

~~BOARD OF SELECTMEN-SELECTBOARD~~  
**ORDINANCE**

**of the Town of Chebeague Island  
MAINE**

Adopted by the Town Meeting:

Effective: July 1, 2007

Amended:

June 6, 2015

January 24, 2026

Attest:

\_\_\_\_\_  
Town Clerk

Seal:

SECTION 101. NUMBER OF ~~SELECTMEN BOARD MEMEBERS~~; ELECTION; TERM

The administration of all fiscal and prudential affairs of the town, with the government thereof, except as otherwise provided by statute or local ordinance, shall be vested in one body of five members, which shall constitute and be called the ~~Board of Selectmen-Selectboard~~. The ~~Board of Selectmen-Selectboard~~ shall be elected at large by paper ballot at the Annual Town Meeting to serve one-to-three-year terms initially and staggered, three-year terms thereafter. Elections shall be determined by majority vote. Length of initial terms shall be determined as follows: the two nominees receiving the greatest number of votes shall each serve for three years; the two nominees receiving the next greatest number of votes shall each serve two years; the fifth receiving the next greatest number of votes shall serve one year. All members of the Board shall be residents of the Town of Chebeague Island and shall be sworn in the manner hereinafter prescribed. Each member shall serve until a successor is elected and qualified.

Section 101. COMPENSATION

~~Selectmen-Selectboard~~ shall receive \$50.00 for each Board meeting attended, not to exceed in the aggregate \$1,200 per year in full for their services and shall be paid quarterly. Such compensation shall be changed by ordinance, but no such ordinance increasing the salary of members of the ~~Board of Selectmen-Selectboard~~ shall take effect during the then-current municipal year.

Section 102. RECALL

Upon written requests from one or more qualified voters of the town, the Town Clerk or Deputy Town Clerk shall issue appropriate, blank petition forms for the commencement of proceedings to recall a Selectman. All copies of the petition shall contain the name of the person or persons who obtained the petition. The petition shall state the name and office, or offices, of the person whose removal is being sought and a statement of general or detailed reasons for seeking removal. Each petition shall be limited to the recall of a single individual. All pages of a single petition shall be filed as one document. Each page of the petition shall provide a space for the voter's signature, address and printed name.

Any petition issued by the Clerk must be returned and filed with the Clerk no later than thirty (30) days from the date of issuance. The petition shall be signed in the presence of a Notary Public by the individual or individuals who requested the petition. Within ten (10) days after the circulation period ends, the Clerk shall certify to the ~~Board of Selectmen-Selectboard~~ whether the petition has been signed by not less than the greater of 10 registered voters of the town or ten percent (10%) of voters of the municipality in the last gubernatorial election as provided in statutes. Should less than the required registered voters of the town sign the petition, the petition will be filed in the clerk's office and the voter(s) who filed the petition will be notified. The petition shall have no further force or effect and no new petition for the recall of the same individual can be initiated until one hundred eighty (180) days from the filing of the previous petition.

Should the required or more of the registered voters of the town sign the petition, the ~~Board of Selectmen-Selectboard~~ shall, upon receipt of certification, call a special election on the question of recall to be held within thirty (30) days of the certification. Should the ~~Board of Selectmen-Selectboard~~ fail or refuse to order an election as herein provided, such election may be called by a Notary Public in the county on written petition of a number of registered voters equal to the

greater of 10 registered voters of the town or ten percent (10%) of voters of the municipality in the last gubernatorial election as provided in statutes. The Board member or other elected official shall be recalled when a majority of those voting thereon have voted in the affirmative. Any Selectman or other elected town official against whom the recall proceedings have been initiated may continue to hold office until recalled. A recalled Selectman or other elected town official may not be appointed to serve the balance of the unexpired term and may not run as a candidate in a special or regular election to fill the balance of the unexpired term. A recalled Selectman or other elected town official may seek election to a full term to the same or any other office at any election after the date of recall.

A recall petition may be withdrawn at any time prior to the 15<sup>th</sup> day preceding the day scheduled for a vote of the town by filing with the Town Clerk a written request for withdrawal signed by the majority of persons who obtained the petition. A request for recall of the same elected official may not be accepted by the Clerk until one hundred eighty (180) days after the expiration of the previous filing period.

#### Section 103.           REGULAR AND SPECIAL MEETINGS

The ~~Board of Selectmen~~ **Selectboard** shall establish a regular place and time for holding its regular meetings and shall meet at least monthly. The Board shall also provide a method for calling special meetings in accordance with statutes and ordinances.

During each regular and special meeting there shall be opportunity for public discussion upon each item on the agenda. The Board shall allow the public to film or tape record public meetings when this is conducted in a non-disruptive manner. The agenda for each Board meeting shall be posted and distributed at least three days in advance of the meeting and earlier if required by statutes or local ordinances ~~in such public places and private establishments as Town Hall, Chebeague Transportation Company commuter boat, Doughty's Island Market bulletin board, town website, Chebeague Island Library, and such other locations as the Board shall in public places as outlined in the Town's communication policy.~~

The Board may call an emergency meeting to deal with a specific issue requiring prompt action and the Board shall, at a minimum whenever practical, notify local media representatives of the meeting to include time, location, and the general topic(s) to be discussed. Where feasible, the Board shall also post and distribute notice of the meeting to include the time, date, location, and general topic(s) to be discussed in such public places and private establishments as set by this article/ordinance/document and at least 24 hours in advance of the meeting.

#### Section 104.           RULES OF PROCEDURE: JOURNAL

The ~~Board of Selectmen~~ **Selectboard** shall determine its own rules and order of business except where otherwise provided by statute or ordinance. It shall keep a written record of its public proceedings, and the record shall be open to public inspection. The record approved by the majority of Board members shall be published on the town website and made available at the Town Hall and other public and private establishments as the Board shall determine. The record shall include the date, time, and location of the meeting, the municipal officers in attendance, the issues discussed, the nature of the issues, the nature of any resolution of the issues, the wording of any

motions passed by vote, names of officials voting for and against and abstaining, motions to go into executive session and including the nature of business to be discussed in executive session and citation of one or more sources of statutory or other authority to justify the executive session.

Section 105.           PRESIDING OFFICER

The ~~Board of Selectmen~~**Selectboard** shall elect from among its members a Chairman and Vice Chairman, each of whom shall serve at the pleasure of the Board. The Chairman shall preside at meetings of the Board, shall be entitled to vote and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, and shall be responsible for agenda preparation and distribution for regular and special Board meetings and for calling town meetings. The Vice Chairman shall act as Chairman during the absence or disability of the Chairman.

Section 106.           QUORUM

A majority of the ~~Board of Selectmen~~**Selectboard** shall constitute a quorum for the transaction of business. Board members must be physically present to vote. At least three (3) votes shall be registered in favor of passage of any motion, order, or resolution before the Board. A smaller number may adjourn from time to time or may compel attendance of absent members by subpoena. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Section 107.           QUALIFICATIONS: VACANCIES

- (A) ~~Selectmen~~ **Selectboard members** shall be registered voters of the Town of Chebeague Island.
- (B) **Holding other office:** Except where clearly authorized by law or pursuant to an agreement under the Interlocal Cooperation Act, no Selectman shall hold other town elected office or employment, and no Selectman shall serve on a Board-appointed committee, except as a non-voting ex-officio member, during the term for which he or she was elected to the Board. With the exception of the Fire Chief and Rescue Chief, membership in the Chebeague Fire and Rescue Department, alone, shall not be grounds for disqualification from holding office as a Selectman.
  - 1) No current ~~Selectman~~ **Selectperson** may apply for a job with the Town without first resigning and submitting a written application for the position.
  - 2) No ~~Selectman~~ **Selectperson**, during the term for which he has been elected and for one year thereafter may be employed by the Town for any job which was created or the compensation of which was increased by the action of the Selectmen during the Selectman's term.
  - 3) Any ~~Selectman~~ **Selectperson** applying for a job with the Town will be considered with all other applicants and must be given no special preference or privileges.
  - 4) The Board shall select the best qualified candidate after posting the position.

- (C) **Forfeiture of Office:** A ~~Selectman~~ ~~Selectperson~~ n shall forfeit office if he or she:
- 1) Lacks at any time during his or her term of office any qualification the office prescribed by law or ordinance.
  - 2) Is convicted of a crime or offense which is reasonably related to an inability to serve as a Selectman, or
  - 3) Fails to attend four consecutive regular meetings of the Board without being excused by the Board.
- (D) **Vacancies.** The office of ~~Selectman~~ ~~Selectperson~~ shall become vacant upon non-acceptance, resignation, abandonment, death, recall or removal from office in any manner authorized by law, forfeiture of office, or permanent physical or mental disability causing inability to perform required duties after reasonable accommodation has been made by the town pursuant to state and federal law.
- (E) **Filling of Vacancies.** If a seat on the Board ~~of Selectmen~~ becomes vacant more than three (3) months prior to the next annual town meeting, the Board shall call a special election to fill the unexpired term to be held within sixty (60) days from the date that the vacancy occurred. If a seat on the Board becomes vacant less than three (3) months prior to the next regular election, the Board shall, at its option, either:
- 1) Call a special election to fill the unexpired term to be held within sixty (60) days from the date that the vacancy occurred; or
- (F) The ~~Board of Selectmen~~ ~~Selectboard~~ is authorized to act with its full powers and authority during any time that vacancies exist on the Board, provided that it fulfills the quorum requirements of Section 107.

Section 108. ENUMERATION OF POWERS

The ~~Board of Selectmen~~ ~~Selectboard~~ shall have all executive and quasi-judicial powers and duties as authorized by constitutional provisions, statutes, and articles/ordinances/documents set by town meetings. The ~~Board of Selectmen~~ ~~Selectboard~~ shall have power to:

- (A) Appoint the Town Administrator for an initial term not to exceed three years, reappoint the Town Administrator for additional terms not to exceed three years, and remove the Town Administrator prior to the expiration of his term after due process and for cause by a majority of its members. At least thirty (30) days before such removal shall become effective, the Board shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for the Administrator's removal. The Administrator may reply in writing and may request a hearing. After such hearing if one be requested, and after full consideration, the Board by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the Board may suspend the Administrator from duty, and may

continue to pay the regular salary of the Administrator during the period of suspension. If the Board votes to remove the Town Administrator, it shall pay the Administrator any unpaid balance of his salary for the current calendar month. The Board shall review at least annually the performance of the Town Administrator and present said review to the Town Administrator in executive session. During the Town Administrator's temporary absence or disability, the Board may appoint another qualified person to perform the duties of the Administrator until the Administrator returns.

- (B) Appoint the Town Attorney and the Town Auditor to serve at the will of the Board;
- (C) Appoint the Board of Assessment Review, the Board of Adjustment and Appeals, the Planning Board, and all statutory and advisory boards to serve such terms of office and subject to removal under such conditions as may be established by ordinance or statute;
- (D) Appoint the Town Assessor for an initial term not to exceed three years, reappoint the Assessor for additional terms not to exceed three years, and remove after due process and for cause by a majority of Board members.
- (E) Approve/reject appointments made by Town Administrator or temporary Town Administrator or, in absence of thereof, appoint municipal positions as set by statute or authorized by ordinance.
- (F) Approve/reject appointments made by Town Clerk or Deputy Town Clerk or, in absence thereof, appoint Ballot Clerks.
- (G) Make, enact, alter and repeal ordinances related to the regulation of pedestrian traffic, parking, taxis and other vehicles for hire, general assistance, keeping convenient channels open for the passage of vessels in local harbors, a drug and alcohol testing policy for employees required to have commercial driver's license for their employment-related duties, and other specific purposes as set forth by statute;
- (H) Make investigations into the affairs of the town and the conduct of any town department, office or agency.
- (I) Provide for the consolidation and distribution of an annual proposed municipal and school budget.
- (J) Administer the municipal budget once adopted at Town Meeting; and approve or reject disbursements for the municipal and school budget in accordance with appropriation articles;
- (K) Provide for an annual audit of the Town of Chebeague Island's financial statements, books, and accounts.
- (L) Prepare proposed ordinances, accept voter petition articles and ordinances validated by the Town Clerk, and prepare warrants for Town Meeting.

- (M) Enforce the Town of Chebeague Island Code of Ordinances.
- (N) Enter into litigation, decide to go to trial or settle, and whether to appeal if the Town loses when funding is authorized by or when necessary, pending approval at Town Meeting.
- (O) If the Town Clerk, Tax Collector or Treasurer fail to do so, the Selectmen may appoint a Deputy Town Clerk, Deputy Tax Collector, and Deputy Treasurer to serve during incumbents' absences.
- (P) Perform fact findings, attend hearings, and prepare written decisions when any municipal permittee, licensee, or other member of the public claims to be aggrieved and files certain appeals.
- (Q) Cause the Town of Chebeague Island to join and fulfill any membership responsibilities for any organization the Town decides to join at Town Meeting.
- (R) Represent and advocate for the Town of Chebeague Island before the Legislature and Executive branches of state government; and any other governmental body whose action or inaction may impact the Town.
- (S) Create and maintain a fee schedule for all fees created specifically by municipal ordinance or otherwise allowed or required by State Law. When a fee set explicitly in a municipal ordinance conflict with one set in the fee schedule then the fee schedule shall take priority. The schedule shall be reviewed by the Board of Selectmen annually and must be signed by a majority of the Board. Fees must reflect the town's estimated cost of administering and enforcing the various ordinances.
- (T) Identify, assess, and prioritize the Town's long-term capital needs, research future needs; develop long-term capital expenditure plans for Town facilities, infrastructure, and land in cooperation with other Town boards, committees, employees, and members of the public; and publicly review and amend the Capital Plan on an annual basis.

Section 109. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.