

TOWN GRAY
GRAY TOWN COUNCIL
AGENDA • SEPTEMBER 30, 2021

**Gray Town
Council Special
Meeting**

Henry Pennell Municipal Complex
24 Main Street, Gray, ME 04039

3:15 PM

CALL to ORDER

Roll Call

ADJUSTMENTS TO THE ADENDA 5 MINS

PUBLIC HEARING 15 MINS

To receive public comments on the proposed amendments to Article II, Section 14(B); Article II, Section 16; and Article III, Section 2(A) and 2(K) of the Town Charter.

A. Shall Section 14(B) of Art. II of the Gray Town Charter be amended as follows?

Section 14 - Ordinances in General:

B. Procedure: At least seven (7) days prior to its First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building and shall be published in a newspaper of local distribution. After passage on First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building for at least seven (7) days prior to the next regular meeting of the Council. At least one Public Hearing, notice of which shall be given at least seven (7) days prior, shall be held by the Council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. Every ordinance shall be in order for Public Hearing and Second Reading at the next regular meeting of the Council, immediately after the First Reading of the same, but all ordinances may, at the discretion of said Council, be tabled from time to time. After such Public Hearing and Second Reading the Council may adopt the ordinance with or without amendment or reject it; but if any land use ordinance is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to an additional Public Hearing. Substantive amendments to ordinances other than land use ordinances will not require an additional Public Hearing, but public discussion of such amendments will be allowed at the Second Reading prior to the Council vote.

B. Shall Section 16 of Art. II of the Gray Town Charter be amended as follows?

Section 16. Independent Annual Audit.

Prior to the end of each fiscal year, the Council shall designate an independent certified public accountant to serve as Town Auditor, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit the Auditor's report to the Council and the Town Manager within ninety-one hundred eighty (90-180) days of the end of the fiscal year. An extension may be granted by the Town Council for cause. Such accountant shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town government.

C. Shall Section 2 of Art. III of the Gray Town Charter be amended as follows?

Section 2. Powers and Duties: The powers and duties of the Town Manager shall be as follows:

A. The Town Manager shall be ~~Town Clerk~~, Tax Collector, Town Treasurer, Administrator of General Assistance, and Road Commissioner. The Town Manager shall have and exercise all powers and responsibilities conferred or imposed by law upon such respective offices, and shall have the authority to appoint another individual to serve as Road Commissioner at the discretion of the Town Manager.

K. Appoint, remove and fix the compensation of the Town Clerk and provide for the Town Clerk to give bond for the faithful discharge of all duties to the Town of Gray in such sum as the Town Manager shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Town Manager. The premium on the bond shall be paid by the Town.

ACTION ITEMS

To review and act upon authorizing the proposed amendments to Article II, Section 14(B); Article II, Section 16; and Article III, Section 2(A) and 2(K) of the Town Charter to be voted by referendum ballot at the November 2, 2021 election.

Proposed motion:

Ordered that the Gray Town Council authorizes and directs the Town Clerk to submit the following amendments to Article II, Section 14(B); Article II, Section 16; and Article III, Section 2(A) and 2(K) of the Town Charter to be voted by referendum ballot at the November 2, 2021 election. Said amendments shall become effective following adoption by the voters on November 3, 2021 provided that the requirements of 30-A M.R.S.A. 2105(4) are met. It is further ordered that if the Town Clerk deems that it is not practical to print the proposed

amendments on the ballot and a summary will not misrepresent the subject matter of the proposed amendments, the Town Clerk be and hereby is authorized to prepare a summary of the proposed amendments in accordance with 30-A M.R.S.A. 2105(3)(C) and to include the summary on the ballot instead of the full text of the proposed amendments. It is further ordered that the Town Clerk be and hereby is authorized and directed to print the proposed amendments to the Charter and any summary thereof pursuant to this order, make copies available to the voters of the Town in the Town Clerk's office and post the amendments and any summary therefor in the same manner as ordinances are posted not less than two weeks before the election.

ADJOURNMENT

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

**AMENDMENT TO GRAY TOWN CHARTER
DRAFT REFERENDUM QUESTION AND CHARTER AMENDMENT
ARTICLE II, SECTION 14(B) PROCEDURES FOR ORDINANCE
AMENDMENTS**

Question 1. Shall the Town of Gray approve the charter amendment reprinted below?

Section 14 - Ordinances in General:

- A. Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "The Town of Gray hereby ordains..."
- B. Procedure: At least seven (7) days prior to its First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building and shall be published in a newspaper of local distribution. After passage on First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building for at least seven (7) days prior to the next regular meeting of the Council. At least one Public Hearing, notice of which shall be given at least seven (7) days prior, shall be held by the Council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. Every ordinance shall be in order for Public Hearing and Second Reading at the next regular meeting of the Council, immediately after the First Reading of the same, but all ordinances may, at the discretion of said Council, be tabled from time to time. After such Public Hearing and Second Reading the Council may adopt the ordinance with or without amendment or reject it; but if any land use ordinance is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to an additional Public Hearing. Substantive amendments to ordinances other than land use ordinances will not require an additional Public Hearing, but public discussion of such amendments will be allowed at the Second Reading prior to the Council vote.
- C. Effective Date: Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty (30) days after adoption or at any later date specified therein.
- D. Emergency Ordinances: To meet a public emergency affecting life, health, property or the public safety, the Council may adopt one or more emergency ordinances. Said emergency ordinances shall contain a section in which the emergency is set forth and defined. Except as otherwise required by state law, no public hearing or notice thereof shall be required prior to the adoption of an emergency ordinance. Within five (5) days after adoption, said ordinance shall be posted at the Town office and other such places as the Council may designate and shall be submitted for publication, at least in summary, in a newspaper having general circulation in the Town. Every emergency ordinance except one

authorizing the issuance of emergency tax anticipation notes shall stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.

**AMENDMENT TO GRAY TOWN CHARTER
DRAFT REFERENDUM QUESTION AND CHARTER AMENDMENT
ARTICLE II, SECTION 16-ANNUAL AUDIT REQUIREMENTS**

Question 2. Shall the Town of Gray approve the charter amendment reprinted below?

Section 16. Independent Annual Audit. Prior to the end of each fiscal year, the Council shall designate an independent certified public accountant to serve as Town Auditor, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit the Auditor's report to the Council and the Town Manager within one hundred eighty (180) days of the end of the fiscal year. An extension may be granted by the Town Council for cause. Such accountant shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town government.

**AMENDMENT TO GRAY TOWN CHARTER
DRAFT REFERENDUM QUESTION AND CHARTER AMENDMENT
ARTICLE III, SECTION 2-DUTIES OF TOWN MANAGER**

Section 2. Powers and Duties: The powers and duties of the Town Manager shall be as follows:

- A. The Town Manager shall be Tax Collector, Town Treasurer, Administrator of General Assistance, and Road Commissioner. The Town Manager shall have and exercise all powers and responsibilities conferred or imposed by law upon such respective offices, and shall have the authority to appoint another individual to serve as Road Commissioner at the discretion of the Town Manager.
- B. The Town Manager shall give bond for the faithful discharge of all duties to the Town of Gray in such sum as the Council shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Council. The premium on the bond shall be paid by the Town.
- C. The Town Manager shall be administrative head of the Town and shall be responsible to the Council for the administration of all departments assigned. The Manager shall appoint, remove and fix the compensation of all Town officers or agents whose elections or appointments have not been otherwise provided for by this Charter. All such offices shall serve under the direction of the Town Manager.
- D. Prepare the annual budget, submit it to the Council and be responsible for its administration after adoption.
- E. Prepare and submit to the Council after the completion of the required annual fiscal audit a complete report on the finances and administrative activities of the Town for the preceding year. The Manager shall cause such annual Town report to be published and made available to the public as promptly as possible after the close of the fiscal year.
- F. Attend the meetings of the Council, except when the Manager's removal is being considered. Keep the Council advised of the financial condition and future needs of the Town and make such recommendations as may seem desirable.
- G. See that all laws, provisions of this Charter, acts of the Council and ordinances governing the Town are faithfully administered.
- H. Act as purchasing agent for all departments of the Town, and submit to competitive bids any transaction in excess of an amount to be determined on an annual basis by the Town Council. The bidding process shall be defined in the Town Administrative Code. All accounts for the purchase of supplies and materials and work performed for said Town shall bear the approval of the Town Manager.

- I. Perform such other duties as may be prescribed by this Charter or required by the Council, consistent with this Charter.
- J. Be responsible for the administration of the Town Administrative Code as adopted by the Council.
- K. Appoint, remove and fix the compensation of the Town Clerk and provide for the Town Clerk to give bond for the faithful discharge of all duties to the Town of Gray in such sum as the Town Manager shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Town Manager. The premium on the bond shall be paid by the Town.

TOWN OF GRAY

NOTICE OF PUBLIC HEARING

CHARTER AMENDMENTS

NOTE: This is a CORRECTED notice of public hearing to change the date and time of the Public Hearing as previously advertised and to reflect additional changes within the proposed amendments. The date of the public hearing and the amendments shown in this notice supersede any prior notices.

The Gray Town Council will conduct a public hearing on proposed Charter amendments to be scheduled for referendum vote on November 2, 2021. A summary of the proposed Charter amendments is set forth below and a copy of the full text of the proposed amendments is on file at the Town Clerk's Office in Town Hall for review and inspection during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

Date of Public Hearing: Thursday September 30, 2021
Time: 3:15 P.M.
Place: Town Hall, 24 Main Street, Gray, Maine

PROPOSED CHARTER AMENDMENTS

Question 1. Shall the Town of Gray approve an amendment to Section 14(B) of Article II of the Charter as printed below?

[Note: The printed text shown below is an existing Charter provision. The proposed amendment is shown by indicating deletions as ~~struck through~~ and additions as underlined.]

Section 14 – Ordinances in General: B. Procedure: At least seven (7) days prior to its First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building and shall be published in a newspaper of local distribution. After passage on First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building for at least seven (7) days prior to the next regular meeting of the Council. At least one Public Hearing, notice of which shall be given at least seven (7) days prior, shall be held by the Council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. Every ordinance shall be in order for Public Hearing and Second Reading at the next regular meeting of the Council, immediately after the First Reading of the same, but all ordinances may, at the discretion of said Council, be tabled from time to time. After such Public Hearing and Second Reading the Council may adopt the ordinance with or without amendment or reject it; but if any land use ordinance is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to an additional Public Hearing. Substantive amendments to ordinances other than land use ordinances will not require an additional Public Hearing, but public discussion of such amendments will be allowed at the Second Reading prior to the Council vote.

Question 2. Shall the Town of Gray approve an amendment to Section 16 of Article II of the Charter as printed below?

[Note: The printed text shown below is an existing Charter provision. The proposed amendment is shown by indicating deletions as ~~struck through~~ and additions as underlined.]

Section 16. Independent Annual Audit. Prior to the end of each fiscal year, the Council shall designate an independent certified public accountant to serve as Town Auditor, who as of the end of the fiscal year, shall

make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit the Auditor's report to the Council and the Town Manager within ~~ninety~~ one hundred eighty (~~90~~ 180) days of the end of the fiscal year. An extension may be granted by the Town Council for cause. Such accountant shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town government.

Question 3. Shall the Town of Gray approve an amendment to Section 2 of Article III of the Charter as printed below?

[Note: The printed text shown below is an existing Charter provision. The proposed amendment is shown by indicating deletions as ~~struck through~~ and additions as underlined.]

Section 2. Powers and Duties: The powers and duties of the Town Manager shall be as follows:

- A. The Town Manager shall be ~~Town Clerk~~, Tax Collector, Town Treasurer, Administrator of General Assistance, and Road Commissioner. The Town Manager shall have and exercise all powers and responsibilities conferred or imposed by law upon such respective offices, and shall have the authority to appoint another individual to serve as Road Commissioner at the direction of the Town Manager.
- K. [NEW] Appoint, remove and fix the compensation of the Town Clerk and provide for the Town Clerk to give bond for the faithful discharge of all duties to the Town of Gray in such sum as the Town Manager shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Town Manager. The premium on the bond shall be paid by the Town.