

Charter Commission
December 26, 2023
Meeting Minutes

Meeting was called to Order at 6:41 pm

Members present: Dwayne Woodsome. Marina Gagne, David Barker, Steve Ross and
Absent were Lori Anthony, Nadine Molloy and Frank Allen.

Motion by Dwayne Woodsome to amend Article 2 by deleting Annual pertaining to
Annual Town Meeting: motion seconded by David Barker seconded. Motion carries 5-0-0.

Motion by Dwayne Woodsome to amend by deleting Annual pertaining to Annual Town
Meeting throughout the charter: motion seconded by David Barker. Motion carries 5-0-0.

David Barker made the motion to abolish Sections 208, 210, 211 and 212; motion
seconded by Nancy Brandt. David Barker amended his motion to hold off Section 208
until clarification from Town Attorney; amended motion seconded by Nancy Brandt.
Motion carries 5-0-0.

Section 2.09 will require further review for clarification from Town Attorney.

NOTE: Strikethrough is deletion. Bold Italic is addition.

ARTICLE 2 – THE TOWN MEETING

Section 201 – Authority and Membership. The legislative authority of the Town shall be vested in the Board of Selectmen, ~~but Town Meeting shall be retained as provided by this Article. All registered voters of the Town shall be members of the Town meeting and shall be eligible to vote on matters that come before it. No quorum is necessary to convene a Town meeting for the election of the Moderator, for elections; a quorum of 25 is necessary to convene the business portion of the meeting, and shall stand for the remainder of the business meeting.~~

Section 202 – Annual Town Meeting. An Annual Town Meeting for the consideration of the budget and the transaction of other Town business which voters are authorized to vote upon shall be held on the Saturday proceeding the second Tuesday in the month of June starting at a time fixed by the Board. All actions taken at the Annual Town Meeting will take effect on July 1st following the meeting unless otherwise specified. The Warrant of the Annual Town Meeting shall be closed to the insertion of money and non-money Articles sixty (60) days prior to the Annual Town Meeting. The board will be allowed, with a unanimous vote, to add additional Articles to the warrant up to thirty (30) days prior to Town Meeting. **NOTE: CHECK WITH ATTY. BURNS TO MEET CURRENT STATE TIME FRAME.**

Section 203 – Call of Special Town Meeting. Special Town Meetings shall be called by majority vote of the board or by a petition containing signatures of registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Waterboro in the last gubernatorial election. The Warrant for Special Town Meetings will be closed in accordance with State law.

Section 204 – Warrant Articles. A Town Meeting is required for the following actions:

- a. The various appropriation and expenditure Articles that comprise the Annual Budget
- b. Approval of the issuance of bonds or notes except notes in anticipation of taxes to be paid within the fiscal year in which issued.
- c. Any other business deemed advisable by the Board of Selectmen.
- d. Warrant articles submitted by initiative petition.

Articles may be placed in the Warrant of the Town Meeting by majority vote of the Board, or by petition of registered voters of the Town equal in number to at least ten (10) percent of the ballots cast in the Town of Waterboro in the last gubernatorial election.

Articles concerning appropriations shall contain the Statement of Fact in addition to other information contained in two columns: one showing the appropriation for the current fiscal year, and one showing the proposed budget appropriation for the ensuing fiscal year. Each Article concerning appropriation shall contain the recommendation of the Board of Selectmen. Except for initiated referenda, the municipal officers will determine the wording and order of the Articles. The warrant must be signed by a majority of the Board.

The Town Meeting shall not increase the amount of any appropriation above the amount recommended by the Board and shall not increase the amount of any bond issue above the amount recommended by the Board.

If the voters fail to approve any budget warrant articles required by law, the Board shall call, as provided by law, for such further Town Meeting(s) as are required to address the same, provided that any such special Town Meeting shall be conducted solely as an open floor Town Meeting and not by referendum voting.

Section 205 – Secret Ballots. The regular election of the Board of Selectmen shall be held at that part of Town Meeting described in Section 301 hereof and shall be conducted by secret ballot. Additional secret ballot elections may be held at the same time for:

- a. Election of RSU #57 School Board Representatives and Water district Trustees, as well as Lake Arrowhead Directors if the Board authorizes the same.
- b. Ordinances proposed under the initiative and/or referendum power.
- c. Any other business deemed advisable by the Board of Selectmen

Section 206 – Absentee Ballots. Absentee ballots may be cast for all ~~Annual~~ and Special Town Meetings for the election of Town Officers and articles to be voted on by secret ballot. The general laws of the State of Maine shall determine the manner for obtaining and casting absentee ballots.

Section 207 – Notification, Posting and Public Hearings.

- a. The complete warrant shall be posted in at least three conspicuous places fourteen (14) days before Town meeting and posted on the Town's website twenty-one (21) days prior to Town Meeting.
- b. Copies of the Town Report and warrant for the Town Meeting shall be made available at the Town hall at least fourteen (14) days before Town Meeting.
- c. All public hearings and notifications thereof shall be held in accordance with State law.

Section 208 – Moderator. The election and duties of the Moderator shall be done in accordance with the Maine Moderator's Manual published by the Maine Municipal Association as it may be amended. **NOTE: CHECK WITH ATTY. BURNS REGARDING MODERATOR FOR MUNICIPAL ELECTION.**

Section 209 – Clerk of Town Meeting. The Town Clerk or Deputy shall be the Warden of the Town Meeting . She/he shall oversee the balloting and preserve as public records all proceedings of the Town Meeting votes. **NOTE: CHECK WITH ATTY. BURNS REGARDING MODERATOR FOR MUNICIPAL ELECTION.**

~~**Section 210 – Procedure and Conduct of Town Meeting.** Except as limited by the Constitution and laws of the State of Maine and provisions of this Charter, rules governing the procedure and conduct of the Town Meeting shall be in accordance with the Maine Moderator's Manual published by the Maine Municipal Association as it may be amended.~~

~~**Section 211 – Restrictions.** At Town Meeting the voters are not authorized to vote on any matters that apply to appointments of officers, of members of commissions or of boards made by said Board of Selectmen, or to the appointment or designation of officers of the Board or to rules governing the procedure of the Board of Selectmen.~~

~~**Section 212 – Method of Abolishing the Town Meeting.** At any time, not less than fifteen percent (15%) of the registered voters of the Town may petition over their personal signatures for a referendum to vote upon the question abolishing the Town Meeting. The Board shall call such a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk. The proper election officials of the Town shall take such steps as may be necessary to place such question upon the ballot at the next general election or at a special election called for that purpose. If at such general election or special election a majority of the electors of the Town voting on the question shall vote for the abolition of the Town Meeting of the Town of Waterboro, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Board. The Board shall set the budget and final approval shall be by referendum vote of the registered voters of the Town. Once the Town Meeting is abolished pursuant to this Section, the procedures and time periods established in this Charter for Special Town Meeting or Annual Town Meeting shall apply to the regular or special budget referendum vote. The regular budget referendum vote shall be held on the second Tuesday in June of each year. To reinstate Town Meeting, the process shall follow the same procedure as was done establishing referendum voting. If the referendum process is adopted, approval of any appropriation in addition to or supplementary to the annual budget appropriation shall require an additional referendum, if such additional or supplemental appropriation exceeds a cumulative amount equal to one percent (1%) of the annual municipal budget as approved at the preceding Annual Town Meeting. (amended 11/6/18)~~

ARTICLE 3: BOARD OF SELECTMEN

Discussion was held regarding Select Board (state statute) or Council. David Barker added as the Atty. Burns explained that the duties in the current charter is the same as a council form of government. Dwayne Woodsome raised concerns if town would have to be divided by districts with a representative from the district. David Barker added can be elected at large to represent the whole town. Discussion was held on if should be Council Chair, or Council President. Members agreed should remain as chair with 5 members. Marina Gagne added that the population is nearer 10,000 and suggested have a threshold population number so when reached the members would increase from 5 to 7. Will contact Atty. Burns on legalities.

Section 3.03 Nominations

Dwayne Woodsome made the motion to amend Section 303 as follows: Nomination papers for the nomination of candidates for any elective office in the Town of Waterboro shall be filed with the Town Clerk ~~at least forty five (45) days prior to the regular municipal election. Nomination papers shall be uniform and shall be made available by the Town Clerk ninety (90) days prior to the election.~~ *As required by state law.* Motion seconded by David Barker. Motion carries 5-0-0.

Discussion was held regarding to include removing Town Treasurer and Tax Collector from Town Administrator duties. Further discussion was held defining Department Heads along with a flow chart. Dwayne Woodsome added that updated job descriptions will be need to be in the Charter to correspond with flow chart. After much discussion, members will email questions to charter members and a draft flow chart representing dept. heads will also be emailed for the next meeting on January 9th, Article 3 will be on the January 9th, 2024 agenda when full commission members are present.

Meeting Minutes. Dwayne Woodsome made the motion to approve the minutes of the Nov. 28th meeting; motion seconded by David Barker. Motion carries 5-1-0, Steve Ross was not present at the Nov. 28th meeting.

Commission resignation. Dwayne Woodsome made the motion to accept Frank Allen's resignation from the Charter Commission; motion seconded by Steve Ross. Motion carries 5-0-0. Advertising will be completed for applications and will be put on the January 23, 2024 meeting agenda.

Dwayne Woodsome made the motion to adjourn at 8:18 pm; motion seconded by Steve Ross. Motion carries 5-0-0.

Respectfully submitted,

Nancy Brandt, Secretary