



***TOWN OF  
LIMERICK, MAINE  
MUNICIPAL CHARTER***

**Charter Commission Members**

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Wendy Thorne, Vice-Chair  
Joanne Andrews, Secretary  
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**September 25, 2024**



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

### **1.1 Construction**

The Town may exercise any of its powers to 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 federal or state civil divisions of agencies and in accordance with the Inter Local Cooperation Act (30-M.R.S.A. §§2201-2208) or any other statutory provisions, when applicable.

### **1.2 Separability**

If any provision of this Charter is held finally to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of any remaining provisions of this charter.

## **ARTICLE 2 – TOWN MEETINGS AND ELECTIONS**

### **2.1 Legislative Authority**

#### **2.1.1 Legislative Body**

The voters of the Town of Limerick, through the Town Meeting, are the legislative body of the Town, exercising all the home rule powers as granted through the Constitution and laws of the State of Maine. With an elected Board and an appointed Town Manager and such other officials and employees as may be duly appointed pursuant to law, this Charter or ordinance.

#### **2.1.2 Legislative Authority of Town Meeting**

- a. The Town Meeting shall by ballot act on the following:
  1. Election of the following Town Officials: Select Board, Planning Board, Water District, Sewer District, RSU 57 School Board Directors, Budget Committee Members, and Town Meeting Moderator, **and other Municipal Officials as may be required.**
  2. Ordinances proposed under the initiative and/or referendum power; any other business deemed advisable by the Board.
- b. The Town Meeting shall from the floor act on the following warrant articles:
  1. The various appropriation and expenditure articles.
  2. Warrant articles submitted by initiative, petition, or referendum.
  3. Any other business deemed advisable by the Board.

### **2.2 Town Meeting**

#### **2.2.1 Procedure**

All registered voters of the Town shall be members of the Town Meeting and shall be eligible to vote on matters that come before it. A quorum for the purpose of the election of the Annual Town Meeting Moderator shall be a minimum of five (5) registered voters. A quorum to conduct business at the Annual Town Meeting shall be a minimum of forty (40) registered voters. If a quorum sufficient to conduct business does not exist, the Town Meeting Moderator shall adjourn the meeting to reconvene the second Saturday from the time of the original date of the meeting.

#### **2.2.2 Warrant Articles**

The warrant shall contain in the form of articles, those items enumerated in Section 2.1.2. Articles may be placed in the warrant of the Town Meeting by an affirmative vote of at least three (3) members 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 in its last gubernatorial election, or as otherwise permitted under Title 30-A M.R.S. §2522 or any successor statute.

Articles concerning appropriations shall contain the statement of fact in addition to other information contained in three (3) columns:

- a. One showing the appropriation for the current fiscal year.
- b. One showing the appropriation proposed by the Budget Committee.



- c. One showing the appropriation proposed by the Board/Town Manager.

For initiated measures or referenda, the municipal officers will determine the wording and order of the articles but will not change the meaning of the proposals. The recommendation by the board and recommendation of the budget committee shall have an explanatory note. The warrant shall be signed by at least three (3) members of the Board.

### **2.2.3 Closing of the Warrant for Annual Town Meeting**

Unless there is a unanimous vote of the Board, no articles shall be inserted into the warrant later than forty-five (45) days prior to the Annual Town Meeting.

### **2.2.4 Notification, Posting, and Public Hearings**

- a. The warrant for the Town Meeting will be posted in accordance with state Law.
- b. The complete warrant shall be posted on the electronic media of the Town in at least five conspicuous places at the Board's discretion, at least seven (7) days before the Town Meeting
- c. 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 the Town Meeting.
- d. All public hearings and notifications thereof shall be held and made in accordance with State law.

### **2.2.5 Moderator**

- a. Election and duties of the Moderator: The election and duties of the Moderator as supervisor of the meeting shall be done in accordance with the guidelines provided in the Maine Moderator's Manual published by the Main Municipal Association as it may be amended.
- b. Procedure and Conduct of the Town Meeting: Except as limited by the Constitution and Laws of the State of Maine and provisions of the Charter, rules governing the procedure and conduct of the Town Meeting shall be in accordance with the guidelines provided by the Maine Moderator's Manual published by the Maine Municipal association as it may be amended.

### **2.2.6 Town Clerk**

The Town Clerk shall perform the duties required by law, including overseeing the balloting and preserving as public records all proceedings of the Town Meeting vote. Commencing on or at the end of the current elected term of the Town Clerk, the Town Manager shall appoint the Town Clerk, subject to the approval of the Select Board

### **2.2.7 Annual Town Meeting**

The Annual Town Meeting shall be held on the second Friday in March. The specific place and time shall be decided by the Board, in conjunction with the Town Clerk, and shall be announced in accordance with Section 2.2.4 of this Article. In extenuating circumstances, the Board may adjust the date of the Annual Town meeting. The first article of the Annual Town Meeting will be the election of

the Moderator. The next order of business will be for the Registrar of Voters to certify that a quorum is present for the Town Meeting.

### **2.2.8 Call of Special Town Meeting**

Special Town Meetings may be called by 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 in its last gubernatorial election in accordance with state statutes. A minimum of twenty (20) registered voters shall constitute a quorum for a special Town Meeting.

## **2.3 Elections**

### **2.3.1 Municipal Elections**

The regular election for the members of the Board, RSU 57 School Board Directors, Budget Committee, Planning Board, and other municipal officials as may be required shall be held by secret ballot.

Provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

### **2.3.2 Nominations**

Candidates for election to any elective office, whose names appear on a written ballot, must be nominated by petition. All nomination petitions must be signed by twenty-five (25) registered voters of the Town. The use of nomination papers shall be in accordance with the state statutes governing Town elections.

### **2.3.3 Voting Places**

The voting places established for state elections shall be the same for municipal elections. The Town Clerk shall determine the location of voting places in accordance with Maine Secretary of State Policy guidelines.

### **2.3.4 Election Officials**

In Federal and State elections, the election officials shall consist of a warden and election clerks appointed pursuant to 21-A M.R.S.A §§ 501 – 505. In Town elections, the election officials shall consist of a Moderator elected pursuant to 30- M.R.S.A § 2528(8) and the Town Clerk. All election officials shall have the duties prescribed by state law.

### **2.3.5 Absentee Ballots**

Absentee ballots may be cast at all annual and special Town Meetings for the election of Municipal Officials 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.

## **2.4 Vacancies in Elected Offices**

The office of an elected official other than a member of the Board or an RSU 57 School Board Director shall become vacant upon the resignation, death, or removal from office in a manner authorized by law or upon forfeiture of office.

- a. Elected officials shall forfeit their office if they lack any qualifications for the office as described by law, by this Charter or by the personnel criteria, or if they intentionally violate any expressed provision of this Charter; or are convicted of a crime, the conduct of which occurred during the official's term of office and the victim of which is the municipality. (See 3.7.2 (b)).

## **ARTICLE 3 – BOARD MEMBERS**

### **3.1 Number, Eligibility, Election and Terms**

#### **3.1.1 Number**

There shall be a Board composed of Five (5) members, who shall be elected by the registered voters of the Town-at-large.

#### **3.1.2 Eligibility**

Only a registered voter who maintains a permanent, principal residence in the Town (at all times during their term) and who has resided as a permanent resident in the Town for the previous six months shall be eligible to hold office as a Board Member.

#### **3.1.3 Election and Terms**

Beginning with the Annual Town Meeting following the adoption of this Charter, Board Members shall be elected for a term of three (3) years on a staggered basis. No term of office for an elected official of the Town currently serving at the time of the adoption of this Charter shall be abridged or otherwise augmented. The term shall convene upon election.

### **3.2 Compensation**

The compensation of Board Members shall be set within the Budget adopted at each Annual Town Meeting. When an elected position becomes vacant, the former official shall be paid on a pro-rated basis from the date of their oath or the date of last payment, whichever is most recent, to the date of termination, resignation, or removal from office.

### **3.3 Chair/Vice-Chair**

The Chair and the Vice-Chair of the Board shall be elected by an affirmative vote of at least Three (3) members of the Board at the first regular meeting following the Annual Town Meeting.

The Chair shall preside at the 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, but they shall have no extra administrative duties. In the temporary absence or disability of the Chair, the Vice-Chair shall exercise all the responsibilities of the Chair. In the temporary absence of both the Chair and Vice-Chair the next senior member shall exercise all the responsibilities of the Chair. The Chair or the Vice-Chair shall set the agenda for the Board's meeting. The agenda shall provide the opportunity for public comment.

### **3.4 Responsibilities and Duties**

#### **3.4.1 Municipal Officers**

The Board shall constitute the municipal officers of the Town. Their responsibilities shall be those vested in the Town government. The decisions and actions of the Board shall not be contrary to any vote of the Limerick Annual Town Meeting or any other special Town Meeting, and the responsibilities and duties of the Board shall be consistent with any regulations and ordinances voted upon at said Town Meetings or by referendum. The Board shall perform all duties required of municipal officers under the laws of this state and the provisions of this Charter.

#### **3.4.2 Continuing Education**

- a. The Board Chair, with the assistance of the Town Manager, shall develop a continuing education program for all elected or appointed officials.
- b. This program shall consist of formal, informal, online, or other learning opportunities. It shall ensure that any training or education for elected officials as applicable by statute, rule, or recommendation is provided for.
- c. Topics for training shall include, but are not limited to:
  1. Municipal budgeting and finance
  2. Human resources and personnel management
  3. Emergency management and disaster planning
  4. Contents of the Limerick Town Charter
  5. The provisions of Title 30-A of the Maine Revised Statutes concerning Municipal Government
  6. Ethics/Implicit Bias
  7. Freedom of Access Act
  8. Town Policies and Ordinances
  9. Maine Municipal Association Materials

### **3.5 Enumeration of Responsibilities**

The Board shall have the following enumerated powers in addition to those powers and responsibilities granted by law to the Board at the Annual Town Meeting or elsewhere provided in this Charter

Without limitation of the foregoing, the Board Shall:

- a. Appoint and be responsible for the discipline of the Town Manager;
- b. Appoint members of all boards, committees, and commissions except those required to be elected under this Charter or applicable law. The Board shall ensure that all boards, committees, and commissions are established and operated in accordance with the provisions of this Charter and applicable law;
- c. Serve as General Assistance Overseers, which function may be delegated in whole or in part to a qualified Town employee;
- d. Except for zoning ordinances and ordinances enacted by initiative, propose ordinances as provided in this Charter;
- e. Designate warrant items;
- f. Award bids;
- g. Approve bills, invoices, payroll;
- h. Adopt, review, and amend a municipal personnel policy which will be made available to the public;
- i. Initiate the decennial revision of the Town Comprehensive Plan;
- j. Be the final authority regarding the removal of employees and volunteers; subject to the provisions of said personnel policy
- k. Enforce municipal regulations and ordinances if their provisions so require
- l. In the case of a Charter amendment, at least two (2) weeks before the election, the Board shall:
  1. Have the proposed amendment and any summary of the amendment prepared and printed with copies available to the voters in the Municipal Building
  2. Post the amendment and any summary of that amendment in the same manner that proposed ordinances are posted at public places and on available electronic media
- m. In the case of a Charter revision, at least two (2) weeks before the election, the Board shall:
  1. Have the final report of the Charter Commission printed with copies of the report available to the voters in the Municipal Building.
  2. Post the report in the same manner that proposed ordinances are posted at public places and on available electronic media

### **3.6 Prohibitions**

#### **3.6.1 Compensation**

No Board Member, during their term of office, shall receive direct or indirect personal compensation or other emolument from the Town other than their compensation as Board Member.

#### **3.6.2 Decision Procedure**

The Board shall act as a body settling all questions by formal vote in a properly noticed meeting. Members must not act individually unless some duty has been delegated to a member or members by an affirmative vote of at least three (3) members of the Board. A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Board meetings.

## **Vacancies or Forfeiture of Office, Filling of Vacancies**

### **3.7.1 Vacancy**

A vacancy in an office or Board may occur by the following reasons:

- a. Non acceptance
- b. Resignation
- c. Death
- d. No longer a resident
- e. Recall from Office

If a seat on the Board becomes vacant more than ninety (90) days prior to the next Annual Town Meeting election, the Board shall call a special election to fill the unexpired term.

### **3.7.2 Forfeiture of Office**

Persons shall forfeit the office of the Board Member if they:

- a. Lack at any time any qualification for the office as prescribed by this Charter or by law;
- b. Intentionally violate any expressed provision of this Charter; or are convicted of a crime, the conduct of which occurred during the official's term of office and the victim of which is the municipality.
- c. Failure to take the required continuing education classes as prescribed by this Charter;
- d. Three consecutive unexcused absences (See Section 3.7.3)

### **3.7.3 Attendance**

Upon a Board Member exceeding the allowed number of unexcused absences, the remainder of the Board shall declare the seat vacant and shall immediately start the process to fill that vacancy.

## **3.8 Induction of Board Member into Office**

The Board-elect shall be sworn to the faithful discharge of their duties by the Town Clerk, or any person authorized by statute to administer oaths, and shall serve their term for three (3) years or until their successor is elected and sworn into office.

## **3.9 Meetings**

The Board shall meet regularly, except holidays, at such times and places as the Board may specify by rule, and at least twice a month, when practical. All meetings, except those in executive session, which shall commence in public session, shall be open to the public in accordance with the Freedom of Access Laws of the State of Maine.

Special meetings may be called by the Chair or by a majority of the Board, and whenever practical, no less than seven (7) days public notice shall be provided.

Emergency meetings shall be called without regard to the aforementioned seven (7) day notice requirement, by the Chair, or at least three (3) members of the Board, if there is an immediate threat to life, public health, or property. Public notice shall be given as required by state statute.

### **3.9.1 Meeting Agendas**

The Board Chair shall ensure that agendas for all Select Board meetings are prepared, published, and posted at least forty-eight (48) hours prior to the start time of the meeting. Weekends and holidays are included as part of the forty-eight (48) hour period.

Once the agenda has been posted, changes shall only be made for extenuating circumstances. When a change is made to the agenda, the reason for the changes must be entered into the minutes.

No votes should be taken, nor decisions made, on any topics or items not on the agenda. Such items and topics should be tabled and placed on the agenda for a future meeting. This section does not apply to emergency meetings.

### **3.9.2 Quorum**

At least three (3) members of the Board shall constitute a quorum for the transaction of business; however, three (3) affirmative votes of the Board are required for binding or valid action

### **3.10 Rules and Procedures**

The Board shall provide for keeping a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same.

The Board shall direct the Board Clerk to give notice of special Board meetings to its members and to the public in accordance with State statutes and shall keep a record of the proceedings of each regular and/or special meeting and such records shall be made public within five (5) working days after approval of the meeting minutes.

Unless unanimous, the votes of each Board member shall be recorded by individual name in the minutes. No action of the Board shall be binding or valid unless adopted by affirmative vote of at least three (3) members of the Board.

No ordinances, orders, rules, resolutions, contracts, appointments, or other official actions shall be approved in the executive session.

Except the extent inconsistent with this Charter, no ordinance or policy in effect at the date of enactment or amendment of this Charter, is repealed by the adoption or amendment of the same.

### **3.11 Ordinances, Orders, Resolutions, and Policies**

The Board shall act by ordinance, order, resolve and policy:

- a. Ordinance – an ordinance is legislative in nature and prescribes general, uniform and permanent rules of conduct related to the corporate affairs of the Town of Limerick. An ordinance reflects the will of the people and is only valid and enacted when approved by the voters in accordance with the provisions of this Charter, Statutes, and the Constitution of the State of Maine.

- b. Order – An order is an authority conferred by the board to perform a specified act. Select Board orders may be enacted by the Board, in accordance with rules for such established by the Board, and with an affirmative vote of three (3) members of the Board.
- c. Resolution – A resolution, or resolve, is an action less formal or solemn than an ordinance and is appropriate for most other actions of the Board that are not required to be performed by ordinance. A resolve is appropriate for ceremonial acts and the administrative business of the Board. Select Board resolutions may be enacted by the Board, in accordance with rules for such established by the board, and with an affirmative vote of three (3) members of the Board
- d. Policy – An outline for the Town’s plan for handling certain issues. The policy objective should be obtainable, feasible, technically sound and consistent with central government priorities and socially as well as politically acceptable.

### **3.12 Emergency Ordinances**

The Board may, by an affirmative vote of at least three (3) members, pass emergency ordinances, to take effect at the time indicated therein, to meet public emergencies affecting life, health, destruction of property or civil disturbance. Such emergency ordinances shall contain a section in which the emergency is set forth and defined. At least three (3) members of the Board must support the declaration of such an emergency. Within five (5) days after passage, such ordinance shall be posted at the Municipal Building and such other places as the Board may designate, and a statement of the general subject matter shall be published in a newspaper, or newspapers, having general circulation in the Town. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically be repealed as of the 91<sup>st</sup> day following the date on which it was adopted, unless terminated sooner or approved at Town Meeting.

### **3.13 Codification and Review**

- a. All ordinances will be codified by the Town Clerk. This codification will be available to the public in print and on electronic media.
- b. The effective dates of each new ordinance or revision to an ordinance shall be recorded in the codification and shall be known as the Limerick Code of Ordinances.
- c. The Town Clerk will maintain a schedule of ordinance review and inform the Board and Town Manager when an ordinance has been in effect for four and a half (4 ½) years. The Ordinance shall be reviewed by the Board and the Town Manager for any new updates necessary.

#### **3.13.1 Proposals for New Modifications, or Revocation of any Ordinance**

- a. Proposals for any new ordinance, revision or revocation to existing ordinance shall be processed in the following manner:
  - (1) Select Board Initiative
  - (2) Planning Board Initiative



- (3) Citizens' Initiative. Residents of Limerick or owners of a business based in Limerick, may by use of petition present a proposal for any new, revisions, or repeal of Town ordinances. Such a petition must be signed by at least ten percent (10%) of registered voters that voted in the last gubernatorial race. The Board will have no less than two (2) public hearings. If the subject ordinance is a land use ordinance, the Planning Board shall also conduct a public hearing, which may be held jointly with one or both of the Board's hearings.
- b. In all three (3) scenarios, the final language will be sent to the Board and Legal Counsel for approval of final submission to put the proposed ordinance on secret ballot at the next scheduled election (See Section 3.13.4)

### **3.13.2 Hearings**

- a. All proposed ordinances, modifications, or revocations must be presented to the voters at three (3) hearings, unless otherwise provided for in this section, no later than ten (10) days, and no earlier than one hundred eighty (180) days before a vote.
- b. Hearings must be held on varying dates and times

### **3.13.3 Adoption**

For a proposed new ordinance, modification, or revocation of an existing ordinance to become effective it must be approved by the voters in a referendum vote at the municipal or general election in March, June or November.

### **3.13.4 Legal Review**

All proposed ordinances shall be examined by an attorney for the Town before being submitted by the Town official(s) to the voters. The Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clarity and precision in its phraseology. The attorney shall not materially change the meaning and intent of the ordinance; however, they shall give an opinion as to its validity to the appropriate Town official(s) (See Section 3.13.1(b)).

### **3.14 Policies**

The Town Manager shall develop internal policies for approval by the Board to provide guidance, consistency, efficiency, and clarity on its day-to-day activities. The Town shall have policies on topics such as, but not limited to:

- a. Administrative Fees
- b. Agenda
- c. Brick Town Hall Accessibility
- d. Building emergency
- e. Code of Ethics
- f. Command Vehicle User
- g. Electronic Signature
- h. Fund Balance Policy
- i. Hearing of Citizens

- j. Personnel Policy
- k. Purchase Policy
- l. Televised meetings
- m. Town Hall Rental and other Town owned Buildings
- n. Treasurer Disbursements

Policies shall be kept in hard copy, electronic form and posted on the Town of Limerick, ME web site.

## ARTICLE 4 – ADMINISTRATIVE ORGANIZATION

### 4.1 Town Manager

- a. The administration of the Town and Town employees shall be vested in the Town Manager.
- b. The Town Manager shall be hired as an employee of the Town by the Board. The Board shall negotiate an employment contract with the Town Manager. Said contract shall be reviewed for modification and renewal every three (3) years.
- c. Disciplinary matters involving the performance of the Town Manager shall follow all applicable procedures afforded to all other Town Employees, unless otherwise provided for in the contract.
- d. Termination of the Town Manager's employment shall follow all applicable procedures afforded to all other Town employees, unless otherwise provided for in the contract
- e. Salary, benefits, and other incidentals shall be provided for in the contract. For any items that may not be covered in the contract, the personnel policy shall apply.
- f. Commencing at the end of the current elected term of the Town Clerk, Tax Collector, Road Commissioner and Treasurer the Town Manager shall appoint the positions subject to the approval of the Select Board.

### 4.2 Town Organization

#### 4.2.1 Structure of Town Government

- a. Town government shall be organized into Departments, Boards, Committees and Commissions. This structure is for the effective delegation of tasks to ensure efficient operations of Town government.
- b. Unless otherwise established by this Charter, ordinance, statute, interlocal agreement, or other directives, all departments of Town government are under the direct supervision and management of the Town Manager.
- c. The Town Manager, with the assistance of each department head, shall prepare and maintain a Town Organization document for approval by the Board. This document will outline the specific duties and responsibilities of each department of town government. Each department head will provide the Town Manager with a mission and vision statement, goals, organization chart, of the respective departments.

#### 4.2.2 Departments

Town departments consist of various offices responsible for different functions and services. These departments can include public works, parks and recreation, planning and zoning, tax collector, assessing, treasurer, town clerk, public safety (Fire/Emergency Medical Services), public health, finance, code enforcement, solid waste management and more.

#### 4.2.3 Boards

Boards are established to oversee and execute functions of the Town government or specific processes with Town Government. Each board elects its own chair as its leader.

- a. Select Board (See Section 3)

- b. Planning Board
- c. Zoning Board of Appeals
- d. Library Board of Trustees established March 13, 1998
- e. Budget Committee
- f. Comprehensive Planning Committee

#### **4.2.4 Committees**

Two types of committees may be established: Standing Committees and Ad Hoc Committees. For either type of committee, the Town Manager shall prepare a project statement to establish a committee. Each committee shall elect its own chair. The project statement shall indicate: the committee's purpose and function; its composition and number of members; the budget line for funding of the committee. For ad hoc committees, the project statement shall indicate the dissolving date for the committee.

- a. Standing Committees are permanent and enduring with a general purpose and function. Establishment of Standing Committees must be done by ordinance or by Town Meeting warrant.
- b. Ad Hoc Committees are temporary and have specific tasks and deadlines. These committees may be established by the Board for a term of one (1) year. The ad hoc committee will be dissolved when its task is completed. The Board may extend the date for up to one additional year, as it deems necessary.

These committees are established as Standing Committees:

- a. Cemetery Committee
- b. Building and Grounds Committee
- c. Parks and Recreation Committee
- d. Information Technology Committee
- e. Restoration and Revitalization Committee

#### **4.2.5 Commissions**

Commissions are typically established for a specific purpose and/or task or to oversee a function of town government.

- a. Charter Commission – This Commission shall be established as necessary in compliance with Title 30-A Chapter 111 of the Maine Revised Statutes.
- b. Comprehensive Plan Commission – This commission shall be established as necessary in compliance with Title 30-A Chapter 187 of the Maine Revised Statutes.

#### **4.2.6 Changes to Departments of Town Government**

Departments of Town government may be added or removed as necessary to improve, streamline or increase the efficiency of Town government. Departments may be removed or added through ordinance or Town meeting warrant.

### **4.3 Human Resources and Appointment Authority**

- a. The Town Manager shall hire and appoint all employees of the Town. The Board shall be informed of any changes in employment. The Town Manager shall ensure compliance with all applicable Federal and State labor laws, rules, regulations, and standard practices of municipal employment.
- b. The Town Manager shall ensure that all positions in Town government, in addition to those listed in this Charter, as required by law, statute, regulation, rule ordinance, warrant, or policy are filled with qualified competent persons and that the Board is kept apprised of all vacancies and the status of filling those vacancies.
- c. Municipal officials may select deputies as authorized by State law. Appointment of such deputies must be approved by the Town Manager.

#### **4.3.1 Personnel Policy**

The Town Manager shall develop a Personnel Policy document for approval by the Board. The Personnel Policy outlines the Town's policies, procedures, and processes necessary to ensure efficient and fair management and supervision of all persons employed by the Town, whether full-time, part-time, per diem, temporary, seasonal, and volunteer or any other status. The policy shall contain topics such as, but is not limited to:

- a. Recruiting and Hiring Process
- b. Employee conduct and expectations
- c. Categories of employment
- d. Defining full-time, part-time, temporary, volunteer, seasonal or other categories of employment
- e. Probationary periods and requirements of probationary employees
- f. Fringe Benefits
- g. Pay Scales
- h. Annual personnel review procedures
- i. Promotion process and a process for merit raises in pay
- j. Grievance process
- k. Employee recognition program
- l. Criminal Background Checks

This is not an all-inclusive list. Other topics may be added as needed. The personnel policy shall ensure the Town follows all Federal and State laws, rules, regulations, policies, and guidelines to ensure the concerns of the Town and our employees are given due process.

#### **4.3.2 Code of Ethics**

The Town Manager shall develop a Code of Ethics document for approval by the Board. This Code of Ethics will outline the duty and responsibility that all Town appointed employees, elected officials, and volunteers will sign and agree to abide by for the duration of their tenure servicing the Town. The Code of Ethics should be reviewed at least annually to include updates of any appropriate or necessary addition, removal, or clarifying language.

At a minimum, the Code of Ethics document should include sections that address the following:

- a. Reference to Statutes of the State of Maine that are made part of the Code of Ethics
- b. Respect and civility of Town employees, other board members, volunteers, and Town residents
- c. Respect of the responsibility of the day-to-day administration of the Town by the Town Manager
- d. Electronic Communication protocols, including social media, website, email, etc.
- e. Conflict of Interest as required by State law and reference to a table of consanguinity for degrees of separation protocol
- f. Use of Town Property
- g. Gifts and Favors
- h. Disclosure of Confidential Information
- i. Political activities
- j. Violations of Code of Ethics
- k. Separability

#### **4.3.3 Job Description and Funding Sources**

The Town Manager shall develop job descriptions for each job or employment position within Town government. Each job description shall contain the knowledge, skills and abilities required to successfully perform the tasks required. The budget line that funds this position shall be identified in the job description. The immediate supervisor for each job shall be listed on the job description to be reviewed at least annually.

#### **4.3.4 Create, Consolidate, Discontinue Employment Positions**

- a. The Board may establish new employment positions, discontinue positions, or consolidate positions as necessary to improve, streamline or increase the efficiency of Town government. Any changes to employee positions (additional, consolidation, or discontinue) must comply with the Personnel Policy, and be approved by an affirmative vote of three (3) members of the Board
- b. To establish a new position, the funding source must be identified, wages/salary and benefits identified, and a job description prepared. This information is to be presented at a regular Board meeting ten (10) days prior to posting the position for applications. If the additional position was created by ordinance or town meeting warrant, then the presentation at a regular Board meeting and the ten (10) day requirements are waived.
- c. To consolidate positions, a consolidated job description must be prepared, salary/wage and benefit changes identified, effects on the positions' funding source identified, and any effects on current employees identified. This information is to be presented at a regular Board meeting ten (10) days prior to the consolidation being placed in effect.
- d. To remove a position, the reason for removing the position, its effect on its funding source, and its effect on any current employees, will be presented at a regular Board meeting ten (10) days prior to removing the position.

## **ARTICLE 5 – BOARDS AND COMMITTEES**

### **5.1 General – Continuous Boards and Committees**

#### **5.1.1 Appointments**

Appointments to all boards and committees shall be made in a series of staggered or varied terms so that, to the extent possible, no board or committee shall be comprised of an entire slate of new members in anyone (1) year. Applications shall be solicited from residents and current members of boards seeking appointment or reappointment.

#### **5.1.2 Vacancies**

Vacancies on any board or committee shall be filled by new appointments by the Board in accordance with current policy to serve the remainder of the unexpired term.

Each board and committee shall elect a Chairperson and a correspondence secretary from its own membership and shall adopt bylaws to govern itself, subject to approval by the Board.

Mission statements shall be developed by each board and committee and shall be approved by the Board. The Statements shall prioritize the goals and objectives of each board and committee and shall be reviewed annually by the Board.

Duties of all boards and committees shall be determined by their specific job descriptions as prescribed in said mission statement, and any project statement established under section 4.2.4 of this Charter, or Maine State law. The Town Manager, with concurrence of the Board, shall appoint members to the boards and committees as listed in Section 4.2. All appointees must be registered voters or residents of the Town. All boards and committees are to submit, upon request, written monthly status reports to the Board.

## **ARTICLE 6 – PETITION AND REFERENDUM**

### **6.1 Form of Petitions for Initiative and Referendum**

The petitions used to invoke the initiative and referendum shall be substantially in the following form:

- **To the Municipal Officers of the Town of Limerick, Maine:**

We, the undersigned voters of the Town of Limerick, Maine, qualified to vote in all town affairs, hereby request that you place the following article before the voters for their consideration at:

This petition must be signed by a number of voters not fewer than ten percent (10%) of the ballots cast by registered voters in the Town of Limerick in the last gubernatorial election.

A petition for a vote on a particular article should be addressed to the Board and filed with the Town Clerk, who will promptly bring it to the attention of the board.

Columns on the petition should list Signature (full name), Street Name and Number, Physical address and not mailing address and Full Name Printed. The Circulator's Certificate form should read:

I, (Name) a registered voter in the State of Maine hereby swear or affirm that I personally circulated this form, that all of the signatures on this petition were made in my presence, that to the best of my knowledge and belief each signature is the signature of the person whose name it purports to be, that each signer has signed no more than one petition, that each signer had an opportunity to read the petition before signing and each signer is, to the best of my knowledge, a registered voter of the Town of Limerick, Maine.

The Circulator's Certificate is to be signed by the circulator and notarized.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. "Shall an ordinance entitled ' \_\_\_\_\_ ' be enacted." Any ordinance which repeals or amends an existing ordinance shall indicate in full the ordinance sections or subsections to be repealed or amended and shall indicate wording to be omitted by enclosing it in brackets or by strikeout type and indicate new wording by underscoring or by italics. The date of the amendment must be indicated.

### **6.2 Filing, Examination, and Certification of Petitions**

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the Town Clerk as one instrument. Within thirty (30) days after a petition is filed, the Town Clerk shall determine whether each petition has a proper statement of the circulator. The Registrar of Voters shall determine whether the petition is signed by a sufficient number of qualified voters. After completing the examination of the petition, the Town Clerk shall certify the result thereof to the Board at their next regular meeting. If the petition is certified to be insufficient, the Town Clerk shall set forth in the certificate the particulars in which it is defective and at once notify the circulator of the petition as to



the findings. The petitioner shall then have twenty (20) days from the date of notice to perform corrective action and submit the proper documents to the Town Clerk.

When a petition comprising initiative or referendum has been certified as sufficient by the Town Clerk, the Board shall call a public hearing within thirty (30) days from the date of the filing of such petition with the Town Clerk. Within thirty (30) days after such public hearing, the Board shall either call a Special Town Meeting or shall place an article on the next regular Town Meeting Warrant for the purpose of submitting to an initiative vote the question of adopting such an ordinance. The ordinance shall take effect immediately provided a majority of those voting thereon shall have voted in the affirmative.

## **ARTICLE 7 – BUSINESS AND FINANCIAL PROVISIONS**

### **7.1 Authority**

#### **7.1.1 Responsibility**

The Board shall be responsible for the preparation and submission of the Annual and Special Budgets to be voted at Annual and Special Town Meetings.

#### **7.1.2 Budget Committee or as Amended**

The Budget Committee shall be established as provided by the ordinance amended November 5, 2019.

#### **7.1.3 Independent Annual Audit**

Prior to the end of the fiscal year, the Board shall hire a qualified auditor or certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the Town government and shall submit their report to the Board. Such accountants shall not maintain any accounts or records or Town business, but shall post an audit of the books and documents kept by the Treasurer and any separate subordinate accounts kept by any office, department, or agency of the Town government.

### **7.2 Fiscal Year**

The fiscal year of the Town government shall begin on the first (1<sup>st</sup>) day of January and shall end on the thirty first (31<sup>st</sup>) day of December. Such fiscal year shall constitute the “budget” and “accounting” year as specified in this Charter. The Board may determine a different fiscal year, pursuant to the provisions of 30-A M.R.S.A §5651.

### **7.3 Preparation and Submission of the Budget**

The Town Manager shall consolidate budget input from the Town department heads and all Departments of Town government. The Town Manager, in cooperation with the Budget Committee Chair, and Board Chair, shall coordinate and execute the budget preparation process.

The proposed budget shall be reviewed by the Budget Committee which shall make recommendations as to all fiscal matters to the Board.

Sixty (60) days prior to the Annual Town Meeting, the Board shall complete the Town budget for all departments (except for the RSU 57 and County budgets) for the ensuing fiscal year.

The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or by this Charter, shall be in such form as the board deems desirable. In organizing the budget, the Board shall utilize the most feasible combination of expenditure classifications by fund, organization, program, purpose, or activity. It shall begin with a clear general summary of the contents and shall show in detail all estimated revenues indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year. Comparative figures for actual and budgeted revenues and expenditures of the preceding fiscal year shall also be reflected. An increase or decrease in any item shall be indicated.

The budget shall contain:

- a. A statement of the financial condition of the Town
- b. An itemized statement of proposed expenditures for current operations during the ensuing fiscal year, detailed by offices and departments in terms of their respective work programs and the method of financing such expenditures.
- c. An itemized statement of estimated revenue from all sources other than taxation and a statement of taxes required.
- d. Proposed capital expenditures during the ensuing fiscal year detailed by offices and departments when practicable and the proposed method of financing such expenditures.

#### **7.4 Budget Establishes Appropriations**

The Board shall publish an Annual Town Report. Additionally, the general summary of the proposed budget should be available to the public fourteen (14) days prior to the Annual Town Meeting. The Annual Town Meeting shall adopt the budget.

The amounts stated as proposed appropriations shall become available to the offices, departments, and purposes named at the beginning of the fiscal year.

#### **7.5 Establishment of Property Tax**

From the date of the adoption of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. The municipal taxes and any State or County taxes including the overlay as determined by the Board shall be assessed upon the estates in Limerick and committed to the Tax Collector for collection.

#### **7.6 Transfer of Appropriation**

The Board shall, in article form, list those accounts which, at the Board's discretion, should lapse at the end of each fiscal year in the Annual Town Meeting Warrant. Lapsed funds shall be placed in the unassigned fund balance (surplus account). Within the last three (3) months of the fiscal year, the Board may, in article form, request that any unencumbered fund balances be carried over to the same account for the subsequent fiscal year. This balance shall only be used for what it was initially intended for.

If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the Board shall take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose may call a Special Town Meeting and/or by order reduce any department's expenditures.

Unless legally re-negotiated, no appropriation for debt service may be reduced or transferred. Except in the case of insufficient revenues, no appropriation may be reduced below any amount of the unencumbered balance thereof. The reduction and transfer of appropriation authorized by this section may be made effective immediately upon adoption.

## **7.7 Purchasing, Sales and Competitive Bidding Procedures**

### **7.7.1 Purchasing**

The Board shall state in the policy manual the authority of the Town Manager to purchase up to a specified dollar amount before requiring Board approval and the requirements for sealed competitive bids (See Competitive Bidding 7.7.2).

### **7.7.2 Competitive Bidding**

The Board shall adopt a Competitive Bidding policy that shall contain the following:

- a. Contracts that are multi-year shall require Town Meeting approval.
- b. Specifications of the job to be done, equipment needed to perform the job and when the job is to be completed.
- c. An invitation to bid may be mailed to known contractors.
- d. Make sure all bid packets contain all the same information.
- e. Requests for bids shall be advertised in at least two local papers and on the Town webpage
- f. When bids will be due in the office.
- g. Bids shall be sealed and delivered to the Town office, date and time stamped and initialed by the employee who is authorized to accept the packet.
- h. When bids will be opened and awarded
- i. Check for conflict of interest.
- j. There shall be a disclaimer that “the Board reserves the right to accept or reject any or all bids”.
- k. If the bids need further review and comparison, set a specific date when a final decision will be made
- l. Reconsideration of an award of a contract may not be possible – any such consideration shall require consultation with the town Attorney prior to any proposed reconsideration.
- m. The bid shall be awarded to the lowest responsive, responsible bidder (not always the same as the lowest bidder).
- n. Write up a contract which includes the bid specifications.

### **7.7.3 Sales**

Disposal of all surplus equipment valued over \$500 (five hundred) shall be the result of acceptance of the highest bid by a sealed bid process established by the Board who reserve the right to reject all bids. Advertisements for the disposition of surplus Town equipment shall be posted at the normal locations in Town and on available electronic media. If there are no bids, the Board may dispose of the surplus equipment as deemed necessary.

## **7.8 Capital Program**

The Board, in conjunction with department heads, shall prepare and submit a five (5) year capital program before September 1 to the Budget Committee. The capital program shall include:

- a. A clear general summary of its contents

- b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements.
- c. Cost estimates, method of financing and recommended time schedules for each such improvement. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year regarding capital improvements still pending or in the process of construction or acquisition.

The proposed capital program shall be reviewed by the Budget Committee which shall approve it with or without amendments. The Board shall fix the time and place for a public hearing on the capital program and shall give public notice of such hearing. The Board shall adopt the capital program with or without amendments after such public hearing.

### **7.9 Borrowing and Investment Guidelines**

The Board shall establish and maintain in the Policy Manual guidelines for the prudent borrowing and investment of money, consistent with Federal and State law.

### **7.10 Bonds of Officials**

The Board shall require a bond from all persons trusted with the collection, custody, or disbursement of any funds of the Town of Limerick. The bond shall be by a reputable surety or other acceptable sureties, equal to the potential liability, in an amount and form satisfactory to the Board. The Town shall pay the cost of providing such a bond.

## ARTICLE 8 – RECALL

### 8.1 Applicability

Any elected municipal officer or official, including the RSU 57 School Board Directors, may be recalled and removed from office by the registered voters of Limerick, as hereinafter provided.

### 8.2 Petitioner

Before any recall election petitions can be obtained, any five (5) voters of the Town must file an affidavit with the Town Clerk stating:

- a. That the five (5) voters will constitute the petitioners committee
- b. The names and addresses of the five (5) voters
- c. The address to which all notices to the committee are to be sent
- d. That the five (5) voters will circulate the petitions and file them in the proper form with the Town Clerk
- e. The petition must be returned to the Town Clerk no later than 14 days of the date of the petition

Promptly after the affidavit is filed, the Town Clerk shall issue petition blanks to the committee. The committee may, if they desire, have additional people circulate these petitions for signatures.

### 8.3 Petitions for Recall

The petition for recall must contain only signatures of the registered voters of the Town, equal to at least ten percent (10%) of the number of votes cast in Limerick in the last gubernatorial election.

The petition shall be addressed to those members of the Board having no interest in the subject matter of the petition.

The petition shall state the name and office of the person whose removal is being sought along with the specific reasons such removal is desired.

If the recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought.

Each page of the petition shall provide a space for the voter's signature, address, and printed name.

All petition pages thereof shall be filed as one document.

### 8.4 Town Clerk's Certification

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all the qualifications as set forth in Article 8, Section 8.2. Should the petition be found insufficient, the petition will be filed in the Town Clerk's office and the voter who filed the petition will be promptly notified.

### **8.5 Call of the Recall Election**

If the petition is certified as sufficient, the Town Clerk will submit the same with the certification to the Board at their next regularly scheduled meeting and shall notify the official(s) whose removal is being sought of such action.

The Board, upon receipt of the certified petition shall within ten (10) days order an election by secret ballot. This will be held not less than forty-five (45) days nor more than sixty (60) days. If a regular municipal election will be held within ninety (90) days of receipt of the certified petition, the Board may, at their discretion, provide for the holding of the recall election on the date of the regular municipal election.

If the Board fails or refuses to order an election as herein provided, the Town Clerk shall call the election to be held not less than forty-five (45) days nor more than sixty (60) days following the Board's failure or refusal to order the required election. If a regular municipal election will be held within ninety (90) days of the receipt of the certified petition at the Town Clerk's discretion, the holding of the recall election may be scheduled on the date of the regular municipal election. Refer to section 3.7.

### **8.6 Ballots for Recall Elections**

Unless the official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board, the ballots shall be printed and shall read, "SHALL \_\_\_\_\_ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space.

### **8.7 Result of Election**

In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records subject to inspection and/or recount.

No person, who has been recalled from office or who has resigned from office while recall proceedings are pending on that person, shall be appointed to any Town office, board, commission, or committee within two (2) years after such removal or resignation.

## **ARTICLE 9 -AMENDMENT AND REVISION**

This Charter may be amended or revised in accordance with applicable State law.

### **9.1 Amendment**

Amendments to this Charter may be initiated, framed, and proposed either by:

- a. An action of the Board or
- b. The registered voters of the Town, by petition, which would contain the full text of the proposed amendment and be signed by registered voters of the Town equal in number to at least thirty (30%) of the total number of votes cast by the Town in the last gubernatorial election.

A public hearing on the proposed amendment shall be held at least thirty (30) days prior to voting on the amendment.

### **9.2 Revision**

Starting at the enactment of this Charter, the select board shall review the Charter within five (5) years and thereafter shall review the Charter, at least every ten (10) years, as to whether a Charter Commission shall be established or amendments should be proposed in accordance with State statute. This Commission, upon careful examination of the entire Charter, may propose substantive changes to the basic form and structure of Town Government as specified in the Charter.

### **9.3 Substantive Change by Petition**

If a petition-initiated change to the Charter proposes substantive changes to the basic form and structure of Town Government, then it is a revision as specified by the Charter, and a Charter Commission is to be established in accordance with State statute to review and formally propose the revision.

### **9.4 Percentage for Passage**

The proposal must pass in accordance with the provisions of 30-A M.R.S.A §2105(4), as may be amended.



## APPENDIX

### DEFINITIONS

**Ad hoc committee** - A committee established for a special purpose, to be disbanded when the purpose is complete or no longer required.

**Administration** - For the purposes of this Charter, administration refers to the Town Manager and those under their direction.

**Affidavit** - A written and signed statement of fact, sworn under oath.

**Annual Town Meeting** - The regularly scheduled meeting of the voters of the Town of Limerick for the election of members of the Select Board and the School Committee for RSU 57, the establishment of an annual budget and to address any other matters which should come before the voters.

**ANNOTATED:** To add a short explanation or opinion to a text or image

**Annual Report** - A report published each year by the Select Board containing financial records and statements, reports on the activities of the various parts of the government, taxpayer records and other required or desired information.

**Board** – The Select Board of the Town of Limerick.

**Capital program** - Investment in long-term or permanent assets.

**Charter** - A document defining the home rule powers of a municipality, granted by the Constitution and laws of the State of Maine.

**Charter Amendment** - Continues the original Charter with corrections for clarity or minor changes.

**Charter Revision** - Reexamines the Charter and recommends fundamental structural changes; requires the establishment of a Charter Commission.

**Codification** - The process of collecting or arranging the laws of a municipality into a permanent, identifiable record.

**Comprehensive Plan** - A long-range plan used to address a community's future growth.

**Deputy** – A person appointed as a substitute with the power to act.

**Initiative** - A citizen-led process to propose and vote on new laws.

**Law** - For this Charter, the word law means a federal law or law of the State of Maine.

**Minority Report** - A separate report prepared by a group constituting or representing a numerical minority (as of a committee) if any members of a committee disagree.

**Moderator** - The individual elected to preside over a Town Meeting.

**MOTION** – A proposal for action

**Municipal Officer** – Select Board Member.

**Municipal Official** - An elected or appointed member of the government of the Town of Limerick.

**Order** - An order is authority to perform a specified act conferred by the Board.

**Ordinance** - An ordinance is legislative in nature and prescribes general, uniform, and permanent rules of conduct related to the corporate affairs of the Town.

**Policy** – Policy is a deliberate system of guidelines to guide decisions and achieve rational outcomes.

**Petition** - A document requiring the submission of an issue to the voters. To be valid a petition must meet the requirements of the law or this Charter.

**Property Rights** - The legal rights that entities have pertaining to real estate, resources, or creatures they own. The owners (entities) can be people, companies, charities, governments, trusts, et cetera. The government, and particularly the courts, are obligated to protect property rights and to help clarify ownership.

**Quorum** - The minimum number of members required to be present to constitute a legal body to conduct business.

**Recuse** - The voluntary withholding of a vote, e.g., to avoid a possible conflict of interest or the appearance thereof.

**Referendum** – A vote to override a prior legislative enactment.

**Resident** - An individual who is qualified to register to vote in the Town of Limerick, according to State statute.

**Resolution** - A resolution, or resolve, is an action less formal or solemn than an ordinance and is appropriate for most other actions of the Board that are not required to be performed by ordinance.

**Secret Ballot** - A ballot bearing the names of all the candidates for public office or initiative or referendum questions, handed to the voter at the polling station to be marked in secret. In the Town of Limerick, this includes the use of voting booths.

**Shall** - As used in this Charter, the word “shall” be used to state a requirement.

**Special Town Meeting** - A meeting of the voters of the Town of Limerick in addition to the Annual Town Meeting, called to address matters which require prompt attention.

**Staggered terms** - Terms of office which, for purposes of expiration, are arranged so that such terms shall expire in different years to provide continuity in the organization.

**Standing committee** - A committee that has been established by law or by ordinance for an ongoing period.

**Statute or statutes** – The Maine Revised Statutes, unless otherwise stated.

**Town** – The Town of Limerick.

**Town Manager** - An official hired to direct the administration of a town government.

**Voter** - A registered voter of the Town of Limerick.

**Warrant** - A document stating the time and place of a Town Meeting and the business to be acted on at the meeting which is approved by the signature of a majority of the Board.

