

# **CHARTER**

## **Town of Rumford 1951**

**(Including Amendments of June 9, 2009)**

**CHARTER  
Town of Rumford  
1951**

**TABLE OF CONTENTS**

<b>ARTICLE I</b> .....	<b>5</b>
<b>INCORPORATION</b> .....	<b>5</b>
Section 1. Incorporation and Grant of Powers.....	5
Section 2. Form of Government.....	5
<b>ARTICLE II</b> .....	<b>5</b>
<b>ORGANIZATION OF GOVERNMENT</b> .....	<b>5</b>
Section 1. Elective Officers.....	5
Section 2. Appointive Officers and Committees.....	5
Section 3. Additional Administrative Officers.....	5
<b>ARTICLE III</b> .....	<b>6</b>
<b>WARRANTS FOR MEETINGS AND TOWN REFERENDA</b> .....	<b>6</b>
Section 1. Duty to Prepare.....	6
Section 2. Basic Articles for Referendum.....	6
Section 3. Budget and Ordinance Referenda.....	6
A. Selectpersons Hearing.....	6
B. Finance Committee’s Hearing.....	6
C. Additional Articles for Annual Warrant:.....	6
D. Monetary Issues Which Arise After Adoption of the Budget.....	6
Section 4. Articles Relating to Ordinances .....	6
Section 5. Procedure for Initiated Articles.....	7
Section 6. Procedures for Different Appropriation Amount Recommendations .....	7
<b>ARTICLE IV</b> .....	<b>8</b>
<b>PROMULGATION OF ORDINANCES</b> .....	<b>8</b>
<b>ARTICLE V</b> .....	<b>8</b>
<b>TOWN MEETINGS</b> .....	<b>8</b>
Section 1. Fiscal Year.....	8
Section 2. Annual Meetings .....	8
Section 3. Procedure at Meetings.....	8
Section 4. Secret Poll Meeting.....	9
Section 5. Ballot.....	9
Section 6. Special Meetings .....	11
Section 7. Notice of Town Meetings .....	12
<b>ARTICLE VI</b> .....	<b>12</b>
<b>QUALIFICATIONS AND NOMINATION OF ELECTIVE OFFICERS</b> .....	<b>12</b>
Section 1. Qualifications .....	12
Section 2. Nomination .....	12
Section 3. Nomination Petitions.....	12
Section 4. Duplication in Offices .....	13
Section 5. Ballots.....	13
Section 6. Candidates Supplied.....	13
<b>ARTICLE VII</b> .....	<b>13</b>
<b>CONDUCT OF ELECTIONS</b> .....	<b>13</b>
Section 1. National and State .....	13
Section 2. Polling Place.....	13
Section 3. Supervision of Elections .....	14

Section 4. Municipal Elections .....	14
<b>ARTICLE VIII .....</b>	<b>14</b>
<b>BOARD OF SELECTPERSONS .....</b>	<b>14</b>
Section 1. Composition and Tenure .....	14
Section 2. Powers and Duties.....	14
Section 2a. Labor Contracts. ....	14
Section 3 .....	14
Section 4 .....	14
Section 5 .....	15
Section 6 .....	15
<b>ARTICLE IX.....</b>	<b>15</b>
<b>BOARD OF ASSESSORS.....</b>	<b>15</b>
Section 1. Composition and Tenure .....	15
Section 2. Powers and Duties.....	15
Section 3. Organization .....	15
<b>ARTICLE X.....</b>	<b>15</b>
<b>SCHOOL BOARD.....</b>	<b>15</b>
Section 1. School Board .....	15
Section 2. School Board .....	16
<b>ARTICLE XI.....</b>	<b>16</b>
<b>TOWN CLERK-TREASURER AND TAX COLLECTOR-CONSTABLE .....</b>	<b>16</b>
Section 1. Tenure .....	16
Section 2. Powers and Duties.....	16
Section 3. Training.....	16
<b>ARTICLE XII.....</b>	<b>16</b>
<b>MODERATOR.....</b>	<b>16</b>
Section 1. Election and Tenure.....	16
Section 2. Powers and Duties.....	16
<b>ARTICLE XIII .....</b>	<b>16</b>
<b>TIME AND EFFECTIVE DATE OF APPOINTMENTS.....</b>	<b>16</b>
Section 1. Time of Appointments.....	16
Section 2. Effective Date of Appointments .....	17
Section 3. Miscellaneous Appointments .....	17
Section 4. Specially Authorized Appointments .....	17
<b>ARTICLE XIV .....</b>	<b>17</b>
<b>FINANCE COMMITTEE.....</b>	<b>17</b>
Section 1. Composition and Tenure .....	17
Section 2. Nominations.....	17
Section 3. Suggestions for Nominations.....	17
Section 4. Powers and Duties.....	17
Section 5. Organization .....	17
Section 6. Meetings .....	17
Section 7. Quorum.....	18
<b>ARTICLE XV .....</b>	<b>18</b>
<b>PARK AND RECREATION COMMISSION AND BOARD OF LIBRARY TRUSTEES .....</b>	<b>18</b>
Section 1. Composition and Tenure .....	18
Section 2. Powers and Duties.....	18
Section 3. Organization .....	18
Section 4. Meetings .....	18
Section 5. Quorum.....	18
Section 6. Procedure .....	18

<b>ARTICLE XVI</b> .....	<b>18</b>
<b>TOWN AUDITOR</b> .....	<b>18</b>
Section 1. Appointment and Tenure .....	18
Section 2. Qualifications .....	18
Section 3. Powers and Duties.....	18
<b>ARTICLE XVII</b> .....	<b>19</b>
<b>TOWN ATTORNEY</b> .....	<b>19</b>
Section 1. Appointment and Tenure .....	19
Section 2. Qualifications .....	19
Section 3. Powers and Duties.....	19
<b>ARTICLE XVIII</b> .....	<b>19</b>
<b>TOWN MANAGER</b> .....	<b>19</b>
Section 1. Appointment and Tenure .....	19
Section 2. Qualifications .....	19
Section 3. Powers and Duties.....	19
<b>ARTICLE XIX</b> .....	<b>20</b>
<b>BUSINESS AND FINANCIAL PROVISIONS</b> .....	<b>20</b>
Section 1. Temporary Loans.....	20
Section 2. Competitive Bids.....	20
Section 3. Treasurer to Advise .....	21
Section 4. Execution of Notes.....	21
Section 5. Bonds of Officers .....	21
Section 6. Disbursement of Funds.....	21
<b>ARTICLE XX</b> .....	<b>21</b>
<b>VACANCIES AND FORFEITURES OF OFFICE</b> .....	<b>21</b>
Section 1. Vacancies in Elective Offices.....	21
Section 2. Vacancies in Appointive Offices .....	21
Section 3. Forfeitures .....	21
<b>ARTICLE XXI</b> .....	<b>22</b>
<b>POLICEMEN AND FIREMEN</b> .....	<b>22</b>
Section 1 .....	22
Section 2 .....	22
Section 3 .....	22
<b>ARTICLE XXII</b> .....	<b>22</b>
<b>MISCELLANEOUS PROVISIONS</b> .....	<b>22</b>
Section 1. Saving Clause .....	22
<b>ARTICLE XXIII</b> .....	<b>22</b>
<b>SUCCESSION IN GOVERNMENT</b> .....	<b>22</b>
Section 1. Oath of Office .....	22
Section 2. Elective Officers; Succession .....	22
Section 3. Elective Officers; Rotation .....	23
Section 4. Appointive Officers; Succession .....	23
<b>ARTICLE XXIV</b> .....	<b>23</b>
<b>ARTICLE XXV</b> .....	<b>23</b>
<b>REFERENDUM; EFFECTIVE DATE; AMENDMENTS</b> .....	<b>23</b>
Section 1. Referendum.....	23
Section 2. Effective Date .....	23
Section 3. Amendments .....	23
Section 4. Effective Date .....	24

# CHARTER

## Town of RUMFORD

1951

AN ACT to Provide for a Town Manager Form of Government for the Town of Rumford  
CHAPTER 45 Private and Special Laws 1951

Including Amendments Enacted by the Town Up To and Including  
June 9, 2009

### ARTICLE I

#### INCORPORATION

**Section 1. Incorporation and Grant of Powers.** The inhabitants of the Town of Rumford, in the county of Oxford, with the corporate limits as now established or as hereinafter established in manner provided by law, shall continue to be a body corporate and politic under the name of the Town of Rumford, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town as a municipal corporation, or to the inhabitants and municipal authorities thereof; and may enact Ordinances for municipal purposes, not inconsistent with the constitution and laws of the state, and impose fines and imprisonment for the violation thereof, not inconsistent with the constitution and laws of the state; the fines are to be recovered for the use of said Town by an action brought in any court of competent jurisdiction or ordered paid to the Town in any action by any court of competent jurisdiction.

**Section 2. Form of Government.** The municipal government established by this act shall be known as the "Town Manager Form of Government." Pursuant to the provisions of this act and subject only to the limitations imposed by the constitution and general law of the State and the Ordinances of the Town, all powers of the Town shall be vested in the Board of Selectpersons, which shall appoint a Town Manager, whose duty it shall be to administer the affairs of the Town as hereinafter provided.

### ARTICLE II

#### ORGANIZATION OF GOVERNMENT

**Section 1. Elective Officers.** The elective officers of the Town shall be and are a Board of Selectpersons; Board of Assessors; Town Clerk-Treasurer; Tax Collector-Constable, and Moderator. The compensation of those elected officers of the Town established under Article II hereof shall be determined, annually, by the voters at the annual Business Meeting.

**Section 2. Appointive Officers and Committees.** The appointive officers of the Town shall be and are a Finance Committee; Park and Recreation Commission; Board of Library Trustees; Town Manager; Town Clerk-Treasurer; Tax Collector-Constable; Town Auditor, Town Attorney, Planning Board and Board of Appeals.

**Section 3. Additional Administrative Officers.** There shall be such additional administrative officers and agents as may be required by general law and as may be appointed or authorized by the Board of Selectpersons.

## ARTICLE III

### WARRANTS FOR MEETINGS AND TOWN REFERENDA

**Section 1. Duty to Prepare.** It shall be the duty of the Board of Selectpersons to prepare the warrants for all Town meetings, the annual budget referendum, and Ordinance referendum for the Town, which shall be processed in accordance with the provisions hereinafter made. Such warrants shall be clear, concise, and in proper legal form, and shall be approved by the Town Attorney as to form and legality before they are signed and issued by the Board.

**Section 2. Basic Articles for Referendum.** The Board shall prepare and insert in the annual warrant for the referendum or Town Meeting such articles as appear essential and expedient for the conduct of the Town affairs for the ensuing year, but shall not burden such warrants with trivial matters of no general interest and which should be handled by administrative procedure.

#### **Section 3. Budget and Ordinance Referenda.**

**A. Selectpersons Hearing:** The Board shall receive a proposed budget for the operations of the Town (aside from initiated articles) from the Town Manager no later than March 20th of each year for its review. The Board shall hold one public hearing on the budget during the fourth week of March. At the hearing, the Chairperson of the Board of Selectpersons shall present the budget and be responsible for running the hearing. The hearing shall be open to comments from Selectpersons, the Town Manager, department heads and any citizen or taxpayer of the Town of Rumford. The Chairperson shall follow Roberts Rules of Order for administering the hearing. The Selectpersons shall vote to approve or modify the budget proposed by the Town Manager. Notice of this meeting shall be as provided in Article V of this Charter for notices of Town meetings.

**B. Finance Committee's Hearing:** The budget voted by the Board of Selectpersons shall be presented to the Finance Committee within five business days for its review. The Finance Committee shall hold two public hearings in the second full week of April. At the hearings, the Chairperson of the Finance Committee shall present the budget voted by the Selectpersons. The Chairperson shall be responsible for running the hearings. The hearings shall be open to comments from any committee member, the Town Manager, department heads or any citizen or taxpayer of the Town of Rumford. The Chairperson shall follow *Roberts Rules of Order* for administering the hearings. The Finance Committee shall vote its recommendation on the budget. The Finance Committee shall present the budget with its recommendations to the Town Manager's office within five (5) business days after the second hearing. Notice of these hearings shall be as provided in Article V of this Charter for notices of Town meetings.

**C. Additional Articles for Annual Warrant:** The Board shall also include in the annual warrant for the budget referendum such additional articles as shall have been initiated and processed as provided in section 5 of this article.

**D. Monetary Issues Which Arise After Adoption of the Budget.** In the event that monetary issues arise after the adoption of the budget by the voters of the Town, the Selectpersons may call a special Town meeting pursuant to Article V, Section 6 of this Charter to present the issues for vote at the special Town meeting by secret ballot at that special Town meeting.

**Section 4. Articles Relating to Ordinances.** The Board of Selectpersons shall also include in the warrants for the annual referendum such additional articles relating to Ordinances, as shall have been initiated and processed in accordance with the provisions of Article IV of this Charter.

Reproduction in the warrant for the referendum of any proposed Ordinance, amendment to an existing Ordinance, or revision of a group of Ordinances shall not be required, provided that the pertinent article refers to the Ordinance, amendment or revision by title and by the filing number of the Town Clerk, and provided further, that such Ordinance, amendment or revision, with an appropriate title, is filed in triplicate with the Town Clerk prior to the time the warrant for the referendum is issued by the Board.

**Section 5. Procedure for Initiated Articles.** The Board of Selectpersons annually shall hold two public hearings, one during the 3<sup>rd</sup> and one during the 4<sup>th</sup> week of March, for the purpose of receiving proposals for articles, other than those relating to Ordinances, to be included in the warrant for the next annual Town budget referendum. An appropriate notice of said 2 hearings shall be combined and shall be given publicity in the same manner as provided in Article V of this Charter for notices of Town meetings.

Such hearings may be held in conjunction with regular or special meetings of the Board, or independently, as the Board may determine. The Town Manager shall attend such meetings and act as secretary to the Board, and the Town Attorney shall likewise attend and render legal advice as the Board may require.

At such hearings, the elected and appointed officers and agents of the Town and any qualified voter of the Town shall present, in writing, to the Board, such proposals relative to articles, other than Ordinances, as they may consider appropriate or advisable for inclusion in the annual warrant.

To the end that brevity and orderly form shall result, all boards, commissions, departments and officials submitting proposals involving appropriations of money shall group all related items, wherever practical and legal, under one (1) article, in such form that the total appropriation requested shall appear as well as the itemized allocation of such total.

The Board shall take action on each proposal so placed before the meeting, and by majority vote of those members present shall approve or reject such proposal. The secretary of the Board shall record each vote and announce the result forthwith, and no other notification shall be required.

The board, commission, officer or voter aggrieved by the decision of the Board on a submitted proposal may, within seven (7) business days following such decision, file with the Board, through the Town Manager, a petition or petitions signed in the aggregate by at least 10 percent of registered voters of the Town as of January 1<sup>st</sup> of the current year, with their street addresses, and street numbers, if any, requesting the inclusion of the rejected article in the warrant. Said petition or petitions shall be referred to the Town Clerk for inspection, and the Clerk, as soon as possible, shall certify to the Board whether or not there are on said petition or petitions the required number of signatures of qualified voters of the town which are in his/her opinion genuine. If the certificate is in the affirmative, the Board shall thereupon insert such article in the warrant with an appropriate legend to indicate that the same originates by petition. The Board shall have the right to revise such an initiated article before inclusion in the warrant, as to form, on its own motion. It shall also revise the same as to substance to such extent as may be required by written opinion of the Town Attorney to make said article conform to the provisions of the constitution and general law of the state, of this Charter and the Ordinances of the Town.

**Section 6. Procedures for Different Appropriation Amount Recommendations.** In the event that the Board of Selectpersons and the Finance Committee do not recommend the same amount to be appropriated for any budgetary item or initiated article, the amount approved by the Selectpersons

shall be posed separately from the amount approved by the Finance Committee for the consideration of the voters. In order to be established as the amount for the budget, the vote for an amount must be a majority of the votes cast for that article. If neither amount is approved by the voters by a majority, neither amount will be used for the budget, subject to Article V, Section 4 regarding budgetary items. Any amount for an initiated article that does not receive a majority vote will be defeated and the amount appropriated will be zero.

## ARTICLE IV

### PROMULGATION OF ORDINANCES

The Board of Selectpersons shall hold 2 public hearings during the last two weeks in April, for the purpose of receiving proposals for articles relating to new Ordinances or to amendment of or elimination of existing Ordinances, to be included in the warrant for the next Town annual referendum. Notice of such hearings, and the procedure with relation to such proposals, shall be the same as provided in section 5, of Article III of this Charter.

## ARTICLE V

### TOWN MEETINGS

**Section 1. Fiscal Year.** The fiscal year shall be July 1st to June 30th.

**Section 2. Annual Meetings.** The Business Meeting shall be held at Rumford in the county of Oxford on the 1st Monday of June at such hour and place as the Board of Selectpersons indicate in the warrant, and after the transaction of such business as in the order at that time, the meeting shall be adjourned to the 2nd Tuesday of June at 9 o'clock in the forenoon for balloting. The initial meeting, as above, shall be designated as the "Business Meeting," and the adjourned meeting shall be designated as the "Secret Poll Meeting."

**Section 3. Procedure at Meetings.** The Business Meeting shall be called to order by the Town Clerk, who shall read the warrant and preside over the meeting until a Moderator has been elected. All articles in the warrant shall thereupon be disposed of except those relating to Ordinances, to budgetary articles and initiated articles, to the election of officers, and such others as shall require disposition by secret ballot. All these other items shall be disposed of at the Secret Poll Meeting. When such business has been concluded, the meeting shall be adjourned to the second Tuesday of June at 9 o'clock in the forenoon.

In presiding over Town meetings, the Moderator shall entertain motions, within the limitations herein prescribed, and present them to the voters for disposition, in such manner that the issues shall be clearly presented and understood, and fairly resolved. In the performance of his/her duties, the Moderator shall be bound by the provisions of the general law, unless the contrary is clearly indicated herein.

A motion to reconsider action previously taken at the same meeting shall be entertained by the Moderator only if the motion clearly identifies the previous action and the article under which it was taken, and if the person making the motion voted with the majority on the previous motion; provided, however, that no such motion shall be entertained when a recess or adjournment of said meeting for more than one (1) hour has intervened between the previous action and the motion to reconsider.

A motion to amend a pending motion shall not be entertained unless the sponsor of the pending motion first agrees thereto. The sponsor of a pending motion shall be permitted to withdraw the same at any time prior to a vote thereon. When a pending motion is defeated, the moderator shall

entertain successive alternative motions, if any be offered, until the subject matter of the article before the meeting is disposed of.

At the Annual Business Meeting, debate and discussion shall be entertained on articles in the warrant relating to Ordinances and for budgetary and initiated articles, but no action shall be taken thereon at such meeting. Vote on such articles, without modification or amendment, shall be had only at the Secret Poll Meeting.

No motion on an article in order for disposition at any Annual Business Meeting, or any special meeting, shall be disposed of by written ballot, except that at an annual business meeting, by a majority vote of those persons voting, any article then in order for disposition may be referred to the adjourned Secret Poll Meeting, there to be voted upon by secret ballot. In such event the Town Clerk shall prepare for use at such Secret Poll Meeting an appropriate ballot which shall clearly present the question, to the end that an affirmative adopts and a negative vote rejects the article.

**Section 4. Secret Poll Meeting.** The Secret Poll Meeting shall be solely for the purpose of voting by secret ballot for candidates for elective offices; on articles in the warrant relating to Ordinances; and on the annual budget.

In the event that any budgetary article is not passed by the voters at the Secret Poll Meeting, the Selectpersons will meet within ten (10) days of that Secret Poll Meeting to establish a new budget for any defeated budgetary article. Within thirty (30) days of the Secret Poll Meeting at which a budgetary article is defeated, the selectpersons will hold an informational meeting on the new article or articles. Within forty-five (45) days of the Secret Poll Meeting at which a budgetary article is defeated, the new budgetary articles will be presented to the voters of the Town on a new ballot at another Secret Poll Meeting.

In the event that any budgetary article regarding the annual budget is again defeated at a subsequent Secret Poll Meeting, the process in the preceding paragraph shall be repeated until all budgetary articles pass.

For any budgetary article that was defeated during this procedure in the preceding paragraphs, the Town shall continue to operate by using the amount approved for that budgetary article by the voters in the preceding year at a rate of one-twelfth (1/12) of the previous amount each month until the article is passed by the voters.

**Section 5. Ballot.** The Town Clerk shall cause to be prepared for use at said Secret Poll Meeting, and for special meetings when required, suitable ballots for the election of officers and for voting on the proposed Ordinances and on the annual budget.

**A. Ordinance Referendum.** The form of ballots for use in connection with Ordinances shall be substantially as follows:

Shall the Town adopt (amend or rescind) the Ordinance (amendment or revision) entitled \_\_\_\_\_, filing number \_\_\_\_\_, as proposed under article \_\_\_\_\_, of the warrant for the \_\_\_\_\_ meeting?

\_\_\_ Yes

\_\_\_ No

**Budget Referendum.**

1. The annual budget referendum ballot shall have as its first question to the voters in the event that the proposed budget exceeds the mandatory tax cap under state law as follows:

ARTICLE NO. \*\*: Shall the Town increase the municipal property tax limitation by \$[amount of the budget proposed - amount of budget allowed by state law]?

Explanation: \*\*\*\*\*. \_\_\_ YES \_\_\_ NO

2. The form of ballots for use in connection with annual budgetary articles shall be substantially as follows:

ARTICLE NO. \*\*: Shall the Town raise and appropriate the sum of \$\_\_\_ for \_\_\_? (Recommendation of Board of Selectpersons: \_\_\_YES \_\_\_NO / Recommendation of Finance Committee: \_\_\_YES \_\_\_NO.)

\_\_\_ YES \_\_\_NO

3. The form of ballots for use in connection with initiated articles shall be substantially as follows:

ARTICLE NO. \*\*: Shall the Town raise and appropriate the sum of \$\_\_\_\_\_ for \_\_\_\_\_ provided, however, that if this article is defeated, the appropriation for this item shall be \$0? (Recommendation of Board of Selectpersons; \_\_\_YES \_\_\_NO / Recommendation of Finance Committee: \_\_\_YES \_\_\_NO.)

A summary of the initiated article request shall be included on the ballot to inform the voter.

\_\_\_YES \_\_\_NO

In the event that the article was put on the ballot by petition, the following language should be included on the ballot:

This request was submitted by petition of the voters.

4. In the event that there are two different recommendations of the Selectpersons and Finance Committee regarding a budgetary article, the following format shall be followed:

ARTICLE NO. \*\*: Shall the Town raise and appropriate for \_\_\_\_\_ the sum of \$\_\_\_\_\_:

**SELECT ONLY ONE OF THE FOLLOWING CHOICES:**

\_\_\_\$Amount Recommended by Board of Selectpersons)

\_\_\_\$ (Amount Recommended by Finance Committee)

\_\_\_ Neither of the above.

5. In the event that there are two different recommendations of the Selectpersons and Finance Committee regarding an initiated article, the following format shall be followed:

ARTICLE NO. \*\*: Shall the Town raise and appropriate for \_\_\_\_\_ the sum of \$\_\_\_\_\_:

A summary of the initiated article request shall be included on the ballot to inform the voter.

**SELECT ONLY ONE OF THE FOLLOWING CHOICES:**

\_\_\_ \$(Amount Recommended by Board of Selectpersons)

\_\_\_ \$(Amount Recommended by Finance Committee)

\_\_\_ \$0.00.

In the event that the article was put on the ballot by petition, the following language should be included-on the ballot:

This request was submitted by petition of the voters.

6. The form of ballots for use in election of officers and referenda shall conform as closely as possible with the ballots specified by general law for municipal elections. All ballots cast at such meetings shall be handled, counted and recorded as prescribed by the general law so far as the same is applicable.

At said Secret Poll Meeting the polls shall be opened for balloting at 9 o'clock in the forenoon and shall be closed at 6 o'clock in the afternoon. At special meetings where vacancies in elective offices are to be filled or for a special referenda (including budget referenda) , the polls shall be opened and closed at such times as the Board of Selectpersons shall specify in the warrant for such meeting.

The counting and recording of the ballots cast at any Secret Poll Meeting shall take place following the closing of the polls, and when the same has been completed, the Moderator shall announce the result of the balloting and shall then declare the Town Meeting to be finally adjourned.

“The Town of Rumford accepts the provisions of 30-A M.R.S. § 2528 as amended (Secret Ballots) and 30-A M.R.S. § 2529 as amended (Absentee Ballots).”

## **Section 6. Special Meetings.**

Special Town meetings shall be called by the Board of Selectpersons to fill vacancies in elective offices as provided in Article XX of this Charter, and for no other purpose unless in the opinion of the majority of the Board a critical circumstance exists relating to Town affairs or the welfare of its citizens is deemed to be presented and which requires prompt action by the voters in special meeting. When 25 qualified voters are of the opinion that such critical circumstance exists, they may in writing request the Board to call a special meeting, which request shall state specifically the nature of the critical circumstance and of the action to be taken thereon at the proposed special meeting. The Board shall take action on such written request within 5 days from the receipt of same. If such action is unfavorable, it shall be final unless thereafter a petition or petitions signed in the aggregate by at least 10 percent of the registered\_voters of the Town of Rumford as of January 1<sup>st</sup> of the current year. requesting that a special meeting be called, are filed with the Board. Said petition or petitions shall state generally the nature of the critical circumstance, the purposes to be accomplished by a special meeting, shall request that such a meeting be called by the Board, and shall bear the address, street number if any, of each signer, and shall be dated. Upon receipt of such a petition or petitions, the Board shall refer the same forthwith to the Town Clerk for inspection, and the Town Clerk within 24 hours shall report in writing to the Board as to whether the required number of signatures on said petition or petitions appear to be genuine and are the signatures of qualified voters of the town. If such report be in the affirmative, the Board shall immediately prepare and issue a warrant for a special meeting to the date thereof to be as soon as consistent with the notice required for such meeting. The warrant for a special Town meeting, if called for the purpose of filling vacancies in a public office, shall be limited to that purpose, unless the Board of Selectpersons shall otherwise determine. The warrant for a special Town meeting, if called for a matter of emergency, shall be limited to that purpose, unless the Board shall otherwise determine.

**Section 7. Notice of Town Meetings.** Notice of annual and special Town meetings shall be given by the person to whom the warrant is directed, by posting attested copies of the warrant in 3 public and conspicuous places in the town, 10 days at least prior to the day of meeting; and by causing an attested copy of said warrant to be published once in a newspaper of general local circulation, said publication to be 10 days at least prior to the day of meeting. The notice of the annual Town meeting shall include the day, time and place of both the Business Meeting and the Secret Poll Meeting.

## ARTICLE VI

### QUALIFICATIONS AND NOMINATION OF ELECTIVE OFFICERS

**Section 1. Qualifications.** Persons to be qualified for nomination and election to elective offices shall be, at the time nomination petitions are filed, duly qualified voters of the Town of Rumford and actually reside therein.

**Section 2. Nomination.** Nomination for election to such office shall be by petition or petitions filed with the Town Clerk preceding a Town meeting called for such purpose, and the Clerk shall note thereon the date and hour of filing. Such petitions shall be filed with the Town Clerk no sooner than 45 days and not later than 30 days prior to such election.

**Section 3. Nomination Petitions.** Nomination petitions shall be in such form as determined by, and shall be prepared and supplied by, the Town Clerk only to the person seeking nomination or to his/her agent by written authority. They shall contain the name and street address of the candidate and shall specify the date of the meeting at which the election is to be held, the office and the term for which nomination is sought, and a statement signed by the candidate to the effect that if elected, he/she will accept the office and qualify therefore. Each petition shall also contain a certificate of the person who circulated the same, certifying that he/she is the person who circulated the petition and that the

signatures appearing thereon are genuine to the best of his/her knowledge, and belief, and such certificate shall be sworn to before a notary public or justice of the peace. Such nomination petitions of each candidate shall be personally signed, in the aggregate, by at least 50 qualified voters of the town, and opposite each signer's name shall appear his/her street address with number, if any. No voter shall sign a petition, for more candidates for any office than there are vacancies to be filled. If he/she does so, his/her signature shall be valid on the first petition or petitions filed up to the number he/she is permitted to sign, but shall be void as to any petitions filed in excess of that number. It shall be the duty of the Town Clerk to determine whether the nomination petitions filed by or on behalf of a candidate comply with the provisions of this act and entitle the candidate to have his/her name placed on the election ballot. In the event the Town Clerk is of the opinion that the petition or petitions of a candidate do not comply, he/she shall so notify the candidate as soon as may be possible; but in any event within 3 days following the day of filing, by letter deposited in the post office at Rumford and addressed to the candidate as his/her address appears on said petitions.

**Section 4. Duplication in Offices.** No Town official, either elected or appointed, shall hold more than 1 Town office at a time, except that the offices of Clerk and Treasurer may be held concurrently by the same person, and any of the offices of Plumbing Inspector, Code Enforcement Officer and Sealer of Weights and Measures may be held concurrently by the same person, except as otherwise provided by Article XX, Section 2, of this act.

**Section 5. Ballots.** Candidates who shall have complied and conformed with the provisions of the 4 preceding sections shall be thereby nominated for the office specified, and their names shall be placed on the election ballots under appropriate designations and shall be voted upon by secret ballot at the specified election. The candidate receiving the greatest number of votes shall be deemed elected to the designated office. In the event there be 2 or more vacancies to be filled in the same office and for the same term, then the candidate receiving the next highest number of votes shall be deemed elected, and thus in order until all vacancies are filled.

**Section 6. Candidates Supplied.** Notwithstanding the provisions of the 5 preceding sections, in any election, annual or special, if there be no candidates on the ballot for any elective office to be filled, or if a voter desires to vote for some person other than the candidate or candidates appearing on the ballot, he/she may do so by following the directions on the ballot. Ballots shall be so prepared by the Town Clerk as to provide as many blank spaces, below the printed names, in each classification as there are offices to be filled.

If any person whose name has been so supplied on the ballot receives the largest number of votes cast for such office, or the next highest, if 2 vacancies, or the 3rd highest, if 3 vacancies, and so on, he/she shall be deemed elected, provided he/she bears the qualifications specified in section 1 hereof. If he/she does not bear such qualifications, then the person receiving the largest number of votes who does bear such qualifications shall be deemed elected.

## ARTICLE VII

### CONDUCT OF ELECTIONS

**Section 1. National and State.** All meetings for the election of national, state and county officers shall be notified, warned and conducted in the manner provided by the constitution and general law of the state.

**Section 2. Polling Place.** The Board of Selectpersons shall designate the polling place for each election in the notice or warrant therefore.

**Section 3. Supervision of Elections.** The Board of Selectpersons shall have complete charge and supervision of, and shall be responsible for, the proper conduct of all elections, and in the discharge of such duty shall be governed by and shall comply with all pertinent provisions of the constitution and general law of the state, this act and the Ordinances of the Town.

**Section 4. Municipal Elections.** When meetings for the election of municipal officers are to take place, the public shall be notified and warned as directed in Article V of this act, and they shall be conducted in accordance with the several provisions in this act relating thereto. All matters of procedure for which no provision is made herein shall be governed by the general law of the state.

## ARTICLE VIII

### BOARD OF SELECTPERSONS

**Section 1. Composition and Tenure.** The board of Selectpersons shall consist of 5 members, each elected for a term of 3 years. Two of such members shall be elected in each of 2 succeeding years, and 1 the 3rd year, and each shall serve until his successor has been elected and has been sworn in.

**Section 2. Powers and Duties.** The Board of Selectpersons shall be and is hereby charged with the responsibility for the proper administration of the fiscal, prudential and municipal affairs of the Town and the government, except as otherwise provided by this act. Unless clearly authorized to do so by this act, the Ordinances, the general law or specific action of the voters in Town meeting, the Board shall take no action which commits the Town beyond the date of the next annual organization meeting of the board.

The Board shall have general supervisory control over the affairs of the Town, and over all departments of the Town government.

The Board shall be and is hereby constituted the municipal officers of the Town of Rumford for all purposes required by general law, and except as otherwise specifically provided herein, shall have all the powers and authority granted to, and shall perform all the duties imposed upon the municipal officers of a Town under the general law of the state.

The Board shall be and is hereby constituted to be the overseers of general assistance, and shall perform all duties required of such overseers by statute or otherwise. As such overseers, the Board may act through the Town Manager and an authorized clerk or agent whom they may authorize to sign in their names, and to send any or all written notices and answers required by law to be signed and sent by such overseers.

**Section 2a. Labor Contracts.** The Board shall be the sole negotiating and contracting authority for the Town of Rumford in labor negotiations.

**Section 3. Chairperson.** The Chairperson of the Board, to be elected as hereinafter provided, shall be the titular head of the Town government, and the Chairperson or a representative so designated by the Chairperson shall represent the Town at public functions and ceremonies. The Chairperson shall preside at all meetings of the Board and shall vote on all matters coming before such meetings.

**Section 4. Meetings.** At the adjournment of the annual Secret Poll Meeting, the newly elected members of the Board shall forthwith qualify by taking the oath of office, and immediately thereafter

the Board shall hold its annual organization meeting. At such meeting shall be chosen a Chairperson and a Vice Chairperson.

Regular meetings of the Board shall be held at such times as established by the Ordinances. Special meetings shall be called as provided by the Ordinances. At all meetings of the Board 3 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof. Any action taken by the majority of the quorum shall be considered legal and binding.

**Section 5. Procedure.** The Board shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings and such votes shall be recorded. Except as otherwise provided by this act, the Ordinances of the Town or the general law, the actions, instructions or opinions of individual members shall have no force or effect. No member of the Board shall by any manner attempt to influence the Town Manager, or any other officer or Board having exclusive appointive powers, in the appointment of officers, agents or employees. Except for purposes of inquiry and investigation, which shall be authorized by the Board as a unit, the Board shall deal with department heads and administrative services only through the Town Manager. Neither the Board nor any of its members shall give orders to the subordinates of the Town Manager, or to department heads or their subordinates, in public or in private.

**Section 6. Training.** Each Selectperson shall within the first year of his/her service on the Board avail himself/herself to the training offered by Maine Municipal Association for municipal officers. If this training has not been obtained within the first year of service, said Selectperson shall forfeit his/her seat on the Board.

## ARTICLE IX

### BOARD OF ASSESSORS

**Section 1. Composition and Tenure.** The Board of Assessors shall consist of 3 members, each elected for a term of 3 years. One member shall be elected each year, and shall serve until his/her successor has been elected and has been sworn into office.

**Section 2. Powers and Duties.** The Assessors so elected shall exercise such powers and be subject to such duties and responsibilities as are or may be provided by the general law of the state, by this act, and by the Ordinances of the Town.

**Section 3. Organization.** At the adjournment of the annual Secret Poll Meeting the newly elected member or members of the Board shall forthwith qualify by taking the oath of office, and the Board shall immediately thereafter hold its annual organization meeting at which it shall choose a Chairperson and a secretary. The Chairperson shall preside over meetings of the Board, shall act as administrative head thereof, and shall perform such other duties as are customarily performed by a Chairperson. The secretary shall keep or cause to be kept accurate and complete records of all transactions of the Board.

## ARTICLE X

### SCHOOL BOARD

**Section 1. School Board.** The Town of Rumford's representatives to the regional School Board of Directors is determined by the regional School Board of Directors. Representatives are elected to 3 year staggered terms.

**Section 2. School Board.** The provisions of Article VI shall govern the elective procedures.

## ARTICLE XI

### TOWN CLERK-TREASURER AND TAX COLLECTOR-CONSTABLE

**Section 1. Tenure.** The Town Clerk-Treasurer and the Tax Collector-Constable shall each be elected for a term of 2 years, and each shall serve until his/her successor has been elected and has been sworn in.

**Section 2. Powers and Duties.** Each of said officers, in addition to such powers and duties as are conferred and imposed upon by him/her by this act and by the Ordinances of the Town, shall be available for full time work, as defined by the Personnel Policies of the Town of Rumford, shall perform all of the duties and shall be invested with all of the rights and powers as are established or as may be established for his/her respective office by the general law of the state. In addition thereto, the Tax Collector, by virtue of his/her office, shall be a constable of the Town and shall be invested with all the powers and subject to all duties and obligations of an elected constable.

**Section 3. Training.** The Treasurer-Clerk and Tax Collector-Constable shall attend the annual training workshop for their respective positions offered by the State of Maine or Maine Municipal Association.

## ARTICLE XII

### MODERATOR

**Section 1. Election and Tenure.** The Moderator shall be elected by the qualified voters of the town at the opening of the annual meeting. He/She shall forthwith qualify by taking the oath of office. He/She shall hold the office for 1 year.

**Section 2. Powers and Duties.** The Moderator shall preside over the annual meeting and over any special meetings held during his/her term of office. In the event he/she is unable to attend a special meeting, he/she shall appoint a substitute to preside over such meeting; and if he/she fails to do so, the voters shall elect a Moderator pro tem for such meeting.

The moderator shall nominate candidates for appointment to the Finance Committee, as provided by Article XIV of this act, and shall perform all other duties of him required by this act, by the Ordinances of the Town and the general law of the state.

In the performance of his/her duties, the Moderator shall have and exercise all rights and powers conferred upon a Moderator by the general law of the state, except as limited by the provisions of Article V, Section 3, of this act.

## ARTICLE XIII

### TIME AND EFFECTIVE DATE OF APPOINTMENTS

**Section 1. Time of Appointments.** Appointments of all officials and members of the boards, committees and commissions listed in Article II of this act shall be made by the appointive power not later than the 2nd Thursday of July, except that the appointment of a Town Auditor by the Finance Committee and a Town Attorney by the Town Manager, as prescribed in Article XVI Section 1 and Article XVII, Section 1, shall be made not later than the 2nd Tuesday of August.

**Section 2. Effective Date of Appointments.** The terms of the members appointed to the Finance Committee, the Park and Recreation Commission, and the Board of Library Trustees, shall commence on the 3rd Thursday of July on or before which time they shall qualify by taking the oath of office. The terms of the Town Auditor and Town Attorney shall commence on the 3rd Tuesday of August on or before which each shall qualify by taking the oath of office.

**Section 3. Miscellaneous Appointments.** Such other appointments as may be made under authority of Article II, Section 3, of this act shall be made for such term as the appointive power shall determine, except that in no event shall the term extend beyond the 3rd Thursday of July following.

**Section 4. Specially Authorized Appointments.** All powers of appointment devolving upon any officers, boards or commissions of the Town government by virtue of general or special laws shall be exercised in accordance with the terms and provisions of such authority.

## ARTICLE XIV

### FINANCE COMMITTEE

**Section 1. Composition and Tenure.** The Finance Committee shall consist of 9 members, each of whom shall be appointed by the Board of Selectpersons as hereinafter provided, for a term of 3 years. Three members shall be appointed each year.

**Section 2. Nominations.** The nomination of candidates for appointment to the Finance Committee shall be made by the moderator. Annually, within 14 days from final adjournment of the annual meeting, he shall nominate not less than 12 persons as candidates for appointment to the committee, each of whom he shall first have ascertained to be eligible and willing to serve. From the nominations so made, the Board of Selectpersons shall make the annual appointments. Any interim vacancies in the membership of the committee shall also be filled from the current list of nominations. If at any time the current list of candidates shall fall below 5 for any reason, the moderator, upon notice thereof, shall forthwith submit the necessary nominations to bring the current list to that number.

**Section 3. Suggestions for Nominations.** Any qualified voter of the town shall have the right to make suggestions to the moderator for such nominations, which shall be submitted in writing to the Town Clerk for transmittal to the moderator. Such suggestions shall give the full name, address and occupation of the person suggested, and his qualifications, and shall give the name and address of, and shall be signed by the person submitting the same. The moderator shall give due consideration to such suggestions.

**Section 4. Powers and Duties.** The Finance Committee shall have such powers and duties as may be granted and imposed by the provisions of this act and of the Ordinances of the Town.

**Section 5. Organization.** The members of the Committee shall meet on the last Thursday of July at 7:30 o'clock in the afternoon and elect from their membership a chairman Chairperson, a Vice-Chairperson and a secretary. The Chairperson shall preside over all meetings of the Committee, shall act as its executive and administrative head, and shall perform such other duties as are customarily performed, by a Chairperson. The secretary shall keep or cause to be kept accurate and complete records of the doings and determinations of the Committee.

**Section 6. Meetings.** Regular meetings of the Committee shall be held in accordance with the provisions of the Ordinances. Special meetings, when necessary, shall be called by the Chairperson and such notice thereof shall be given to the members as they shall have previously determined by vote.

**Section 7. Quorum.** At all meetings, regular or special, 5 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

## ARTICLE XV

### PARK AND RECREATION COMMISSION AND BOARD OF LIBRARY TRUSTEES

**Section 1. Composition and Tenure.** The Park and Recreation Commission and the Board of Library Trustees shall each consist of 5 members appointed by the Board of Selectpersons for a term of 3 years. Two members of each shall be appointed in each of 2 succeeding years, and 1 of each the 3rd year, and each shall serve until his/her successor has been appointed and has been sworn in.

**Section 2. Powers and Duties.** Each of said Commission and Board shall have such powers and duties as may be granted and imposed by the Ordinances of the Town.

**Section 3. Organization.** The members of each said Commission and Board shall meet in August at the discretion of the Chairperson of the Park and Recreation Commission and the Board of Library Trustees, and each shall elect from its membership a Chairperson, a Vice Chairperson and a Secretary, who shall perform the duties usually performed by such officers.

**Section 4. Meetings.** Regular meetings of said Commission and Board shall be held as provided by the Ordinances of the Town. Special meetings shall be called, when necessary, by the Chairperson and such notice thereof shall be given the members as they shall previously have determined by vote.

**Section 5. Quorum.** At all meetings, regular, or special, 3 members shall constitute a quorum. If a quorum be not present, those members present shall adjourn the meeting to a stated time and shall cause the absent members to be notified thereof.

**Section 6. Procedure.** Each of the Commission and Board herein referred to shall act and express itself officially as a unit by means of majority votes of those members present in regular or special meetings, and such votes shall be recorded. Except as otherwise provided by this act, by the Ordinances of the Town or by the general law, the actions, instructions and opinions of the individual members shall have no force or effect. Other than for purpose of investigation or inquiry authorized by a majority vote of the members, each Commission and Board shall deal with its subordinates, agents and employees, and with other departments of the Town only through its Chairperson or acting Chairperson.

## ARTICLE XVI

### TOWN AUDITOR

**Section 1. Appointment and Tenure.** The Town Auditor shall be appointed by the Finance Committee in accordance with the provisions of Article XIII of this act, for a term of 1 year.

**Section 2. Qualifications.** He/she shall be chosen on the basis of his/her character, his/her knowledge of and experience with accepted auditing practice and fiscal operations of municipal operations.

**Section 3. Powers and Duties.** The Town Auditor shall have such powers and duties as may be granted and imposed by the Ordinances of the Town.

## ARTICLE XVII

### TOWN ATTORNEY

**Section 1. Appointment and Tenure.** The Town Attorney shall be appointed for a term of 1 year by the Town Manager, with the approval of the Board of Selectpersons, which appointment shall be made in accordance with Article XIII of this act.

**Section 2. Qualifications.** The Town Attorney shall be an attorney-at-law, duly licensed to practice as such under the laws of Maine.

**Section 3. Powers and Duties.** The Town Attorney shall have such powers and duties as are granted and imposed upon him/her by the provisions of this act and by the Ordinances of the Town, and shall render such other services as may be requested of him/her by the Town Manager.

## ARTICLE XVIII

### TOWN MANAGER

**Section 1. Appointment and Tenure.** The Town Manager shall be appointed by the Board of Selectpersons. The initial contract for the Town Manager shall be a minimum of one year, and may be extended additional time beyond one year to the next organizational meeting of the Board of Selectpersons. Following the Town Manager's initial contract, the Board of Selectpersons has the power to execute with the Town Manager a contract of employment not to exceed three years. Any such contract shall be drawn, however, so as to expire on the date of an organizational meeting of the Board of Selectpersons.

**Section 2. Qualifications.** No person shall be appointed Town Manager unless he/she presents an acceptable record of previous training or experience in the administration of municipal affairs and economic development; he/she is an American citizen of unquestionable allegiance; he/she is of voting age; and he/she is mentally, physically and temperamentally fitted to actively perform the duties of the office and be available for service as determined by the Board of Selectpersons. He/She need not be, at the time of his/her appointment, a resident of the Town of Rumford or the State of Maine, providing the provisions of Article XX, Section 3 are met. He/she shall establish, within 90 days of his/her appointment, his/her residency within the River Valley Communities area, as defined by the River Valley Chamber of Commerce.

**Section 3. Powers and Duties.** The Town Manager shall be the chief executive officer and the administrative head of Town government. Subject to the provisions of this act and the Ordinances of the Town, he/she shall be responsible to the Board of Selectpersons, as its agent, for the proper administration of the affairs of the Town which fall within his/her jurisdiction, in conformance with the policies of the Board as recorded in its meetings. In the performance of these functions, he/she is hereby specifically charged with the following duties:

(1) To appoint, prescribe the duties of and remove all employees of the Town who are under his/her jurisdiction, according to the appropriate Ordinances.

(2) To inform and keep the board currently advised of the financial condition of the Town, and of its current and future needs; to prepare and present, when pertinent, tolerably accurate estimates of costs and factual information; and from time to time to make such recommendations to the Board as he/she may deem necessary and helpful.

- (3) To attend all meetings of the Board and act as its Secretary, except at such times as his/her own employment may be under consideration. In his/her role as Secretary, the Town Manager must see that accurate minutes are recorded. It is not his/her responsibility to physically record them. Accordingly, he/she will sign the minutes of all meetings.
- (4) To exercise general supervision, direction and control over the affairs of the Town, subject to such limitations as are contained in this act or in the Ordinances of the Town, and to coordinate the activities of all departments and officials so far as may be possible.
- (5) To act as a liaison between the Board of Selectpersons and the various departments and officials.
- (6) To act as purchasing agent for all departments, boards, commissions and officials, to the end that the Town may obtain the advantages of generally accepted purchasing methods based on standardized specifications, competitive prices and volume purchases.
- (7) To cause to be prepared by all departments a complete basic inventory of property and Equipment valued in excess of \$1,000. Said inventory shall be filed with the Town Clerk at the end of each fiscal year.
- (8) To perform and discharge such other functions and duties as may be prescribed by this act, by the Ordinances of the Town or as may be assigned to him/her by the Board of Selectpersons.
- (9) To be responsible for the enforcement of all of the Ordinances and codes of the Town.

## **ARTICLE XIX**

### **BUSINESS AND FINANCIAL PROVISIONS**

**Section 1. Temporary Loans.** The Board of Selectpersons is hereby empowered and authorized to borrow money, when needed, in anticipation of receipts from taxes during any fiscal year, and to issue therefore a note or notes of the Town, and to renew the same from time to time; provided, however, that the aggregate amount so borrowed in any fiscal year shall not exceed 80% of the total property tax levy of the preceding fiscal year, and the note or notes so issued and any renewals thereof shall be drawn so as to mature within, and shall be paid within, the fiscal year of issue out of receipts from taxes during such year.

The provisions of this section shall not be construed to limit, in any way, the power granted by general law to borrow money for purposes other than the tax anticipation.

**Section 2. Competitive Bids.** All loans effected under the authority of the preceding section shall be obtained on competitive bids solicited either by newspaper advertisement or by informal request, as the Board of Selectpersons may determine in each instance; provided, however, that if the latter method of solicitation be used, requests for bids shall be made to at least 3 established loaning agencies. From bids so obtained, the Board shall accept the bid which appears to be the most advantageous to the Town.

**Section 3. Treasurer to Advise.** The Town Treasurer shall attend any meeting of the Board at which the matters of temporary loans is to be given consideration, or competitive bids therefore to be examined, and advise with the Board in relation thereto.

**Section 4. Execution of Notes.** Notes issued under authority of Section 1 hereof shall be executed for and in the name of the Town by a majority of the Board of Selectpersons, and shall be countersigned by the Town Treasurer.

**Section 5. Bonds of Officers.** The Board of Selectpersons shall require a corporate surety bond, in such sum as it may determine, and with such surety as it deems satisfactory, from the Tax Collector, the Town Clerk-Treasurer, the Town Manager and any other officials, agents or employees of the Town as it may deem expedient. Premiums on such bonds shall be paid by the Town.

**Section 6. Disbursement of Funds.** No money shall be paid out of the Town treasury except by order signed by at least a majority of the Board of Selectpersons.

## ARTICLE XX

### VACANCIES AND FORFEITURES OF OFFICE

**Section 1. Vacancies in Elective Offices.** In the event a vacancy occurs in any elective office, other than the Town Clerk-Treasurer or Tax Collector-Constable, the Board of Selectpersons shall appoint a replacement to fill the office until the next Town Election Meeting.

If a vacancy occurs in the membership of any elective board not more than 90 days prior to the next annual Town Election Meeting, the office shall not be filled until the annual Town Election Meeting in the usual course.

If a vacancy occurs in the office of Town Clerk-Treasurer or Tax Collector-Constable, the Deputy shall assume the duties under the oversight of the Town Manager until the position is filled.

Should the incumbent of the offices of Town Clerk-Treasurer, or Tax Collector-Constable become incapacitated during his/her term of office, the Town Manager, when directed by the Board of Selectpersons, shall assume and discharge the duties of such office during the time of such incapacity. If a qualified medical professional determines that the Town Clerk-Treasurer or Tax Collector-Constable become permanently incapacitated during his or her term of office, the deputy shall assume the duties under the oversight of the Town Manager. Ninety days from the determination of permanent incapacitation, the Selectpersons shall declare a vacancy.

**Section 2. Vacancies in Appointive Offices.** All vacancies in appointive boards or offices shall be filled by the same procedures as provided by the original appointment. In the event the term to be filled is of short duration, the appointive power shall exercise its discretion as to whether or not an interim appointment need be made.

**Section 3. Forfeitures.** Any Town official or member of any board or commission, whether elected or appointed exception of the Town Manager, as referred to in Article XVIII, Section 2, shall forfeit his/her office if for 3 consecutive months he/she is actually a resident outside the Town of Rumford, unless the Board of Selectpersons have found that the following appointive positions: the Town Auditor, Town Attorney, Code Enforcement Officer, Plumbing Inspector or Sealer of Weights and Measures, are unable to be filled by an individual living in the Town and approve the said appointive officer to

reside outside the Town of Rumford. The Board of Selectpersons, in such instances, shall investigate the facts and if they find an office to be forfeited under the provisions of this Section, they shall declare a vacancy to exist, and such vacancy shall then be filled as provided in Sections 1 and 2 of this Article.

This amendment to the Charter is effective immediately upon adoption. The residency requirement is waived for any aforementioned appointive Town official who resides outside the Town of Rumford at the time that this amendment is adopted.

## ARTICLE XXI

### POLICEMEN AND FIREMEN

**Section 1.** Police officers appointed under authority granted by the Ordinances of the Town, shall have, within the territorial limits of the Town, all the powers of a constable in criminal matters and all other powers which may be granted to police officers under general law of the state and under ordinances of the Town.

**Section 2.** The Fire Department is established to provide emergency services to the Town at a level driven by the needs of the Town. The Board of Selectpersons, with recommendation by the Town Manager and the Fire Chief, shall have the responsibility to set the scope and level of service. The Board of Selectpersons shall, after consultation with the Town Manager and the Fire Chief, recommend for action of the voters the necessary level of funding to provide for the required personnel and resources.

**Section 3.** Each member of the police and fire departments of the Town shall be included in the Maine State Retirement System at the benefit level or levels established by the respective Collective Bargaining Agreements between the town and the departments.

## ARTICLE XXII

### MISCELLANEOUS PROVISIONS

**Section 1. Saving Clause.** All rights, actions, proceedings, prosecutions and contracts of the Town or any of its departments, pending or unexecuted when this act becomes effective, and not inconsistent herewith, shall be enforced, continued or completed in all respects as though originating, begun or executed hereunder.

## ARTICLE XXIII

### SUCCESSION IN GOVERNMENT

**Section 1. Oath of Office.** All Town officers, elected or appointed, before entering upon the performance of their official duties, shall be sworn in by the Town Clerk, a notary public or justice of the peace, to the faithful performance of their duties, and such oath shall be subscribed to and filed in the office of the Town Clerk.

**Section 2. Elective Officers; Succession.** All elected officers and officials of the existing government of the Town of Rumford shall continue to serve in their respective capacities, under this act, until they shall have completed the terms for which they were elected and until their successors have been elected and sworn in.

**Section 3. Elective Officers; Rotation.** The rotation in the election of members of the Board of Selectpersons, as provided for in Article VIII of this act, and of members of the School Board as provided in Article X of this act, shall yield to and be governed by the sequence of vacancies resulting from the provisions of Section 2 of this article.

**Section 4. Appointive Officers; Succession.** All appointive officers and officials of the existing government of the Town of Rumford shall continue to serve in their respective capacities, under this act, until they shall have completed the terms for which they were appointed and until their successors have been chosen and has been sworn in.

#### **ARTICLE XXIV**

This Article was deleted by vote of June 9, 2009.

#### **ARTICLE XXV**

##### **REFERENDUM; EFFECTIVE DATE; AMENDMENTS**

**Section 1. Referendum.** It is acknowledged that the Town Manager form of government for the Town of Rumford was enacted by the voters of the Town of Rumford on October 9, 1951 by referendum.

**Section 2. Effective Date.** The Town Manager form of government for the Town of Rumford was accepted by the voters, as provided in Section 1 hereof and became effective on the fourth day of February, 1952; and after acceptance by the voters it became effective as to the procedure relating to the nomination and election of officers, relating to the preparation of the warrant for the annual Town Business and Election meetings and relating to the method of calling the annual meetings.

**Section 3. Amendments.**

Amended Dates in Articles V, VI, XIII, XIV, XV, XVIII. Amended as printed November 5, 1974.

June 8, 1982: Article I, Section 1; Article XVIII, Section 6; Article XX Section 9 added. Article XXI, Section 1 amended and Sections 2, 3, and 4 repealed on June 8, 1982.

June 8, 2005: Article III, Section 5 and Article V, Sections 3 and 4.

June 5, 2006: Removed all references to School Committee.

November 7, 2006: Article V, Sections 3, 4, 5, 6, and 7 to include Secret Ballot Process for Budget.

June 12, 2007: Article XXII, Section 2; Article XX, Section 3; Replace "Bylaws" with "Ordinances."

June 10, 2008: 2008 Charter Commission Amendments (see Appendix A).

June 9, 2009: 2008 Charter Commission Amendments (see Appendix B.)

**Section 4. Effective Date.** The effective date of the proposed Charter amendments shall be October 1, 1979. In the event that the qualified voters of the Town of Rumford approve The Charter Amendments and subsequent Ordinance changes, a special budget Town meeting shall be called for the 10th day of December 1979. The purposes of said meeting shall be to raise and appropriate through taxation sufficient monies to conduct the affairs of the Town of Rumford from January 1, 1980 to June 31, 1980.

The Board of Assessors shall forthwith after the adjournment of the December 10, 1979 special meeting, meet to assess and commit the assessment to the Tax Collector for the period of January 1, 1980 to June 31, 1980. The taxes thus assessed and committed shall be due and payable on or before April 15, 1980.

In the subsequent fiscal years, the taxes shall be due and payable on or before April 15th of the year following the June annual meeting.