



**TOWN OF FALMOUTH  
ORDER NO 35-2019**

**APPROVE THE CHARTER BALLOT**

**VOTED THAT IT BE AND IS HEREBY ORDERED THIS 24TH DAY  
OF SEPTEMBER 2018, BY THE FALMOUTH TOWN COUNCIL,  
FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:**

That the Questions attached hereto be placed on the ballot of a referendum of the Town of Falmouth to be held on November 6, 2018; that the Warrant for the referendum and the Notice of Public Hearing be approved substantially in the form attached hereto; and that an attested copy of this Order be placed on file with the Town Clerk of the Town of Falmouth.

Attest: \_\_\_\_\_  
Ellen Planer Town Clerk

# Ballot Questions

## FIRST CHARTER MODIFICATION QUESTION

Shall the Town approve the Charter modification recommended by the Charter Review Commission and summarized below?

### Summary

- Section 201 is amended to clearly define the beginning and end of a Town Councilor's term of office. Section 201 is further amended to be consistent with the amendments in Section 401 defining the beginning and end of a School Board member's term of office.
- Section 202 is amended to clarify that neither a School Department employee nor an employee of the Falmouth Memorial Library is eligible to serve as a Town Councilor; this amendment is consistent with the amendment in Section 402 governing restrictions on qualifications of School Board members. Section 202 is further amended to eliminate the exception allowing Fire/EMS Department employees to be eligible to serve as a Town Councilor. Fire/EMS Department employees were historically volunteers but are now part time paid "call" employees. Finally, Section 202 is further amended to clarify the types of crimes that could disqualify a person from serving as a Town Councilor; this amendment is consistent with the amendment in Section 402 clarifying the types of crimes that could disqualify a person from serving as a School Board member.
- Section 204.1 is amended to correct a reference to another section of the Charter and to clarify that the Town Council has the authority to remove any of its appointees with or without cause.
- Section 206 is amended to change the time of the annual meeting following the regular Town elections and to clarify when a newly elected Town Councilor is to be sworn into office.
- Section 211 is amended to provide that a vacancy on the Council will normally be filled at the next regular municipal or state election. Section 211 is further amended to give discretion to the Town Council, in the event a seat on the Council becomes vacant within 60 days of the next regular Town election, to have a special election to fill a vacancy in the office of Town Council. These amendments in Section 211 are consistent with the amendments in Section 403 governing the filling of vacancies on the School Board.
- Section 213 is amended to ensure that there is no conflict with Section 902 of the Charter.
- Section 213.1 is amended to eliminate the exemption of ordinances authorizing issuance of emergency bonds. Emergency related expenditures and bonds are addressed in the amendments to Section 903.
- Section 216 is amended to require the Town Council to enter into an employment contract with the Town Manager.
- Section 218 is amended to clarify the circumstances under which Councilors may communicate directly with employees of the town.
- Section 219 is amended to correct a reference to a state law.
- Section 305 is amended to correct the reference to a Department of the State of Maine.
- Section 401 is amended to clearly define the beginning and end of a School Board member's term of office. Section 401 is further amended to be consistent with the amendments in Section 201 defining the beginning and end of a Town Councilor's term of office.

- Section 402 is amended to exclude any Town or Falmouth Memorial Library employee from serving as a School Board Member; this amendment is consistent with the amendment in Section 202 governing restrictions on qualifications of Town Councilors. Section 402 is further amended to clarify the types of crimes that would disqualify a person from serving as a School Board member; this amendment is consistent with the amendment in Section 202 clarifying the types of crimes that could disqualify a person from serving as a Town Councilor
- Section 403 is amended to clarify that a vacancy on the School Board will normally be filled at the next regular municipal or state election. Section 403 is further amended to allow the School Board, in the event a seat on the Board becomes vacant within 60 days of the next regular Town election, to request that the Town Council have a special election to fill a vacancy in the office of the School Board. These amendments in Section 403 are consistent with the amendments in Section 211 governing the filling of vacancies on the Town Council.
- Section 404 is amended to clarify when a School Board Member is to be sworn into office. Section 404 is further amended to remove language governing what constitutes a quorum of the School Board, which language has been proposed to be moved into a new Section 405 of the Charter.
- Section 405 is a new section that addresses the requirement of what constitutes a quorum of the School Board which was formerly addressed in Section 404. This section was also changed to be consistent with the quorum requirements of the Council in Section 210.
- Section 405 is now section 406. Section 406 is amended to lengthen the amount of time, from 45 to 75 days prior to the beginning of each budget year, that the School Board must submit its budget to the Town Manager.
- Section 406 is now section 407.
- Section 502 is amended to lengthen the amount of time, from 35 to 60 days prior to the beginning of each budget year, that the Town Council has to review the annual budget.
- Section 506 is amended to correct a reference to another section of the Charter.
- Section 508 is amended to eliminate the restriction to act on a transfer of appropriation only by resolution. This amendment will allow a transfer of appropriation by resolution, order or ordinance.
- Section 801 is amended to reference the sections of the Charter pertaining to special elections to fill vacancies on the Town Council and School Board. Section 801 is further amended to correct a reference to another section. Finally, Section 801 is amended to eliminate the restriction to act only by resolution, which will now allow action by resolution, order or ordinance.
- Section 901.2 is amended to restrict petitions on bonds to those that are general obligation bonds. This section is further amended to increase the limit of what expenditures are subject to a petition from \$200,000 to \$500,000. Finally, this section is amended to exclude any expenditure from a petition if it is for the purpose of a declared emergency under section 213.1
- Section 903 is amended to exempt any expenditure or bond, regardless of the amount, from requiring a referendum, so long as the expenditure is related to the treatment and collection of wastewater or with respect to a declared emergency under Section 213.1. Section 903 is further amended to exempt bonds from going to referendum if they are simply being refinanced.
- Section 905.1 is amended to increase the number of registered voters to be on a petition for the recall of elected officials from 10 to 20%.

## SECOND CHARTER MODIFICATION QUESTION

Shall the Town approve the Charter modification recommended by the Charter Review Commission and summarized below?

### Summary

- Section 903 is amended to raise from \$1,000,000 to \$2,000,000 the threshold amount for single item expenditures and for bonding which must be submitted to referendum (this amendment would apply to Section 903 in its current form or as amended by Question 2.)

## NOTICE OF PUBLIC HEARING

TO: Edward Tolan, Chief of Police of the Town of Falmouth: In the name of the State of Maine you are hereby required to notify the voters of the Town of Falmouth of the Public Hearing described in this Notice of Public Hearing.

TO: The Voters of the Town of Falmouth: Take notice that a public hearing will be held on October 10 at 7:00 p.m., at the Falmouth Town Hall, 271 Falmouth Road in Falmouth on the following questions which will be the subject of a referendum vote on November 6, 2018.

**QUESTION 2:** Shall the Town approve the Charter modification recommended by the Charter Review Commission and summarized below?

### Summary

- Section 201 is amended to clearly define the beginning and end of a Town Councilor's term of office. Section 201 is further amended to be consistent with the amendments in Section 401 defining the beginning and end of a School Board member's term of office.
- Section 202 is amended to clarify that neither a School Department employee nor an employee of the Falmouth Memorial Library is eligible to serve as a Town Councilor; this amendment is consistent with the amendment in Section 402 governing restrictions on qualifications of School Board members. Section 202 is further amended to eliminate the exception allowing Fire/EMS Department employees to be eligible to serve as a Town Councilor. Fire/EMS Department employees were historically volunteers but are now part time paid "call" employees. Finally, Section 202 is further amended to clarify the types of crimes that could disqualify a person from serving as a Town Councilor; this amendment is consistent with the amendment in Section 402 clarifying the types of crimes that could disqualify a person from serving as a School Board member.
- Section 204.1 is amended to correct a reference to another section of the Charter and to clarify that the Town Council has the authority to remove any of its appointees with or without cause.
- Section 206 is amended to change the time of the annual meeting following the regular Town elections and to clarify when a newly elected Town Councilor is to be sworn into office.
- Section 211 is amended to provide that a vacancy on the Council will normally be filled at the next regular municipal or state election. Section 211 is further amended to give discretion to the Town Council, in the event a seat on the Council becomes vacant within 60 days of the next regular Town election, to have a special election to fill a vacancy in the office of Town Council. These amendments in Section 211 are consistent with the amendments in Section 403 governing the filling of vacancies on the School Board.
- Section 213 is amended to ensure that there is no conflict with Section 902 of the Charter.
- Section 213.1 is amended to eliminate the exemption of ordinances authorizing issuance of emergency bonds. Emergency related expenditures and bonds are addressed in the amendments to Section 903.
- Section 216 is amended to require the Town Council to enter into an employment contract with the Town Manager.
- Section 218 is amended to clarify the circumstances under which Councilors may communicate directly with employees of the town.
- Section 219 is amended to correct a reference to a state law.
- Section 305 is amended to correct the reference to a Department of the State of Maine.

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- Section 405 is a new section that addresses the requirement of what constitutes a quorum of the School Board which was formerly addressed in Section 404. This section was also changed to be consistent with the quorum requirements of the Council in Section 210.
- Section 405 is now section 406. Section 406 is amended to lengthen the amount of time, from 45 to 75 days prior to the beginning of each budget year, that the School Board must submit its budget to the Town Manager.
- Section 406 is now section 407.
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- Section 506 is amended to correct a reference to another section of the Charter.
- Section 508 is amended to eliminate the restriction to act on a transfer of appropriation only by resolution. This amendment will allow a transfer of appropriation by resolution, order or ordinance.
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- Section 901.2 is amended to restrict petitions on bonds to those that are general obligation bonds. This section is further amended to increase the limit of what expenditures are subject to a petition from \$200,000 to \$500,000. Finally, this section is amended to exclude any expenditure from a petition if it is for the purpose of a declared emergency under section 213.1
- Section 903 is amended to exempt any expenditure or bond, regardless of the amount, from requiring a referendum, so long as the expenditure is related to the treatment and collection of wastewater or with respect to a declared emergency under Section 213.1. Section 903 is further amended to exempt bonds from going to referendum if they are simply being refinanced

- Section 905.1 is amended to increase the number of registered voters to be on a petition for the recall of elected officials from 10 to 20%.

**QUESTION 3:** Shall the Town approve the Charter modification recommended by the Charter Review Commission and summarized below?

Summary

- Section 903 is amended to raise from \$1,000,000 to \$2,000,000 the threshold amount for single item expenditures and for bonding which must be submitted to referendum (this amendment would apply to Section 903 in its current form or as amended by Question 2.)

Signed and dated at the Town of Falmouth, September 24, 2018

\_\_\_\_\_  
(Edward Asherman)

\_\_\_\_\_  
(Hope Cahnn)

\_\_\_\_\_  
(Andrew Ferrante)

\_\_\_\_\_  
(Caleb Hemphill)

\_\_\_\_\_  
(Claudia King)

\_\_\_\_\_  
(Amy Kuhn)

\_\_\_\_\_  
(Aaron Svedlow)

Majority of Municipal Officers of the Town of Falmouth

A True Copy. Attest: \_\_\_\_\_

Ellen Planer,  
Town Clerk  
Town of Falmouth

RETURN

Cumberland, ss.

State of Maine

TO: The Municipal Officers of the Town of Falmouth:

I have notified and warned the voters of the Town of Falmouth of the time and place of the within described public hearing by posting an attested copy of said notice at:

Date	Time	Place
		Hannaford
		Gorham Savings Bank
		Harmon's Hamburgers
		Falmouth Town Hall
		Falmouth High School
		Transfer Station
		Falmouth Memorial Library
		Shaw's Supermarket
		Town Landing Market
		Waldo's

being a public and conspicuous place in said Town, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Edward Tolan  
Chief of Police