

ARTICLE 1 TOWN OFFICIALS

Sec. 2-101 General

The Town of Farmingdale has a Town Meeting-Selectman form of government. This document is intended to provide an overview of the activities related with Town Government for Farmingdale.

1. Town Meeting. The key to this traditional form of local government is the “Town Meeting”. A Town Meeting is scheduled annually although special town meetings may be called by the selectmen or by a petition from Town residents. Should a petition be initiated the written petition must have a number of voters equal to at least 10% of the number of votes cast in Farmingdale at the last gubernatorial election, but in no case less than 10; reference Title 30-A Section 2521. The town meeting serves as the legislative body of the local government in that it passes most laws needed for the orderly governance of the town, approves a budget, levies the taxes, and elects various town officers.
2. Town Officers. The town officers elected at a town meeting consist of the Board of Selectmen (Board) who perform the executive function for this form of government throughout the year. The duty of the town officers is to “execute” the will of the people as has been expressed legislatively at a town meeting. The three selectmen in Farmingdale, by state law, have duties and responsibilities relating to town meetings and elections, finances, personnel, streets and highways, public safety, human services, public works, planning and others. State laws grant boards of selectmen some legislative powers as well. These include enacting laws or ordinances such as, but not limited to, regulating parking and traffic, and general assistance. These Town Officers are the only individuals who can legally represent the Town. Others who may have the term “officer” by virtue of title or by position in various groups are, in all reality considered “officials” and have no legal authority to represent the Town. The municipal officers are ultimately responsible for four broad areas of management:
 - A. Management of the municipal finances.
 - B. Protecting the health, safety and welfare of the residents, in accordance with federal, state and local laws and regulations.
 - C. Management of public property and personnel.
 - D. Management of contracts and relations with other state and local agencies and the public.
3. Home Rule Authority. Municipalities have home rule authority to adopt any ordinance which has not been expressly or implicitly preempted by state law. Home rule authority must be exercised by the legislative body of the municipality which is the town meeting. When an ordinance requires the approval of the legislative body, only the legislative body may amend it. An ordinance must be administered and enforced as adopted, unless the Farmingdale town attorney or other individual of appropriate legal standing advises otherwise because of legal concerns.
4. Local Participation. One of the most important elements of the town meeting form of government is that it provides citizens an opportunity to participate directly in the local government function. Participation is encouraged both at the town meeting plus at the scheduled board of selectmen meetings to express ones view. Local participation is also very much encouraged by participating in one or several boards in Farmingdale.
5. Communication with the Town Attorney or others who may charge a fee for services is limited to the town officers unless preauthorized to do so. Any individual or Board

Administration

shall perform such duties and exercise such powers as are provided by the Town Ordinances and the laws of the State of Maine or as requested by the Town Officers. Any appointed individual or Board may obtain goods and services necessary for the proper function within the limits of appropriations made for that purpose.

Sec. 2-102 Personnel

1. Farmingdale has several appointed positions, and one elected position which individually and collectively keep the Town of Farmingdale functioning. Without these positions it would be extremely difficult to maintain an orderly, adequately functioning town.
 - A. Addressing Officer. This individual is appointed by the town officers to administer the "Town Enhanced 911 Addressing Ordinance". This individual is responsible to approve or assign road names for existing or proposed roads plus the structure numbers for all properties. Reference Chapter 5, Article 3 (page 5-7), "Enhanced 911 Addressing" for more information. An appointment to talk with the Addressing Officer may be made through the town office.
 - B. Animal Control Officer (ACO). The ACO is appointed by the town officers whose duties include enforcement of animal control laws including local ordinances. Reference is made to Chapter 5 Article 5 entitled "Animal Control Ordinance" (page 5-13) for more specific information.
 - C. Code Enforcement Officer (CEO). The duties of the Code Enforcement Officer are varied but this individual primarily enforces local building and environmental ordinances plus certain state laws such as Shoreland Zoning and Flood Plain laws. The CEO also acts as an advisor to the Planning Board and the Appeals Board. This is a part time position but scheduled hours are normally maintained. An appointment to talk with the CEO may be made through the town office.
 - 1) Appointment. The town officers shall annually by July 1st appoint or reappoint a Code Enforcement Officer. The Code Enforcement Officer may also be the local plumbing inspector or a building inspector and may or may not be a resident of the Town.
 - 2) Certification. No person may serve as a code enforcement officer who is authorized by the town officers to represent the Town in District Court unless the CEO is currently certified under 30-A M.R.S.A. § 4451, as being familiar with court procedures.
 - 3) Upon written authorization by the town officers, a certified code enforcement officer may serve civil process on persons whom he determines to be in violation of land use control laws and, if authorized by the town officers, may represent the Town in District Court in the prosecution of violations of land use control ordinances.
 - 4) Duties.
 - a) Enforce the provisions of Article V of Chapter 3, and Chapter 4 of this Ordinance.
 - b) Assist the Board of Selectmen for miscellaneous duties as requested.
 - c) Collect a fee, if authorized, for every permit issued by the Code Enforcement Officer in accordance with the provisions of this ordinance. The fee shall be remitted to the Town.

Assure an appropriate fee has been paid at the time any permit is issued.

Administration

- d) Investigate complaints of alleged violations Article V of Chapter 3, of Land Use Control Articles, Chapter 4 of this ordinance or other concerns as requested by the Board of Selectmen.
 - e) Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations, investigations, violations found and fees collected.
 - f) A permit application which has been denied shall be confirmed in writing to indicate the specific rational for the denial.
 - g) Perform inspections determined necessary as part of the permitting process. An additional fee as noted in the Appendix 1 shall be required if an additional inspection(s) is necessary due to work not being ready for inspection or necessary equipment not available at the time previously stated or if an expected individual does not show for the inspection. Final acceptance of a project shall not be approved until the additional fee has been paid in full.
 - h) Subject to Title 32, Chapter 33, the Code Enforcement Officer shall inspect all buildings while in the process of being repaired and see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe. The CEO may give directions in writing to the owner as necessary concerning such repairs to render the building safe from the catching and spreading of fire.
 - i) Subject to the provisions of Title 10, Chapter 951, a new building may not be occupied until the Code Enforcement Officer has provided a Certificate of Occupancy as to be safe from fire. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, Section 4452. In case the CEO for any cause declines to give that Certificate and the builder has in the builder's own judgment complied with Section 2353, an appeal may be taken to the Appeals Board and, if on such appeal it is decided by them that the section has been complied with, the owner of the building is not liable to a fine for want of the certificate of the Code Enforcement Officer.
- D. Health Officer. The health officer is appointed by the municipal officers for a three year term. The general duties of the health officer are to assist the Department of Health and Human Services (DHHS) in the reporting, prevention and suppression of diseases and all conditions dangerous to health. The health officer is subject to the supervision and direction of the DHHS and the town officers but reports directly to the town officers.
- E. Law Enforcement. Law enforcement within Farmingdale is performed by the State Police, Kennebec County Sheriff's Department and Farmingdale appointed Constables.
- 1) The Town Officers appoint Constables as the individual(s) responsible to primarily enforce local ordinances and perform certain other legal related services for the Town. Constables have the same statutory powers and duties as police officers except as specifically provided by the "certificate of appointment". Constables report to the Town Officers. This is a part-time position by all appointed individuals.

Administration

- 2) Farmingdale is also served by the Maine State Police plus the Kennebec County Sherriff's Department. These individuals report to their respective office.
- F. Local Plumbing Inspector (LPI). This individual is appointed by the town officers after being certified as qualified by the state.
- 1) The LPI is responsible to assist Farmingdale residents as appropriate plus enforce state mandated laws which are administered by the individual towns. The LPI is responsible to perform numerous tasks pertaining to internal plumbing and subsurface wastewater disposal systems. This is a part time position. It is normally best to contact the LPI through the town office unless other arrangements are made.
 - 2) Perform inspections determined necessary as part of the permitting process. An additional fee as noted in Appendix 1 shall be required if an another inspection(s) is necessary due to work not being ready for inspection or necessary equipment not available at the time previously stated or if an expected individual does not show for the inspection. Final acceptance of a project shall not be approved until the additional fee has been paid in full.
- G. Road Commissioner. Effective June 28, 2014, this position is an elected position. Both the town officers, generally, and the road commissioner, specifically, are responsible for ensuring that municipal ways and bridges are safe and convenient for travelers. The Road Commissioner, while in charge of highway repair and maintenance, must act according to the general policies as determined by the municipal officers. The Road Commissioner reports to and works under the direction of the Board of Selectmen. The Road Commissioner acts as an advisor to the planning board and the highway committee. This individual does not work fulltime for the Town. Therefore, it may be more convenient to contact the Road Commissioner through the town office.
- H. Sewer Inspector. A sewer inspector is the designated individual authorized to inspect any work related to the Farmingdale Public Sewer System. Reference Section 3-210 "Powers of Authority of Inspectors" (page 3-36) for additional information.
- I. Town Clerk and Deputy Town Clerk. These positions, plus possibly additional staff, are the primary contacts for most Farmingdale residents. The Town Clerk (and Deputy Town Clerk) has a variety of complex duties to include administrative and financial duties. Considerable familiarity with local ordinances plus state and federal laws is a necessity. These individuals report to the town officers better known as the Board of Selectmen. These individuals may be contacted during normal working hours at the town office. All financial transactions for the Town of Farmingdale are through the Office of the Town Clerk. Reference Appendix 1 (page iii) to review the established fee schedules.

Sec. 2-103 Boards/Committees

Farmingdale is very fortunate to have several very active Boards which perform certain tasks. All boards act as an advisory capacity to the Town Officers. The Boards consist of two major categories: A. A standing committee (board) or B an "ad hoc" or "study" committee or "board" Regardless of any specific Board, all members contribute considerable time in an effort to make Farmingdale a better place to live and grow a family. More residents are encouraged to participate in any of several possible activities.

Administration

1. Standing Committee (Board). A standing committee or board is one that has perpetual assignment and its members are appointed by the Town Officers. These boards tend to concentrate on specific tasks in considerable detail to assist the town officers:
 - Appeals Board
 - Fire Department
 - Highway Committee
 - Planning Board
 - Sewer Department
- A. Appeals Board. The Appeals Board is appointed by the Town Officers. The Board is responsible to consider requests for an appeal or a variance. The Board meets on a periodic, scheduled basis. Reference Chapter 4 Article 7 “Appeals Board” (page 4-23) for additional information.
- B. Fire Department. Farmingdale is very fortunate to have an active volunteer fire department. Members are approved by the Fire Chief. The Fire Chief is appointed by the Town Officers. All fire department personnel are considered officials of Farmingdale (including several officers of the department). Farmingdale participates in a mutual aid compact with several local communities. The department is frequently requested to assist in traffic accidents by the State Police or Sherriff’s Office due to their specialized equipment and training. Reference is made to Chapter 5 “Public Safety” (page 5-1) for several related activities.
- C. Highway Committee. This committee, with assistance from the Road Commissioner, provides advice to the Board of Selectmen to maintain the roads and bridges in appropriate condition, recommends future town road activities and recommends the highway budget for the following fiscal year in addition to keeping accurate records of maintenance work.
- D. Planning Board. The Planning Board serves several significant functions. The Board is responsible for reviewing any changes to existing ordinances and for the process to create new or revised ordinances. Other boards or individuals may submit proposed revisions or new ordinances to the Planning Board for consideration. The Planning Board normally conducts public hearings pertaining to new or requested revisions to ordinances. This board also reviews proposed plans for subdivisions to assure compliance with state and local requirements.

Appointment.

- 1) Appointment by Town Officers. Board Members shall be appointed by the Municipal Town Officers and sworn in by the clerk or other person authorized designated individual to administer oaths. They shall be residents of the Town and shall serve without compensation. Neither a municipal officer nor their spouse may be appointed to the Board.
- 2) Number of Members. The Board shall consist of five (5) members and two (2) associate members.
- 3) Term. The term of each member shall be five (5) years.
- 4) Vacancy. When there is a permanent vacancy, the Municipal Officers shall appoint a person to fill the vacancy for the unexpired term.

Administration

- 5) Removal from Office. Municipal Officers may remove members of the Board by majority vote, for cause, after notice and hearing.

Organization and Rules

- 1) Officer: Terms. The Board shall elect a Chairperson and Vice Chairperson from among its members during the month of May each year. The term of all officers shall be one (1) year with eligibility for re-election.
- 2) Conflict of Interest. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.
- 3) Associate Members Voting. An associate member may vote only when designated by the Chairperson to act for a member.
- 4) Meetings. The Chairperson should call at least one regular meeting each month from September through May and other meetings as required.
- 5) Quorum. No meeting of the Board shall be held without a quorum consisting of at least three (3) members.
- 6) Rules and Minutes. The Board shall adopt rules for transaction of business and the Secretary shall keep a record of all its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

Duties and Powers

The Planning Board has several responsibilities such as, but not limited to, those expressed below:

- 1) Review and approval of subdivisions.
 - 2) Ordinance preparation and/or revisions.
 - 3) Public Hearings as determined necessary or appropriate.
 - 4) Comprehensive Plan. The Board shall prepare a Comprehensive Plan pursuant M.R.S.A. 30-A §§ 4321-4327.
 - 5) Other Duties. The Board shall perform such duties and exercise such powers as provided by the Town Ordinances and the laws of the State of Maine or as requested by the Farmingdale Board of Selectmen.
- E. Sewer Department. Farmingdale has its own sewer department although commonly identified as the "Sewer Committee". Sewerage from Farmingdale is collected and passed to the City of Gardiner for treatment. Gardiner Water District provides information to indicate the individual structure total water usage and the Gardiner Wastewater Treatment Department provides information to note the total Town-wide sewage sent to Gardiner for treatment. Farmingdale determines the individual sewer charge based on an established formula. Farmingdale is responsible to maintain its existing sewer lines and pumping stations or to consider any line extension. The Committee meets on a scheduled basis. Its members are appointed by the Town Officers. Reference Chapter 3, Article 2 "Sewer Use"

Administration

(page 3-23) and Chapter 3, Article 3 “Specs for Installation of Sanitary Sewers” (page 3-45) for additional information.

2. Ad Hoc Committee (Board) , an “ad hoc” or “study” committee or “Board” is usually formed to perform a specific function; members are approved by the Town Officers. Most of these members are not appointed but serve in an effort to accomplish specific tasks. Several “ad hoc” committees exist. These committees usually do not require the extent of expertise, expected of others for the permanent committees.

An example of a board in this category include, but not limited to,:

- A. Veterans Memorial Committee

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