

Chelsea Charter Commission
Town of Chelsea
560 Togus Road
Chelsea, ME 04330

April 24, 2013

Ms. Lisa Gilliam, Town Clerk
Town of Chelsea
560 Togus Road
Chelsea, ME 04330

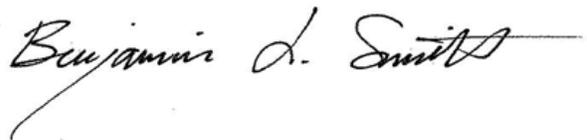
Re: Filing of Final Report and Recommended Municipal Charter

Dear Ms. Gilliam:

On behalf of the Chelsea Charter Commission, enclosed please find the Final Report of the Charter Commission, the Proposed Municipal Charter, as well as a written opinion by the Town attorney as required by statute. The Charter Commission recommends that the Proposed Charter be adopted by the citizens of Chelsea and requests that the Board of Selectmen include an article on the June 2013 town meeting warrant that poses a referendum question for its adoption.

Please see that the Final Report and Proposed Charter are posted on the Town's website and that copies are provided to Chelsea citizens upon request. Please also have copies available for distribution at the Town Office.

Respectively Submitted,

A handwritten signature in black ink, reading "Benjamin D. Smith", enclosed in a rectangular box.

Benjamin Smith, Chair
Chelsea Charter Commission

Enclosures:
Letter of Stephen E.F. Langsdorf, Esq.
Final Report and Proposed Municipal Charter

April 19, 2013

Benjamin Smith, Chair
Chelsea Charter Commission
Chelsea Town Office
560 Togus Road
Chelsea, Maine 04330-1272

RE: Proposed Town of Chelsea Charter

Dear Ben:

I have reviewed the proposed charter which will be submitted to the voters of the Town of Chelsea. It is my opinion that the proposed charter does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws.

Sincerely,



Stephen E.F. Langsdorf
Town Attorney

SEFL:pjn

Town of Chelsea, Maine

Proposed Municipal Charter
and
Final Report
of the
Chelsea Charter Commission

4/24/2013

Charter Commission Members:

Benjamin Smith, Chair
Peter Hanson, Vice Chair
Maria Jacques, Secretary
Elizabeth Cousins
Richard Danforth
Elizabeth Larrabee
Scott Ludwig
Barbara Skehan
Charles Skehan

Charter Commission Final Report April 24, 2013

To the Citizens of the Town of Chelsea:

The Town of Chelsea Charter Commission (hereinafter “Commission”) submits this Final Report of a proposed Municipal Charter (“Charter”). The purpose of this report is to provide citizens with an explanation for the various provisions set forth in the proposed Charter and provide the background and process that led to its creation. It is the recommendation of the Commission that the voters adopt the Charter at the June 2013 Town Meeting. The Commission believes that the Charter will help the Town of Chelsea manage the expectations of municipal officials and officers, as well as meet future challenges and changing needs of the community.

The voters of Chelsea approved the establishment of a charter commission at a town meeting on November 8, 2011. Consistent with State law, three (3) members (Peter Hanson, Elizabeth Larrabee and Benjamin Smith) were appointed by the Board of Selectmen to serve on the Commission. A special town meeting and election was held on March 27, 2012 at which time the following six (6) individuals were elected to serve on the Commission: Barbara Skehan, Charles Skehan, Richard Danforth, Scott Ludwig, Elizabeth Cousins, and Maria Jacques.

An initial organizational meeting was held on April 24, 2012 at which time the Commission elected Benjamin Smith, Peter Hanson and Maria Jacques as Chair, Vice-Chair and Secretary, respectively. A public meeting was held on May 22, 2012 at which time the Charter Commission received input, opinions and views from members of the public on a new municipal charter.

Over the following months, the Commission met regularly to discuss, draft and revise charter provisions. The Commission made every effort to be responsive to the will and suggestions of the community, while remaining creative and unbiased in their presentation of a charter for the voters to adopt. Many existing charters from other communities were reviewed. The objective of the Commission was to look at many possible ideas and use them as the basis for developing the best working charter for the Town. Also paramount among the Commission’s goals was to craft a document that would continue to provide needed guidance and direction to municipal officers, officials, and the general public while being flexible and capable of adapting to changing needs as Chelsea grows and evolves. To this end, the Charter will provide a means by which voters can monitor and evaluate local government performance and, if necessary, change direction.

A Preliminary Report and Draft Municipal Charter (“Draft Charter”) were issued on February 1, 2013. Public hearings were held in accordance with 30-A M.R.S.A. §2103(5) on February 11 and March 11, 2013. Public comments supported the Charter Commission’s recommendation to maintain a town meeting, town manager form of

government with a three (3) person Board of Selectmen. Some changes to the Draft Charter were proposed at the public hearings. These suggestions, along with the Commission's final recommendation and findings, are discussed below.

The Proposed Charter

The proposed Charter for the Town of Chelsea consists of nineteen (19) articles that have been drafted with attention to necessary detail and, in some cases, unavoidable legal language that collectively sets out the proposed structure of government going forward. In several areas, neither the organization nor the responsibilities of boards, commissions or town officials have been changed. However, notable differences are discussed below.

Article 1 of the Charter sets forth the powers of the Town. Consistent with prior practice, the Town will operate under a modified Town Meeting form of government with a Board of Selectmen and a Town Manager. Public comments supported the Commission's recommendation to maintain this form of government.

Article 2 of the Charter establishes those town officials who will be elected to office, their eligibility, nomination procedure, and compensation. This article also sets forth the time when election for town officials is to be held. Elected officials established under Article 2 include the Town Meeting moderator, members of the Board of Selectmen, Board of Appeals, Board of Assessment Review, Budget Committee and Planning Board. This article also specifies that write-in candidates for elected office must receive a minimum of twenty-five (25) votes of Registered Voters in order to be elected to an office, and further provides that vacancies in office shall be filled by the Board of Selectmen. The Commission feels that this minimum vote requirement for write-in candidates is necessary to avoid frivolous voting. Public comments supported the provisions set forth in article two, including the minimum voting requirement for write-in candidates.

Article 3 of the Charter provides that all Town meetings be presided over by a moderator to be elected by secret ballot at the outset of Town meetings as prescribed by State law. This article does not amend the Town's current practice. No specific public comments were received regarding Article 3.

Article 4 sets forth the terms of eligibility and composition of the Board of Selectmen, enumerates their powers and duties and provides other provisions for their governance. The Charter also sets forth the meeting procedure and stresses the requirement that Town business be conducted in open, public, sessions.

Consistent with the Town's current practice and that of many other towns, Article 4 requires that selectmen must consist of Registered Voters eighteen (18) years of age or older who reside in the Town. After much deliberation, the Commission decided that the Board of Selectmen should continue to consist of three members. Based on recent elections, vacancies for boards are not uncommon. Given the limited pool of individuals

interested in serving on behalf of the Town, the Commission believes that maintaining a three (3) member board will help ensure that the Board of Selectmen are sufficiently qualified and interested in serving the community. The Commission further feels that a three (3) member Board will still provide a sufficiently diverse body to represent the citizens of Chelsea.

Consistent with the Town's current practice, compensation for selectmen shall be established by the annual Town Meeting. The Board of Selectmen may also approve reimbursement for reasonable expenses for board members incurred during the course of their official duties such as travel expenses.

To ensure that the Board of Selectmen has a functioning quorum for Town business, the Charter requires that any vacancy in the Board of Selectmen be filled. In the event that a quorum is lacking, a single selectman may nevertheless transact necessary business or sign a warrant for a special Town Meeting.

Public comments generally supported the provisions in Article 4. Commenters supported the Commission's recommendation to maintain a three (3) person Board of Selectmen. Commenters believed that it would be difficult to find persons sufficiently interested and qualified to fill a Board of Selectmen of five (5) or more members. Public comments recommended that the Draft Charter be amended to include specific requirements for the method and manner of how the Board of Selectmen (and other Boards) must keep minutes. Some commenters suggested that the Charter should be amended to require boards, including the Board of Selectmen, to require meetings to be audio recorded.

As a result of these public comments, the Charter includes language under Article 4.6 to clarify that minutes kept by the Board of Selectmen must be provided to the Town Clerk within seven (7) days (similar to the deadline provided for other Boards under Article 9). The Charter was also amended to clarify that minutes must include a summary of all motions, proposals and resolutions proposed or considered by the Board of Selectmen along with any actions taken by the Board. Similar language was added to Article 9 governing other Boards and Committees. The Proposed Charter does not require audio recordings of meetings. After much discussion, the Commission felt that, although audio recordings could be of value, such a policy should be left to the discretion of individual boards.

Article 5 sets forth the qualifications required for the Town Manager, who shall be chosen by the Board of Selectmen. This article establishes the powers, duties and responsibilities of the Town Manager, which are separately enumerated. Many of these duties and responsibilities mirror those set forth under Maine law. This structure under the Charter follows examples from several municipal charters. The Commission feels that it is important to provide some specificity under these sections to ensure that appropriate guidance was provided to future Town Managers, selectmen and other members of the Town.

The Charter also provides the Board of Selectmen with the authority to appoint an acting Town Manager in the event of an extended absence of the Town Manager. The Commission feels that this provision is necessary to ensure that qualified persons could continue to transact essential town business in the event that a Town Manager is unable to perform his or her duties. The Town Manager is solely responsible for providing supervision, direction and discipline to persons whom he or she is authorized to appoint or hire. This provision, which reiterates Maine law, makes it clear that the Board of Selectmen may not interfere with, or exercise control over, employees supervised by the Town Manager such as the Town Clerk. No specific public comments were received regarding Article 5.

Article 6 sets forth the qualifications, duties and responsibilities of the Town Clerk, many of which are derived from Maine law. This article also provides that the Town Clerk shall be appointed by the Town Manager for a term of one (1) year. The position of Town Clerk is a salaried position. The Town Manager shall establish the compensation for the Town Clerk.

Public comments sought clarifying language under Section 6.4.1 that would also limit reappointments of a Town Clerk to a one (1) year term. The Commission agreed with this clarification and the final Proposed Charter clarifies that any reappointments are also limited to a one (1) year term.

Article 7 establishes the qualification and duties of the Town's Assessors' Agent. Consistent with the Town's current practice, the Draft Charter allowed – but did not obligate – the Board of Selectmen to hire and set compensation for an Assessors' Agent. Public comments suggested that Article 7 be amended to require the Board of Selectmen to hire an Assessors' Agent. According to these commenters, elected selectmen should no longer be functioning as assessors, because elected selectmen do not have the skills or expertise to act as assessors. In addition, these commenters suggested that an Assessors' Agent could be funded by eliminating or reducing the current Assessors' stipend for an overall revenue neutral impact on the Town's taxpayers. Commenters also discussed the importance of maintaining accurate tax records, emphasizing that having an Assessors' Agent will ensure that the current tax equalization program being conducted throughout the Town is kept up to date and tax records are properly maintained into the future. In response to these public comments, the Commission amended the Charter to include language that requires the Board of Selectmen to hire and set the compensation for an Assessors' Agent on an annual basis. This practice will bring Chelsea in line with the practice of the many municipalities in Maine and should ensure that taxpayers in the Town are treated fairly. This provision would not prevent the Town from adopting a single assessor at a future time by ordinance, as allowed under Maine law.

Article 8 sets forth the qualifications, duties and compensations for Town officials that are appointed by the Town Manager, subject to approval of the Board of Selectmen. These individuals include the Animal Control Officer, Code Enforcement Officer/Building

Inspector/Health Officer.

Article 8.1 provides that the Animal Control Officer shall fulfill the duties set forth under Maine law. The Charter further allows the Town Manager to assign other duties to this individual, subject to approval by the Board of Selectmen. The compensation of the Animal Control Officer shall be determined by the Town Manager with the approval of the Board of Selectmen.

Article 8.2 delineates the needed qualifications of the Code Enforcement Officer/Building Inspector/Health Officer and enumerates the duties and responsibilities of the position. Compensation of the Code Enforcement Officer/Building Inspector/Health Officer is to be determined by the Town Manager with the approval of the Board of Selectmen.

Public comments suggested that Article 8.2 explicitly state that the Code Enforcement Officer be required to perform the three functions of the Code Enforcement Officer, Building Inspector, and Health Officer. After considering these comments, the Commission agreed upon minor clarifying language to state that the Code Enforcement Officer would also perform the duties of the plumbing and building inspector. With respect to duties of the local Health Officer, Commission members felt that the Charter should be flexible enough to allow the Board of Selectmen discretion to select an individual other than the Code Enforcement Officer to perform the duties of the Health Officer. For this reason, the proposed Charter states that, in the event that the Board of Selectmen does not designate another individual to serve as Health Officer, the Code Enforcement Officer shall be the default individual to perform these functions.

Article 9 establishes the qualifications, the composition (including the terms of office), and duties of the following Boards: Board of Appeals, Board of Assessment Review, Budget Committee, Planning Board, Cemetery Maintenance Committee, Road Advisory Committee, and Fire Department. Consistent with the Town's current practices, the Board and Committee members and alternate members, when applicable, must be selected from residents of the Town that are at least eighteen (18) years of age. It specifies the procedures to fill a vacancy in an office when necessary. The Commission feels that it is important that the Charter provide requirements that each board keep minutes of meetings and provide copies of those minutes to the Town Clerk within seven (7) days of their approval. Clarifying language was also added in response to public comments to require meeting minutes to include a summary of all motions, proposals and resolutions proposed or considered by the respective Board or Committee along with actions taken by them. Other public comments supported the composition and method of selecting members of the various Boards and Committees set forth under Article 9 that are discussed below. In cases where the Charter amends the composition of – and method of selection of individuals to – a board or committee, those officials currently serving in those offices will continue to serve out their remaining term in office.

The Board of Appeals and Board of Assessment Review each consist of five (5) elected members for staggered terms of three (3) years each. Previously each board had five (5) members and two (2) alternate members. The Commission feels that, if alternate members are not required to attend all meetings, it is difficult to conduct matters efficiently if circumstances require the alternate to take action. It has been difficult to fill board vacancies so the Commission further believes that the Town should utilize residents as full voting members and eliminate the alternate positions.

The Budget Committee consists of seven (7) members, three (3) of whom are elected for staggered terms of three (3) years each and four (4) of whom are appointed annually by the Board of Selectmen. Previously, all budget committee members were appointed by the Board of Selectmen. The Commission feels that three (3) members, each of whom is elected for three (3) year terms, will provide stability in the committee. The Commission further feels that appointing four (4) members annually balances the influence of any one member and improves the efficiency of the committee. Previously, the membership consisted of seven (7) to nine (9) members with two (2) alternates. The majority was elected and up to two (2) were appointed.

The Planning Board consists of seven (7) elected members for staggered terms of three (3) years each. Previously, this committee had five (5) elected members and two (2) elected associate members for five (5) year terms. The Commission feels it would be resourceful to utilize residents as voting members and to eliminate the alternate positions. The term has been reduced from five (5) years to three (3) years to correspond to the terms of the other boards and committees.

The Cemetery Maintenance Committee consists of five (5) members appointed by the Board of Selectmen for staggered terms of three (3) years each. This committee has been increased to five (5) members from three (3) members.

The Road Advisory Committee consists of five (5) members appointed by the Chelsea Road Commissioner for staggered terms of three (3) years each and is subject to approval by the Board of Selectmen. This new committee serves as an advisory body to the Road Commissioner.

The Fire Department remains responsible for selecting, training, and organizing the membership of the Chelsea Fire Department. Its primary purpose is fire prevention and control. Public comments sought clarification of how, and for what period of time, a fire chief would be selected. Commenters wished to clarify that the method and practice of selecting a fire chief under the Draft Charter was consistent with the Town's current practice. The Charter Commission agreed with these suggestions. Article 9.7.3, governing the organization of the Fire Department, was clarified to state that the fire chief would be appointed annually by the Board of Selectmen and that appointments would be limited to one (1) year terms. Compensation for the fire chief and members of the Fire Department shall be determined annually by the Board of Selectmen.

Article 10 governs annual and special town meetings. This article establishes that annual Town Meetings be held on the second Tuesday of June. All annual and special Town Meetings shall be duly called, and necessary notification shall be made, in accordance with the provisions of the Maine law. This article requires that a minimum of twenty-five (25) Registered Voters be present to open any special Town Meeting. The Commission feels that any matter important enough for a special Town Meeting should have a minimum of twenty-five (25) Registered Voters present in order to ensure that issues presented receive appropriate public input.

Public comments requested that Article 10 be amended in order to clarify that annual Town Meetings should be coordinated, if possible, with votes on RSU budgets. Commenters suggested that requiring the Town Meeting to be held on a particular date (e.g., the “second Tuesday of June”) was too specific. In response to these comments, Article 10 was clarified to state that “annual Town Meetings would be held in June of each year...” without setting a specific date.

Article 11 deals with municipal elections and town meetings. This article provides that regular elections for any office, except vacancies, shall be held at the annual town meeting. Consistent with the Town’s current practices, the Town will continue to hold municipal elections and town meetings as set forth in Title 30-A M.R.S.A. §2528, *et seq.*, which governs municipal elections and town meetings. No specific public comments were received regarding Article 11.

Article 12 lays out the authority for the enactment of ordinances and establishes the process for presenting proposed ordinances for consideration by the voters. This article recognizes that, consistent with Maine law, the Board of Selectmen retains authority to pass certain ordinances without the need for town meeting such as ordinances governing the regulation of vehicular traffic and general assistance. No specific public comments were received regarding Article 12.

Article 13 defines conflict of interest, forfeiture of office, recall, removal from office and establishes protocols to deal with these possible situations. Recent events demonstrated the absence of sufficient guidelines to deal with the possibility of not having a quorum of elected officials to do the Town’s business as well as the need for a provision to remove elected officers or officials who may no longer be able to represent the best interests of the Town. The Charter outlines specific protocols to be followed in the event that a violation is discovered and the elected officer or official fails to comply with the forfeiture proceedings. The article allows for the recall and removal of officers or officials that have violated the terms of their office but defines the conduct in a way that should deter frivolous recall attempts of officials who have made necessary but unpopular decisions. The Commission is mindful of the sanctity of public elections and seeks to strike a balanced approach in outlining provisions to correct possible future misconduct. This article, in conjunction with others, provides the necessary remedies to restore government process in the event an elected official voluntarily forfeited their office for personal reasons, is removed, or recalled. Public comments overwhelmingly

supported language proposed by the Charter Commission in Article 13. Commenters felt as though this article was needed and would have been helpful in the past.

Article 14 establishes a process to amend or revisit the Charter to meet future needs. This process would allow this Charter to be amended without the need to rewrite the entire document. Public comments on this Article questioned the need for additional mechanisms beyond those set forth under state law for amending municipal charters. Questions were also posed by commenters about the Charter Review Committee process, including whether or not there would be sufficiently interested and qualified persons within the Town to fill such a new committee. In response to these public comments, the Charter Commission amended Article 14 to state that the mechanisms of amending a municipal charter should follow the methods that are set forth under State law under 30-A M.R.S.A. §2102 *et seq.*

Article 15 clarifies that any references contained in the Charter to statutes refer to statutes of the State of Maine in effect as of the effective date of this Charter, together with any amendments to said statutes occurring after the date of enactment of the Charter. No specific public comments were received regarding Article 15.

Article 16 allows all elected and appointed positions to serve out their terms until a successor is elected or appointed. Similarly, contracts that were in effect prior to the enactment of the Charter remain in effect until the stated expiration of contract. All ordinances not inconsistent with the Charter will remain in effect until repealed or amended.

Article 17 states that, once the Charter has been adopted, to the extent permitted under State law, all municipal laws relating to or affecting the Town are superseded by the Charter to the extent that they are inconsistent or interfere with the Charter.

Public comments sought to clarify that Articles 16 and 17 would ensure that, in the event of any conflict between the Municipal Charter and any ordinance, the provisions set forth in the Charter would prevail. The Charter Commission considered these comments and discussed and reconsidered the language set forth in these Articles. The Charter Commission believed that the language in the Charter was sufficiently clear that any conflicting provisions between the Charter and local ordinances would render the language of conflicting ordinances invalid, but that provisions of ordinances that were not in conflict would continue in full force and effect until otherwise amended or repealed.

Article 18 evokes a severability clause designed to protect validity of the Charter. If a portion of the Charter is found to be invalid, unconstitutional, or is in conflict with State or Federal law, this clause will allow the remaining portions to remain in effect. Appropriate State and Federal law will automatically be incorporated in the Charter to remedy the invalid portions. This Article was moved to Article 18 (from previous Article

14) in response to public comments that suggested that language under this article should be moved to the end of the Charter.

Article 19 simply states the effective date(s) of the adoption of the Charter provisions upon an affirmative vote at the conclusion of the Town Meeting. No specific public comments were received regarding Article 19.

Town of Chelsea, Maine

CHARTER

Adopted by Citizens of the Town of Chelsea at the ____, 20__ Town Meeting.

Effective Date _____.

CHELSEA, MAINE
MUNICIPAL CHARTER
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PREAMBLE

The voters of Chelsea approved the establishment of a Charter Commission at a town meeting on November 8, 2011. At this election, Chelsea's citizens voted (507-178) to establish a Charter Commission to explore development of a Municipal Charter. Consistent with state law, three (3) members (Peter Hanson, Elizabeth Larrabee and Benjamin Smith) were appointed by the Board of Selectmen to serve on the Charter Commission. A special town meeting and election was held on March 27, 2012 at which time the following six (6) individuals were elected to serve on the Charter Commission: Barbara Skehan, Charles Skehan, Richard Danforth, Scott Ludwig, Elizabeth Cousins, and Maria Jacques. An initial organizational meeting was held on April 24, 2012 at which time the Charter Commission elected Benjamin Smith, Peter Hanson and Maria Jacques as Chair, Vice-Chair and Secretary, respectively. A public meeting was held on May 22, 2012 at which time the Charter Commission received input, opinions and views from members of the public on a new Municipal Charter.

Over the following months, the Charter Commission met regularly to discuss, draft and revise charter provisions. The Charter Commission made every effort to be responsive to the will and suggestions of the community, while remaining creative and unbiased in their presentation of a charter for the voters to adopt. Many existing charters from other communities were reviewed. The objective of the Charter Commission was to look at many possible ideas and use them as the basis for developing the best working charter for the Town. Also paramount among the Charter Commission's goals was to craft a document that would continue to provide needed guidance and direction to municipal officers, officials, and the general public while being flexible and capable of adapting to changing needs as Chelsea grows and evolves. To this end, the Town of Chelsea Municipal Charter (Charter) provides a means by which voters can monitor and evaluate local government performance and, if necessary, the means to change direction.

A Preliminary Report and Draft Municipal Charter were issued on February 1, 2013. Public hearings were held in accordance with 30-A M.R.S.A. §2103(5) on February 11 and March 11, 2013. Amendments were made in response to public comments and a Final Report and proposed Municipal Charter was filed with the Board of Selectmen on April 24, 2013. Citizens adopted the Municipal Charter at the [INSERT DATE] Town Meeting.

Henceforth, this Charter will refer to the Town of Chelsea as "the Town," "Statute" will mean the Maine Revised Statutes Annotated, and "Registered Voters" shall mean Registered Voters of the Town of Chelsea.

1.0 POWERS OF THE TOWN

1.1 INCORPORATION

The inhabitants of the Town, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "Town of Chelsea."

1.2 FORM OF GOVERNMENT

The form of government provided by this Charter shall be Town Meeting/Board of Selectmen/Town Manager.

1.3 POWERS OF THE TOWN

The Town shall have all powers possible for a municipality to have under the constitution and laws of Maine. The powers of the Town under this Charter shall be construed liberally in favor of the Town, and no mention of particular powers in the Charter shall be construed to be exclusive or as limiting in any way the general powers of the Town.

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 states or civil divisions or agencies thereof, or of the United States or any agencies thereof to the extent permitted by law.

1.5 FISCAL YEAR

The fiscal year for the Town shall be July 1 – June 30. All new terms of office commence on the first day of the fiscal year.

2.0 ELECTED OFFICERS

The offices to be filled by the voters will be:

- a. Town Meeting Moderator (Section 3.0)
- b. Board of Selectmen (Section 4.0)
- c. Board of Appeals (Section 9.1)
- d. Board of Assessment Review (Section 9.2)

e. Budget Committee (Section 9.3)

f. Planning Board (Section 9.4)

2.1 ELIGIBILITY

Registered Voters shall be eligible to hold elective office. However, no selectman may hold any other elected office. Planning Board members cannot concurrently serve on the Board of Appeals.

2.2 NOMINATION PROCEDURE

Except as otherwise provided, the number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall not be less than twenty-five (25) nor more than one hundred (100). Adjustment to be made in accordance with 30-A M.R.S.A. §2528.

2.3 ELECTION

The annual election of town officials shall be held in June of each year, in conjunction with the annual town meeting, in accordance with Statute.

2.3.1 WRITE-IN CANDIDATES

Write in candidates must receive a minimum of twenty-five (25) votes to be elected. If no candidate receives twenty-five (25) write-in votes, then a vacancy shall be declared.

Vacancies in elected offices shall be filled by the Board of Selectmen as provided under Section 9.0.

2.4 COMPENSATION

Elected town officials shall receive compensation as may be provided for that purpose by appropriation annually.

2.5 VACANCY OF OFFICE

The office of an elected official shall be vacant upon death, resignation, non-acceptance of office, incompetence, permanent disability that impairs the essential functions of the job, failure to maintain eligibility for the position or removal from office in any manner authorized by law or by this Charter.

3.0 TOWN MEETING MODERATOR

At each Town Meeting, a Moderator shall be elected by secret ballot as prescribed by Statute.

4.0 BOARD OF SELECTMEN

4.1 ELIGIBILITY

Only Registered Voters of the Town shall be eligible to hold the office of Selectmen. Selectmen shall reside in the Town and be at least eighteen (18) years of age.

No selectman shall hold any other elected town office, any town position for which compensation is provided, except for the Fire Department, or any other full or permanent part-time town employment during the term for which he or she is elected to the Board of Selectmen except as permitted under Section 13.5. No former selectman shall hold any compensated town office or be employed in any town department, except for the Fire Department, for at least one (1) year after the resignation or expiration of the term for which he or she was elected.

4.2 COMPOSITION AND TERM OF OFFICE

There shall be three (3) Selectmen elected by Registered Voters of the Town for staggered terms of three (3) years each.

Upon a vacancy of a member of the Board of Selectmen during his or her term the remaining Selectmen shall execute a warrant setting a special Town Meeting within 45 days.

All Selectmen holding office as of the adoption of this Charter shall continue to hold office for the remainder of their elected terms.

4.3 COMPENSATION

Selectmen shall be compensated at a rate adopted by the Annual Town Meeting and shall receive reasonable expenses incurred in the course of their official duties as may be approved by a majority of the Board of Selectmen.

4.4 INDUCTION AND ORGANIZATIONAL MEETING

Within fourteen (14) days of the commencement of each fiscal year, the members of the newly constituted Board of Selectmen

shall meet and they shall organize, to the extent possible, as follows:

- a. to elect a Board Chairman and Vice-Chairman; and
- b. to establish time and place for regular Board of Selectmen meetings and give appropriate notice thereof to the public.

4.5 GENERAL POWERS AND DUTIES

The Board of Selectmen, as a body, shall exercise all administrative and executive powers of the Town, except as otherwise provided by this Charter or the Constitution and Laws of the State of Maine. A principal function of the Board of Selectmen is to establish and execute goals, policies, and strategies for the best interests of the Town.

4.6 MEETING PROCEDURE

The Board of Selectmen shall hold regular meetings at least once a month. Special meetings, those meetings that are not regularly scheduled, may be called by the Chairman and shall be publicly noticed in the same manner as regular meetings. Emergency meetings, those meetings that circumstances dictate must be held in less than forty-eight (48) hours, may be called by the Chairman upon providing no less than twelve (12) hours notice to each member. When emergency meetings are called, the press shall be notified. All meetings of the Board of Selectmen shall be open to the public, reserving to the Board of Selectmen the right to recess for the purpose of holding discussion in an executive session as permitted by Statute. Any final action taken by the Board of Selectmen shall be taken in public session. Selectmen shall keep minutes of their proceedings which shall summarize all motions, proposals, resolutions and other actions taken by the Board of Selectmen. Minutes shall be provided to the Town Clerk within seven (7) days of approval and made available to the public in the Town Office. Voting shall be by a show of hands or voice vote and shall be recorded in the minutes of the Board of Selectmen. Two (2) members of the Board of Selectmen shall constitute a quorum for the transaction of business. A majority of the entire Board of Selectmen shall be necessary to take any action binding on the Town. In accordance with 30-A M.R.S.A. §2602 (7), if fewer than two (2) members of the Board are in office or fewer than two (2) members are available to serve, the remaining member has the explicit authority to sign a warrant for a special Town Meeting to elect selectmen or conduct other necessary Town business.

4.7 NON-INTERFERENCE

Except for the purpose of inquiry, the Board of Selectmen shall deal with the administrative services solely through the Town Manager. Selectmen, individually or as a Board, shall not give orders to any subordinate of the Town Manager, either publicly or privately.

4.8 FILLING OF VACANCIES

If a vacancy in the office of a Selectman occurs when there are more than forty-five (45) days remaining before the next regular Town Meeting, the remaining Selectmen shall call a special Town Meeting for election to fill such vacancy. If the vacancy occurs when less than forty-five (45) days remain before the next regular Town Meeting, the Board of Selectmen may use their discretion as to whether a special Town Meeting is needed to fill such a vacancy. If at any time two (2) or more vacancies occur at the same time on the Board of Selectmen, a special Town Meeting for election shall be held within thirty (30) days to fill such offices. If the Board of Selectmen fails to call the Town Meeting in accordance with this section, or in the event that all three (3) offices on the Board of Selectmen are vacant, the aforementioned Town Meeting shall be called by the Town Clerk.

4.9 ENUMERATION OF RESPONSIBILITIES

The power and duties of the Board of Selectmen shall include, but not be limited to, the following:

- a. Overseers of the Poor;
- b. Provide for an annual audit pursuant to Statute;
- c. Appoint the Town Manager;
- d. Confirm appointments of town officials, members of the boards, committees, agencies, and positions as provided by Statute and Charter;
- e. Propose to the Town Meeting the enactment or repeal of ordinances which require approval by a Town Meeting;
- f. Adopt, amend, or repeal ordinances, regulations, and policies which do not require approval by a Town Meeting;

- g. Provide for the granting of licenses and permits for the conduct of any business in accordance with Statute;
- h. Recommend a budget and provide an up-to-date statement of accounts for the Annual Town Meeting;
- i. Oversee all activities within the Town government;
- j. In the absence of a specific ordinance, adopt purchase procedures providing for the delegations of purchasing authority, within defined categories and limits;
- k. Obtain professional services on behalf of the Town;
- l. Enact emergency regulations and ordinances as may be permitted by Statute;
- m. Appoint ad hoc advisory or study committees as the need may arise and charge them with specific duties; and
- n. Serve as Assessors of the Town, pursuant to Statute.

5.0 TOWN MANAGER

5.1 QUALIFICATIONS

The Town Manager shall be chosen by the Board of Selectmen 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 the office hereinafter set forth. It is expected that the Town Manager possess a degree from an accredited four-year college or university program in public administration or a related field, and at least five (5) years of experience as chief administrative officer in a municipal government; or any equivalent combination of experience and training. The Town Manager must be bondable.

The Town Manager must have:

- a. Thorough knowledge of municipal management and community problems;
- b. Thorough understanding of administrative organization, design, and evaluation;

- c. Thorough knowledge of financial administration and the design of financial accounting and reporting systems;
- d. Thorough knowledge of the theory and practice of public personnel administration;
- e. Thorough knowledge of municipal government programs and decision-making process;
- f. Working knowledge of State and Federal programs;
- g. The ability to communicate effectively both orally and in writing and be versed in the use of basic computer software;
- h. The ability to listen to others;
- i. Conflict resolution skills;
- j. The ability to direct and supervise others and to delegate;
- k. The ability to organize and use time effectively;
- l. The ability to give and accept constructive criticism;
- m. A positive and direct approach in striving to achieve results, and be able to motivate others to act through persuasiveness; and,
- n. The ability to act independently, creatively and without precedent in the face of problems.

5.2 POWERS AND DUTIES

The Town Manager shall:

- a. Be the chief executive and administrative official of the Town;
- b. Be responsible to the Board of Selectmen for administration of all departments and offices over which the Board of Selectmen has control;
- c. Oversee the execution of all laws and ordinances of the Town;
- d. Serve as Treasurer, Road Commissioner, Tax Collector, General Assistance Administrator, Deputy Town Clerk and

Deputy Registrar of Voters and as the head of any department under the control of the Board of Selectmen when so directed by the Board of Selectmen;

- e. Appoint, subject to confirmation by the Board of Selectmen, and supervise the heads of the departments when the department is not headed by the Town Manager under Section 5.2.d;
- f. Have exclusive authority to appoint, hire or remove, in accordance with the Town's Personnel Policy, any persons the Town Manager is authorized by law to appoint or hire, such as the Town Clerk and Deputy Town Clerk, and report all removals to the Board of Selectmen;
- g. Appoint, supervise, and control all town officials whom the Town Officers are required by law to appoint, except that the Town Manager may delegate this authority to a head of a department, and report all appointments to the Board of Selectmen for confirmation;
- h. Act as the purchasing officer for all municipal departments except for the Fire Department;
- i. Prepare and submit a proposed annual Municipal Budget no later than February 15 of each year in accordance with the financial policies and procedures established by the Board of Selectmen, the annual capital improvement program and annual financial and administrative reports to the Board of Selectmen and be responsible for the administration of the annual Municipal Budget and capital improvement program after their adoption;
- j. Attend all meetings of the Board of Selectmen unless agreed to by the Selectmen, prepare its agendas, and provide supporting documents and information pertinent to agenda items;
- k. Make recommendations to the Board of Selectmen in regard to the efficient operation of the Town;
- l. Keep the Board of Selectmen and the residents of the Town informed as to the financial condition of the Town;

- m. Maintain contact with the public by handling suggestions, complaints, and information requests, and act as a resource, insofar as possible, for residents and taxpayers who have problems or concerns regarding community/municipal issues;
- n. Make application for State, Federal, and other grants for the benefit of the Town, as approved by the Board of Selectmen; and
- o. Perform such duties as may be prescribed by this Charter or required by the Board of Selectmen, not inconsistent with this Charter.

5.3 ABSENCE OF THE TOWN MANAGER

In the event of the Town Manager's extended absence, the Board of Selectmen shall appoint a qualified individual to perform the duties of the Town Manager until such time as the Town Manager returns or is replaced.

5.4 RESIGNATION OR REMOVAL

In the case of resignation or removal from office, the Town Manager shall forfeit all duties and appointments.

6.0 TOWN CLERK

6.1 QUALIFICATIONS

The Town Clerk shall hold or obtain Maine State Certification within the first year of appointment and must be bondable.

Applicant must have a high school diploma or equivalent experience involving maintenance and preparation of records, supplemented by courses in business education or office procedures, or any equivalent combination of experience and training.

Applicant must have thorough knowledge and understanding of the duties of Town Clerks, modern office procedures, practices and equipment, including use of computers.

6.2 DUTIES

The Town Clerk is responsible for administrative and clerical work, and the custody of Town records. Work involves extensive public contact.

In addition to statutory duties, the Town Clerk shall:

- a. Keep available in the Town Office minutes of all Town boards and committees for public review;
- b. Perform general office functions deemed appropriate by the Town Manager;
- c. Validate official documents, oversee posting of official notices and advertisements, record papers with Federal and State Government as received;
- d. Issue various licenses and permits such as marriage, hunting, fishing, and dog licenses, and maintain all related records;
- e. Maintain records of births, deaths, marriages, burials and send periodic reports to the State of Maine Office of Vital Statistics and issue certified copies of same;
- f. Prepare and maintain all records for the Maine Department of Inland Fisheries and Wildlife and serve as the Town's Agent to the Maine Department of Inland Fisheries and Wildlife;
- g. Serve as Assistant Town Manager in the absence of the Town Manager and assist the Town Manager with various special projects;
- h. Participate in the collection of various taxes including excise and property taxes;
- i. Compute excise tax on applicable property and keep and process records of the same;
- j. Administer all elections including scheduling and appointing ballot clerks, order and prepare ballots, issue absentee ballots, process and record ballots and report election results, and accept voter registration;
- k. Collect monies, answer inquiries, and issue and validate nomination papers at Town Office; and
- l. Perform related duties as required.

6.3 COMPENSATION

The Town Manager shall establish the compensation for the Town Clerk.

6.4 GENERAL

6.4.1 The Town Clerk shall be appointed for a term of one (1) year by the Town Manager. All reappointments shall also be for a one (1) year term. Reappointment is not an expectation but will be considered based on performance.

6.4.2 The Town Clerk's principal place of business shall be in the municipal offices and at times agreed upon by the Board of Selectmen and the Town Manager.

7.0 ASSESSORS' AGENT

The Selectmen shall hire an Assessors' Agent.

7.1 QUALIFICATIONS

The Assessors' Agent shall hold or obtain a valid Maine Assessor's Certificate.

7.2 DUTIES

The Assessors' Agent shall assist in appraising or assessing real and personal property for taxation within the Town, and administer and maintain all records of the assessing program.

7.3 COMPENSATION

The Board of Selectmen shall annually hire and set the compensation for the Assessors' Agent.

8.0 APPOINTED OFFICERS/OFFICIALS

In addition to those provided for elsewhere in this Charter, the following officers/officials shall be appointed by the Town Manager subject to confirmation by the Board of Selectmen. Said appointments shall be acted upon within thirty (30) days following the Annual Town Meeting. Terms of office for appointed positions shall run concurrently with the fiscal year. No elected municipal officer or official shall hold appointed office under this section unless the law or ordinance creating the appointed office so requires or allows.

8.1 ANIMAL CONTROL OFFICER(S)

8.1.1 QUALIFICATIONS

The Animal Control Officer(s) shall have or obtain the required State Certification as per Title 7 M.R.S.A. §3947.

8.1.2 DUTIES

The Animal Control Officer(s) shall perform all statutory duties and other duties as may be directed by the Town Manager with the approval of the Board of Selectmen.

8.1.3 COMPENSATION

The compensation of the Animal Control Officer(s) shall be determined by the Town Manager with the approval of the Board of Selectmen.

8.2 CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR/HEALTH OFFICER

8.2.1 QUALIFICATIONS

The Code Enforcement Officer shall have State Certification as a Code Enforcement Officer and State Certification as a local Plumbing Inspector.

The Code Enforcement Officer must have:

- a. Knowledge of all types of building construction, materials, methods and stages in construction;

- b. Knowledge of methods and techniques of inspection, checking plans, and blueprint specifications;
- c. Knowledge of, or an ability to properly interpret, building and environmental codes;
- d. Ability to communicate effectively, orally and in writing, and the ability to follow through on jobs to their completion;
- e. Ability to complete difficult inspection work and to deal fairly and effectively with the public.
- f. Ability to recognize any condition hazardous to health and safety and to determine appropriate corrective measures;
- g. Ability to establish effective working relationships with property owners and Town officials under adverse or strained conditions;
- h. Ability to work in all types of adverse weather conditions;
- i. Ability to perform inspections on a variety of existing and new structures including dwelling units and commercial businesses; and,
- j. Ability to attend meetings when requested by the Planning Board or the Board of Selectmen.

8.2.2 DUTIES

- a. Duties as set forth by Statute or ordinance;
- b. Review applications for land use permits and serve as staff support to the Town Planning Board. Attend Planning Board meetings at the request of the Planning Board Chair;
- c. Perform duties of the Building Inspector, including, inspecting construction work of new and existing structures, and buildings damaged by fire to determine compliance with codes, and inspecting housing units to ensure compliance with minimum standards for safety and health;

- d. Inspect all internal and external plumbing for compliance with the State's Plumbing Code;
- e. Prepare accurate inspection reports which summarize general conditions, indicate defects noted and prescribe proper corrective action(s). In most cases, an informal hearing is held with the owner or manager to make them aware of problem(s);
- f. Maintain active and accurate development plans, indexes, and individual case files;
- g. Receive any environmental health complaints and investigate to determine proper procedure for abatement of the hazard(s) or nuisance(s);
- h. Assign 9-1-1 house numbers and update 9-1-1 maps as required;
- i. In the absence of another individual appointed by the Board of Selectmen, perform duties of Local Health Officer, prepare reports as required, and make and prepare permanent records; and
- j. Perform related work as required.

8.2.3 COMPENSATION

The compensation of the Code Enforcement Officer/Building Inspector/Health Officer shall be determined by the Town Manager with the approval of the Board of Selectmen.

9.0 BOARDS, COMMITTEES, AND DEPARTMENTS

Terms of office for appointed positions shall run concurrently with the fiscal year. Appointments may be revoked based on violations of Section 13 and its subsections.

Members of each Board and Committee and alternate members, when applicable, shall be residents and Registered Voters of the Town of Chelsea, at least eighteen (18) years of age, and shall be neither a Selectman, nor an employee of the Town of Chelsea.

Any vacancy on a Board or Committee within this section shall be filled within thirty (30) days by appointment by the Board of Selectmen. The

appointed member shall serve until the next Annual Town Meeting, at which time the remainder of a vacated elected term shall be filled by election or appointment. The word "vacancy" applies also when no candidate is duly elected to fill the office.

The Secretary of each Board and Committee shall keep minutes of each meeting. Minutes shall be provided to the Town Clerk within seven (7) days of approval and made available to the public in the Town Office. Minutes shall summarize all motions, proposals, resolutions and other final actions taken by the Board or Committee.

The Board of Selectmen has the authority to set-up ad hoc committees as necessary.

Before assuming the duties of office, a town official or deputy shall be sworn in by the moderator in open town meeting, by the clerk, or by any other person authorized by law to administer an oath, including a notary public or dedimus justice.

9.1 BOARD OF APPEALS 30-A M.R.S.A. §2691

9.1.1 QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Board of Appeals.

9.1.2 COMPOSITION

The Board of Appeals shall consist of five (5) members for staggered terms of three (3) years each. Each is elected by the Registered Voters of the Town. Members shall annually elect their Chairman, Vice-Chairman, and Secretary.

9.1.3 DUTIES 30-A M.R.S.A. §2691

The duties and procedures are governed by Maine Statute and ordinances of the Town.

9.2 BOARD OF ASSESSMENT REVIEW 30-A M.R.S.A. §2526 (6)

9.2.1 QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Board of Assessment Review.

9.2.2 COMPOSITION

The Board of Assessment Review shall consist of five (5) members for staggered terms of three (3) years each. Each is elected by the Registered Voters of the Town. Members shall annually elect their Chairman, Vice-Chairman, and Secretary.

9.2.3 DUTIES 30-A M.R.S.A. §2526 (6)

The duties and procedures are governed by Maine Statute and ordinances of the Town.

9.3 BUDGET COMMITTEE

9.3.1 QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Budget Committee.

9.3.2 COMPOSITION

The Budget Committee shall consist of seven (7) members. Three (3) members are elected for staggered terms of three (3) years by the Registered Voters of the Town at the annual Town Meeting. Four (4) members shall be appointed annually by the Board of Selectmen within forty-five (45) days after the annual Town Meeting.

9.3.3 DUTIES

The duties and procedures are governed by Maine Statute and ordinances and policies of the Town.

A quorum will be satisfied with five (5) Budget Committee members present and voting.

It shall be the duty of the Budget Committee to meet within sixty (60) days following the annual Town Meeting for an organizational meeting to elect a Chairman, Vice-Chairman, and Secretary.

The Budget Committee shall meet at least quarterly throughout the fiscal year to review the fiscal status as it relates to income and expenditures. The Budget Committee shall meet with the Board of Selectmen, Town Manager, and Department Heads to review the proposed annual budget.

The Budget Committee shall, by majority vote of the committee members present and voting, make recommendations regarding each warrant article having a financial impact whether at the Annual Town Meeting or at a Special Town Meeting.

The Budget Committee shall be present at the annual Town Meeting and at any Special Town Meeting having a financial impact on the Town, and when requested by the Board of Selectmen.

The Budget Committee shall review the long range Capital Improvement Plan for the Town and its annual fiscal impact.

The Budget Committee shall annually review the report of the auditor and make recommendations for meeting the needs identified by the auditor.

9.4 PLANNING BOARD

9.4.1 QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Planning Board.

9.4.2 COMPOSITION

The Planning Board shall consist of seven (7) members for staggered terms of three (3) years each. Each is elected by the Registered Voters of the Town. Members shall annually elect their Chairman, Vice-Chairman, and Secretary.

9.4.3 DUTIES

The duties and procedures are governed by Maine Statute and ordinances of the Town.

9.5 CEMETERY MAINTENANCE COMMITTEE

9.5.1 QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Cemetery Maintenance Committee.

9.5.2 COMPOSITION

The Cemetery Maintenance Committee shall consist of five (5) members with staggered three (3) year terms. Members are appointed by the Board of Selectmen. Members shall meet at least annually. Members shall annually elect their Chairman, Vice-Chairman, and Secretary.

9.5.3 DUTIES

The duties and procedures are governed by Maine Statute and the Town of Chelsea Cemetery Maintenance Ordinance.

9.6 ROAD ADVISORY COMMITTEE

9.6.1 QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Road Advisory Committee.

9.6.2 COMPOSITION

The Road Advisory Committee shall consist of five (5) members for staggered terms of three (3) years. Each is appointed by the Chelsea Road Commissioner and subject to approval by the Board of Selectmen. Members shall annually elect their Chairman, Vice-Chairman, and Secretary.

9.6.3 DUTIES

The duties and procedures are governed by Maine Statute, Ordinances, and policies of the Town.

The Road Advisory Committee shall review the long range road maintenance plan for the Town and its annual fiscal impact and make recommendations to the Chelsea Road Commissioner.

9.7 FIRE DEPARTMENT

9.7.1 PURPOSE

The Fire Department, as recognized by the Board of Selectmen, primary purpose is fire prevention and control.

9.7.2 PREROGATIVES

The Fire Department is responsible for the selection, training, and organization of its own membership.

9.7.3 ORGANIZATION

The Fire Department shall elect a Chief from its membership to be appointed by the Board of Selectmen for a one (1) year term. The Fire Department shall select other officers or positions from its membership.

9.7.4 COMPENSATION

Compensation for the Fire Chief and members of the Fire Department shall be determined annually by the Board of Selectmen.

10.0 ANNUAL AND SPECIAL TOWN MEETINGS

An annual Town Meeting shall be held in June of each year. This will coincide with any State election being held. All annual and special Town Meetings shall be duly called in accordance with the provisions of the Statutes.

A notification of any annual or special Town Meeting shall be posted on the Town's website and otherwise made available to Registered Voters of the Town at least seven (7) days prior to that meeting. The notification shall also name the location of the distribution points where the warrant for the meeting is available.

In order for any Special Town Meeting to be opened, a minimum of twenty-five (25) Registered Voters must be present.

11.0 MUNICIPAL ELECTIONS AND TOWN MEETINGS

11.1 ELECTIONS

Regular elections for any elected office, except as otherwise provided herein for the filling of vacancies, shall be held at the annual Town Meeting. Nominations for these offices shall be in accordance with the general laws of the State of Maine and this Charter.

11.2 CONDUCT OF MUNICIPAL ELECTIONS AND TOWN MEETINGS

The provisions of 30-A M.R.S.A. §2528 *et seq.*, relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of elected officials, and all other particulars relative to preparation for the conducting of and the management of Town Meetings, so far as they may be applicable, shall govern all municipal elections and Town Meetings.

12.0 ENACTMENT OF ORDINANCES

The Town may enact, amend or repeal ordinances for all purposes authorized or permitted under the Constitution of Maine and Statute, including, without limitation ordinances promoting the general welfare, preventing disease, providing for the public health and safety, and restricting the use of real property by zones as provided by the Statutes.

Proposed ordinances to be presented to the voters of the Town shall be written by or under the direction of the Board of Selectmen, except as provided by ordinance existing at the time of adoption of this Charter, in such fashion as they shall deem necessary and enacted by the Town in the following manner.

A proposed ordinance may be brought before a Town Meeting on the Warrant, either at the direction of the Board of Selectmen to include it, or by petition procedures duly established by the laws of this State, and any proposed amendment to the ordinances of the Town shall be established and enacted in accordance with the provisions for such action as the same are set forth within the ordinances of the Town, as the same shall be amended from time to time.

One copy of the proposed ordinance shall be certified by the Board of Selectmen to the Town Clerk as required by ordinances or Statute to be preserved as a public record and copies shall be made available for distribution to the voters by the Town Clerk as well as at the time of Town Meeting.

The subject matter of the proposed ordinance shall be reduced to the question, "*Shall an ordinance entitled (Title) be enacted?*"; and shall be submitted to the Town Meeting for action as an article in the Warrant or as a question on a secret ballot.

The Board of Selectmen may, by majority vote, enact ordinances for the regulation of vehicular traffic and for the promotion of public safety on public ways as they deem necessary following proper posting in a local newspaper seven (7) days before the hearing is held.

Except as provided above, provisions of this section shall not apply to ordinances which may be enacted by the Board of Selectmen as provided by Statute.

13.0 GENERAL PROVISIONS: CONFLICT OF INTEREST, FORFEITURE, RECALL AND REMOVAL FROM OFFICE

13.1 CONFLICT OF INTEREST

13.1.1 In accordance with Title 30-A M.R.S.A. §2605, any municipal officer or official of the Town, elected or appointed, who himself or herself or any family member, close friend or business associate, has any financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the Town, or in the sale of any land, material, supplies, or services to the Town or who is a contractor supplying the Town with services or material shall make known the interest and shall refrain from voting upon or otherwise participating in his or her capacity as an officer or employee in making such sale or the making or performing of such contract.

13.1.2 Any municipal officer or official of the Town who willfully conceals such financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit such office or position immediately upon a determination of malfeasance by the Board of Selectmen as hereinafter provided under Section 13.2.2.

13.1.3 Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale voidable by the Board of Selectmen.

13.2 FORFEITURE OF OFFICE

13.2.1 An municipal officer or official, elected or appointed, shall forfeit his or her office or be subject to a recall or forfeiture proceedings as hereinafter provided if such person:

- a. lacks, at any time during his or her tenure of office, any eligibility or other qualifications for the office prescribed by this Charter or by law;
- b. intentionally violates any expressed prohibition of this Charter;
- c. fails to fulfill the requirements of his or her office, including, but not necessarily limited to, failure to attend three (3) or more consecutive regular meetings without being excused beforehand or actively participate in the functioning of the board or committee;
- d. is indicted or convicted of a felony or is indicted or convicted of any other offense which prevents them from fulfilling their obligation as a municipal officer or official; or
- e. is banned by a court of law from attending meetings or carrying out their duties of office as prescribed herein.

13.2.2 Upon any allegation of charges of conflict of interest or violation of the provisions set forth under Section 13.2.1, the Board of Selectmen shall hold a hearing to determine if there is any malfeasance or violation of the provisions set forth under Section 13.2.1. Forfeiture and immediate removal of office shall require a majority vote of the Board of Selectmen. In the event that the Board of Selectmen fail to take any action or vote for forfeiture and removal of office, the Registered Voters of the Town may initiate recall proceedings in accordance with the provisions set forth under Section 13.3.

13.3 RECALL OF ELECTED OFFICERS AND OFFICIALS - REMOVAL FROM OFFICE

13.3.1 Any elected officer or official of the Town may be recalled and removed from elective office by the Registered Voters of the Town as hereinafter provided.

Recall may be used when an elected official has violated any of the conflict of interest or forfeiture of office provisions set forth under Sections 13.1 and 13.2.

- 13.3.2** Any twenty-five (25) Registered Voters of the Town may make and file with the Town Clerk an affidavit containing the name of the officer or official whose removal is sought and a general statement of the reasons why such removal is desired because of any violations of the provisions set forth under Sections 13.1 and 13.2.
- a. The Town Clerk shall prepare and sign a petition for such removal, a copy of said affidavit and general statement either included thereon or attached thereto, which shall be impressed with the official Town Clerk's seal, dated, and addressed to the Board of Selectmen containing the name of the officer or official whose removal is sought.
 - b. The petition shall be available only at the Town Clerk's office during normal business hours for thirty (30) days and shall be signed only by residents of the Town in the presence of the Town Clerk or Deputy Town Clerk. Every signature shall include the address of the registered voter, indicating the street and number or other description sufficient to identify such address, such as tax map and lot number.
- 13.3.3** The recall petition, to be effective, must be signed by a number of Registered Voters of the Town equal to at least twenty-five percent (25%) of the votes cast at the previous gubernatorial election.
- 13.3.4** At the expiration of the said thirty (30) days, the Town Clerk shall declare the petition closed and shall certify the petition within five (5) days thereafter.
- 13.3.5** The petition and certificate shall be submitted to the Board of Selectmen at their next meeting. The Board of Selectmen shall forthwith give written notice to said official of the receipt of said petition and certificate.
- 13.3.6** If the official sought to be removed does not resign within five (5) days of receiving such notice, the Board of Selectmen shall within ten (10) days of the receipt of the

Town Clerk's certificate, order an election to be held within thirty (30) days. The Board of Selectmen shall schedule a public hearing, upon public notice as provided for Town Meetings, to be held within seven (7) days prior to the date of said election. At said hearing, which shall be presided over by a moderator, the petitioners and the officer or official whose recall is sought shall be provided opportunity to present reasons for or against recall.

13.3.7 The incumbent official shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office for the remainder of the unexpired term, subject to subsequent recall only as provided in Section 13.3.8. If recalled in the voting, the official shall be deemed removed upon the certification of the voting results and may not seek election to any municipal office for a period of at least three (3) years from the date of such recall.

13.3.8 No recall petition shall be filed against an official within six (6) months after such official takes office, nor, in the case of an official subjected to a recall vote and not removed thereby, until at least twelve (12) months after such vote.

13.4 REMOVAL OF APPOINTED OFFICIAL OR EMPLOYEE

Any official, department head, or employee appointed by the Town Manager may be removed by him at any time after written notice pursuant to the Town's Personnel Policy (Section 5.2.f).

13.5 HOLDING OTHER OFFICE

Neither the Board of Selectmen, Town Clerk, nor Assessors' Agent shall hold appointed positions in the Town as listed under Sections 8.0 and 9.0, with the exception of members of the Fire Department, unless the law or ordinance creating the appointed office requires or allows it. During Budget Committee deliberations, if any member of the Budget Committee is also a member of another board or committee or the Fire Department, such member shall make such fact known and refrain from any discussion or voting on matters relating to the Fire Department or such other board or committee unless allowed to do so by a majority vote of the Budget Committee.

14.0 AMENDMENT OF CHARTER

This Charter may be revised or amended according to Title 30-A M.R.S.A §§ 2102, 2104, and 2105.

15.0 AMENDMENT OF STATE STATUTES

Any reference herein to the statutes of the State (M.R.S.A.) is made to those statutes of the State in effect as of the effective date of this Charter, together with any amendments to said statutes occurring after the date of enactment of this Charter.

16.0 TRANSITION PROVISIONS

16.1 ADMINISTRATIVE OFFICERS

All elected and appointed positions shall continue in office and in the performance of their duties until the expiration of their term, or until their successor is duly elected or appointed in accordance with the provisions of this Charter.

16.2 EXISTING CONTRACTS

All rights, actions, proceedings, prosecutions, and contracts of the Town or any of its departments pending or unexecuted when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

16.3 ORDINANCES

All ordinances of the Town in force at the time of this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

17.0 STATE AND MUNICIPAL LAWS

All Town ordinances, resolutions, orders, and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State permit, all laws relating to or affecting this Town or its agencies, Officers, or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of

ordinances or resolutions adopted pursuant thereof.

All meetings of any municipal boards or committees, whether regular, special, or emergency, shall be in accordance with Statute.

18.0 SEVERABILITY

If any portion of this Charter is held invalid or unconstitutional, this decision shall not affect the validity of the remaining portions thereof. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

If any provision of this Charter is held invalid by reason of any conflict with State or Federal law, the provisions of the applicable State or Federal law shall automatically become incorporated in this Charter in place of the invalid Charter provision.

19.0 EFFECTIVE DATE

The Charter shall be adopted at the conclusion of the Town Meeting at which an affirmative vote for the enactment occurs and shall become effective on the first day of the next succeeding municipal year, except that the new Charter provisions pertaining to elections shall take effect upon adoption.