

**CHARTER OF THE TOWN OF FRYE ISLAND
CUMBERLAND COUNTY, STATE OF MAINE**

ADOPTED BY [TOWN VOTE ON OCTOBER 10, 1998](#)
EFFECTIVE JANUARY 1, 1999

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Town of Frye Island, Frye Island, Maine 04071 --- (207) 655-4551

(Copy of [Charter in PDF](#) for uniform printed copy)

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Preamble

Objects of Government. We the people of the Town of Frye Island in the State of Maine in order to establish a form of municipal government that best meets our needs have created this Charter. The following Articles define the special elements of the Town of Frye Island form of government in accord with the home rule powers defined in the Constitution of Maine, Article VIII, Part Second and the Maine Revised Statues Annotated (M.R.S.A.), Title 30-A, Chapter 111. Here are some quotes from Chapter 111 demonstrating the broad power and responsibility given to municipalities by home rule:

"Purpose. The purpose of this chapter is to implement the home rule powers granted to municipalities by the Constitution of Maine, Article VIII, Part Second." [M.R.S.A. 30-A ĩ½ 2101]

"Applicability of provisions. Except as otherwise provided by this Title or by charter, the method of voting and the conduct of a municipal election are governed by Title 21-A." [M.R.S.A. 30-A ĩ½ 2501]

"Effect of private and special. Private and special laws applying to a municipality remain in effect until repealed or amended by a charter revision, adoption, modification or amendment under this chapter." [M.R.S.A. 30-A ĩ½ 2107]

"Liberal construction. This chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to accomplish its purposes." [M.R.S.A. 30-A ĩ½ 2109]

Article I. Establishment of Town

Section 1. Incorporation. In the year of our Lord Nineteen Hundred and Ninety Seven, the 118th Legislature of the State of Maine passed a bill with two-thirds majority authorizing the separation and incorporation of Frye Island subject to a referendum election. The Governor signed the bill into law on June 12, 1997. The referendum election was held on October 14, 1997 and was passed with a unanimous vote. The effective date of the new Town of Frye Island was set at July 1, 1998.

Section 2. Location. The territory of the Town of Frye Island is an island in Sebago Lake (Cumberland County, Maine) identified on maps as Frye Island. The Town boundaries include all of the land on the island and the surrounding waters within two hundred feet (200') from the shoreline.

Section 3. Powers and Responsibilities. The Town shall have all powers possible for a municipality to have under the Constitution and laws of the State of Maine. The powers under this Charter shall be construed liberally in favor of the Town and no mention of particular powers in the Charter shall be construed to be exclusive or limiting in any way the general power stated in this article.

Section 4. 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 one or more political subdivision of this State, or of the United States or agencies thereof, including any public agencies of this State or of the United States. The exercise of such power shall be governed by such statutes as pertain to inter-local cooperation.

Section 5. Government. The government of the Town of Frye Island under this Charter shall consist of a Town Meeting, an elected Board of Selectmen, an elected school representative, an appointed Town Manager, and such other Boards, Committees and Officials as may be duly authorized, appointed or elected pursuant to this Charter, general law, or ordinance. The government of the Town of Frye Island under this Charter has been formed under the "Town Manager Plan" as authorized by 30-A M.R.S.A Chapter 123, Subchapter II. The Voters of the Town of Frye Island, through the Town Meeting, are the legislative body of the Town, exercising all the home rule powers granted through the Constitution and the laws of the State of Maine.

Section 6. Board of Island Trustees. In accordance with powers given to municipalities under 30-A M.R.S.A. chapter 111 and the Constitution of Maine, Article VIII, Part Second, a Board of Island Trustees is established through this Charter. Membership in the Board and its functions and duties are defined in Article VI of this Charter. The Board of Island Trustees has an Executive Committee that is also defined in Article VI, and will be referred to as the Executive Committee in this Charter.

Section 7. Voters. A person who meets the general qualifications as provided by 21 M.R.S.A. section 111 may vote in the Town of Frye Island; that person is referred to as a Voter in this Charter.

Section 8. Amending This Charter. This Charter may be amended according to procedures provided by 30-A M.R.S.A. sections 2102-2106.

Section 9. Individual Rights. Nothing in this Charter shall be construed to diminish the rights of any individual as granted by the Constitution of the United States or the laws thereof or by the Constitution of the State of Maine or the laws thereof.

Section 10. Separability. If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons or circumstances shall not be affected thereby.

Article II. Town Meeting

Section 1. Meetings. Annual Town Meeting shall be held each year in the Town of Frye Island during the weekend of Columbus Day Holiday (October) each year. Town Budget and Elections shall be a part of the Annual Meeting. Special Town Meetings can be called by a majority of the Selectmen or, if the Selectmen refuse to call a Town Meeting, by a notary public on the written petition of a number of Voters equal to at least 10% of the number of votes cast in the Town of Frye Island at the last gubernatorial election, but in no case less than 10. Special town meetings held during the months of November through April require 30 day advance notice by first class mail to all Frye Island Voters and property owners. There is no quorum requirement (i.e., minimum number of Voters required to conduct valid transactions) for Town Meetings or Town Elections. [October, 2005; [WA5](#) as amended at the Town Meeting]

Section 2. Moderator. At each Town Meeting a moderator shall be elected as the first order of business. The Moderator's term of office is for the meeting where he/she is elected, expiring when the meeting adjourns. All persons shall be silent at the Moderator's command. A person may not speak before being recognized by the moderator.

Section 3. Voter Authority. The Voters of the Town of Frye Island shall have the power to require consideration or reconsideration of any Warrant item prior to adjournment of that Town Meeting. In reconsideration of an article at the same Town Meeting, the total vote must be at least 2/3 of the original total vote.

Section 4. Town Clerk. The Town Clerk is responsible to accurately record the votes at all Town Meetings. In the Clerk's absence, the moderator shall appoint and swear in a temporary clerk.

Section 5. Voting Method. The normal method of voting on Warrant issues is the raising of a placard of particular color that was provided at Voter check-in at the Town Meeting. If a declared vote is questioned by at least 7 Voters, then the moderator shall make it certain by polling the Voters or by some other method.

Section 6. Warrant. All Town meetings shall be called by Warrant which must be signed by a majority of Selectmen, except as otherwise provided in statute. The Warrant must specify the time and place of the meeting. The Warrant shall identify in distinct articles all business to be covered at a Town Meeting. An attested copy of the complete Warrant shall be posted in at least three conspicuous places on Frye Island at least seven days before Town Meeting. No other business may be acted upon. A copy of all Warrants issued during a year shall be included in the Town Report for the Annual Meeting.

Section 7. Town Report. Copies of the Town Report shall be made available at least 3 days before the Annual Town Meeting. Copies of the Town Report shall be distributed upon individual request to the Town Office.

Section 8. Rules of Order. Unless the Voters determine otherwise at a particular Town Meeting, the conduct of the affairs of the Town of Frye Island shall be governed by the Maine Moderator's Manual 1989 edition. A later edition of the Maine Moderator's Manual can be used if approved by the Town Voters.

Section 9. Powers and Responsibilities. The Town Meeting shall have the exclusive power and responsibility to:

- A. Elect all necessary Town Officers and Officials as provided in this Charter and by local ordinance; determine compensation for same for the ensuing year. Elections are normally done at the Annual Town Meeting;
- B. Raise and appropriate monies for the Annual Budget. Budget matters are typically approved at the Town Budget Meeting in accordance with Article VII of this Charter. The Annual and Special Town Meeting shall have the power and responsibility to raise and appropriate monies for special municipal purposes, consistent with the budgets presented by the Board of Island Trustees. Voters at a Town Meeting cannot amend the budget as forwarded to it by the Board of Island Trustees; however, the responsibility to raise and appropriate monies for special school, county and state purposes is the sole responsibility of the Town Voters, and can be amended in accord with normal Town Meeting procedures;
- C. Act on the issuance of bonds and notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued;
- D. Act on any initiative or referendum question as provided for by this Charter or State Statutes;
- E. Act on the sale of Town owned real estate other than that acquired through matured tax mortgage liens and parcels of island property smaller than one acre;
- F. Act on any amendment to this Charter pursuant to law;
- G. Transact other Town business presented to it by Warrant Articles;
- H. Exercise all other powers not specifically delegated by this Charter or by law;
- I. Accept monies and property to be used in trust by the Town for specified purposes;
- J. Enter into contracts with Frye Island Incorporated (FII) for the provision of island services; contracts should either be at no cost to the taxpayer (e.g., income received for services offsets costs incurred), or FII is billed for the cost of services provided. The services provided as a part of the contracts can be limited to the stockholders of FII and their guests; and
- K. Adopt necessary ordinances; however, ordinances pertaining to zoning, subdivisions, and building regulations on Frye Island shall be enacted according to the following procedure: the Board of Island Trustees, in accordance with the procedure established in Articles VI & VII of this Charter, shall forward to the Town Meeting for ratification by the Voters (by simple majority vote), all proposed ordinances pertaining to zoning, subdivisions, and building regulations approved by the Board of Island Trustees; the Town Voters can change any proposed new ordinance approved by the Board of Island Trustees by a two-thirds vote by amending the Town Meeting Warrant Article that contains the proposed new ordinance. If the ordinance is amended in matters of substance, it must go through the public hearing process described above before another Town Meeting vote.

Article III. Board of Selectmen

Section 1. Composition, Eligibility, Election. There shall be a Board of Selectmen of three members nominated and elected at large by the Voters of the Town. The eligibility for service on the Board of Selectmen shall be limited to Town of Frye Island Voters who shall remain a Voter during such service. No more than one person from an immediate family shall serve on the Board of Selectmen. Election to the Board of Selectmen shall be filled by election using written ballot at the Annual Town Meeting; all positions can be listed on a single ballot. Candidates should give notice at least 14 days before the

Annual Town Meeting (allowing a candidate's name to be included on the Warrant). The winner of the election shall be the individual with the largest number of votes; no majority of votes cast is required for election; in the case of a tie, the individuals involved with the tie will be asked if one or more will withdraw to eliminate the tie, otherwise, another election will be held as soon as possible. No absentee ballots will be permitted.

Section 2. Terms. Election to the Board of Selectmen shall be for staggered three-year terms. Each position with a different term length shall be a separate position and be so indicated in the Warrant article. Terms shall be in effect starting immediately after the Annual Town Meeting. For the first election for the Town, one position will be for one year, one position will be for two years, and one position will be for three years; terms shall be in effect starting immediately after the election. The duties of a member of the Board of Selectmen shall begin upon being sworn in and shall terminate with the swearing in of his/her replacement or by vacating the office.

Section 3. Swearing In. All Selectmen shall be sworn in by the Town Clerk immediately upon election, or as soon as possible if the elected person is not present at election.

Section 4. Vacancies and Replacements. In the event of resignation, forfeiture, death, incapacity or vacancy for any other reason authorized by law, of a Selectman, a replacement to fill out the term shall be made by the Voters at the Annual Town Meeting by written ballot. If no nomination is made to fill a vacancy, the Voters may authorize appointment of a replacement by the Selectmen. If the vacancy occurs more than 14 days before the Annual Town Meeting, a replacement to fill out the term until the next Annual Town Meeting shall be made by appointment by the Selectmen. A Special Town Meeting can be called to filled the vacancy if desired.

Section 5. First Selectman. At their organizational meeting which follows the Annual Town Meeting the Board of Selectmen shall elect a chairperson and that chairperson shall be known as First Selectman. The Board of Selectmen can be referred to by using the single word Selectmen.

Section 6. Powers and Responsibilities. Duties of the Selectmen shall include, but not be limited by, the following:

- A. Make appointment of the Town Manager, Registrar of Voters, Tax Collector, Town Treasurer, General Assistance Director, Town Clerk, and any other Town officials created by Charter or local ordinance;
- B. Act as licensing authority;
- C. Act to retain or hire a Town Attorney **using a qualification based selection process**; [October, 1999; [WA9a](#); modified]
- D. Act as the Board of Assessors, if the Town does not use a single individual as an Assessor;
- E. Manage the financial and local municipal affairs of the Town, following appropriate statutory duties and power and in accordance with the procedure established in Article VI and VII of this Charter;
- F. Prepare and approve all warrants and obligations for expenditure of Town funds;
- G. Organize budget requests and warrant articles for the Town Meetings;
- H. Call Special Town Meetings on own initiative or in response to petition signed by petition of Voters;
- I. Solicit tax anticipation loans as required;
- J. Act on the sale of Town owned real estate of less than one acre and property acquired through matured tax mortgage liens;
- K. A majority of the Selectmen must sign Selectmen's warrants for the expenditure of funds at a Selectmen's meeting; and
- L. The Board of Selectmen may, as a full board by majority vote in open session, for cause, after notice and hearing, remove an individual from a position to which the Board has appointed him/her;

- M. The Selectmen shall not give orders to any subordinates of the Town Manager, either publicly or privately.
- N. The Selectmen will act as the point of appeal for any issues concerning the registration of individuals to become Voters in the Town of Frye Island.

Section 7. Meetings. The Selectmen shall meet on a regularly scheduled basis at scheduled times and at special meetings as called by the First Selectman. The meeting schedule and proceedings are public record, however, the Board of Selectmen may, by majority vote, recess for the purpose of discussing in executive session any matter considered to be of a confidential nature as permitted by law. Final action on any matter taken up in such executive session shall be taken publicly after a public session of the meeting has been reconvened. During the months of May through October the location of all Selectmen meetings shall be within the boundaries of the Town of Frye Island. From November through April the locations of all Selectmen meetings shall be not more than 25 miles from the corporate limits of the Town of Frye Island. Notice of all meetings shall be given as required by law and this Charter.

Section 8. Procedures. The Board shall annually review, update, and adopt operating procedures and schedules for management of Town affairs, reporting, budget requests, and financial schedules. These operating procedures shall be maintained by the Town Manager.

Section 9. Individual Authority. Voters, Island Trustees and other real property owners of the Town of Frye Island have the right, responsibility, and authority to make suggestions to the Board of Selectmen.

Article IV. Education

Section 1. General. The 1997 law passed by the 118th Maine Legislature relative to the creation of the Town of Frye Island stated that the Town "remains in the School Administrative District (SAD) 6 or its successor and pays its proportional share of costs, unless or until such time as it withdraws from the school administrative district in accordance with applicable state law." In the event that the Town of Frye Island is required to operate its own school system, the Voters shall provide, by Charter amendment or revision and/or ordinance, for the administration of such a system.

Section 2. Composition and Qualifications. The Town shall have one representative to the SAD 6 School Board. The representative shall be elected at the Annual Town Meeting by written ballot in accordance with the procedure outlined for election of Selectmen above in Article III, Section 1. The representative shall serve a three-year term. In case of a vacancy, the position shall be filled by appointment by the Selectmen until the next Annual Town Meeting when an election will occur to fill the vacancy. The duties of the School Board representative shall be defined by the SAD 6 guidelines and appropriate state statute and law.

Section 3. Transportation. Each Island family with a child or children enrolled in school is required to provide transportation between the Island and the mainland point of pickup/drop-off at the family's own expense, even when there is no ferry service (e.g. before the first daily ferry run, after the last daily ferry run, or during the months when there is no scheduled ferry service provided by the Town). The transportation to the school from the mainland point of pickup will be provided by the school administrative district.

Article V. Administrative Organization

Section 1. General Provisions. The Town shall continue or, by ordinance, create, and determine and define the powers and duties of such executive and administrative departments, boards, and offices in addition to those provided by general law, as it may deem necessary for the proper and efficient conduct of the affairs of the Town. Any department, board, committee, or office so continued or created may at any time be abolished by the Town.

Section 2. Town Manager. The Town Manager shall be chosen by the Selectmen solely on the basis of his/her qualifications and experience in respect to the duties of his/her office as hereinafter set forth. The Town Manager does not need to be a resident of the Town or a resident of the State. The individual selected as Town Manager shall continue to hold that position for his/her term of office until resignation or until dismissal by Selectmen. The dismissal of a Town Manager must be given a first reading at one Selectmen Meeting, and the vote on dismissal will be at the following Selectmen Meeting no sooner than 30 days after the first reading.

Section 3. Powers and Responsibilities of Town Manager. The Town Manager shall be the chief operating and administrative Officer of the Town. The Town Manager shall be responsible to the Selectmen for the administration of all Town affairs placed in the Town Manager's charge by or under this Charter or by direction of the Selectmen. The Town Manager shall have the following powers and responsibilities:

- A. The Town Manager may be Town Clerk, Tax Collector, Town Treasurer, Overseer of the Poor, Road Commissioner, Harbormaster and shall have and exercise all powers and perform all duties conferred or imposed by law upon said respective officials. No Selectman shall receive appointment to the office of Town Manager during the term for which he/she shall have been elected, nor within one year after expiration of his/her term, nor shall any member of the Selectmen act in that capacity;
- B. The Town Manager shall appoint and remove statutory officers and department heads, including but not limited to the following, subject to review by the Selectmen: Chief of Police Department, Fire/Rescue Chief, Road Commissioner, Tax Assessor, Code Enforcement Officer, Director of Public Works, Director of Ferry, and Financial Coordinator. The Town Manager shall appoint and remove all other administrative officials and Town employees, except as the Town Manager may authorize the head of a department or office to appoint or remove subordinates in such department or office subject to approval by Town Manager and except as otherwise provided by law, by this Charter, or by personnel rules adopted in accord to this Charter;
- C. The Town Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this Charter;
- D. The Town Manager shall attend Town Meetings, Selectmen meetings, and Executive Committee meetings, shall have the right to take part in discussion but may not vote;
- E. The Town Manager shall see that all laws, provisions of this Charter and acts of the Selectmen, subject to enforcement by the Town Manager or by officers subject to the Town Manager's direction and supervision, are faithfully executed;
- F. The Town Manager shall initiate and assist in the preparation of the annual budget, including capital program, and be responsible for its administration after adoption;
- G. The Town Manager shall submit to the Selectmen, and make available to the public, a complete report on the finances and administrative activities of the Town as of the end of each fiscal year. The Town Report will be published and made available to the public as promptly as possible after the close of the fiscal year;
- H. The Town Manager shall prepare and submit to the Selectmen such reports and shall perform such duties as the Selectmen may require. The Town Manager shall keep the Selectmen advised of the financial condition and future needs of the Town, and shall make such recommendations to the Selectmen concerning the affairs of the Town as the Town Manager deems desirable;
- I. The Town Manager shall assist Voters, Island Trustees and other real property owners in resolving complaints about governmental and administrative practices;
- J. The Town Manager shall act as Purchasing Agent for all departments of the Town and shall submit to competitive bid any transaction in excess of the amount set annually by order of the Selectmen or upon request of the Selectmen;
- K. The Town Manager shall prepare a Personnel Policy, submit it to the Selectmen, and be responsible for its administration;
- L. During any vacancy in the office of Town Manager and during the absence or disability of the Town Manager, the Selectmen shall designate a properly qualified person, not a member of the Selectmen, to perform the duties of the Manager and fix his/her compensation; and

- M. Prior to assuming office the Town Manager shall take an oath of office in accordance with 30-A M.R.S.A. Section 2526.9.

Section 4. Location of Town Office. During the months of May through October, the location of the Town Office for the Town of Frye Island will be on Frye Island. During the months of November through April, the location of the Town Office for the Town of Frye Island will be within 25 miles of the boundaries of the Town of Frye Island. While the Town Office is located outside the corporate limits of the Town of Frye Island, the polling place for any elections or referenda will be held at the Ferry trailer building on Raymond Cape or some other location defined by local ordinance.

Section 5. Other Officials. The following paragraphs describe official positions within the Town of Frye Island; other positions can be created by resolution of the Selectmen:

- A. TOWN CLERK shall post and maintain Town records, supervise elections, issue licenses, swear in newly elected and appointed Town officials, and fulfill other duties appropriate to the Town as generally described in the Municipal Clerk Manual issued by the Maine Municipal Association (MMA) and by State Statute;
- B. TOWN TREASURER shall receive, maintain and disburse (on warrants and vouchers approved by the Selectmen) the Town's public monies and maintain accounts for same, as generally described in the Tax Collector's and Treasurer's Manual (MMA);
- C. TAX COLLECTOR shall upon receipt of the list of taxes from the Assessor and warrant providing authority for collection, proceed with billing, collection and transfer to the Treasurer of monies collected; in cases of tax delinquency shall prepare and file tax lien mortgage documents in accordance with procedures established by the Selectmen and the MMA's Tax Collector's and Treasurer's Manual. The Tax Collector also serves to collect certain fees and taxes established by State Ordinances and agencies;
- D. CODE ENFORCEMENT OFFICER (CEO) shall administer and enforce Town Ordinances for land use and buildings, following guidelines established by the Selectmen and the Planning Board; and
- E. PLUMBING INSPECTOR shall serve by advice, inspection and approval to assure compliance with governing State and Town requirements.

Article VI. Town Boards and Committees

Section 1. Board of Island Trustees. In accordance with the powers given to municipalities under 30-A M.R.S.A. chapter 111 and the Constitution of Maine, Article VIII, Part Second, a Board of Island Trustees is established.

- A. **Eligibility for Membership.** He or she must be a citizen of the United States, at least 18 years of age, and an owner **or a spouse of an owner** of real property located within the Town of Frye Island with a fixed home currently occupied by the person, maximum two people per fixed home. [October, 2004; [WA14](#); modified]
- B. **Voting.** Proof of the foregoing qualifications must be presented to the Registrar of Voters of the Town of Frye Island to be eligible to vote at any meeting of the Board of Island Trustees. A list of individuals eligible to vote shall be prepared at least twenty-four hours before every meeting by the Registrar of Voters of the Town of Frye Island, which list may be amended or corrected at any time before said meeting or during its progress. There is no quorum requirement for Board of Island Trustees meetings. A majority of votes of those present at any meeting shall be binding upon the Board of Island Trustees.
- C. **Organizational Meeting.** The first meeting of the Board of Island Trustees shall be held immediately after the Town Meeting adopting this Charter by a Warrant which has been posted in at least three conspicuous places on Frye Island at least seven days before the meeting. The purpose of the meeting will be to elect four officers of the Board of Island Trustees to be members of the Executive Committee. Paragraph "g)" later in this section, titled "Executive Committee", defines the election process.

- D. **Annual Meeting.** The Board of Island Trustees shall meet annually immediately preceding the Annual Town Meeting of the Town of Frye Island for the purposes of hearing reports from the officers of the Board of Island Trustees, to elect officers, and to act on any business brought before the Board of Island Trustees by the Executive Committee.
- E. **Budget Meeting.** The Board of Island Trustees shall meet annually immediately preceding the Town Budget Meeting for the purpose of reviewing and approving the annual budget which will be presented to the Town Budget Meeting for ratification and to act on any business brought before the Board of Island Trustees by the Executive Committee.
- F. **Other Meetings.** The Board of Island Trustees shall meet immediately preceding any Special Town Meeting called in accordance with Article II, Section 1 of this Charter. The Chairman of the Executive Committee of the Board of Island Trustees **or his or her designee** shall preside at all Board of Island Trustees' meetings. [October, 2004; [WA15](#); modified]
- G. **Executive Committee.** Executive Committee of the Board of Island Trustees (referred to as Executive Committee in this Charter) shall be composed of seven members; the three Selectmen are automatic members and the other four are elected by the Board of Island Trustees. The Executive Committee shall elect from its members a Chairman, a Secretary and any other positions it deems necessary. Elections to the Executive Committee shall be for staggered three year terms by written ballot. Each position with a different term shall be a separate position so indicated at the time of the election; multiple positions can be on a single ballot. The winner of the election shall be the individual with the largest number of votes; no majority of votes cast is needed for election; in the case of a tie, the individuals involved with the tie will be asked if one or more will withdraw to eliminate the tie; otherwise, another election will be held as soon as possible. Candidates shall give notice to the Town Office at least 14 days before the Annual Meeting of the Board of Island Trustees or nominations can be made from the floor at that Annual Meeting.
- H. **Executive Committee Meetings.** The Executive Committee will meet regularly, as needed. During the months of May through October the location of all Executive Committee meetings shall be held within the Town of Frye Island. During the months of November through April, the meetings can be held outside the corporate boundaries. All meetings will be open to the public and notice shall be given as provided by law. Minutes of all meetings shall be recorded in writing and approved, with amendments if necessary, by a vote of the Executive Committee. Copies of all approved minutes and any relevant supporting material shall be maintained by the Town Clerk as public documents.
- I. **Duties of the Executive Committee.** The Executive Committee shall **provide advice and counsel to the Board of Selectmen in the appointment of members** to the Planning Board, the Board of Appeals, and the Budget Committee, in accordance with the following Sections 2, 3 and 4 of this Article; shall provide advice and counsel to the Town Manager; and shall, with the assistance of the Town Manager, prepare the annual budgets for the Town of Frye Island for presentation to the Board of Selectmen and the Board of Island Trustees, in accordance with Article VII of this Charter. [October, 1999; [WA9b](#); modified]
- J. **Warrant.** All meetings of the Board of Island Trustees shall be called by Warrant. The Warrant must specify the time and place of the meeting. The Warrant shall identify in distinct articles all business to be covered at a Board of Island Trustees' meeting. An attested copy of the complete Warrant shall be posted in at least three conspicuous places on Frye Island at least seven days before the meeting.

Section 2. Planning Board. There shall be a Planning Board, including the responsibilities of a Comprehensive Planning Committee, of five (5) voting members and up to two alternates. Appointments to the Planning Board shall be by the Selectmen for staggered three year terms. It shall have the responsibility and authority over the following areas:

- A. Prepare, review, update and, after appropriate public hearings, recommend for Board of Trustee Meeting approval of the Comprehensive Plan for land use regulations within the Town according to 30-A M.R.S.A. provisions appropriate to the Town;

- B. Prepare, review, update and, after appropriate public hearings, recommend for Board of Trustee Meeting approval of ordinances and codes in keeping with the Comprehensive Plan as developed;
- C. Administer the ordinances, by approval or disapproval, on actions on building and land use permits according to established ordinances; and
- D. Arrange for inspections and corrective actions in case of violation.

Section 3. Board of Appeals. There shall be a Board of Appeals of five (5) voting members and up to two alternates. Appointments to the Board of Appeals shall be by the Selectmen for staggered three year terms. The Board of Appeals shall have powers and authority to review appeals made in response to adverse actions by the Planning Board with respect to land use and building permit applications, and appeals made by other citizens of the Town with respect to permit actions. The Board of Appeals shall follow guidelines of 30 M.R.S.A. for zoning ordinance appeals, as appropriate, and as directed by ordinances adopted by the Town of Frye Island.

Section 4. Budget Committee. The Selectmen may appoint a Budget Committee of five (5) voting members, up to two alternates, and a representative from the Board of Selectmen. Appointments to the Budget Committee shall be by the Selectmen for staggered three year terms. The Budget Committee shall act as a review and advisory body to the Town Manager for preparation of the annual Town Budget. The budget which is submitted to the Annual Town Meeting by the Selectmen shall identify any recommendations by the Budget Committee which differs from the Selectmen's proposed budget. In lieu of having a Budget Committee, the Executive Committee will assume these responsibilities.

Section 5. Ad Hoc Committees. The Board of Selectmen has the authority to establish ad hoc committees on an as needed basis to perform specific functions and are disbanded after those functions are accomplished, a specified time period has passed or at the will of the Selectmen. The Selectmen shall make appointments to such committees by majority vote of the Selectmen. The Executive Committee has the authority to establish ad hoc committees related to municipal activities on an as needed basis to perform specific functions and are disbanded after those functions are accomplished, a specified time period has passed or at the will of the Executive Committee. The Executive Committee shall make appointments to such committees by majority vote of the Executive Committee.

Section 6. Swearing In. All elected and appointed officers of the Town, including the Executive Committee, shall be sworn in by the Town Clerk prior to the first day in office.

Section 7. Bonding. All officials trusted with the collection, custody or disbursement of any monies of the Town shall be bonded at Town expense for amounts at least equal to the potential liability, as arranged by the Selectmen.

Section 8. Vacancies and Replacements. In the event of resignation, forfeiture, death, incapacity or vacancy for any reason authorized by law, of an appointed position, a replacement to fill out the term shall be made by the alternate where such is available, or otherwise by appointment by the Executive Committee or Selectmen, depending on the original appointment.

Section 9. Organization. At the first meeting following appointment, each Committee or Board shall elect a Chairperson and Secretary, and arrange transfer of records to new members and officers.

Section 10. Procedures. The following paragraphs describe operating procedures for the Boards and Committees of the Town:

- A. **Appointments.** An appointment to a Town of Frye Island Board or Committee may be made to an individual that is a Voter, an Island Trustee and/or other real property owner on Frye Island.
- B. **Policy and Rules of Operation.** At its first meeting each Board and Committee shall review and adopt its operating policies and rules of order. These shall be maintained in public files by the

Town Manager. Statement of specific authoritative policy by ordinance or resolution by Town Meeting shall be recorded as Appendices to the Charter until or unless subsequently incorporated within this Charter;

- C. **Alternates.** Alternate members of Board and Committees may participate in all discussions and vote in place of absent regular members;
- D. **Forfeiture for Non-Attendance.** Each Board or Committee may establish its own rules for forfeiture for non-attendance. Where specific rules are lacking, non-attendance for three consecutive meetings or more than half of a year's meetings shall be grounds for forfeiture; and
- E. **Meetings.** All Board and Committee meetings shall be public, though there may be recess in executive session for discussion of confidential or private matters as permitted by law. Final action on matters discussed shall be taken only as placed on the agenda and acted on in public meetings. Records of meetings and actions shall be maintained by the Town Clerk in orderly files as public records in the Town Office.

Article VII. Financial Procedures

Section 1. Fiscal Year. The fiscal year and budget year of the Town shall be January 1 to December 31 next. Except as defined in this Charter or Town Ordinance, the Town finances will be handled in accord with Maine statutes.

Section 2. Budget Preparation - Municipal Items. The Town Manager shall initiate and assist in municipal budget development and capital improvement plan development for the coming fiscal year no later than September 1, consult with the Executive Committee of the Board of Island Trustees (or Municipal Budget Committee, if one is appointed) and hold at least one public hearing by September 10, and present to the Executive Committee of the Board of Island Trustees the proposed budget by September 15. The Executive Committee of the Board of Island Trustees will review the proposed budget and make any changes with the recommendations of the Budget Committee so noted and have available to the Selectmen by September 30. The Town Manager shall also review contribution requests from the public service organizations serving the local area and submit recommendations to the Executive Committee of the Board of Island Trustees by September 1.

Section 3. Budget Preparation - Other Items. The Town Manager shall initiate and assist in non-municipal budget development (school, county and state budget items) for the coming fiscal year no later than September 1, consult with the Board of Selectmen (or Budget Committee, if one is appointed) and hold at least one public hearing by September 10, and present to the Board of Selectmen the proposed budget by September 15. The Board of Selectmen will review the proposed budget and make any changes with the recommendations of the Budget Committee so noted and have available by September 30.

Section 4. Board of Selectmen Action. The Selectmen shall prepare two warrants, one for the Board of Island Trustees Meeting covering municipal budget matters, and the other for the Town Budget Meeting. The Town Meeting warrant would include municipal budget matters approved by the Board of Island Trustees and any school, county and state budget matters.

Section 5. Budget Meeting Action. The Board of Island Trustees shall consider the budget contained in the Warrant and vote on any amendments thereto. The budget, as amended by the Board of Island Trustees budget meeting, shall be forwarded to the Town Budget Meeting for ratification; if the Voters at the Town Budget Meeting do not ratify the budget, the defeated budget must be returned to the Selectmen who will return it to the Executive Committee of the Board of Island Trustees for review and possible revision. Once they have a revised budget, that budget must be presented to the Board of Island Trustees for their approval and then to the Voters of the Town at a Town Meeting for their approval. If no new budget is approved at the Town Meeting, the budget level for the current fiscal year approved at the prior Town Meeting will continue in effect until a new budget is approved.

Action on the budget by the Town shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax thereby required. A copy of the budget as finally adopted shall be certified by the Town Clerk and filed with the Town Assessor(s), whose duty it shall be to levy such taxes for the corresponding tax year.

Section 6. Lapse of Appropriations. General fund appropriation, except those for dedicated capital funds and those for major supply or maintenance projects to be concluded within the first six months of the next year, shall lapse at the close of the fiscal year to the extent they have not been encumbered, or except as prohibited by law. Such funds shall be transferred to a surplus or fund balance.

Section 7. Annual Audit. The Selectmen shall each year engage a Certified Public Accountant to conduct an audit of the prior year's municipal finances and report the conclusion of the audit in the following Town Report.

Section 8. Conflict of Interest. Any official of the Town having a financial interest, direct or indirect, as defined in 30-A M.R.S.A. § 2605 (4) in any contract with the Town in a sale, purchase, service contract to the Town or to a contractor to the Town shall make known that interest and refrain from voting upon or participating with respect to such contract. Such disclosure shall be recorded with the Town Clerk. The vote of a body is voidable when any official in an official position votes on any question in which that official has direct or indirect pecuniary interest.

Section 9. Approval Requirements. The approval requirements for financial actions related to operational expenses and the expenditure of Reserve Fund monies for the Town of Frye Island, including the Town's Enterprise Operations, are as follows:

1. Any commitment of Unreserved Undesignated Fund Balance assets requires first a majority vote of the Board of Island Trustees, and if approved by that body, a subsequent approval by a majority vote of the Town Voters at a Regular or Special Town Meeting.
2. Any commitment of Designated Reserve Fund Balance assets of \$100,000 and over requires first a majority vote of the Board of Island Trustees, and if approved by that body, a subsequent approval by a majority vote of the Town Voters at a Regular or Special Town Meeting, unless the funds have already been approved by the Town Voters by specific Article on a prior Town Meeting Warrant.

If there is an emergency event that requires the commitment of Designated Reserve Fund Balance assets quicker than a Special Town Meeting can be held, then authorization of \$100,000 and over would require first a minimum four vote approval of the seven person Town Executive Committee, and if approved by that body, an approval by a majority vote of the Board of Selectman. Immediately following, a notice of that action must be posted on the Town website and an email sent to those Board of Island Trustees and Town Voters that have provided their contact information to the Town Office.

3. Any commitment of Designated Reserve Fund Balance assets under \$100,000 requires first a minimum four vote approval of the seven person Town Executive Committee, and if approved by that body, an approval by a majority vote of the Board of Selectman.
4. Approval of the regular Check Warrant will be the responsibility of a majority of the Board of Selectmen. A majority vote of the Executive Committee and the Board of Selectmen is the approval requirement for all other financial items included on their meeting agenda.

[October, 2012; [WA11](#); Section added]

Article VIII. Island Ferry System and Roads

Section 1. Ferry System. There will be a ferry system operated by the Town of Frye Island for its property owners from Rubbs Cove in Raymond, ME to the Island. The rates for using the ferry service **will be determined by the Board of Island Trustees** and the schedule for service will be determined by the Executive Committee. Property Owners will be able to purchase reduced price ferry tickets at the Town Hall for use by themselves and their visitors in accord with rules established by the Executive Committee. An access control system will be used to provide for a level of safety of users and to provide a reasonable level of security on the island. Any net income or loss produced by the ferry operation will be a part of regular Town funds. [October, 1999; [WA9c](#); modified]

Section 2. Island Roads. The roads on the Island are currently Private Ways leased from Frye Island Incorporated; Public Ways can be established by the Town in the future. The maintenance of the roads, Private Ways and Public Ways, shall be done by the Town of Frye Island; the maintenance costs will be included as a part of the Annual Budget. The Selectmen, in cooperation with the Executive Committee, shall be responsible to determine the level of maintenance to be provided and the Planning Board shall be responsible to maintain a set of ordinances to provide for the safety of the people on the island with respect to the use of the roads. The roads will be officially closed from a few days after the last scheduled ferry run for the year (approximately November 1) until a few days before the first day of scheduled ferry service in the following year (approximately April 30); specific dates to be determined by the Town Manager. The Town may take property or interests therein for highway purposes if the Selectmen determine public exigency requires the immediate taking of such property.

Section 3. Use of Golf Carts. Use of golf carts on the Island roads is expressly permitted. The Planning Board will be responsible to maintain a set of ordinances defining what vehicles are allowed, and what local registration and usage requirements are in order to provide for the safety of the people on the island. [October, 2004; [WA13](#); modified]

Article IX. Public Water System

Section 1. Operations. The Town will operate and maintain a public water system on the island to provide potable water to the cottages on the island in accord with applicable state and federal standards and requirements, except as described in Article IX Section 3.

Section 2. Cost. The cost of operations for the public water system will be included in the Annual Budget of the Town. The Executive Committee is responsible for establishing the rate for a property owner to connect his/her cottage to the water system; the property owner must pay this cost prior to the connection being made.

Section 3. Water System Unavailability. The water system will be shut down from the day after the last scheduled ferry run for the year (approximately November 1) until the first day of scheduled ferry service in the following year (approximately April 30); specific dates to be determined by the Town Manager.

Article X. Indemnification of Municipal Officers

No Selectmen, Executive Committee member or Officer of the Town of Frye Island shall be liable for acts of defaults of himself/herself or any other Officer or Town Official, or for any loss sustained by the Town or any Voter thereof, unless the same has resulted from his/her own willful misconduct or gross negligence.

The Town shall indemnify any person who was or is threatened to be made a party against any actual, threatened, or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact he/she is or was an officer of the Town against all expenses including reasonable counsel fees, judgments, fines, and amounts paid in settlement, actually and reasonably incurred by him/her in connection therewith, excepting, however, such matters in which such person is finally

adjudged to have acted with willful misconduct or gross negligence towards the Town or absent a final adjudication thereof, excepting, such matters in which the Selectmen (excluding any interested Selectmen) determines any such person acted with willful misconduct or gross negligence. This right to indemnification shall be in addition to any other power of the Town to indemnify as permitted by law. The Town may also maintain insurance on behalf of any person who is or was an officer of the Town against liability asserted against him/her and incurred by him/her in such capacity or arising out of his/her status as such, whether or not the Town would otherwise have the power or duty to indemnify him/her.

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