

Charter

Town of Orrington, Maine



As amended by Town referendum June 8, 2004

**CHARTER
TOWN OF ORRINGTON, MAINE**

Adopted: March 10, 1975

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AMENDED

January 8, 1976

November 2, 1976

March 14, 1977

March 13, 1978

April 16, 1979

March 10, 1980

November 4, 1980

March 8, 1982

March 12, 1984

March 11, 1985

September 14, 1987

November 4, 1991

June 28, 1993

June 27, 1994

November 7, 1995

June 8, 2004

**ARTICLE 1
GRANT OF POWERS TO THE TOWN**

Sec. 1.01 -- Powers of the Town

The inhabitants of the Town of Orrington shall continue to be a municipal corporation by the name of the Town of Orrington. The town shall have all powers possible for a municipality to have under the Constitution and laws of Maine, as fully and specifically as if they were enumerated in this charter.

Sec. 1.02 -- Construction

In the interpretation of this charter, the town shall be construed to retain the broadest power consistent with the wording of this charter, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this article.

Sec. 1.03 -- 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 with the United States or any agency thereof.

**ARTICLE 2
TOWN MEETING**

Sec. 2.01 -- Powers of Town Meeting

1. The Town Meeting may adopt, rescind, or amend ordinances on any matter that fall within the jurisdiction of the town, and the Town Meeting shall be the only agency of municipal government so empowered. Such ordinances may include but shall not be limited to building codes, plumbing codes, traffic codes, zoning codes, and codes regulating public assembly.
2. The Town Meeting may raise, accept, appropriate, and allocate funds for any purpose it deems necessary and proper, as expressed by the articles of the warrant.
3. The Town Meeting shall review the budget presented by the Board of Selectmen and vote to amend, to accept, or to reject this or any part thereof, except as stipulated by the statutes of the State of Maine. The Town Meeting may vote to lower a recommended appropriation, but it may not vote to increase that appropriation.
4. The Town Meeting may establish a system of fines for violation of the town ordinances.

5. The Town Meeting may vote to reverse or uphold any action of the Board of Selectmen, except in matters pertaining to the levy of taxes or legal contracts. When an action of the Board of Selectmen is appealed to the Town Meeting, the action of the Town Meeting shall be regarded as final.
6. The Town Meeting may create new town agencies, boards, departments, or offices, including ad hoc study committees. It may also abolish or alter the functions of any town agency, department, or office, except as the powers and duties of such bodies are established by state statute or by this charter.
7. The Town Meeting may direct the Board of Selectmen to perform actions or carry out policies, provided that these actions or policies are consistent with the powers and duties of the Selectmen as described in Section 3.01 of this charter.
8. The Town Meeting may vote to submit any item that comes before it to a referendum.
9. The Town Meeting may convey or lease or authorize the conveyance or lease of any lands of the town.
10. The Town Meeting may adopt resolutions expressing the sense of the town on any matter of public concern. Any such resolution shall be immediately followed by a statement showing the date on which it was adopted and the yes and no votes by which it was voted, and the resolution shall not be used for any purpose without this statement.

Sec. 2.02 -- Date, Place, and Purpose of Annual Town Meeting

1. The Annual Town Meeting shall be held on the first Monday of June, at a chosen place within Orrington for the purpose of giving consideration to all articles contained within the Town Meeting warrant, including discussion, debate, and vote on each article.
2. Notice of the Annual Town Meeting shall be distributed to each household in Orrington at least one week before the Town Meeting date.
3. Copies of the warrant shall be posted conspicuously by the constable in at least three public places within the Town of Orrington and shall be made available to representatives of the news media at least one week before the Town Meeting date.

Sec. 2.03 -- Warrant Articles

1. The articles in the warrant shall be selected and drawn up by the Board of Selectmen and the Town Manager. Any article which a citizen wishes to propose may be presented to the Board of Selectmen in written form. Any article must be accepted if it is accompanied by a petition signed by at least twenty-five (25) registered voters of Orrington. Any petition article proposing an amendment to the Zoning Ordinance shall be processed in accordance with Section 2.10. Any such article shall be labeled in the warrant as an "article by petition."

2. The articles shall be grouped in the following categories:

A. Budget:

- (1) Administrative salaries and expenses
- (2) Compensation of town officials, including Selectmen, members of the School Committee, and members of appointive boards and committees
- (3 - 11) School salaries and expenses
- (12) Roads, bridges, town ways, paving, and snow removal expenses
- (13) Health, social services, and recreation expenses
- (14) Protection of persons and properties expenses
- (15) Library
- (16) Unclassified
- (17) Capital Purchases
- (18) Capital Projects

B. Ordinances

C. Resolutions

D. Orders

3. The final date for submission of articles to the Board of Selectmen shall be at the close of business on April 30, or at the close of business on the Monday following if April 30 falls on a weekend.

Sec. 2.04 -- The Town Report

1. Contents

The Town Report shall include the following items:

- A. A dedication page as decided upon by the Board of Selectmen.
- B. A formal and complete financial report, including an audit report.
- C. A map of Orrington, with indications of all places mentioned in the articles.
- D. Reports of all committees, boards, and other branches of the government or the administration of the town.
- E. An announcement of the date, time, and place of the Annual Town Meeting.
- F. Records of all Special Town Meetings throughout the year.
- G. The articles of the warrant, with all necessary references to the map of Orrington.
- H. A statement encouraging housebound citizens to send in signed statements concerning the articles in the warrant. Such statements should be sent to the Town Manager, and they will be read by him at the Town Meeting.

- I. Three un-printed pages for notes.
- J. Any other material desired by the Board of Selectmen.

2. Procedure in Drafting of the Warrant

- A. The first draft of the warrant shall be prepared by the Town Manager, and it shall then be presented by him to the Board of Selectmen for preliminary approval.
- B. The Town Manager will then prepare a final draft.
- C. The Board of Selectmen shall vote whether or not to approve the final draft.

3. Distribution

- A. The Town Report shall be made available at the Town Office at least one week before the Annual Town Meeting, and notice of its availability shall be distributed to each household in Orrington.

Sec. 2.05 -- Selection of Moderator

A Moderator for the Town Meeting shall be nominated by the Board of Selectmen with the nominee's assent. At the Town Meeting other nominations for this position may be made from the floor.

Sec. 2.06 -- Rules of Procedure at Town Meeting

- 1. A quorum of fifty qualified voters shall be required to take official action on any item of business. At any time during the Town Meeting, any qualified voter present may call for a check of qualifications of the persons present and voting. If a quorum is not present, the Town Meeting shall be adjourned and reconvened at the same time two weeks later. Notice of the reconvened meeting shall be posted in three public places and distributed to each household in Orrington at least one week prior to the meeting date.
- 2. The Town Meeting shall be opened by the Town Manager with any statements he desires to make to the townspeople. This statement shall be followed by the pledge of allegiance to the American flag, and by a brief non-sectarian invocation.
- 3. The Town Manager shall announce the candidate for Moderator nominated by the Board of Selectmen, and he shall also invite additional nominations from the floor. Voting for Moderator shall be by a written ballot of at least 10 voters.
- 4. The Town Clerk shall be the recording officer and the tabulator of all votes.
- 5. The Town Solicitor or his representative shall be present.

6. The Moderator shall conduct the Town Meeting according to the procedures outlined in the most recent edition of the Maine Municipal Association Moderator's Handbook.

7. After the Town Meeting has acted on all the articles of the warrant, the Moderator shall make all necessary announcements, including the results of the town election, if these results are available. In particular, he shall, on behalf of all governing bodies in town, extend an invitation to all citizens to attend the meetings of these bodies during the coming year.

Sec. 2.07 -- Minutes of the Annual Town Meeting

A summary of the minutes of the Annual Town Meeting shall be prepared no later than one week after the Town Meeting. The manner of distribution shall be determined by the Board of Selectmen. The summary shall indicate the action on each article of the warrant and shall list the results of the election. The summary may also include any other information which the Board of Selectmen wishes to convey to the townspeople.

Sec. 2.08 -- Special Town Meetings

A Special Town Meeting is any Town Meeting held between the Annual Town Meetings. Special Town Meetings may be called by the Board of Selectmen on their own initiative, to act on an ordinance, a resolution, or a budget request. Any group of citizens who wishes to bring an item before the town may circulate a petition requesting a Special Town Meeting. If at least fifty registered voters sign this petition, the Board of Selectmen shall call a Special Town Meeting to act on this item. At such a Town Meeting, the circulators of the petition shall constitute a Presentation Committee, and they shall be responsible for explaining to the townspeople the need for action on the item in question. Notice of the Special Town Meeting, including the warrant, shall be posted in three public places and notice of its availability shall be distributed to each household in Orrington at least one week before the meeting date. The Moderator of a Special Town Meeting shall be selected in the same manner as the Moderator of the Annual Town Meeting, and the rules of procedure for the Annual Town Meeting shall also apply to special Town Meetings, with the exception of the quorum requirement.

Sec. 2.09 -- Restrictions on Articles in Warrant

If an article in the warrant for the Annual Town Meeting or for a Special Town Meeting is defeated, it may not come before another Town Meeting or be submitted to referendum until at least 120 days have elapsed.

Sec. 2.10 -- Ordinances

The Annual Town Meeting or any Special Town Meeting may adopt ordinances. Ordinances shall have the effect of law, and shall go into effect 30 days after the Town Meeting acts upon the ordinance.

1. Form

Any proposed ordinance or amendment to an existing ordinance, except amendments to the Zoning Ordinance, shall be presented in writing to the Board of Selectmen, in the form required for final adoption. Amendments to the Zoning Ordinance shall be presented to the Planning Board. The enacting clause shall be "The Town of Orrington hereby ordains...". Any ordinance which repeals or amends an existing ordinance shall set out in full the sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike out type and shall indicate new matter by underscoring or by italics.

2. Presentation

A proposed ordinance or amendment to an existing ordinance, except amendments to the Zoning Ordinance, may be placed on the agenda of any regular or special meeting of the Board of Selectmen. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each member of the Board and to the Town Manager and shall file a reasonable number of copies in the Town Office. At this time the Board of Selectmen shall also set the time and place of a public hearing on the proposed ordinance or amendment. Notice of the time, place, and purpose of the hearing shall be posted in at least three public places in Orrington and shall be announced through the news media at least one week before the date of the hearing. The public hearing may be held separately or in conjunction with a regular or special meeting of the Board of Selectmen. The hearing may also be adjourned and reconvened at a later date. All persons interested in the ordinance shall have a reasonable opportunity to be heard.

After the hearing the Board of Selectmen shall review the proposed ordinance, make amendments where necessary, and vote on whether to refer the proposed ordinance to the Town Meeting or to a referendum. If the Board of Selectmen votes not to submit the ordinance to the Town Meeting or to a referendum, any group of citizens may, upon presentation of a petition signed by at least 50 registered voters of the town, require the Board of Selectmen to place the proposed ordinance before the Town Meeting or to submit it to a referendum. The full text of any proposed ordinance or amendment must be made available to residents of Orrington at the Town Office, and notice of its availability shall be distributed to each household in town at least one week before the date of the Town Meeting which will act on the ordinance.

Amendments to the Zoning Ordinance shall be reviewed by the Planning Board, which shall vote whether to present the proposed amendment to the town. The Planning Board shall conduct a hearing on the proposed amendments and shall distribute information on such amendments in accordance with the procedure here specified.

3. Enactment

Ordinances may be enacted, amended or repealed by a majority vote of the citizens present and voting at a Town Meeting or by majority vote on a referendum held in conjunction with a regular or special town election.

4. Authentication and Recording

The full text of all ordinances adopted by the Town Meeting shall be authenticated by the signature of the Town Clerk and shall be recorded in full by the Clerk within one week of adoption in a properly indexed book kept for this purpose.

ARTICLE 3 BOARD OF SELECTMEN

Sec. 3.01 -- Powers and Duties

1. The Board of Selectmen shall have the power to appoint and remove the Town Manager, Town Treasurer, Road Commissioner, Tax Collector, Town Attorney, Constables, Health Officer, Code Enforcement Officer or Officers, and members of the Planning Board, and the Zoning Board of Appeals, subject to the limitations specified in this charter. The Board of Selectmen shall have the power to appoint and remove members of the Library Committee, subject to the limitations specified in this Charter.
2. The Board of Selectmen may, where appropriate and not prohibited by law, vest in the Town Manager all or part of the duties of an office to which it has appointive power.
3. The Board of Selectmen shall offer advice and direction to the Town Manager in the performance of his duties.
4. The Board of Selectmen shall vote to confirm or reject prospective town employees, as nominated by the Town Manager, and to confirm or rescind the discharge of town employees.
5. The Board of Selectmen shall serve as a board of appeal to hear complaints from any citizen concerning any action of the Town Manager or any other town employee.
6. The Board of Selectmen may at any time require the Town Manager to provide an explanation of the status of any town account.
7. The Board of Selectmen shall direct the disposition of town funds in accordance with the allocations established by the budget adopted at the Annual Town Meeting.
8. The Board of Selectmen shall serve as Overseer of the Poor, or it may vest this authority in the Town Manager.
9. The Board of Selectmen may establish the duties and powers of any office, department, or agency of the town, except as these functions are established by state or federal law, by this charter, or by vote of the Town Meeting.

10. The Board of Selectmen may grant licenses, franchises, or permits for the conduct of business for such periods of time and in accordance with such rules and regulations as the statutes of the State of Maine and the Town Meeting may establish and upon payment by the licensee of such fees as the Town Meeting may establish.
11. The Board of Selectmen may regulate the rate charged for its service by a public utility, unless the rates are regulated by the Public Utilities Commission.
12. The Board of Selectmen may authorize the borrowing of money in anticipation of taxes, but this money must be repaid during the same tax year.
13. The Board of Selectmen may take action as necessary to meet a public emergency affecting life, health, property, or the public peace, but any such action shall lapse after thirty days and shall be subject to review by the Town Meeting at the earliest possible opportunity.
14. Before the end of each fiscal year, the Board of Selectmen shall designate the State Department of Audit or one or more private certified accountants to make an independent audit of accounts and other evidences of financial transactions of the town government as of the end of the fiscal year. The auditors shall submit their report to the Board of Selectmen, the Town Meeting, and the Town Manager. These accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by any office, officer, department, or agency of the town government.
15. The Board of Selectmen shall receive from the Town Manager, review, amend, and present to the Town Meeting an annual budget for the town.
16. The Board of Selectmen shall prepare the warrant for the Annual Town Meeting.
17. The Board of Selectmen may at any time call a Special Town Meeting to consider any piece of business that should come before the town. The Board shall draw the warrant for such a Special Town Meeting and shall send out notice of the meeting in accordance with the procedures specified in Section 2.08 of this charter.
18. The Board of Selectmen may by resolution or order request a report from any officer, office, agency, or department of town government.
19. The Board of Selectmen may create ad hoc study committees as needed, and it may appoint the members of such committees.
20. The Board of Selectmen shall receive proposals for new municipal ordinances and amendments to existing ordinances, except the Zoning Ordinance. The Board of Selectmen shall vote on whether to refer the proposed ordinance to a Town Meeting. The individual or group proposing the ordinance may require the Board of Selectmen to do so in accordance with the procedures specified in Section 2.03.01 or Section 2.08.

21. The Board of Selectmen shall receive and investigate complaints from town officials or from any citizen of the town concerning violations of any town ordinance, except as otherwise provided by the laws of the State of Maine or by this charter; or the Board of Selectmen itself may initiate such an investigation. If the Board of Selectmen finds that there is evidence that a violation has occurred, it may initiate civil or criminal action against the party or parties in violation.

22. The Board of Selectmen may submit any item to a referendum at a regular or special town election.

Sec. 3.02 -- Membership and Officers

1. Number, Election, and Term

The Board of Selectmen shall be composed of five members, each of whom shall be elected by the registered voters of the entire town. They shall serve staggered three year terms.

2. Qualifications

Selectmen shall be at least 18 years of age, shall be qualified voters of the town, shall be residents of the town for at least one year prior to their election, and shall reside in the town during their term of office.

3. Compensation

Compensation for members of the Board of Selectmen shall be established each year by vote of the Annual Town Meeting.

4. Induction of Selectmen into Office

Before or at the first regular meeting of the Board of Selectmen after the regular town election, Selectmen-elect shall be sworn to the faithful discharge of their duties by a Justice of the Peace or by the Town Clerk.

5. Board of Selectmen to be the Judge of the Qualifications of its Members

The Board of Selectmen shall be the judge of the election and qualifications of its members and for such purpose shall have the power to subpoena witnesses and require production of records, but the decision of the Board in any such case shall be subject to review by the courts.

6. Chairman

At its first meeting or as soon thereafter as practicable, the Selectmen shall elect, by majority vote of the entire Board, one of its members to serve as Chairman in the ensuing year. The Board may also fill, for the remainder of an unexpired term, any vacancy that may occur in the office of Chairman. The Chairman shall preside at meetings of the Board and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law. However, the Chairman shall have no regular administrative duties. The Chairman shall be entitled to vote on all matters that come before the Board. In the temporary absence or disability of the Chairman, the Board may elect a Chairman pro tempore from among its members, and he shall exercise the powers of Chairman during the temporary absence or disability of the Chairman.

7. Vacancies

The office of a Selectman shall become vacant upon his death, resignation, removal from office on any manner authorized by law, or forfeiture of his office. A Selectman shall forfeit his office upon final conviction of a felony or crimes of moral turpitude, or if he lacks at any time during his term of office any of the qualifications of the office as prescribed by this charter or by law. A Selectman shall also forfeit his office if he fails to attend three successive regular meetings of the Board without being excused by the Board.

8. Filling Vacancies

If a seat on the Board of Selectmen becomes vacant more than six months before the next regular election, the Board shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the Board becomes vacant less than six months prior to the next regular election, the Board may at its discretion call a special election.

Sec. 3.03 -- Procedures

1. Meetings

a. Regular Meetings

The Board of Selectmen shall meet regularly on the second and fourth Mondays of each month at the Town Hall, but such meetings may be canceled for holidays, deaths, etc. The Board may at its discretion change the time, place, and date of these regular meetings, but any such change must be posted at the Town Office and announced through the news media.

b. Special Meetings

The Chairman of the Board of Selectmen may at any time call a special meeting of the Board, and he must do so at the request of any two members of the Board. Notice of such special meetings shall be sent to all members of the Board, shall be posted in at least three public places in Orrington no less than two days before the meeting, and shall be announced through the news media.

c. Emergency Meetings

To meet a public emergency affecting life, health, property, or the public peace, the Chairman of the Board of Selectmen or any two members of the Board may call an emergency meeting. At such a meeting the regular rules of procedure shall be suspended, except that all members must be notified at least three hours in advance, and except that a record of the proceedings must be kept. An emergency meeting may take only such actions as are required to meet the emergency in question, and all such actions shall automatically lapse thirty days after they are enacted.

2. Quorum

A majority of the Board of Selectmen shall constitute a quorum for the transaction of official business, but to take official action on any item at least three affirmative or three negative votes shall be required. Issues not receiving such a positive or negative vote shall be automatically tabled until the next meeting.

3. Agenda

At least five days before a regular or special meeting of the Board, the Chairman shall, in conference with the Town Manager, establish an agenda for the meeting. This agenda shall be posted at the town office at least four days before the meeting or in the case of a special meeting, two days, and copies shall be available to all citizens and to representatives of the news media. Each item requiring a vote shall be listed as a separate item in the agenda. Any citizen may place an item on the agenda by informing the town office at least five days before the date of the meeting. This should not preclude any citizen from appearing at any Selectmen's meeting on any matter of concern.

4. Conduct of Meetings

At the first regular meeting after the annual election, the Board shall adopt rules of order. The Chairman shall ensure that discussion at meetings centers on items included in the agenda, and he may close discussion if it is extraneous to the item of business under consideration. All meetings shall be open to the public, and the Board may discuss issues in executive session only according to the provisions of Title I, Section 405 Maine Revised Statutes Annotated, regarding executive sessions: Those bodies or agencies falling within this sub-chapter may hold executive sessions subject to the following conditions:

a. Not to defeat purposes of sub-chapter. These sessions shall not be used to defeat the purposes of this sub-chapter as stated in Section 401 (declaration of public policy; rules of construction).

b. Final approval of certain items prohibited. No ordinance, order rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved at executive sessions.

c. Procedure for calling of executive sessions. Executive sessions may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

d. Motion contents. A motion to go into executive session shall indicate the precise nature of the business of the executive session.

e. Matters not contained in motion prohibited. No other matters may be considered in that particular executive session.

f. Permitted deliberation. Deliberations may be conducted in executive sessions on the following matters and no others:

(1) Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against persons subject to the following conditions:

A. An executive session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's right to privacy would be violated;

B. Any person charged or investigated shall be permitted to be present at an executive session if he so desires;

C. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him to be conducted in open session. A request, if made to the agency, must be honored; and

D. Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

(2) Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interest therein or disposition of publicly held property only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

(3) Negotiations between the representative of a public employer and public employees may be open to the public provided both parties agree to conduct negotiations in open session. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators may be held in an executive session.

(4) Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's counsel to his client pursuant to the code of professional responsibility clearly conflict with this sub-chapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage.

(5) Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute. and only after issuing a statement to all persons present explaining the need for the executive session. Reasonable time shall be made available to all citizens present at meetings, so they may express their views on matters included in the agenda. All votes shall be conducted orally or by show of hands, and the yeas and nays shall be recorded. At the end of each meeting the Board shall take under advisement requests from any citizens present concerning items to be placed on the agenda for discussion and action at a later meeting.

A full record of meetings of the Board of Selectmen shall be maintained by the Town Clerk or by a deputy Town Clerk. The record shall include all actions of the Board, with the yeas and nays of each member voting. The record shall also summarize the discussion by members of the Board on each item included in the agenda, together with summaries of oral presentations made to the Board by members of the community. The record shall also include copies of all correspondence with the Board and all documentary materials presented by persons appearing before the Board. This record shall be regarded as a public document. It shall be available for inspection by any citizen at the town office, within one week of the meeting date, and excerpts from it may be published without penalty.

Meetings of the Board of Selectmen shall adjourn no later than 10:00 p.m.. Agenda items not acted upon shall be placed on the agenda of the next regular or special Selectmen's meeting.

Sec. 3.04 -- Prohibitions

Neither the Board of Selectmen nor any of its members shall directly appoint or remove any administrative officers or employees whom the Town Manager or any of his subordinates are empowered to appoint; but the Board may express its views and fully and freely discuss with the Manager anything pertaining to the appointment or removal of such officers or employees, and it shall exercise its power under Section 3.01.04 to confirm or rescind the appointment or removal of town employees.

Except for the purposes of inquiry, the Board and its members shall deal with the administrative services solely through the Manager, and neither the Board nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

The Board of Selectmen may not overrule actions of the School Committee, the Planning Board, the Zoning Board or Appeals, the Assessor, or other Boards whose powers are established by this charter or by state law.

**ARTICLE 4
TOWN MANAGER**

Sec. 4.01 -- Powers and Duties of Town Manager

The Town Manger shall be the chief administrative officer of the town. He shall be responsible to the Board of Selectmen for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

1. The Town Manager shall have the authority to appoint and discharge town employees, with the approval of the Board of Selectmen.
2. He shall direct and supervise the administration of all offices, departments and agencies of the town, except as otherwise provided by this charter or by law.
3. He shall attend meetings of the Board of Selectmen, except when his own removal from office is under discussion, and he shall have the right to take part in discussion, but he may not vote.
4. He shall see that all laws, all provisions of this charter, all orders of the Board of Selectmen, and all decisions of the Town Meeting are faithfully executed, except in those areas where such responsibility is explicitly delegated to some other town officer or agency.
5. He shall prepare and submit the annual budget to the Board of Selectmen.

6. He shall submit to the Board of Selectmen and shall make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.
7. He shall make such other reports as the Board of Selectmen may require concerning the operations of all town departments, offices, and agencies which are subject to his direction and supervision.
8. He shall keep the Board of Selectmen advised as to the financial condition and the future needs of the town, and he shall make recommendations to the Board concerning the affairs of the town.
9. He shall prepare an administrative code or amendments to an existing administrative code as required, to be presented to the Board of Selectmen or to the Town Meeting as required by this charter, and the Board or the Town Meeting may adopt them with or without amendment.
10. He or an official designated by him shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair administrative and governmental practices.
11. He shall perform any other lawful duties specified in this charter or required by the Board of Selectmen.

Sec. 4.02 -- Appointment and Qualifications

1. The Town Manger shall be appointed by the Board of Selectmen. The Board of Selectmen shall place announcements concerning a vacancy in the office of Town Manager in at least three newspapers in the state, and in the official publication of the Maine Municipal Association, and it shall accept applications for at least one week after the publication of these announcements. After the application period ends, the Board shall select by majority vote of its members a person to fill the office of Town Manager.
2. The initial appointment shall be for a six-month probationary period. On at least three occasions during any probationary period the Board shall meet with the probationary Town Manager for evaluation of his performance measured against the duties of Town Manager as set forth in applicable charter and statutory provision, and in any written instructions or job descriptions which have been given by the Board to the Town Manager.
3. No later than two weeks before the end of the probationary period the Board of Selectmen shall vote whether to retain the person so appointed. Retention may be in the form of either an additional probationary period of up to six months or an annual contract. No appointment or reappointment to a probationary or annual term shall support any expectation of reappointment in the future.

4. One month prior to the expiration of the contract the Board of Selectmen shall evaluate the performance of the Town Manager based upon the contract and the criteria set forth at paragraph 2, above, and shall vote whether or not to renew the annual contract. Prior to deciding whether to renew the annual contract the Board shall also review the job description and any written instructions given to the Town Manager, and change or supplement these if necessary.
5. The Board of Selectmen shall determine the Town Manager's compensation for the ensuing fiscal year.
6. The Manager shall be appointed on the basis of his executive and administrative qualifications.

Sec. 4.03 -- Removal of Town Manager

No later than two weeks before the probationary period has ended, the Board of Selectmen shall vote whether to retain the person so appointed. If the Manager is given an annual contract, he may thereafter be removed from office during the contract period only in accordance with the following procedures:

1. The Board of Selectmen shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 30 days. A copy of the resolution shall be delivered within 48 hours to the Manager.
2. Within twenty days after receiving a copy of the resolution, the Manager may file with the Board a written request for a public hearing. This hearing shall be held at a Board meeting not earlier than ten nor less than twenty days after the request is filed. The Manager may file with the Board a written reply not later than five days before the hearing. At the hearing, both the Manager and the Board may present oral and documentary evidence and may cross-examine witnesses.
3. The Board of Selectmen may adopt a final resolution of removal which may be effective immediately, by affirmative vote of a majority of all its members at any time after 25 days from the date when a copy of the preliminary resolution was received by the Manager, if he has not requested a public hearing, or at any time after the public hearing, if he has requested one.
4. The Manager shall continue to receive his salary until the effective date of final resolution of removal. In addition, he may receive severance pay and other allowances at the discretion of the Board of Selectmen.

Sec. 4.04 -- Absence of Town Manager

During the Manager's temporary absence or disability the Chairman of the Board of Selectmen and/or the Town Clerk shall exercise the powers and perform the duties of the Manager; or the Board may by resolution appoint any qualified person of the town to perform the duties of the Manager until he shall return or his disability cease.

**ARTICLE 5
PERSONNEL ADMINISTRATION**

Sec. 5.01 -- Appointments and Promotions

All appointments and promotions of town officials and employees shall be made solely on the basis of merit and fitness, as demonstrated by examination or by other evidence of competence.

Sec. 5.02 -- Administration

The Town Manager shall administer the personnel system of the town.

Sec. 5.03 -- Personnel Rules

The Town Manager shall prepare personnel rules. These rules shall be proposed to the Board of Selectmen, and the Board may adopt them with or without amendment.

Sec. 5.04 -- Personnel Grievance Board

The Board of Selectmen may, at its option, create a Personnel Grievance Board composed of three citizens of Orrington. The members shall serve three year overlapping terms and shall be appointed by the Board of Selectmen

**ARTICLE 6
SCHOOL COMMITTEE**

Sec. 6.01 -- Powers and Duties

1. Management of Schools

The School Committee shall be responsible for the management of the schools and the custody and care, including repairs and insurance on school buildings, of all school property in Orrington. The use of school buildings shall not be denied to any person solely because the use is requested for a political activity.

2. General Course of Instruction: Textbooks

The School Committee shall direct the general course of instruction and approve a curriculum, and perform such other functions as may be specified by law.

3. Selection of Superintendent

The Orrington School Committee shall exercise its votes on the Board of School Union 91. The Board of School Union 91 shall select a Superintendent of Schools for the Union.

4. Confirmation of Nominees for Positions

The School Committee shall vote to accept or reject nominees to administrative or teaching positions or other posts within the Orrington schools, as presented by the Superintendent of Schools.

5. Dismissal of Teachers

After investigation, due notice of hearing, and hearing thereon, the School Committee shall dismiss any teacher, although that teacher may possess the requisite certificate, who proves unfit to teach or whose services the Committee deems unprofitable to the school. The Committee shall give to such teachers a certificate of dismissal and of the reasons therefor, a copy of which the Committee shall retain. Such dismissal shall not deprive the teacher of compensation for previous services.

6. Expulsion of Scholars

The School Committee shall expel any obstinately disobedient or disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school. The Committee shall readmit such a scholar on satisfactory evidence of his repentance and amendment.

7. Review of Proposed Budget

The School Committee shall receive from the Superintendent of Schools a proposed budget not later than the first meeting of March in each calendar year. The Committee shall review, amend, and approve this proposed budget and shall then forward it to the Town Manager and the Board of Selectman for further review.

8. Hearing on School Budget

In the second week of May of each calendar year, the School Committee shall, with the assistance of the Superintendent, conduct a public hearing on the proposed budget, at a time and place to be chosen by the School Committee. Notice of the public hearing shall be sent to each household in Orrington no less than one week before the date of the hearing and shall be announced through the news media. The School Committee shall make a final review of the budget in light of the comments made at the public hearing.

9. The School Committee, in conjunction with the Board of Selectmen, shall have the power to appoint and remove members of the Library Committee, subject to the limitations specified in this Charter.

10. Other Powers

The School Committee shall exercise all other functions assigned to the School Committee by the statutes of the State of Maine, together with such other functions as are necessary to ensure the orderly and effective operation of the Orrington schools.

Sec. 6.02 -- Membership and Officers

1. Number, Election, and Term

The School Committee shall consist of five members, each of whom shall be nominated and elected by the registered voters of entire town. Members shall be elected for staggered three year terms, and each member shall serve until his successor is elected and qualified.

2. Qualifications

School Committee candidates shall be at least 18 years of age, shall be qualified voters of the town, shall be residents of the town for at least one year prior to their election, and shall reside in the town during their term of office.

3. Compensation

Compensation for members of the School Committee shall be set each year by vote of the Annual Town Meeting.

4. Induction of Members into Office

Before or at the first regular meeting of the School Committee after the regular town election, the members of the Committee shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk.

5. Chairman

The Chairman of the School Committee shall be elected annually by vote of a majority of the Committee, at the first regular meeting following the regular election. The Chairman shall chair meetings of the Committee and shall be the official spokesman of the Committee. In the absence or disability of the Chairman, the Committee may elect a Chairman pro tempore from among its members.

6. Secretary

The Superintendent shall serve as secretary of the School Committee and he shall keep a record of the actions of the Committee.

7. Vacancies

The Office of a Committeeman shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of office. A Committeeman shall forfeit his office upon final conviction of a felony or a crime of moral turpitude, or if he lacks at any time during his term of office any of the qualifications of the office as prescribed by this charter or by law. A Committeeman shall also forfeit his office if he fails to attend three successive regular meetings of the Committee without being excused by the Committee.

8. Filling Vacancies

If a seat on the School Committee becomes vacant more than six months before the next regular election, the Committee shall request the Board of Selectmen to call a special election to fill the unexpired term. This election shall take place within 60 days from the date that the vacancy occurred.

If a seat on the Committee becomes vacant less than six months prior to the next regular election, the Committee may at its discretion ask the Selectmen to call a special election.

Sec. 6.03 -- Procedures

1. Meetings

a. Regular Meetings

The School Committee shall meet regularly on the first Tuesday of each month at the Center Drive School, but such meetings may be canceled for holidays, deaths, etc. The Committee may at its discretion change the place and date of its regular meeting, but any such change must be posted at the Town Office and in all schools in Orrington and must be announced through the news media.

b. Special Meetings

The Chairman of the School Committee may at any time call a special meeting of the School Committee, and he must do so at the request of any two members of the Committee. At least one week before the date of a special meeting, notice of this meeting shall be sent to all members of the Committee; shall be posted in the town office, in all schools, and in three public places in town; and shall be announced through the news media.

c. Emergency Meeting

To meet a public emergency affecting life, health, property, or the public peace, the Chairman of the School Committee or any two members of the Committee may call an emergency meeting. At such a meeting the regular rules of procedure shall be suspended, except that all members must be notified at least three hours in advance, and except that a record of the proceedings must be kept. An emergency meeting may take only such action as are required to meet the emergency in question, and all such actions shall automatically lapse thirty days after they are enacted.

2. Quorum

Three members of the School Committee shall constitute a quorum, but at least three affirmative or three negative votes shall be required to take official action on any item of business. Any item which fails to receive at least three affirmative or three negative votes shall be tabled until the next meeting.

3. Agenda

At least five days before a regular or special meeting of the School Committee, the Chairman shall, in consultation with the Superintendent, prepare an agenda for the meeting. This agenda shall be posted in the Town Office and in all schools at least four days before the date of the meeting, and copies shall be available to any citizen and to representatives of the news media. Each item requiring a vote shall be listed as a separate item in the agenda. Any citizen may place an item on the agenda by so informing the Superintendent's office at least five days before the date of the meeting. This should not preclude any citizen from appearing at any School Committee meeting on any matter of concern.

4. Conduct of Meetings

At the first regular meeting after the annual election, the School Committee shall adopt rules of order. The Chairman shall ensure that discussion at meetings centers on items included in the agenda, and he may close discussion if it is extraneous to the item of business under consideration. All meeting shall be open to the public, and the Committee may discuss questions in executive session only according to the provisions of Title I, Section 405, Maine Revised Statutes Annotated, regarding executive sessions: Those bodies or agencies falling within this sub-chapter may hold executive sessions subject to the following conditions:

- a. Not to defeat purposes of sub-chapter. These sessions shall not be used to defeat the purposes of this sub-chapter as stated in Section 401 (declaration of public policy; rules of construction).
- b. Final approval of certain items prohibited. No ordinance, order rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved at executive sessions.
- c. Procedure for calling of executive sessions. Executive sessions may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.
- d. Motion contents. A motion to go into executive session shall indicate the precise nature of the business of the executive session.
- e. Matters not contained in motion prohibited. No other matters may be considered in that particular executive session.
- f. Permitted deliberation. Deliberations may be conducted in executive sessions on the following matters and no others:
 - (1) Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against persons subject to the following conditions:
 - A. An executive session may be held only if public discussion could be reasonably expected to cause damage to the reputation or the individual's right to privacy would be violated;
 - B. Any person charged or investigated shall be permitted to be present at an executive session if he so desires;

C. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him to be conducted in open session. A request, if made to the agency, must be honored; and

D. Any person bringing charges, complaints or allegations of misconduct against the individual under discussion shall be permitted to be present.

(2) Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, provided that:

A. The student and legal counsel and, if the student be a minor, the student's parents or legal guardians shall be permitted to be present at an executive session if the student, parents or guardians so desire.

(3) Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interest therein or disposition of publicly held property only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

(4) Negotiations between the representative of a public employer and public employees may be open to the public provided both parties agree to conduct negotiations in open session. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators may be held in an executive session.

(5) Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's counsel to his client pursuant to the code of professional responsibility clearly conflict with this sub-chapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage.

(6) Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.

Before going into executive session, the Committee must issue a statement to all persons present explaining why the executive session is necessary. Reasonable time shall be made available to all citizens present, so they may express their views on items included in the agenda. The Committee may also receive written statements from persons not present. All votes shall be recorded. At the end of each meeting, the Committee shall take under advisement requests from any citizen present concerning items to be placed on the agenda for discussion and action at a later meeting.

Meetings of the School Committee shall adjourn no later than 11:00 p.m.. Agenda items not acted upon shall be placed on the agenda of the next regular or special School Committee meeting.

5. Record of Meetings

A full record of the meetings of the School Committee shall be maintained by the Superintendent or his representative. The record shall include all actions of the Committee, with the yeas and nays of each member voting. This record shall be regarded as a public document. Copies of the record shall be available for inspection by any citizen at the town office, at all schools in Orrington, and at the office of the Superintendent.

6. School Committee Policy Decisions

Before adopting an official statement of school policy, the School Committee shall conduct at least one public hearing on this statement. This hearing may be held separately or in conjunction with a regular meeting of the School Committee. At least one week before the date of the hearing, notice of the time, place, and purpose of the hearing must be announced through the news media and must be posted in the Town Office, in all schools, and in at least three public places in Orrington, and copies of the proposed policy statement must be available to citizens and to representative of the news media, at the Town Office and at all schools in Orrington. After the hearing, the School Committee may adopt the policy statement with or without amendments. All statements of official school policy as adopted by the School Committee shall be posted in all schools in Orrington, and copies of such statements shall be available to the public at any school.

**ARTICLE 7
TAX ADMINISTRATION**

Sec. 7.01 -- Assessor

1. Appointment and Term

There shall be a single Assessor, who shall be appointed by the Selectmen. The Assessor shall serve a one-year term. The Assessor may appoint any necessary assistant to serve during any part or all of the Assessor's term, subject to confirmation by the Board of Selectmen. The Selectmen may require an initial appointee as Assessor or assistant to serve a probationary period of up to six months.

2. Qualifications

Assessors shall be at least 21 years of age.

3. Compensation

Compensation for the Assessor shall be established each year by vote of the Annual Town Meeting.

4. Induction of Assessor into Office

Assessor shall be appointed annually on or before the fourth Monday in July. Upon appointment Assessors shall be sworn to the faithful discharge of the Assessor's duties by the Town Clerk or the Clerk's Deputy, or by a Justice of the Peace or Notary Public.

5. Duties of the Assessors

The principal duty of the Assessor shall be to find, list and value all taxable property, and to perform the other duties required of a municipal assessor under Maine Law.

6. Vacancy in the Office of Assessor

The office of an Assessor shall become vacant upon the death, resignation, removal from office in any manner authorized by law, or forfeiture of office. An Assessor shall forfeit the office upon final conviction of a felony or crimes of moral turpitude, or if the Assessor lacks at any time during the Assessor's term of office any of the qualifications of the office as prescribed by this charter or by law. A non-probationary Assessor may be removed from office by the Board of Selectmen for cause, after notice and hearing.

7. Filling Vacancies

If the position of Assessor becomes vacant the Board of Selectmen may appoint a successor to fill the remainder of the unexpired term. It may require an initial appointee to serve a probationary period of up to six months.

Sec. 7.02 -- Board of Assessment Review

1. Number, Appointment and Term

The Board of Assessment Review shall be composed of three members and two alternates, each of whom shall be appointed by the Selectmen. They shall serve staggered three-year terms. Selectmen are eligible to serve on the Board of Assessment Review. Initially, one member shall be appointed for one year, one member for two years, and one member for three years. Initially, one alternate shall be appointed for one year and one alternate for two years. Thereafter the term of each new member or alternate shall be three years.

2. Qualifications

Members of the Board of Assessment Review shall be at least 21 years of age.

3. Compensation

Compensation for members of the Board of Assessment Review shall be established each year by vote of the annual Town Meeting.

4. Induction of the Board of Assessment Review Members into Office

Members of the Board of Assessment Review shall be appointed on or before the fourth Monday in July. Upon appointment, members of the Board of Assessment Review shall be sworn to the faithful discharge of their duties by the Town Clerk or the Clerk's deputy, or by a Justice of the Peace or a Notary Public.

5. Organization

As soon after a new member of the Board of Assessment Review is appointed as is practical, the Board of Assessment Review shall elect, by a majority vote, one of its members to serve as Chairman and one of its members to serve as secretary in the ensuing year. The Chairman shall call meetings

of the Board as required, or when requested to do so by a majority of the members. The Chairman shall preside at all meetings of the Board. The members of the Board shall elect these officers annually. In the absence of the chairman, the members of the board present at a meeting shall elect a Chairman pro tem to preside over the meeting. In the absence of the secretary, the members of the board present at the meeting shall elect a secretary pro tem to keep the minutes of the meeting. A quorum shall consist of three members or alternates. If a member is absent, the Chairman shall appoint an alternate to serve in place of the absent member.

6. Duty of the Board of Assessment Review

The principal duties of the Board of Assessment Review are to review and confirm or correct values of taxable property assessed by the Assessor, and to perform all other duties of a Board of Assessment Review authorized by Maine Statute.

7. Vacancy in the Office of a Member of the Board of Assessment Review

The office of a member of the Board of Assessment Review shall become vacant upon the death, resignation, removal from office in any manner authorized by law, or forfeiture of office by a Board member. A member of the Board of Assessment Review shall forfeit the office if the member fails to attend three successive meetings without the permission of the Board, or upon final conviction of a felony or a crime of moral turpitude, or if the member lacks, at any time during the term of office, any of the qualifications of the office as prescribed by this Charter or by law. Members of the Board of Assessment Review may be removed from office for good cause, after notice and hearing by the Board of Selectmen.

8. Filling of Vacancies

If a seat on the Board of Assessment Review becomes vacant, the Board of Selectmen may appoint a successor to fill the remainder of the unexpired term.

9. Rules of Procedure

The provisions of 30-A MRSA §2691, subsection 3, paragraphs A through F shall apply to the Board's proceedings, to the extent not inconsistent with the provisions of this Charter. The Board of Assessment Review may by majority vote adopt additional written rules of order or procedure for the Board which are not inconsistent with the foregoing. In proceedings before the Board, the burden of proof shall be upon the applicant, and the standard of proof shall be by a preponderance of the evidence, unless otherwise provided by Maine Law.

10. Voting

As members of the Board of Assessment Review, including the Chairman, present at any hearing or meeting shall vote on all matters which come before the board unless the member has a conflict of interest as provided by state law, or the member is disqualified by a majority of the other board members present and voting for having a conflict of interest.

**ARTICLE 8
ZONING ADMINISTRATION**

Sec. 8.01 -- Comprehensive Plan

The Comprehensive Plan establishes priorities and goals for the growth of Orrington.

Sec. 8.02 -- Zoning Ordinance

Zoning is the division of all land in the town into districts for the purpose of regulating location and use of buildings and land for residence, trade, industry, agriculture, and other purposes. Density of population, minimum lot frontage, and size of lots and yards, height of buildings, and other standards come under the zoning ordinance. This ordinance is the major means of carrying out the land use plan, a basic element in the Comprehensive Plan.

Sec. 8.03 -- Planning Board

1. Powers and Duties

a. The Planning Board shall review proposed amendments to the text of the zoning ordinance or to the maps establishing zoning districts, and shall make recommendations concerning these proposed changes to the Annual Town Meeting or to a Special Town Meeting called for the purpose of acting on such amendments. Amendments shall go into effect immediately upon adoption by the Town Meeting, unless specified otherwise by warrant article.

b. The Planning Board shall review all sub-division plans to ensure that the plans conform to Town subdivision regulations and to applicable state law. The Planning Board shall review proposed amendments to the text of the subdivision ordinance or regulations adopted by Town Meeting, and shall make recommendations concerning these proposed changes to the Annual Town Meeting or to a Special Town Meeting called for the purpose of acting on such amendments. Amendments shall go into effect immediately upon adoption by the Town Meeting, unless specified otherwise by warrant article. The Planning Board shall be the municipal reviewing authority under state subdivision law, and in so acting shall follow the procedures established for such authorities under state law.

c. The Planning Board shall review the Comprehensive Plan at five year intervals and shall recommend revisions of this plan to the Annual Town Meeting or to a Special Town Meeting. Upon recommendation of the Planning Board, the Comprehensive Plan may be revised by vote of the Town Meeting.

d. The Planning Board shall exercise additional powers as specified or authorized in the Orrington zoning ordinance or in state statutes.

2. Membership

The Planning Board shall consist of five members and two alternates. The members and alternates shall be appointed by the Board of Selectmen, in consultation with the Town Manager. They shall serve overlapping three year terms. Compensation of the members and alternates shall be established by vote of the Annual Town Meeting. No person may serve simultaneously on the Planning Board and on the Zoning Board of Appeals. No elected official may serve on the Board during his term of office. A member or alternate of the Planning Board shall forfeit his office if he fails to attend three successive meetings without the permission of the Board. The Board of Selectmen may remove from office a member or alternate of the Planning Board for professional misconduct or for misuse of his powers, but only after a public hearing called to present the reasons for this removal from office.

3. Officers

The Planning Board shall elect annually from among its members a Chairman and a Secretary.

a. Powers and Duties of Chairman

The Chairman shall call meetings or public hearings of the Board as required. He shall call such meetings or hearing when requested to do so by a majority of the members of the Board, by the Town Manager, or by the Board of Selectmen. The Chairman shall preside at meetings or hearings and shall be the official spokesman of the Board. If a member is absent, the Chairman shall appoint an alternate to serve in place of the absent member.

b. Powers and Duties of the Secretary

The Secretary shall maintain a permanent record of all Board meetings and hearings and of all correspondence. These records shall be public documents and shall be filed in the Town Clerk's office, where they may be inspected by members of the public at reasonable times.

4. Meetings.

Meetings may be called at any time by the Chairman, upon at least five days notice to all members and alternates. All meetings of the Planning Board shall be open to the public. A quorum shall consist of at least three members or alternates. No decision of the Board shall be official unless it receives at least three affirmative or three negative votes by members or alternates present and voting. Any item of business which fails to receive three affirmative or three negative votes shall be automatically tabled until the next meeting of the Board. Notice of Planning Board meetings shall be sent to all members and alternates of the Board and shall be posted in at least three (3) public places in Orrington at least one week before the meeting, and shall be announced through the news media.

5. Public Hearings

Before presenting a proposed amendment to the zoning ordinance or the subdivision ordinance to a Town Meeting, the Planning Board must call at least one public hearing on this proposed amendment. Notice of the time, place, and purpose of the hearing must be posted in at least three public places in Orrington and must be announced through the news media at least one week before the date of the hearing. After the hearing the Planning Board shall vote on whether to submit the proposed amendment to the town. The full text of the proposed amendment shall be made available to residents

at the Town Office and notice of its availability shall be distributed to each household in town at least one week before the date of the Town Meeting which will act on the proposed amendment.

6. Appeals

Decisions of the Planning Board concerning proposed amendments to the Zoning Ordinance may be appealed to a Town Meeting, in accordance with the procedures described in this Charter. Decisions of the Planning Board concerning administration of the zoning ordinance may be appealed to the Zoning Board of Appeals, or the sub-division ordinance may be appealed to Superior court.

Sec. 8.04 -- Zoning Board of Appeals

1. Powers and Duties

a. The Board of Appeals shall hear appeals from residents or property owners of Orrington concerning the enforcement of the zoning ordinance. It may uphold or over-rule the decisions of any town official concerning the enforcement of this ordinance.

b. The Board of Appeals shall rule on whether applications for conditional use permits satisfy the restrictions upon such conditional uses as specified in the zoning ordinance.

c. The Board of Appeals may grant variances from the requirements of the zoning ordinance, but only if the petitioner for such a variance can demonstrate that:

- (1) the land in question cannot yield a reasonable return unless a variance is granted:
- (2) the need for a variance is due to the unique circumstances of the property and not to the general condition in the neighborhood:
- (3) the granting of the variance will not alter the essential character of the locality: and
- (4) the hardship is not the result of action taken by the applicant or a prior owner.

A variance may be granted only for a use permitted in the particular zone.

2. Membership

The Zoning Board of Appeals shall consist of five members and two alternates. Appointment procedures and rules governing Compensation and tenure in office shall be the same as the rules for the Planning Board, as describe in Sec. 8.03.02 of this Charter.

3. Officers

The Board of Appeals shall elect annually from among its members a Chairman and a Secretary. The powers and duties of these officers shall be the same as the powers and duties of the officers of the Planning Board.

4. Public Hearings

The Board of Appeals may rule on appeals, requests for conditional use permits, and requests for variances only at a public hearing called to receive evidence on such appeals or requests. The Chairman of the Board of Appeals may call such a hearing at any time. Notice of the time, place, and purpose of the hearing must be posted in at least three public places in Orrington at least one week before the date of the hearing; must be mailed to all members of the Board, to all alternates, and to all persons owning property within 1000 feet of the property under consideration; and must be announced through the news media. At the hearing, the Board shall receive oral testimony from any person present, written statements from persons unable to attend, petitions and documentary evidence. Each concerned party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full disclosure of the facts. The Board shall then vote in open session, with each member recording his vote for or against the appeal. A quorum of three members or alternates shall be required to take action, but no decision shall be official unless it receives at least three affirmative or three negative votes from members or alternates present and voting. Any time of business which fails to receive at least three affirmative or three negative votes shall be automatically tabled until the next meeting.

5. Records

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis for these conclusions. The order, relief, or denial issued by the Board of Appeals shall also be included in the record. Notice of the decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Planning Board, the Building Inspector, and the Town Manager within forty-five (45) days of the decision.

6. Appeals

Any concerned party may appeal a decision of the Board of Appeals to the Superior Court within thirty days after the Board announces its decision. The appeal will be governed by the Maine Rules of Civil Procedure and applicable statutes.

ARTICLE 9 CODE ENFORCEMENT

Sec. 9.01 -- Code Enforcement Officer

The Board of Selectmen shall, in consultation with the Planning Board and the Town Manager, appoint one or more persons to serve as Building Inspector, Plumbing Inspector, Shoreland Zoning Inspector, and Code Enforcement Officer for such other codes governing building or land use as the Town Meeting may vote to establish, and for all applicable state regulations. The Code Enforcement Officer or Officers shall inspect buildings and construction projects to ensure compliance with all appropriate ordinances, investigate complaints concerning possible violations of ordinances, and seek remedial action if such violations remain uncorrected, pursue enforcement of land use laws and

ordinances, and perform other duties authorized by law or as directed by the Town Manager or the Selectmen. The Code Enforcement Officer shall assist the Planning Board and the Board of Appeals as needed. The Code Enforcement Officer shall be trained or certified as required by law.

ARTICLE 10 TOWN CLERK

Sec. 10.01 -- Powers and Duties

1. The Town Clerk shall swear in all elected or appointed town officers, except at Town Meetings where this responsibility may be performed by the Moderator.
2. The Town Clerk shall swear to the authenticity of absentee ballots.
3. The Town Clerk shall issue licenses including dog licenses, hunting licenses, and fishing licenses.
4. The Town Clerk shall be responsible for all documents concerning vital statistics, including marriage licenses and death certificates.
5. The Town Clerk shall also perform additional administrative duties as needed.

Sec. 10.02 -- Appointment

The Town Clerk shall be appointed annually by vote of the Selectmen at the next regular meeting following the annual Town Meeting.

ARTICLE 11 BUDGET

Sec. 11.01 -- Fiscal Year

1. July 1st to June 30th Fiscal Year

The fiscal year of the town government shall begin the first day of July and shall end the last day of June of the following year, unless the Town Meeting makes provision for some other fiscal year. The fiscal year shall constitute the budget and accounting year as used in this charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 11.02 -- Contents of Budget

The budget shall be divided into the following sections:

1. Summary

At the head of the budget there shall appear a summary of the budget. This summary shall indicate principle sources of revenue, including the amount to be raised by property tax. The summary shall also indicate total appropriations for various kinds of services and for capital improvements.

2. Financial Statement

The second section of the budget shall be a statement of the financial condition of the town.

3. Capital Improvement Program

The Capital Improvement Program shall describe proposed capital improvements for the next five fiscal years, with supporting information concerning the necessity for such improvements: This Capital Improvement Program may be revised from year to year in the light of the Town's changing needs.

4. Appropriation

a. The third section of the budget shall be an itemized statement of recommended appropriations, with comparative statements in parallel columns of the expenditures for each item during the preceding budget year. These proposed appropriations shall be classified as follows:

(1) Administrative salaries and expenses

(2) Compensation for town officials including Selectmen, members of the School Committee, and members of appointive boards and committees

School salaries and expenses

The School budget shall include the following items of expense:

(3) Accounts of Attendance Services, Health Services, Improvement of Instructional Services, Board of Education Services, and Contingency.

(4) Office of the Superintendent's Services, Office of the Principal Services, and Staff Services

(5) Operation of Building Services, Care and Upkeep of Grounds Services, Repair of Equipment, Building Improvement Services, and Debt Service.

(6) Supervision of Transportation Services, Vehicle Operations Services, and Vehicle Servicing and Maintenance Services.

- (7) Co-curricular Non-Athletic Activities-Elementary, Co-curricular Athletic Activities-Elementary and Food Services Operation
- (8) Regular Program Elementary
- (9) Regular Program Secondary
- (10) Vocational Program
- (11) Special Education
- (12) Roads, bridges, town ways, paving, and snow removal expenses.
- (13) Health, social services, and recreation expenses.
- (14) Protection of persons and properties expense
- (15) Library
- (16) Unclassified

b. Within each of these categories, appropriations shall be further classified as follows:

(1) Current Services Appropriations

Current services appropriations shall include all appropriations necessary to maintain services at the current level.

(2) New or Improved Services Appropriations

Appropriations intended to add new services or to improve current services shall be included in this category. The budget shall include supporting information to show the necessity of the additional services, a cost estimate for the additional services and a recommendation as to an appropriate method of financing such services.

(3) Capital Improvement Appropriations

Appropriations for capital improvements to be acquired or constructed during the current or subsequent fiscal years shall be included in this category. The budget shall include supporting information as to the necessity of such improvements, together with a cost estimate, a recommended time schedule, and a recommendation as to an appropriate method of financing the capital improvements proposed. An estimate of the annual cost of operating and maintaining the proposed facilities shall also be included. Unless the Town Meeting stipulates otherwise, appropriations for capital improvements shall be carried over from year to year until the total sum originally proposed for the project is accumulated, at which time the warrant for the Annual

Town Meeting shall include an article authorizing the town to purchase the item or to construct the facility in questions. Each year the budget shall include an indication of the status of all such continuing accounts.

5. Statement of Estimated Revenues

The budget shall include an itemized statement of estimated revenues from all sources other than taxation, and a statement of the taxes required, with comparative figures for the two preceding fiscal years.

6. Additional Information

The budget may also include such other information as may be required by the Board of Selectmen.

Sec. 11.03 -- Preparation of Budget

On the first Monday of January, the head of each office, department, or agency shall submit to the Town Manager a work program for the year. This work program shall show proposed expenditures, by regularly stated periods, for the entire budget year, and the work program shall also show how the requested appropriation for the office, department, or agency will be used. The Town Manager shall review these work programs and appropriation requests, and he may alter the allotments or change the total appropriation before approving the request. Representatives of the department, offices, or agencies in question may appeal decisions of the Town Manager concerning such changes to the Board of Selectmen.

Sec. 11.04 -- Budget Review Process

1. Review of Proposed Non-School Budget

The Board of Selectmen shall receive from the Town Manager a proposed budget, together with an explanatory budget message, not later than the first meeting of April in each calendar year. The Board of Selectmen shall review, amend, and approve this proposed budget.

2. Review of Proposed School Budget (see Sec. 6.01.8)

3. Hearing on Non-School Budget

In the second week of May of each calendar year, the Board of Selectmen shall, with the assistance of the Town Manager, conduct a public hearing on the proposed budget, at a time and place to be chosen by the Board of Selectmen. Notice of the public hearing shall be distributed to each household in Orrington at least one week before the date of the hearing and shall be announced through the news media. The Board of Selectmen shall then make a final review of the budget in light of the comments made at the public hearing.

4. Hearing on School Budget (see Sec. 6.01.9)

5. Presentation of Budget

After making any final revisions it deems necessary, the Board of Selectmen shall present the complete town budget, including the school budget, to the Town Meeting, in accordance with the procedures described in Section 2.03 of this charter.

Sec. 11.05 -- Enactment of Budget

In voting on the budget, the Town Meeting shall vote a gross appropriation for each of the 16 categories of services described in Section 11.02.04.a of this charter. The Town Meeting may by amendment reallocate funds from one purpose to another within each of these 16 categories of services. The Town Meeting may lower the total appropriation for any of these 16 categories, but it may not increase the appropriation over the level stated in the proposed budget. From the date of adoption of the budget by the Town Meeting, the amounts stated therein as the amount to be raised by property tax shall become the amount of the total tax levy for the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Clerk and filed by him with the Assessor, whose duty it shall be to levy such taxes for the corresponding tax year.

Sec. 11.06 -- Administration of Budget

1. Interim Expenditures

In the period between the beginning of the fiscal year and the Town Meeting, the Board of Selectmen may authorize expenditures to continue a department's current services. These expenditures shall be charged against the department's appropriation for the year.

2. Transfer of Appropriations

At the request of the Town Manager, the Board of Selectmen may issue an order to transfer funds from one account to another within any of the 16 categories of services specified in Sec. 11.02.04, except items 3 through 11, School Salaries & Expenses, but funds may not be transferred from one of these categories to another. Such transfers may occur only if the balance of the account is unencumbered, and only if the purpose for which the appropriation was made has been accomplished.

At the request of the Superintendent of Schools, the School Board may issue an order to transfer funds from one account to another within any of the nine categories of services specified in Sec. 11.02.04 Items 3 through 11, School Salaries and Expenses, but funds may not be transferred from one of these categories to another. Such transfers may occur only if the balance of the account is unencumbered, and only if the purpose for which the appropriation was made has been accomplished.

3. Lapse of Appropriations

Each appropriation, except those accounts designated as continuing and except appropriations for capital improvements, shall lapse at the close of the fiscal year, to the extent that it has not been encumbered or expended. An appropriation for a capital improvement shall continue in force until the purpose for which it was made has been accomplished, or until the Town Meeting votes to abandon the project.

4. Unauthorized Payments and Obligations

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the budget and unless the Town Manager or his designee first certifies that there is sufficient unencumbered balance in the account in question and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. No town officer may authorize a payment or incur an obligation in excess of the sum provided in the budget except by the express vote of the Board of Selectmen, and any payment made or obligation incurred without such a vote shall be void and illegal. Such action without the permission of the Board of Selectmen shall be cause for removal of any town official who knowingly authorized or made such payment or incurred such obligation, and that official shall be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing such specific action is made or approved by the Town Meeting.

ARTICLE 12 NOMINATIONS AND ELECTIONS

Sec. 12.01 -- Conduct of Elections

The regular municipal elections shall be held on the first Monday of June. Except as otherwise provided by this charter, the provisions of the laws of the State of Maine shall apply to elections held under this charter and said elections shall be conducted by the election officers according to state law. For the conduct of elections, for the prevention of fraud in such elections and for the recount of ballots in cases of fraud or doubt, the Town Meeting may adopt by ordinance any regulations which it considers desirable, consistent with Maine law and this charter. Qualified voter shall mean any person qualified and registered to vote under law.

Sec. 12.02 -- Nominations

1. Petitions

Candidates for election to the Board of Selectmen, Board of Assessors, the School Committee, and Town Clerk shall be nominated by petition. Any qualified voter of the town, being at least 18 years of age, may be nominated for election as a Selectman or a School Committeeman, by a petition signed by not less than 25 qualified voters of the Town. The signatures to the nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper and attesting that each signature on it was affixed in his presence and that he believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to his signature the address where he resides.

2. Filing and Acceptance of Nomination Petitions

All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as one instrument not earlier than 90 days or later than 35 days before the election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.

3. Procedure after Filing Nomination Petitions

Within five days after the filing of a nomination petition, the Clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient the Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Sec. 12.03 -- Names on Ballots

The full names and addresses of all candidates nominated for Selectmen or a School Committeeman except those who have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designation under headings "For Selectmen and "For School Committeeman" respectively.

Sec. 12.04 -- Voting Machines

The Board of Selectmen may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

Sec. 12.05 -- Ordering Candidate Surnames

When two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in the order determined by lot. No later than 15 days prior to the election, the Town Clerk shall determine, by lot, the order that said candidates' names shall appear on the ballot. The proceedings shall be public and the candidates shall be given an opportunity to be present.

Sec. 12.06 -- Absentee Voting

Each qualified voter who desires to cast an absentee vote at a regular or special election shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of state law.

Sec. 12.07 -- Determination of Election Results

1. Number of Votes

Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.

2. Plurality

Elections shall be determined by plurality vote. In cases of a tie, the election shall be decided by lot in the presence of the candidates concerned or their agents and under the direction of the Town Clerk.

ARTICLE 13 REFERENDUM AND RECALL

Sec. 13.01 -- Referendum

By vote at a town election, the qualified voters of the town shall have power to reverse any action of the Selectmen, provided that such power shall not extend to levy of taxes or to legal contracts. The Board of Selectmen may also submit any item to a referendum.

Any five qualified voters may begin referendum proceedings by request in writing to the Town Clerk for the appropriate petition blanks, within seven days after any action subject to referendum by the Selectmen. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the action brought to be reconsidered. These five registered voters shall be referred to as the Requesting Committee during the referendum procedure.

The Requesting Committee shall have thirty days from the date of enactment of the action to cause the petitions to be signed by 10% of the number of persons voting in Orrington in the last gubernatorial election. The petition must be signed in the presence of a member of the Requesting Committee or of the Town Clerk or his deputy by qualified voters of the town and each voter's signature shall be followed by his address.

Within seven days after the petition circulation period ends the Town Clerk shall certify to the Board of Selectmen that the petition has been signed by not less than 10% of the number of persons voting in Orrington in the last gubernatorial election, that he believes all signatures to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the action sought to be reconsidered.

Should fewer qualified voters than required by the charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

Upon receipt of certification the Selectmen shall within ten days hold a public hearing and shall within thirty days after said public hearing hold a municipal election for the purpose of submitting to vote the question of repealing the action in question unless it shall be repealed by the Selectmen

prior to the call for the town election. Such action shall be repealed or upheld by a majority of those voting thereon in the town election.

After a petition has apparently received sufficient signatures, the referred action shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question or upon certification by the Town Clerk to the Selectmen that the petition does not contain the signatures of 10% of the number of persons voting in Orrington in the last gubernatorial election.

The ballot title of an action to be voted on shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described action be repealed?" Immediately below such question shall appear in the following order, the words "Yes" and "No" and to the right of each, a square in which the voter may cast his vote.

Sec. 13.02 -- Recall

Any five qualified voters may begin at any time proceedings to recall a Selectman or a School Committeeman by requesting in writing to the Town Clerk for the appropriate petition blanks. These five registered voters shall be referred to as the Recall Committee. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the Recall Committee.

The Recall Committee shall have thirty days from the acceptance date of the request by the Town Clerk to cause the petition to be signed by 10% of the number of persons voting in Orrington in the last gubernatorial election. The petition must be signed in the presence of a member of the Recall Committee or of the Town Clerk or his deputy. Each voter's signature shall be followed by his address.

Within seven days after the petition circulation period ends the Town Clerk shall certify to the Board of Selectmen that the petition has been signed by not less than 10% of the number of persons voting in Orrington in the last gubernatorial election, that he believes all signatures to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity to read the statement detailing the reason or reasons for recall.

Should fewer qualified voters than required by the charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and request for recall of the same Selectman or School Committeeman may not be accepted by the Clerk until 180 days after the expiration of the previous filing period.

Upon receipt of certification the Board of Selectmen shall within thirty days hold a municipal election for the purpose of submitting to vote the question of recall. A Selectman or School

Committeeman shall be recalled if two thirds of those voting thereon shall have voted in the affirmative. The Board of Selectman shall within thirty days after the voters have recalled a Selectman or School Committeeman hold a special election to fill the vacancy.

A Selectman or School Committeeman that 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 wishes to have his name appear on the ballot, no later than the fifteenth day preceding the election. He shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file with the Town Clerk a petition as required by the charter for a regular municipal election.

Pending action by the voters of the town, the Selectman or School Committeeman that recall proceedings have been initiated against shall continue to exercise all the privileges of his office.

The ballot for recall shall contain the following question: "Shall (name of person being subjected for 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 right of each, a square in which the voter may cast his vote.

ARTICLE 14 GENERAL PROVISIONS

Sec. 14.01 -- Titles of Town Officials

All titles of town officials used in this charter, including the title Selectman and the pronouns "he," "him," and "his," shall be understood as referring to both men and women.

Sec. 14.02 -- Elected Officers' Terms

The term of any elected officer shall begin the first business day following the final determination of the election of said officer. Any officer shall serve for his prescribed term or until his successor is elected and qualified. If a person is elected to fill a vacancy in office, his term shall begin immediately upon taking the oath of office.

Sec. 14.03 -- Swearing in Officers

Every town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him according to the Constitution and laws of the State of Maine and the charter and ordinances of the town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

Sec. 14.04 -- Personal Financial Interest

Any officer or employee who has a substantial 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 to a contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an officer or

employee in making of such sale or in the making or performance of such contract. Any officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express 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.

Sec. 14.05 -- Prohibitions

1. Activities Prohibited:

- a. No elected town official shall hold more than one elected town officer concurrently.
- b. No persons shall be appointed to or removed from or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, sex, physical handicaps, or political or religious opinions or affiliations.
- c. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- d. 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 the municipal service.
- e. No person who holds a compensated appointive town position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service.
- f. Nothing herein contained shall affect the right of any person to hold a membership in, and support, a political party, to vote as he chooses, to express privately and publicly his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

2. Penalties

- a. The Town Meeting may enact an ordinance prescribing penalties for the above. Any person found in violation of this section or any ordinance enacted pursuant to this section by a court of competent jurisdiction shall be ineligible for a period of five years thereafter to hold any town office or employment and shall immediately forfeit his office or position.

Sec. 14.06 -- Separability

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter of any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Sec. 14.07 -- Amendments to Charter

1. Proposal of Amendments

Amendments to this charter may be framed and proposed by the Board of Selectmen, or by a group of voters of the Town, if the proposed amendment is accompanied by a petition signed by at least 20% of the number of persons voting in the last gubernatorial election.

2. Election

By vote of the Board of Selectmen, or within 10 days of receipt of a petition determined sufficient, the Board of Selectmen shall set the time and place for a public hearing on the proposed Amendment(s) and shall within 7 days after the public hearing require that a proposed Amendment be placed on the next printed ballot at the next regular municipal election held not less than 30 days after the order is passed, or shall call a special election for its consideration to be held not less than 30 days after the order is passed. Notice of the time, place and purpose (text and brief explanation of the Amendment) of the hearing shall be posted in at least three public places in Orrington and shall be announced through the news media not less than 7 days before the date of the hearing. The public hearing may be held separately or in conjunction with a regular or special meeting of the Board of Selectmen. The public hearing shall be held not less than 30 days before the day for voting thereon. All persons interested in the Amendment shall have a reasonable opportunity to be heard. After the hearing, the Board of Selectmen shall review the proposed Amendment, make changes where necessary. A written opinion by an Attorney admitted to the Bar of this State stating that the Proposed Amendment is not in conflict with the general laws or the Constitution will be obtained. The Proposed Amendment shall be distributed to each household in Orrington at least 2 weeks before the date of voting thereon. The method of voting on the Charter Amendment proposed in accordance with MRSA Title 30-A, Section 2105, shall be in the manner prescribed for municipal elections under MRSA Sections 2528-2532.

3. Adoption of Amendment

If a majority of the ballots cast favor acceptance, the Amendment shall become effective on the first day of the next succeeding year or on a date determined by the municipal officers, whichever occurs first.

ARTICLE 15
TRANSITIONAL PROVISIONS

Sec. 15.01 -- Time of Taking Effect

This charter shall go into effect thirty days after its adoption by a majority vote at a town election. All actions of town officials or agencies initiated after the adoption of this charter shall conform to the provisions of the charter. However, a budget prepared before the adoption shall remain in effect for the period for which it was adopted unless the Town Meeting votes to change this budget.

Sec. 15.02 -- Elected Town Officials

All elected town officials in office at the time of the adoption of this charter shall remain in office until the end of the term for which they were originally elected. At such time, any such elected official may stand for re-election under the terms of this charter.

Sec. 15.03 -- Continuance of Officer, Employees

1. Rights and Privileges Preserved

Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.

2. Continuance of Officer or Employment

Except as specifically provided by this charter, if at the time this charter takes full effect a town administrative officer or employee holds an office or position which is or can be abolished by or under this charter, he shall continue in such office or position until the taking effect of some specific provision under this charter directing that he vacate the office or position.

Sec. 15.04 -- Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the town officials appropriate under this charter.

Sec. 15.05 -- Municipal Laws

All ordinances, resolutions, orders and regulations in force at the time that this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the town of Orrington in force at the time that this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Sec. 15.06 -- State Laws

Upon the effective date of this charter, all private and special state laws relating to the town of Orrington which are inconsistent in whole or in part with the provisions of this charter are hereby repealed.

**ARTICLE 16
LIBRARY COMMITTEE**

Sec. 16.01 -- Powers and Duties

1. Management of the Library

The Library Committee shall be responsible for the management of the library.

2. Selection of Librarian

The Library Committee shall select a librarian and shall submit it's recommendation to the Town Manager for further action.

3. Policies

The Library Committee shall establish all policies. These policies shall include, but not be limited to, the selection of books and other library materials and the acceptance of memorials, gifts and grants.

Sec. 16.02 -- Membership

The Library Committee shall consist of five members and shall be appointed by the Board of Selectmen at it's first July meeting. They shall serve overlapping three year terms. No person may serve simultaneously on the Library Committee and on either the Board of Selectmen or School Committee. A member of the Library Committee shall forfeit his office if he fails to attend three successive meetings without permission of the Library Committee. The Board of Selectmen may remove from office a member of the Library Committee for professional misconduct or for misuse of his powers, but only after a public hearing called to present the reasons for his removal from office. The principals of the Orrington Schools and the Librarian shall be ex-officio members of the Library Committee.

Sec. 16.03 -- Officers

The Library Committee shall elect annually from among its members a Chairperson and a Secretary-Treasurer.

1. Powers and Duties of Chairperson

The Chairperson shall call meetings or public hearings of the Library Committee as required. He shall call such meetings or hearings when requested to do so by either the Board of Selectmen or the majority of the members of the Library Committee. The Chairperson shall preside at meetings or hearings and shall be the official spokesman for the Library Committee.

2. Powers and Duties of Secretary-Treasurer

The Secretary-Treasurer shall administer the funds allocated to the Library Committee and shall maintain a permanent record of all committee meetings and hearings and all correspondence. These records shall be public documents and shall be filed in the Town Clerk's office, where they may be inspected by members of the public at reasonable times.

Sec. 16.04 -- Quorum

Three members of the Library Committee shall constitute a quorum, but at least three affirmative or three negative votes shall be required to take official action on any item of business. Any item which fails to receive at least three affirmative or three negative votes shall be tabled until the next meeting.

Sec. 16.05 -- Agenda

An agenda shall be prepared at least five days before a Library Committee meeting. This agenda shall be posted in three public places in Orrington at least one week before the date of the meeting, and copies shall be available to any citizen and to representatives of the news media. Each item requiring a vote shall be listed as a separate item on the agenda. Any citizen may place an item on the agenda by so informing the committee chairperson at least five days before the date of the meeting. This should not preclude any citizen from appearing at any library committee meeting on any matter of concern.

Sec. 16.06 -- Conduct of Meetings

At the first regular meeting after the annual appointments to the committee, the Library Committee shall adopt rules of order. The chairperson shall ensure that discussion at meetings centers on items included in the agenda, and he may close discussion if it is extraneous to the item of business under consideration. All meetings shall be open to the public, and the committee may discuss questions in executive session only when the evaluation, suspension, or dismissal of library personnel is under discussion. Before going into executive session, the committee must issue a statement to all persons present explaining why the executive session is necessary. Reasonable time shall be made available to all citizens present, so that they may express their views on items included in the agenda. The committee may also receive written statements from persons not present. The affirmative and negative votes shall be recorded. At the end of each meeting, the committee shall take under advisement requests from any citizen present concerning items to be placed on the agenda for discussion and action at a later meeting.

Sec. 16.07 -- Library Committee Policy Decisions

Before adopting an official statement of library policy, the Library Committee shall conduct at least one public hearing on this statement. At least one week before the date of the hearing, notice of the time, place, and purpose of the hearing must be posted in three public places in Orrington. At least one week before the date of the hearing, copies of the proposed policy statement must be available to citizens and to representatives of the news media at the town office. After the hearing the library committee may adopt the policy statement with or without amendments. All statements of official library policy as adopted by the Library Committee shall be available to the public at the library.