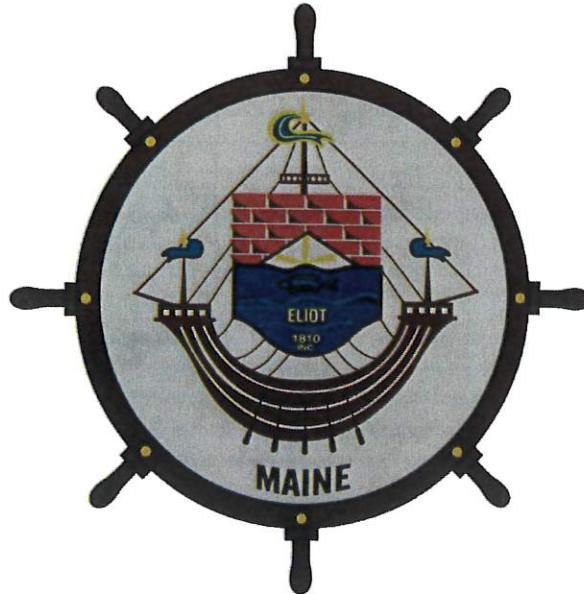


**Town Code Amendments of Chapter 2 – Administration, Article III;  
“Town Meetings”**

**Town of Eliot, Maine**



**Date of Enactment: November 7, 2023**

***ENACTMENT BY THE LEGISLATIVE BODY***

Date of the vote to enact/amend this Ordinance:

November 7, 2023

Per the Charter of the Town of Eliot, Article 2(11) this Ordinance  
shall become *effective on November 14, 2023.*

Certified by the Town Clerk:

On the 9<sup>th</sup> day of November, 20 23.

**Proposed Town Code Amendment of Chapter 2 – Administration, Article III;  
“Town Meetings”**

**Ballot Question #11 – Special Town Referendum, November 7, 2023**

ARTICLE #12: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 2 – Administration, Article 3: Town Meetings, Related to Annual Town Meeting Process” be enacted?

(A copy of this ordinance is available on the Town Website and in the Town Clerk’s Office)

***Select Board recommend approval (5 – 0)***

**Purpose:**

To clarify, classify and consolidate the annual budget process, as called for in the existing ordinance language and continually encouraged by the public.

This amendment would have the Eliot practice for approval by Town Meeting referendum mirror the process most commonly used by other communities for approval of annual budgets.

Having a simple “yes/no” vote on each financial article would indicate a concise choice. The Select Board and Budget Committee recommendation to vote no or yes on each annual budget article would be listed below the article the tally of votes for the Budget Committee and the Select Board.

Consolidation and classification of the articles from 28 to 8 articles is something suggested by voters on a regular basis. The categories would still be articulated under the individual titles and have subsections within those titles if necessary.

We would be adding a “Sewer” budget as a separate enterprise fund article. The distinction is to strengthen the fact that ratepayers support the sewer costs. This is strongly recommended by the professional audit firm tasked with reviewing our accounts and practices annually.

**New text underlined in bold**

~~Deleted text in strikethrough~~

*[Text in brackets and italics is a temporary explanatory note]*

[Revision annotations at the end of sections may be omitted – to be updated accordingly by Municode during codification]

## ARTICLE III. - TOWN MEETINGS

- **Sec. 2-71. - Title.**

This article shall be known as the "November 2018 Amendments to the Town of Eliot Referendum Town Meeting Ordinance".

- **Sec. 2-72. - Purpose.**

The purpose of this article is to:

- (1) Enhance the annual town meeting process.
- (2) Clarify, classify, and consolidate the number and make-up of appropriation articles to be voted by referendum ballot.
- (3) Provide for the continued funding of existing municipal services, without unnecessary disruption, in the event an appropriation article is not approved.
- (4) Reduce the number of articles to be voted on annually by granting to the select board the continuing authority to act on routine administrative matters instead of voting on them annually at Town Meeting.

- **Sec. 2-73. - Authority.**

This article is enacted pursuant to the Home Rule authority granted the Town of Eliot pursuant to article VIII, part 2, section 1 of the Constitution of the State of Maine and the laws of the State of Maine, including without limitation Title 30-A, section 3001.

- **Sec. 2-74. - Appropriation articles for referendum ballot.**

At a minimum, each appropriation described in the following categories shall appear on the referendum ballot in a single article, by category, as applicable:

LD 1 Exceed/Raise Question: 30-A MRSA Section 5721-A Limitation on Municipal Tax Levy

Estimated revenues

Administration *[to include and list, Hearings and Elections, General Assistance]*

Hearings and elections *[move to Administration]*

Fire Department *[to include and list Fire Hydrants, Ambulance Service]*

Police Department *[to include and list Dispatching, Harbormaster, Animal Control Officer]*

Public Works Department *[to include and list Streetlights, Summer Maintenance, Roads and Bridges, Snow Removal, Transfer Station, Federal Storm Management Plan]*

~~Public safety (individual listings)~~

~~Public health officer~~ *[move to Administration]*

~~Fire hydrants~~ *[move to Fire Department]*

~~Ambulance Service~~ *[move to Fire Department]*

~~Dispatching~~ *[move to Police Department]*

~~Harbor master~~ *[move to Police Department]*

~~Animal control officer~~ *[move to Police Department]*

~~Streetlights~~ *[move to Public Works]*

~~Summer maintenance~~ *[move to Public Works]*

~~Roads and bridges~~ *[move to Public Works]*

~~Snow removal~~ *[move to Public Works]*

~~Transfer station~~ *[move to Public Works]*

~~Federal storm water management plan~~ *[move to Public Works]*

Community Service Department

~~General assistance~~ *[move to Administration]*

### **Fiscal Operations**

~~Capital improvements (individual listings)~~ *[move to Fiscal Operations]*

~~Reserve accounts (individual listings)~~ *[move to Fiscal Operations]*

~~Debt service~~ *[move to Fiscal Operations]*

Town standing committees (individual listing) *[move to Fiscal Operations]*

Outside agencies (individual listings) *[move to Fiscal Operations]*

Wm. Fogg Library *[move to Outside Agencies listed under Fiscal Operations]*

### **Sewer Enterprise Budget**

#### **~~• Sec. 2-75. – Citizen's option meeting.~~**

~~Following the initial approval of the budget articles by the select board, the town shall call a citizen's option meeting of the registered voters of Eliot to review the recommendations of the select board and the budget committee. The meeting shall follow the general town meeting procedures pursuant to 30-A.M.R.S. 2524.~~

~~At the citizen's option meeting, an amendment for any budget article may be offered by any registered voter and decided by a majority vote of those assembled. A minimum assembly size of one percent of the total number of registered voters at the commencement of the meeting and at all times during the meeting is required in order to make any motion or amendment to the recommendations of the select board or the budget committee. In the event that the citizen's option meeting fails to attract the minimum assembly size to make amendments, the meeting shall be deemed an "informational budget hearing" and shall be conducted as such. If the minimum assembly size is met, amendments shall be made by offering a written amendment to the moderator of the citizen's option meeting. A majority vote of those assembled is required to approve a citizen's option budget recommendation to be included on the ballot. Reconsideration of an approved citizen option budget recommendation is not permitted.~~

~~Following the passage of any such amendment, the budget committee or select board may, at a duly called budget finalization meeting, vote to accept the citizen's option amendment(s) as their own recommendation. If one or more of the citizen's option budget amendments are not accepted by the select board or the budget committee as their own recommendation, the citizen option amendment(s) shall be placed on the ballot as a "citizen's recommendation."~~

#### **~~• Sec. 2-76. – Vote on budget.~~**

~~The budget shall be voted upon by a referendum vote and through separate articles consistent with the proposed final budget format.~~

~~Each appropriation article shall include the recommendations of the select board, the budget committee and the citizen's options (if any) along with a choice of "none of the above". In the event that the select board and budget committee agree upon a budget recommendation of a particular article, the form of the ballot shall indicate a singular budget appropriation recommendation with the footnote, "Select Board and Budget Committee So Recommend."~~

~~In the event that the select board and/or the budget committee agree with the citizen's recommendation for appropriation, the form of the ballot shall indicate a singular budget appropriation recommendation with the appropriately adjusted footnote, "Select Board and/or Budget Committee and/or Citizens So Recommend."~~

~~The dollar amounts of the select board, budget committee and citizen's recommendation shall be published on the ballot, as well as the vote counts of the select board, budget committee and citizen's recommendations. Each article on the ballot shall require a plurality of the votes cast for any recommendation to be approved.~~

~~If an article is not approved by a plurality of votes, the appropriation for the immediately preceding year shall constitute the appropriation for the following fiscal year (see section 2-79).~~

~~Any appropriation article that is voted in the affirmative, and which contains two or more specific sub-appropriations within said article, is restricted to the amounts specified in the sub-appropriations as presented, which may not be moved, interchanged, or otherwise co-mingled in any fashion without legislative body re-appropriation authorization.~~

**Each budget or financial warrant article (Administration, Public Works, Fire Department, Police Department, Community Service Department, Fiscal Operations, LD1 Exceed/Raise, Estimated Revenues, Sewer) will have comment by the Budget Committee and Select Board as to whether they support or reject the recommended budget in accordance with Maine State Law 30-A M.R.S. § 2528(5)(B)(1) . The voter will have choice to vote "Yes" or "No" on each article.**

**~~• Sec. 2-77. Form of ballot.~~**

~~The form of the ballot shall be established by adoption of this article. Some of the various possible ballot forms are set forth herein. Their appearance may be formatted differently on the ballot.~~

**Possibility #1**

~~TWENTIETH - To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.~~

~~\*\* Select Only One \*\*~~

~~The Select Board Recommends \$1,000,000 \_\_\_\_\_~~

~~(4-1)~~

~~The Budget Committee Recommends \$900,000 \_\_\_\_\_~~

~~(5-2)~~

~~Citizens' Option \$875,000 \_\_\_\_\_~~

~~(57-22)~~

~~None of the Above \_\_\_\_\_~~

**Possibility #2**

~~TWENTIETH - To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.~~

~~\*\* Select Only One \*\*~~

~~The Select Board and Budget Committee Recommend \$1,000,000 \_\_\_\_\_~~

~~(Select Board 4-1; Budget Committee 5-2)~~

~~Citizens' Option \$875,000 \_\_\_\_\_~~

~~(57-22)~~

~~None of the Above \_\_\_\_\_~~

**Possibility #3**

~~TWENTIETH - To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.~~

~~\*\* Select Only One \*\*~~

~~The Select Board Recommends \$1,000,000 \_\_\_\_\_~~

~~(4-1)~~

~~The Budget Committee and Citizens Recommend \$900,000 \_\_\_\_\_~~

~~(Budget Committee 5-2; Citizens 57-22) \_\_\_\_\_~~

~~None of the Above \_\_\_\_\_~~

**Possibility #4**

~~TWENTIETH - To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.~~

~~\*\* Select Only One \*\*~~

~~The Select Board and Budget Committee Recommend \$1,000,000 \_\_\_\_\_~~

~~(Select Board 4-1 and Budget Committee 5-2)~~

~~None of the Above \_\_\_\_\_~~

- **Sec. 2-78. - Public hearing requirement.**

The select board must properly post and advertise at least one informational public hearing on the proposed annual budget no more than ~~30~~ **15** days in advance of the referendum vote on the annual budget. Summary budget information shall be made available to the public no less than ~~44~~ **7** days prior to said required public hearing. **Administration will maintain a web page with updated information throughout the budget process as information becomes available.**

- **Sec. 2-79. - Budget funding provision in the event an appropriation article is not approved.**

In the event an appropriation article is not approved, the appropriation for the immediately preceding year shall constitute the appropriation for the following fiscal year, in most cases. In the event an appropriation article is not approved, the town manager shall review the previous year's budget appropriation for expenses and shall report to the select board for approval of an "adjusted" prior year budget.

The select board may call one additional referendum election in the same fiscal year to vote on appropriation articles that were not approved or that are for a similar purpose. The additional referendum election shall take place within 90 days of the last town meeting and the ballot shall include only the recommendations of the Select Board, budget committee, and ~~none of the above.~~



Nothing in this article shall prevent the select board from calling special "open town meetings" during the year as the need may arise from time to time to address unforeseeable issues, funding emergencies, or issues beyond the normal course of town operations.

• **Sec. 2-80. - Select board's administrative authority.**

The select board shall be authorized to act on the following administrative matters usually acted on annually at town meeting:

(1) Taxes are due and payable at the time of the mailed demand. The select board is granted the authority to set dates in the months of November and the following May as the dates when interest on unpaid current tax amounts will begin to accrue.

(2) To establish the rate of interest charged on each half of taxes after the November and May dates, such rate of interest not to exceed the maximum rate as established annually by the state treasurer.

(3) To authorize the select board to set an interest rate to be paid on abated taxes for the fiscal year.

(4) To authorize the tax collector to accept prepayments of taxes not yet committed, pursuant to 36 M.R.S.A. section 506.

(5) To authorize the select board, when town meeting is delayed into the next fiscal year, to spend from unassigned fund balance an amount per month not more than 1/12 of the appropriated amount of the current fiscal year budget until the required town meeting can be held.

(6) To authorize the select board to annually execute signatures as may be required to borrow funds through tax anticipation notes, if necessary for cashflow, and to pay interest on said tax anticipation notes from any general fund revenue.

(7) To pay tax abatements and applicable interest granted during the fiscal year from the overlay account.

(8) To authorize the select board to dispose of town-owned personal property under such terms and conditions as they deem to be in the best interest of the town.

(9) To authorize the select board, on behalf of the town, to sell and dispose of any real estate acquired by the town for non-payment of taxes thereon, on such terms as they deem advisable and to execute quitclaim deeds for such property. The select board must first request the advice of the conservation commission.

(10) To authorize the select board to receive insurance and/or other property damage restitution funds and to expend said receipts for materials and labor to correct said damages without further appropriations.

(11) To authorize the select board to accept and appropriate or to reject any and all funds from grants, donations, and reimbursements during the year for any municipal department, committee, commission and/or project, to include but not limited to reimbursements from F.E.M.A. for any state declared emergencies, community development block grants, donations for the parks, and capital or program grants for community service department.

(12) To authorize the select board and treasurer to borrow on notes or to appropriate money from unreserved fund balance for any further amount needed for snow removal.

(13) To make final determinations regarding the closing or opening of roads to winter maintenance, pursuant to 23 M.R.S.A. § 2953.

(14) To authorize the select board to establish the rate of interest charged of delinquent sewer accounts.

(15) To authorize the select board to make any budgetary changes, in their sole discretion, as a result of a LD1 override failure.

(16) To authorize the select board to establish and maintain a fee schedule as further provided for in section 1-25.

- **Sec. 2-81. - Revocation of article.**

This article and all of its provisions shall continue and remain in effect until such time as the select board or a citizens' petition calls for a referendum to resume open town meeting or some other form of town budget approval as may be allowable by law. By adoption of this article, all prior referendum town meeting ordinances are hereby repealed and superseded.

**Municipal Officers' Certification of Official Text of a Proposed Ordinance**

To Wendy Rawski, Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled:

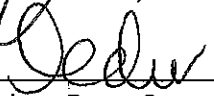
**"Amendments to Chapter 2 "Administration" Article III; Town Meetings"**, which is to be presented to the voters for their consideration on November 7, 2023.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

**Given under our hands this 14th day of September 2023.**

\_\_\_\_\_  
Richard Donhauser, Chairman

  
\_\_\_\_\_  
William Widi, Vice Chairman

  
\_\_\_\_\_  
Lauren Dow, Secretary

  
\_\_\_\_\_  
Stanley Shapleigh, Selectman

  
\_\_\_\_\_  
B. Cabot Trott, Selectman

**Select Board  
Town of Eliot, Maine**