

**MUNICIPAL OFFICERS' NOTICE OF PUBLIC HEARING
ON A SECRET BALLOT REFERENDUM ARTICLE &
TOWN MEETING ARTICLES**

MONDAY, APRIL 29, 2019

TO: Timothy Hoppe, a Constable of the Town of Thomaston in the County of Knox and State of Maine.

In the name of the State of Maine, notice is hereby given that the Municipal Officers' of the Town of Thomaston will hold a public hearing on **MONDAY, APRIL 29, 2019** at **WATTS HALL** at 174 Main Street **AT SIX (6) O'CLOCK P.M. PREVAILING TIME**, in said Town to hear public comment on the following articles:

To be voted on by Referendum Ballot at the Municipal Election on Tuesday, June 11, 2019:

ARTICLE 3: "Shall the town vote to disband the Thomaston Police Department and to authorize the Selectmen to contract with the Knox County Sheriff's Department to provide police protection to the Town of Thomaston at such terms and conditions as the Selectmen deem appropriate?"

To be voted on at the Annual Town Meeting on Wednesday, June 12, 2019:

ARTICLE 39: "Shall ordinance amendments to Chapter 7 of the Land Use, Section 704 Administration be enacted?"

ARTICLE 40: "Shall ordinance amendments to Chapter 7 of the Land Use, Section 725 Pre-Application Procedure (Step One) be enacted?"

ARTICLE 41: "Shall ordinance amendments to Chapter 10 of the Land Use, Definitions be enacted?"

ARTICLE 42: "Shall ordinance amendments to the Budget Committee Ordinance be enacted?"

ARTICLE 43: "Shall ordinance amendments to the Personnel Committee Ordinance be enacted?"

ARTICLE 44: “Shall ordinance amendments to the Village Cemetery Trustees Ordinance be enacted?”

A copy of all the ordinances certified by the Municipal Officers’ has been on file with the Clerk’s Office at least seven days before the Public Hearing. Certified copies of these ordinances are available for review in the Office of the Town Clerk during regular business hours.

MUNICIPAL OFFICERS' RETURN

Thomaston, Maine

Pursuant to 30-A M.R.S.A. §2528 (5), we have this day, being at least seven days before the hearing, notified the inhabitants of said Town of a public hearing, to be held at the time and place, and for the purposes stated above, by posting a copy of said notice at the following public and conspicuous places in said Town.

Dated: April 22, 2019

ATTEST:

THOMASTON SELECT BOARD:

Peter Lammert, Chairman

Lee-Ann Upham, Vice Chairman

Bill Hahn

Peter McCrea

Beverly St. Clair

Peter Lammert

Lee-Ann M. Upham

Bill Hahn

Peter F. McCrea

Beverly St. Clair

A true attested copy.

Dated: 4/22/2019

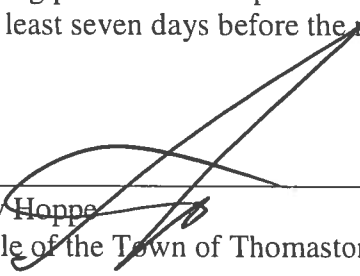
Kara M.C. George

Kara M.C. George, Town Clerk
Thomaston, Maine

RETURN ON THE PUBLIC HEARING NOTICE

Thomaston, Maine
Date: April 23, 2019

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Thomaston Town Office at 170 Main Street, Pik Qwik Store at 138 Main Street, and Thomaston Grocery at 193 Main Street in said town, being public and conspicuous places in said town, on the 23rd day of April 2019 A.D., being at least seven days before the meeting.



Timothy Hoppe
Constable of the Town of Thomaston, Maine

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A
PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002 (2)]**

To the Town Clerk of the Town of Thomaston:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance amendment entitled "**Chapter 7 of the Land Use and Development Ordinance and Chapter 10, Definitions**", which is to be presented to the voters for their consideration at the Annual Town Meeting on **June 11, 2019**.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the polling places on the day of the vote.

Dated: April 22, 2019.

ATTEST:

THOMASTON SELECT BOARD:

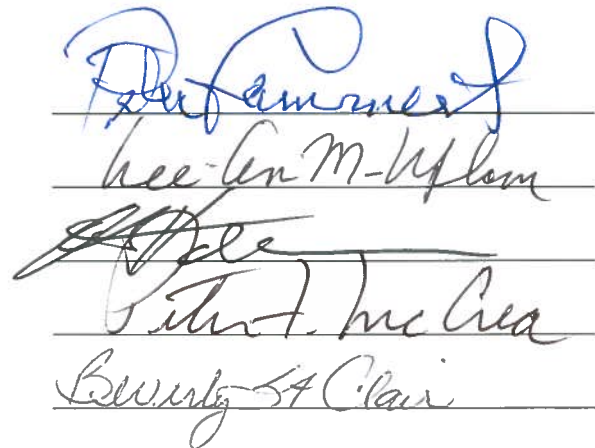
Peter Lammert, Chairman

Lee-Ann Upham, Vice Chairman

Bill Hahn

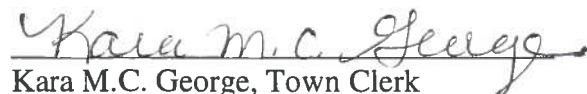
Peter McCrea

Beverly St. Clair


Peter Lammert
Lee-Ann M. Upham
Bill Hahn
Peter McCrea
Beverly St. Clair

A true attested copy.

Dated: 4/22/2019


Kara M.C. George, Town Clerk
Thomaston, Maine

Section 704 Administration

704.1.3 Organization and Rules

- c) An alternate member ~~may~~ shall attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a member.
- d) An alternate who has not been designated to take the place of a regular member at a particular meeting is not a board member for the purposes of that meeting
 - a. The alternate member for this meeting is a member of the public and has no right to make motions, second them or vote.
 - b. The alternate member is allowed to make comments or ask questions only to the extent that members of the public are allowed to do this
 - c. The alternate should not be allowed to make comments once the board has begun its deliberations and decision-making process
- e) When a board member misses a public hearing or other board meeting at which substantive discussions of an application occur, they may continue to participate in the decision-making process without due process if they take the following steps:
 - a. Read hearing and meeting minutes, review any documents or other evidence submitted at those meetings, and listen to/watch any audio or video recordings of those meetings,
 - b. Prepare a written statement describing what the board member did to educate himself/herself about what occurred at the missed meeting,
 - c. Sign the statement and enter it into the record at the next meeting.
- f) If the board member does not proceed as stated in e) above, then the alternate designated to replace the absent board member at said public hearing or other board meeting shall participate in the decision-making process when the said application is continued to a following meeting or hearing.
- g) 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.
- h) The chairperson shall call a regular meeting of the board each month or when necessary to conduct normal business.
- i) No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. The board shall act by majority vote, calculated on the basis of the number of members present and voting.
- j) The board shall adopt rules for the transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

Section 725 Pre-Application Procedure (Step One)

725.2.3-On-Site Inspection

The Thomaston Planning Board at the pre-application meeting shall schedule an on-site inspection of the land to be subdivided. This inspection may be jointly attended by the Thomaston Planning Board and the applicant.

- a) A site visit must be preceded by public notice and at which the public has a right to be present.
- b) It is enough for the purposes of giving notice for the board to announce the date, time and place of the site visit without also providing additional public notice by other means if the announcement is made at a meeting which itself complied with notice requirements.
- c) Questions may be asked by board members however they have an obligation not to discuss substantive issues about the site or the application with each other, the applicant or anyone else.
- d) A site visit is not a public hearing therefore members of the general public may attend but have no statutory right to ask questions or offer comments.
- e) The applicant or anyone else shall not conduct a demonstration to prove a point which might be in controversy about the application.
- f) The board needs to note for the written record at the time of the next board meeting the fact that a site visit was conducted and what information the visit generated.

CHAPTER 10

Definitions

Large Animals, ~~Large~~ - farm or game animals such as, but not limited to, cattle, horses, goats, sheep, pigs, bison, llamas, or alpacas.

Service Animals – as defined by the Americans with Disabilities Act of 1990 are dogs that are individually trained to do work or perform tasks for people with disabilities. Service animals are working animals, not pets. Dogs and/or animals whose sole function is to provide comfort or emotional support do not qualify as service animals.

Small Animals, ~~Small~~ - small-animal specialties such as, but not limited to, chickens and other fowl, rabbits and other fur-bearing animals; aviaries; worm farms; rats, mice, ferrets; guinea pigs; excepting personal household pets, such as cats and dogs, not otherwise regulated by ordinance. For the purposes of the Town's ordinances, also includes miniature species such as, but not limited to panda cows, miniature horses, micro-pigs, or pygmy goats.

Rational for amendment: Animals, Large and Animals, Small will continue to be found under A in the Definitions but will now also be found under L for large animal and S for small animal. Service animal definition was a request of a Thomaston citizen.

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A
PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002 (2)]**

To the Town Clerk of the Town of Thomaston:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance amendment entitled "**Budget Committee Ordinance**", which is to be presented to the voters for their consideration at the Annual Town Meeting on **June 11, 2019**.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the polling places on the day of the vote.

Dated: April 22, 2019.

ATTEST:

THOMASTON SELECT BOARD:

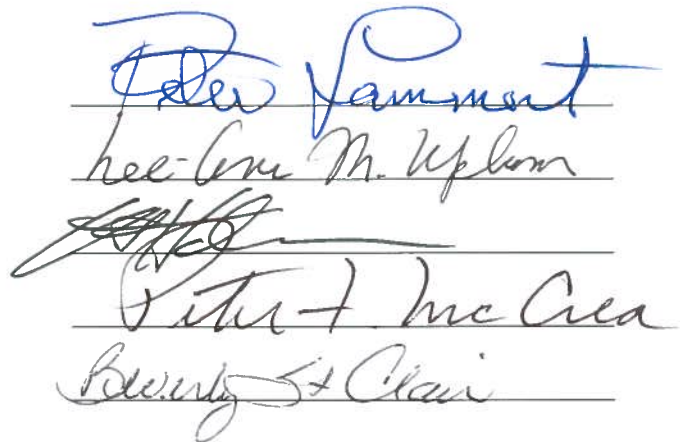
Peter Lammert, Chairman

Lee-Ann Upham, Vice Chairman

Bill Hahn

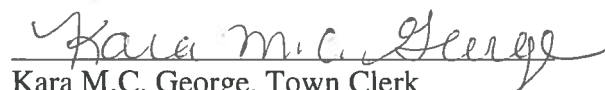
Peter McCrea

Beverly St. Clair



A true attested copy.

Dated: 4/22/2019


Kara M.C. George, Town Clerk
Thomaston, Maine

ARTICLE V

Section 105 - Budget Committee

105.1 - Establishment

Pursuant to 30-A M.R.S.A. §3001, a Budget Committee is hereby established for the Town of Thomaston on this day, March 26, 1994.

105.2 - Composition

The committee shall consist of **nine (9)** ~~seven (7)~~ members.

105.3 - Appointment & Attendance

Committee members shall be appointed by the Board of Selectmen.

Any member who misses two regularly scheduled meetings in a budget year will be automatically dismissed from the Budget Committee.

105.4 - Qualifications

Committee members shall be registered voters of the Town of Thomaston. No other official or employee of the town may be a member.

105.5 - Terms

Members shall serve for terms of three (3) years, except that they shall continue in office until their successors are appointed. (For transition purposes, the initial terms shall be staggered so that as nearly an equal number of terms shall expire annually).

105.6 - Vacancies

Vacancies shall occur upon the resignation, death or removal from the municipality of any member. A vacancy may also occur when a non-participating member is removed at the discretion of the Board of Selectmen, based on a recommendation made by the majority of the Budget Committee Members, showing just cause for such a request by the committee. **The vacancy shall be filled by the Board of Selectmen.** ~~The first vacancy shall be filled by the alternate member, as appointed by the Board of Selectmen.~~ In any and all cases the vacancy shall be filled within 30 days of the occurrence.

105.7 - Officers

The committee shall annually elect a Chairman, Vice Chairman and a Secretary from among its members.

105.8 - Meetings

The Chairman shall call meetings as necessary or when so requested by a majority of members or the Board of Selectmen and/or the Town Manager.

105.9 - Quorum

A quorum necessary to conduct business shall consist of at least a majority of four (4) members.

105.10 - Procedure

The Chairman shall preside at all meetings unless unavoidably absent at which time the Vice Chair shall preside. The Secretary shall maintain a record of all proceedings including all correspondence of the committee. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 MRSA §401-410, and a copy of all minutes and correspondence shall be kept on file in the Town Office. The committee may adopt rules of procedure not inconsistent with this ordinance.

105.11 - Powers & Duties

The Committee shall have the following powers and duties:

- 105.11.1 - To review and make recommendations on the annual operating budget as proposed by the Town Manager.
- 105.11.2 - To review and make recommendations on annual capital expenditures as proposed by the Town Manager;
- 105.11.3 - To review and make recommendations on supplemental appropriations and expenditures and other budgetary action whenever proposed by the Town Manager.
- 105.11.4 - To make such other recommendations on fiscal matters as it may from time to time deem advisable.

105.12 - Authority

The committee's authority shall be advisory only.

105.13 - Recommendations

Any recommendations on a matter requiring town meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the Board of Selectmen or required by law.

105.14 - Official Co-operation

The Board of Selectmen and or the Town Manager shall co-operate with and provide the committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this ordinance.

105.15 - Severability

- 105.15.1 - It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.
- 105.15.2 - This ordinance may be amended by a majority vote of the Citizens of Thomaston.
- 105.15.3 - This ordinance will be in full force and effect upon majority vote of the Citizens of Thomaston.
- 105.15.4 - All existing policies of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

ADOPTED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING

AMENDED: MARCH 25, 1995 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A
PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002 (2)]**

To the Town Clerk of the Town of Thomaston:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance amendment entitled "**Personnel Committee Ordinance**", which is to be presented to the voters for their consideration at the Annual Town Meeting on **June 11, 2019**.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the polling places on the day of the vote.

Dated: April 22, 2019.

ATTEST:

THOMASTON SELECT BOARD:

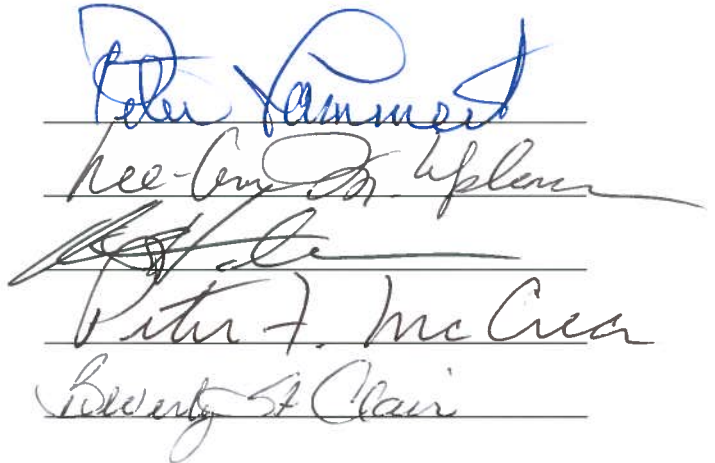
Peter Lammert, Chairman

Lee-Ann Upham, Vice Chairman

Bill Hahn

Peter McCrea

Beverly St. Clair



A true attested copy.

Dated: 4/22/2019

Kara M.C. George
Kara M.C. George, Town Clerk
Thomaston, Maine

ARTICLE IV

Section 104 - Personnel Committee

104.1 - Establishment

~~The Town of Thomaston hereby establishes a Personnel Committee who shall be appointed by a majority vote of the Board of Selectmen and shall consist of five (5) members plus a maximum of two (2) members as described in paragraph II below.~~

A Personnel Committee as originally established by town meeting vote on June 14, 2000 is hereby re-established pursuant to Title 30-A, M.R.S.A. §3001.

Committee members shall be appointed by the Select Board and sworn in by the clerk or other persons authorized to administer oaths. The Committee shall consist of five (5) members plus a maximum of two (2) members as described in 104.1.3 below. The composition of the Personnel Committee shall be as follows:

104.1.1 - One member of the ~~Board of Selectmen~~ Select Board, plus one Alternate Select Person, both chosen by majority vote of the ~~selectmen, plus one alternate Selectman.~~ Board. The Select Persons will serve a one year term but may, upon a majority vote of the Selectmen, serve any number of consecutive or non-consecutive terms.

~~104.1.2 - A maximum of two persons with knowledge pertinent to the position to be filled, appointed by the Town Manager as needed.~~

~~104.1.3~~ 104.1.2 - Four members of the general public plus one first Alternate and one second Alternate, who are residents of the Town of Thomaston chosen by majority vote of the Select Board. These members and alternates will serve staggered terms of three (3) years. ~~plus one alternate member of the public.~~

104.1.3 - A maximum of two persons with knowledge pertinent to the position to be filled, appointed by the Town Manager as needed. These non-voting members will serve during the period necessary to complete the hiring process.

~~The Personnel Committee will annually elect a Chairman, Vice Chairman and Recording Secretary.~~

~~104.2 - Scope~~

~~—The scope of the Personnel Committee's duties shall be limited to regular full-time and regular part-time employees.~~

~~104.3 - Terms~~ 104.2 - Organization and Rules

104.2.1- The Committee shall select a Chairperson, Vice Chairperson, and a Secretary from among its members, chosen by majority vote of the committee members.

104.2.2- All officers shall serve one (1) year with eligibility for re-election. It is recommended to select new officers at least every three (3) years.

104.2.3- When a member is unable to act because of conflict of interest, physical incapacity, absence or any other reason satisfactory to the committee, the first Alternate shall fill that seat, in the event the first Alternate is unable to fill that seat, the second alternate shall fill that members seat. The Select Board Alternate may only take the seat of the Select Board Member.

A) An alternate member shall attend all meetings of the committee and participate in its proceedings, but may vote only when he or she is sitting in for an absent member.

B) Additionally, in the event of an alternate filling the seat of a member at any time during the hiring process, that alternate shall hold that seat for the entire hiring process and therefore be a voting member. If the first alternate is unable to complete the entire hiring process, the second alternate may fill the seat for the completion of the process if said second alternate has been present throughout the process to that point. Therefore, all alternates are strongly encouraged to attend all meetings related to the said interview process.

104.2.4- 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's being challenged.

104.2.5- The Town Manager shall call a meeting as job openings dictate.

104.2.6- No meeting of the committee shall be held without a quorum consisting of three (3) members or alternate members.

104.2.7- The Secretary shall keep a record of meeting dates, members present, officers elected and job description to be filled.

~~104.3.1 The Selectman will serve a one year term but may, upon a majority vote of the Selectmen, serve any number of consecutive or non consecutive terms.~~

~~104.3.2 Members with knowledge pertinent to the position to be filled will serve during the period necessary to complete the hiring process.~~

~~104.3.3 The remaining four members will serve as follows:~~

~~a. Upon establishment of the Personnel Committee, two members will be appointed to serve a three year term.~~

~~b. One member will be appointed to serve a two year term.~~

~~c. One member will be appointed to serve a one year term.~~

~~d. Thereafter, all terms will be three years.~~

~~104.4~~ 104.3- Powers and Duties

The Personnel Committee's duties shall be limited to regular full-time and regular part-time employees, as defined in the Town of Thomaston Personnel Policy Manual, and all Department Heads or Directors. The Personnel Committee may be involved in other hirings or promotions if the Select Board determines that special circumstances warrant such committee involvement.

Vacancies or promotions shall be open generally to all qualified applicants. In so far as practical and consistent with the best interests of the Town of Thomaston, preference shall be given to qualified employees within the Department with the vacancy or to qualified residents of the Town of Thomaston.

The Personnel Committee shall:

~~104.4.1~~ 104.3.1- Develop such procedures, keep such records and make such reports as the Town Manager may require.

~~104.4.2~~ 104.3.2- Prepare pertinent application forms.

~~104.4.3 Cause public notice of all openings as notified by the Town Manager.~~

~~104.4.4~~ 104.3.3- Develop from job descriptions with the Town Manager and Department Heads, the education, training, experience and physical qualifications for each job classification.

NOTE: It is intended that this be done for each job classification once and then revised only when deemed necessary.

~~104.4.5~~ 104.3.4- Develop with the Town Manager and Department Heads, those of the following which the Personnel Committee deems necessary for each job classification.

1. Written Exam
2. Oral Exam
3. Performance Exam
4. Medical Exam
5. Physical Agility Exam
6. Psychological Exam

Determine the elements in each exam, and the weight attached to each. All exams may be competitive or non-competitive as the Personnel Committee may determine in each case.

NOTE: It is intended that this be done for each job classification once and then revised only when deemed necessary.

~~104.4.6~~ 104.3.5- Compile a "Register of Eligibles" as the result of evaluation.

~~104.4.7~~ 104.3.6- Certify all eligibles arranged in descending order as a result of evaluation.

~~104.5~~ 104.4- Process

Upon notification by the Town Manager, The Personnel Committee shall:

~~104.5.1~~ ~~Cause advertisements to be placed in pertinent print media detailing the position, qualifications and application deadline.~~

~~104.5.2~~ ~~Receive all applications arriving by the deadline.~~

~~104.5.3~~ 104.4.1- Jointly Review all applications received to determine which candidates should be contacted for an interview, and eliminate any that do not meet requirements. Department Heads & the Town Manager may participate as desired or requested by the committee.

104.4.2 - The Town Manager and/or Department Head shall administer exams required for the position and grade same. Results of all exams will be forwarded to the Personnel Committee.

~~104.5.4~~ ~~Set oral interview appointments with all applicants meeting the requirements and forward that list to the Town Manager who will, via mail, notify the applicants.~~

~~104.5.5~~ ~~Oral interviews will consist of determining that the applicant in fact meets requirements, his/her background, education/training, experience, appearance, demeanor, etc.~~

104.4.3 - Interviews will be with a majority of Personnel Committee members including up to two (2) temporary members with knowledge pertinent to the position and the Town Manager and/or the Department Head.

104.4.4 - Interviews will consist of inquiry specific to the job to be filled. All questions will be consistent with Title 5, M.R.S.A. §4572.

A) A set of questions will be determined by the Personnel Committee, Department Heads, and Town Manager that are to be asked of all candidates.

B) As appropriate, a set of questions may be asked of individual candidates as determined by the Personnel Committee during the initial application review process.

C) Other questions deemed pertinent at the time of the interview may be asked by any member of the Personnel Committee, Town Manager, and/or Department Head.

~~104.5.6~~ ~~After the initial interview, meet with the Town Manager and/or Department Head to determine those that will continue the process.~~

104.4.5- Second interviews may be conducted if the Personnel Committee determines that such interviews are needed.

~~104.5.7~~ ~~The Personnel Committee shall administer exams required for the position and grade same. Results of all exams will be forwarded to the Personnel Committee and Town Manager.~~

- ~~104.5.8~~ Based on the initial oral interview and exam results, determine those applicants for the next interview.
- ~~104.5.9~~ In the event that a second interview is deemed necessary, the second interview will be with a majority of Personnel Committee members including up to two individuals with knowledge pertinent to the position, and the Town Manager and/or Department Head.
- ~~104.5.10~~ The second interview will consist of inquiry specific to the job to be filled, as well as any other questions deemed pertinent by any member of the Personnel Committee, Town Manager and/or Department Head.
- ~~104.5.11~~ **104.4.6** - Based on the results of **this** the interviews, and exams, the Personnel Committee shall determine the best qualified candidates and recommend up to **certify** three applicants to the Town Manager in descending order.
- ~~104.5.12~~ After detailed review of all pertinent information by the Town Manager, the Town Manager will submit his/her choice to the Board of Selectmen for confirmation, in accordance with the Personnel Policy.
- ~~104.5.13~~ In the event the Selectmen fail to confirm the Town Manager's first choice, the Town Manager will submit one of the two remaining certified applicants for confirmation. If the second applicant fails to be confirmed, the Town Manager will notify the Personnel Committee to certify two additional qualified candidates, from the "Register of Eligibles", to the Town Manager.
- ~~104.5.14~~ Certify three applicants, whenever available, to the Town Manager. If there are not three applicants certifiable, the Town Manager, at his/her sole discretion, may select one of the one or two that are certified or require the Personnel Committee to start anew.
- ~~104.5.15~~ If the Personnel Committee certifies three applicants, the Town Manager must select one of them.
- 104.4.7-** If the Personnel Committee recommends three applicants, the Town Manager must select one of them.
- 104.4.8-** If there are not three applicants that the Committee decides to recommend, the Town Manager, at his/her sole discretion, may select one of the one or two that are recommended or require the Personnel Committee to start anew.
- 104.4.9-** After detailed review of all pertinent information by the Town Manager, the Town Manager will submit the Personnel Committee's list of certified applicants in descending order along with his/her choice to the Select Board for confirmation, in accordance with the Personnel Policy.
- 104.4.10-** In the event the Select Board fails to confirm the Town Manager's first choice, the Town Manager will submit one of the two remaining certified applicants for confirmation. If the second applicant fails to be confirmed, the Town Manager will notify the Personnel Committee to recommend two (2) additional qualified candidates, from the "Register of Eligibles," to the Town Manager. New interviews may be conducted.
- ~~104.5.16~~ **104.4.11-** Prior to hiring any applicant or presenting the successful applicant to the Board of Selectmen for confirmation, the Town Manager or his/her designee shall accomplish a background check to include national, state and local agency checks, personal and employment references.
- ~~104.5.17~~ **104.4.12** - At ~~it's~~ the Personnel Committee's discretion, establish the eligibility of certified applicants to be hired in the event a vacancy may occur within one year.
- ~~104.5.18~~ **104.4.13-** In the event of the need to hire a Town Manager, the preceding process will be used except the Chairman of the Board of Selectmen will act in the capacity described for the Town Manager.

104.6—Residency

~~104.6.1—Residents of the Town of Thomaston will receive preference by the Personnel Committee, at the point of certification, when ability and background are considered equivalent to that of a non-resident applicant.~~

~~104.6.2—Upon successful completion of probation, the employee, will reside within statutory limits to ensure his/her ability to serve effectively.~~

104.7 104.5- Severability

~~104.7.1~~ **104.5.1-** It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.

~~104.7.2~~ **104.5.2-** This ordinance may be amended by a majority vote of the Citizens of Thomaston.

~~104.7.3~~ **104.5.3-** This ordinance will be in full force and effect upon majority vote of the Citizens of Thomaston.

~~104.7.4~~ **104.5.4-** All existing policies of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

ADOPTED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 14, 2000 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A
PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002 (2)]**

To the Town Clerk of the Town of Thomaston:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance amendment entitled "**Village Cemetery Ordinance**", which is to be presented to the voters for their consideration at the Annual Town Meeting on **June 11, 2019**.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the polling places on the day of the vote.

Dated: April 22, 2019.

ATTEST:

THOMASTON SELECT BOARD:

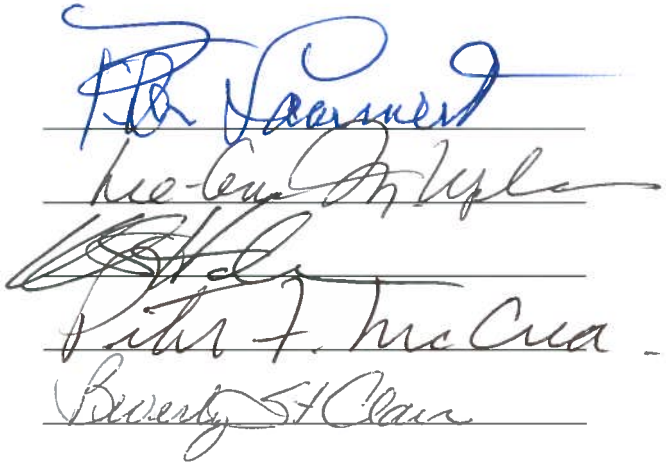
Peter Lammert, Chairman

Lee-Ann Upham, Vice Chairman

Bill Hahn

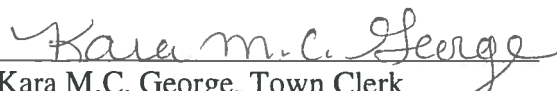
Peter McCrea

Beverly St. Clair



A true attested copy.

Dated: 4/22/2019


Kara M.C. George, Town Clerk
Thomaston, Maine

ARTICLE VI

Section 106 - Village Cemetery Ordinance

106.1 - Trustees

The Town of Thomaston Village Cemetery and all matters connected therewith shall be under the control of a board of ten (10) trustees, to be designated Trustees of the Thomaston Village Cemetery, consisting of four (4) members to be appointed by the Board of Selectmen, the remaining six (6) trustees to consist of the five (5) members of the Board of Selectmen and the Town Clerk. The Town Clerk shall serve as a Trustee and Secretary of the Board of Trustees. The Town Treasurer shall serve as the treasurer of the Board of Trustees. The chairman of the Board of Trustees shall be the chairman of the Board of Selectmen.

106.2 - Resignation from the Board of Trustees

A municipal office holder cannot resign as a trustee of the cemetery unless he/she also resigns from the municipal office held. The new trustee shall be the next holder of said municipal office. Should an appointed Trustee resign, a replacement shall be appointed by the Board of Selectmen. In all cases, Trustees shall serve until their successors have been chosen, all of whom shall serve without compensation.

106.3 - Authority

106.3.1 - Said Trustees shall have the authority to make all necessary by-laws and regulations for their own government and for the management of the cemetery. It shall be their duty to direct the planting, pruning, cultivation or removal of trees and shrubs through their agent, the sexton. They shall cause the removal of plantings by lot owners that in their opinion mar the beauty of the grounds. They shall maintain the avenues and pathways. The Trustees shall have the full authority to do and perform whatever may be necessary to carry into full effect the object of the cemetery. Should Funeral Directors, or their representatives open or cause a grave to be opened without the permission of the sexton, the Trustees shall have the authority to impose such penalties as they find appropriate.

106.3.2 - The Trustees shall appoint and/or remove at their pleasure, a sexton, and determine the duties and compensation for same.

106.3.3 - The Trustees shall make a detailed statement of their official acts and of the conditions and needs of the cemetery in the town's annual report.

106.4 - Duties of the Treasurer

106.4.1 - The Treasurer of the Town shall receive all monies paid to, or donated to the town cemetery. He/she shall keep a separate accounting thereof under the heading "TOWN CEMETERY FUND". The Treasurer shall disburse money only on the authority of a warrant drawn for that purpose by the municipal officers (In accordance with 30-A MRSA §13-1222). Any monies donated, willed or bequeathed to the town cemetery shall be invested by the Treasurer under the direction of the municipal officers. The interest income may be expended for the support of the cemetery and its care, according to the terms thereof.

106.4.2 - In the annual report, the town treasurer shall include a detailed statement of the receipts, disbursements and conditions of all "CEMETERY FUNDS".

106.5 - Lots for Residents

The town holding in its own right the title to the land comprising the cemetery, and having divided the same into lots, hereby grants unto each and all citizens the right to be interred therein. To all residents of the town who may hereafter need a lot, the Trustees shall grant the exclusive use of a vacant lot.

106.6 - Lots for Former Residents

Any person not presently a citizen, of the town, but who is a former citizen, may purchase a lot in time of need, and own same only after paying all monies owed for the purchase and perpetual care. The cost of lots is determined by the Trustees and is subject to change.

106.7 - Lot Purchase

Any resident of the town may purchase a lot in the village cemetery for future use after paying all monies owed for the purchase and perpetual care. The cost of lots is determined by the Trustees and is subject to change.

106.8 - Perpetual Care

Perpetual care must be paid on all lots granted or purchased in the Village Cemetery. The cost of perpetual care is determined by the Board of Trustees and is subject to change. The amounts received are to be credited to the proper cemetery accounts.

106.9 - Rights, Title, and Interest of Lot Owners

No internment should be made in the Town of Thomaston Village Cemetery until the Cemetery Sexton is furnished a permit such as may be required by the Laws of the State of Maine, together with an agreement signed by the owner of record of the burial lot or their legal representative that indemnifies and saves harmless the town from liability should the dead human body be buried in the wrong burial lot or should the owner of record or their legal representative have insufficient title to the burial lot.

The proprietor of a lot shall have the right of erecting a monument and stones with the said placement to be directed by the sexton. They shall have the right to cultivate shrubs following the standards set forth in the By-Laws and Regulations of the Thomaston Village Cemetery. Lot owners should check the By-Laws and Regulations for other restrictions.

106.10 - Maintenance of Other Cemeteries

The sexton shall maintain the following cemeteries as part of his/her duties:

106.10.1 - Butler Cemetery - Thomaston Street

106.10.2 - Morse's Corner Cemetery - West Meadow Road

106.10.3 - Elm Grove Cemetery - Erin Street

Please note the town is reimbursed for work done in the Elm Grove Cemetery.

106.11 - Trusts

106.10.1 - The Cemetery Trustees may accept, on behalf of the town, and convey to the municipal officers of the town for investment, any gift of money for care by a person who executes a standard form trust agreement, prepared by the town. The acceptance of this trust by the Cemetery Trustees is a mere formality to complete and memorialize individual transactions.

106.10.1 - Testamentary trusts (trusts by will, without previous execution of the standard form agreement) will require acceptance by the town voters.

106.10.1 - Trusts previously accepted by the town for care of family or privately owned burial grounds; the town is required by law (30-A MRSA §13-1222) to continue to perform the duties of the trust as prescribed.

106.12 - Private and/or Family Burial Plots

From the date of this ordinance, the town will not accept trusts for the care of privately owned or family burial grounds.

106.13 - Mandated Review

This ordinance shall be reviewed every five years with the next review due in 1998.

106.14 - Severability Clause

106.14.1 - It is the intention of the Trustees that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Trustees that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.

106.14.2 - This ordinance may be amended by a majority vote at a town meeting when such an amendment is promulgated in accordance with statutory provisions.

106.14.3 - This ordinance shall be in full force and effect when enacted at a town meeting.

106.14.4 - All existing ordinances of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

REVISED: MARCH 26, 1994 AT THOMASTON ANNUAL MEETING

AMENDED: JUNE 12, 2019 AT THOMASTON ANNUAL MEETING