

Town of Osborn, Maine

Proposed Charter

Final Draft of the

Osborn Charter Commission

February 2014

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PREAMBLE

Objects of Government. We the people of the Town of Osborn in the State of Maine in order to establish a form of municipal government that best meets our needs have created this Charter. The following Articles define the special elements of the Town of Osborn form of government in accord with the home rule powers defined in the Constitution of Maine, Article VIII, Part Second and the Maine Revised Statutes Annotated (M.R.S.A. Title 30-A, Chapter III).

ARTICLE I POWERS OF THE TOWN

Section 1.01 Incorporation

Township #21 was a lottery township. It became a plantation August 2, 1840 by an act of the Hancock County Commissioners. Osborn Plantation became an organized town by an act of the legislature in the year of our Lord A.D. 1976.

Section 1.02 Powers of the Town

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

Section 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 of the United States or any agencies thereof to the extent permitted by law.

ARTICLE II TOWN MEETINGS

Section 2.01 Annual and Special Town Meetings

After the adoption of this Charter Revision by the Town, annual town meetings shall be called, in the Town of Osborn, on the last Friday during the Month of September. Special Town meetings shall be called as required, by State Law.

Section 2.02 Town Report

Copies of the town report shall be made available at least 30 days before the annual town meeting.

Section 2.03 Calling of Town Meeting (M.R.S. Title 30-A § 2521)

Each Town Meeting shall be called by a warrant. The warrant must be signed by a majority of the selectmen, except as follows:

1. Majority of selectmen. If, for any reason, a majority of the selectmen do not remain in office, a majority of those remaining may call a town meeting.
2. Petition of 3 voters, if no selectmen. If for any reason, The Town is without Selectmen, a meeting may be called by a justice of the peace in the county on written petition of any three voters.
3. Petition by voters, if selectmen refuse. If the selectmen unreasonably refuse to call a Town Meeting it may be called by a Justice of the Peace in the county on the written petition of a number of voters equal to at least ten (10) percent of the votes cast in The Town at the last gubernatorial election, but in no case less than ten (10).

Section 2.04 Posting of Warrant (M.R.S. Title 30-A § 2523)

An attested copy of the complete warrant shall be posted in one or more conspicuous locations within the confines of the Town (7) days prior to town meetings. The warrant shall meet the following requirements:

1. Time and place. It shall specify the time and place of the meeting.
2. Business to be acted upon. It shall state in distinct articles the business to be acted upon at the meeting. No other business may be acted upon.
3. Notification. It shall be directed to a town constable, or to any resident by name, ordering that person to notify all voters to assemble at the time and place appointed.

4. Attested copy posted. The person to whom it is directed shall post an attested copy in some conspicuous, public place in the town at least 7 days before the meeting.
5. Return on warrant. The person who notifies the voters of the meeting shall make a return on the warrant stating on the manner of notice and the time when it was given.

Section 2.05 Elections

- A. Eligibility to vote in the town meetings and elections- Title 30-A M.R.S.A. §2524(1)
Every registered voter in the town may vote in the election of all officials and in all town affairs.

- B. General Qualifications- Title 21-A M.R.S.A. §111
 1. Must be a citizen of the United States
 2. Must be at least 18 years of age
 3. Must have established and maintain a voting residence in the town of Osborn
 4. Must be registered in the town of Osborn
 5. Must be enrolled in a political party in Osborn in order to vote at a caucus, conventions, or primary election.

- C. Election Procedures
 1. Elections of Officers and Officials shall be conducted as provided by State of Maine Law. The method of voting for designated officers and officials shall be elected by the secret ballot process (“Australian Method”) as described by 30-A M.R.S.A §2528. This method of voting requires a written nomination process which commences 45 days prior to town elections. Elections shall be completed prior to the open annual town meeting. All elected officers and officials shall be sworn to the faithful discharge of their duties by the clerk after the completion of the annual town meeting.

 2. Absentee voting is authorized under this section and will be administered in accordance with 30-A M.R.S.A. § 2529.

 3. The only elected official that will not be elected by the secret ballot method prior to the annual town meeting is the moderator of said meeting. This individual will be nominated from the floor as in any open or special town meeting. (30-A M.R.S.A. §2524 (2))

4. Time Line for Annual Town Meeting With Secret Ballot



5. The following chart summarizes all officers or officials that will be elected or appointed to represent the inhabitants of the Town of Osborn:

	Summary of Elections/Appointments		
POSITION	METHOD OF ASSIGNMENT	TERM OF SERVICE	APPLICABLE MAINE STATUTE
Moderator for Meeting	nominated and elected from floor	duration of said meeting	30-A M.R.S.A. § 2525(1)
Municipal Officers (selectmen, board of three) *also serve as: tax assessors, overseers of the poor ;may not serve as school board member, ACO, Fire Chief, tax collector, or Excise tax collector	Elected	3 year staggered terms	30-A M.R.S.A. §2525(1), 30-A M.R.S.A. § 526(4), 36 M.R.S.A. § 703, 30-A M.R.S.A. § 4301(12), 22 M.R.S.A. §4301(12), 22 M.R.S.A. § 4302 Home Rule Law-Charter Stipulation
School Committee Members (2)	Elected	3 year, staggered terms	20-A M.R.S.A. §2305
Trustees Airline CSD	Elected	3 year, staggered terms	20-A M.R.S.A. §1651
Clerk	Appointed	3 years	30-A M.R.S.A. §2525(2)
Registrar of Voters *May not hold or be a candidate for any state or county office or be an officer of any political party committee	Appointed	2 years term starts 1 Jan. odd year term ends 31 Dec. even year	21-A M.R.S.A. §4302

Tax Collector * May not also be select person, assessor, or treasurer. Must be bonded	Elected	3 year term	30-A M.R.S.A.§2525(2), 30-A M.R.S.A.§2526(8), 36 M.R.S.A.§755 Home Rule Law-Charter Stipulation
Excise Tax Collector	Elected	3 year term	36 M.R.S.A.§1487(1)
Treasurer *May not also be select person, tax collector, or excise tax collector. Must be bonded	Elected	3 year term	30-A M.R.S.A.§2525(2), 30-A M.R.S.A.§5601,30-A M.R.S.A.§2526(8) Home Rule Law-Charter Stipulation
Health Officer *If none appointed, the first selectman must perform duties	Appointed	3 year term	22 M.R.S.A.§451
Animal Control Officer *Must be state certified May not be Selectman	Appointed	3 year term	7 M.R.S.A.§3947 Home Rule Law-Charter Stipulation
E911 Municipal Coordinator/ Addressing Officer	Appointed	1 year term	65-625 CMR Chapt. 2,§1
Chairman, Board of Selectmen	Elected, by Board at organization meeting	1 year term	Home Rule Law-Charter stipulation
Fire Chief	Appointed	3 year term	30-A M.R.S.A.§3153
Administrative Constables (2 required)	Appointed	1 year term	30-A M.R.S.A.§2673
Civil Emergency Preparedness Liaison Officer *May not be a municipal officer	Appointed	1 year term	37-B M.R.S.A.§782(1)
Community Building Management Committee	Elected	3 year term staggered	Home Rule Law-Charter stipulation
Community Building Manager	Appointed, by community building management committee	1 year term	Home Rule Law-Charter stipulation
Surveyor of Wood, Bark and Lumber	Appointed	1 year term	Home Rule Law-Charter stipulation
Road Commissioner	Appointed	1 year term	30- A.M.S.A. §2526 (7)

Section 2.06 Articles for the Warrant

Articles shall be placed on the warrant by the Board of Selectmen as follows:

- A. By majority vote of the Board of Selectmen;
- B. By request of any qualified voter who shall present a written request 60 days prior to annual town meeting, the substance of the article, subject to approval by the majority vote of the Board of Selectmen.
- C. In the event the request of a qualified voter is denied by the Board of Selectmen, by written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the Town at the last Gubernatorial election, but in no case less than ten (10).

Section 2.07 Vacancies and Replacements

In the event of resignation, forfeiture, death, incapacity or vacancy for any reason authorized by law, of any elected or appointed town official, replacement shall be in accordance with Maine state law. Every effort shall be made by the Select Board to fill all vacancies in a timely fashion.

ARTICLE III RECALL PROVISIONS

Section 3.01 Removal from Office

Any elected official representing the Town of Osborn may be recalled and removed from office by the qualified electors of the Town of Osborn as herein provided.

Section 3.02 Procedures for Removal from Office

A. Petition for Recall:

On the written petition, pursuant to subsection E, of a number of voters equal to at least 10% of the number of votes cast in the Town of Osborn at the last gubernatorial election, but no less than 10, an election must be held to determine the recall of an elected official of the Town of Osborn.

B. Notice of Intention:

In order to initiate a recall election, the initiator of the petition shall file a notice of intention of recall with the Town Clerk. A notice of intention of recall must include the name, address and contact information of the person filing the notice and the

name and position of the official subject to recall. Only a person registered to vote in the Town of Osborn may file a notice of intention of recall.

C. Petition Forms:

Within 3 business days of receipt of a notice of intention of recall, the town clerk shall prepare petition forms for the collection of signatures and send notice to the initiator of the petition that the petition forms are available. The Town of Osborn may charge the initiator of the petition a fee, as delineated by the Town of Osborn Standard Operating Procedures, for preparing and providing the petition forms. A petition form must include the following:

1. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition, and the date by which the signatures must be submitted to the town clerk.
2. Space for each voter's signature, actual street address, and printed name.
3. Space at the bottom of the form for the name, address, and signature of the person circulating the petition form.

D. Collection and Submission of Signatures:

A petition form may be circulated or signed only by a registered voter of the Town of Osborn. A circulator of a petition form shall fill in the information required and sign the form prior to submission of the form to the Town Clerk. The initiator of the petition shall collect the petition forms from all circulators and submit the signed petition forms to the Town Clerk within 14 days of receipt of notice from the Clerk that the forms are available. The Clerk may not accept a petition form submitted more than 14 days after sending notice of availability to the initiator and any voter signatures on that form are invalid.

E. Petition Certification and Notification:

Within seven (7) business days of receiving petition forms, the Town Clerk shall determine whether the Petition forms meet the criteria stated above and the Registrar of Voters must certify the validity of any signatures on the petition forms. If the Town Clerk finds that the number of valid signatures submitted meets or exceeds the stated requirements, the Clerk shall certify the petition and immediately send

notification of the certification to the Town Officers, the initiator of the petition, and the Official subject to the recall. If the Town Clerk finds the number of valid signatures submitted does not meet the requirements for a petition, the Town Clerk shall file the petition and the petition forms in the Clerk's Office and notify the initiator of the petition.

F. Scheduling Recall Election:

Within ten (10) business days of certification of the petition, the Select Board of the Town of Osborn shall schedule a recall election to determine whether the Official subject to the recall petition should be recalled. The election must be held no less than thirty (30) days nor more than forty-five (45) days after the certification process has been completed. If a regular town election is scheduled to be held within ninety (90) days of the certification of the petition, the recall election may be held on the date of the regular town election. If the Select Board fails to schedule a recall election within ten (10) days of certification of the recall petition, the Town Clerk shall schedule the recall election pursuant to the requirements stated above.

G. Ballots for Recall Election:

If the Official subject to the recall does not resign from office within ten (10) business days of Certification of the recall petition, the ballots for the recall must be printed. A ballot for a recall election must read as follows:

“Do you authorize the recall of (name of Official) from the position of (name of office)? ()Yes ()No”

H. Results of Recall Election:

Within two (2) business days of recall election, the Town Clerk shall certify and record the election results and notify the Select Board of those results. If a simple majority of voters vote to remove the Official, the recall takes effect on the date that the election results are recorded.

ARTICLE IV BOARD OF SELECTMEN

Section 4.01 Composition, Terms, and Eligibility

The Board of Selectmen shall be composed of three (3)members, each of whom shall be elected by the registered voters of the Town of Osborn. Initially, the three (3) Selectmen shall be elected in the following manner: one (1) to serve a one-year term, one (1) to serve a two-

year term, and one (1) to serve a three-year term. Thereafter, one (1) Selectman shall be elected annually to serve a three-year term. Only registered voters of the Town of Osborn shall be eligible to hold the office of Selectman. Selectmen shall reside in the Town of Osborn during their term of office.

Section 4.02 General Powers and Duties of Selectmen

The Board of Selectmen shall have the following enumerated powers in addition to those powers granted to the Board at a regular or special town meeting:

- A. The Selectmen, as a body, shall exercise all administrative and executive powers of the town, except as otherwise provided by this charter or the constitution and laws of the State of Maine.
- B. The Selectmen shall make appointments to all boards and commissions, and also have the authority to initiate boards or commissions as they deem necessary for town affairs.
- C. The Selectmen shall serve as Tax Assessors and Overseers of the Poor for the Town of Osborn.
- D. The Selectmen shall have the authority to enact all general and administrative ordinances authorized to be enacted by municipal officials, and shall follow the procedures for enactment as provided by statute.
- E. The Selectmen have the authority to appoint other officials, as may be required, under the revised Statutes of the State of Maine.

Section 4.03 Induction and Organizational Meetings

The members of the newly constituted Board shall meet within seven (7) calendar days after their election, and they shall organize to maximum extent possible as follows:

- A. At their organizational meeting which follows the annual town meeting, the Board of Selectmen shall elect a chairperson and that chairperson shall be known as the First Selectman. The Board of Selectmen can be referred to by using the single word Selectmen.

B. Elect a secretary.

C. Confirm and appoint town officials as necessary.

D. To be sworn to faithful discharge of their duties by a Notary Public or the Town Clerk.

Section 4.04 Regular and Special Meetings

The Board of Selectmen shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place and time for holding its regular meetings and shall meet regularly as deemed necessary by the Board of Selectmen. It shall also provide a method for calling a special meeting. All meetings of the Board of Selectmen shall be open to the public in accordance with the revised statutes of the State of Maine and notice shall be posted in one (1) conspicuous public place seven (7) days in advance. In the event of an emergency meeting notice shall be made in accordance with the general laws of the State of Maine and notice shall be posted for such emergency meetings in one (1) conspicuous place whenever practical.

Section 4.05 Bonds

The Board of Selectmen shall require a bond by a reputable surety company or other acceptable sureties satisfactory to the Board, from all persons trusted with the collection, custody, or disbursement of any moneys of the Town of Osborn provided, however, that the Town of Osborn shall pay the cost of providing such bonds.

ARTICLE V FINANCIAL PROCEDURES

Section 5.01 Fiscal Year

The fiscal year of the Town of Osborn shall begin on the first day of July and end on the Last day of June.

Section 5.02 Budget Committee

The Budget Committee shall consist of the Board of Selectmen, the Town Treasurer, one School Board member, and two (2) registered voters of the Town of Osborn. The Select Board shall designate the School Board member and the two registered voters to serve as Budget Committee members.

Section 5.03 Submission of Budget

The Budget Committee shall prepare and distribute a proposed town budget at least seven (7) days prior to the town meeting.

Section 5.04 Amendments after Adoption

If at any time during the fiscal year it appears probable to the Board of Selectmen that the revenues available will be insufficient to meet the amount appropriated, the Selectmen shall call a special town meeting to consider and vote on the transfer of part or all of any unencumbered appropriations balance from one appropriation to another necessary to prevent or minimize any deficit.

Section 5.05 Lapse of Appropriations

General fund appropriations shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement. Such funds shall be transferred to a surplus account unless re-appropriated at the annual town meeting. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 5.06 Annual Post Audit

The Board of Selectmen shall each year appoint a certified public accountant for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law. (30-A M.R.S.A. §5822)

Section 5.07 Financial Compensation

- A. Town Officials- The rate of compensation for all elected and appointed town officials shall be established annually by article in the town warrant at the annual town meeting.

- B. Part Time Help- Part time help shall be compensated at a rate established by warrant at the annual town meeting.

ARTICLE VI OSBORN PUBLIC LOTS

Section 6.01 Description

The Osborn Public Lots are what remains from the original “School Lots” designed into the fabric of the lottery township sales. They are located in the central portion of the town. The North lot, also known as the Weaver Ridge Lot, contains 640 acres. The South Lot, known as the Tallyhookus Lot, contains 320 acres.

Section 6.02 Co-Management with the State of Maine

The Town of Osborn has the option to co-manage the timber harvest of said Public lots as authorized by Maine revised statutes Title 12 §1852-1854 inclusive. Timber harvest agreements between the town of Osborn and the State of Maine will need to include requirements that forest certification guidelines be met. The surveyor of Wood, Bark, and Lumber shall act as Liaison Official between the State of Maine and the Town of Osborn Board of Selectmen.

Section 6.03 Financial Procedures

All financial proceeds from the Osborn Public Lots shall be added to the Town of Osborn Perpetual Fund.

ARTICLE VII OSBORN PERPETUAL FUND

Section 7.01 Definition and Purpose

The Town of Osborn Perpetual Fund is a permanent non-tax generated fund. The earnings may be drawn upon on an annual basis, to be applied to the town’s tax commitment. Its assets shall be invested in such a manner so that the principal is secured, and that a commercially reasonable rate of return is guaranteed. The funds income is derived solely from the public wood lots (also known as the Osborn Public Lots) located in the Town of Osborn.

Section 7.02 Fund Management

The Town of Osborn Perpetual Fund shall be managed as follows:

A. The Budget Committee shall determine how the fund assets shall be managed.

(Refer to Section 5.02 for committee members)

B. The Budget Committee shall determine whether to draw upon the earnings of this fund. If the Committee elects not to apply any of the annual earnings to the Town’s tax commitment, all earnings shall be applied to the funds principle.

- C. The Budget Committee shall have the responsibility of recommending to the citizens of Osborn where the earnings, if any, should be applied to the Town budget.

ARTICLE VIII EFFECTIVE DATE

Section 8.01 Adoption

After adoption, the Charter shall become effective for all purposes on and after the first day of the next succeeding municipal year.

ARTICLE IX SEPARABILITY

Section 9.01 Validity of Provisions

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

ARTICLE X CHARTER REVIEW

Section 10.01 Timely Review

- A. This charter shall be informally reviewed by the select board, from time to time, at the regular selectman's meeting.
- B. Every five years an extensive review of the charter shall be completed by the Select Board. A citizens committee can be appointed for this task if the board so chooses.
- C. Changes to this charter shall be made in accordance with Maine state law. (30-A M.R.S.A. § 2102-2106)

ARTICLE XI FINAL REPORT OF THE CHARTER COMMISSION

Over one hundred years ago the American essayist and philosopher Ralph Waldo Emerson said, “Be an opener of doors for such as come after thee, and do not try to make the universe a blind alley.” Emerson also said, “Set nothing down but what will help somebody.” The members of the Charter Commission are grateful to the citizens of this community for the trust placed in them to produce a document that will provide a more efficient government for the Town of Osborn. Our hope is that we have not failed in that responsibility and that we have successfully heeded Emerson’s advice.

Respectfully submitted:

THE TOWN OF OSBORN CHARTER COMMISSION

Byron Hoffman-Chairman

Gregory Bassett-Secretary

Marie Bassett-Member

Richard Haskill-Vice-chairman

Charles Reed-Member

Beverly Reed-Member

John Reed-Member

Michael Cressler-Member

Sylvia Sawyer- Member

**We are grateful for the input Richard Jordan gave to this endeavor while he was with us.*

**We are grateful for the input Maxine Cobb gave to this endeavor while she was with us.*