, subject to the requirements of law.

6.6 Amendments after Adoption.

a. Supplemental Appropriations. If during the fiscal year, the Town Manager, in the case of the Municipal Budget, or the Superintendent of Schools, in the case of the School Budget, certifies that there are available for appropriation revenues from state or federal sources or from private gifts or bequests, or from other sources, in excess of those estimated in the Annual Budget, the Board of Selectpersons or School Committee, respectively, may make supplemental appropriations for the fiscal year up to the amount of the estimated excess.

b. Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, the Board of Selectpersons may make emergency appropriations. To the extent that there are no unappropriated revenues available to meet such an emergency, the Board of Selectpersons may authorize the issuance of temporary notes, which may be renewed from time to time but which must be paid not later than the last day of the fiscal year following the year in which the emergency appropriation was made.

c. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that available revenues in the Municipal Budget will be insufficient to fund the amount budgeted in a particular account, he shall report to the Board of Selectpersons without delay, indicating the amount of the anticipated deficit in that account, any remedial action which he has taken, and his recommendations regarding any further steps to be taken. The Board of Selectpersons shall then take such further action as it deems necessary to prevent or minimize the effect of any deficit and, for that purpose, may reduce the sums appropriated in particular budget accounts within the Municipal Budget to the extent of any unencumbered balance, except that no appropriation for debt service shall be reduced and no other appropriation account shall be reduced below the level required by law.

d. Transfer of Line Item Appropriations. Upon written request by the Town Manager, the Board of Selectpersons may, after public hearing, transfer part or all of any line item balance within an appropriation account, except debt service, to another line item within the same or any other appropriation account of the Municipal Budget. Upon written request by the Superintendent of Schools, the School Committee may after public hearing, transfer part or all of any line item balance within an appropriation account, except debt service, to another line item within the same or any other appropriation account of the School Budget.

6.7 Lapse of Appropriation. Every general fund appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except that an appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. A capital expenditure is considered abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

6.8 Audit. The Board of Selectpersons shall annually provide for an audit of the municipal finances for the preceding year by a qualified auditor and said audit shall be made available by the time of the posting of the town meeting warrant articles.

6.9 Capital Program.

a. Submission to Board of Selectpersons. The Town Manager and the School Committee shall prepare

and annually submit to the Board of Selectpersons a five-year capital program on or before the first day of January.

b. Contents. The capital program shall include:

1. A general summary of its contents;

2. A list of the capital improvements proposed to be undertaken during the next five years together with documentation of need. "Capital improvement" shall mean any construction project or equipment purchase exceeding ten thousand dollars ($10,000) and any project or equipment purchase to be bonded or to be budgeted (through the creation of reserves or otherwise) in more than one fiscal year;

3. Cost estimates, methods of financing, and recommended time schedules for each improvement; and

4. The estimated annual cost of operating and maintaining any new equipment or facilities.

c. Planning Board Review. The Planning Board shall review the proposed capital program each year and forward its recommendations to the Board of Selectpersons no later than the first day of February.

d. Adoption. The Board of Selectpersons shall fix a time and place for holding a public hearing on the capital program, and shall give public notice of such hearing in accordance with the general law. The Board of Selectpersons shall adopt the capital program with or without amendments after such public hearing; provided that any appropriations necessary to carry out the capital program must be approved as part of the Budget at a Town Meeting.

6.10 Bond Issues. The Town may issue general obligation and revenue obligation securities for funding or refunding all or any part of its debt or for any purpose for which it may raise money in accordance with the general law with such terms and maturities as the Board of Selectpersons may fix pursuant to the authorizing vote of the legislative body.

6.11 Excise Tax Money. The Town shall use excise tax money collected to reduce the tax rate.

6.12 Grants. The Board of Selectpersons shall accept, on behalf of Town departments, offices, and agencies receiving them, all grants awarded to the Town and/or any of its departments. These may be in the form of private, commercial, or public grants of equipment or money. The Board of Selectpersons shall allow the expenditure of such grants by direction of the appropriate department heads so long as matching local funds were not used in obtaining the awards. The Board of Selectpersons shall retain control over any grants obtained with Town funds.

ARTICLE VII
TOWN MEETING

7.1 Authority and Membership. Except as otherwise provided in this Charter, the legislative authority of the Town shall be vested in the Town Meeting. 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 to elect a Moderator and to proceed with an election process shall be a minimum of ten (10) registered voters. The business portion of a Town Meeting shall be a minimum of one hundred (100) registered voters and the quorum must stand for the remainder of the business meeting. Except as provided for in this Charter, the general law shall govern the calling of and proceedings at the Town Meeting.

7.2 Annual Town Meeting. The annual Town Meeting shall be the first Saturday of April at the time and place decided by the Board of Selectpersons and shall be announced in accordance with Section 7.3.

7.3 Notification, Posting and Public Hearings.

a. Each Town Meeting shall be called by a warrant in accordance with the general law, except that the warrant shall be posted in a least three (3) conspicuous places at least fifteen (15) days before the Town Meeting.

b. Copies of the Town Report, if any, and warrant for the Town Meeting shall be made available at the Town Office at least fifteen (15) days before Town Meeting.

c. Copies of the full audit report shall be available for review by request at the Town Office if the annual report has not been made available for review at least fifteen days before the date of the Town Meeting, then the date of the Town Meeting shall be postponed until a later date set by the Board of Selectpersons.

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

7.4 Moderator. The election and duties of the Moderator shall be done in accordance with the general law and the Moderator may rely on the Maine Moderator's Manual, published by the Maine Municipal Association, when appropriate, except as provided for in 7.4.1.

7.4.1 All articles shall be voted on by a show of hands or paper ballots.

7.5 Clerk of the Town Meeting. The Town Clerk shall serve as the Clerk of the Town Meeting, shall assist the Moderator in overseeing the voting and or the balloting, and shall preserve as public records all proceedings of the Town Meeting votes. The Clerk shall confirm all qualified voters and the method of eligibility of voters at Town Meeting, but if the Clerk is absent, the Board of Selectpersons shall confirm all qualified voters and the method of eligibility of voters at Town Meeting

7.6 Warrant Articles.

a. The warrant shall contain, in the form of articles, those items enumerated in Section 7.8. Articles may be placed in the warrant of the Town Meeting by majority vote of the Board of Selectpersons, or by petition of at least one hundred (100) registered voters of the town. Each article concerning an appropriation shall contain the recommendation of the Budget Committee, if any is made, and the recommendation of the Board of Selectpersons. Except for articles initiated by petition of the voters, the Board of Selectpersons shall determine the wording and order of the articles in the warrant, subject to the limitations in subsection (b), below. The warrant must be signed by a majority of members of the Board of Selectpersons. Warrant articles will be written "Capped" or "Close ended."

b. Ordinances. An ordinance, which is to be voted on at Town Meeting, shall be presented as a warrant article by title only. The warrant article title of an ordinance may differ from its legal title but shall be a clear and concise statement regarding the substance of the measure without argument or slanting. Included in the article shall appear the following question: "To see if the Town will vote to adopt the _____ ordinance (in the form on file with the Town Clerk)." The Board of Selectpersons shall ensure that there are a sufficient number of copies of any and all proposed ordinances available before and at the Town Meeting for voter review. An ordinance will be considered enacted by the Town Meeting upon approval by a simple majority of those voting effective as of the effective date stated in the proposed ordinance or absent an effective date contained in the ordinance itself, effective upon enactment.

7.7 Closing of the Warrant for Annual Town Meeting. No articles shall be allowed to be placed in the warrant for the annual Town Meeting less than fifteen (15) days before the annual Town Meeting date.

7.8 Legislative Authority of Town Meetings. The Town Meeting shall act on all items legally before it including, but not limited to, the following warrant articles:

a. The various appropriations and expenditure articles that comprise the Annual Budget or that are properly placed on the warrant at a special or annual Town Meeting;

b. Warrant articles submitted by the Board of Selectpersons or voter petition; and

c. Any other lawful business deemed advisable by the Board of Selectpersons.

7.9 Special Town Meeting. In addition to the manner and procedures for calling a special Town Meeting under the general law, a special Town Meeting shall be called pursuant to the provisions in Article IX, Parts 1, 2, and 4.

ARTICLE VIII
NOMINATIONS AND ELECTIONS

8.1 Municipal Elections. The regular municipal election for members of the Board of Selectpersons, School Committee, Library Trustees, and the elected members of the Budget Committee shall be held annually on the Friday preceding the annual Town Meeting. All elections shall be conducted on a nonpartisan basis and without party designation on petitions and ballots. Except as otherwise provided by this Charter, the provisions of the general law shall govern the qualifications of voters, the registration of voters, the manner of voting, absentee ballots, the duties of election officers and all other matters relating to the preparation for, conduct and management of elections. In order to hold an elected office a person must have resided in the town for at least one (1) year.

8.2 Nomination by Petition.

a. **Petitions.** Candidates for Board of Selectpersons, School Committee, Library Board of Trustees and the elected members of the Budget Committee shall be nominated by petition. Any qualified voter of the Town may be nominated for election as a member of the Board of Selectpersons, School Committee, Library Board of Trustees, or Budget Committee by a nomination petition containing the signatures of not less than twenty-five (25) nor more than fifty (50) qualified voters of the Town. Nomination papers shall be filed on forms provided by the Town Clerk. Each petition shall clearly indicate the office to which nomination is sought. The Clerk shall not issue nomination petitions more than one hundred fifteen (115) days before the election. The signatures on a nominating petition need not all be on the same paper, but an affidavit that has been executed by the circulator shall be attached to each separate sheet of the petition. The circulator shall state in the affidavit the number of signatures on the paper, that each signature was affixed in the circulator's presence, and that the circulator believes it to be the genuine signature of the person whose name it purports to be. The petitioners shall sign their names in ink. Each signer shall indicate his or her street address next to his or her signature. The name and address of the signers and of the candidates do not have to be identical i n form to the voting registration list as long as their identity can be clearly determined from the information provided. There is no limit on the number of petitions that may be signed by any one voter.

b. **Filing and Acceptance.** All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as a single document not earlier than eighty five (85) nor later than forty-five (45) days before the scheduled date of the election. If the forty-fifth day falls on a Saturday, Sunday, or day recognized by the State of Maine as a legal holiday, the final filing date shall be the next regular business day. The Board of Selectpersons may, on the recommendation of the Town Clerk, set a shorter time for filing nomination petitions in the case of special elections but under no conditions shall the time for circulating nominating petitions be less than ten (10) days nor the last filing day be less than fourteen (14) days before the day of the election. The Clerk shall note the time and date when each nominating petition is filed. No petition shall be accepted unless accompanied by a signed acceptance of the nomination by the candidate in the form prescribed by the Clerk.

c. **Certification of Validity.** Within five (5) business days after the filing of a nominating petition, the Clerk shall notify the candidate and the petition circulator whether or not the petition satisfies the requirements of this Article. If a petition is found to be insufficient, the Clerk shall immediately return it to the person who filed it together with a statement as to why it is insufficient. Within the regular time for filing petitions such a petition may be amended and filed again. The Clerk shall keep on file each petition found to be valid at least until the expiration of that calendar year.

8.3 Voting Place. The voting place(s) established for municipal elections shall be the same as those established for State elections.

8.4 Order of Names on the Ballot. When two or more candidates have been nominated for any elected office, the order of names on the ballot must be alphabetical by last name, in accordance with the general law.

8.5 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. In case of a tie, a run-off shall be held between the candidates having an equal number of votes. The run-off election shall be held no later than thirty (30) days after the tie is officially declared.

8.6 Voting Machines. The Board of Selectpersons may provide for the use of mechanical or other devices for voting or counting voters in a manner not inconsistent with state law, notwithstanding the provisions of this Charter regarding the form and content of paper ballots.

ARTICLE IX
SPECIAL TOWN MEETING AND RECALL

PART 1. GENERAL PROVISIONS.

9.1.1 General Authority.

a. **Special Town Meeting.** The qualified voters of the Town shall have the power to propose new ordinances or require the reconsideration of any adopted ordinance(s) by petitioning that a special Town Meeting be called pursuant to Part 2 of this Article, but the provisions of Part 2 shall not extend to the budget or capital program or any bond, contract, or appropriation of money or any ordinance relating to appropriations of money, levy of taxes, or salaries of appointed officers or employees; provided, however, that ordinances relating to the salaries of elected officials are subject to the provisions of Part 2. The qualified voters of the Town shall have the power to request the reconsideration of any budget appropriation or article at a special Town Meeting pursuant to the petition provisions set forth in Part 4 of this Article.

b. **Recall of Elected Officials.** The qualified voters of the Town shall have the power to recall any elected member of the Board of Selectpersons, School Committee, Budget Committee, or Library Board of Trustees in accordance with the provisions set forth in Part 3 of this Article.

PART 2. PETITIONS ON ORDINANCES.

9.2.1 Commencement of Proceedings; Petitioners' Committee; Affidavit. Subject to the limitations set forth in Section 9.1.1, any five (5) qualified voters of the Town may commence proceedings to call a special Town Meeting to consider a new ordinance or to reconsider an adopted ordinance by filing with the Clerk an affidavit stating that they will constitute the Petitioners' Committee and be responsible for circulating 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 new ordinance or the ordinance sought to be reconsidered. Promptly after the affidavit of the Petitioners' Committee is filed, the Clerk shall issue the appropriate petition blanks to the Petitioners' Committee.

9.2.2 Content of Petitions; Time for Filing.

a. **Number of Signatures.** Petitions calling for a special Town Meeting must be signed by qualified voters of the Town at least equal in number to three percent (3%) of the total number of registered voters at the time of filing of the petition.

b. **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed to be enacted, or sought to be reconsidered at the special Town Meeting.

c. **Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed an affidavit, which has been executed by the circulator. The circulator shall state 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 reconsidered. At any time prior to the issuance of the Town Clerk's certificate, a signer may have his or her name removed from the petition by filing with the Town Clerk a signed written request that this be done.

d. **Time for Filing Special Town Meeting Petitions.** Special Town Meeting petitions for a proposed new

ordinance may be filed at any time, but petitions for the reconsideration of an adopted ordinance must be filed within thirty (30) days [this is a very long period, and thirty days would be more normal] after the date of the Town Meeting at which the ordinance sought to be reconsidered was adopted.

9.2.3 Procedure after Filing.

a. **Certificate of Clerk; Amendment.** Within twenty (20) days after the petition has been filed, the Town Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Town Clerk shall promptly send a copy of the certificate to the Petitioners' Committee by certified return receipt 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 Town Clerk within two (2) days after receiving the copy of the Town Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 9.2.2. Within five (5) days after it is filed, the Town 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 mail as in the case of an original petition. If either 1) a petition or amended petition is certified as sufficient, or 2) a petition or amended petition is certified as insufficient, and the Petitioners' Committee does not elect to amend or request Board of Selectpersons review under subsection (b) of this Section within the time required, then in either such case the Town Clerk shall promptly present the certificate to the Board of Selectpersons and the certificate shall then be a final determination as to the sufficiency or insufficiency of the petition, as the case may be.

b. **Board of Selectpersons Review.** If a petition or amended petition has been certified as being insufficient, the Petitioners' Committee may, within three (3) days after receiving the copy of such certificate, file a request that the Board of Selectpersons review it. In conducting the review the Board may in its discretion conduct a hearing and may follow the procedures established under Section 2.7 of this Charter. The Board of Selectpersons shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The Board of Selectpersons' determination shall then be a final determination as to the sufficiency of the petition, but said determination shall be subject to judicial review.

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, in the case of a petition to reconsider an adopted ordinance, the new petition is filed within the time limits required in the case of an original petition.

9.2.4 Special Town Meeting Petitions; Suspension of Effect of Adopted Ordinance. When a petition to reconsider an adopted ordinance is filed with the Town Clerk, the ordinance to be reconsidered shall be suspended from taking effect if it has not yet taken effect and, if it has taken effect, shall be suspended from enforcement and implementation, and in either case such suspension shall terminate on the earliest to occur of the following events: 1) there is a final determination of insufficiency of the petition in accordance with Section 9.2.3 (a) or (b) hereof; 2) the Board of Selectpersons repeals the ordinance in the case where the ordinance was adopted by the Board of Selectpersons; 3) the Petitioners' Committee withdraws the petition according to Section 9.2.5(b); or 4) the special Town Meeting acts on the petition to reconsider the ordinance.

9.2.5 Action on Petitions.

a. **Action by Board of Selectpersons.** When a petition filed under this part has been finally determined to be sufficient, the Board of Selectpersons shall set a date for a special Town Meeting to be held not later than sixty (60) days after such determination, provided that the next annual Town Meeting is not scheduled to occur within ninety (90) days of such determination and the Board of Selectpersons place the issue or article on the warrant of the next annual Town Meeting. Notice of the special Town Meeting shall be given in accordance with Section 7.3. Copies of the special Town Meeting warrant shall be made available at the Town office as soon as practicable, and shall be made available at the special Town Meeting.

b. **Withdrawal of Petitions.** A petition filed under this Part 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 a majority 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.

9.2.6 Results of Special Town Meeting.

a. If a majority of the qualified voters voting on a proposed new ordinance at a special Town Meeting vote in its favor, it shall be considered adopted. In the case of a petition to reconsider an adopted ordinance, if a majority of the qualified voters voting on a referred ordinance vote to repeal it, it shall be considered repealed.

b. There will be a cooling off period of at least sixty (60) days between special Town Meetings, and the Board of Selectpersons shall not call a special Town Meeting within sixty (60) days of another special Town Meeting called pursuant to the provisions of this Part 2, which acted on the same or a substantially similar issue or petition.

PART 3. RECALL.

9.3.1 Recall.

a. Commencement of Proceedings; Recall Committee; Affidavit. Any five (5) or more qualified voters may commence recall proceedings by filing with the Town Clerk an affidavit stating that they will constitute the "Recall Committee" and be responsible for circulating the recall petition and filing it in proper form, stating their names and street addresses, specifying the mailing address to which all notices to the Recall Committee are to be sent and setting out in full the name, address and office of the Board of Selectpersons member, School Committee member, Budget Committee member or Library Board of Trustees member sought to be recalled and a statement detailing the reason or reasons therefore. Promptly after the affidavit of the Recall Committee is filed, the Town Clerk shall issue the appropriate petition blanks to the Recall Committee. Each petition shall be limited to the recall of one individual, however, the Recall Committee may request, circulate, and file more than one petition at the same time.

b. Petitions.

1. **Number of Signatures.** Recall petitions must be signed by qualified voters of the Town at least equal in number to three percent (3%) of the total number of registered voters at the time of filing of the petition.

2. **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full name, address and office of the person sought to be recalled and a statement detailing the reason or reasons therefore.

3. **Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed an affidavit that has been executed by the circulator. The circulator shall state 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 name, address and office of the person sought to be recalled and the statement detailing the reason or reasons therefore. At any time prior to the issuance of the Town Clerk's certificate, a signer may have his or her name removed from the petition by filing with the Town Clerk a signed written request that this be done.

4. **Time for Filing Recall Petition.** A recall petition must be filed within thirty (30) days of the first issuance of the petition blanks to the Recall Committee.

c. Procedure after Filing.

1. **Certificate of Town Clerk; Amendment.** Within twenty (20) days after the petition has been filed, the Town Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Town Clerk shall promptly send a copy of the certificate to the Recall Committee by 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 Town Clerk

within two (2) days after receiving the copy of the Town Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving by certified return receipt copy of such certificate. Such supplementary petition shall comply with the requirements of Section 9.3.1(b). Within five (5) days after it is filed, the Town Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Recall Committee by mail as in the case of an original petition. If either 1) a petition or amended petition is certified as sufficient, or 2) a petition or amended petition is certified as insufficient, and the Recall Committee does not elect to amend or request Board of Selectpersons review under subsection (2) of this Section within the time required, the Town Clerk shall promptly present the certificate to the Board of Selectpersons and the certificate shall then be a final determination as to the sufficiency or insufficiency of the petition, as the case may be.

2. **Board of Selectpersons Review.** If a petition or amended petition has been certified as being insufficient, the Recall Committee may, within five (5) days after receiving the copy of such certificate, file a request that the Board of Selectpersons review it. In conducting the review the Board may in its discretion conduct a hearing and may follow the procedures established under Section 2.7 of this Charter. The Board of Selectpersons shall review the certificate at its next meeting following the filing date of such request and approve or disapprove it. The Board of Selectperson's determination shall then be a final determination as to the sufficiency of the petition, but said determination shall be subject to judicial review.

3. **New Petitions.** A final determination of insufficiency, even if sustained upon judicial review, shall not prejudice the filing of a new petition for the same purpose. There will be a cooling off period of at least sixty (60) days between the filing of petitions under this Part 3, and no recall petition shall be commenced within said sixty-day period seeking the recall of a person whose recall from office had been sought before.

4. **Actions on Petitions.** The Board of Selectpersons shall, within thirty (30) days following a final determination that the recall petition is sufficient, hold a municipal election for the purpose of submitting the question of recall to a vote of the qualified voters of the Town. Pending the outcome of the election, the elected official who is the subject of the recall petition shall continue to exercise all of the privileges of his or her office. An official shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The Board of Selectpersons shall within sixty (60) days after the voters have recalled an official hold a special election to fill the vacancy.

5. **Recall Ballot.** The ballot for recall shall contain the following question: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?" Immediately below such question shall appear in the following order the words "yes" and "no" and to the left of each, a square in which the voter may indicate his or her vote. No other information shall appear on the ballot.

6. **Candidacy of Incumbent.** An official who is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the Town Clerk that he or she wishes to have his or her name appear on the ballot. The request shall be filed no later than the forty-fifth day preceding the election. The recalled official shall be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the forty-fifth day preceding the election to file with the Town Clerk a nomination petition as required by this Charter for a regular municipal election.

PART 4. PETITIONS ON BUDGET APPROPRIATIONS OR ARTICLES.

9.4.1 Commencement of Proceedings; Petitioners' Committee; Affidavit. This Part only applies to petitions to reconsider budget appropriations and articles. Any five (5) or more qualified voters of the Town may commence proceedings to call a special Town Meeting to reconsider budget article(s) by filing with the Town Clerk an affidavit stating that they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in the 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 the budget article(s) to be included in the warrant for special Town Meeting warrant. Promptly after the affidavit of the Petitioners' Committee is filed, the Town Clerk shall issue the appropriate petition blanks to the Petitioners' Committee.

9.4.2 Content of Petitions; Time for Filing.

a. **Number of Signatures.** Petitions calling for a special Town Meeting must be signed by qualified voters of the Town equal in number to at least three percent (3%) of the total number of registered voters at the time of the petition.

b. **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall state by number the original warrant article to be reconsidered and shall contain or have attached thereto throughout their circulation the full text of the budget article(s) to be included in the special Town Meeting warrant. Notwithstanding anything to the contrary herein, when a special Town Meeting is called pursuant to this Part 4, the budget appropriation(s), article(s), and amount(s) to be included in the special Town Meeting warrant shall not be larger than the amount proposed at the original Town Meeting.

c. **Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed an affidavit, which has been executed by the circulator. The circulator shall state 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 budget article(s) to be included in the special Town Meeting warrant. At any time prior to the issuance of the Town Clerk's certificate, a signer may have his or her name removed from the petition by filing with the Town Clerk a signed written request that this be done.

d. **Time for Filing Special Town Meeting Petitions.** Complete special Town Meeting petitions must be filed with the Town Clerk within twenty (20) days after the budget item being questioned was adopted. Budget articles not timely reconsidered under this Part 4 within said twenty day period shall be final and shall not be subject to reconsideration.

9.4.3 Procedure after Filing.

a. **Certificate of the Town Clerk; Amendments.** Within twenty (20) days after the petition is filed, the Town Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Town 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 Town Clerk within five (5) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within five (5) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 9.4.2. Within five (5) days after the supplementary petition is filed, the Town 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 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 being insufficient and the Petitioners' Committee does not elect to amend or request Board of Selectpersons review under subsection (b) of this Section within the time required, the Town Clerk shall promptly present the certificate to the Board of Selectpersons and the certificate shall then be a final determination as to the sufficiency or insufficiency of the petition, as the case may be.

b. **Board of Selectpersons Review.** If a petition or amended petition has been certified as being insufficient, the Petitioners' Committee may, within five (5) business days after receiving the copy of such certificate, file a request that the Board of Selectpersons review it. In conducting the review the Board may in its discretion conduct a hearing and may follow the procedures established under Section 2.7 of this Charter. The Board of Selectpersons shall review the certificate at a Board of Selectpersons meeting to be held within five (5) business days following the filing date of such request and approve or disapprove it. The Board of Selectpersons' determination shall then be a final determination as to the sufficiency of the petition, but said determination shall be subject to judicial review.

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 if the new petition is filed within the time limits required in the case of an original petition under this Charter.

9.4.4 Special Town Meeting Petitions; Suspension of Effect of Budget Articles. When a petition for a special Town Meeting is filed with the Town Clerk, the budget article(s) adopted at a Town Meeting, which are to

be included in the special Town Meeting warrant, shall be suspended from taking effect, and such suspension shall terminate on the earliest to occur of the following events: 1) there is a final determination of insufficiency of the petition in accordance with Section 9.4.3 (a) or (b) hereof; 2) the Petitioners' Committee withdraws the petition according to Section 9.4.5(b); or, 3) the special Town Meeting acts on the petitioned budget article(s).

9.4.5 Action on Petitions.

a. **Action by Board of Selectpersons.** When a petition for a special Town Meeting has been finally determined to be sufficient, the Board of Selectpersons shall set a date for a special Town Meeting to be held not later than fifteen (15) calendar days after such determination. The special Town Meeting shall be noticed in accordance with the general law, and the requirements set forth in Sections 7.3(a) and (b) shall not apply; provided, however, that an attested copy of the special Town Meeting warrant shall be posted in three conspicuous, public places in Town at least seven (7) business days before the meeting, and copies of the special Town Meeting warrant shall be made available at the Town Office as soon as practicable and at the special Town Meeting.

b. **Withdrawal of Petitions.** A petition for a special Town Meeting may be withdrawn at any time prior to a final determination of sufficiency of the petition by filing with the Town Clerk a request for withdrawal signed by a majority 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.

9.4.6 Results of Special Town Meeting.

a. Budget Article(s). If a majority of the qualified voters voting on a budget article at a special Town Meeting vote in its favor it shall be considered adopted, and shall be treated in all respects in the same manner as budget articles of the same kind adopted at the previous Town Meeting. If the special Town Meeting does not adopt a budget article(s) as provided herein, the original budget article passed at the previous Town Meeting will immediately take effect.

c. If the Annual Budget, or any part thereof, has not been finally adopted on July 1, then the Annual Budget for the prior year, or part thereof corresponding with that being challenged, shall remain proportionately in effect until the final adoption of the Annual Budget, or the challenged part thereof.

ARTICLE X
GENERAL PROVISIONS

10.1 Terms of Elected Officials. The terms of all elected officials shall begin at the first regular meeting following the annual Town Meeting upon their taking the prescribed oath of office. Every elected official shall serve for his or her prescribed term and thereafter, if necessary, until his or her successor is elected and qualified.

10.2 Oath of Office. Every officer 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 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 Poland and will faithfully discharge the duties of the office of _____." This oath shall remain in effect for the term of office or appointment; or as mandated by state law.

10.3 Conflicts of Interest. If any elected or appointed officer, official, employee, or the spouse of any such person, has a substantial financial interest, direct or indirect, in any contract with the Town or in the purchase or sale of any land, material, supplies, or service to the Town or to a contractor supplying the Town, that person shall make known that interest and shall refrain from voting or otherwise participating in his or her capacity as an elected or appointed officer, official, or employee in making any such purchase or sale or in making such contract. Any such person who willfully conceals said financial interest or that of his or her spouse, or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit the same. Any contract made in violation of this Section shall be voidable by the Town.

10.4 Disqualification by Familial Interest

a. Definition of immediate family: an employee's spouse, domestic partner, great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, step-parent, step-child, or the great-grandparent, grandparent, parent, brother, sister, child, grandchild, or great-grandchild, step-parent, step-child, of the employee's spouse or domestic partner, or the spouse or domestic partner of any of them. This also includes individuals for whom the employee is current legal guardian.

b. If an individual is employed by the Town of Poland, neither the person nor any member of the person's immediate family, as defined in section 10.4a, may hold a board position, elected or appointed, that could influence their employment, compensation, or benefits directly or indirectly.

c. No two members of the same immediate family may serve on the same elected body.

10. 5 Prohibited Activities.

a. Solicitation of Advantage. 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 his or her dealing with the Town.

b. Political Solicitation. No officer, official or employee of the Town shall solicit any contributions or services not relating to his or her employment from any Town employee whose compensation, tenure, job security, or other employment benefits are subject to the control or influence of the solicitor.

c. Nepotism. No officer, official or employee of the Town shall solicit a position of employment for an immediate family member or relative.

d. Holding elected or appointed office: If an individual is employed by the Town of Poland, the individual may not hold a board position, elected or appointed, that could influence the individual's employment, compensation, or benefits directly or indirectly.

e. Violations. Violations of this Section shall be dealt with under Section 2.7 of this Charter and under any ordinance or personnel policy that the Town or Board of Selectpersons may adopt.

10.6 Separability. If any provision of this Charter is determined to be invalid, the other provisions shall not be affected thereby. If the application of this Charter to any person or circumstances is held to be invalid, its application to other persons or circumstances shall not be affected thereby.

10.7 Repealing Clause. All acts and parts of acts of the private and special laws of Maine relating to the Town of Poland that are inconsistent with the provisions of this Charter are repealed.

10.8 Short Title. This Charter shall be known and may be cited as the "Poland Town Charter". The Town Clerk shall cause it to be printed and made available to the public.

10.9. Petition for Elimination of the Town Meeting.

Not less than fifteen percent (15%) of the registered voters of the Town may petition over their personal signatures for a referendum to vote upon the question of abolishing the Town Meeting pursuant to the procedures set forth in this Section.

Five (5) or more registered voters of the Town may begin the referendum proceedings by a request in writing to the Town Clerk for petition blanks. Said voters shall be referred to as the "Elimination Committee." The date the Town Clerk receives the request in writing constitutes the date that the Elimination Committee is established.

All copies of the petition shall be uniform in size and style and shall include the complete text of the ballot issue and the names of the Elimination Committee. The ballot issue shall read "Shall the Town vote to eliminate the Town Meeting and Article VII of the Poland Town Charter, and grant to the Board of Selectpersons as the Town Council full authority to approve the annual budget and to exercise all legislative powers of the Town." Each registered voter who signs the petition of the Elimination Committee shall include a place of residence, providing either the street and number or a description sufficient to identify the place. The petition shall be signed in the presence of a registered voter of the Town who shall certify to the validity of the signatures collected.

If a petition is signed by at least fifteen percent (15%) of the voters certified by the Town Clerk, containing their names and addresses, and is filed with the Board of Selectpersons requesting that the ballot issue on the elimination of the Town Meeting be submitted to the voters, within one year of the establishment of the Elimination Committee, then the Board of Selectpersons shall call such a public hearing to be held within thirty (30) days after the Town Clerk's certification of such petition. After the public hearing, the proper election officials of the Town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose.

If at such general election or special election a majority of the voters of the Town voting on the question shall vote for the abolition of the Town Meeting of the Town of Poland, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Board of Selectpersons thereafter designated and known as "the Town Council," Article VII shall be deleted in its entirety, and all other references to action or authority of the Town Meeting shall be modified to make it clear that all powers formerly vested in the Town Meeting are conferred upon and to be exercised by the Town Council, provided that such vote shall be effective if and only if the total number of votes cast for and against the question equals or exceeds thirty percent (30%) of the total votes cast in the municipality at the last gubernatorial election.

ARTICLE XI
TRANSITIONAL PROVISIONS

11.1 Effective date. This Charter, if adopted by the Town of Poland voters at the June 10, 2008, election, shall become effective on July 1, 2008, for all purposes, except that the transitional provisions for the purposes of conducting elections shall take effect immediately. The first local election held under the authority of this Charter will be the next general election in 2009 as provided in Article 8.1.

11.2 Budget Committee. The current Budget Committee members will remain the Budget Committee until the next general election under this Charter when the voters will elect four (4) candidates to serve staggered terms of two, and three years (two candidates for each term) on the Budget Committee. The two candidates receiving the highest vote totals will serve three (3) years, the candidates receiving the third and fourth highest vote totals will serve two (2) years. In case of a tie, the Town Clerk will direct those involved to draw lots to see which candidate(s) win(s) which positions. Those members will take office immediately. The Board of Selectpersons will appoint three members, one to serve three (3) years, one to serve two (2) years, and one to serve 1 (one) year. Subsequent terms will be for three (3) years.

11.3 Budget. The existing budget in effect at the time of the effective date of this Charter shall remain in effect and may be amended only as permitted by this Charter.

11.4 Town Manager. The incumbent Town Manager at the effective date of the Charter remains the Town Manager unless the position is vacant on that date, in which case the Board of Selectpersons will appoint a Town Manager. Thereafter the appointment and removal of the Town Manager shall be done according to general law.

11.5 Existing Ordinances. All Town ordinances, regulations, orders, or resolves in effect at the time of adoption of this Charter, not inconsistent with the provisions and/or intent of this Charter, shall remain in effect until amended or repealed; provided, however, that the Town's existing ordinance for the recall of elected officials titled "An Ordinance Providing for Recall of Elected Officials" is repealed.

11.6 Existing Officers and Employees. All existing officers, board and committee members, department heads, employees and officials of the Town shall continue to serve until and unless replaced or removed as provided in this Charter.

11.7 Existing Contracts and/or Obligations. All contracts or obligations of the Town or any of its departments existing at the effective date of this Charter shall be enforced, continued, completed, or honored in all respects as though begun or executed hereunder. Pending proceedings not completed at the effective date of this Charter shall continue but shall be subject to and limited by the requirements of this Charter.