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OAKLAND TOWN COUNCIL AGENDA
10/22/2025 6:00 pm
OAKLAND FIRE STATION

- I. Call to order
- II. Pledge of Allegiance

Roll Call
- III. To consider approving the minutes of October 8, 2025, Council Meeting, and sign the weekly payables warrants.
- IV. Business Agenda:

New Business:

- 1. Order 22-2526 – 2nd Reading of the GA Maximum
- 2. Order 23-2526 – Sign Sewer Commitment for July 2025 -September 2025
- 3. Order 24-2526 - Town Charter Discussion

Manager Updates (if any)

- Overlook

Executive Session: Discussion of Confidential Records, 1 M.R.S.A. § 405 (6) (F)

Adjournment

Upcoming Meetings

October 23, 2025 – Meet the Candidate Night – Fire Station 6:00 pm
October 24, 2025 – Kennebec Valley Rail Trail Ribbon Cutting Ceremony – Williams Court 4:30 pm
October 27, 2025 - Memorial Hall Committee – Police Station 6:00 pm
November 4, 2025 – Voting at the Oakland Fire Station 7am – 8pm
November 18, 2025 – Downtown TIF – Façade Workshop – Fire Station - 5:30 pm
November 19, 2025 – Council Meeting – Fire Station 6 pm

TOWN COUNCIL MEETING MINUTES

October 9th, 2025

Council Members Present:

Michael Perkins, Chairman
Dana Wrigley, Vice Chairman

Kelly Roderick
Robert Nutting

Others Present:

Kelly Pinney-Michaud, Town Manager
LT. Adam Sirois OPD
Jon Cox
George Bailey
Robert Brown

Kathleen Paradis, Town Clerk
David Couglin, Chief Oakland Fire Department
Ray Gruber
Laurie Brann
Ed Roderick

The meeting was called to order at 6:00pm by Council Chairman Michael Perkins and led those present in the reciting of the Pledge of Allegiance.

1. **Roll Call:** Roll call was taken, four councilors present David Groder absent.
2. **To consider approving the minutes of September 24, 2025, meeting and sign the warrant.** The motion was made by Dana Wrigley, seconded by Robert Nutting, and voted 4-0 to accept the minutes and sign the warrant.

NEW BUSINESS:

1. **Public Hearing and 1st Reading of GA Maximums:** Town Clerk Kathleen Paradis informed the council of the GA Maximums for the year 2025-2026. She explained that every year starting October 1st, the State sends the towns new overall Maximums for guidelines to use for general assistance. She also explained that the maximums have gone up from \$45 to \$129 and that the housing maximums will increase from \$7 to \$38. Robert Brown asked how the program works. The Town Clerk explained how the program works and how those needing assistance can fill out an application. She explained that they must show any income and bank statements and other pertinent information to qualify. George Bailey inquired as well how the program works. The Town Clerk also explained that the town gets reimbursed 70 percent from the state and that we run on a \$20,000 budget. It was motioned by Dana Wrigley and seconded by Kelly Roderick and voted 4-0 to accept the GA Maximums and proceed with the second reading at the next council meeting.

2. **Sign Municipal Warrant for November 4, 2025, Elections:** Town Clerk Kathleen Paradis asked the council to sign the warrant for the upcoming November 4th election for the town candidates, and it will be posted at locations throughout the town. All four councilors signed the warrant.

OLD BUSINESS:

1. **Memorial Hall:** Town Manager Kelly Pinney-Michaud informed the council that she has received a new lease agreement from an attorney and this new agreement will protect the town in case of any misunderstandings from the new tenants. She also stated that AJ Cain and his crew have begun moving our files to the basement of the Town Office. The Town Manager also stated that a local company has donated their product to build a new walkway at Memorial Hall for entrance into the new business. She asked permission from the council to sign the agreement and she would have the tenants sign as well. Dana Wrigley made a motion that we should sign the agreement, and it was seconded by Robert Nutting and voted 4-0.

Manager's Updates:

1. **Cascade Property Update:** The Town Manager informed the council that she had toured the building today with TRC. She stated that there is asbestos in the buildings. Working with KVCOG could help us with funding to abate the buildings. She also stated that there are thousands of dollars owed in taxes on this property. There was a discussion on who owns the building and the area, and it was explained that the original LLC dissolved in 2012. The Town Manager also stated that the public works crew did an outstanding job cleaning up the road as there were trees and bushes overlapping onto the road and removed several deserted boats and trailers. Edward Roderick asked if we would want to own the road? The Town Manager stated possibly.
2. **ATV Trail Update:** The Town Manager explained that Phase 1 is 99% completed with the \$85,000 grant. Jeff Hall and his crew did an amazing job getting the new entrance area ready. The ATV Club and the town will be doing a ribbon cutting to open the new trail access. She also asked the council permission for individuals to use the town office parking lots for weekend use for people to park their vehicles and trailers to gain access to the trail. This would be for Friday as well as the town office is closed. It was voted 4-0 to have temporary parking at the town office on the weekends.
3. **219 High Street Update:** Town Manager Kelly Pinney-Michaud stated that they have been in contact with Terminex and the cost is \$1400 annually. Once Terminex places the bait, the residents will have to wait 2 weeks to begin cleaning up the area. She also stated that we would set up a payment with the owner to pay for the clean-up. George Bailey inquired why a year and that KPM could bait the area and is cheaper. Robert Brown stated that he had to have this done and it was \$60 monthly. He will give the town manager the contact information. Ray Gruber asked why the town is not cleaning it up. It was explained that we did not want our employees to be in this unhealthy situation. It was explained that the property owners are in violation of the property maintenance ordinance, and we are collaborating with them on that issue.

Other Business:

Kelly Roderick asked if the town could contact DOT as the bridge on Rice Rips Road has a lip and when you pass over it is quite a bump. The Town Manager explained that she has contacted DOT, and they are aware of the area and will be fixing the issue.

Kelly Roderick inquired about the fire destroyed resident on Fairfield Street. The Town Manager explained that they have 90 days to clean it up. Code Enforcement will be following up with the owner.

Robert Nutting also stated that at the overlook there is a big hole as turn right out of the area and that it could use some gravel. The Town Manager stated that we would have our public works crew take care of it.

Mike Perkins also stated that there the holes by the Korner Store need to be fixed before the winter months as they are only going to get worse. We will have public works fix those as well.

Resident George Bailey inquired again to have the town budget mirror how RSU 18 conducts their school budget. He would like to have a referendum night and then a voting day to vote in secret ballot. It was explained again that this would take a charter commission. It was discussed and advised to place the discussion as an agenda item on the next meeting.

Adjournment: It was moved by Kelly Roderick, seconded by Robert Nutting, and voted 4-0 to adjourn meeting at 6:45pm.

OAKLAND TOWN CHARTER

Approved by the Voters November 2, 2004

ARTICLE I INCORPORATION AND POWERS OF THE TOWN

Sec. 101 Incorporation.

The inhabitants of the Town of Oakland, within the boundaries now or hereinafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Oakland, Maine.

Sec. 102 Powers of the Town.

The Town shall have and exercise all of the rights and powers and shall be subject to all the duties and obligations provided for, herein or otherwise, pertaining to or incumbent on the Town as a municipal corporation or on the inhabitants or municipal officers thereof. It may enact bylaws, regulations and ordinances not inconsistent with the constitution and laws of the State of Maine and it may impose penalties for the breach thereof, to be recovered to the use of the Town by appropriate action.

The Town may acquire property, within or without its corporate boundaries, for any town purpose in fee simple or any lesser interest or estate by purchase, gift, devise, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interests may require.

In this charter, the absence or incomplete declaration of a particular power shall not be construed to be exclusive or to restrict the scope of the powers invested in the Town as a municipal corporation; this charter shall be liberally construed to the end that the town may have all powers necessary or convenient for the conduct of its municipal affairs, including powers the Town may assume pursuant to state laws and to the provisions of the state constitution.

ARTICLE II NOMINATIONS AND ELECTIONS

Sec. 201 Municipal Elections.

The election of municipal officials shall be held to coincide with state elections held in November. Should there be no state (or federal) election in any given year, this municipal election will be conducted on the first Tuesday in November. The Council may, by resolution, order a special election at any time to fill vacancies in the Town Council as provided for in Section 411 of this Charter.

Sec. 202 Secret Ballot.

The election of the members of the Town Council, the members of the Budget and Advisory Committee and the members of the Board of Directors of the School Administrative District

shall be by secret ballot in accordance with the nomination and election provisions established in Title 30-A of the Maine Revised Statutes, and such additional procedures established in Title 21-A that are expressly or reasonably applicable to municipal elections. Provision for absentee ballots shall be made at each such election.

Sec. 203 Nominations.

Nominations for any elected office under this article shall be made by nomination papers, such papers to be signed by no fewer than 25 registered voters of the Town of Oakland nor more than 100 such voters. Nominations papers shall clearly show the name of the nominee and the office and term for which he or she is to be nominated.

Sec. 204 Filing.

Nomination papers shall be filed with the Town Clerk at least 50 calendar days prior to the date of the election and may not be circulated earlier than 90 days prior to the election.

Sec. 205 Qualifications of Elected Officials.

In order to qualify for election to office in the Town of Oakland, nominees shall be registered voters of said Town and shall reside therein at the time of election and throughout the term of office. No Councilor will hold more than one municipal elective office at any time.

Sec. 206 Election Officials.

At least 10 days before any State general or special election, the Town clerk shall appoint a warden and a deputy warden, either of whom may be the Town Clerk, in addition to the regular ballot clerks.

ARTICLE III TOWN MEETING

Sec. 301 Annual and Special Town Meeting.

The Annual Town Meeting for the consideration of the budget and the transaction of other town business shall be held on first Tuesday of May of each year. Unless otherwise specified in this Charter, the Annual Town Meeting and Special Town Meetings shall be called and conducted in accordance with the laws of the State of Maine.

Sec. 302 Moderator.

The first order of business at any town meeting shall be the election of a moderator, which election shall be by written ballot as provided for in the laws of the State of Maine.

Sec. 303 When action of Town Meeting required.

The annual budget, and any appropriation of \$10,001 or more in addition to or supplemental to the annual budget appropriation shall become effective only after being adopted at a town meeting by a vote of a majority of those voting at such meeting. The Town Meeting shall not increase the amount of any appropriation above that recommended by the Council, and it shall not increase the amount of any bond issue above the amount recommended in the warrant.

Sec. 304 Expenditures of \$1,000,000 or More.

Any single expenditure of \$1,000,000 or more shall be decided by a secret ballot vote in November. (Amended by the Voters November 6, 2012)

ARTICLE IV TOWN COUNCIL

Sec. 401 Authority.

The members of the Town Council shall be and constitute the municipal officers of the Town of Oakland for all purposes required by statute, and except as otherwise herein specially provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of the State.

Sec. 402 Number, Election, Term.

The Town Council shall consist of five members, each of whom shall be elected by the registered voters of the Town. At each annual Town Election held in accordance with Section 201, there shall be elected either one or two Councilors, as determined by the number of Councilors whose terms are due to expire in that year. Each shall be elected for a term of three years and serve until a successor is elected and qualified.

Sec. 403 Qualification.

Councilors shall meet all qualifications for elected officials (Sec. 205) and they shall hold no office of emolument or profit under the Town Charter or ordinance. If a councilor ceases to possess any of these qualifications, or is convicted of a crime punishable by imprisonment for more than six (6) months, the office of that councilor shall immediately become vacant.

Sec 404. Powers and Duties.

In this section, the absence or incomplete declaration of a particular power shall not be construed to restrict the scope of the powers invested in the Town Council by virtue of the authority granted in Sec. 401.

Sec. 404.1

Councilors provided for under this article shall serve instead of selectmen and overseers of the poor provided for by general statutes. All other powers now, or hereafter vested in the inhabitants of said Town and all powers granted by this charter, except as herein otherwise provided, shall be vested in said Town Council.

Sec 404.2

The Town Council shall, by majority vote, appoint a Health Officer, for a term of three years as provided in the Maine Revised Statutes.

Sec. 404.3

The Town Council shall, by majority vote, appoint annually a Town Treasurer and Tax Collector, and a Town Road Commissioner.

Sec. 404.4 Town Clerk and Tax Assessor

The Town Council shall by a majority vote of the entire Council have the power to appoint a Town Clerk and a Tax Assessor for a term not to exceed three (3) years.

The Town Council shall, by a majority vote of the entire Council, have the power to remove the Town Clerk or the Tax Assessor for cause. At least thirty (30) days before such removal shall become effective the Council shall adopt a preliminary resolution stating the reasons for his/her removal. The Town Clerk or Tax Assessor may ask for a hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after filing of such request. This request shall be in writing.

The Town Clerk or Tax Assessor shall receive his/her regular compensation until the final resolution has been adopted.

Sec. 404.5

The Town Council shall have the power to inquire into the conduct of the Town Clerk, Tax Assessor and Town Manager and to investigate, as well as remove for cause, after notice and hearing according to the provisions set forth in Sections 404.4 and 415.

Sec. 404.6

The Town Council shall have the power to adopt and modify the official map of the Town.

Sec. 404.7

The Town Council shall submit the annual budget of the Town to the Budget and Advisory Committee as hereinafter provided, and subsequently to the Town Meeting.

Sec. 404.8

The Town Council may authorize unplanned expenditures of up to \$10,001. Appropriation requests of \$10,001 and above can only be approved by a Town Meeting vote.

Sec. 405 Compensation.

Town Councilors shall be compensated for each meeting attended based on a fee schedule adopted by the Council, which fee schedule shall not take effect until the Annual Town Meeting has approved an appropriation amount to support such schedule. As part of the annual budget review process, the Council shall determine the salaries of officials appointed either by the Town Council or by the Town Manager.

Sec. 406 Judge of Qualifications.

The Town 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 reproduction of records. The decision of the Council shall, in any case, be subject to review by the courts.

Sec. 407 Induction of Council into Office.

Town Councilors-elect shall be, sworn to the faithful discharge of their duties by the Town Clerk or, in his or her absence, by a person qualified by law to administer oaths at the first meeting of the Town Council in January or as soon thereafter as circumstances require. Councilors elected in a special election shall be so sworn as soon as possible after their election.

Sec. 408 Regular Meetings.

The Council shall hold an organizational meeting at its first regular meeting in January and shall establish a regular time and place for holding its regular meetings. The Council shall meet regularly at least once a month and shall also provide a method of calling special meetings. All meetings of the Town Council shall be open to the public in accordance with the laws of the State of Maine.

Sec. 409 Election of Officers.

At its organizational meeting, the council shall, by majority vote of the council elect a chair and a vice chair for the ensuing year. Should a vacancy occur in either office, the council shall elect a replacement for that. The Chair shall preside at all meetings of the council and shall be recognized as the head of the Town government for all ceremonial purposes and by the Governor for the purposes of military law, but the Chair shall have no regular administrative duties. In the temporary absence or disability of the Chair and Vice Chair, the town council may elect a Chair Pro-tempore from among its members who shall exercise all the powers of Chair during such temporary absence or disability.

Sec. 410 Quorum.

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

Sec. 411 Vacancies in Council.

In addition to vacancies caused by death, resignation, removal from town, or failure to elect a person to office, the Council may also declare a vacancy for an elected Councilor who fails to take the Oath of Office within one (1) month after the annual organizational meeting or for a Councilor who fails to attend four (4) consecutive Council meetings without notice to the Chair.

Sec. 411.1 If a seat in the council becomes vacant more than six months prior to the next regular town election, the vacancy shall be filled for the unexpired term, within ninety days from the date the vacancy occurred, by a special election called for that purpose.

Sec. 411.2 If a seat in the council becomes vacant with not more than six months of the term unexpired; a qualified person may be appointed, by majority vote of its remaining members, to fill the vacancy.

Sec. 412 Rules of Procedure.

The council shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection at the Town Office during regular office hours. This record shall indicate how each Councilor has voted on each question.

Sec. 413 Independent Annual Audit.

Prior to the end of each fiscal year, the council shall designate the State Department of Audit or private Certified Public Accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the town government and shall submit their report to the Council, the Town Manager, and the town meeting. Such accountants shall not maintain any records or accounts of the town business, but shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the town government.

Sec. 414 Appointment of Town Manager.

The Council shall, by majority vote of the entire Council, contract with or appoint an official for the town, for a period not to exceed 3 years, who shall have the title of Town Manager and who shall have the powers and perform the duties as hereinafter provided. No Councilor shall receive such appointment during his or her term of office, nor within one year after the expiration of his or her term.

Sec. 415 Removal of the Town Manager.

The Council may only remove the Town Manager for cause, by a majority vote of the entire Council, unless the Council has negotiated termination or severance provisions into a contract with the Town Manager. At least 30 days before such removal shall become effective the Council shall adopt a preliminary resolution stating the reasons for the Town Manager's removal. The Manager may reply in writing and may request a public hearing which shall be held not earlier than 20 days nor later than 30 days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the Council may suspend the Manager from duty, but the regular salary of the Manager shall continue to be paid during the period of suspension. If removal is approved, the Council shall then determine if any severance benefits are due the Manager. If removal is not approved the Council may continue to negotiate with the Manager to terminate the Manager's employment by the Town on terms beneficial to both parties.

Sec. 416 Council Not to Interfere in Appointments or Removals.

Neither the Council, nor any of its members shall direct or request the appointment to, or the removal from, office of any person chosen by the Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, the Council and its members shall deal with all Town personnel solely through the Manager, and neither the council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

ARTICLE V TOWN MANAGER

Sec. 501 Qualifications.

The Town Manager shall be chosen solely on the basis of character and executive and administrative qualifications with special reference to actual experience in, or knowledge of, the accepted practice in respect to the duties of the office as hereinafter set forth.

Sec. 502 Duties.

The Town Manager shall be the administrative head of the Town government and shall be responsible to the Council for the administration of all departments of the Town over which the Council, under this charter and the Maine Revised Statutes, has control. The Manager's powers and duties, where not otherwise herein specified, shall be generally as follows:

502.1 To see that all laws and ordinances governing the town are faithfully executed.

502.2 To exercise control over all departments and offices established by general law or by ordinance; to appoint, prescribe the duties of and, when necessary for the good of the service, remove all officials and employees except as otherwise provided, and except as the Manager may authorize the head of a department or office to appoint or remove subordinates in such department or office.

502.3 To attend all meetings of the council except when the Manager's removal is being considered, and to recommend for adoption such measures, as the Manager may deem expedient.

502.4 To keep the council fully advised as to the financial conditions and future needs of the town.

502.5 To prepare, annually, a complete set of budget recommendations and submit it to the council; and to be responsible for the administration of the budget after its adoption.

502.6 To perform such other duties as may be prescribed in this charter or as may be required of the Manager by the Council, not inconsistent with this charter.

Sec. 503 Purchasing Agent.

As Purchasing Agent, the Town Manager shall purchase all supplies and materials for the Town and for the several departments and offices and shall see to the delivery of such supplies and materials to each department or office and shall take and file receipts thereof; and all accounts for the purchase of supplies and materials, or of work performed, for the Town shall bear the approval of the Town Manager when presented to the council for approval. The Manager shall be subject to purchasing limits or restrictions as provided for in a Purchasing Ordinance which may be adopted by the Council.

Sec. 504 Salary.

The Town Manager shall devote his or her entire time to said office and shall receive compensation for his or her services at a rate and schedule to be fixed by the Council.

Sec. 505 Absence of Town Manager.

During the Manager's temporary absence or disability the Manager may, by letter filed with the Town Clerk, and with the consent of the Council, designate a qualified person to perform the Manager's duties as administrative officer of the Town. In the event of the failure of the Manager to make such designation the Council may, by resolution, appoint such a person to perform the Manager's duties until the Manager shall return or the disability shall cease.

ARTICLE VI

BUDGET PREPARATION

Sec. 601 Fiscal Year.

The fiscal year of the town government shall begin on the first day of July and shall end on the thirtieth day of June of each calendar year. Such fiscal year shall constitute the budget and accounting year for the town. The term "budget year" shall refer to the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 602 Preparation and Submission of the Budget.

The Town Manager, by February 15th of each year, shall submit to the Council a budget for the ensuing budget year, based on information furnished by the various department heads on forms, which may be designated by the Council. The Manager's recommended budget shall contain all of the information necessary for the Council to have a complete financial accounting for the town's needs for the upcoming fiscal year.

Sec. 603 Budget Review.

The budget proposed by the Manager shall be reviewed by the Council and approved with or without amendments, by March 15th. The Budget and Advisory Committee shall review and make recommendations on the proposed budget no later than April 15th.

Sec 604 Transfer of Appropriations.

At the request of the Manager and within the last three months of the budget year the Council may transfer any unencumbered balance or portion thereof between town departments. Such transfers shall not exceed the spending authority set forth in Section 404.8.

Sec. 605 Lapse of Funds.

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

ARTICLE VII

BUDGET AND ADVISORY COMMITTEE

Sec. 701 Authorization.

There shall be established a Budget and Advisory Committee which shall consist of 12 members who shall be elected at large to serve for a period of 4 years, except that those first elected shall be as follows: 3 members to be elected for 4 years; 3 members to be elected for 3 years; 3

members to be elected for 2 years; and 3 members to be elected for 1 year. Thereafter, 3 members shall be elected annually, to serve for a period of 4 years. Members of this committee shall serve without compensation and shall be registered voters and residents of the Town of Oakland, throughout their term, except that no elected or appointed town official shall be eligible to serve on this committee.

Sec. 702 Election.

Members of the Budget and Advisory Committee shall be elected at the annual Town Election as provided under Article II of this charter.

Sec. 703 Vacancies.

Any vacancy occurring in the membership of this committee shall be filled by a majority vote of the Town Council, said appointment to remain in effect through the unexpired term remaining at the time the vacancy occurred.

In addition to vacancies as described in Sec. 411 of this Charter, the Council may declare a vacancy for an elected Budget and Advisory Committee member who fails to take the Oath of Office within one (1) month after the annual organizational meeting or for a Budget and Advisory Committee member who fails to attend four (4) consecutive meetings without notice to the Chair.

Sec. 704 Organization Meeting.

The organizational meeting of the Budget and Advisory Committee shall be called by the Town Clerk and may be held at the same time as the first meeting to review the proposed town budget. A Chair and clerk shall be elected from the membership by a majority vote of the membership. The results of said election shall be filed with the Town Clerk. The Chair shall preside at meetings of the committee and shall be allowed a vote in its deliberations. The Clerk of the committee shall keep an accurate and concise record of all committee decisions.

Sec. 705 Duties.

The duties of the Budget and Advisory Committee shall be as follows:

705.1

To review all articles appearing in the warrant for all Annual and Special Town Meetings.

705.2

To hold open meetings with the Town Council for the purpose of discussing departmental budgets and other items appearing in the warrant.

705.3

To make written recommendations to the Annual or Special Town Meeting on each article appearing in the warrant except for those articles calling for the election of town officers; said written recommendations for the Annual Town Meeting to be submitted to

the Council in time to allow its inclusion in the printing of the annual report of municipal officers.

ARTICLE VIII. TAX ADMINISTRATION

Sec. 801 Assessor.

There shall be established a division of Assessment, the head of which shall be the Town Assessor. The Assessor, appointed as herein before provided, shall have the duties and liabilities as provided under the laws of the State of Maine.

Sec. 802 Board of Assessment Review: Appointments; Vacancies.

There shall be a Board of Assessment Review to consist of 3 members who shall be appointed by the Town Council for a term of 3 years except that, of those first appointed one shall be for a term of 3 years, one for a term of 2 years and one for a term of 1 year. Compensation to such members shall be determined by the Council. Vacancies in the membership of such board shall be filled by the Council for the unexpired term. Members shall be residents of the Town for their entire term and must not serve in any other appointed, elected or employment capacity with the town. Spouses or children of elected officials or employees are not eligible for appointment to this Board.

802.1

The Board of Assessment Review shall have two alternate members appointed by the Town Council. Initially, one member must be appointed for one year and one member for two years. Thereafter, the term of each alternate is three years.

Sec. 803 Board of Assessment Review: Powers and Duties.

The Board of Assessment Review shall have the power to:

803.1

Review appeals from decisions of the Assessor regarding applications for abatements of property taxes and make determinations, including abatements, with respect to assessments in accordance with the general laws of the State of Maine.

803.2

Have the power to administer oaths, take testimony, and hold hearings as may be required in carrying out its functions.

803.3

Adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business consistent with 30-A M.R.S.A. § 2691(3), as amended from time to time.

ARTICLE IX

INITIATIVE AND REFERENDUM

901 General Authority.

901.1 Initiative:

The qualified voters of the town shall have the power to propose ordinances to the Council through a petition process as described below. If the council fails to adopt any ordinance so proposed, without any change in substance, then the qualified voters shall have the power to adopt or reject such ordinance at a town meeting or secret ballot election provided that such ordinance power shall not extend to any personnel matters, any ordinance that by law is exclusively reserved to the municipal officers, or the regulation of the internal procedure of the Council.

901.2 Petition For Review of Council Action:

The qualified voters of the town shall have the power to require reconsideration by the Council of any ordinance adopted by the Council or any resolution or vote of the Council except those ordinances and resolutions involving any personnel matters, the regulation of the internal procedure of the Council, ordinances that by law are exclusively reserved to the municipal officers, or any other matters decided by prior Town Meeting action. If the Council fails to repeal such an ordinance, resolution or vote, then the qualified voters shall have the power to approve or reject it at a town meeting or secret ballot election as provided for below.

902 Petition Process

902.1 Commencement of Process:

Should the Council fail to repeal any ordinance, resolution or vote, or fail to adopt any proposed ordinance, except as otherwise provided in Section 901 of this Charter, then any qualified voter may commence the petition process by filing with the Town Clerk the proposed ordinance or the specific Council action to be repealed. Within sixty (60) days of Council action, all petitions must be returned to the Town Clerk's office. Should the 60th day fall on a holiday or week-end day, the deadline will be extended to the next business day.

902.2 The Petition:

The Clerk shall provide the petitioner(s) with the appropriate forms with the proposed question as provided by the petitioner(s). Each petition signature must be executed in ink and be followed by the printed name and address of the person signing. At the time of filing, each petition form shall have attached an affidavit executed by the circulator stating that the circulator personally circulated the petition, the number of signatures thereon, that the signatures were affixed in the circulator's presence, that the circulator

believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or the action to be reviewed.

903 Post Filing Procedure.

903.1

All petitions, whether for ordinance enactment or review of Council action shall be valid only if signed by qualified voters equal to a minimum of 10% of the number who voted in the last gubernatorial election.

903.2

Within five (5) business days from the filing of a petition, the Clerk shall certify if there are sufficient valid signatures. If so, then the Council action is suspended until such time as the Council reverses its earlier decision or the matter is decided by the electorate.

903.3

Once the Clerk has reported that the required number of signatures have been certified, the Council shall promptly consider the proposed ordinance or reconsider the Council action that is the subject of the petition.

903.4

If, within 15 days, the Council fails to enact the proposed ordinance or reverse its earlier decision, then the petition question shall be submitted to the voters at the next regularly scheduled Town Meeting or general election but, in no case earlier than 45 days or later than 1 year after the petition has been certified. The vote on the proposed initiative and/or referendum shall be by secret ballot. The Council may, at its discretion, provide for a special Town Meeting at an earlier date.

903.5

Before being submitted to a secret ballot vote, any such proposed ordinance shall be examined by legal counsel who may recommend corrections in its form for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to insure accuracy in its text and references and clearness and precision in its phraseology; but the attorney shall not materially change its meaning and effect.

904 Results of Vote.

904.1

If a majority of the qualified voters voting on a proposed ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as if adopted by the council.

904.2

If a majority of the qualified voters voting on a Council action vote to reverse it, the vote shall take effect immediately.

In order for any election under Section 901 of this Charter to be deemed valid, the total number of votes cast shall be equal to a minimum of 10% of the number who voted in the last gubernatorial election.

ARTICLE X GENERAL PROVISIONS

Sec. 1001 Repealing Clause.

All provisions of previous charters, bylaws, or acts inconsistent herewith, insofar as they relate to the Town of Oakland, in the County of Kennebec, are hereby repealed.

Sec. 1002 Separability Clauses.

If any portion of this Charter shall be held to be invalid, such decision shall not effect the validity of the remaining portions thereof.

Sec. 1003 Ordinances not Inconsistent Continue in Force.

All ordinances of the Town of Oakland in force when this charter revision takes effect and not inconsistent with provisions of this charter shall continue in force until amended or repealed.

Sec. 1004 Expiration of Terms of Present Elected Officers.

The revision of the Oakland Town Charter shall not cause the expiration of the terms of elected town officers holding office at the time of the revision.

Sec. 1005 Continuance of Present Administrative Officials.

All persons holding administrative office at the time when this charter revision takes effect shall continue in office and in the performance of their duties until provision shall have been made, in accordance therewith, for the performance of such duties or the discontinuation of such office.

Sec. 1006 Existing Contracts not Invalid Unless Inconsistent.

All rights, actions, proceedings, prosecutions and contracts of the Town or any of its departments that are pending or unexecuted when this charter revision becomes effective, and which are not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1007 Oath of Office.

Every officer of the Town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be kept and filed in the Office of the Town Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Oakland, and will faithfully discharge the duties of the office of _____"

Sec. 1008 Bonding of Officials.

The Town Council shall require the Treasurer/Tax Collector to be bonded in accordance with Title 30-A, Sec. 5601 of the Maine Revised Statutes. For all other employees entrusted with the collection, custody or disbursement of town funds, coverage will be provided through a Faithful Performance type policy.

Sec. 1009 Removal of Officials and Employees.

All appointed officials, members of boards, or employees may be removed by action of the appointment power for just cause after notice and a hearing, such removal to be final, except in the cases of the Town Manager, Tax Assessor and Town Clerk, who may be removed in accordance with the provisions of this charter, the Health Officer, who can be removed only as provided for in the Maine Revised Statutes, and members of the Budget and Advisory Committee appointed in accordance with Sec. 703 of this charter.

Sec. 1010 Ratification.

This Charter shall not become effective until it is ratified by the voters of the Town of Oakland at an Annual Town Meeting or at a Special Town Meeting called for that purpose by an appropriate article inserted in the call for said meeting. Voting shall be by checklist of qualified voters, and this Charter, when so ratified, shall take effect on the first day of the next succeeding municipal year.