



**TOWN OF WINTERPORT
CHARTER COMMISSION (WCC)**

August 12, 2025

To: Townspeople of Winterport
From: Winterport Charter Commission

Via: Winterport Town Council

SUBJ: WINTERPORT CHARTER COMMISSION FINAL REPORT

- Encl: (1) Final Report
- (2) Legal Opinion from Rudman Winchell
- (3) Proposed revision to the Winterport Town Charter




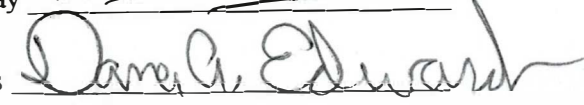
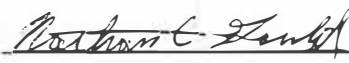




To the voters of the Town of Winterport:

The Town of Winterport Charter Commission (hereinafter “Commission”) submits this Final Report of the proposed municipal charter revision for town voters to consider at the annual statewide election on November 4th, 2025.

Prior to finalizing this report, the Commission heavily weighed the feedback received from town residents in response to its Preliminary Reports. In response, the proposed Charter revision was updated to more closely align with the Preliminary Minority Report, keeping legislative authority largely in the hands of the Inhabitants of the Town of Winterport. Additionally, the Budget Committee was retained and the budget process will continue to involve an annual town budget meeting, similar to the current annual town meeting, but narrower in focus.

This final report and accompanying proposed municipal charter revision enjoy the unanimous support of the Charter Commission and are submitted to the townspeople of Winterport without dissent.

Respectfully Submitted,

Sean Kearns		Ethan Tremblay	
Matt Williams		Dana Edwards	
Nathan Gould		Kevin Kelley	
Tammy Higgins		Kevin O'Kelly	
Mary Anne Royal			



WINTERPORT CHARTER COMMISSION

FINAL REPORT

OF

PROPOSED REVISIONS

TO THE

WINTERPORT TOWN CHARTER

12 AUGUST 2025



EXECUTIVE SUMMARY

This Final Report is submitted to the Winterport Town Council and the residents of Winterport in accordance with state law. The proposed revisions to the Winterport Town Charter will be decided upon by town voters at the next statewide referendum on November 4th, 2025.



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CHARTER COMMISSION FORMATION AND MEMBERSHIP

The establishment of the FY24-25 Winterport Charter Commission (hereinafter referred to as the commission) was approved by public vote on June 13th, 2024, at the annual town meeting. Membership of the commission (shown in Table 1 below) was completed with members elected by the voters of the Town (“Elective Members”) and members appointed by the Town Council (“Appointive Members”), in accordance with state law, as of July 18th, 2024. The commission held an organizational meeting on August 12th, 2024, followed by a public hearing on September 9th, 2024. The members of the commission bring with them a broad range of knowledge and experience from areas such as small business, education, health care, transportation, and government and many have served or are currently serving on other town boards and committees. For personal reasons, Gayle Doyon stepped down from the commission in November 2024. Applications for a replacement were considered and the commission elected Kevin O’Kelly as the new commission member on December 2nd, 2024. Subsequently, in February 2025, Kevin Kelley stepped down as secretary but remained on the commission, and Matt Williams was elected as the new secretary.

Table 1: FY24-25 Winterport Charter Commission Members, July 2025

First Name	Last Name	Title
Sean	Kearns	Chair/Appointive Member
Ethan	Tremblay	Vice Chair/Appointive Member
Matt	Williams	Secretary/Elected Member
Dana	Edwards	Elected Member
Nathan	Gould	Elected Member
Kevin	Kelley	Elected Member
Tammy	Higgins	Appointive Member/Town Councilor
Kevin	O’Kelly	Elected Member
Mary Anne	Royal	Elected Member



CHARTER COMMISSION METHODOLOGY

The commission's primary goal was to draft a revised system of town government that better represents and supports the interests of all residents of Winterport. In its approach to drafting this proposed charter revision, the commission focused on principles of legality, efficiency, transparency, and accountability. The commission met with numerous experts on municipal government and solicited comments and recommendations from town department heads, employees, and from town boards and committees. Letters were sent to civic organizations in Winterport requesting their input as well. In addition to the public hearings held on September 9th, 2024 and June 2nd, 2025, a charter email address (charter@winterportmaine.gov) was established to allow town residents to provide comments, concerns, and ideas directly to the commission. Throughout the commission's efforts, legal opinion and review was sought from the town's law firm on retainer (Rudman Winchell) to ensure compliance with local, state, and federal law. A legal endorsement from Rudman Winchell is included with this report per state law.



KEY FACTORS INFLUENCING THE COMMISSION

As part of its overarching mission to propose an effective, efficient, accountable, and representative system of government for the town of Winterport, the commission was influenced by several key factors:

- The town population continues to grow and is currently estimated at roughly 4,000 people. State law requires the Maine Uniform Building and Energy Code (MUBEC) be enforced in a municipality with a population of 4,000 residents or more¹. By the next census in 2030, the town's population is expected to be well over 4,000 people, therefore mandating numerous changes, including active enforcement of all applicable Maine building, planning, and zoning laws and codes.
- The reality of the existing annual town meeting format, with less than 5% of residents in attendance on average, is that a very small number of unelected residents have been deciding the fate of the entire town at annual and special town meetings.
- The Town Council being unable to effectively serve the town on a day-to-day basis, and to temporarily fill unplanned vacancies in boards and committees.
- The need for the residents of Winterport to have clear and meaningful means of appeal and redress, such as citizen's initiative, petition, referendum, and recall.
- The need for clear and enforceable ethics standards for all town officials and employees.
- The importance of having qualified people and personnel involved in matters which require specialized knowledge, experience, and skills, such as planning, taxation, budget, and code enforcement. Each of these core functions of municipal government are increasingly needed to be available and responsive to the residents and businesses of the town.

The Commission debated the appropriate powers and duties of the Council and the Voters extensively. Based on feedback received from town residents following the release of the Preliminary Report, several important changes were made to this final proposed charter revision, particularly as it pertains to the legislative authority of the people of Winterport. With these new changes, the Charter Commission is now in unanimous agreement and the final proposed charter revision is submitted without dissent.

¹ <https://www.maine.gov/dps/fmo/building-codes/mubec-rules>



SUMMARY OF MAJOR PROPOSED REVISIONS

A complete copy of the proposed revision, showing all proposed changes under consideration by the Commission, is included as an enclosure to this report.

A summary of these proposed revisions is as follows:

Article I GRANT OF POWERS TO THE TOWN – Major Changes

- Legislative authority will reside with the Inhabitants of the Town Winterport via secret ballot referendum vote and an annual town budget meeting, and with the Town Council for all powers not specifically delegated to the Inhabitants of the Town of Winterport.

Article II TOWN MEETING – Major Changes

- The Town meeting will no longer be the means of legislative authority as this authority will now be exercised through secret ballot referendum vote as set forth in Article I, and the annual town budget meeting as set forth in Article VIII. Article II now contains the updated procedures and criteria previously contained in Article VIII, by which the townspeople of Winterport will have the ability and authority to propose new ordinances, veto existing ordinances, and recall elected officials to include council members and school board members elected by Winterport voters

Article III TOWN COUNCIL – Major Changes

- Increased the size of the council from 5 members to 7 members to better afford for supermajority and quorum, and broader range of experience, maintaining staggered 3-year terms
- Shifted Town Council elections to coincide with statewide elections (second Tuesday of November) to achieve greater voter turnout. Along with this change, the terms of office for council members would begin on December 1st after they are sworn
- Clarified the criteria for compensation of council members
- Rewrote section 3.08 (Ordinances; Public Hearings) to be clearer and more specific
- Revised and updated section 3.13 (Enumeration of Powers and Duties) to reflect the shift of most legislative authority to the council and to enhance accountability for the council
- Added language to explicitly clarify that the council's sole employee is the Town Manager and that they shall not give orders to any subordinates of the Manager, either publicly or privately, though they may discuss with the Manager any relevant matters involving town officers or employees.
- Added requirements to ensure compliance with the Charter
- Added requirements and guidance relating to the conduct of Council members
- Added requirements and guidance relating to the Annual Audit



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Article IV TOWN MANAGER – Minor Changes

- Clarified the criteria and exclusions for qualifications of Manager
- Updated language for consistency with changes made in other articles of the charter
- Revised section 4.04 (Removal Procedures) to reflect the increase in council membership from 5 to 7 and better specify the removal process.

Article V REGIONAL SCHOOL UNIT 22 BOARD OF DIRECTORS – Major Change

- Per state law, other than elections and recall of school board members, which are covered separately in Articles VI and VIII, the town has no authority to dictate the duties, qualifications, and responsibilities of the school board, so this entire section was removed

Article VI (Now Article V) NOMINATIONS AND ELECTIONS – Minor Changes

- Updated to reflect that elections will be held on the second Tuesday in November
- Updated language regarding ballots and determination of election results for better clarity and fairness

Article VII (Now Article VI) STANDARDS FOR ORDINANCES – Major Changes

- Significant revisions to more clearly and specifically set forth the policies, procedures, and criteria for the creation and adoption of ordinances to allow for improved public awareness and opportunity to comment on proposed ordinances or amendments to existing ordinances

Article VIII (Now Article II) CITIZEN INITIATIVE, VETO, AND RECALL – Major Changes

- This article, as rewritten to provide a clear, consistent, and fair process of recourse for the residents of Winterport, was moved to Article II

Article IX (Now Article VII) TAX ADMINISTRATION – Major Changes

- Shifts from a Board of Assessors to a single assessor of taxes, to be appointed by the council
- Directs the establishment, appointment, powers, and duties of the Board of Assessment Review

Article X (Now Article VIII) BUDGET – Major Changes

- Specifies and clarifies the process by which the annual budget will be developed, reviewed, and recommended to the town for referendum vote
- Approval of the annual budget would now be conducted via referendum vote to allow better opportunities for all registered voters in Winterport to determine the outcome
- Retains the Budget Committee, but reduces it to 5 members to be elected in accordance with Article VI



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- Clarified and specified the process for conducting, reviewing and documenting the independent annual audit of town finances

Article XI (Now Article IX) PLANNING BOARD – Minor Changes

- Revised to better specify that the Planning Board has the authority to act on behalf of the town and their decisions are binding and not subject to review or approval by the Council. Decisions by the Planning Board continue to be subject to appeal by individuals or groups through the town or county board of appeals processes

Article XII (Now Article X) BOARD OF APPEALS – Major Changes

- Revised the establishment of the board of appeals to allow four elected members and three members appointed by the Council
- Establishes and clarifies the authority of the board of appeals per state law

Article XIII (Now Article XI) GENERAL PROVISIONS – Minor Changes

- Rewrote section 13.02 (Swearing in Officers) to include the full text of the oath of office
- Strengthened the language and criteria regarding conflict of interest

Article XIV (Now Article XII) TRANSITIONAL PROVISIONS – Major Changes

- Removed those provisions from the original Town Charter which are no longer applicable
- Added provisions for the implementation of this Charter revision, to include necessary elections for Council seats, Budget Committee members, and elected members of the Board of Appeals.
- Added provisions for the disbandment of boards and committees in compliance with this Charter revision

RUDMAN • WINCHELL

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August 6, 2025

Casey Ashey, Town Manager
Town of Winterport
44 Main Street
Winterport, ME 04496

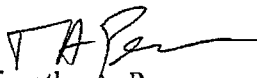
Re: Charter Commission Final Report and Charter Revisions

Dear Casey:

The purpose of this letter is to provide the Town with a legal opinion regarding the revisions to the Town of Winterport Charter recommended by the Winterport Charter Commission in accordance with 30-A M.R.S.A. § 2103(5)(D)(4).

After having reviewed the proposed revisions and Final Report, it is my opinion as an attorney admitted to the practice of law in the State of Maine that the proposed revisions do not contain any provisions that are prohibited by the Constitution of the United States, the Constitution of the State of Maine, or by general law.

Sincerely,


Timothy A. Pease

TAP/slmk

WINTERPORT CHARTER

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WINTERPORT TOWN CHARTER

Adopted May 11, 2004
Amended June 12, 2012, June 14, 2018, and
Revised November 4, 2025

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WINTERPORT CHARTER

ARTICLE 1

GRANT OF POWERS TO THE TOWN

Sec. 1.01 – POWERS OF THE TOWN

The Inhabitants of the Town of Winterport shall continue to be a body both corporate and politic by the name of the Town of Winterport. The Town of Winterport shall have all the powers possible for a municipality to have under the Constitution and Laws of the State of Maine. The legislative authority of the Town of Winterport shall continue to be vested in the Inhabitants of the Town of Winterport acting by means of an annual Municipal Budget Meeting and as required by the action of the qualified voters of Winterport on the following items which shall be referred to the voters as individual secret ballot questions at the June or November election:

1. To approve the Town Council Budget as a whole,
2. To issue bonds or notes in any amount allowed by law. This section does not apply to bonds or notes issued by the Council in anticipation of taxes to be paid within the current fiscal year,
3. To fund a reserve account and to transfer funds from one reserve account to another,
4. To create, to amend, and/or to repeal ordinances pertaining to a Comprehensive Plan, Winterport Land Use Ordinance, and any ordinance that imposes a fine, fee, or penalty, except that ordinances necessary to comply with State Mandated changes shall be created, amended, or repealed by the Town Council (herein referred to as ‘Council’),
5. To sell publicly held real estate acquired by deed transfer or purchase (the Town Council will maintain the authority to dispose of tax-acquired property in accordance with state and federal law),
6. To authorize the Town Council to lease town owned property on terms that exceed the authority of the Town Council under Article III, Section 3.14(16) regarding either the length of the lease or the purpose, so long as the ballot question specifies the purpose and maximum term of the proposed lease,
7. Other Town business presented by the Council and/or citizens.

Except as otherwise provided by this Charter, the Town Council shall, as its officers, exercise all powers of the Town of Winterport not specifically delegated to the Inhabitants of the Town of Winterport.

Sec. 1.02 – CONSTRUCTION

The powers of the Inhabitants of the Town and of the Council under this Charter shall be construed liberally in favor of the Inhabitants of the Town and of the Council.

WINTERPORT CHARTER

170 Sec. 1.03 – INTERGOVERNMENTAL RELATIONS

171

172 The Town may exercise any of its powers or perform any of its functions and may
173 participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with
174 any one or more states or civil divisions or agencies thereof, or with the United States or
175 any agency thereof.

176

177

ARTICLE II

CITIZEN INITIATIVE, VETO, AND RECALL

Sec. 2.01 – ENACTMENT OF ORDINANCES BY INITIATIVE

Any resident of the Town shall have the power to propose ordinances to the Council, provided that such power shall not extend to salaries of Town officers or employees. If the Council should fail to adopt in substance any ordinance so lawfully proposed, the qualified voters of the Town shall have the power to adopt or reject the proposed ordinance at an election.

Any such proposed ordinance shall be examined by the Town Attorney before being circulated for signatures. The Town Attorney may review and render a legal opinion regarding illegalities and constitutionality. Their opinion shall be given to the Requesting Committee and shall accompany the petition while it is circulated.

Any five (5) residents may begin citizen initiative proceedings with a request in writing to the Town Clerk. The Town Clerk shall provide the appropriate petition blanks within five (5) working days from the date they are requested. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain, or have attached thereto, throughout their circulation the full text of the proposed ordinance, and the names of the requesting committee.

These five (5) residents shall be referred to as the Requesting Committee during the initiative procedure. The Requesting Committee shall have 30 days from the acceptance date of the request by the Town Clerk to cause the petitions to be signed by the minimum number of voters. The minimum number shall be the greater of 150 or 10% of the number of votes cast in the Town at the last Gubernatorial Election.

Any resident of Winterport may circulate the petition. The petition shall be signed only by qualified voters of the Town and each voter's signature shall be followed by their address. To each separate paper of a petition there shall be attached an affidavit executed by it is circulator stating the number of signers of the paper, that each signature on it was affixed in their presence, and that they believe each signature to be the genuine signature of the person whose name it purports to be, and that each signer had the opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Petitioners may present their petitions to the Town Clerk at any time during the circulation period. Within seven (7) working days after the petition circulation period ends, the Town Clerk shall certify to the Council, and notify the Requesting Committee, that the petition has been signed by at least the required minimum number of voters.

WINTERPORT CHARTER

223 Should fewer residents than required by the Charter sign the petition in the specified time,
224 the petition shall have no further force or effect, and all proceedings thereon shall be
225 terminated. A request to initiate the same ordinance may not be accepted by the Town
226 Clerk until 120 days after the expiration of the previous filing period.

227

228 Upon receipt of certification, the Council shall, within 30 days, hold a public hearing.
229 Notice of the public hearing shall be given at least seven (7) days in advance by publication
230 in a newspaper having a circulation in the Town of Winterport and by posting a notice at
231 the Town Office, the Town Website, and other public places in Winterport. A Special
232 Election shall be held within 60 days after said public hearing for the purpose of submitting
233 to vote the question of adopting such ordinance, unless, in substance, such ordinance shall
234 be enacted by the Council prior to the call for said Town election. For those ordinances
235 that include fines, fees, or penalties, they will appear at the next regular election. If the next
236 regular election is not held within the next 3 months, they will appear at a Special Election.

237

238 Every adopted ordinance shall become effective upon adoption or at any later date specified
239 therein.

240

241 Sec. 2.02 – VETO

242

243 Any resident of the Town shall have power to request reconsideration by Council of all
244 ordinances and if the Council fails to repeal an ordinance so reconsidered, to approve or
245 reject it at a Town election provided that such power shall not extend to any emergency
246 ordinance, by order or resolve, or salaries of officers or employees.

247

248 Any five (5) qualified voters may begin referendum proceedings with a request in writing
249 to the Town Clerk for the appropriate petition blanks, within seven (7) days after enactment
250 of any ordinance subject to referendum by the Charter. The Town Clerk shall provide the
251 appropriate petition blanks within five (5) working days from the date they are requested.
252 The complete text of the proposed referendum shall be included with the request. All papers
253 of the petition shall be uniform in size and style and shall be assembled as one instrument
254 for filing. They shall contain, or have attached thereto, throughout their circulation the full
255 text of the referendum.

256

257 These five (5) qualified voters shall be referred to as the Requesting Committee during the
258 referendum procedure. The Requesting Committee shall have 30 days from the date of
259 enactment to cause the petitions to be signed by the minimum number of voters. The
260 minimum number shall be the greater of 150 or 10% of the number of votes cast in the
261 Town at the last Gubernatorial Election.

262

263

WINTERPORT CHARTER

264 Any resident of Winterport may circulate the petition. The petition shall be signed only
265 once by qualified voters of the Town and each voter's signature shall be followed by their
266 address. To each separate paper of a petition there shall be attached and affidavit executed
267 by its circulator stating the number of signers of the paper, that each signature on it was
268 affixed in their presence, they believe each signature to be the genuine signature of the
269 person whose name it purports to be, and that each signer had the opportunity before
270 signing to read the full text of the referendum.

271
272 Petitioners may present their petitions to the Town Clerk at any time during the circulation
273 period. Within seven (7) calendar days after the petition circulation period ends, the Town
274 Clerk shall certify to the Council, and notify the Requesting Committee, that the petition
275 has been (signed) by at least the required minimum number of voters.

276
277 Should fewer qualified voters than required by the Charter sign the petition in the specified
278 time, the petition shall have no further force or effect, and all proceedings thereon shall be
279 terminated. The matter shall not be subject to resubmission and the ordinance shall
280 continue in effect.

281
282 Upon receipt of certification, the Council shall, within 30 days, hold a public hearing.
283 Notice of the public hearing shall be published at least seven (7) days in advance by
284 publication in a newspaper having a circulation in the Town of Winterport and by posting
285 a notice at the Town Office, the official Town website, official Town social media site/s,
286 and other public places in Winterport. A Special Election referendum shall be held within
287 60 days after said public hearing for the purpose of submitting to vote the question of
288 repealing such ordinance, unless it shall be repealed by the Council prior to the call for said
289 Special Election. Such ordinance shall be repealed when a majority of those voting thereon
290 shall have voted in the affirmative.

291
292 After a petition has been certified by the Town Clerk, the referred ordinance, by order or
293 resolve, shall be suspended from going into operation until it has been approved by a
294 majority of those voting in the Town referendum.

295 296 Sec. 2.03 – RECALL

297
298 Any 10 registered voters may begin at any time proceedings to recall one or more Elected
299 Officers by submitting a request in writing to the Town Clerk for the appropriate petition
300 blanks. The Town Clerk shall provide the appropriate petition blanks within five (5)
301 working days from the date they are requested. The complete text of the proposed recall
302 shall be included with the request. All papers of the petition shall be uniform in size and
303 style and shall be assembled as one instrument for filing. They shall contain, or have
304 attached thereto, throughout their circulation a statement detailing the reason or reasons for
305 recall and the names of the Recall Committee.

306
307

WINTERPORT CHARTER

308 These 10 registered voters shall be referred to as the Recall Committee. The Recall
309 Committee shall have 30 days from the acceptance date of the request by the Town Clerk
310 to cause the petitions to be signed by the minimum number of voters. The minimum
311 number shall be the greater of 150 votes or 10% of the number of votes cast in the Town
312 at the last Gubernatorial Election.

313

314 Any resident of Winterport may circulate the petition. The petition shall be signed only by
315 qualified voters of the Town and each voter's signature shall be followed by their address.
316 To each separate paper of a petition there shall be attached an affidavit executed by its
317 circulator stating the number of signers of the paper, that each signature on it was affixed
318 in their presence, and they believe each signature to be the genuine signature of the person
319 whose name it purports to be, and that each signer had the opportunity before signing to
320 read the full text of the recall petition.

321

322 Petitioners may present their petitions to the Town Clerk at any time during the circulation
323 period. Within seven (7) working days after the petition circulation period ends, the Town
324 Clerk shall certify to the Council and notify the Recall Committee that the petition has been
325 signed by at least the required minimum number of voters.

326

327 Should fewer qualified voters than required by the Charter sign the petition in the specified
328 time, the petition shall have no further force or effect, and all proceedings thereon shall be
329 terminated and request for recall of the same Elected Officer shall not be accepted by the
330 Town Clerk until 120 days after the expiration of the previous filing period.

331

332 Upon receipt of certification, the Council shall, within 30 days, hold a Special Election for
333 the purpose of submitting to vote the question of recall. Notice of the Special Election shall
334 be given at least seven (7) days in advance by publication in a newspaper having a
335 circulation in the Town of Winterport and by posting a notice at the Town Office, on the
336 Town website, and other public places in Winterport. An Elected Officer shall be recalled
337 when a majority of those voting thereon shall have voted in the affirmative. The Council
338 shall, within 60 days after the voters have recalled an Elected Officer, hold a Special
339 Election to fill the vacancy unless the recall takes place within 6 months of the next regular
340 election for that office.

341

342 An Elected Officer that is recalled by the voters shall be allowed to seek re-election at the
343 next Regular Election or at the Special Election called for the purpose of filling the vacancy
344 created by the recall. Qualified voters who seek to fill the vacancy created by the recall
345 shall have until the fifteenth day preceding the election to file with the Town Clerk a
346 petition as required by the Charter for a regular municipal election.

347

348 Pending action by the voters of the Town, the Elected Officer that recall proceedings have
349 been initiated against shall continue to carry out all the duties and exercise all the privileges
350 of their office.

WINTERPORT CHARTER

351 The ballot for recall shall contain the following question: “Shall (name of person being
352 subjected to recall) be recalled from the office of (name of Office)?” Immediately below
353 such question shall appear in the following order, the words “yes” and “no” and to the right
354 of each a square in which the voter may cast their vote.
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ARTICLE III

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TOWN COUNCIL

Sec. 3.01 – NUMBER, ELECTION, AND TERM

The Council shall be composed of seven (7) members, each of whom shall be elected by the registered voters of the Town. Councilors will serve staggered three (3)-year terms or until their successor is elected and duly qualified. Councilors shall be regularly elected on the second Tuesday of November.

Sec. 3.02 – QUALIFICATIONS

Councilors shall be at least 18 years of age, shall be qualified voters of the Town, and shall reside in the Town during their term of office.

Sec. 3.03 – INDUCTION OF COUNCIL INTO OFFICE

Councilors-elect shall be required to be sworn to the faithful discharge of their duties by a person qualified by law to administer oaths, with the signed and dated Oath of Office. The terms of the Councilors shall begin on December 1st after they are sworn.

Councilors-elect will have access to a town email address and start receiving council emails within a day or two of being elected while outgoing councilors shall retain access to their email address and Town computer and continue receiving Council communications through November 30.

Sec. 3.04 – COMPENSATION

Members of the Council shall receive such compensation as shall be approved by the Council, except that no Councilor shall be eligible for an increase in compensation as a Councilor or as Chair during the same three (3)-year term as the increase shall have been enacted, nor shall the Council approve a retroactive increase in compensation.

Sec. 3.05 – UNIFORM COMPENSATION

Except as provided in Section 3.04, all Councilors shall receive the same compensation, except that the Chair may receive higher compensation.

Sec. 3.06 – COUNCIL TO BE THE JUDGE OF QUALIFICATIONS OF ITS MEMBERS

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have the power to subpoena witnesses and require production of records, but the decision of the Council in any such cases shall be subject to review by the courts. A member charged with conduct constituting grounds for forfeiture of their office shall be entitled to a public hearing on demand and notice of such hearing shall be published at least one (1) week in advance of the hearing.

WINTERPORT CHARTER

402 Sec. 3.07 – MEETINGS

403

404 The Council shall, at its first meeting or as soon as possible thereafter, establish a regular
405 place and time for holding its regular meetings and shall meet at least once a month. It shall
406 also provide a method for calling special meetings. All meetings of the Council shall be
407 open to the public in accordance with the statutes of the State of Maine, except as those
408 statutes allow executive sessions. An agenda shall be made available in advance of all
409 regular and special meetings and shall include an item to allow public input.

410

411 The Council shall determine its own rules of procedure and make lawful regulations for
412 enforcing the same. The meeting shall be conducted in a manner that encourages citizen
413 attendance and citizen participation.

414

415 Sec. 3.08 – RECORD OF PROCEEDINGS

416

417 The Town Clerk shall provide for keeping a record of the Council’s proceedings. Records
418 shall be retained and disposed of in accordance with Law.

419

420 Sec. 3.09 – COUNCIL ACTIONS

421

422 The Council shall act by ordinance, order, resolve, or motion.

423

424 1. Acts by Ordinance. All legislative acts including, but not limited to, acts to adopt,
425 amend or repeal the Winterport Town Code or this Charter, and acts to adopt or
426 reject citizen initiatives submitted to the Council, shall be identified as ordinances.

427 2. Acts by Order. All quasi-judicial acts including, but not limited to, acts pertaining
428 to licensing or permitting, acts pertaining to personnel matters, acts pertaining to
429 appeals, and acts pertaining to the enforcement of state or local laws, shall be
430 identified as orders.

431 3. Acts by Resolve. All executive acts including, but not limited to, acts of direction
432 or authorization, acts pertaining to rules and policies, acts to establish budgets, levy
433 taxes and set fees, acts pertaining to capital improvements, acts to authorize
434 expenditures and the borrowing of money, acts pertaining to the function of town
435 services, acts pertaining to the function of town boards and committees, acts to
436 acquire, lease or convey property, acts pertaining to bids and contracts, acts to
437 express recognition, and acts to state opinions, principles, facts or purposes, shall
438 be identified as resolves.

439 4. Acts by Motion. An ordinance, order or resolve shall not be required for the
440 ministerial functions of the Council, which may be accomplished through motions
441 duly made and adopted by the Council.

442

WINTERPORT CHARTER

443 All ordinances, orders, resolves, and motions except ordinances, orders, resolves, and
444 motions making appropriations of money, shall be confined to one subject. All
445 appropriation motions, ordinances, orders, or resolves shall be confined to the subject of
446 appropriations. Every motion, ordinance, order, or resolve shall require on passage the
447 affirmative vote of at least 4 of the members of the Council. The passage of all motions,
448 ordinances, orders, and resolves are included into the proceedings of the Council and
449 entered into the record by the Town Clerk.

450

451 Before any ordinance shall be passed, at least one public hearing shall be held by the
452 Council, notice of which shall be given at least seven (7) days in advance by publication in
453 a newspaper having a circulation in Winterport and by posting a notice at the Town Office
454 and other public places in Winterport and the Town Website. Such ordinances shall be
455 effective on the date of adoption by the Council, or the date of an affirmative vote of
456 qualified voters, or at such time as may be specified in the ordinance.

457

458 Sec. 3.10 – VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

459

- 460 1. Vacancies: The office of Councilor shall become vacant upon death,
461 resignation, or removal from office in any manner authorized by law or
462 forfeiture.
- 463 2. Forfeiture of Office: A Councilor shall forfeit their office upon conviction of a
464 felony or crimes relating to their office or if they lack at any time during their
465 term of office any of the qualifications of the office prescribed by this Charter
466 or by law.
- 467 3. Filling Vacancies: If a seat on the Council becomes vacant more than six (6)
468 months prior to the next regular election, the Council shall call a Special
469 Election to fill the unexpired term within 60 days from the date that the vacancy
470 occurred. If a seat on the Council becomes vacant less than six (6) months prior
471 to the next regular election, the Council may call a Special Election.
- 472 4. Forfeiture for Attendance Reasons: A Councilor shall forfeit their office if they
473 fail to attend three consecutive meetings of the Council without being excused
474 by the Chair.

475

476 Sec. 3.11 – QUORUM

477

478 A majority of the Council shall constitute a quorum for the transaction of business, but a
479 smaller number may adjourn from time to time or may compel attendance of absent
480 members. At least 24 hours' notice of the time and place of holding such adjourned meeting
481 shall be given to all members who were not present at the meeting from which the
482 adjournment was taken.

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WINTERPORT CHARTER

485 Sec. 3.12 – COUNCIL OFFICERS

486

487 At its first meeting after the November Election, the Council shall elect, by an affirmative
488 vote of at least 4 of the members, one of its members as Chair and one as Vice-Chairperson,
489 and the Council may fill, by a vote of at least 4 of the members, for an unexpired term, any
490 vacancies in the offices of Chair and Vice-Chair that may occur. The Chair shall preside at
491 the meetings of the Council and shall be recognized as head of the Town Government for
492 all ceremonial purposes and by the Governor for the purposes of military law, but they
493 shall have no regular administrative duties. The Chair shall be entitled to vote, and their
494 vote shall be counted upon all matters and things as a vote of other members of the Council.

495

496 Sec. 3.13 – INDEPENDENT ANNUAL AUDIT

497

498 Prior to the end of each fiscal year, the Council shall designate the State Department of
499 Audit or private certified accountant(s) who, at the end of the fiscal year, shall make an
500 independent audit of accounts and other evidence of financial transactions of the Town
501 Government and shall submit their report to the Council, which must accept the audit by
502 motion, and Town Manager (herein referred to as ‘Manager’), as outlined in ART VIII,
503 Section 8.13. This Audit Report, in a summarized manner, will be made a part of the
504 Annual Town Report, which shall be made available to the public. Such accountant(s) shall
505 not maintain any accounts or records of the Town business but shall post-audit the books
506 and documents kept by any office, officer, department, or agency of the Town Government.

507

508 Sec. 3.14 – ENUMERATION OF POWERS AND DUTIES

509

510 Without limitations of the foregoing, the Council:

511

512 1. Shall appoint, and have the power to remove, the Manager, members of the
513 Planning Board, members of the Board of Assessment Review, members of the
514 Board of Appeals, Water District trustees, Sewer District trustees, and members
515 of other committees as may from time to time be deemed necessary. Except
516 where otherwise specified in this charter, the affirmative vote of 4/7 of the
517 members of the Council shall be required for the appointment of officials
518 appointed by the Council. The affirmative vote of at least 4 of the members of
519 the Council shall be required for the removal of officials appointed by the
520 Council,

520

521 2. Shall have the power to vest in the Manager all or part of the duties of any
522 office, where appropriate and not prohibited by law,

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523 3. Shall provide for an annual audit and accept such audit by motion upon its
524 completion,

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WINTERPORT CHARTER

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4. Shall have the power to, by resolve, create, change, and abolish offices, departments, and agencies, other than those offices, departments and agencies established by this Charter. By resolve act on such matters where State Law grants ordinance making powers to Town officers. The Council by ordinance may assign additional functions or duties to offices, departments, or agencies established by this Charter, but may not discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department or agency,
 5. Shall have the power to make, alter, and repeal ordinances pertaining to State Mandated Changes,
 6. Shall have the power to enact and repeal emergency ordinances,
 7. Shall have the duty to, on a rotating triannual basis, review all ordinances and policies and shall post a schedule for accomplishing the same,
 8. Shall have the power to inquire into the conduct of any department, office, or agency of the Town and make investigation as to municipal affairs,
 9. Shall review the Statement of Financial Activities / Profit and Loss Statement and budget to actual expenditures quarterly with the Manager and this review shall be reflected in the meeting minutes,
 10. Shall present and make recommendations regarding the annual budget and shall present a complete financial report, as prepared by the Manager in a public meeting of the Council,
 11. Shall review and maintain with the Manager sufficient funds to operate the town, at a minimum sixteen percent (16%) of the current town budget,
 12. Shall review and adopt annually, with or without amendment, the capital plan for the subsequent five years prepared by the Manager,
 13. Shall have the power to issue notes in anticipation of taxes to be paid within the fiscal year in which issued,
 14. Shall have the power to approve expenditures from accounts, including reserve accounts, in accordance with the approved Annual Budget,
 15. Shall designate one member of the Council as the Charter Compliance Officer who shall review and report on Charter compliance at least quarterly. These quarterly reports will be duly entered in the Council's meeting minutes. Where non-compliance with the charter is noted, the Council will take timely action to restore compliance,
 16. Shall act with respect to the leases of town owned property or buildings for recreational, motor vehicle racing, agricultural, and public service purposes, not to exceed 5 years, and with option for renewal,
 17. Shall have the power to appoint replacements for all vacancies on Boards/ Committees/ Commissions. Replacements of officials shall serve until the vacant term expires as required by state law or Charter.

WINTERPORT CHARTER

567 Sec. 3.15 – PROHIBITIONS

568

569 Except for the purpose of inquiry, the Council and its members shall deal with the
570 administrative services solely through the Manager and neither the Council nor any
571 member shall give orders to any subordinates of the Manager, either publicly or privately.

572

573 While the Council may express its views and fully and freely discuss with the Manager
574 anything pertaining to the appointment and removal of such officers and employees, neither
575 the Council nor any of its members shall, in any manner, dictate the appointment or
576 removal of any administrative officers or employees whom the Manager or any of their
577 subordinates are empowered to appoint.

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ARTICLE IV

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TOWN MANAGER

Sec. 4.01 – APPOINTMENT; QUALIFICATION

The Council shall appoint a Manager for a definite term not to exceed three years and shall determine their compensation and enter into a written contract with the Manager. The Manager shall be appointed on the basis of their executive and administrative qualifications. They need not be a resident of the Town or State at the time of their appointment but may reside outside the Town while in office only with approval of the Council. No Councilor shall receive such an appointment during the term for which the Councilor shall have been elected, nor within one year after the expiration of their term, nor shall any Councilor act in that capacity.

Sec. 4.02 – POWERS AND DUTIES OF TOWN MANAGER

The Manager shall be the chief executive officer of the Town. They shall be responsible to the Council for the administration of all Town affairs placed in their charge by the Council or under this Charter. They shall have the following powers and duties:

1. To appoint and remove any officials not appointed by the Council or elected by the Town, and all other administrative and Town employees, and to authorize other officials to appoint and remove subordinates except as otherwise provided in this Charter or by law.
2. To direct and supervise as sole authority the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this Charter or by law.
3. To attend Council Meetings and have the right to take part in discussions but not vote.
4. To see that all laws, provisions of this Charter, and acts of the Council, subject to their directions and supervision, are faithfully executed.
5. To prepare and submit the annual budget and 5-year capital improvement program to the Council.
6. To submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town, including such annual reports as Boards/Committees/Commissions of the Town have submitted as of the end of each fiscal year.
7. To make such other reports as the Council may require concerning the operations of Town departments, offices, and agencies subject to their direction and supervision.
8. To keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as they deem desirable.
9. To prepare an administrative code to be proposed to the Council, and the Council shall by ordinance adopt it by resolve with or without amendment.

WINTERPORT CHARTER

624 10. To assist, insofar as possible, residents and taxpayers in discovering lawful
625 remedies in cases involving complaints or unfair vendor, administrative, and
626 governmental practices.

627 11. To perform such other duties as are specified in this Charter or as may be
628 required by the Council.

629

630 Sec. 4.03 – REMOVAL

631

632 The Council may remove the Manager during the contract term for just cause.

633

634 Sec. 4.04 – REMOVAL PROCEDURES

635

636 The Council may remove the Manager from office for just cause in accordance with the
637 following procedures:

638

639 1. The Council shall adopt by an affirmative vote by at least 5 of its members a
640 preliminary order which must state the reasons for removal and may suspend
641 the Manager from duty for a period not to exceed 30 days. A copy of the order
642 shall be delivered within two working days to the Manager.

643 2. Within 5 working days after receiving a copy of the order, the Manager may
644 file with the Council a written request for a public hearing. If no public hearing
645 is requested within 5 working days, the Council may adopt a final order or
646 removal by an affirmative vote by at least 5 of its members.

647 3. If a public hearing has been requested, it shall be held at a council meeting not
648 earlier than 10 calendar days nor later the 20 calendar days after the request is
649 filed. After the hearing, the Council may adopt a final order of the removal by
650 an affirmative vote by at least 5 of its members and shall notify the Manager of
651 its decision within 5 calendar days.

652 4. The Manager shall continue to receive their salary until the effective date of the
653 order of removal. In addition, they shall receive severance pay and other
654 allowances at the discretion of the Council.

655

656 Sec. 4.05 – ABSENCE OF TOWN MANAGER

657

658 By letter filed with the Town Clerk, the Manager shall designate a qualified Town
659 administrative officer to exercise the powers and perform the duties of Manager during
660 their absence. During such absence, the Council may revoke such a designation at any time
661 and appoint another official of the Town to serve until the Manager returns. In the event of
662 the Manager failing to make such designation, the Council may, by resolve, appoint any
663 administrative official of the Town to perform the duties of the Manager until the Manager
664 returns.

665

ARTICLE V

NOMINATIONS AND ELECTIONS

Sec. 5.01 – CONDUCT OF ELECTIONS

The regular municipal elections shall be held in June and on the second Tuesday of November. Except as otherwise provided by the Charter, the municipal provisions of the Laws of the State of Maine shall apply to elections held under this Charter. “Qualified voter” shall mean any person qualified and registered to vote under law.

Sec. 5.02 – NOMINATIONS

Elected officials of the Town of Winterport shall be defined as Councilors, Budget Committee members, elected members of the Board of Appeals, and Directors of Regional School Unit 22.

1. Petitions: Candidates for elected office shall be nominated by petition. Any qualified voter of the Town, being at least 18 years of age, may be nominated for Elected Office by a petition signed by not fewer than 25 qualified voters nor more than 100 qualified voters of the Town. The signatures to nominating petitions need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator. The affidavit shall state the number of signers of the paper, that each signature on it was affixed in their presence, and that they believe each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to their signature the street address where they reside.
2. Filing and Acceptance of Nomination Petitions: All separate papers comprising a nomination petition shall be assembled and filed with the Town Clerk as one instrument not earlier than 75 days nor later than 35 days before the election, unless otherwise specified by the Council. The Town Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by the candidate’s signed acceptance of the nomination.
3. Procedure after Filing Nomination Petitions: Within five (5) calendar days after the filing of a nominating petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this Charter. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. The Town Clerk shall keep on file all petitions found sufficient, at least until the expiration of the term for which the candidates are nominated in those petitions.

WINTERPORT CHARTER

712 Sec. 5.03 – NAMES AND ORDERING ON BALLOTS

713

714 The first and last names of all candidates nominated for Elected Office, except those who
715 have withdrawn, died, or become ineligible, shall be printed on the official ballots without
716 party designation. When two (2) or more candidates have been nominated for any office,
717 the names of said candidates shall appear on the ballot in the chronological order in which
718 the candidates' nomination petitions were deemed complete by the Town Clerk. A number
719 of blank spaces equal to the number of elected office seats shall be provided for write-in
720 candidates immediately after the last-named candidate.

721

722 Sec. 5.04 – DETERMINATION OF ELECTION RESULTS

723

724 1. Number of Votes: Every voter shall be entitled to vote for as many candidates
725 as there are vacancies to be filled.

726 2. Plurality: Election shall be determined by a plurality of votes cast. In case of a
727 tie, a runoff election shall be held pursuant to state law. All recounts are
728 pursuant to state law.

729

730 Sec. 5.05 – BALLOTS FOR ORDINANCES

731

732 An ordinance to be voted on shall be presented for voting by ballot title in accordance with
733 Article I, Section 1.01, and Article 7, Section 7.02. The ballot title of a measure may differ
734 from its legal title and shall be a clear, concise, statement describing the substance of the
735 measure without argument or prejudice. Below the ballot title shall appear the following
736 question: "Shall the above-described ordinance be adopted?" Immediately below such
737 question shall appear in the following order, the words "yes" and "no" and to the right of
738 each, a space in which the voter may cast their vote.

739

740 Sec. 5.06 – VOTING MACHINES

741

742 The Council may provide for the use of mechanical or other devices for voting or counting
743 the votes not inconsistent with law.

744

745 Sec. 5.07 – ABSENTEE VOTING

746

747 Each qualified voter who desires to cast an absentee vote at a Regular or Special Election
748 shall be entitled to an official ballot and the right to cast such ballot in accordance with the
749 provisions of State Law.

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ARTICLE VI

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STANDARDS FOR ORDINANCES

Sec. 6.01 – FORM

The following standards shall pertain to all Ordinances. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The subject of the ordinance shall be clearly stated in its title, and all ordinances shall be limited to one subject. The enacting clause shall be “The Town of Winterport hereby ordains....” Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance sections or subsections to be repealed or amended and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

Sec. 6.02 – PROCEDURE

1. The Council shall adopt such municipal ordinances as they think necessary and proper for the Town. The Council shall review any proposed ordinance prepared at the request of the Council, any proposed ordinance submitted by the Manager, any proposed ordinance submitted by the Planning Board, and any proposed ordinance submitted in accordance with Article II, Section 2.02 of this Charter. For those ordinances that include fines, fees, or penalties, they will appear at the next regular election.
2. The full content of every proposed ordinance shall be posted to the Town’s website and made available for public viewing at the Town Office.
3. All proposed ordinances shall receive two (2) public readings by the Council. The second reading shall take place no less than two (2) weeks after the first reading. A reading shall include the title and summary only, unless a full content reading is required by majority vote.
4. After a first reading of any proposed ordinance, the Council shall request a recommendation from any applicable town board, commission, or committee before conducting a second reading, and may require a meeting with any applicable board, commission, or committee before conducting a second reading and taking action on any recommendations.
5. Public hearings for proposed ordinances shall be held when required by state law, or when the Council requires a public hearing by majority vote. Any required public hearing shall take place after the second reading of a proposed ordinance, rule or policy. No public hearing may be held without notice given at least seven (7) days prior to the date of the hearing or as may otherwise be required by state law. Notice shall be given by publishing in a local newspaper and on the Town website a summary of the proposed ordinance, together with the date, time and location of the public hearing.

WINTERPORT CHARTER

- 796 6. If a proposed ordinance is amended during the course of review, the Council must
797 decide if action can be taken after the second reading. An additional reading shall
798 be required if the Council determines that an amendment has altered a proposed
799 ordinance to the extent that additional time is needed to provide all interested parties
800 with a reasonable opportunity to review and comment on the amended content.
- 801 7. Upon completion of review, the Council shall act to adopt or reject a proposed
802 ordinance, or present it on a ballot at the next Regular Election, as required by
803 Article I, Section 1.01. Notice of the Council's decision shall be posted to the Town
804 website and at the Town Office. Except as otherwise provided for in this Charter or
805 in the Winterport Code, every adopted ordinance shall become effective seven (7)
806 days after the date of adoption.

807

808 Sec. 6.03 – EMERGENCY ORDINANCES

809

810 To meet a public emergency affecting life, health, property, or the public peace, the Council
811 may adopt emergency ordinances. An emergency ordinance must contain a preamble
812 stating the public emergency to which it responds and may be adopted with or without
813 amendment or rejected at the meeting at which it is introduced, but the affirmative vote of
814 all qualified and present Councilors shall be required for adoption. An emergency
815 ordinance shall not levy new taxes, nor shall it grant, extend, or renew a franchise.

816

817 After its adoption the ordinance shall be posted at the Town Office, on the Town Website,
818 and in public places in Winterport. It shall become effective upon adoption or at such later
819 time as it may specify.

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821 Every emergency ordinance shall be repealed as of the 61st day following the date on which
822 it was adopted, but this shall not prevent re-enactment of the ordinance in the manner
823 specified in this section if the emergency still exists. An emergency ordinance may also be
824 repealed by adoption of a repealing ordinance in the same manner specified in this section
825 for adoption of emergency ordinances.

826

827 Sec. 6.04 – AUTHENTICATION AND RECORDING, CODIFICATION AND 828 PRINTING OF ORDINANCES

829

830 1. AUTHENTICATION AND RECORDING: All ordinances adopted by the
831 Council or the voters shall be authenticated by the signature of the Chair of the
832 Council, Manager, and notarized with raised seal by the Town Clerk, and
833 recorded in full by the Town Clerk in a properly indexed book kept for that
834 purpose and placed on the Town website.

835 2. CODIFICATION: Within three years after adoption or amendment of this
836 Charter, and at least every ten years thereafter, the Council shall provide for the
837 preparation of a general codification of all ordinances, except for emergency
838 ordinances. The general codification shall be adopted by the Council by
839 ordinance and shall be printed promptly in bound or loose-leaf form, together
840 with this Charter and any amendments thereto, pertinent provisions of the
841 Constitution, and other laws of the State of Maine, and other rules and

WINTERPORT CHARTER

842 regulations as the Council may specify. This compilation shall be known and
843 cited officially as the Winterport Code. Copies of the code shall be furnished to
844 officials, placed on the Town website and in libraries and public offices for free
845 public reference, and made available for purchase by the public at a reasonable
846 price.
847 3. PUBLISHING OF ORDINANCES: The Council shall cause each ordinance,
848 except for emergency ordinances, and each amendment to this Charter, to be
849 published promptly following its adoption. Copies of the ordinances and
850 Charter amendments shall be furnished to officials, placed on the Town website
851 and in libraries and public offices for free public reference, and made available
852 for purchase by the public at a reasonable price.
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ARTICLE VII

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TAX ADMINISTRATION

Sec. 7.01 – ESTABLISHMENT

There shall be established a Department of Assessment, the head of which shall be the Town Assessor. The Town Assessor shall exercise the same powers and be subject to the same duties and liabilities that similar assessment officers of the several towns and cities in the State may exercise, and may now or hereafter be subject to, under the laws of the State of Maine.

Sec. 7.02 – BOARD OF ASSESSMENT REVIEW; APPOINTMENTS, VACANCIES, POWERS AND DUTIES

There shall be a Board of Assessment Review appointed by the Council in accordance with state law. The majority of the whole number of the board shall be a quorum and they shall elect their own Chair. Vacancies in membership of such a board shall be filled by appointment by the council for the unexpired term.

The Board of Assessment Review shall have the powers and duties conferred upon such boards by the laws of the State of Maine.

ARTICLE VIII

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BUDGET

Sec. 8.01 – FISCAL YEAR

The fiscal year of the Town Government shall begin the first day of July and shall end on the last day of June of the following year, or such other fiscal year as the Council may decide. Such fiscal year shall constitute the budget and accounting year as used in the Charter. The term “budget year” shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 8.02 – PREPARATION AND SUBMISSION OF THE BUDGET

The Manager, at a time to be determined by the Council, shall submit to the Council a budget with explanatory budget notes. The budget shall contain:

1. A statement of the financial condition of the Town,
2. An itemized statement of appropriations recommended for current expenses and capital improvements, with comparative statements in parallel columns of estimated expenditures from the current and the immediately preceding fiscal years. An increase or decrease in any item shall be indicated,
3. An itemized statement of estimated revenues, all sources, and a statement of taxes required. The itemized statement shall include comparative figures from the current and the immediately preceding fiscal years,
4. Such other information as may be required by the Council.

The proposed budget prepared by the Manager shall be reviewed by the Council. The Council shall hold a minimum of two public hearings on the budget that shall be publicized and open to the residents of the Town of Winterport. The Council shall then review the budget and recommend it, with or without change, to the town for budget referendum vote no later than the 25th day of June in the current calendar year.

The proposed budget prepared by the Manager shall be reviewed by the Council and Budget Committee. The Council and the Budget Committee shall hold regular workshops a minimum of two public hearings on the budget that shall be publicized and open to the residents of the Town of Winterport. The Council and Budget Committee shall then review the budget and recommend them, with or without change, to the annual Municipal Budget Meeting held no more than 45 days and no less than 20 days before the June election. The proposed department budgets shall be included in the Annual Report to the Town. Should the budget total be rejected by the voters the Council will hold a public hearing within 30 days and resubmit a revised budget total to the voters at a Special Election.

WINTERPORT CHARTER

922 Sec. 8.03 – MUNICIPAL BUDGET MEETING

923

924 Voters of the Town of Winterport present at the Municipal Budget Meeting will vote to
925 raise and appropriate funds for each department in the town. The Municipal Budget
926 Meeting shall adopt an appropriation for each department for the ensuing fiscal year. The
927 final approved budget total will be submitted to the voters at the June election.

928

929 Sec. 8.04 – BUDGET ESTABLISHED APPROPRIATIONS

930

931 From the date of adoption of the budget, the several amounts stated therein as proposed
932 appropriations shall be appropriated to the several agencies and purposes therein named.

933

934 Sec. 8.05 – BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY 935 TAX; CERTIFICATION TO THE ASSESSOR

936

937 From the date of adoption of the budget, the amounts stated therein as the amount to be
938 raised by property tax shall constitute a determination of the amount of the levy. A copy of
939 the budget as finally adopted shall be certified by the Town Clerk and filed with the
940 Assessor whose duty it shall be to levy such taxes for the corresponding tax year.

941

942 Sec. 8.06 – BUDGET SUMMARY

943

944 At the beginning of the budget there shall appear a summary, which need not be itemized
945 further than by principal sources of anticipated revenue, stating separately the amount to
946 be raised by property tax. The budget shall be itemized by departments and kinds of
947 expenditure in such a manner as to present to taxpayers a simple and clear accounting of
948 budget estimates. The budget summary shall include recommendations from the Budget
949 Committee.

950

951 Sec. 8.07 – DEPARTMENTAL EXPENDITURES

952

953 The budget for all departments shall include all proposed expenditures. The gross
954 appropriation for each department shall not be exceeded, and monies shall not be
955 transferred from one department to another. The Council has the authority within each
956 department to re-allocate funds if necessary.

957

958 Sec. 8.08 – INTERIM EXPENDITURES

959

960 In the period between the beginning of the fiscal year and the appropriation of funds, the
961 Council may authorize expenditures for current departmental expenses chargeable to the
962 appropriations for the year not to exceed the amount of the previous year's appropriation.

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WINTERPORT CHARTER

965 Sec. 8.09 – LAPSE OF APPROPRIATIONS

966

967 General fund appropriations that have not been expended or encumbered, except those
968 accounts designated by the Council to be continuing, shall lapse at the close of the fiscal
969 year.

970

971 Sec. 8.10 – PAYMENT AND OBLIGATIONS PROHIBITED

972

973 No payment shall be made or obligation incurred against any appropriations except in
974 accordance with appropriations duly made. The Manager shall certify that there is a
975 sufficient unencumbered balance in such appropriation, and that sufficient funds are or will
976 be available to cover the claim or meet the obligation when it becomes due and payable.
977 Any authorization of payment or incurring of obligation without an appropriation shall be
978 deemed to be in violation of the provisions of this Charter and shall be void and any
979 payment so made illegal. Such action shall be cause for removal of any officer who
980 knowingly authorized or made such payment or incurred such obligation, and they shall
981 also be liable to the Town for an amount so paid. However, except where prohibited by
982 law, nothing in this Charter shall be construed to prevent the making or authorizing of
983 payments, provided such action is made or approved by resolve.

984

985 Sec. 8.11 – RESERVE ACCOUNTS

986

987 Reserve accounts, as permitted to municipalities by State Law, may be established by the
988 Council. Approval via town referendum is required for the following:

989

1. Funding of a reserve account,

990

2. Transfer of funds from one reserve account to another.

991

992 Sec. 8.12 – BUDGET COMMITTEE

993

994 The Budget Committee is an advisory committee that is elected to review the proposed
995 budgets of the Manager and the Council. The Budget Committee shall consist of five (5)
996 members, serving in staggered three (3)-year terms. In accordance with Article V, Section
997 5.02, Candidates for Elected Office Budget Committee members shall be nominated by
998 petition. Candidates for the Budget Committee will appear on the November Election
999 ballot.

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WINTERPORT CHARTER

1002 Sec. 8.13 – INDEPENDENT ANNUAL AUDIT

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1004 Prior to the end of each fiscal year the Council shall select and approve the certified public
1005 accountant(s) who, as of the end of the fiscal year, shall make an independent audit of
1006 accounts and other evidences of financial transactions of the town government. The
1007 auditor(s)/auditing firm will be rotated at least every five (5) years. The auditor(s) shall
1008 submit the report to the Council and to the Manager. The audit will contain and list and
1009 material, significant, findings, or management concerns and be recorded in the Council
1010 minutes upon acceptance. Such accountant(s) shall not maintain any accounts or records
1011 of the town business but shall post audit the books and documents kept by the town and
1012 any separate or subordinate accounts kept by any other office, department, or agency of the
1013 Town government. This shall be a financial audit in accordance with generally accepted
1014 auditing practice for governments.

1015

1016 Sec. 8.14 – AMENDMENTS AFTER ADOPTION

1017

1018 Supplemental appropriations: If during the fiscal year the Council certifies that there are
1019 available for appropriation revenues in excess of those estimated in the budget, the council
1020 by resolve may make supplemental appropriation for the year up to the amount of such
1021 excess.

1022

1023 Sec. 8.15 – EMERGENCY APPROPRIATION

1024

1025 To meet a public emergency affecting life, health, property, or public peace, the Council
1026 may make emergency appropriations. Such appropriations may be made by emergency
1027 resolve. To the extent that there are no available unappropriated revenues to meet such
1028 appropriations, the Council may, by emergency resolve, authorize the issuance of
1029 temporary notes which may be renewed from time to time. The temporary notes and
1030 renewals of any fiscal year shall be paid not later than the last day of the fiscal year
1031 succeeding that in which the emergency appropriation was made.

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ARTICLE IX

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PLANNING BOARD

Sec. 9.01 – ESTABLISHMENT

There shall be a Planning Board composed of not less than five nor greater than seven members and one alternate appointed by the Council. The term of office shall be three years.

Sec 9.02 – POWERS AND DUTIES

The Planning Board shall have the authority to act on behalf of the Town on all matters that come before it.

Within the limits of its budget, the Planning Board shall have the power to make such studies as it deems desirable or such studies assigned by the Council. The Planning Board shall submit a written summary to the Council describing the finding of any and all studies.

The Planning Board shall administer the subdivision, site plan, and shoreland ordinances. These ordinances shall be adopted in accordance with this Charter.

ARTICLE X

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BOARD OF APPEALS

Sec. 10.01 – ESTABLISHMENT

There shall be a Board of Appeals composed of three (3) elected members and two (2) members appointed by the Council. The term of office shall be three (3) years.

Sec. 10.02 – POWERS AND DUTIES

The Board of Appeals shall have the power to hear appeals as described by state law and specified herein as matters that may arise under the Land Use Ordinance, any other regulatory ordinance, or any additional laws of the State of Maine, and the provisions of this Charter.

ARTICLE XI

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GENERAL PROVISIONS

Sec. 11.01 – ELECTED OFFICIALS’ TERMS

The term of any elected officials shall begin on December 1st upon taking the Oath of Office. Any officials shall serve for their prescribed term or until their successor is elected and qualified.

Sec. 11.02 – SWEARING IN OFFICIALS

Every Town official shall be sworn to support the Charter, the ordinances of the Town, the Constitution and laws of the State of Maine, and the Constitution and laws of the United States, and to the faithful discharge of the duties incumbent upon them. Every Town official shall swear or affirm the following oath:

“I do solemnly swear/affirm that I will support the Town of Winterport Charter, the ordinances of the Town, the Constitution and laws of the State of Maine and the Constitution and laws of the United States and that I will faithfully discharge the duties incumbent upon me according to the Winterport Town Charter, the ordinances of the Town, the Constitution and laws of the State of Maine and the Constitution and laws of the United States as long as I continue to be a citizen thereof.”

Sec. 11.03 – PERSONAL FINANCIAL INTEREST

Any officer or employee who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation or in any contract with the Town or in the sale of any land, material, supplies, or services to the Town, or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in their capacity as an officer or employee in the making of such sale or in the making or performance of such contract. Any officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section and is found to be guilty of malfeasance in office or position by an appropriate court of law, or by the counsel in its quasi-judicial role, shall forfeit their office or position. Violation of this section with the knowledge, actual or constructive, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale subject to void by the Council.

WINTERPORT CHARTER

1115 Sec. 11.04 – PROHIBITIONS

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1. Activities Prohibited:

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a. No elected Town officer shall hold more than one elected Town office concurrently

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b. No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office because of any class protected by state or federal law.

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c. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this Charter, or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

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d. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion, proposed promotion to or any advantage in a position in municipal service.

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e. No person who holds an elected or compensated appointive Town position shall solicit any assessments, contributions, or services for any political party from any employee in municipal service.

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f. Nothing herein contained shall affect the right of any person to hold membership in and support a political party, to vote as they choose, to express privately and publicly their opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

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2. Penalties:

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a. Any Person found in violation of this section by a Court of the State of Maine, or the United States of America, or by the Council acting in a judicial capacity (subject to review by an appropriate court of law), shall be ineligible for a period of 5 years thereafter to hold any Town office or employment and shall immediately forfeit their office or position.

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1149 Sec. 11.05 – SEPARABILITY

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

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WINTERPORT CHARTER

1158 Sec. 11.06 – GENERAL PROVISIONS BOARD/ COMMITTEE/ COMMISSION
1159 PROCEDURES

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1161 All Town Boards/ Committees/ Commissions shall adopt rules of procedure similar in
1162 nature to those of the Council. These procedures shall include provisions explaining
1163 executive sessions, if applicable, and include a method whereby all votes shall be recorded
1164 and the yeas and nays shall be taken. The procedures adopted by appointed Boards/
1165 Committees/ Commissions shall be submitted to the Council for approval.

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1167 Sec. 11.07 – CHARTER AMENDMENTS

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1169 Amendments to the Charter shall be governed by the Revised Statutes of the State of Maine,
1170 as amended.

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ARTICLE XII

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TRANSITIONAL PROVISIONS

Sec. 12.01 – TIME OF TAKING FULL EFFECT

This Charter revision shall be in full effect for all purposes on the first day of the fiscal year following its approval by secret ballot referendum. However, Charter revisions take effect immediately for the purpose of conducting any elections required by the new provisions. The Council shall call a Special Election within 120 days of the date of voter approval of this Charter revision.

Sec. 12.02 – ADDITIONAL COUNCILORS

This Charter revision increases the number of seats on the Council from five (5) to seven (7). At the Special Election required per Section 12.01, the two additional Councilors shall be elected: one whose term expires in 2027, and one whose term expires in 2029. These Council seats shall continue to be elected in regular fashion every three years thereafter.

Sec. 12.03 – ELECTION AND APPOINTMENT OF BOARD OF APPEALS MEMBERS

At the Special Election required per Section 12.01, there shall be three (3) Board of Appeals members elected: one whose term expires in 2027, one whose term expires in 2028, and one whose term expires in 2029. These elected seats on the Board of Appeals shall continue to be elected in regular fashion every three years thereafter.

Sec. 12.04 - ELECTION OF BUDGET COMMITTEE MEMBERS

At the Special Election required per Section 12.01, there shall be five (5) Budget Committee members elected: one whose term expires in 2027, two whose terms expire in 2028, and two whose terms expire in 2029. These Budget Committee seats shall continue to be elected in regular fashion every three years thereafter. Members of the existing Budget Committee may seek nomination and election to the new five-member Budget Committee. Once the newly elected members of the five-member Budget Committee are determined, the previous ten-member Budget Committee is disbanded.

Sec. 12.05 - ESTABLISHMENT OF THE DEPARTMENT OF ASSESSMENT

When this Charter revision takes full effect, the Town Manager will appoint a Town Assessor, and the Council will appoint a Board of Assessment review, per Article VII. Once these actions are complete, the existing Board of Assessment will disband.

WINTERPORT CHARTER

1216 Sec. 12.06 – REGIONAL SCHOOL UNIT #22 BOARD OF DIRECTORS

1217

1218 Winterport representatives to the Regional School Unit #22 Board of Directors shall
1219 continue to be elected according to the procedures outlined for Town officials and shall
1220 serve for the term elected, unless recalled.

1221

1222 Sec. 12.07 – BUDGET

1223

1224 The budget for the first municipal year under this Charter revision shall be the budget
1225 adopted by the Town Meeting previous to the effective date of the Charter.

1226

1227 Sec. 12.08 – CONTINUANCE OF OFFICERS, EMPLOYEES

1228

1229 1. Rights and Privileges Preserved: Nothing in this Charter, except as otherwise
1230 specifically provided, shall affect or impair the rights or privileges of persons
1231 who are Town officers or employees at the time of its adoption.

1232 2. Continuance of Office or Employment: Except as specifically provided by this
1233 Charter, if at the time this Charter takes full effect a Town administrative officer
1234 or employee holds any office or position which is or can be abolished by or
1235 under this Charter, they shall continue in such office or position until the taking
1236 effect of some specific provision under this Charter directing that they vacate
1237 the office or position.

1238

1239 Sec. 12.09 – DEPARTMENTS, OFFICES, BOARDS, COMMISSIONS, COMMITTEES,
1240 AND AGENCIES

1241

1242 1. Transfer of Powers: All established Town departments, offices, or agencies
1243 shall be transferred to the corresponding department, office or agency
1244 designated in this Charter.

1245 2. Property and Records: All property, records, and equipment of any department,
1246 office, or agency existing when this Charter is adopted shall be transferred to
1247 the department, office, or agency assuming its powers and duties.

1248

1249 Sec. 12.10 – PENDING MATTERS

1250

1251 All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall
1252 continue except as modified pursuant to the provisions of this Charter and in each case
1253 shall be maintained, carried on, or dealt with by the Town department, office, board,
1254 committee, commission, or agency appropriate under this Charter.

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WINTERPORT CHARTER

1257 Sec. 12.11 – MUNICIPAL LAWS

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1259 All ordinances, resolutions, orders, and regulations in force at the time that this Charter
1260 takes effect, not inconsistent with this Charter, shall continue in force until amended or
1261 repealed. All rules and regulations of the town officers or of any office of the Town of
1262 Winterport in force at the time that this Charter takes effect, not inconsistent with the
1263 provisions hereof, shall continue in force until amended or repealed.