

***VAN BUREN***

***TOWN***

***CHARTER***

Approval Date: November 8, 1983  
Amended: June 12, 1990  
Amended: June 9, 1992  
Amended: June 9, 1998  
Amended: June 14, 2005  
Revised: June 10, 2008  
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**ARTICLE I - POWERS TO THE TOWN**

**§101. INCORPORATION**

The Inhabitants of the Town of Van Buren, County of Aroostook, shall continue to be a municipal corporation under the name of the Town of Van Buren, as established on February 11, 1881, and re-established by or in accordance with Chapter 37 of the Private and Special Laws 1945.

**§102. POWER OF THE TOWN**

The Town shall have and exercise all 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 by-laws, regulations, and ordinances not inconsistent with the Constitution or Maine Revised Statutes.

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 or lease and may sell, lease, mortgage, hold, manage, and control such property as its interest may require, provided none of the above is inconsistent with the Maine Revised Statutes (MRS).

The 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 all powers the Town may assume pursuant to State Laws and provisions of the State Constitution.

**§103. INTERGOVERNMENTAL RELATIONS**

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other municipality of the State of Maine, public agency of this State, or of the United States.

**ARTICLE II- TOWN MEETING**

**§201. ANNUAL AND SPECIAL TOWN MEETINGS**

Except as otherwise provided by the provisions of this Charter, the legislative authority of the Town of Van Buren shall continue to be vested in the Inhabitants of the Town of Van Buren acting by means of Town Meetings.

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The Annual Town Meeting shall be held on the Wednesday following the Annual Town Elections. All Town Meetings shall start at 7:00 P.M. and shall adjourn no later than 11:00 P.M. unless it is voted to extend the meeting by a majority of the voters present. If the Warrant is not completed, the meeting shall recess and reconvene the following night. The provisions of the Maine Revised Statutes, including Title 30-A, MRS, §2524-2525, shall govern the manner in which all annual and special town meetings shall be called and conducted and shall also govern the Warrant for calling same.

**§202. POWERS AND RESPONSIBILITIES**

- A. The Annual Town Election and Special Town Elections shall have the power and responsibility to elect all necessary town officers and committee members, including Town Council, Town Clerk, Hospital Trustees and Van Buren Maine School Administrative District #24 Directors;
- B. The Annual and Special Town Meetings shall have the power and responsibility to:
  - 1. raise and appropriate monies for town purposes as set forth by Maine Revised Statutes;
  - 2. act on general obligation securities, except notes in anticipation of taxes to be paid within the fiscal year in which issued;
  - 3. act on ordinances pertaining to zoning and any initiative or referendum question as provided by this Charter;
  - 4. act on the sale of town-owned real estate other than that acquired through matured tax mortgage liens;
  - 5. act on final submission to voters of any amendments to this Charter pursuant to the procedures set forth by the Maine Revised Statutes;
  - 6. transact other town business presented to it by the Warrant Articles.

**§203. TOWN CLERK**

The Town Clerk shall have all the powers and responsibilities set forth in Title 30-A Chapter 123 of the Maine Revised Statutes and shall be elected each year at the Annual Town Meeting for a term of one year.

Notwithstanding any personnel policy to the contrary or prohibited appointment as defined by 30-A M.R.S. § 2606, the Town Clerk may also be a Town employee.

**ARTICLE III - TOWN COUNCIL**

**§301. NUMBER, ELECTION, TERM:**

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- C. The Annual Town Election and Special Town Elections shall have the power and responsibility to elect all necessary town officers and committee members, including Town Council, Town Clerk, Hospital Trustees and Van Buren Maine School Administrative District #24 Directors;
  
- D. The Annual and Special Town Meetings shall have the power and responsibility to:
  - 7. raise and appropriate monies for town purposes as set forth by Maine Revised Statutes;
  - 8. act on general obligation securities, except notes in anticipation of taxes to be paid within the fiscal year in which issued;
  - 9. act on ordinances pertaining to zoning and any initiative or referendum question as provided by this Charter;
  - 10. act on the sale of town-owned real estate other than that acquired through matured tax mortgage liens;
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  - 12. transact other town business presented to it by the Warrant Articles.

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**ARTICLE III - TOWN COUNCIL**

**§301. NUMBER, ELECTION, TERM:**

The Town Council shall consist of five (5) members, each of whom shall be elected by the registered voters of the Town, for a three (3) year term. At each annual Town Meeting there shall

be elected either one (1) or two (2) Councilors, as determined by the number of Councilors whose terms are due to expire in that year. Each shall serve until his/her term has expired or he/she has been removed in accordance with §803. No Councilor may serve more than two full terms consecutively and must be absent from the Council for at least one year before serving on the Council again.

**§302. INDUCTION OF COUNCILORS**

The Councilors-elect shall, as soon as possible after the conclusion of the Town Meeting at

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which they are elected, be sworn to the faithful discharge of their duties by the Town Clerk, or in his/her absence, by a person qualified by law to administer oaths. Councilors elected in a special election shall be so sworn as soon as possible after their election.

### **§303. REGULAR MEETINGS**

The Council shall hold its first meeting within forty-eight (48) hours of its election and shall then, or as soon as possible, establish a regular time and place for holding its regular meetings, and shall meet regularly at least twice a month. Special meetings of said Council may be called by the Chair of said Council or by majority of all the members of said Council. Notice of such special meeting shall be mailed to, served upon, or left at the usual dwelling place of each Councilor and the Town Manager at least forty-eight hours before such meeting. An exception to the forty-eight hour prior notification requirement will be made in the event that a situation requiring immediate action necessitates an emergency meeting. However, every effort should be made to give reasonable notice to Councilors and the Town Manager of such an emergency meeting. The sole item on the agenda of an emergency meeting shall be the specific concern requiring urgent attention. All meetings of the Town Council shall be open to the public in accordance with the laws of the State of Maine. Public notice of meetings shall be given as per Title 1, MRS, §406.

### **§304. ORGANIZATIONAL MEETINGS**

Each year after the Annual Town meeting, the Town Council shall meet and elect a Chair and a Secretary and shall file with the Town Clerk an affidavit of their choice of Chair and their choice of Secretary signed by the majority of the Council.

### **§305. CHAIR**

The Council shall fill, for an unexpired term as Chair, from among its members, any vacancy in the office of Chair that may occur. The Chair shall preside at the 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 purpose of martial law, but he/she shall have no regular administrative duties. In the temporary absence or disability of the Chair, the Town Council may elect a Chair pro-

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tempore from among its members and he/she shall exercise all the powers of Chair during such temporary absence or disability.

**§306. SECRETARY**

The Council shall fill, for an unexpired term as Secretary, from among its members, any vacancy in the office of Secretary that may occur. The Secretary shall be responsible for keeping an accurate record of all meetings, including any minority reports, to be accepted by a majority vote of the Council at the next regular meeting. The Town Manager shall make available town office staff to transcribe the Council Secretary's notes. Minutes shall include a verbatim transcription of motions made, seconds to motions, and a record of the vote. A copy of accepted minutes shall be made available upon request for a reasonable fee to be determined by the Council.

**§307. QUORUM**

Three (3) members of the Town Council shall constitute a quorum for the transaction of business. In the event of vacancies on the Town Council, a majority of the remaining members shall constitute a quorum if a majority of those remaining have called an election to fill the vacancies.

**§308. VACANCIES**

The office of a Councilor shall become vacant upon his/her non-acceptance, resignation, removal, death, failure to qualify for the office within ten (10) days after written demand by the Council, failure of the town to elect a person to the office, or upon the expiration of a Councilor's term.

**§309. VACANCIES FILLED ON COUNCIL**

If a seat on the Town Council becomes vacant more than four (4) months prior to the next regular election, the Council shall call a Special Election to fill the unexpired term within sixty (60) days from the date the vacancy occurred.

**§310. JUDGE OF QUALIFICATIONS**

In the case of a contested election, the Council shall in accordance with Title 30-A MRS §253 I- A be the judge of the election and qualification of all officers elected by the voters under

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this Charter. Decisions made by the Council under this section shall be subject to review by the courts.

**§311. COMPENSATION**

Councilors shall receive twenty (\$20.00) dollars for each Council meeting upon attendance, not to exceed in the aggregate eleven hundred (\$1,100.00) dollars per year. Such compensation may be changed by referendum at the regular town election and any such change shall be effective for all Councilors on July 1st of the fiscal year following the regular town election at which such salary change was approved. Out-of-pocket expenses incurred by Councilors on Town business shall be reimbursed with prior approval of the Council. Compensation shall be paid quarterly. Councilors, at any time, may decline in writing, any compensation from the town.

**§312. COUNCILORS, OVERSEERS OF THE POOR, TAX ASSESSORS**

The Council shall serve as overseers of the poor and assessors of taxes provided by MRS, and shall have the same powers and be subject to the same duties.

**§313. GENERAL POWERS AND DUTIES**

The Council shall have the power to:

- A. Appoint and remove for cause after hearing, the Town Manager, any Department Head, and any town official serving in an appointed position, unless provided otherwise by State or Federal law. All appointments shall be made annually in July unless otherwise provided for in Maine Revised Statutes.
- B. By Ordinance, enacted pursuant to MRS §3002, create, change and abolish offices, departments and agencies, other than offices, departments and agencies established by this Charter. The Council by resolution may assign additional functions or duties to officers, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency
- C. Convey or authorize the conveyance of real estate acquired by matured tax mortgage liens, by sealed or negotiated bid, and to lease town-owned property.
- D. Borrow funds and provide for the execution of notes thereof in anticipation of taxes, said notes to be repaid within the fiscal year in which issued.
- E. Provide for an annual post audit of all town accounts.

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- F. Dispose of surplus town-owned personal property by public sale or auction, sealed bids, or trade-ins.
  
- G. Propose to make, alter, and repeal ordinances, subject to MRS §3002, for any purpose pennitted by Statute, and make, amend or revise General Assistance Guidelines.
  
- H. Appoint committees including those pursuant to Title 30-A MRS §2635.
  
- I. Hear and determine appeals and grievances of Town employees from actions of the Town Manager.
  
- J. All powers not specifically delegated by this Charter are retained by the Town Council.
  
- K. Appoint a Town Clerk to serve until next election when there is a vacancy due to resignation or non-election.

**§314. ADMINISTRATIVE OVERSIGHT**

In accordance with Title 30-A. MRS, §2635 the Council or its members shall deal with town employees, who are subject to the direction and supervision of the Manager, solely through the Town Manager. Neither the Council nor its members shall give orders to any such officers or employees, either publicly or privately. This section does not prevent the Tovm Council from appointing committees or commissions of its own members or of registered voters of the Town to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

**§315. ORDINANCES**

All ordinances by the Council shall be authenticated by the signature of the Secretary of the Council and recorded in full by the Town Clerk in a properly indexed book kept for that purpose.

- A. Within two (2) years after adoption of this Charter and at least every five (5) years thereafter, the Council shall provide for the preparation of a general codification of all ordinances having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine, and the codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Town of Van Buren Code. Copies of the Code shall be furnished to officials, placed in the Library and Town Office for free public reference and made available for the purchase by the public at a reasonable price

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fixed by the Council.

- B. The Council shall cause each ordinance having the force and the effect of law and each amendment to this Charter to be printed promptly following its adoption. The printed ordinances and Charter amendments shall be distributed or sold to the public at

reasonable prices to be fixed by the Council. Following publication of the first Van Buren Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the Code.

**ARTICLE IV - TOWN MANAGER**

**§400. TOWN MANAGER PLAN**

Except as provided in this Charter, this article will be in compliance with Title 30-A, MRS, §2631-2639.

**§401. APPOINTMENTS, QUALIFICATIONS, COMPENSATION**

The Council shall appoint a Town Manager by contract for terms not to exceed 3 years, and fix his/her compensation. The Town Manager shall be appointed solely on the basis of his/her executive and administrative qualifications. A Town Manager may not serve as moderator, Councilor or member of the school board. The Town Manager need not be a resident of the town or State when appointed, but, while in office, may reside outside the town or State only with the approval of the Town Council in accordance with the provisions of Title 30-A MRS, §2632 (2).

**§402. REMOVAL**

The Town Manager may be removed or suspended for cause by the Council in accordance with the provisions of Title 30-A MRS, §2633 (3).

**§403. ACTING TOWN MANAGER**

The Town Manager may designate, subject to Council confirmation, a qualified administrative official of the town to perform his/her duties during his/her temporary absence or disability. In the event of his/her failure to make a designation, confirmed by the Town

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Council, the Town Council may appoint an official of the town to perform the duties of the Town Manager during such absence or disability and until he/she shall return or his/her disability shall cease. No member of the Town Council or member of MSAD #24 Board of Directors may serve as acting Town Manager.

**§404. POWERS AND DUTIES OF THE TOWN MANAGER**

The Town Manager shall:

- A. Be the chief executive and administrative official of the town; and will also serve as · Superintendent of Roads;
- B. Be responsible to the Council for the administration of all departments and offices over which the Council has control;
- C. Execute all laws and ordinances of the town;
- D. Serve in any office as head of any department under the control of the Council when so directed by the Council;
- E. Appoint, subject to confirmation by the Council, supervise and control the heads of departments under the control of the Council when the department is not headed by the Town Manager under §404(0) of the Charter;
- F. Appoint, subject to confirmation by the Council, supervise, and control all town officials whom the town officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants;
- G. Act as purchasing agent for all departments provided that the Town or the Town Council may require that all purchases greater than a designated amount must be submitted to sealed bids;
- H. Attend all meetings of the Council, and the Town Manager may attend meetings when the manager's removal is being considered;
- I. Attend all Town meetings and hearings of the town;
- J. Make recommendations to the Council for the more efficient operation of the town;
- K. Keep all members of the Council and the residents of the town informed as to the town's financial condition and all matters relating to the operations of the town or which may require Council action;

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- L. Collect data necessary for and prepare annual town budget and Capital Improvements Budget;
  
- M. Have exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the Town Council. All persons so affected have the right to appeal such action;
  
- N. Prepare and have distributed, as per §303 of the Charter, the agenda for the Council meetings which shall include all matters requested by individual Councilors;
  - 1. Prepare and have published all necessary notices for all hearings and meetings, including applications for permits and licenses as required by this Charter or by State law;
  
- P. Perform such other duties as are required by the Town Council.

**ARTICLE V - FINANCIAL PROCEDURES**

**§501. FISCAL YEAR**

The Fiscal year of the Town Government shall begin the first day of July and shall end on the 30th day of June. Such fiscal year shall constitute the budget and accounting year as used in this Charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

**§502. PREPARATION AND SUBMISSION OF THE BUDGET**

- A. Prior to March 1st of each year, the head of each office, department, or agency shall submit a proposed program for the next fiscal year to the Town Manager. The program shall show the requested allotments of appropriations for each office, department, or agency, by stated periods, for the entire fiscal year. The Town Manager shall review the requested allotments of the proposed program of the office, department, or agency concerned, and may revise or change such allotments before approving same.
  
- B. The Town Manager, no later than April 1<sup>st</sup> of each year, shall submit to the Council a proposed budget for the next fiscal year and an explanatory budget message. This budget shall be compiled from detailed information furnished by the administrative officers, and other boards, on forms which shall be designated by the Town Manager.
  
- C. The proposed Town Budget shall include:

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1. A statement of the financial condition of the town including:
  - a. debts and anticipated costs of debt service for the next fiscal year.
  - b. current fiscal year income and expense summary report for each department.
  
2. A summary statement of the proposed budget including:

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- a. total anticipated revenue from sources other than taxation.
  - b. total anticipated revenue to be raised by taxation.
  - c. total proposed expenditures.
  - d. proposed capital improvement program expenditures.
3. An itemized statement of appropriations proposed for the next fiscal year. For purposes of comparison, statements shall be provided in parallel columns of estimated expenditures for the current fiscal year, as well as expenditures for the preceding fiscal year. These statements shall be itemized by department and by type of expenditure within each department.
  4. An itemized statement of estimated revenue from all sources for the next fiscal year, including Ambulance Department and Wastewater Department revenues. For purposes of comparison, statements shall be provided in parallel columns of estimated revenues for the current fiscal year, as well as revenues for the preceding fiscal year.
  5. A statement of the estimated tax rate required to fund the proposed budget, and comparative figures of the current fiscal year and the preceding fiscal year.
  6. A statement detailing any anticipated major changes in the expenditures, revenues, and financial policies, and clear concise summaries of the reasons for such changes.
  7. Such other information as may be requested by the Town Council.
- D. The proposed budget prepared by the Town Manager shall be reviewed by the Town Council which shall adopt the proposed budget with or without amendments on or before April 30<sup>th</sup>.
  - E. The complete proposed town budget as adopted by the Town Council shall be submitted for review to the Budget and Advisory Committee no later than May 1<sup>st</sup>.
  - F. The Budget and Advisory Committee shall submit its recommendations to the Council no later than May 15<sup>th</sup>.
  - G. The Council shall review the recommendations as submitted by the Budget and

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Advisory Committee. The Council shall submit the proposed budget to a Town Meeting with or without any recommended changes. However, the recommendations of the Budget and Advisory Committee pertaining to the proposed town budget shall be provided as a commentary to the Town Meeting.

- H. The complete Town Budget and Annual Report as adopted by the Town Council shall be published and made available to the public two (2) weeks prior to the Annual Town Meeting. The complete Town Budget shall include the budget adopted by the Town Council, the recommendations of the Budget and Advisory Committee; the statement of the financial condition of the Town, §502(C)(1); and the summary statement of the proposed budget, §502(C)(2).
- I. In the event the Town Council fails to adopt the proposed budget within the required time for publication, the proposed budget as presented by the Town Manager shall automatically become the budget presented at the Annual Town Meeting.
- J. The voters at the Annual Town Meeting shall make appropriations for said budget for the ensuing year under separate Articles for each office, department or agency as published on the Warrant. The voters at the meeting, by majority vote, may elect to make line item appropriations for any or all Warrant articles.

### **§503. TRANSFER OF APPROPRIATIONS**

The Town Council may, by resolution, transfer any unencumbered appropriated balance or portion thereof between general classifications of expenditures within a department. Appropriated balances shall not be transferred between departments without voter approval.

### **§504. CAPITAL IMPROVEMENT PROGRAM**

The Town Manager shall prepare and submit to the Town Council a proposed five (5) year capital improvement program budget no later than March 1st of each year. The proposed Capital Improvement Program (CIP) shall include:

- A. A clear summary of its contents.
- B. A list of all capital improvements which are proposed during the five (5) fiscal years next ensuing, with proper supporting information as to the necessities for such improvements. A capital purchase is hereby defined as costing five thousand (\$5,000) dollars or more.
- C. Cost estimates, methods of financing and recommended time schedules for such recommended improvements.

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- D. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired, if any. The above information shall be revised and extended each year with regard to capital improvements that are still pending or are in the process of construction or acquisition. The current year's portion of the five (5) year Capital Improvements Budget as approved by the Council shall be included as an item within the town budget

presented to the Budget & Advisory Committee and to each Annual Town Meeting. No item in the five (5) year plan may be purchased without voter approval. The CIP appropriation shall not be less than four (4%) percent of the total *town* budget, raised by local taxes, after excluding the Van Buren share of the MSAD #24 budget, county tax and all debt services. Upon approval of capital improvement funds at a Town Meeting, such appropriation shall be set aside into an interest-bearing savings program.

§505. BORROWING

Money may be borrowed, within the limits fixed by the Constitution and Statutes of the State, by the issue and sale of bonds or notes pledged on the credit of the Town. The proceeds shall be used for any purpose for which municipalities are authorized to borrow by general law. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in five (5) conspicuous places in the Town at least one (1) week before action by the voters, and publishing said notice once in a newspaper of general circulation in the Town at least one (1) day before action by the voters. Bonds and notes shall be issued in the same manner and subject to the same provisions as govern the issuance of general obligation securities of municipalities. Every order for the issuance of bonds shall provide for a tax levy for each year of an amount necessary to meet the annual payment of principle and interest, and such amounts shall be included in the tax levy for each year until the debt is extinguished. Tax anticipation notes shall be issued by order of a majority of the Council as approved by the voters on a warrant at the Annual Town Meeting. The provisions shall not be subject to Initiative and Referendum under Article VIII.

§506. PAYMENTS, BONDS OF OFFICIALS, ANNUAL POST AUDIT

- A. Payments: No money shall be paid out of the Town Treasury except by warrant issued and signed by the majority of the Town Council.
- B. Bonds of Officials: The Town shall purchase a blanket fidelity bond from a surety company in amount not less than \$250,000.00 to cover all persons entrusted with the collection, custody or disbursement of any of the monies of the Town. In addition, a bond in an amount not less than \$250,000.00 shall be required for the Town Treasurer and Tax Collector.
- C. Independent Annual Post Audit: Prior to the end of each fiscal year, the Council shall designate a private Certified Accountant, who, at the end of the fiscal year, shall make an independent post audit of accounts and all other evidence of financial transactions of the

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town. The Certified Accountant shall submit his/her report to the Council and the Town Manager. The Accountant shall review all records or accounts of the town business, and shall post audit the books and documents kept by the town and any separate or

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subordinate accounts kept by any other office, department or agency of the Town Government.

**§507. MUNICIPAL RECORDS**

Annual Report: The officers of the town shall publish annually a complete report subject to the following provisions listed below. It shall contain a record of all financial transactions of the town during the last municipal year, including a list of receipts and expenditures for at least nine (9) months of the current fiscal year. It shall also contain the attendance record of the Town Councilors for the current fiscal year.

- A. Annual Rep01i Statements: The Report shall contain a detailed statement of the town fund balances of assets, liabilities, equity, investments, debts, and grants. It shall contain a list of all delinquent taxpayers, including the amount due from each, any engineering and survey reports relating to the boundaries of the town, and all proceedings and actions of the Town Council relating thereto. The report shall also include any other information deemed by the Town Council to be of historical significance.
  
- B. Post Audit Reports: The rep01i shall contain the statement that the complete post audit rep01i for the latest municipal year is on file at the Town Office and the following excerpts from the rep01i:
  - I. Name and address of the Auditor.
  - 2. Auditor's comments and suggestions for improving the financial administration.
  - 3. Comparative Balance Sheet.
  - 4. Statement of depaiimental operation.
  
- C. Copies for Distribution: Copies of the rep01i shall be deposited in the Town Office or a convenient place of business for distribution to the voters at least two (2) weeks before the Annual Town Meeting.
  
- D. Copies Open for Inspection: Copies of the report and all town records shall be kept in the Town Office, and shall be available for public inspection and purchase.

**ARTICLE VI - BUDGET AND ADVISORY COMMITTEE**

**§601. AUTHORIZATION**

There shall be established the Budget and Advisory Committee, which shall consist of nine (9) registered voters of the Town of Van Buren, to serve three (3) year terms. Five (5) of the

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members shall be elected to staggered terms at the annual Town Meeting. The Town Council

shall appoint four (4) members to staggered terms. No elected or appointed town official, nor any town employee, shall be eligible to serve on this committee.

Notwithstanding Title 30-A M.R.S.A. §2528 and §702 of this charter, ten (10) signatures are sufficient for a nomination petition for the Budget and Advisory Committee.

**§602. VACANCIES**

Any vacancy occurring on the Budget and Advisory Committee during the fiscal year shall be filled by a registered voter appointed by majority vote of the Town Council, said appointment to remain in effect through the unexpired term remaining at the time the vacancy occurred.

**§603. ORGANIZATIONAL MEETING**

The Organizational Meeting of the Budget and Advisory Committee shall be held within thirty (30) days of the beginning of the fiscal year. A Chair, Vice-Chair, and Secretary shall be elected from the membership by a majority vote of the committee. 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 Secretary of the committee shall keep an accurate and concise record of all committee recommendations.

**§604. DUTIES AND RESPONSIBILITIES**

- A. The Budget and Advisory Committee shall review all articles on the warrant for each Annual Town Meeting and for each Special Town Meeting. The committee shall make recommendations by majority vote of members present on each article except those calling for the election of town officials. The committee shall submit its recommendations on articles on the warrant for the Annual Town Meeting to the Town Council not later than May 15. Recommendations on articles on the warrants for Special Town Meetings shall be submitted to the Town Office in time to be printed on the posted warrant for such meetings.
- B. The Budget and Advisory Committee shall hold a meeting with the Town Manager within three (3) weeks following the end of each quarter of the fiscal year to review current department budgets. Department heads are not required to be present at these quarterly meetings, but may submit comments and explanations of any aspect of their department budgets.
- C. The Budget and Advisory Committee may hold additional meetings as deemed necessary by the Chair and the Vice-Chair, or at the request of the Town Council. The Town Manager may attend these additional meetings but his/her attendance shall not be required.

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- D. All meetings of the Budget and Advisory Committee shall be open to the public. Notice of each meeting shall be posted on the Town Office bulletin board at least three (3) days before the meeting, and each member of the committee shall be notified individually at least three (3) days before the meeting.

ARTICLE VII - NOMINATIONS AND ELECTIONS

§701. CONDUCT OF ELECTION

The regular town election shall be held on the second Tuesday in June of each year. Except as otherwise provided by this Charter, the provisions of Title 21-A and Title 30-A MRS shall apply to elections held under this Charter and shall be conducted by the election officials established under Title 21-A and Title 30-A. Qualified voter shall mean any person qualified and registered to vote under Title 21-A MRS, §111.

§702. NOMINATION BY PETITION

- A. Candidates for elective office in the Town shall be nominated by petition. Any resident who is an eligible and qualified voter of the Town may be nominated for elective office by petition signed according to provisions of Title 30-A MRS, §2528.
- B. Nomination Petitions: The signatures to a nomination petition need not all be affixed to one paper, but each separate paper of a petition shall contain an affidavit executed by its circulator stating the number of signatures on the paper, that each signature on it was affixed in his/her presence, and that he/she believes each signature to be the genuine signature of the person whose name it purports to be. Each signer shall indicate next to his/her signature the street address where they reside. The nomination petitions shall be on forms prepared by the Town Clerk. No nomination petitions shall be issued by the Town Clerk or circulated for signatures more than forty (40) days prior to the final filing date for such papers.
- C. Filing & Acceptance of Nomination Petitions: All nominating papers shall be filed with the Town Clerk during business hours on or before the forty-fifth (45<sup>th</sup>) day next prior to the date of election, as per 30-A MRS, §2528 (4)(C). For Special Elections, the Town Council may designate a shorter time period for the availability of nomination papers but not less than ten (!0) days prior to the final date for filing, and may designate a shorter time period for the final date for filing nomination papers but not less than the fourteenth (14<sup>th</sup>) day next prior to the day of election.

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- D. **Objections to Petitions:** A nomination is valid unless a written objection to it is made to the Town Council on or before the second (2<sup>nd</sup>) day after the final date for filing. Objections to nominations will be acted upon pursuant to 30-A MRS, §2528 (4) (D).
- E. **Certificate of Petition Validity:** Upon receiving a nomination petition and statement of acceptance of any candidate, the Town Clerk shall have the Registrar of Voters certify the validity of any petition having a sufficient number of proper signatures. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement setting forth wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The Town Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

**§703. NAMES ON BALLOTS**

**Candidates for Elective Office:** The full name of all candidates nominated for elective office, shall be printed on the official, absentee, and specimen ballots as they appear on the nomination papers.

**§704. ORDER OF CANDIDATES' LAST NAMES**

Where two (2) or more candidates have been nominated for the same office, the names of said candidates shall appear on the ballot in alphabetical order by last name.

**§705. NOTICE OF ELECTION: PREPARATION OF BALLOTS:**

- A. The Town Council shall make notice of a regular or special town election by issuing a Warrant, signed by a majority of Councilors, containing a statement of the purpose of the election, the date, and the time of opening and closing of the polls. Such Warrant shall be noticed by a law enforcement officer of the town by posting attested copies of said Warrant in the Town Office and in two or more conspicuous public places at least seven (7) days prior to the election. Such Warrant, with the officer's return of service therein, shall be returned to the Town Clerk for recording.
- B. The Town Clerk shall also cause notice of the election to be published in a newspaper having general circulation in the town at least seven (7) days before the date of the

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election. Notifications of special elections shall be conducted in a similar manner. Ballots for all regular and special town elections shall be prepared by the Town Clerk and shall be in substantially the same form as required by state election statutes. At least four (4) days before any town election, the Town Clerk shall prepare and post a specimen ballot in one or more conspicuous public places, according to state election statutes.

**§706. DETERMINATION OF ELECTION RESULTS**

- A. Number of Votes: Each qualified voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- B. Absentee Voting: Each qualified voter who desires to cast an absentee vote at a regular town election or special election shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of MRS, Title 21-A.
- C. Plurality: Except where otherwise provided, elections shall be determined by plurality vote. In case of a tie vote for any elective office, a new election shall be held no more than forty-five (45) days from the date of the regular or special town election on a date to be determined by the Town Council. Only the names of those candidates who received the tied vote shall appear on the ballot.

**ARTICLE VIII - REFERENDUM, INITIATIVE & REMOVAL**

**§801. REFERENDUM: Petition and Overtake of Action of Council**

- A. All ordinances, or resolutions enacted, or votes taken by the Town Council, except those making appointments, or removals, or regulating exclusively the internal procedures of the Town Council, shall be subject to overrule by a referendum.
- B. Within two (2) weeks of publication of any such ordinance, resolution or vote by the Town Council, a petition signed by not fewer than ten percent (10%) of the number of voters of the town in the last gubernatorial election may be filed with the Town Clerk, requesting that it be referred to a referendum. The Council shall fix a time and place of such referendum, which shall be within thirty (30) days after the filing of the petition. Notice thereof shall be given in the manner provided by law for the calling of a referendum.
- C. A public hearing shall be held by the Town Council on the subject of such referendum at least ten (10) days before the date for voting thereon, as set forth in Title 30-A. MRS, §2528.

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- D. After filing of the petition the referred ordinance, resolution or vote shall be suspended from operation. It shall not be reinstated unless the majority of the votes cast at the referendum approve the ordinance, resolution or vote.

**§802. INITIATIVE: Petition for Enactment of Ordinances**

- A. Subject to the provisions of §801, a petition signed by not fewer than ten percent (10%) of the voters in the last gubernatorial election may at any time request the enactment of an ordinance. The petition shall be presented as follows:
1. A complete text of the proposed ordinance shall be presented to the Town Clerk.
  2. Each page containing signatures in support of said ordinance shall be headed by the complete text of said proposed ordinance.
- B. The Town Council shall call an Initiative Election to be held within thirty (30) days from the date of such filing. The call for such Initiative shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. Such ordinance shall take effect on the tenth (10) day after the conclusion of the election provided that majority of those voting thereon, shall have voted in the affirmative. In the event that the Town Council enacts such ordinance, the election shall not be held.

**§803. REMOVAL**

Any elected town official or Maine School Administrative District # 24 Director representing the Town, may be removed from his/her position or office by the qualified voters of the Town as herein provided.

- A. Voters of the Town may make and file with the *Town* Clerk petitions, containing the signatures of qualified voters of the town, which in total are at least twenty percent (20%) of the number of voters of the town in the last gubernatorial election, and which sets forth the name(s) of official(s) whose removal is sought and a general statement of the reasons why such removal is desired.
- B. Each petition shall have printed on its back an affidavit to be executed by the circulator stating:
1. That the circulator personally circulated the petition;
  2. The number of signatures on the petition;
  3. That all the signatures were signed in the circulator's presence;
  4. That the circulator believes them to be genuine signatures of the person whose name they purport to be;

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5. That each signer had an opportunity to read the petition before signing.
- C. The Town Clerk shall thereupon within five (5) business days ascertain whether or not the petition is signed by the requisite number of voters and shall attach thereto his/her certificate showing the result of such examination.

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- D. If the petition is certified by the Town Clerk to be sufficient, he/she shall submit it with his/her certificate to any Town Councilor and shall notify the official(s) whose removal is sought by such action. The Town Council shall within five (5) business days of the receipt of the Town Clerk's certificate, order an election to be held, not less than thirty (30) nor more than forty (40) calendar days from the date of filing. If a regular town election is to occur within sixty (60) calendar days after the receipt of said certificate and petition, the Town Council may in its discretion provide for the holding of the removal election on the date of such other town election. In the event a regular town election is not to occur within 60 calendar days and the Town Council fails to order a removal election within the five (5) business days, a notary public may order such election in accordance with this paragraph.
- E. In case a majority of those voting for and against the removal of any official shall vote in favor of removing such official, he/she shall thereby immediately be removed.
- F. An election shall be held within (60) calendar days to fill the unexpired term of this office.
- G. The official, if removed, shall not be denied the right to seek re-election.

**ARTICLE IX - ADMINISTRATIVE ORGANIZATION**

**PART 1 - GENERAL ADMINISTRATION**

**§901. GENERAL PROVISIONS**

- A. Creation of Departments: The Town Council by ordinance, may establish town departments, offices and agencies in addition to those created by this Charter and may prescribe the functions of departments, offices and agencies. No function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other department, office or agency.
- B. Direction by Town Manager: All departments, offices and agencies under the direction and supervision of the Town Manager shall be administered by an officer appointed by the Town Manager, subject to the confirmation of the Town Council.

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**PART 2 - PERSONNEL ADMINISTRATION**

**§902. MERIT PRINCIPLE**

All appointments and promotions of town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

**§903. PERSONNEL POLICIES**

The Town Council shall maintain and update personnel policies. The Town Council or *Tovm* Manager shall propose the personnel policies for adoption which may adopt them with or without amendment. The policies shall not apply to the Town Manager, but shall apply to all other town employees. The policies shall provide for:

- A. The classification of all town positions based on the duties, authorities and responsibilities of each position, with adequate provision for reclassification of any position whenever wanted by changed circumstances.
- B. A Pay Plan for all town employee positions.
- C. Methods for determining merit and fitness of candidates for appointment or promotion.
- D. The policies and procedures regulating reduction in force.
- E. The policies of governing disciplinary measures such as suspension, demotion or discharge, with provisions for presentation of charges, hearing rights and appeals.
- F. The hours of work, attendance regulations and provisions for sick and vacation leaves.
- G. The policies and procedures governing relationships with employee organizations, not inconsistent with law.
- H. The policies and procedures governing provisional or part-time appointments.
- I. Policies regarding in-service training programs.
- J. Grievance procedures.
- K. Other practices and procedures necessary for the administration of the town personnel system.

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**§904. PERSONNEL RECORDS**

Personnel records and employee rights to review such records shall be governed by State Statutes under Title 30-A. MRS, §2702.

**§905. TOWN ATTORNEY**

The Council shall have the exclusive right to appoint or hire an attorney to serve as legal advisor to the *Tovm* Council, the To\\'11 Manager and any town department, board, agency, or commission.

**PART 3- MUNICIPAL DEVELOPMENT**

**§906. PLANNING BOARD**

There shall be a town Planning Board appointed by the To\\'11 Council, having powers and performing such duties as are provided by to\\'11 ordinance.

The Planning Board shall consist of five (5) regular members and two (2) alternate members. Regular members shall serve for staggered five (5) year terms and alternate members shall serve for staggered two (2) year terms. One (!) regular member and one (1) alternate member shall be appointed annually. At the first meeting of the Planning Board of the fiscal year, the board shall elect a Chair, Vice-Chair, and Secretary.

**§907. ZONING ORDINANCES**

There shall be Zoning Ordinances as provided in 30-A. MRS, §4351-4452.

**§908. BOARD OF APPEALS**

There shall be a town Board of Appeals appointed by the Town Council having such powers and perforriing such duties as are provided by town ordinances and Title 30-A. MRS, §2691.

The Board of Appeals shall consist of five (5) regular members and two (2) alternate members. Regular members shall serve for staggered five (5) year terms and alternate members shall serve for (2) year terms. One (I) regular member and one (I) alternate member shall be appointed annually. At the first meeting of the Board of Appeals of the fiscal year, the board shall elect a Chair, Vice-Chair, and Secretary.

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**§909. WELFARE DIRECTOR**

There shall be a Welfare Director appointed by the Town Council, having powers and performing such duties as are provided by the General Assistance Guidelines for the Town of Van Buren.

**§910. FAIR HEARING OFFICER**

There shall be a Fair Hearing Officer appointed by the Town Council and serving according to the General Assistance Guidelines for the Town of Van Buren.

**ARTICLE X - GENERAL PROVISIONS**

**§1001. ELECTED OFFICIAL -TERMS**

The term of any elected official shall begin the first day following election of said official.  
(1<sup>51</sup>)

Any vacancy other than a Town Councilor shall be filled by appointment by the Town Council until the next Annual Town Election.

**§1002. OFFICIALS TO BE SWORN**

Before assuming the duties of office, every Town Official or Deputy Official shall be sworn to the faithful discharge of the duties incumbent upon him/her according to the Constitution and laws of the State of Maine and the Charters and Ordinances of the Town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

**§1003. PERSONAL FINANCIAL INTEREST**

Any Town official or employee who has more than five (5%) percent financial interest, or has an immediate family member who has more than five (5%) percent financial interest, direct or indirect, in a private corporation, business or other economic entity dealing in any contract with the Town or in the sale of any land, materials, supplies or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an official, or employee in making such sale, or in the making or performance of such contract. The willful concealing of such a financial interest shall be considered malfeasance in office and shall be grounds for removal from his/her office or position. Violation of this section with the knowledge, express or implied, of the person(s) or corporation(s) contracting with or making a sale to the Town shall render the contract or sale voidable by the Town Council.

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**§1004. INCOMPATIBILITY OF OFFICE**

The office of Town Councilor shall be deemed incompatible with the duties of any other town position to which an hourly rate of pay or a stipend is usually attached or with any other position as deemed incompatible by state law. If elected to the office of Town Councilor, a town employee shall terminate his/her employment with the Town prior to their assumption of office.

**§1005. PROHIBITIONS**

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office because of age, marital status, color, race, sex, sexual orientation, national origin, political or religious opinions or affiliations, or disability unless it directly affects the ability to perform the required duties of the position.

**§1006. SEPARABILITY**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby.

**§1007. NOTIFICATION OF APPOINTIVE VACANCIES**

Notice shall be published at least once each year in a weekly publication of all vacancies to be filled by appointment by the Town Council.

**ARTICLE XI - TRANSITIONAL PROVISIONS**

**§1101. EFFECTIVE DATE**

This Charter shall be in full effect for all purposes on and after the first day of the next succeeding fiscal year after adoption.

**§1102. COMPENSATION OF OFFICIALS AND EMPLOYEES**

When not otherwise provided by applicable statutes or this Charter, the compensation of officials and employees of the Town shall be fixed by a vote of the Council to be conducted annually.

**§1103. PENDING MATTERS**

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All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be

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maintained, carried on or dealt with by the town department, office or agency appropriate under this Charter.

**§1104. STATE AND MUNICIPAL LAWS**

All town ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant hereto. To the extent that the Constitution and Laws of the State of Maine permit, all laws relating to or affecting this town or its agencies, officials or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter, or of ordinances or resolutions adopted pursuant hereto.

**2010 - 2011 Van Buren Town Charter Commission**